

# National Contact Point of Switzerland

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## Initial Assessment

### **Specific Instance regarding the International Olympic Committee submitted by the Swiss Tibetan Friendship Association, Tibetan Youth Association in Europe, Tibetan Community of Switzerland and Liechtenstein as well as the Tibetan Women's Association Switzerland**

Berne, November 23, 2021

#### **Executive summary**

The Swiss NCP received a submission by the Swiss Tibetan Friendship Association, Tibetan Youth Association in Europe, Tibetan Community of Switzerland and Liechtenstein as well as the Tibetan Women's Association Switzerland to consider a specific instance under the OECD Guidelines for Multinational Enterprises<sup>1</sup> (hereafter "OECD Guidelines") regarding the International Olympic Committee (hereafter "IOC"). The submission alleges that the IOC has not conducted sufficient due diligence and thereby failed to avoid contributing to possible violations of internationally recognized human rights and abusive employment practices in the People's Republic of China (hereafter "China") by having awarded the 2022 Winter Olympics to Beijing, China.

The Swiss NCP accepts the specific instance and offers its good offices to the parties for further consideration. Due to the envisaged duration of the NCP proceedings in line with the timeframe indicated in the Procedural Guidance of the OECD Guidelines, the NCP proceedings are likely to be concluded after the 2022 Winter Olympics in Beijing. Therefore the good offices of the Swiss NCP could focus on the mitigation and remediation of the alleged adverse human rights impacts during and due to the 2022 Beijing Winter Olympic Games and the respect of human rights regarding the organization of future Olympic Games. A mediation could also contribute to the exploration of the roles and responsibilities of individual actors (e.g. sponsors, suppliers) according to the different provisions of the OECD Guidelines.

The Swiss NCP considers that by accepting this specific instance and offering a confidential mediation it could contribute to the dialogue between the parties building on the previous written exchange and help them to reach a better mutual understanding of the issues raised and a mutually acceptable outcome. This decision is not based on conclusive research or fact-finding, nor does it represent a conclusion as to whether the IOC observed the OECD Guidelines or not.

#### **1 Submission and alleged violations of the OECD Guidelines**

The Swiss NCP received a written submission on 27 July 2021 to consider a specific instance under the OECD Guidelines regarding the International Olympic Committee (hereafter "IOC"), an international sports organisation headquartered in Lausanne, Switzerland. This specific instance has been raised by the Swiss Tibetan Friendship Association, Tibetan Youth

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<sup>1</sup> See <https://mneguidelines.oecd.org/mneguidelines>, 2011

Association in Europe, Tibetan Community of Switzerland and Liechtenstein as well as the Tibetan Women's Association Switzerland (hereafter "submitting Parties").

The submitting Parties claim that the IOC is violating the OECD Guidelines by having awarded<sup>2</sup> the 2022 Winter Olympic Games to China. They allege that the IOC has not conducted an actual and ongoing due diligence and thereby failed to avoid causing or contributing to adverse human rights impacts and abusive employment practices in Tibet, Xinjiang, Hong Kong, Inner Mongolia and other regions in China including Mainland China. They claim that the IOC awarded the 2022 Winter Olympics to China despite knowing that the decisions will lead to further abuse of migrant workers and people subjected to forced/prison labour requiring their involvement in the construction of Olympic stadiums, merchandise, manufacture of sport gears/wears, clothes, technological equipment etc.

According to the submitting Parties, several of the sponsors, partners and suppliers of the 2022 Winter Olympics are allegedly linked directly or indirectly to the forced labour/internment camps in Xinjiang. They claim that simply by hosting the games in China, IOC is directly linked to possible adverse human rights impacts. In the view of the submitting Parties, the IOC has a responsibility in utilizing its leverage with the government of China to bring about reforms with regard to dealing with vulnerable peoples.

The submitting Parties have written a letter to the IOC on the human rights situation in Tibet, Xinjiang, Hong Kong and Mainland China in view of the 2022 Winter Olympics and asked for a meeting to provide detailed information on 14 June 2021. On 16 June, the IOC replied to the letter, but did not invite the submitting Parties for a meeting. They then protested in front of the Olympic Building in Lausanne and submitted a petition claiming that the human rights situation would be aggravated because of IOC's decision to award the 2022 Winter Olympics to Beijing.

In conclusion, the submitting Parties claim the violation of the following recommendations of the OECD Guidelines' chapters II (General Policies), IV (Human Rights) and V (Employment and Industrial Relations)<sup>3</sup>:

1. Respect internationally recognized human rights, i.e. avoid infringing on human rights of others and address adverse impacts with which they are involved (II.2 and IV.1)
2. Carry out risk-based and human rights due diligence (II.10 and IV.5)
3. Policy commitment to respect human rights (IV.4)
4. Avoid causing or contributing to adverse impacts, through their own activities and address such impacts when they occur (II.11)
5. Prevent or mitigate adverse human rights impact caused by business partners, entities in the supply chain and any other non-State or State entities (II.11, 12, 13 and IV.3)
6. Engage with relevant stakeholders (II.14)
7. Provide for or co-operate in the remediation of adverse human rights impacts (IV.6)
8. Contribute to the elimination of all forms of forced or compulsory labour (V.1d)
9. Equality of opportunity and treatment in employment and non-discrimination (V.1e)

The submitting Parties request the NCP to offer its good offices for mediation to solve the issues raised:

