

Executive Summary

In June 2007, the Dutch government restructured its National Contact Point for the OECD Guidelines with an independent board, supported by a secretariat and advised by four ministries involved in the subject matter, responsible business conduct. The Dutch ministry of Economic Affairs is responsible for the NCP and hosts its secretariat.

In 2009, a team of five fellow NCPs from Canada, Chile, France, Japan and the United Kingdom was formed for the review of the Dutch NCP. The **goals** of the review were to (1) **evaluate** the structure, practice, and effect and results of the Dutch NCP; (2) to create a **learning process** for all participating NCPs; (3) to assess issues which may serve as useful **input** into any possible future **revision of the OECD Guidelines**; and (4) to provide a review report which may be used as input for the Dutch NCP's preparation of its own **evaluation report for the Dutch Parliament** in June 2010.

The review team makes **28 recommendations** relating to (I) the structure of the NCP; (II) the NCP's promotional activities; and (III) the NCP's dealing with specific instances.¹

The key recommendations to the Dutch government and its NCP are as follows, with regard to the **structure of the NCP**:

- (1)** formalise the appointment process in a transparent manner (§ 2.1.1.1);
- (2)** With four members, appoint a new member each year for four years replacing a leaving member, so that institutional memory is preserved (§ 2.1.1.1);
- (3)** when appointing new members, appoint qualified mediators to the point that at least half of the total NCP members have adequate mediatory expertise (§ 2.1.1.2);
- (6)** consider over time some sort of appeal board or steering board with regard to appeals on procedural grounds, which is now absent (§ 2.1.3).

With regard to the **NCP's promotional activities**, the peer review team recommends the NCP :

- (9)** to consult with stakeholders on how to further enhance the relevance of its stakeholders meetings (§ 2.2.2);
- (11)** to follow up on the call from the key stakeholders to meet more regularly next to the stakeholders meetings (§ 2.2.3);
- (13)** to align its annual communication plan with the schedule of annual reporting to the OECD (§ 2.2.4); and
- (14)** to team up with other NCPs and/or the OECD to enjoy the economies of scale in promotional activities, mainly with regard to multilingual access to information (§ 2.2.4).

Concerning the **NCP's handling of specific instances**, the NCP is recommended to:

- (16)** more extensively assess the interest of a complainant in the issue(s) raised and his or hers substantiation (§ 2.3.1);

¹ A selection of key recommendations is made here for the purpose of conciseness.

- (17 and 18)** make use of Dutch embassies, also with regard to the relevance of protective measures for the claimants when such is deemed necessary (§ 2.3.1);
- (19)** issue a statement on the NCP website about how the NCP deals with parallel procedures (§ 2.3.3);
- (20)** keep a clearer distinction between mediatory and adjudicatory stages of the NCP procedures and communicate clearly with parties in this respect (§ 2.3.4);
- (22)** avoid situations in which crucial information cannot be shared with all parties involved (§ 2.3.5);
- (24)** make clear at the end of an initial assessment the scope of the procedure and to stick to this scope throughout the procedure (§ 2.3.6);
- (25)** state a process for obtaining feedback on recommendations in final statements on the correct implementation of the Guidelines and include this in the NCP's online procedural guidance (§ 2.3.7);
- (26)** adjust timelines that fit recent practice of procedural steps taken (§ 2.3.8);
- (27)** communicate in a transparent manner with parties about timelines, delays and their causes (§ 2.3.8).

Several **lessons learnt** were drawn from the review process, such as the importance of promotional activities in general, and several issues with regard to the NCP specific instance procedure. Amongst these issues are the need for better protection of persons or organisations logging complaints when retaliation over the notification may be feared; the setting of timelines; dealing with parallel procedures; and (local) fact finding. Also the practice of a novel structure has been proven useful to other NCPs that may wish to reconsider their structure.

Finally, although the main goal of a peer review may be to bring about judgments, the main value of this NCP peer review has been the peer learning platform that was created for six months. This was seen as a welcome opportunity next to the annual NCP meetings every June. The review team would like to encourage other NCPs to also initiate knowledge sharing and mutual learning events, possibly through general reviews or more thematic discussions.

The review was conducted in the second half of 2009 through a questionnaire which was sent to a large group of stakeholders, individual interviews and group discussions with multiple stakeholders, additional 'inside' information from the NCP Secretariat, and by attendance of an NCP stakeholders meeting. The final report was drafted in the first quarter of 2010.