

## NETHERLANDS / PAYS-BAS

## A. INSTITUTIONAL ARRANGEMENTS

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.

Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/ well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Ministry of Economic Affairs, Agriculture and Innovation is responsible for the NCP and hosts its secretariat	Independent board, supported by a secretariat (2 fte) and a communication manager	Chairman and three members - F.W.R. Evers LLM (chairman) - prof. dr. J.F.G. Bunders - H. Mulder LLM - L. de Waal	The NCP is advised by representatives at management level from ministries of - Economic Affairs, Agriculture & Innovation - Foreign Affairs - Social Affairs & Employment - Infrastructure & Environment		E: ncp@mineleni.nl T: 0031 (0) 70 379 8617
<p>* Section on "NCP Structure" should be filled, as appropriate, indicating one of the following possible structures:</p> <ul style="list-style-type: none"> <li>- <i>Monopartite</i>, i.e. the NCP is composed of one or more representatives of one Ministry</li> <li>- <i>Interagency</i>, i.e. the NCP is composed of one or more representatives of two or more Ministries</li> <li>- <i>Bipartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s</li> <li>- <i>Tripartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s</li> <li>- <i>Quadripartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s</li> <li>- <i>Independent Expert Body</i>: the NCP is composed only of independent experts</li> </ul>					

**2.** What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?

The NCP in its current form was established in 2007, following the recommendations from a 2006 review concerning the role and structure of the NCP (then consisting of an interdepartmental committee coordinated by the ministry of Economic Affairs) to set up a more independent NCP.

A review of the functioning of the NCP in its current form, conducted in 2011 (among others based on the 2010 (voluntary) peer review), concluded that the NCP carried out its mandate in a sound manner i.e. did not provide ground for altering the institutional set-up of the NCP.

**3.** Please indicate, if possible by providing examples, how the structure and organization of the NCP *“provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government”* (Procedural Guidance, I.A.1)

The Netherlands NCP is at arms length of the government.

The independent members of the NCP all have backgrounds in the various stakeholder groups of the NCP's work. They are advised by representatives -at management level- from the four ministries primarily involved in the subject matter -responsible business conduct-, namely the ministries of Economic Affairs, Agriculture and Innovation, Foreign Affairs, Social Affairs and Employment, and Infrastructure and Environment. The members of the NCP are independent in the sense that they have a seat in the NCP in their personal capacity and are by no means bound by the policies and goals of the Dutch Government or by other organizations.

The NCP, in its own capacity, is responsible for dealing with the specific instance procedure. In the case that the NCP drafts a final statement to close a specific instance procedure, that final statement will be send to the Minister for Agriculture and Foreign Trade, who will deliver its response to the case. Both the NCP's final statement and the Minister's response will be published on the NCP's website.

**4.** *“NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.”* (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).

The Netherlands NCP organizes (at a minimum) two (open to all) stakeholder meetings per year, which are attended by a wide variety of stakeholders, including representatives from individual companies, business and sector organizations, trade unions, OECD Watch and other NGOs, government agencies, presidents of central worker councils and consultants.

The NCP is currently planning the Spring/Summer 2012 stakeholder meeting.

The last stakeholder meeting took place in November 2011. Early 2011, the NCP welcomed (representatives from) accountancy firms as a new stakeholder group, especially with regard to the role their

sector can play in promoting the (implementation of) the Guidelines. Moreover, in line with the proactive agenda of the Guidelines, the financial sector in the Netherlands is looking into the practical relevance of the (updated) OECD Guidelines for this sector. During the autumn 2011 stakeholder meeting, representatives of both sectors held presentations on these developments.

Moreover, the NCP regularly meets with stakeholder representatives on a more ‘ad hoc’ basis to discuss matters related to the promotion of the Guidelines of the handling of specific instances.

**5.** Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate (e.g. implementation of the UN Guiding Principles for Business and Human Rights).

The NCP was actively involved in the Conference on Responsible Business Conduct (December 12, 2011), that was jointly organized by the ministry of Economic Affairs, Agriculture and Innovation, the ministry of Foreign Affairs and the Dutch Industry Association VNO-NCW. In this conference prof. Ruggie and the NCP explained the relevance of the UN Guiding Principles and the updated OECD Guidelines to business representatives.

**6.** *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfil their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

As of 2011, the budget of the Netherlands NCP has been structurally incorporated as a specific budget item in the Ministry of Economic Affairs, Agriculture and Innovation’s budget.

Additionally, the Netherlands NCP is supported by a secretariat of 2 fte, housed within the ministry of Economic Affairs, Agriculture and Innovation, as well as a communication manager.

