

NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2020)

This questionnaire is designed to help National Contact Points fulfil their reporting obligations as described in the Procedural Guidance of the OECD Guidelines for Multinational Enterprises. The answers to the questions should reflect the nature and results of the activities of the NCP¹.

STRUCTURE

Exceptionally, in 2020 this questionnaire comprises two parts.

Part I is the annual reporting questionnaire for NCPs comprising 61 questions and 2 annexes under the following headings:

- A. Contact information
- B. Institutional arrangements
- C. Information and promotion
- D. Specific instances
- E. Peer learning and peer reviews
- F. Policy coherence
- G. Challenges

Annex 1: NCP PROMOTIONAL ACTIVITIES

Annex 2: SPECIFIC INSTANCES

Part II is an optional set of questions related to the OECD Guidelines stocktaking exercise.

TYPES OF QUESTIONS (relating to Part I. only)

1. Questions with predefined answers

For most questions, a pre-defined set of answers are provided in a drop-down menu (e.g. Yes-No-N/A). For each of these questions, please select the appropriate answer in the dropdown menu.

Example:

(b) Promotional activities	
19. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? <i>If yes, please provide details in table 1 in Annex 1.</i>	Yes/No

2. Open-ended questions

- a) Some questions are open-ended, and in these cases an answer box is provided. Many of these questions are meant to complement a question with predefined answers. Please keep responses precise and short.

¹ Page 74 of the Procedural Guidance of the OECD Guidelines for Multinational Enterprises: "Reports should contain information on the nature and results of the activities of the NCP, including implementation activities in specific instances".

Example:

(b) Advisory body	
5. Does the NCP have one or several advisory bodies?	Yes/No
If the NCP has several advisory bodies, please specify.	Click here to enter text.

- b) “Additional comments” boxes are situated at the end of each section. Please feel free to enter any additional information you would like to share in these boxes.

Example:

<p><i>Additional comments on Advisory body</i> Click here to enter text</p>
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TERMS USED IN THE QUESTIONNAIRE

A number of terms are used throughout the questionnaire. Definitions are provided below. Please note that these definitions are exclusively intended to assist in clarifying the terms used in this questionnaire. These terms will be underlined the first time they are used in this questionnaire.

- **Structure of the NCP:** The organisational set up of the NCP. Four NCP structures have been pre-identified, but other arrangements are possible:
 - Single-agency: The NCP is composed of one individual in a single ministry or government agency, or by a group of individuals belonging to the same service in the same ministry or government agency.
 - Inter-agency: The NCP is composed of a group of representatives from several ministries or government agencies.
 - Expert-based: The NCP is composed of experts who are external to government.
 - Multipartite: The NCP is composed of a group of government officials and stakeholder representatives.
- **Secretariat:** Government officials or group of government officials acting as the permanent office of an NCP.
- **Advisory body:** Some NCPs have an advisory body which can be consulted by the NCP on a range of activities and issues on which it provides advice. Advisory bodies can include representatives from business, trade unions, NGOs and/or academia, along with representatives of other government ministries or agencies. They do not normally form part of the NCP and do not have decision-making power on accepting or concluding specific instances. Some advisory bodies also provide oversight to the NCP (see below).
- **Oversight:** Monitoring of the NCP’s activities performed by an advisory body, for example on whether the NCP has followed its own rules of procedures.

- **Dedicated budget:** A budget that is allocated to the NCP on a regular basis (e.g. every year) to carry out its functions and activities.
- **Reporting:** In addition to the present report to the OECD, some NCPs provide a regular account of their activities to their national government or parliament. This reporting can take several forms: ongoing through regular reporting channels, or through the presentation of a periodic report, which may be made public.
- **Stakeholder meeting:** A stakeholder meeting is a meeting organised by the NCP to exchange with stakeholders, including trade unions, NGOs and the business community that are not part of the main body or of the advisory body of the NCP.

REPORTING PERIOD

The reporting period for this questionnaire is from 1 January to 31 December 2020.

SUBMISSION

The questionnaire should be completed by using this word document and sent by email to: RBC@oecd.org copying nicolas.hachez@oecd.org and carissa.munro@oecd.org by **22 January 2021**.

Should you have any questions on how to fill this questionnaire, please contact carissa.munro@oecd.org.

