

OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES
NETHERLANDS NCP
REPORT TO THE OECD
2014

National Contact Points must report annually to the OECD Investment Committee on the nature and results of their activities to further the effectiveness of the Guidelines for Multinational Enterprises, including implementation activities in specific instances.

A Common Reporting Framework, based on the Implementation Procedures of the Guidelines, assists NCPs prepare these reports. This information is the basis for the Chair's Annual Report to the OECD Council.

Common Reporting Framework

Table of Contents

- A. Institutional arrangements
- B. Information and promotion
- C. Proactive Agenda
- D. Co-operation and peer learning
- E. Specific instances
- F. Useful experiences and future work
- NCP contact information

Common framework for annual reporting by National Contact Points

The role of National Contact Points is to further the effectiveness of the Guidelines by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances. NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability.

A. Institutional arrangements

1. Governmental location of the NCP

The Hague, Netherlands: The secretariat of the Dutch NCP is located within the Ministry of Foreign Affairs.

2. Structure of the NCP

Monopartite Interagency Bipartite Tripartite Quadripartite Independent Expert Body

The Dutch NCP consists of four independent members, four advisory members from the most relevant government ministries (Economic Affairs, Foreign Affairs, Infrastructure & Environment, Social Affairs & Employment), and a secretariat located within the Ministry of Foreign Affairs.

3. Does the NCP have an advisory body?

Yes No

The NCP has advisory members, representatives at management level from ministries of Economic Affairs, Foreign Affairs, Social Affairs & Employment, Infrastructure & Environment. They are not a separate body. Four times a year the NCP has an advisory meeting with representatives from the most important stakeholders VNO/NCW, FNV and OECD watch

4. Does the NCP have an oversight body?

Yes No

5. Was the NCP structure modified in the reporting period?

Yes No

6. How does this structure enable the NCP to operate effectively?

The following enables the NCP to operate effectively:

- The NCP works independently, under the political responsibility of the minister for Foreign Trade and Development Cooperation. Working with independent members also means that the NCP work can be executed without being influenced by current government policy.
- The members of the NCP are appointed by the Minister after consultation of the key stakeholders and come from diverse segments of the Dutch society. This also means that each member brings their own expertise and network to the NCP, and can also use this to carry out the tasks of the NCP, including of course the promotional task to increase awareness and implementation of the OECD Guidelines.
- The advisory members of the NCP serve an important role as well to ensure the commitment of the Dutch government in the work of the NCP and to contribute expertise when needed.
- A well-equipped secretariat has proven to be essential to the effective functioning of the NCP as a whole. Ensuring adequate capacity and expertise as part of the secretariat has been important to

enable a committed effort to the professional handling of specific instances as well as the promotional task of the NCP.

7. Does the NCP have an allocated budget? Yes No

The budget of the Netherlands NCP has been structurally incorporated in the Ministry of Foreign Affairs budget.

8. Does the NCP have dedicated staff? Yes No

The Dutch NCP includes a secretariat of three staff members. Adequate capacity and expertise as part of the secretariat is important to enable a committed effort to the professional handling of specific instances as well as the promotional task of the NCP.

9. Are changes in the structure or resources available to the NCP contemplated in the near future?

Yes No

At the request of the Netherlands Parliament the Ministry of Foreign Affairs examined (December 2013) how the functioning of the Netherlands NCP could be further strengthened. The Netherlands Parliament will be informed about institutional changes relating to the NCP in July 2014. Subjects among others: The Dutch government will get entitled to ask the NCP for a cross-company research on CSR issues in compelling situations where advice of the NCP is required to support the civil dialogue; Formalization of the regular working relationship with the key stakeholders (OECD Watch, Dutch BIAC-representative VNO-NCW and Dutch TUAC-representative FNV); Possible role of the NCP as facilitator or dispute settlement mechanism in CSR agreements with business sectors.

10. Does the NCP report within the Government on its activities?

Yes No

The Dutch NCP reports the findings of its final statements to the Minister for Foreign Trade and Development Cooperation, prior to publication along with the reaction of the minister on the NCP website. The NCP offers its annual report to the OECD to the minister. Every four years, the Minister sends a report on the functioning of the NCP to the Netherlands Parliament. The next report is due in 2015.

B. Information and promotion

11. Does the NCP have a dedicated website or dedicated webpages? Yes No

www.oesorichtlijnen.nl & www.oecdguidelines.nl

The website has been relaunched in January 2014 and is available in Dutch and English. It provides information on the OECD GL, the work and structure of the NCP, news on events, an overview of recent and pending specific instances, and provides some tools for companies to understand how to implement CSR and the OECD GL in their company.

12. Are the 2011 Guidelines available online? Yes No

In English and Dutch

13. Are the 2011 Guidelines available in print? Yes No

In English and Dutch

14. Did you develop other products to raise awareness of the Guidelines? Yes No

The past year the Dutch NCP actively developed or participated in the development of the following instruments raising awareness of the OECD Guidelines:

- publication (in print & digital) of the Dutch translation of the OECD Guidelines
- participating in working group for development of an online due diligence tool, initiator Dutch Social-Economic Council
- publication of a 2-page factsheet on the OECD Guidelines which is distributed a.o. to companies participating in governmental trade missions.