## B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

7. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated web pages? Please provide the exact link.
	Yes, in Dutch ( <a href="http://www.oesorichtlijnen.nl">www.oesorichtlijnen.nl</a> ) and English ( <a href="http://www.oecdguidelines.nl">www.oecdguidelines.nl</a> ).
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	Yes. In cooperation with the Belgian NCP, and with feedback of business, trade union and civil society representatives, a translation of the Guidelines will be made available in May 2012.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	Yes, since 2002 NCP Annual Reports are published on the NCP website, in English.
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	No.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	Yes, according to the assignment of the NCP, there will be an evaluation of the functioning of the NCP every four years. The Parliament is informed about the results and conclusions. On a regular basis, information about the activities of the NCP is incorporated in the regular reports on CSR policy to the Parliament.
f.	Does the NCP conduct surveys or collect data documenting enterprises’ awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	No. The ministry of Economic Affairs, Agriculture and Innovation is considering to commission a sample survey.

<p><b>8.</b> <i>“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organizations, other nongovernmental organizations, and the interested public.”</i> (Procedural Guidance, I.B.2).</p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organizations, other non-governmental organizations, and other interested parties. Such organizations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.”</i> (Procedural Guidance, Commentary, I.16)</p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.”</i> (Procedural Guidance, I.B.1)</p>	
a.	<p>How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.</p>
	<p>Within the NCP organization, a communication manager has been appointed to coordinate the promotional activities of the NCP. The communication manager is placed at the independent national CSR knowledge centre MVO Nederland (CSR Netherlands) in order to make use of its outreach programmes towards companies, sector associations, business society and other stakeholders.</p> <p>In cooperation with the NCP members, the communication manager prepares a communication strategy and translates this in an annual communication plan. The communication strategy focuses on promotion of the Guidelines to Dutch companies via intermediary business organizations such as sector associations and the Dutch Agency for International Business and Cooperation (EVD).</p>
b.	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>Yes. Ref. question A5.</p>
c.	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organizations, non-governmental organizations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p>The NCP closely works together with representatives of Trade Unions, Industry and Civil Society. They participate in regular NCP stakeholder meetings.</p>
d.	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p>The Dutch government explicitly states that the Guidelines are the reference for responsible business conduct abroad. The government expects adherence to the Guidelines. In all government support for international economic activities, an effort of the will to adhere to the Guidelines is an expressed condition.</p>
e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programmes...) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that</p>

	have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes.
	Ref question B8d.
f.	What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?
	Corporate Social Responsibility is one of the topics that embassies bring up for discussion during individual meetings with companies. This is done with reference to the OECD Guidelines as the basis of Dutch CSR policies. In addition, several meetings about the OECD Guidelines have been organised by embassies in 2011.
g.	Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative? Please elaborate as appropriate.
	The NCP members are active in many of the networks connected to the instruments mentioned above.
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organizations, other non-governmental organizations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	a. Yes. From UK, Norway and Lux. Request for gearing activities, advice on mediation procedures or support in dealing with specific instances.

### C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

#### General Information on NCP Procedures

**9.** “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. (Procedural Guidance, Commentary, I.15)

a.	Has the NCP developed procedures for handling complaints? If yes, in which language/s? Are they available online? If no, how are they made available to the public?
	Yes, in Dutch and in English, they are available online in both languages.
b.	Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?
	The Netherlands NCP is, in conjunction with the development of the new website, looking into modifying if needed its procedures for handling complaints.

#### Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

1. Amnesty International, Friends of the Earth International and Friends of the Earth Netherlands - Royal Dutch Shell (I) (d.d. 25/01/2011)

**10.** Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under

consideration or concluded in the reporting period.		
<i>Sector and Country</i>	Oil sector in Nigeria	
<i>Date complaint received</i>	25/01/2011	
<i>Complainant/s</i>	NGO	
<i>Name of Complainant/s</i>	Amnesty International, Friends of the Earth International and Friends of the Earth Netherlands	
<i>Industry sector<sup>1</sup></i>	Mining and Quarrying (C)	
<i>Name of Enterprise/s</i>	Royal Dutch Shell	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	<i>Chapter III (Disclosure), Chapter V (Environment), Chapter VII (Consumer Interests)</i>	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> <i>From 25/01/2011 to 23/02/2011</i>	<i>Assistance to Parties*</i> <i>From 23/02/2011 to date</i>	<i>Conclusion of the procedures*</i> <i>Procedure ongoing</i>
<i>*From specific instance received to it being accepted or rejected.</i>  <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>*From specific instance accepted to conclusion of the procedures.</i>	<i>*From Conclusion of the procedures to NCP Final Statement issued.</i>  <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

**11.** For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
<i>a.</i>	What practical issues arose during the initial assessment of the specific instance?

