

## REPORT OF NATIONAL CONTACT POINTS TO THE INVESTMENT COMMITTEE

### Common Framework for Annual Reporting by National Contact Points for the period 1 July 2011-30 June 2012

*In accordance with Section D of the Procedural Guidance[as revised by C(2011)11/FINAL]<sup>1</sup>, NCPs must report annually to the 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, to the Investment Committee.*

*This Common Reporting Framework is designed to assist NCPs in preparing these reports, which then provide the basis for preparing the Chair's Annual Report to Council on the Activities on the NCPs. The 2012 Annual Report will be the first to report on how NCPs have carried out their duties during the first year of operation of the 2011 updated Guidelines, which were adopted at the OECD Ministerial Meeting of 25-26 May 2011.*

*The questions of the Reporting Framework have been developed in consultation with the Chair of the June 2012 NCP meeting, taking into account the results of the Update. In view of the informal OECD six months period for the implementation of the new provisions and the non retroactive application of the revised Guidelines, it is acknowledged that NCPs might not be in a position to answer all the questions contained in the Reporting Framework, particularly for specific instances received prior to the adoption of the updated Guidelines.*

*The 2012 Chair's Annual Report will be discussed at the next NCP meeting which is scheduled to take place on **Tuesday 19 June and Wednesday 20 June 2012**. The Chair of the Norwegian NCP, **Professor Hans Petter Graver**, Dean of the Faculty of Law, University of Oslo, has kindly agreed to preside over this meeting.*

*Timely submission of NCPs annual reports will be essential for the preparation of this meeting. NCPs are therefore invited to send these reports to the Secretariat by **c.o.b. Friday, 4 May 2012** [[alberta.fumo@oecd.org](mailto:alberta.fumo@oecd.org); and [wendy.houet@oecd.org](mailto:wendy.houet@oecd.org)].*

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<sup>1</sup> See <http://www.oecd.org/dataoecd/53/59/49744860.pdf> comparing the changes made during the 2011 Update to the 2000 text of the OECD Guidelines for Multinational Enterprises.

## Common Framework for Annual Reporting by National Contact Points for the period 1 July 2011-30 June 2012

The role of National Contact Points is to further the effectiveness of the Guidelines. Under Part I of the Procedural Guidance, “NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability to further the objective of functional equivalence.” These criteria apply to all the activities carried by NCPs, including those to be reported under the current implementation cycle of the Guidelines.

### 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
State Secretariat for Economic Affairs SECO	Interagency / chaired by a senior government official	All government offices and ministries concerned by the thematic chapters of the Guidelines			<p><b>Address</b> State Secretariat for Economic Affairs; National Contact Point of Switzerland; International Investment and Multinational Enterprises Division</p> <p>Holzlikofenweg 36, CH-3003 Berne, Switzerland</p> <p>Phone: +41 31 323 12 75 Fax: +41 31 325 73 76 Email: <a href="mailto:afin@seco.admin.ch">afin@seco.admin.ch</a></p>

\* Section on “NCP Structure” should be filled, as appropriate, indicating one of the following possible structures:

- *Monopartite*, i.e. the NCP is composed of one or more representatives of one Ministry
- *Interagency*, i.e. the NCP is composed of one or more representatives of two or more Ministries
- *Bipartite*: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s
- *Tripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s
- *Quadripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s
- *Independent Expert Body*: the NCP is composed only of independent experts

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

The Swiss NCP is located at the International Investment and Multinational Enterprises Unit of the State Secretariat for Economic Affairs SECO (Federal Department of Economic Affairs FDEA). Whenever a specific instance is submitted to the Swiss National Contact Point (NCP) an "ad hoc" committee is constituted in order to deliberate on the issues raised and to support the NCP during the whole proceeding. The committee includes representatives from relevant other government agencies, taking into account the specific expertise needed (e.g. labour relations, environment) as well as the particular context of the country concerned. An open and comprehensive consultative group, which meets at least once a year, is associated to the Swiss NCP.

The current structure of the Swiss NCP provides for the participation of all governmental experts concerned by specific instances raised with the Swiss NCP.