I. NATIONAL CONTACT POINT ANNUAL REPORTING QUESTIONNAIRE (2020)

A. CONTACT INFORMATION	
<i>Please provide the contact information of the person filling in the questionnaire.</i>	
Name:	Andrew Colgan
Job title:	Deputy Director, Trade Policy Unit
Email:	andrew.colgan@enterprise.gov.ie
Telephone number:	+353 1 631 2851

B. INSTITUTIONAL ARRANGEMENTS	
(a) Structure, location and composition of the NCP	
1. What is the <u>structure of the NCP</u> ?	Single-agency
2. Who are the members of the NCP? <i>Please describe the functions of the members of the NCP and the ministry/agency or stakeholder organisation they represent. No names are required.</i>	Deputy Director, Trade Policy Unit Administrative Officer, Trade Policy Unit
3. If the NCP is not a <u>single-agency NCP</u> , does it have a <u>secretariat</u> ?	Choose an item.
If yes, in which ministry or agency?	Click here to enter text.
If yes, in which department of the ministry or agency?	Click here to enter text.
4. Has the NCP been established through a legislative, regulatory or administrative instrument (e.g. a statute, a decree, a ministerial resolution)?	No
If yes, please provide the name and date of this instrument, and a link if available	Click here to enter text.
<i>Additional comments on Structure, location and composition of the NCP</i> Click here to enter text.	
(b) Advisory body	
5. Does the NCP have one or several <u>advisory bodies</u> ?	No
If the NCP has several advisory bodies, please specify.	Click here to enter text.
If yes, please describe the advisory body(ies)' functions (e.g. advising on promotion, on specific instance handling in general, on individual cases, providing <u>oversight</u> , etc.)	Click here to enter text.
If yes, please list the names of organisations that are represented on the advisory body(ies) and the type of organisation. <i>(e.g. government, business, business organisation, NGO, trade union, academia, consumer organisation, etc.)</i>	Click here to enter text.
If yes, please indicate how often the advisory body(ies) meets	Choose an item.

6. If an advisory body provides oversight, please describe the oversight procedure	Click here to enter text.		
<i>Additional comments on Advisory body:</i> Click here to enter text.			
(c) Human and financial resources			
7. Does the NCP have dedicated full-time staff? <i>If yes, please indicate the number.</i>	No	NCP role is part of responsibilities in Trade Policy Unit. Approval was secured in Q4 2020 for the appointment of an additional full-time staff member to the NCP. That assignment was made in January 2021.	
8. Does the NCP have dedicated part-time staff? <i>If yes, please indicate in the second box the number of part-time staff members and in the third box the percentage of time spent on NCP matters for each part-time staff member.</i>	Yes	2	<i>Deputy Director & Administrative Officer, Trade Policy Unit</i>
9. Have any full-time or part-time staff members joined the secretariat during the year? <i>If yes, please indicate how many.</i>	No	Click here to enter text.	
10. Have any full-time or part-time staff members left the NCP during the year? <i>If yes, please indicate how many.</i>	No	Click here to enter text.	
11. Did the NCP have a <u>dedicated budget</u> this year?	No		
If no, were financial resources for promotional activities allocated on an ad hoc basis when requested by the NCP?	Yes		
If no, were financial resources for specific instances allocated on an ad hoc basis when requested by the NCP?	Yes		
12. During the year, did the human and financial resources available to the NCP allow it to:			
Handle specific instances in an efficient and timely manner	Yes		
Organise promotional events	Yes		
Attend NCP meetings at the OECD	Yes		
Attend events organised by other NCPs	Yes		
Attend events organised by stakeholders	Yes		
Cover professional mediator fees or in-house mediator fees	Yes		
Conduct fact-finding research into specific instances	Yes		
If you answered no to any of the above, please specify	Click here to enter text.		

<i>Additional comments on Human and financial resources:</i> Approval was secured in Q4 2020 for the appointment of an additional full-time staff member to the NCP. That assignment was made in January 2021.	
(d) Reporting	
13. Does the NCP <u>report</u> to the executive on its activities?	No
If yes, how often?	Choose an item.
14. Does the NCP report to the legislative body on its activities?	No
If yes, how often?	Choose an item.
15. Please indicate any other relevant transparency requirement (e.g. access to information or disclosure laws) applicable to the NCP in your country	Click here to enter text.
<i>Additional comments on Reporting:</i> Click here to enter text.	

