

OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES  
**NETHERLANDS** NCP  
REPORT TO THE OECD  
**2013**

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

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## 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 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

As part of a government change in October 2012, the political responsibility for the NCP was transferred at that time from the minister of Economic Affairs, Agriculture and Innovation to the newly established minister for Foreign Trade and Development Cooperation. The NCP structure was kept intact.

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

The following reasons enable 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 ( academics, financial sector, labour, NGO's. The chairman was appointed on the basis of his experience as a policy mediator ). 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.

**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 four staff members, which is an increase of capacity and expertise since the last report. 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.

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

Yes  No

There are two developments related to the structure of the NCP that merit some attention. The first of these is an in-depth study into the effective functioning of the NCP during the summer of 2012 which has led to further improvement of the NCP procedures and follow-up discussions concerning the possibility of a steering board and the use of external mediators.

The second of this is a changing political environment in the Netherlands, where discussion is taking place at the moment on the desirability of a so-called 'CSR supervisor'. The role of the NCP in relation to this possible 'CSR supervisor' is part of this discussion. It is not yet clear whether or not this will have any consequences for the structure of the NCP - and if so, which consequences these might be.

As far as resources are concerned there is no change foreseen, but the importance of a well-equipped secretariat - including sufficient people & means - remains a continuous point of interest.

**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, as well as its annual reports.

Every four years, the Minister sends a report on the functioning of the NCP to Parliament.

## **B. Information and promotion**

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

[www.oesorichtlijnen.nl](http://www.oesorichtlijnen.nl) & [www.oecdguidelines.nl](http://www.oecdguidelines.nl)

The website is available in Dutch and English, and 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.

At the moment we are working on a re-design of the current website.

- 12. Are the 2011 Guidelines available online?**  Yes  No

In English and Dutch

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

Yes, in English and a Dutch print-version is made available through the Social Economic Council. (SER)

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

This year has seen the development of several new products as part of the promotion of the Guidelines. These are:

- a mediation manual (jointly with the UK and Norwegian NCPs) published in October 2012 explaining how mediation in the NCP-context works
- a new design for all promotional products from the NCP, to be used from now onwards
- a new brochure explaining briefly the main points of the Guidelines and the work of the NCP
- a short informative film on the Guidelines/NCP
- the new design will also be used for a re-design of the current website which will contain more focused information

- 15. Is your Annual Report available online?**  Yes  No

<http://www.oesorichtlijnen.nl/ncp/jaarverslagen-en-peer-review/> & <http://www.oecdguidelines.nl/ncp/annual-reports-and-peer-review/>

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

In 2013 we will publish a public version of the annual report

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

Yes  No

The Dutch NCP coordinates closely with the international CSR section of the ministry of Foreign Affairs; the coordination group on international CSR at the Ministry also includes representatives from the Ministry of Economic Affairs.

The advisory members of the NCP also provide a useful way of coordinating activities with the other relevant ministries on CSR.

**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. The OECD Guidelines have also become a requirement for companies when applying for financial government support (such as subsidies and investment support). Some of the organisations the NCP cooperates with include Agentschap NL, which is a.o. responsible for promoting international trade and acquiring investment to the Netherlands; FMO (Entrepreneurial Development Bank); and CBI (Center for the Promotion of Imports from Developing Countries)

**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 a member of the 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 2013 sets out the focus of the NCP promotional activities for 2013. The plan consists of two main parts focusing on activities conducted by the NCP itself (such as developing up to date material on the Guidelines and the NCP: brochure, film, etc) and the second part focusing on possible collaborations to be set up 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

<b>Title</b>	Stakeholder meeting: "The OECD Guidelines & Freedom of Association"
<b>Date</b>	29 Nov 2012
<b>Place</b>	The Hague, Netherlands
<b>Further details</b>	An event aimed to bring together a diverse group of stakeholders (business, ngo's, etc) to discuss and share experiences on a specific topic related to the Guidelines. This afternoon consisted of several presentations on the topic of how to ensure freedom of association, as one of the main principles in the Guidelines. Around 50 people attended the meeting.
<b>Title</b>	"Transparency and the OECD Guidelines: instruments for reporting"
<b>Date</b>	18 Jun 2013
<b>Place</b>	The Hague, Netherlands