Following the update of the OECD-Guidelines, the Swiss Government is currently analyzing the role and structure of the Swiss NCP. Several possibilities and best practices of other NCPs have been taken into consideration, as well as the existing institutional framework of the Swiss NCP and the legal basis for its work and possible changes. Following these internal analyses, the Swiss NCP presented its draft project for a possible new structure of the NCP in two meetings with the stakeholders on November 24, 2011 and April 3, 2012. The proposed changes would, amongst others, strengthen the participation of the external stakeholders by means of an advisory board and formalize the ongoing inter-ministerial cooperation regarding specific instances. Moreover, the NCP could, on a case to case basis, mandate external mediators for conciliation/dialogue meetings of the parties concerned by a specific instance.

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)

All government offices of the Swiss federal administration concerned by a specific instance are participating in the work of the Swiss NCP if a specific instance is raised. Thus, the considerations of all the relevant government units are taken into consideration.

The Swiss NCP reports on a yearly basis to the Swiss Parliament in the Foreign Economic Policy Report.

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 cooperation and exchange of information with stakeholders is a priority of the Swiss NCP. By means of an open and comprehensive consultative group, which keeps up regular contact and usually meets at least once a year, the NCP can take advantage of the different perspectives and experiences offered by its stakeholders. This consultative group includes several representatives of social partners, employer organizations, multinational enterprises, NGOs as well as of several government agencies.

During and after the update of the Guidelines, contacts with all stakeholders have increased and the consultative group met three times during the reporting period (June and November 2011, April 2012). The NCP also engaged in several other meetings with the aforementioned stakeholders to further discuss issues related to the update of the OECD Guidelines and the structure of the Swiss NCP.

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 Swiss NCP is located within the governmental unit responsible for CSR issues. The Swiss NCP also maintains close contact to the Swiss UN Global Compact Network, which is managed by the International Chamber of Commerce Switzerland.

The NCP is moreover in contact with the International Labour Organisation (ILO) and the responsible government office and follows its activities in the fields of CSR in order to allow responding to the variety of issues in relation to labour conflicts submitted to the NCP.

The NCP also closely follows the activities of the UN and in particular of the Working Group on the issue of human rights and transnational corporations and other business enterprises. In this context, the NCP is participating actively in the follow-up work in Switzerland, following the adoption of the Guiding Principles on Business and Human Rights of the former UN Special Representative of the Secretary-General on human rights and business, John Ruggie. The NCP also participated during the period under review in several meetings and consultations in order to discuss the Swiss position regarding the Guiding Principles and the appropriate follow-up in Switzerland, as well as in the outreach to stakeholders.

Moreover, the NCP follows developments in other fora and of other relevant initiatives, such as the Extractive Industries Transparency Initiative (EITI) or the OECD work on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (see section D).

6. *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill 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.

SECO has already in the past made available the necessary human and financial resources to the Swiss NCP so that it could effectively fulfill its responsibilities. The Swiss NCP can make use of the general

budget of SECO if necessary, e.g. for external mandates such as mediation.

Following the update of the Guidelines the Swiss NCP moreover has the intention to formalize and strengthen its ongoing cooperation with other governmental offices, thus extending the pool of governmental experts cooperating, if necessary, with the NCP.

## 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 webpages? Please provide the exact link.
	The NCP has a comprehensive internet page providing all necessary information related to the Guidelines and the functioning of the NCP. It is regularly updated and can be consulted in the three official languages of Switzerland (French, German and Italian) as well as in English. The English versions of these websites can be found under the following link: NCP: <a href="http://www.seco.admin.ch/ncp">http://www.seco.admin.ch/ncp</a> OECD Guidelines: <a href="http://www.seco.admin.ch/themen/00513/00527/01213/index.html?lang=en">http://www.seco.admin.ch/themen/00513/00527/01213/index.html?lang=en</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. The Guidelines are available on the website of the Swiss NCP in the three official languages of Switzerland (French, German and Italian) as well as in English.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	Yes. The NCP Annual Reports to the OECD are available online in English. Link: <a href="http://www.seco.admin.ch/ncp">http://www.seco.admin.ch/ncp</a>
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?
	The NCP Annual Report to the OECD (2010-11) has been disseminated to all interested stakeholder groups. It is also presented and distributed to the members of the NCP’s consultative group at a meeting organized shortly before the NCP Annual Meeting in June.
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	The Swiss NCP reports to the Swiss Parliament on an annual basis in the Foreign Economic Policy Report. Moreover, the Swiss NCP, SECO and the responsible Minister for Economic Affairs have on several occasions reported upon request on the activities of the NCP to the Parliament as well as to Parliamentarian and other commissions.