C. INFORMATION AND PROMOTION	
(a) NCP website²	
16. Does the NCP have a website? If yes, please provide the link in the second box.	Yes Link
If yes, was the website created/renovated this year?	Yes
17. Are the following items available on the NCP website?	
Information about the Guidelines and the role of the NCP	
The text of the Guidelines	Yes
A description of the Guidelines	Yes
The OECD Due Diligence Guidance Documents	Yes
Explanatory text about due diligence	Yes
Information on the NCP and its mandate	Yes
The NCP Annual Report submitted to the OECD	Yes
The NCP's Report to the executive and/or legislative (if applicable)	N/A: The NCP does not report to the executive and/or legislative
The NCP's peer review report (if applicable)	N/A: The NCP does not have a peer review report
Information about specific instances	

²

This includes dedicated NCP webpages as part of the Ministry's website.

Information on how to submit a specific instance	Yes
An online form to submit a specific instance	No
The NCP's rules of procedure	Yes
All final statements since 2011	No
Information on promotional activities	
The NCP's promotional plan	No
Information on upcoming events promoting the Guidelines	No
Information on past events promoting the Guidelines	No
Contact information	
Information on how to make an enquiry to the NCP	Yes
A phone number to reach the NCP directly	Yes
An email address to reach the NCP directly	Yes
<p><i>Additional comments on NCP website:</i> Click here to enter text.</p>	
(b) Promotional activities³	
18. Does the NCP have a promotional plan for the coming year(s)?	No
19. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? <i>If yes, please provide details in table 1 in Annex 1.</i>	No
20. Did the NCP make a presentation to promote the Guidelines and/or the NCP in events organised by others? <i>If yes, please provide details in table 2 in Annex 1.</i>	Yes
21. Did the NCP make use of social media to communicate on NCP promotional activities during the year?	No
22. Did the NCP hold a <u>stakeholder meeting</u> during the year?	No
23. Did the NCP promote the Guidelines among the business community during the year?	Yes
24. Did the NCP carry out any training on the Guidelines aimed at businesses during the year?	No
25. Did the NCP promote the Guidelines among NGOs during the year?	Yes
26. Did the NCP promote the Guidelines among trade unions during the year?	Yes

³ Attendance of NCP meetings held at the OECD and other OECD events such as the Global Forum on Responsible Business Conduct are not considered to be promotional activities.

27. Did the NCP promote the Guidelines among government agencies during the year?	Yes
28. Did the NCP promote the Guidelines among embassies abroad during the year?	No
29. Did the NCP promote the Guidelines to investment promotion agencies during the year?	Yes
30. Did the NCP focus on any of the following during promotional activities during the year:	
OECD Due Diligence Guidance for Responsible Business Conduct	Yes
OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector	Choose an item.
Due Diligence for Responsible Corporate Lending and Securities Underwriting and/or Responsible Business Conduct for Institutional Investors	Choose an item.
OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas	Choose an item.
OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector	Choose an item.
OECD-FAO Guidance for Responsible Agricultural Supply Chains	Choose an item.
<p><i>Additional comments on the section Promotional activities:</i> In IE NCP presentations, there are dedicated slides on the Due Diligence Guidance and links provided to the sectoral due diligence guidance</p>	

D. SPECIFIC INSTANCES	
(a) NCP rules of procedure for handling specific instances	
31. Does the NCP have rules of procedure describing the handling of specific instances?	Yes
32. Are the rules of procedure available online? <i>If yes, please provide a link in the second box. If no, please attach a copy of the rules of procedure to this questionnaire</i>	Yes Link
33. Were the NCP's rules of procedure modified this year?	No
<p><i>Additional comments on the section Rules of procedure:</i> Click here to enter text.</p>	
(b) Specific instance practicalities	

34. Does the NCP confirm receipt of a specific instance submission?	Yes
35. Does the NCP request feedback from the parties on the procedure following the conclusion of a specific instance?	No
36. Has the NCP staff undergone training in dispute resolution or problem solving (e.g. mediation)?	No
37. Did the NCP engage professional mediators during the year?	No
38. Did the NCP staff or members conduct mediation this year?	No
<p><i>Additional comments on the section Specific instance practicalities:</i> Click here to enter text.</p>	
(c) Reporting specific instances	
39. Did the NCP receive new specific instance submissions during the year? <i>If yes, please also provide details in Annex 2</i>	Yes
40. Did the NCP close specific instances during the year? <i>If yes, please also provide details in Annex 2</i>	No
41. Of the specific instances that were already in progress at the start of the year, are there any that are still ongoing at the end of the year? <i>If yes, please also provide details in Annex 2</i>	Yes
42. Did the NCP follow up on a case during the year? <i>If yes, please also provide details in Annex 2</i>	No
43. Is the OECD case database accurate and up to date with regard to cases handled by the NCP? If not, please provide details (missing cases, out of date entries, broken links, etc.) in the additional comments section below.	No
<p><i>Additional comments on the section Reporting specific instances:</i> NCP is updating the SI database as a priority in early 2021</p>	