<b>Further details</b>	An event aimed to bring together a diverse group of stakeholders (business, ngo's, etc) to discuss and share experiences on a specific topic related to the Guidelines. The topic of this afternoon is how to be transparent about implementing the Guidelines in your company.
<b>Title</b>	Responsible Business Conduct in the Financial Sector
<b>Date</b>	27 Jun 2013
<b>Place</b>	Paris, France
<b>Further details</b>	Co-organized with the OECD, this event will be the second day of the Global Forum on Responsible Business Conduct, specifically focused on the financial sector.

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

Yes    No

<b>Title</b>	ISO26000 annual conference "Sustainable stakeholder engagement"
<b>Date</b>	16 Apr 2013
<b>Place</b>	Maarssen, the Netherlands
<b>Further details</b>	As part of this conference, the NCP organized a workshop in the afternoon (held twice) on successful stakeholder dialogue between business and ngo's, showcasing the role the NCP can take. The advisory member from the Ministry of Foreign Affairs was one of the opening speakers at this conference.

<b>Title</b>	NJCM seminar: Human Rights as a business risk
<b>Date</b>	14 Feb 2013
<b>Place</b>	Amsterdam, Netherlands
<b>Further details</b>	A seminar discussing the impact of human rights violations for business. The chairman of the Dutch NCP was one of the speakers.

<b>Title</b>	"Groen is de rode draad"
<b>Date</b>	20 Jun 2013
<b>Place</b>	Den Haag, Netherlands
<b>Further details</b>	This event focuses on CSR in the textile & fashion industry, with the theme of transparency. The chairman of the NCP is opening speaker at this event.

<b>Title</b>	
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Date

Place

Further details

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

The Dutch NCP was invited to host a workshop in Brazil on the implementation of the Guidelines and working of the NCP, which was supported by the Dutch embassy in Brazil.

The Dutch NCP has also requested the support of the Dutch embassy in South Korea in order to enhance the awareness of the Guidelines during a meeting with South Korean government representatives.

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

- ILO?**  Yes  No
- UN Global Compact and its local networks?**  Yes  No
- UN Office of the High Commissioner on Human Rights?**  Yes  No
- National Institution for the Protection and Promotion of Human Rights?**  Yes  No
- Global Reporting Initiative?**  Yes  No
- ISO26000?**  Yes  No
- Other**  Yes  No

In addition to contact with GRI & ISO26000, the Dutch NCP has established a regular working relationship with the key stakeholders (OECD Watch, Dutch BIAC-representative VNO-NCW and Dutch TUAC-representative TUAC) through bi-monthly meetings (so-called NCP+ meetings).

**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

The Netherlands has taken the initiative for the Conflict Free Tin Initiative, that puts the guidelines into practice and brings traceable conflict-free tin to the market. Also, on the website of the initiative the Guidelines are promoted.

## 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 type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

The Dutch NCP has received requests for information from several other NCP's (such as the US, Germany, Switzerland, Israel and Brazil). We receive regular enquiries from individuals and businesses, mainly relating to the implementation of the Guidelines. A question which comes up regularly is what the changes are in the 2011 revision of the Guidelines and how companies can deal with these changes.

## 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

The Dutch NCP is active on the theme of the OECD Guidelines in the financial sector, and as part of this effort is organizing a focused program on this topic on the second day of the Global Forum on Responsible Business Conduct. The objective of this conference is to explore how to implement the OECD Guidelines in the financial sector by sharing experiences and best practices.

By organizing regular stakeholder events (twice a year) the Dutch NCP brings attention to issues which are challenging to (mostly) companies to implement. This reporting year these topics have been freedom of association and transparency & reporting.

## 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

a.o. with the NCP's from Germany, Luxembourg, Norway, UK, Brazil, US and active participation during the Salzburg mediation training in September 2012.

30. Is the NCP interested in volunteering for a peer evaluation?  Yes  No

The Dutch NCP was the first to host a peer review. It will volunteer again when several other peer reviews have been conducted.