	Moreover, following the update of the OECD Guidelines, the updated version of the OECD Guidelines has been submitted to Parliament and published in the Foreign Economic Policy Report 2011 of the Swiss Federal Council to Parliament. Thus, the updated OECD Guidelines have also been published in the Official Compilation of Federal Legislation ( <a href="http://www.admin.ch/ch/f/as/2012/index.html">http://www.admin.ch/ch/f/as/2012/index.html</a> ).
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

<p>8. <i>“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).</i></p> <p><i>“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations 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.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>	
a.	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>The NCP has increased its outreach activities following the update of the OECD Guidelines, availing itself also of the increased interest of the different stakeholder groups and namely business representatives. Representatives of the Swiss NCP have participated in presentations of the Guidelines. The role of the Guidelines and the Swiss NCP, as well as the introduction of the new chapter on human rights and the provisions of due diligence for the supply chain have been the core issues of a seminar organized by the major Swiss business associations in cooperation with the Swiss NCP and other government offices on March 5, 2012. At this event, the Swiss NCP was able to answer queries from representatives of major Swiss companies regarding the work of the NCP and the importance of the Guidelines for their activities.</p> <p>Since 2010, the NCP is distributing a flyer intended for multinational companies and other stakeholders summarising the Guidelines as well as the functioning of the Swiss NCP. This flyer has been updated following the adoption of the updated OECD Guidelines and is now distributed at conferences, meetings and other occasions involving the NCP. The flyer is available in the three official languages of Switzerland as well as in English.</p> <p>During the reporting period, the Swiss NCP has published an article in German and French in the monthly journal of the State Secretariat for Economic Affairs SECO, “Die Volkswirtschaft / La vie économique”. All major modifications of the updated Guidelines are laid out and explained in this publication. The article moreover illustrates the work of the Swiss NCP on specific instances and the major challenges in the field of CSR for the future. This article has been integrated and widely distributed in a special edition of “Die Volkswirtschaft / La vie économique” for the 50<sup>th</sup> year celebrations of the OECD in Fribourg, Switzerland in October 2011.</p>
b.	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>Yes, see above (B 8 a)</p> <p>In addition, the Swiss NCP participated in March 2012 in a workshop organized by the Norwegian NCP and the Institute for Human Rights and Business in cooperation with the International Council on Mining &amp; Metals (ICCM) in London on the topic of „OECD National Contact Points and the Extractive Sector”.</p>
c.	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p> <p>Contacts and exchange between the NCP and its stakeholders had considerably increased during the update of the OECD Guidelines, giving the NCP as well as all stakeholders the possibility to exchange views on a more regular basis. During the reporting period 2011-12, the regular exchange with the NCP stakeholder groups have been maintained.</p> <p>There have been three meetings with the consultative group of the NCP (June and November 2011, April 2012) with a considerable number of participants from all stakeholder groups. The meetings were mainly dedicated to the information as well as to the exchange of information and views regarding the follow-up to the update of the Guidelines. Furthermore, the annual report of the Swiss NCP 2010-11 was presented and discussed at the June 2011 meeting. In the following two meetings (November 2011 and April 2012), the NCP presented projects for a possible new structure of the Swiss NCP.</p>
d.	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p> <p>Several ministries have been associated to the update of the OECD Guidelines and cooperate with the NCP when specific instances are raised. Different government agencies as well as Swiss embassies abroad are continuously involved in the promotion of the Guidelines and of responsible business conduct. All Swiss embassies have been informed about the OECD Guidelines and have received the flyer summarising the Guidelines as well as the functioning of the Swiss NCP.</p> <p>In addition, high level representatives of the Swiss Government referred to the Guidelines at several occasions in Switzerland as well as during missions abroad such as economic missions to developing countries.</p> <p>The Swiss Export Risk Insurance (SERV) promotes corporate responsibility principles. On its website, it provides information regarding the Guidelines and their implementation mechanism: <a href="http://www.serv-ch.com">www.serv-ch.com</a> and <a href="http://www.serv-ch.com/en/sustainability/guidelines-for-multinational-enterprises/">http://www.serv-ch.com/en/sustainability/guidelines-for-multinational-enterprises/</a>.</p>
e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,..) 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 have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>
	<p>Yes, see above (B 8 d)</p> <p>In addition to the cooperation with other Swiss governmental offices and the embassies abroad, the Swiss NCP has greatly strengthened cooperation with other NCPs over the reporting period. In September 2011 the Swiss NCP participated in the first meeting of the German-speaking NCPs (Germany, Austria, Switzerland) in Vienna, Austria in order to discuss common challenges, possible</p>