E. PEER LEARNING AND PEER REVIEWS

44. Did the NCP take part in the following activities with other NCPs during the year:	
Host a peer learning activity	No
Participate in peer learning activities hosted by other NCPs	No
Co-operate with other NCPs in handling specific instances	Yes
Provide mentoring/capacity building to another NCP	No
45. Is the NCP interested in hosting an NCP learning/experience-sharing event in 2020?	No
46. Which topic would the NCP consider to be a priority to cover in a peer learning event?	Stakeholder outreach and engagement
47. Is the NCP interested in participating in developing tools for use by NCPs?	No
48. Is the NCP interested in acting as a peer reviewer in the future?	No
If yes, please specify the semester and the year	Click here to enter text.
<i>Additional comments on the section Peer-learning and peer reviews:</i> Click here to enter text.	

F. POLICY COHERENCE⁴	
49. Have the Guidelines been referred to in relevant national legislation/regulations/policies adopted during the year? <i>(e.g. on responsible business conduct; non-financial reporting, export credits regulation, public procurement)</i>	No
If yes, please provide a short summary and a link to the legislation. <i>If a link is not available, please attach a copy of the legislation to this questionnaire.</i>	Click here to enter text.
50. Did your country adopt a National Action Plan (NAP) this year? <i>If yes, please indicate which type of NAP.</i>	No Choose an item.
If yes, please provide a link.	Click here to enter text.
If yes, does the NAP make reference to the Guidelines?	Choose an item.
If yes, does the NAP make reference to the NCP?	Choose an item.
51. Was a NAP in development this year? <i>If yes, please indicate which NAP.</i>	No Choose an item.

⁴ Paragraph 37 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises: "Statements and reports on the results of the proceedings made publicly available by the NCPs could be relevant to the administration of government programmes and policies. In order to foster policy coherence, NCPs are encouraged to inform these government agencies of their statements and reports when they are known by the NCP to be relevant to a specific agency's policies and programmes [...]."

If yes, did the NCP participate in the development of the National Action Plan?	Choose an item.
52. Did the NCP inform officials responsible for trade missions of its relevant statements and reports?	N/A: the NCP did not publish any statement this year
53. Did the NCP inform officials responsible for foreign trade and investment incentives of its relevant statements and reports?	N/A: the NCP did not publish any statement this year
54. Did the NCP inform officials responsible for public procurement of its relevant statements and reports?	N/A: the NCP did not publish any statement this year
55. Does your national legislation or policy on public procurement refer to the Guidelines and/or OECD due diligence instruments and/or to the NCP process?	No
If yes, please provide a link to the legislation. <i>If a link is not available, please attach a copy of the legislation to this questionnaire.</i>	Click to enter text.
56. Have public procurement officials/practitioners consulted the NCP on the Guidelines and OECD due diligence instruments or involved the NCP in specific public procurement opportunities?	No
57. Were public procurement officials involved in any of your training/outreach activities?	No
58. What tools or activities does the NCP develop to support public procurement practitioners on RBC and OECD due diligence?	Click to enter text.
59. Please identify any specific initiatives/good practices involving public procurement and RBC in your country.	Public procurement guidelines reference OECD Guidelines for Fighting Bid Rigging in Public Procurement and Managing Conflicts of Interest in the Public Service
60. Please include any other examples of policy coherence activities.	Click to enter text.
<p><i>Additional comments on Policy Coherence:</i> Ireland NCP inputted and was consulted for a review of the state of Access to Remedy in Ireland undertaken as part of the National Business and Human Rights Implementation Group work. This will be published in 2021.</p>	

G. CHALLENGES	
61. Has the NCP faced any particular challenge(s) it would like to highlight this year?	Click here to enter text.
<p><i>Additional comments on Challenges:</i> The NCP role is part-time and must be managed alongside other work priorities in the Trade Policy Unit which has a very broad remit. Additional resources are expected to be available in 2021.</p>	

Annex 1: NCP PROMOTIONAL ACTIVITIES

Please provide information on the events organised or co-organised by the NCP (Table 1), and events in which the NCP has participated to promote the Guidelines (Table 2).
 Please select the event type, size and type of audience as well as the theme from the dropdown menus for each event.
 Please add additional lines if needed.