<sup>1</sup> Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying; D - Manufacturing; E - Electricity, gas and water supply; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods; H - Hotels and restaurants; I - Transport, storage and communications; J - Financial intermediation; K - Real estate, renting and business activities; L - Public administration and defence; compulsory social security; M - Education; N - Health and social work; O - Other community, social and personal service activities; P - Private households with employed persons; Q - Extra-territorial organizations and bodies.



	<p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	<p>No specific practical issues arose, other than finding suitable dates to convene meetings with the parties and persons involved.</p> <p>The NCP gathered information from the notification itself and from the sources that were supplied by the parties involved, both orally and in writing, taking into account the confidentiality disclaimer, where appropriate.</p>
<i>b.</i>	<p>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<p>This has been point of discussion between parties involved, but was not considered in the initial assessment.</p>
<i>c.</i>	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?</p>
	<p>Accepted by the Netherlands NCP.</p>
<i>d.</i>	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	<p>The letter containing the decision that the issues raised merit further examination has been send to the parties involved.</p>

<i>B. Assistance to the parties</i>	
<i>a.</i>	If conciliation or mediation was provided, were these services provided without costs to the parties?
	Yes.
<i>b.</i>	In what form has the NCP provided its good offices?
	The Netherlands NCP offered to assist parties in a process to find a joint solution to the issues raised by notifiers, including the proposal to select – in agreement with the parties – a professional mediator who was not part of the NCP.

<i>C. Conclusion of the procedures</i>	
<i>a.</i>	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	<i>Procedure ongoing.</i>

<i>D. NCP coordination</i>	
<i>a.</i>	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	The notification was submitted to the UK NCP as well. The Netherlands NCP and the UK NCP jointly decided that the Netherlands NCP would take the lead in the handling of the specific instance with support and assistance from the UK NCP as required. Parties were informed of this decision.
<i>b.</i>	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	N.A.
<i>c.</i>	Was a leader NCP identified?
	Yes, see above.
<i>d.</i>	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	The Netherlands has the lead in dealing with all issues i.e. the notification as a whole, with support and assistance from the UK NCP as required.

<i>E. Timeframe</i>	
<i>a.</i>	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
	1. 1 month, 2. 14 months and ongoing

<i>F. Other</i>	
<i>a.</i>	Has the specific instance involved business activities in a non-adhering country?
	Yes, in Nigeria.
<i>b.</i>	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	Royal Dutch Shell is the single parent company of the Royal Dutch Shell Group.
<i>c.</i>	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes.
<i>d.</i>	Would the NCP care to contribute additional information about the specific instances considered?

2. Centre for Human Rights and Environment (CEDHA), INCASUR Foundation, SOMO and Oxfam Novib – Nidera (d.d. 27/06/2011)

10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.	
<i>Sector and Country</i>	Agricultural sector in Argentina
<i>Date complaint received</i>	27/06/2011
<i>Complainant/s</i>	NGO
<i>Name of Complainant/s</i>	Centre for Human Rights and Environment (CEDHA), INCASUR Foundation, SOMO and Oxfam Novib
<i>Industry sector<sup>2</sup></i>	A - Agriculture, hunting and forestry

<sup>2</sup> Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying; D - Manufacturing; E - Electricity, gas and water supply; F - Construction; G - Wholesale and retail trade;

<i>Name of Enterprise/s</i>	Dutch-based multinational Nidera Holding B.V.	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter II (General Principles), Chapter IV (Employment and Industrial Relations)	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> From 27/06/2011 to 16/08/2011  <i>*From specific instance received to it being accepted or rejected.</i>  <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> From 16/08/2011  <i>*From specific instance accepted to conclusion of the procedures.</i>	<i>Conclusion of the procedures*</i> 03/02/2012  <i>*From Conclusion of the procedures to NCP Final Statement issued.</i>  <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

11. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
<i>a.</i>	What practical issues arose during the initial assessment of the specific instance? How was the information on the specific instances gathered? Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?
	The NCP gathered information from the notification itself and from the sources that were supplied by the parties involved, both orally and in writing, taking into account the confidentiality disclaimer, where appropriate.
<i>b.</i>	Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions

repair of motor vehicles, motorcycles and personal and household goods; H - Hotels and restaurants; I - Transport, storage and communications; J - Financial intermediation; K - Real estate, renting and business activities; L - Public administration and defence; compulsory social security; M - Education; N - Health and social work; O - Other community, social and personal service activities; P - Private households with employed persons; Q - Extra-territorial organizations and bodies.

	conducting the parallel proceedings?
	No.
c.	At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?
	Accepted by the Netherlands NCP.
d.	Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.
	The NCP formally informed parties as of its decision that the issued raised merited further investigation, and offered its good offices. A copy of this letter was send to the Argentinean NCP.