15. Is your Annual Report available online? Yes No

<http://www.oesorichtlijnen.nl/en/national-contact-point/annual-reports>

16. Is your Annual Report available in print? Yes No

The NCP published a print version of the annual report in January 2014, which covers the period of July 2012 - December 2013.

17. Does the NCP coordinate with other government activities on responsible business conduct?

Yes No

The NCP coordinates closely with the international CSR unit of the ministry of Foreign Affairs; the secretariat participates in weekly staff meetings of the CSR unit, which also includes representatives from the Ministry of Economic Affairs, and in staff meetings of the Directorate of International Trade Policy and Economic Governance. Coordination with the other relevant ministries on CSR takes place through the advisory members of the NCP

18. Does the NCP, together with appropriate state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs ..), inform prospective investors about the Guidelines and their implementation?

Yes No

The NCP cooperates with several state entities to inform companies and investors about the Guidelines, including: RVO (Netherlands Enterprise Agency), Ministries of Economic Affairs, Finance and Foreign Affairs, MVO NL (CSR Netherlands) FMO (Entrepreneurial Development Bank).

19. If the NCP conducted surveys or collected data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct, provide details.

The NCP chairman is an advising member of the CSR commission of the Social and Economic Council of the Netherlands (SER). Discussions and surveys are taking place in that context.

20. Does the NCP have a promotional plan on the Guidelines? Yes No

The promotional plan for 2014 sets out the focus of the NCP promotional activities for 2014. A.o. activities conducted by the NCP itself and setting up and expanding collaborations with relevant organizations with the aim to more effectively reach the defined target groups.

21. Did the NCP organise any event to promote the Guidelines and their implementation procedures?

Yes No

Title MNO Meeting

Date October 9th, 2013

Place Amstelveen, NL

Further details Training for multinational works councils related to CSR issues

Title Stakeholder meeting "Responsible Business Conduct abroad"

Date November 19th, 2013

Place The Hague, NL

Further details An event aimed to bring together a diverse group of stakeholders (business, civil society, etc) to discuss and share experiences on a specific topic related to the Guidelines. This afternoon consisted of several presentations followed by discussions on the implementation of the Guidelines in the day to day practice of companies abroad - including SMEs. The meeting was attended by around 70-80 participants. The meeting was co-organized with MVO Netherlands.

Title

Date

Place

Further details

22. Did the NCP participate in any event organised by stakeholders or other entities to promote the Guidelines and their implementation procedures?

Yes No

Title Global forum business and human rights

Date 3-5 Dec 2013

Place Geneva

Further details Participation at sessions

Title SER Conference on due diligence

Date 6-7 Mar 2014

Place The Hague, NL

Further details Substantive involvement in the event and participation in workshops

Title Conference Board Sustainability & Corporate Responsibility Council

Date 24 Oct 2013

Place The Hague, NL

Further details speaker

Title ESG-working group Financial Sector, Netherlands Enterprise Agency

Date 8 Oct 2013

Place The Hague, NL

Further details speaker

23. What use has been made of embassies, notably in emerging markets and other non-adhering countries, for raising awareness and promoting the Guidelines?

No active use of embassies etc. CSR & OECD Guidelines are a standard component of governmental trade missions in which embassies and other diplomatic representations also play an important role.

24. Does the NCP have a direct relationship with OECD partner organisations and/or other leading responsible business conduct instruments:

- | | | |
|---|---|--|
| ILO? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| UN Global Compact and its local networks? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| UN Office of the High Commissioner on Human Rights? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| National Institution for the Protection and Promotion of Human Rights? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Global Reporting Initiative? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ISO26000? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Other | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

25. Does the NCP or another government agency promote the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones?

- Yes No

26. Does the NCP or another government agency promote the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas?

- Yes No

27. Were enquiries received on the Guidelines and their implementation procedures

- | | | |
|--|---|--|
| From other NCPs? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| From the business community? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| From labour organisations? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| From non-governmental organisations? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| From governments of non-adhering countries? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Other | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

The Dutch NCP has received several requests for information from its fellow NCP's and (non-)governmental organizations. We receive regular enquiries from individuals and businesses, mainly relating to the implementation of the Guidelines. An issue that came up frequently was the scope and application of the due diligence provisions of the Guidelines.

C. Proactive agenda

In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders in order to: a) consider new developments and emerging practices concerning responsible business conduct; b) support the positive contributions enterprises can make to identify and respond to risks of adverse impacts associated with particular products, regions, sectors or industries

28. Did the NCP identify new emerging challenges for enterprises, or engage in any related activities?

Yes No

By organizing regular stakeholder events the Netherlands NCP brings attention to issues which are challenging to (mostly) companies to implement. This reporting year the topic has been implementation in the day to day practice of companies abroad.

D. Co-operation and peer learning

In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs will engage in joint peer learning activities. In particular, they are encouraged to engage in horizontal, thematic peer reviews and voluntary NCP peer evaluations. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.