Table 1

NCP-organised and co-organised events to promote the Guidelines and/or the NCP							
Title	Date <i>(dd/mm/yyyy)</i>	Location	Type of event	Size of audience	Organised or co-organised?	Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc.</i>	Theme <i>e.g. the OECD Guidelines, the NCP activities on sector due diligence guidance documents, etc.</i>
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.

Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
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Total number= 0

Table 2

Presentations by the NCP to promote the Guidelines and/or the NCP in events organised by others								
Title	Date (dd/mm/yyyy)	Location	Type of event	Size of audience	Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc</i>	Organiser(s)	Type of intervention	Theme of the intervention
Overview of OECD Guidelines and Ireland NCP	5 March 2020	VC Meeting – Department of Foreign Affairs	Meeting	10-50	Business, Unions, NGOs, Govt Depts, Govt Agencies	Department of Foreign Affairs	Presentation	Overview and information on IE NCP – Presentation to Access to Remedy Sub Group of the Business and Human Rights Implementation Group
Overview of OECD Guidelines and Ireland NCP	30 June 2020	VC Meeting – Department of Foreign Affairs	Meeting	10-50	Business, Unions, NGOs, Govt Depts, Govt Agencies	Department of Foreign Affairs	Presentation	Overview and information on IE NCP – Presentation to the Business and Human Rights Implementation Group
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.			
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Total number=

Annex 2: SPECIFIC INSTANCES

Please provide details of the following in the table below:

1. Specific instances **in progress** during the year (specific instances received and found to merit further examination after the initial assessment, and under consideration by the NCP).
2. Specific instances **concluded** during the year (specific instances that the NCP found to merit further examination after the initial assessment and that have subsequently been closed).
3. Specific instances **not accepted** during the year (specific instances that the NCP found not to merit further examination).
4. Specific instances for which **follow up** was performed during the year (the NCP monitored whether the agreement reached by the parties or its recommendations to the parties have been implemented)

Please add additional lines if needed.

We encourage all NCPs to inform the OECD Secretariat on received specific instances and to provide a final statement as soon as it becomes available, in order to keep the OECD database updated at all times. For all specific instances that have not yet been reported to the OECD Secretariat, please complete and send this [form](#) to ncp-specific-instances@oecd.org⁵.

For all specific instances that are currently IN PROGRESS:

⁵ According to paragraph 42 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, “[...] NCPs will report to the Investment Committee in order to include in the Annual Report on the OECD Guidelines information on all specific instances that have been initiated by parties, including those that are in the process of an initial assessment, those for which offers of good offices have been extended and discussions are in progress, and those in which the NCP has decided not to extend an offer of good offices after an initial assessment”.

Names of parties	Date received (dd/mm/yyyy)	Is the initial assessment publicly available?	Link to OECD database if available	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Emery Ruhanya / Schweppes Holdings Ltd.	9 October 2020	No	To Be Updated	Yes
Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.	Click here to enter text.

Total number= 1

For all specific instances that were CONCLUDED during the year:

Title	Date received (dd/mm/yyyy)	Date concluded (dd/mm/yyyy)	Link to OECD database if available	Outcomes achieved	Does the final statement plan for follow up?	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.

Total number= 0

For all specific instances that were NOT ACCEPTED during the year:

Title	Date received <i>(dd/mm/yyyy)</i>	Link to OECD database if available	Reasons for not accepting the specific instance	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.

Total number= 0

For all specific instances for which FOLLOW UP was performed during the year:

Title	Date concluded <i>(dd/mm/yyyy)</i>	Date of follow up <i>(dd/mm/yyyy)</i>	Was a public follow up statement issued?	Link to the follow up statement, if applicable
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.

Total number= 0

II. QUESTIONS RELATED TO THE OECD GUIDELINES STOCKTAKING EXERCISE

A. General questions

1. Please cite what you see as the top three achievements of the work on the OECD Guidelines for Multinational Enterprises.