	cooperation, especially regarding promotion and a strengthening of their relations with the OECD Berlin Centre. Since then, a regular exchange of information has been maintained by the three NCPs.
f.	What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?
	See above (B 8 d)
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 relates to the work of these partner organization in co-operation and consultation with the other responsible offices of the Swiss federal administration. For more details, please see above (A 5).
h.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, 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.
	<p>The NCP - in its function as focal point for general questions regarding responsible business conduct – continuously discusses and replies to requests in relation to CSR, which are regularly received from the business community, trade unions, NGOs, researchers and the general public. These occasions are also used to promote the expectations of the Swiss Government in relation to the implementation of the OECD Guidelines.</p> <p>The NCP has seen an increase in interest relating to the updated OECD Guidelines and the work of the NCP. More questions were received during the reporting period from all the main stakeholder groups (business, trade unions and other NGOs), academia, as well as media.</p>

## 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?

The Swiss NCP has developed procedures for handling specific instances and published them on its website in late 2011 (“Information on Specific Instances Procedure”): [www.seco.admin.ch/ncp](http://www.seco.admin.ch/ncp).  
 This document has also been sent to the stakeholders of the Swiss NCP in November 2011 and discussed with the interested stakeholders in a meeting of the consultative group in November 2011.  
 For the time being, this document is available on the website of the NCP in English and German.

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?

Yes, the procedures for handling specific instances have been modified as a result of the revised Procedural Guidance. For instance, following the adoption of the updated Guidelines, the Swiss NCP will publish a statement on a specific instance if no agreement has been reached or if one of the parties has not been willing to take part in the proceedings.

### 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.

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>	Cotton trade with Uzbekistan	
<i>Date complaint received</i>	22/10/2010	
<i>Complainant/s</i>	NGO	
<i>Name of Complainant/s</i>	European Center for Constitutional and Human Rights (ECCHR), Berlin, Germany; Attorney Guido Ehrler, Basel	
<i>Industry sector<sup>2</sup></i>	Agriculture, hunting and forestry (A)	
<i>Name of Enterprise/s</i>	Ecom Agroindustrial Corp. Ltd.	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter II (General Policies), 1, 2, 10; Chapter VI (Employment and Industrial Relations), 1.b), 1.c)	
<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> 22/10/2010 to 28/03/2011  *From specific instance received to it being accepted or rejected.  <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 28/03/2011 to 30/11/2011  *From specific instance accepted to conclusion of the procedures –	<i>Conclusion of the procedures*</i> From 30/11/2011 to 22/12/2011  * From Conclusion of the procedures to NCP Final Statement issued.  <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>

<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; 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.

<i>Sector and Country</i>	Cotton trade with Uzbekistan	
<i>Date complaint received</i>	22/10/2010	
<i>Complainant/s</i>	NGO	
<i>Name of Complainant/s</i>	European Center for Constitutional and Human Rights (ECCHR), Berlin, Germany; Attorney Guido Ehrler, Basel	
<i>Industry sector</i>	Agriculture, hunting and forestry (A)	
<i>Name of Enterprise/s</i>	Paul Reinhart AG	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter II (General Policies), 1, 2, 10; Chapter VI (Employment and Industrial Relations), 1.b), 1.c)	
<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> 22/10/2010 to 28/03/2011  *From specific instance received to it being accepted or rejected.  <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 28/03/2011 to 01/03/2012  *From specific instance accepted to conclusion of the procedures –	<i>Conclusion of the procedures*</i> From 01/03/2012 to 07/03/2012  * From Conclusion of the procedures to NCP Final Statement issued.  <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>

