



2022 Public Annual Report of the National Contact Point for the OECD Guidelines for Multinational Enterprises

The NCP performs two core tasks, which are set down in the [OECD Guidelines for Multinational Enterprises](#). These tasks are the same for NCPs all over the world. The Netherlands' NCP also has a third core task, which was assigned to it by order of the Minister for Foreign Trade and Development Cooperation in 2014. The **first core task** is to deal with specific instances of alleged non-observance of the OECD Guidelines submitted by individuals, civil society organisations and/or companies, and to facilitate dialogue. The **second core task** is to make companies aware of the OECD Guidelines and encourage their application. This involves contributing to a consistent interpretation of the OECD Guidelines on the part of companies and other actors, including governments, so as to ensure policy coherence. The **third core task** for the Dutch NCP is to carry out sector-wide assessments at the government's request of the application of the OECD Guidelines.

The core values that the NCP upholds in all its work are the following:

1. **Visibility:** the NCP attaches great importance to its public information task, which enables it to enhance awareness and the applicability of the OECD Guidelines.
2. **Accessibility:** the NCP is accessible to parties that wish to submit a specific instance, to companies and to other stakeholders. The NCP is also open to engaging in dialogue with parties and other stakeholders.
3. **Transparency:** the NCP aims to be transparent with regard to its handling of specific instances and mediation. This does not mean that the NCP is transparent about the actual substance of mediation, given that confidentiality is conducive to the success of the mediation process.
4. **Accountability:** the NCP has an active public profile and communicates clearly about its activities, for example by publishing an annual report and by sharing experiences with other NCPs.



In addition to the above core values that are shared by every NCP, the Dutch NCP also believes that it is important to focus on the **impartiality** and **integrity** of the Dutch NCP and its independent members. In order to be clear about this, NCP has published a document on its official website, which also explains how the NCP addresses potential and actual conflicts of interest of the independent members when it comes to dealing with specific instances.

An overview of 2022

As in previous years, the first core task took up the most time. This is due to the increase in both the overall number of specific instances and their complexity. In 2022 the Dutch NCP dealt with a total of 14 specific instances at various stages. In addition, the NCP spent a great deal of time on a new topic: developments related to legislation on responsible business conduct (RBC) at national and EU level. This has to do with the NCP's task to promote policy coherence in the light of the OECD Guidelines. Finally, the NCP was closely involved in preparations for the revision of the OECD Guidelines adopted in 2011 (the targeted update).

The second core task was fulfilled this year by the NCP's contributions to various conferences and events in the form of presentations or participation in panel discussions. In addition, the NCP organised a mediation training session for its members.

Specific instances

The Dutch NCP dealt with a total of 14 specific instances at various stages. The Initial Assessments, Final Statements and Evaluations can be found on the [NCP website](#).

1. Atuma vs. Unilever
2. Uni Global Union et al. vs. IKEA
3. Aminigboko Community vs. Shell-SPDC
4. Indigenous Federations et al. vs. Pluspetrol
5. BWI et al. vs. Inter IKEA
6. FNV vs. Just Eat Takeaway
7. IAATW vs. Uber
8. Odoh Family vs. SPDC
9. Obelle Concern Citizens vs. Shell-SPDC



10. FNV et al. vs. Chevron
11. Friends of the Earth vs. ING
12. IUF vs. McDonald's, APG and Norges Bank
13. FNV and CNV vs. Plantion
14. NGOs vs. Stellantis

It is a best practice of the NCP to evaluate the outcome of a specific instance (i.e. an agreement and/or recommendations) approximately one year after publication of the Final Statement. The evaluations can be found on the 'closed procedures' section of the NCP website. In 2022 two evaluations were published, of the specific instances UNI Global Union vs. VEON and Obelle vs. Shell-SPDC. In addition, the Dutch NCP acted in an advisory capacity on a number of specific instances submitted to other NCPs. These specific instances either had some connection to the Netherlands or were jointly submitted to the Dutch NCP as well. The Dutch NCP also received a number of questions from various other NCPs. The NCP answered questions on a variety of subjects, including parallel procedures and confidentiality in the pre-initial assessment phase.

Developments related to the OECD Guidelines and RBC legislation

The Dutch NCP spent a great deal of time promoting policy coherence with regard to developments related to RBC legislation and the OECD Guidelines. This is in keeping with the core task of the NCP to promote the OECD Guidelines and contribute to their effective implementation. This year there were developments related to national and EU RBC legislation and the review of the OECD Guidelines. The NCP also contributed to the revised National Action Plan on Human Rights and Business, which was published in 2022.

With a view to safeguarding policy coherence, the NCP drew up a number of 'key principles' to highlight the possible effect that EU legislation could have on the work of the NCPs. This proposed legislation is not always fully in line with the OECD Guidelines. The 'key principles' have also been used as a point of departure for a session at the OECD that the Dutch and Danish NCPs organised for NCPs on EU legislation and the consequences for NCPs. The purpose of this informal session was to explore the potential risks and opportunities for NCPs and the scope for coordinated action.



In 2022 the OECD conducted a stock-taking exercise to identify possible gaps in the OECD Guidelines. The Guidelines had last been revised in 2011. This year at the OECD was devoted to discussion of targeted changes. The NCP regularly offered input for the Dutch contribution.

With regard to the National Action Plan on Business and Human Rights (NAP), the NCP contributed in particular to the third pillar, access to effective remedy. In this connection the NCP stated that companies regularly decline the NCP's mediation or adopt a negative stance in some other way during an NCP procedure. This has resulted in an action item in the NAP in which a company's attitude to the possible submission of a specific instance to the NCP is taken into account in decision-making regarding the set of trade-related instruments. This method will gradually be expanded to include other instruments.

[Awareness-raising and peer-learning activities in the Netherlands and abroad](#)

The NCP's second core task is to promote awareness of the OECD Guidelines through public communication. 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 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. The Dutch NCP conducted various discussions with the Netherlands' RBC support office, which was established in 2022 to coordinate information and public communication about the OECD Guidelines. The NCP also organised an RBC training session for members of works councils, on the theme 'working on a sustainable future'. The training session dealt with the OECD Guidelines and how they can be put into practice in everyday situations. The NCP also took part in various activities to share knowledge with other NCPs. In 2022, for example, the NCP participated in the peer review of the Spanish NCP. During a peer review the functioning of an NCP is subjected to a full examination by a team of peer reviewers. In this case the team consisted of the NCPs of Morocco, Slovenia and the Netherlands and staff of the OECD RBC Center. In the peer review report, which is public, recommendations were made to the Spanish NCP. In addition, since 2022 the NCP has been



part of a regional network of NCPs, together with Belgium, Luxembourg and France. The purpose of regional networks of NCPs is to facilitate peer learning.

Overview

Topic	Number in 2022	Number in 2021	Number in 2020
Specific instances being dealt with	14	11	9
Specific instances declared inadmissible	0	1	2
Specific instances completed with Final Statement	4	0	3
Evaluations of completed specific instances	2	3	2
Specific instances dealt with by other NCPs on which Dutch NCP is advising	1	3	7
General enquiries via website	25	33	18
NCP in the media	1	4	0
RBC agreements on which NCP advised	1	2	1
External activities (presentations/panel discussions, etc.)	7	7	12
Training sessions/themed meetings	1	0	1



Visitors to Dutch-language website	13,203	16,777	16,053
Visitors to English-language website	8,568	7,748	7,109

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