Type your answer here:

- A platform for resolution of complaints between parties and potential remedy.
- As a contributor to enhancing responsible business conduct and due diligence by companies.
- As a means to improve the values underpinning the global FDI environment and contribution of enterprises to sustainability objectives.

2. How does your country evaluate the overall suitability of the Guidelines to meet the challenges for RBC in the future? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

3. How does your country evaluate the suitability of the Guidelines for the following themes? [Scale 1-10, with 10 being highest suitability and 1 the lowest] Please add any further comments to elaborate on your answer or describe how the Guidelines could better address those themes (e.g. through clarifications, a revision, additional guidance or analytical work, etc.):

- Digitalisation

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

Perhaps this is an area that requires a specific attention in the Guidelines in future revisions?

- Diversity, including gender

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Global environmental issues (e.g. climate change, biodiversity loss; circular economy)

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

Insofar as non-binding guidelines can contribute, the Guidelines are positive. Addressing global environmental and sustainability issues require strong policy actions and implementation and stakeholder buy-in from enterprises.

- Indigenous peoples' rights

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Animal welfare

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Integrity, lobbying
1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Corporate governance (e.g. Director and fiduciary duties, senior management oversight and accountability, remuneration)
1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Scope of enterprises covered (e.g. non-traditional MNEs, SMEs, other)
1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

The Guidelines are clear that they create expectations for all enterprises.

- Interpretation of the Guidelines and monitoring of NCP network (taking into account the creation of the WPRBC in 2013)
1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

- Other (please specify):
1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

4. How does your country evaluate the suitability of the provisions of the Procedural Guidance regarding interpretation of the Guidelines and monitoring of the NCP network, taking into account the creation of the WPRBC in 2013?
[Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:

The procedural guidance is very important and the IE NCP has relied upon it for coordination purposes.

5. The 2011 update of the Guidelines introduced the “proactive agenda” which has developed and implemented due diligence guidance through multi-stakeholder processes in specific sectors or for specific RBC issues. What would you say are the main achievements of the Working Party’s multi-stakeholder work on due diligence since its inception, and what should be prioritised or included to address the key issues for RBC in the future?

Type your answer here:

Due diligence guidance

6. How does your country evaluate the suitability of the provisions on due diligence in the Guidelines, in particular in light of the various due diligence guidance NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2020)

adopted since 2011? [Scale 1-10, with 10 being highest suitability and 1 the lowest] Please add any further comments to elaborate on your answer or describe how the Guidelines could better address those themes (e.g. through clarifications, aligning commentary with core elements of due diligence from the OECD Due Diligence Guidance for RBC, cross referencing the various guidance in the Guidelines, etc.):

1 2 3 4 5 6 7 8 9 10

Insert additional comments here:
Due diligence is receiving more policy attention (e.g. EU plans for mandatory due diligence). The guidelines may benefit from enhanced focus. IE NCP agrees that alignment of commentary with due diligence guidance would be helpful, cross referencing, clarifications etc would be helpful.

B. Chapter-specific questions

I. CONCEPTS AND PRINCIPLES

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Type your answer here:
The chapter provides clarity regarding the context/expectations of the Guidelines. Scope is particularly useful (guidelines extend to all countries, all enterprises etc.)

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Type your answer here:
NA

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

Type your answer here:
NA

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

NA

II. GENERAL POLICIES

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Type your answer here:

That the Guidelines take a broad view extend beyond the direct impacts of the enterprise to its business relationships, supply chain, risks etc.

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Type your answer here:

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

Type your answer here:

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

III. DISCLOSURE

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Type your answer here:

That the chapter encourages reporting by enterprises (e.g. value, codes of conduct) beyond what it is mandated/compelled to report.

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Type your answer here:

NA

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

Type your answer here:

NA

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

NA

IV. HUMAN RIGHTS

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Type your answer here:

The chapter is explicit about internationally recognised and confers expectations that both direct and indirect adverse impacts are within scope.

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Type your answer here:

NA

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

Type your answer here:

NA

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

NA

V. EMPLOYMENT AND INDUSTRIAL RELATIONS

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Type your answer here:

The Chapter is clear that the terms “prevailing labour relations” and “employment practices” are sufficiently broad to permit a variety of interpretations in light of different national circumstances – for example, different bargaining options provided for workers under national laws and regulations. It is important to recognise different traditions and systems of collective bargaining across countries.