<i>Sector and Country</i>	Cotton trade with Uzbekistan
<i>Date complaint received</i>	23/12/2010
<i>Complainant/s</i>	NGO
<i>Name of Complainant/s</i>	European Center for Constitutional and Human Rights (ECCHR), Berlin, Germany; Attorney Guido Ehrler, Basel
<i>Industry sector</i>	Agriculture, hunting and forestry (A)
<i>Name of Enterprise/s</i>	Louis Dreyfus Commodities Suisse S.A.
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter II (General Policies), 1, 2, 10; Chapter VI (Employment and Industrial Relations), 1.b), 1.c)

<p><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></p>		
<p><i>Initial Assessment*</i> 23/12/2010 to 28/03/2011</p> <p>*From specific instance received to it being accepted or rejected.</p> <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>Assistance to Parties*</i> From 28/03/2011 to 31/01/2012</p> <p>*From specific instance accepted to conclusion of the procedures –</p>	<p><i>Conclusion of the procedures*</i> From 31/01/2012 to 17/02/2012</p> <p>* From Conclusion of the procedures to NCP Final Statement issued.</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>

<i>Sector and Country</i>	Mining in Zambia
<i>Date complaint received</i>	12/04/2011
<i>Complainant/s</i>	NGO
<i>Name of Complainant/s</i>	Declaration of Berne; SHERPA; Mining Watch; L'Entraide missionnaire; The Centre for Trade Policy and Development CTPD
<i>Industry sector</i>	Mining and Quarrying (C)
<i>Name of Enterprise/s</i>	n.s.
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	n.s.
<p><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></p>	
<p><i>Initial Assessment*</i> From 12/04/2011 to 05/10/2011</p> <p>*From specific instance received to it being accepted or rejected.</p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative</i></p>	<p><i>Assistance to Parties*</i> From 05/10/2011 to <i>ongoing</i></p> <p>*From specific instance accepted to conclusion of the procedures –</p>
<p><i>Conclusion of the procedures*</i> Not yet concluded</p> <p>* From Conclusion of the procedures to NCP Final Statement issued.</p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the</i></p>	

<i>Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>procedure. (Procedural Guidance, Commentary, I.40.3)</i>
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<i>Sector and Country</i>	Additive for leaded gasoline in Afghanistan, Algeria, Iraq, Myanmar, Democratic People’s Republic of Korea and Yemen	
<i>Date complaint received</i>	27/08/2011	
<i>Complainant/s</i>	NGO	
<i>Name of Complainant/s</i>	Lead Education and Abatement Design (LEAD) Group Incorporated	
<i>Industry sector</i>	Manufacturing (D) and Mining and Quarrying (C)	
<i>Name of Enterprise/s</i>	Xstrata PLC; Innospec	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter V (Environment); Chapters V(6)(a) and V(6)(b)	
<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> In consultation, the four NCPs having received the submission decided that the U.S. NCP would take the lead on Innospec-related issues, the UK NCP would lead on Xstrata-related matters, and the Australian and Swiss NCPs would offer support as appropriate.  *From specific instance received to it being accepted or rejected.  <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> See websites of US and UK NCP  *From specific instance accepted to conclusion of the procedures –	<i>Conclusion of the procedures*</i> See websites of US and UK NCP  * From Conclusion of the procedures to NCP Final Statement issued.  <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>

<i>Sector and Country</i>	Cement sector in India

<i>Date complaint received</i>	07/01/2012 and 25/01/2012	
<i>Complainant/s</i>	Trade Union	
<i>Name of Complainant/s</i>	Pragatisheel Cement Shramik Sangh (PCSS); International Federation of Chemical, Energy, Mine and General Workers' Union (ICEM)	
<i>Industry sector</i>	Manufacturing (D)	
<i>Name of Enterprise/s</i>	n.s.	
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	n.s.	
<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 07/01/2012 to ongoing  *From specific instance received to it being accepted or rejected.  <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 dd/mm/yyyy to dd/mm/yyyy  *From specific instance accepted to conclusion of the procedures –	<i>Conclusion of the procedures*</i> From dd/mm/yyyy to dd/mm/yyyy  * From Conclusion of the procedures to NCP Final Statement issued.  <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>	
a.	<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>
	<ul style="list-style-type: none"> <li>• Publication of the written submission to the NCP and parallel media campaign by the submitting parties can make it difficult to establish trust among the parties.</li> <li>• Protection of confidentiality or the identity of the parties is an issue in most of the cases raised at the Swiss NCP.</li> </ul>