29. Did the NCP engage in direct co-operation with other NCPs?

Yes No

NCP was member of the peer review team that reviewed the Norwegian NCP. There has been close cooperation with several NCPs on specific instances and other questions relating to the implementation of the Guidelines.

30. Is the NCP interested in volunteering for a peer evaluation?

Yes No

31. Is the NCP interested in being part of the team conducting a voluntary peer evaluation?

Yes No

E. Specific instances

32. Did the NCP develop procedures for handling specific instances?

Yes No

- are they available online?

Yes No

<http://www.oesorichtlijnen.nl/en/notifications/specific-instance-procedure>

- in which language/s ? Dutch, English

- do procedures take into account the 2011 Procedural Guidance?

Yes No

33. How many new specific instances did the NCP receive in the reporting period? 0

34. Do you have any updates on specific instances that were reported and not concluded in the previous reporting period?

Yes No

Title	POSCO, ABP, APG, NBIM – Lok Shakti Abhiyan, KTNC Watch, Fair Green and Global Alliance, ForUM
Status	Concluded
Summary	<p>The notification entailed an alleged breach of the Guidelines by South Korean Pohang Iron and Steel Company (Posco) and three of its investors: the Dutch pension fund ABP, its Pension Administrator APG and the Norwegian Bank Investment Management (NBIM). The notifying parties alleged that the Financial Institutions have not taken the appropriate steps to prevent or mitigate Posco’s negative impacts on human rights and environmental rights which are directly linked to them through their financial relationship with Posco. More specific the notifiers claim that the Financial Institutions violated Chapter II, commentary 19 and 22, Chapter II, section A, paragraph 12 and paragraph 14, 20, 22 in the Commentary of General Policies.</p> <p>In its Final Statement the NCP concludes that investors have a responsibility under the OECD Guidelines, even when they are only minority shareholders in a company, to exert influence where possible on companies they invest in to help prevent or mitigate possible adverse impacts of these companies’ operations. The NCP concluded that APG, which manages the investments of ABP and other pension funds, has taken its responsibility as a minority shareholder and acted in accordance with the OECD Guidelines. However, constructive dialogue between POSCO and all stakeholders will be key to improve the situation on the ground. An independent Review and Assessment Mission could help launch such a dialogue. The Dutch NCP has expressed it's willingness to collaborate actively with the South Korean and Norwegian NCP to this end.</p>
Link	http://www.oesorichtlijnen.nl/sites/www.oesorichtlijnen.nl/files/final-statement-somo-bothends-apg-abp.pdf

Title	Nuon Energy NV – FNV Eemshaven
Status	Concluded
Summary	<p>The notification entailed an alleged breach of the OECD Guidelines Chapter II, par.11,12,13 and Chapter V, par. 4a. Notifying parties submitted that NUON had violated the Guidelines by dealing with subcontractors who would not observe standards of employment not less favorable than those observed by comparable employers in The Netherlands.</p> <p>The parties have reached a joint solution regarding the steps to be taken by Nuon to further increase its influence on the supply chain. They have agreed that Nuon will make changes to future contracts with its principal contractors in order to promote compliance with agreements throughout the supply chain. More specifically, this means that Nuon will require its principal contractors to impose the same obligations on their suppliers and subcontractors as those that</p>

	Nuon imposes on its principal contractors with regard to conditions of employment, wage rates and compliance with national and European legislation.
Link	http://www.oesorichtlijnen.nl/sites/www.oesorichtlijnen.nl/files/eindverklaring_nuon-fnv_1.pdf

Title	Shell - Friends of the Earth/Amnesty International II
Status	In progress
Summary	
Link	

F. Useful experiences and future work

35. Provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP.

At the request of the Netherlands Parliament the Ministry of Foreign Affairs examined (December 2013) how the functioning of the Netherlands NCP could be further strengthened. The Netherlands Parliament will be informed about institutional changes relating to the NCP in July 2014. Subjects among others: The Dutch government will get entitled to ask the NCP for a cross-company research on CSR issues in compelling situations where advice of the NCP is required to support the civil dialogue; Formalization of the regular working relationship with the key stakeholders (OECD Watch, Dutch BIAC-representative VNO-NCW and Dutch TUAC-representative FNV); Possible role of the NCP as facilitator or dispute settlement mechanism in CSR agreements with business sectors.

36. Based on your recent activities, what issues might deserve particular attention during the 2014-2015 implementation cycle of the OECD Guidelines?

Functional equivalence between NCPs
 Implementation of the OECD Guidelines in the financial sector
 Peer reviews

NCP CONTACT INFORMATION

Contact	National Contact Point OECD Guidelines
Address	p/a Ministry of Foreign Affairs, Bezuidenhoutseweg 67, 2594 AC The Hague, P.O. Box 20061, 2500 EB The Hague
Country	THE NETHERLANDS
Website	www.oesorichtlijnen.nl
Email	ncpoecd@minbuza.nl
Telephone	+31 703484200
Fax	