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Type your answer here:

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

Type your answer here:

NA

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

NA

VI. ENVIRONMENT

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Type your answer here:

The Environmental Chapter is clearly linked to the wider goal of sustainable development. The commentary is important in stating that the expectation is to encourage enterprises to work to raise the level of environmental performance in all parts of their operations, even where this may not be formally required by existing practice in the countries in which they operate. In this regard, enterprises should take due account of their social and economic effects on developing countries.

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Type your answer here:

This chapter may need updating in light of international agreement developments and the increasing role of the sustainability agenda in trade and investment policy (e.g. free trade agreements).

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

Type your answer here:

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

VII. COMBATting BRIBERY, BRIBE SOLICITATION AND EXTORTION

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Type your answer here:

Alignment with international standards/conventions.

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Type your answer here:

NA

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

Type your answer here:

NA

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

NA

VIII. CONSUMER INTERESTS

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Type your answer here:

Nil obs

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Type your answer here:

Perhaps the increase in e-commerce/digitisation and cross border consumer purchasing since 2011 may require more elaboration in any future updates.

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

Type your answer here:

NA

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

NA

IX. SCIENCE AND TECHNOLOGY

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Type your answer here:

The chapter clearly encourages positive spillovers from S&T e.g. tech transfer, technology diffusion, human capital etc. The focus on developing ties with local universities, public research institutions and participate in cooperative research projects with local industry is a very positive guideline. It is notable that most of the guidelines are framed as addressing potential negative impacts of enterprises as opposed to positive.

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Type your answer here:

Is this a Chapter where rise of the digitisation agenda might be elaborated on?

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

Type your answer here:

NA

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

NA

X. COMPETITION

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Type your answer here:

Nil obs

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Type your answer here:

Nil obs

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

Type your answer here:

NA

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:

NA

XI. TAXATION

1. How does your country evaluate the continued relevance of the provisions in this Chapter? [Scale 1-10, with 10 being highest suitability and 1 the lowest]

1 2 3 4 5 6 7 8 9 10

2. On which specific themes or issues do you find this chapter to be particularly well-adapted to and successful in addressing the contemporary challenges faced by Adherents? Please provide examples.

Type your answer here:

The transfer pricing sections are relevant that given the extent of international transfer pricing performed by MNEs. It is important that NCPs coordinate closely when complaints arise as they can be politically very sensitive or have a reputational impact for .

3. Which specific themes or contemporary challenges do you find this chapter currently fails to address or fails to address adequately? Please provide examples.

Type your answer here:

4. Please provide examples of the most relevant specific instances that your NCP has dealt with in relation to this chapter (please provide the link to the cases in the NCP case database, and a short explanation of what these cases show regarding the continued relevance or not of this chapter, explaining any strengths, weaknesses, gaps, or complexities of the Guidelines illustrated by the case)?

Type your answer here:
NA

5. Please include information and links on any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of this Chapter.

Type your answer here:
NA

PROCEDURAL GUIDANCE

1. How does your country evaluate the continued relevance of the provisions of the Procedural Guidance? [Scale 1-10, with 10 being highest suitability and 1 the lowest]
- 1 2 3 4 5 6 7 8 9 10
2. Which existing provisions of the Procedural Guidance have enabled NCPs to effectively fulfil their mandate and lead to achievements?

Type your answer here:
Role of NCPs; functional equivalence; handling specific instances; initial assessment; role of IC etc.

3. Which provisions do you think are missing or are inadequate in this regard?

Type your answer here:

Guidance around consultation/obligations and picking a lead NCP or transferring an SI may need to be elaborated on, including drawing from the NCP procedural guidance and how cases have been handled among multiple NCPs. In addition, different NCPs apply different standards regarding acceptance of cases e.g. plausible vs material/substantiated.

4. Please provide examples of the most relevant specific instances that your NCP has dealt with, and which illustrate the continued relevance of the Procedural Guidance, leading to achievements; or which show gaps or inadequacies in the Procedural Guidance (please provide the link to the case in the NCP case database, and a short explanation)?

Type your answer here:

Secretariat is au fait regarding recent coordination issues concerning IE NCP.

5. Please include any national policy, regulation, guidance or other relevant document that are of relevance for the implementation of the Procedural Guidance.

Type your answer here:

NA

END OF QUESTIONNAIRE