	<ul style="list-style-type: none"> <li>Information is gathered by experts of the Federal Administration and Swiss embassies abroad. If needed, parties are asked for additional information.</li> </ul>
b.	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?
	<ul style="list-style-type: none"> <li>In some specific instances, the issues raised in the specific instance have also been addressed in parallel proceedings. The NCP has in the past used the Swiss embassies to be informed about parallel proceedings, resp. informed, if appropriate, the concerned institutions about the NCP proceedings.</li> <li>As stated in the published “Information on Specific Instances Procedure” of the Swiss NCP, even if the company has respected all legal requirements, the NCP may still pursue the specific instance, as the OECD Guidelines are internationally recognized standards which may be more stringent than local law. The NCP also ascertains whether the issue has already been dealt with in local proceedings or if proceedings are pending (so-called parallel proceedings). If parallel proceedings have already been concluded or are ongoing, this will not necessarily prevent the NCP from pursuing a specific instance. However, in each individual case the NCP assesses whether or not an offer to mediate would make a positive contribution to the resolution of the issues raised or if it would prejudice either of the parties involved in other proceedings.</li> </ul>
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?
	See above for more information about the specific instances (C 11)
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 confidential Initial Assessment is always circulated to the parties involved and states whether the issues raised merit further examination. Initial Assessments are not made publicly available by the Swiss 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, the costs for dialogue, conciliation or mediation are borne by the NCP.
b.	In what form has the NCP provided its good offices?
	Bilateral meetings with the parties involved, phone conferences with one or several parties, meetings with all parties involved, meetings of all parties involved with external mediation, exchange of information between parties and establishing of an initial contact.



<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	See the statements published on the website of the Swiss NCP: <a href="http://www.seco.admin.ch/themen/00513/00527/02584/02586/index.html?lang=en">http://www.seco.admin.ch/themen/00513/00527/02584/02586/index.html?lang=en</a> For reasons of confidentiality, no further information can be provided.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
	Yes, according to the “Information on Specific Instances Procedure”, the Swiss NCP publishes a report on the website of the NCP: <a href="http://www.seco.admin.ch/themen/00513/00527/02584/02586/index.html?lang=en">http://www.seco.admin.ch/themen/00513/00527/02584/02586/index.html?lang=en</a> Final statements are published on the NCP website and in the annual report by the Chair of the OECD. Procedural step from the “Information on Specific Instances Procedure” on publication of the results: If the parties reach an agreement and find a solution to the dispute or a further means of resolving the dispute, the NCP makes publicly available a final statement with the results of the proceedings. Information regarding the contents of the discussions and the agreement will only be recorded with the express consent of the parties involved. If no agreement is reached or one of the parties is not willing to take part in the proceedings, the NCP also makes this information publicly available in a final statement. The NCP may draw up recommendations for implementation of the OECD Guidelines, which are also included in the statement. The latter may also set out the reasons why an agreement was not reached. Final statements are published on the NCP website and in the annual report by the Chair of the OECD working group responsible for the Guidelines. Unless there is good reason not to do so (e.g. protection of individuals), the NCP publishes the names of the parties involved in its written statement. Before the statement is issued, the NCP gives the parties the opportunity to comment on a draft statement. If there is no agreement between the NCP and the parties about the wording of the statement, the NCP makes the final decision.
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance ? Please elaborate as appropriate
	See above (C 11 C b)
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	See the statements published on the website of the Swiss NCP: <a href="http://www.seco.admin.ch/themen/00513/00527/02584/02586/index.html?lang=en">http://www.seco.admin.ch/themen/00513/00527/02584/02586/index.html?lang=en</a> For reasons of confidentiality, no further information can be provided.
e.	How was the statement made publicly available? Through a press release, publication on the website,..?
	Yes, according to the “Information on Specific Instances Procedure”, the Swiss NCP publishes a report on the website of the NCP: <a href="http://www.seco.admin.ch/themen/00513/00527/02584/02586/index.html?lang=en">http://www.seco.admin.ch/themen/00513/00527/02584/02586/index.html?lang=en</a>

	Final statements are published on the NCP website and in the annual report by the Chair of the OECD
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.)
	Yes
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	/

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	See above the relevant information (C 10).
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	The Swiss NCP always consults on a very regular basis with all other involved NCPs.
c.	Was a leader NCP identified?
	See above the relevant information (C 10).
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	See above the relevant information (C 10).