31. Is the NCP interested in being part of the team conducting a voluntary peer evaluation?  Yes  No

Yes

**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/ncp/meldingen-doen/> & <http://www.oecdguidelines.nl/ncp/filing-specific-instance/>

- in which language/s ? English & Dutch

- 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? 4

<b>Title</b>	POSCO, ABP, APG, NBIM – Lok Shakti Abhiyan, KTNC Watch, Fair Green and Global Alliance, ForUM
<b>Leading NCP</b>	Netherlands
<b>Supporting NCP</b>	This specific instance was filed simultaneously at the Norwegian and South Korean NCPs regarding the allegations against NBIM and POSCO
<b>Description</b>	The notification entails 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). In accordance with the Guidelines Procedural Guidance the NCPs have agreed that each NCP should handle the notification against its registered enterprise. The notifying parties allege 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.

<b>Theme/s</b>	II. General Policies		
<b>Date specific instance received</b>	9 Oct 2012		
<b>Host country/ies</b>	India		
<b>Source</b>	<input type="checkbox"/> Trade Union <input checked="" type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties		
<b>Industry sector</b>	Financial and insurance activities		
<b>Status</b>	In progress		
<b>Summary</b>	<p>On 6 March 2013 parties reached a joint agreement on the issues raised in the notification against ABP and APG. Parties agreed upon the appropriate steps to be taken by APG in order to prevent or mitigate any potential negative impacts related to their minority shareholding in POSCO and to further effectuate APGs ongoing efforts in order to influence POSCO. Furthermore Parties agreed upon the Terms of Reference for an independent Review and Assessment of contentious issues in Odisha, India.</p> <p>On 13 March 2013 the Netherlands NCP published a Preliminary Statement which will serve as input for the Netherlands NCP's Final Statement.</p>		
<b>Initial assessment</b>	<b>Assistance to parties</b>	<b>Conclusion of the procedures</b>	
From date: 9 Oct 2012	From date: 18 Jan 2013	From date:	
To date: 18 Jan 2013	To date: ongoing	To date: ongoing	
<a href="http://www.oesorichtlijnen.nl/wp-content/uploads/ncp_specific_instance_posco_abp_initial_assessment.pdf">http://www.oesorichtlijnen.nl/wp-content/uploads/ncp_specific_instance_posco_abp_initial_assessment.pdf</a>			

<b>Title</b>	Nuon Energy NV – FNV Eemshaven
<b>Leading NCP</b>	Netherlands
<b>Supporting NCP</b>	none
<b>Description</b>	The notification entails an alleged breach of the OECD Guidelines Chapter II, par. 11, 12, 13 and Chapter V, par. 4a. Notifying parties submit that NUON has 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.
<b>Theme/s</b>	V. Employment and Industrial Relations
<b>Date specific instance received</b>	27 Jul 2012
<b>Host country/ies</b>	Netherlands
<b>Source</b>	<input checked="" type="checkbox"/> Trade Union <input type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties
<b>Industry sector</b>	Construction
<b>Status</b>	In progress
<b>Summary</b>	The NCP facilitates a dialogue between parties which is still ongoing.

Initial assessment	Assistance to parties	Conclusion of the procedures
From date: 27 Jul 2012	From date: 17 Dec 2012	From date:
To date: 17 Dec 2012	To date: ongoing	To date: ongoing
<a href="http://www.oesorichtlijnen.nl/wp-content/uploads/nl_ncp_initial_assessment_nuon_fnv.pdf">http://www.oesorichtlijnen.nl/wp-content/uploads/nl_ncp_initial_assessment_nuon_fnv.pdf</a>		

