

## **Impartiality and Integrity of the Netherlands NCP**

### **1. Introduction**

This note outlines the commitments to integrity and impartiality of the Netherlands' NCP and its Independent Members.

The Netherlands' NCP was set up by the Dutch Government in such a way as to enable the NCP to operate in an autonomous and impartial manner while maintaining an adequate level of accountability to the adhering government. The Netherlands' NCP operates and makes decisions independently within its mandate.<sup>1</sup>

The Netherlands' NCP adheres to the core criteria set by the OECD for the effective functioning of an NCP: visibility, accessibility, transparency and accountability.<sup>2</sup> In line with the transparency core criterium, the NCP provides the following information on how it safeguards its impartiality and integrity.

### **2. Independence of the NCP**

The NCP currently consists of four Independent Members, who are assisted by four Advisory Members from the Dutch Ministries for which the work of the Netherlands' NCP is most relevant: Foreign Affairs, Economic Affairs and Climate Policy, Social Affairs and Employment, and Infrastructure and Water Management. The NCP is supported by the NCP Secretariat.

The Minister for Foreign Trade and Development Cooperation appoints the NCP's Independent Members after consultation with the other ministers concerned and with representatives of employers, trade unions and civil society organizations. The Independent Members are appointed based on their expertise in the areas of the OECD Guidelines for Multinational Enterprises, their mediation skills, their knowledge and experience, and their professional background in relation to one of the relevant NCP stakeholder groups: business, trade unions, civil society and academia, ensuring that the NCP is always a balanced reflection of these four stakeholder groups. These stakeholder groups can suggest candidate-Members to both the NCP and to the Ministry of Foreign Affairs. Taking into account these suggestions, the Minister for Foreign Trade and Development ultimately appoints the new Independent Member.

In line with the NCP's Establishment Order 2014, the Independent Members act in a personal capacity and not as representatives of any specific interest group. The diversity of their background and the fact that decision making by the Netherlands' NCP is based on consensus together provide for the necessary balance in decision-making.

The Advisory Members are government officials, acting in an advisory role to the NCP, and are not involved in the handling of specific instances. The Secretariat of the NCP is based at the Ministry of Foreign Affairs but operates independently in its support to the NCP. Staff Members of the Secretariat, who are government officials as they work at the Ministry of Foreign Affairs, do not play

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<sup>1</sup> See [NCP Establishment Order 2014 | Publication | National Contact Point OECD Guidelines](#)

<sup>2</sup> See II. IMPLEMENTATION PROCEDURES OF THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISE (2011), [Guidelines - Organisation for Economic Co-operation and Development \(oecd.org\)](#)

a decision-making role in NCP-matters. They are involved in the preparation and handling of specific instances and in providing information about and promotion of the Guidelines to the outside world.

### 3. Public Integrity

The NCP's Independent Members are not government officials. Nevertheless, they are committed to the principles of public integrity.<sup>3</sup> Public integrity refers to the consistent alignment of, and adherence to, shared ethical values, principles and norms for upholding and prioritizing the public interest over private interests in the public sector. The Independent Members take guidance from the Dutch Code of Conduct for Integrity in the Central Public Administration 2016 and from relevant OECD and other documents, such as the OECD Recommendation on Guidelines for Managing Conflict of Interest in the Public Service and the OECD Recommendation on Public Integrity.

### 4. Impartiality

Impartiality means that at all times the NCP will refrain from taking sides with one of the parties involved in a Specific Instance and will avoid any appearance of partiality in its contacts with stakeholders, in the consideration of Specific Instances and in its promotional activities.

A conflict of interest is defined as a situation in which the personal or professional interests of one of the NCP's Independent Members interfere or may interfere with that Member's objectivity, independence and impartiality.

The NCP distinguishes two different situations.

- 1) **In case a conflict of interest is assumed to exist**, the Independent Member is expected to declare the conflict of interest and to recuse him/herself from the handling of the Specific Instance in its totality.

Situations in which a conflict of interest is assumed to exist include, but are not limited to:

- Having a personal interest in the matter in question or in another matter whose resolution could be influenced by that of the NCP.
- Current or recent involvement in a senior position at the company or notifying party involved in a Specific Instance.
- Having a service relationship with a natural or legal person with a direct interest in the Specific Instance.
- Having a close relative or a spouse or partner sit on the board of, or holding a senior position at, the company or notifying party involved in a Specific Instance.

- 2) If one of the NCP's Independent Members may reasonably be considered to be in a situation where a **potential or perceived conflict of interest may seem to exist** regarding one of the parties and/or matters involved in a Specific Instance, that member of the NCP will not be one of the normally two NCP members who handle that Specific Instance and prepare it for decision-making by the full NCP.

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<sup>3</sup> See for more on this topic: [OECD Recommendation on Public Integrity - OECD](#)

Situations in which such a potential or perceived conflict of interest may arise include, but are not limited to:

- Being a recent former employee of one of the parties involved in a Specific Instance. The NCP strives for consistency with regulation concerning conflict of interest of former cabinet members. Therefore, it assumes that a period of two years after ending an employment relationship with one of the parties involved is in principle sufficient to create the necessary distance.
- Having recently provided professional services of any kind to a natural or legal person directly interested in the matter. In these situations, the NCP also assumes that a period of two years after ending a service relationship is in principle sufficient to create the necessary distance.
- Having a former spouse or partner sit on the board of, or holding a senior position at, the company or notifying party involved in a Specific Instance.