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	Yes.
b.	In what form has the NCP provided its good offices?
	The Netherlands NCP offered to assist parties in a process aimed at involving the notifiers as stakeholders in an already running company project to set up a CSR policy. It also included the proposal to select – in agreement with the parties – a professional mediator who was not part of the NCP.

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	Yes, parties involved in the specific instance after (bilateral) meetings and exchanges came to a mutual agreement regarding notifiers' main request, the setting up of a human rights policy by the company. Parties informed the Netherlands NCP of their agreement early December 2011, and requested the NCP to formally finalize the specific instance procedure.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	The Netherlands NCP forwarded the notification to the Argentinean NCP and during the

	proceedings the Argentinean NCP was kept informed. The Argentinean NCP informed the Netherlands NCP that it was following the process, and offered its assistance if so required.
<i>b.</i>	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	See above.
<i>c.</i>	Was a leader NCP identified?
	See above.
<i>d.</i>	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	See above.

<i>E. Timeframe</i>	
<i>a.</i>	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
	1. 1,5 months, 2. 2 months (after that the parties arranged some meetings between themselves, without assistance to the parties 3. 3 months. Total duration: 10 months.

<i>F. Other</i>	
<i>a.</i>	Has the specific instance involved business activities in a non-adhering country?
	No.
<i>b.</i>	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	Yes, the notification concerned the Dutch-based multinational Nidera Holding B.V. and its Argentinean subsidiary Nidera S.A. (hereafter: the Enterprise). The Enterprise's activities in which the alleged non-observance took place concerned the adoption by Nidera (the parent company) of "a policy commitment to respect human rights and follow due diligence procedures at the highest management levels of the company". According to the Notifiers, the need for this was reflected in "hiring of temporary workers for detasseling corn under conditions that did not seem to meet the standards for the protection of workers and of internationally recognised and enforced human rights in the Republic of Argentina."
<i>c.</i>	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes.

	Would the NCP care to contribute additional information about the specific instances considered?

3. Amnesty International, Friends of the Earth International and Friends of the Earth Netherlands - Royal Dutch Shell (II) (d.d. 30/12/2011)

10. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary), the following template for each specific instance received, under consideration or concluded in the reporting period.		
<i>Sector and Country</i>	<i>Oil sector in Nigeria</i>	
<i>Date complaint received</i>	<i>30/12/2011</i>	
<i>Complainant/s</i>	<i>NGO</i>	
<i>Name of Complainant/s</i>	<i>Amnesty International, Friends of the Earth International and Friends of the Earth Netherlands</i>	
<i>Industry sector<sup>3</sup></i>	<i>Mining and Quarrying (C)</i>	
<i>Name of Enterprise/s</i>	<i>Royal Dutch Shell</i>	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	<i>Chapter III (Disclosure), Chapter IV (Human Rights), Chapter VI (Environment), Chapter VIII (Consumer Interests)</i>	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> <i>From 30/12/2011 to 07/02/2012</i>	<i>Assistance to Parties*</i> <i>From 07/02/2012 to date</i>	<i>Conclusion of the procedures*</i> <i>Procedure ongoing</i>
<i>*From specific instance received to it being accepted or rejected.</i>	<i>*From specific instance accepted to conclusion of the procedures.</i>	<i>*From Conclusion of the procedures to NCP Final Statement issued.</i>

<sup>3</sup> Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying; D - Manufacturing; E - Electricity, gas and water supply; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods; H - Hotels and restaurants; I - Transport, storage and communications; J - Financial intermediation; K - Real estate, renting and business activities; L - Public administration and defence; compulsory social security; M - Education; N - Health and social work; O - Other community, social and personal service activities; P - Private households with employed persons; Q - Extra-territorial organizations and bodies.

