



2021 Public Annual Report of the National Contact Point for the OECD Guidelines for Multinational Enterprises

The NCP performs two core tasks. The first is to deal with specific instances of alleged non-observance of the OECD Guidelines and to facilitate dialogue. The second is to make companies aware of the OECD Guidelines and encourage their application. These tasks, which are the same for all NCPs around the world, are laid down in the Procedural Guidance to the OECD Guidelines. In 2014 the NCP for the Netherlands was given an additional core task: to conduct cross-company research. The aim of such research is to monitor whether the Guidelines are properly interpreted in specific situations or sectors and to provide advice that helps prevent future abuses. This kind of research also serves to support public debate on responsible business conduct (RBC).

As in previous years, the first core task took up the majority of the NCP's time in 2021. This was due not only to the sheer number of specific instances but also to the complexity of some of them.

In 2021 there was less of a focus on the second task, due in part to the COVID-19 pandemic. The NCP has contributed to various conferences and events in the form of presentations or participation in panel discussions. In 2021 the NCP did not organise any themed meetings or training sessions of its own.

Specific instances

In 2021 the Dutch NCP dealt with a total of 12 specific instances at various stages. Documents concerning the first 10 specific instances listed below can be found on the [NCP website](#). The other two are currently at an early stage and are therefore still confidential.

- Civilian vs. ING and G4S;
- Atuma vs. Unilever;
- Uni Global Union vs. IKEA;
- FNV vs. Chevron;
- Aminigboko vs. Shell-SPDC;
- Friends of the Earth vs. ING;
- Indigenous Federation vs. Pluspetrol;
- IUF vs. APG;
- BWI vs. Inter IKEA;
- FNV vs. Just Eat Takeaway;
- An instance relating to working conditions and adequate compensation;
- An instance relating to environmental pollution and land appropriation.

It is a best practice of the NCP to evaluate the outcome of a specific instance (i.e. agreements and/or recommendations) one year after publication of the Final Statement. The evaluations can be found on the 'closed procedures' section of the NCP website.

The following evaluations were conducted in 2021:

- Former employees of Bralima vs. Heineken;
- IUF vs. Perfetti van Melle;
- FIVAS, the Initiative to Keep Hasankeyf Alive and Hasankeyf Matters vs. Bresser.

In 2021 the Dutch NCP also advised other NCPs on instances connected with the Netherlands, or on instances that had been jointly submitted to the Dutch NCP and another NCP and were being dealt with by the other NCP. These concerned one specific instance being dealt with by the Argentine NCP, one being dealt with by the Brazilian NCP, one being dealt with by the French NCP, and two being dealt with by the Japanese NCP. There were also two specific instances from this category that were either completed or declared inadmissible, namely:

- NCP France ([Café Sirène vs. Starbucks Coffee France](#)): Final Statement 1 June 2021;
- NCP UK ([UK Lawyers for Israel vs. PWC](#)): Final Statement 24 September 2021.

The Dutch NCP also advised and/or supported other NCPs in 2021 on the following topics:

- experience with external mediators;
- dealing with letterbox companies.

Awareness-raising and peer-learning activities in the Netherlands and abroad

Promoting awareness of the OECD Guidelines is one of the NCP's core tasks. Via its website the NCP regularly receives enquiries about the Guidelines and the NCP itself. If possible, the NCP Secretariat replies to such enquiries. If necessary, it refers the enquirer to another appropriate body.

The NCP also participates in events hosted by other organisations as another way of promoting awareness of the OECD Guidelines. This includes giving presentations and interviews and taking part in expert sessions. These activities help the NCP reach out to different target groups, including companies, civil society organisations in the Netherlands and abroad, government officials and the general public. For example, in 2021 the NCP took part in the Dutch Banking Association's stakeholder consultations about abuses regarding labour migrants. The NCP also gave presentations to various parties, including Tilburg University and signatories to the RBC agreements for the Dutch insurance sectors.

At international level the NCP actively contributed to the implementation of the OECD's Action Plan to Strengthen National Contact Points (2019-2021), as part of the proactive agenda of the OECD Working Party on Responsible Business Conduct. The Action Plan has three tracks of activities: peer reviews and capacity building, building coherence, and building and improving tools.

Together with NCPs from around the world, the Dutch NCP also took part in NCP Network Meetings organized by the OECD in Paris. The Netherlands is represented at civil service level in the OECD Working Party on RBC (a policy working group for governments of OECD member countries). As an independent body, the NCP provides feedback and input on policy documents relating to NCPs and RBC as part of the Netherlands' contribution to this Working Party.

In 2021 the NCP participated in a panel discussion on deforestation during the annual OECD Global Forum on Responsible Business Conduct. The NCP also participated in a comparative study of NCPs carried out by the Economic Commission for Latin America and the Caribbean (ECLAC).

The NCP was mentioned in the media on various occasions in 2021:

- *Trouw* (20 April): 'Oil company Pluspetrol rejects Dutch mediation in conflict about environmental pollution and tax avoidance. "The company is like a mosquito."'
- *Follow the Money* (22 May): 'Half of Dutch pension funds are investing in repression in China'; shining a light on the NCP's complaint mechanism;
- *Reformatoisch Dagblad* (22 June): 'OECD contact point looks into tax avoidance by Chevron' (rd.nl);
- *NRC* (7 December): 'Israeli subsidiary of Just Eat Takeaway fires courier who tried to bring in a trade union'.

Advising on RBC agreements

The NCP also supports the establishment of voluntary RBC agreements. These agreements are an important multi-stakeholder instrument for promoting RBC and are central to the Ministry of Foreign Affairs' policy on the subject. The OECD Guidelines are the foundation on which these sectoral agreements are based. When requested, the NCP advises on the texts of new agreements in the light of the OECD Guidelines. In 2021 it was involved in drafting voluntary agreements for the renewable energy sector and the ornamental plant and flower sector.

Overview

Topic	Number in 2021	Number in 2020
Instances being dealt with	11	9
Instances declared inadmissible	1	2
Instances completed with Final Statement	0	3
Evaluations of completed instances	3	2
Specific instances dealt with by other NCPs on which Dutch NCP is advising	3	7
General enquiries via website	33	18
Mentions of NCP in the media (new category as of 2021)	4	
RBC agreements on which NCP advised	2	1
External activities (presentations/panel discussions, etc.)	7	12
Training sessions/themed meetings	0	1
Visitors to Dutch-language website	16,577	16,053
Visitors to English-language website	7,748	7,109

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