<b>Title</b>	Shell – Stroitel/Sakhalin Environmental Watch		
<b>Leading NCP</b>	Netherlands NCP		
<b>Supporting NCP</b>	This specific instance was filed simultaneously at the Netherlands and the UK NCP		
<b>Description</b>	<p>The notification contained an alleged breach of the Guidelines by Netherlands-based Royal Dutch Shell and UK-based financial institutions concerning their involvement in the development and operations of the Sakhalin II Project. The NCPs decided to handle the notification separately per enterprise involved. In accordance with the OECD Guidelines the Netherlands NCP concluded that the notification against Shell does not merit further examination because 1) the issues raised were not material and substantiated and 2) the dealing with this notification and requests was not likely to contribute to the purposes and effectiveness of the 2011 Guidelines</p>		
<b>Theme/s</b>	<input type="checkbox"/> II. General Policies <input type="checkbox"/> IV. Human Rights <input type="checkbox"/> VI. Environment		
<b>Date specific instance received</b>	31 Jul 2012		
<b>Host country/ies</b>	Russia		
<b>Source</b>	<input type="checkbox"/> Trade Union <input checked="" type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties		
<b>Industry sector</b>	Mining and quarrying		
<b>Status</b>	Concluded		
<b>Summary</b>	n/a		
<b>Initial assessment</b>	<b>Assistance to parties</b>	<b>Conclusion of the procedures</b>	
From date: 31 Jul 2012	From date:	From date:	
To date: 20 Mar 2013	To date:	To date: 20 Mar 2013	
<a href="http://www.oesorichtlijnen.nl/wp-content/uploads/nl_ncp_initial_assessment_stroitel_sakhalinenvironmentwatch_shell_200313.pdf">http://www.oesorichtlijnen.nl/wp-content/uploads/nl_ncp_initial_assessment_stroitel_sakhalinenvironmentwatch_shell_200313.pdf</a>			

<b>Title</b>	Shell - Dobos	
<b>Leading NCP</b>	US NCP	
<b>Supporting NCP</b>	UK NCP, Netherlands NCP	
<b>Description</b>	<p>The notification contains an alleged breach of the Guidelines by Shell Plc. Notifying parties submit that Shell published personal and business data related to the notifiers without a permit, resulting in the termination of a contract between notifiers and a third party.</p> <p>The Netherlands NCP has not taken the notification into consideration since the alleged issues relate to the activities of Shell Plc. in the United States and the US NCP is the right entity. The U.S. NCP is responsible for the initial assessment and any further possible procedures under the application of the OECD Guidelines.</p>	
<b>Theme/s</b>	IV. Human Rights	
<b>Date specific instance received</b>	27 Mar 2013	
<b>Host country/ies</b>	United States of America	
<b>Source</b>	<input type="checkbox"/> Trade Union <input type="checkbox"/> NGO <input checked="" type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties	
<b>Industry sector</b>		
<b>Status</b>	Concluded	
<b>Summary</b>	This specific was declared as inadmissible, as the Netherlands NCP is not the right entity for this specific instance. The responsible NCP for this case is the US NCP who already responded to the notifier.	
<b>Initial assessment</b>	<b>Assistance to parties</b>	<b>Conclusion of the procedures</b>
From date: 27 Mar 2013	From date:	From date:
To date: 4 Apr 2013	To date:	To date:
<a href="http://www.oesorichtlijnen.nl/ncp/meldingen/">http://www.oesorichtlijnen.nl/ncp/meldingen/</a>		

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

Yes    No

<b>Title</b>	Shell - Friends of the Earth/Amnesty International I (extractive industries, Nigeria, received 25/01/2011)
<b>Status</b>	Concluded
	Notification concerning communications by Royal Dutch Shell about the cause of oil spills in the Niger Delta.

<b>Summary</b>	Notifiers submitted that Shell has breached the OECD Guidelines in its communication on oil spills in the Niger Delta. In the view of notifiers, the company provided misleading information and omits mention of relevant facts about causes of oil spills. They claim that Shell based its communications on biased and unverified information, thus failing to provide reliable and relevant information to external stakeholders. Incorrect and conflicting messages about causes of oil spills further contributed to low quality non-financial information. The process was conducted as a dialogue between parties involved, and although helpful discussions took place during the meetings, parties have not reached an agreement. The emphasis in the final statement is on the NCP's views on the course of the procedure, the main issues at stake, including recommendations. The statement is based on the information presented by the parties and the outcome of discussions.
<b>Link</b>	<a href="http://www.oesorichtlijnen.nl/ncp/meldingen/">http://www.oesorichtlijnen.nl/ncp/meldingen/</a>