<p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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11. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
<i>a.</i>	<p>What practical issues arose during the initial assessment of the specific instance?</p> <p>How was the information on the specific instances gathered?</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</p>
	<p>No specific practical issues arose, other than finding suitable dates to convene meetings with the parties and persons involved.</p> <p>The NCP gathered information from the notification itself and from the sources that were supplied by the parties involved, both orally and in writing, taking into account the confidentiality disclaimer, where appropriate.</p>
<i>b.</i>	<p>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<p>This has been point of discussion between parties involved, but was not considered in the initial assessment.</p>
<i>c.</i>	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?</p>
	<p>Accepted by the Netherlands NCP.</p>
<i>d.</i>	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	<p>The letter containing the decision that the issues raised merit further examination has been send to the parties involved.</p>



<i>B. Assistance to the parties</i>	
<i>a.</i>	If conciliation or mediation was provided, were these services provided without costs to the parties?
	Yes.
<i>b.</i>	In what form has the NCP provided its good offices?
	The Netherlands NCP offered to assist parties in a process to find a joint solution to the issues raised by notifiers, including the proposal to select – in agreement with the parties – a professional mediator who was not part of the NCP.

<i>C. Conclusion of the procedures</i>	
<i>a.</i>	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	<i>Procedure ongoing.</i>

<i>D. NCP coordination</i>	
<i>a.</i>	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	The notification was submitted to the UK NCP as well. The Netherlands NCP and the UK NCP jointly decided that the Netherlands NCP would take the lead in the handling of the specific instance with support and assistance from the UK NCP as required. Parties were informed of this decision.
<i>b.</i>	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	N.A.
<i>c.</i>	Was a leader NCP identified?
	Yes, see above.
<i>d.</i>	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	The Netherlands has the lead in dealing with all issues i.e. the notification as a whole, with support and assistance from the UK NCP as required.

<i>E. Timeframe</i>	
<i>a.</i>	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
	1. 1 month, 2. 4 months and ongoing

<i>F. Other</i>	
<i>a.</i>	Has the specific instance involved business activities in a non-adhering country?
	Yes, in Nigeria.
<i>b.</i>	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	Royal Dutch Shell is the single parent company of the Royal Dutch Shell Group.
<i>c.</i>	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes.
<i>d.</i>	Would the NCP care to contribute additional information about the specific instances considered?

## D. OTHER IMPLEMENTATION ISSUES

<b>12. Proactive Agenda</b> - In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...) ((Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (Seminars and/or conferences on specific Guidelines issues, informative publications or guides.)
	Yes, the Netherlands NCP and the ministry of Economic Affairs, Agriculture and Innovation are involved in the initiative of the Dutch financial sector to look into the practical relevance of the (updated) OECD Guidelines for this sector.
b.	What proactive agenda issues deserve particular attention in your country?
	See above.

<b>13. Peer Learning</b> - <i>In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> ((Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs? Please elaborate.
	Yes. The Dutch NCP has been the first NCP to engage in a (voluntary) peer review, taking place in the second half of 2009 until March 2010. A team of five fellow NCPs from Canada, Chile, France, Japan and the United Kingdom reviewed the Dutch NCP through a series of meetings with stakeholders, a questionnaire survey, review of documents, and discussions.  Moreover, the Netherlands NCP participates in the peer review/learning of the Japanese NCP.
b.	Would the NCP be prepared to engage in a "voluntary peer review? Within the next twelve months? Later on?
	In principle, yes. Yet given the above, a (second) peer review in the near future does not seem opportune.

<b>14.</b> Do you wish to 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?	
	NCP activities have been focused on the increase of visibility and acquaintance of the OECD Guidelines.

**15. Future work.** What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

In this timeframe the NCP will focus on co-operation with several national CSR-programmes and initiatives in order for MNEs to know, implement and report on the OECD Guidelines, with a focus on companies listed at the stock exchange. Moreover, the Dutch NCP will continue to experiment with giving preadvice on specific instances in order to prevent escalation of conflict and to find solutions through mediation.

## E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

*N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.*

**Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas<sup>4</sup>**

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “*Guidance*”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “*Guidance*” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the <i>Guidance</i> been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
	Actively brought to the attention of power companies in the Dutch Coal Dialogue by the ministry of Economic Affairs, Agriculture and Innovation. It is a best practice method for observing the ‘due diligence’ obligation of the Guidelines.
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the <i>Guidance</i> ?
3	What measures have been taken to promote the active use of the <i>Guidance</i> by other stakeholders, professional associations, financial institutions, and civil society organizations?

**OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones<sup>5</sup>**

On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering governments and its active use by multinational enterprises and other concerned parties.

4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises
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<sup>4</sup> <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

<sup>5</sup> <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

	and stakeholders? Please elaborate.
	Frequently referred to as starting point for a due diligence approach according to the Guidelines for companies operating in Weak Governance Zones.
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?
	No.