<i>E. Timeframe</i>	
a.	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)?
	See above the relevant information (C 10).

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	All the specific instances during the reporting period involved business activities in non-adhering countries.

b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	Yes, in the specific instances regarding Ecom Agroindustrial Corp. Ltd.; Paul Reinhart AG and Louis Dreyfus Commodities Suisse S.A. (supply chain relationship)
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	If appropriate and upon request of the lead NCP, the home NCP liaises with the parent company as well as with other involved parties.
d.	Would the NCP care to contribute additional information about the specific instances considered?
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## D. OTHER IMPLEMENTATION ISSUES

<p>12. Proactive Agenda - <i>In accordance with the Investment Committee 's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> ((Procedural Guidance, Commentary, I.18).</p>	
a.	<p>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.)?</p>
	<p>The Swiss NCP has actively taken part in the OECD work on Due Diligence in the extractive sector and has been a member of the drafting group on the Gold supplement to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas</p> <p>In the framework of the meetings of the NCP with its stakeholder, the NCP has already presented the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas to all stakeholders and in particular to interested NGOs and enterprises.</p> <p>Other publications, seminars and outreach activities have been presented in the previous sections.</p>
b.	<p>What proactive agenda issues deserve particular attention in your country?</p>
	<p>The Swiss NCP will engage actively and in close cooperation with other NCPs in the proactive agenda of the OECD investment committee.</p>

<p>13. Peer Learning - <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).</p>	
a.	<p>Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.</p>
	<p>The Swiss NCP has strengthened cooperation and peer learning with other NCPs over the reporting period. For instance, in September 2011, the Swiss NCP participated in the first meeting of the German-speaking NCPs (Germany, Austria, Switzerland) in Vienna, Austria in order to discuss common challenges, possible cooperation, especially regarding promotion and a strengthening of their relations with the OECD Berlin Centre. Since then, a regular exchange of information has been maintained by the three NCPs.</p> <p>Moreover, the Swiss NCP has been in contact with several other NCPs to learn about their best practices which are integrated into the follow-up work by the Swiss government relating to the possible modifications of the structure of the Swiss NCP.</p>
b.	<p>Would the NCP be prepared to engage in a "voluntary peer review? Within the next twelve months? Later on?</p>
	<p>The Swiss NCP has announced its interest to engage in a voluntary peer review during the meeting of the Investment Committee in October 2011. Given the possible modifications of its structure, a voluntary peer review would be most effective and fruitful after a certain implementation period, i.e.</p>

	in late 2013, resp. in 2014. The Swiss NCP has moreover stated its interest to participate in the voluntary peer reviews of other NCPs in order to share best practices and assess the role and function of other NCPs.
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14. 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?	
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15. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.	
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**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.*

<b>Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas<sup>3</sup></b>	
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 “ <i>Guidance</i> ”) [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 “ <i>Guidance</i> ” 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?
	The Swiss NCP has actively taken part in the OECD work on Due Diligence in the extractive sector and has followed the work of the drafting group on the Gold supplement to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas.  In the framework of the meetings of the NCP with its stakeholder, the NCP has already presented the

<sup>3</sup> <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

	<p>Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas to all stakeholders and in particular to interested NGOs and enterprises.</p> <p>Next to the Swiss NCP and the government unit where the NCP is located, other governmental units have followed the OECD work on Due Diligence in the extractive sector, namely the Economic Cooperation and Development Division of the State Secretariat for Economic Affairs (SECO) and the Federal Department of Foreign Affairs.</p> <p>The State Secretariat for Economic Affairs (SECO) has also paid a considerable financial contribution to the OECD to support the work on Due Diligence in the extractive sector.</p>
2	<p>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>?</p>
	<p>Outreach to interested Swiss enterprises.</p>
3	<p>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 organisations?</p>
	<p>---</p>

<b>OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones<sup>4</sup></b>	
<p>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.</p>	
4.	<p>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 and stakeholders? Please elaborate.</p>
	<p>Yes, the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is presented on the website of the Swiss NCP.</p>
5.	<p>Do you have information about the use of this instrument by investors in Weak Governance Zones?</p>
	<p>No.</p>

<sup>4</sup> <http://www.oecd.org/dataoecd/26/21/36885821.pdf>