<b>Title</b>	Shell - Friends of the Earth/Amnesty International II (extractive industries, Nigeria, 13/01/2012)
<b>Status</b>	In progress
<b>Summary</b>	Notification concerning oil spills in the Niger Delta; in agreement with all parties further action in this specific instance is pending until the specific instance Shell 1 (see above) is finalized.
<b>Link</b>	

<b>Title</b>	Arcellor Mittal
<b>Status</b>	In progress
<b>Summary</b>	The Netherlands NCP provides support to the Luxembourg NCP, which is the lead NCP, in handling this specific instance.
<b>Link</b>	

## **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.**

Several developments at the Dutch NCP deserve mention in this report as these have proven very useful in further developing the way the NCP operates.

#### Pre-mediation requests

This year, the NCP has offered its assistance to stakeholders in advance of receiving a formal notification, if all parties agree to the involvement of the NCP. The NCP received several of such request, one of which was a request for assistance from a group of stakeholders on the matter of labelling of place of origin on products originating from occupied territories in the summer of 2012.

The first dialogue between parties and chaired by the NCP was organized in September 2012. This process has continued since that time to the satisfaction of all parties involved.

This is an example of how the NCP can successfully offer its services prior to a situation escalating further and resulting in a specific instance. In handling these requests, the NCP also follows the principles set out in the Procedural Guidance of the Guidelines. Most importantly, the NCP will always - when receiving such a request for 'pre-mediation' - use the criteria as set out in the Procedural Guidance (when making an initial assessment) to assess if the issue at hand is relevant and if it will enhance the effective implementation of the Guidelines. This also ensures a certain level of predictability for parties involved in the dialogue.

#### Stakeholder engagement

Starting after the summer of 2012, the NCP has begun convening regular (every 2/3 months) meetings of the NCP and its key stakeholders, represented in the Netherlands by FNV, OECD Watch and VNO-NCW. These meetings have become an effective way of engaging the NCP's stakeholders on various matters related to the functioning of the NCP and the promotion of the Guidelines. Simultaneously, NCP stakeholder events are organized more regularly (planned twice a year) with the objective of bringing together a wide range of stakeholders (such as individual businesses & entrepreneurs, ngo's, academics, government, etc) to discuss new developments relating to the Guidelines and the NCP and identify challenges existing amongst the stakeholders (as also explained in C). Both these initiatives have become a valued way of engaging with the NCP's stakeholders. One result that has come out of this engagement is the attached NCP response to the OECD stakeholder consultation which has been discussed regularly with the Dutch stakeholder representatives at these occasions.

#### Other developments

During the summer of 2012, the Ministry of Economic Affairs (at that time the Ministry responsible for the NCP) commissioned a study into the current functioning of the NCP and its effectiveness. The results of this study have led to a further improvement to the working procedures of the NCP, such as a revised document detailing the NCP procedure on receiving a specific instance (which is referred to in question 32). Some other conclusions of this study are still discussed as possible ways of strengthening the NCP (as mentioned in question 9).

### **36. Based on your recent activities, what issues might deserve particular attention during the 2013-2014 implementation cycle of the OECD Guidelines?**

Several issues merit further attention in the next implementation cycle, in particular:

- functional equivalence between NCPs
- implementation of the OECD Guidelines in the financial sector
- peer learning: enhancing mediation skills of the NCP's and holding regular (twice a year) dedicated NCP-meetings
- promotional activities & how to reach businesses most effectively

## **NCP CONTACT INFORMATION**

<b>Contact</b>	Sylvia Deepen
<b>Address</b>	Postal address: DG-BEB/DIMH/IMVO; Postbus 20061; 2500 EB Den Haag
<b>Country</b>	NETHERLANDS
<b>Website</b>	<a href="http://www.oesorichtlijnen.nl">www.oesorichtlijnen.nl</a> & <a href="http://www.oecdguidelines.nl">www.oecdguidelines.nl</a>
<b>Email</b>	<a href="mailto:ncpoecd@minbuza.nl">ncpoecd@minbuza.nl</a>
<b>Telephone</b>	070-348 4200
<b>Fax</b>	--