



2019 Annual Report of the National Contact Point

The National Contact Point for the OECD Guidelines for Multinational Enterprises (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 are the same for all NCPs around the world, and are laid down in the Procedural Guidance to the OECD Guidelines. In 2014, the NCP of 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 clear and 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.

The first core task in particular took up a great deal of the NCP's time in 2019 due to the sharp rise in the number of specific instances and their increasing complexity. Tackling them all required an enormous effort on the part of the NCP. As well as dealing with these specific instances, the NCP also worked to fulfil its second core task, for instance by organising an RBC training day for corporate works councils.

In 2019 a study of the oil and gas sector was completed. In January, the NCP presented the study – performed by CE Delft and Arcadis – together with a letter containing the NCP's recommendations to the Minister for Foreign Trade and Development Cooperation. The government had asked the NCP to examine how the Dutch oil and gas sector could better ensure continued compliance with the OECD Guidelines. This was the first time the NCP had been commissioned by the government to conduct cross-company research and issue recommendations. The study and recommendations prompted the Minister and the sector to agree that a plan of action would be produced in the first quarter of 2020.

In 2019 the NCP underwent a performance evaluation¹ by the Policy and Operations Evaluation Department (IOB) of the Ministry of Foreign Affairs. The NCP was found to be performing in accordance with the core criteria for NCPs set out in the Procedural Guidance to the OECD Guidelines for Multinational Enterprises: visibility, accessibility, transparency and accountability. The inspectors did however make a number of recommendations aimed at improving the NCP's effectiveness and performance, including expanding the ministry staff that support the NCP. A number of these recommendations were adopted by the Minister. The House of Representatives was informed of the evaluation's outcome by letter of 22 November 2019.

Specific instances

In 2019 the Dutch NCP dealt with a total of 12 specific instances at various stages. Documents concerning the first six specific instances listed below can be found on the [NCP's website](#). The other instances are currently at an early stage and are therefore still confidential.

- UNI Global Union vs. VEON
- Obelle vs. SPDC/Shell
- UNI Global Union vs. IKEA
- Oxfam Novib, Greenpeace NL, BankTrack and Friends of the Earth NL vs. ING

¹ This [evaluation](#) can be downloaded from the IOB website

- Kajangu vs. Bralima/Heineken
- Friends of the Earth vs. ING
- An instance relating to labour issues
- An instance relating to tax avoidance
- A new instance relating to land appropriation, soil pollution, etc.
- A new instance relating to union rights/child labour
- A new instance relating to immigrants
- A new instance relating to labour issues

In addition, the NCP advised and/or supported other NCPs on matters relevant to the Netherlands, or on instances that had been jointly reported to the Netherlands and another NCP and were being dealt with by the other NCP. These concerned two specific instances being dealt with by the Japanese NCP and specific instances being dealt with by the Luxembourg NCP, the Brazilian NCP, the Chilean NCP, the Turkish NCP and the French NCP respectively. Two specific instances were completed in 2019: [Community Alternatives vs. ENI S.p.A. and ENI International BV](#) (Italian NCP) and [Frank Bold Foundation vs. OLX Group, dated 13 June 2019](#) (Polish NCP).

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. No evaluations were performed in 2019. Four evaluations are scheduled for 2020:

- a specific instance relating to Heineken/Bralima, which was completed in summer 2017;
- a specific instance relating to Bresser, which was completed in August 2018;
- a specific instance relating to Nuon, which was completed in December 2018;
- a specific instance relating to ING (on climate), which was completed in April 2019.

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

Promoting awareness of the OECD Guidelines is an important task for the NCP. 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 question to another appropriate body.

The NCP participates in events hosted by other organisations as an alternative way of promoting awareness of the OECD Guidelines. This includes giving presentations and taking part in interviews and 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. In 2019 the NCP took part in a total of 12 events. At the annual OECD Global Forum on Responsible Business Conduct in Bangkok, the Chair of the Dutch NCP gave two presentations, including one on complaint mechanisms. The NCP also gave a presentation at the Asser Institute for international law in The Hague.

One major milestone in 2019 was the publication in June of the Dutch version of the 'OECD Due Diligence Guidance for Responsible Business Conduct'. This document offers companies useful guidance on applying international responsible business conduct (IRBC) in practice.

In November 2019 the NCP held its seventh IRBC training day for works councils of multinational enterprises. The theme of the event was 'Works councils – getting started with the OECD Due Diligence Guidance for Responsible Business Conduct'. Members of the works councils of 17 multinational enterprises participated enthusiastically.

At international level the NCP is actively contributing 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 activity: peer reviews and capacity-building, enhancing policy coherence, and building and improving tools. Together with NCPs from around the world, the Dutch NCP takes part in NCP Network Meetings at the OECD in Paris. The Netherlands is represented in the OECD Working Party on Responsible Business Conduct (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 IRBC as part of the Netherlands' contribution to this Working Party.

Advising on IRBC agreements

In addition to organising awareness-raising activities, the NCP also works to support the establishment of voluntary International Responsible Business Conduct (IRBC) agreements. These agreements are an important multi-stakeholder instrument for promoting IRBC and are central to the Ministry of Foreign Affairs' policy on international responsible business conduct. 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 2019 it advised on IRBC agreements for the natural stone and metals sectors.

Overview

Subject	Number
Number of specific instances in 2019 (including one instance completed in 2019 and one instance declared inadmissible)	12
Specific instances dealt with by other NCPs on which Dutch NCP is advising	9
General enquiries via website	26
IRBC agreements on which NCP advised	2
External activities (presentations/panel discussions, etc.)	12
Training sessions/themed meetings	1
Visitors Dutch language website	15,778
Visitors English-language website	7,383

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P.O. Box 20061 | 2500 EB The Hague

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