1. Identify the steps necessary to be taken by the IOC to fulfil its obligations to respect human rights especially of the vulnerable populations including the ethnic, religious and linguistic minorities and migrant workers who are victims of forced/prison labour and abusive employment practices and are engaged in activities related to 2022 Winter Olympics in Beijing. This includes the following issues:

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<sup>2</sup> The Olympic games took already place in Beijing in 2008

<sup>3</sup> See full text of provisions in the <https://mneguidelines.oecd.org/mneguidelines>, 2011

- Conduct human rights due diligence for the 2022 Winter Olympics in Beijing based on the OECD Guidelines in view of preventing or avoiding human rights impacts during and after the 2022 Winter Olympics in Beijing and provide for a legitimate process of remediation to address the adverse human rights impacts;
  - Guarantee, undertake and ensure that no products, services or supply chains tainted with forced/prison labour is used for the upcoming 2022 Winter Olympics in Beijing;
  - Carry out independent inspection in collaboration with independent experts to ensure internationally recognized human rights and labour rights including those enlisted in international human rights and ILO conventions;
  - Ensure that the IOC business partners including (sub)contractors, licensees, sponsors and suppliers incorporate and adhere to OECD Guidelines and adopt a human rights policy statement for the Olympic games in general and for the 2022 Winter Olympic in Beijing;
  - Include representatives from human rights organisations especially working on vulnerable populations in the human rights advisory group.
2. Detail and highlight the responsibilities of IOC in utilising its leverage with China to bring about reforms in its policies towards vulnerable groups. This includes that the IOC uses its leverage to ensure that China adopts and implements a human rights policy statement for the 2022 Winter Olympics that it respects and guarantees the fundamental human rights of all peoples and free and open access to media outlets and journalists at least during the games in China. Moreover, space to express dissent during the games should be guaranteed and ensured as well as ending all forced/prison labour and internment camps in Xinjiang, Tibet and other regions in China.

Finally, the submitting Parties would like to ask the IOC to reconsider its decision of awarding the 2022 Beijing Winter Olympic Games if it is not able to guarantee the protection of fundamental human rights.

## **2 Statement of the responding Party**

On 29 September 2021, the IOC submitted a written statement to the Swiss NCP concerning the issues raised in this specific instance. In the view of the IOC, the submission does not meet the criteria necessary for the NPC to consider the issues raised in the framework of the specific instance proceedings. According to IOC, the submitting Parties attempted to make their allegations fit the criteria set out under the OECD Guidelines, but their purpose is political and condemnatory as opposed to the furtherance of the effectiveness of the OECD Guidelines. According to the IOC, the good faith requirement within the meaning of the OECD Guidelines is not met.

With regard to Beijing 2022, the IOC denies the allegation of the submitting Parties that it has not performed and is not performing any due diligence. It states that an independent third party performed an audit in respect of the sustainability of Beijing 2022. According to the IOC, Beijing 2022 is bound by the Host City Contract and Operational Requirements to respect the IOC Charter and the IOC Code of Ethics, which require the respect of applicable international human rights conventions. The IOC mentions that it monitors the implementation of this commitment through a regular reporting process and requests the disclosure of policies, processes and procedures as well as their related impacts on affected stakeholders. Specifically in the field of human rights, the IOC stated that it regularly addresses operations-related topics with Beijing 2022, such as labour conditions and procurement, displacement and relocation of populations, free reporting on the Games as well as peaceful assembly and protest.

The IOC states that even if it takes any possible human rights issue within its supply chain very seriously and continues its investigations in this respect, is not aware at this stage that any of the companies mentioned in the report (as allegedly using forced labour) were linked with the IOC's activities. According to the IOC the alleged human rights violations by China listed by the submitting Parties have nothing to do with the IOC or the Olympic Games. The IOC indicated that it is not in a position to perform due diligence verification measures on activities of a state in which the Olympic Games take place. However, the IOC conducts due diligence checks and requests assurances from entities with which it has relationships, to the extent those are related to the IOC's operations.

The submitting parties have not claimed any substantial elements in respect of the IOC causing the adverse impact or contributing to the adverse impact, but only that its operations, products or services were "directly linked" to the adverse impact through a business relationship. Such allegations, according to the OECD Guidelines, fall within the scope of assessment of the NCP only if they meet the direct linkage standard of the OECD Guidelines (which do not recognise an "indirect linkage"). In IOC's view, there is no direct link between such alleged violations and the activities of the IOC within the meaning of the "direct linkage" concept of the OECD Guidelines, and such elements shall therefore be excluded from the proceedings of this specific instance. The IOC refuted all allegations in respect of sponsors and suppliers, arguing either the lack of direct link between the sub-suppliers of IOC's sponsors with IOC's own supply chain, or the effective due diligence which excludes the possibility for such violations within IOC's own supply chain. As an example, the alleged violations consisting in the use by IOC's suppliers of Xinjiang cotton (allegedly linked with human rights violations) were lacking a direct linkage due to (i) the IOC excluding the use of cotton in one case, and (ii) using cotton from the United States in another case.

The IOC states that it recognizes human rights in the Olympic Charter<sup>4</sup> which sets forth the rules and bye-laws of the IOC and in the IOC Code of Ethics<sup>5</sup> applicable to all Olympic parties and extended contractually to suppliers and sponsors. It mentions that it requires compliance with both documents by host cities, sponsors and suppliers through contractual commitments. The IOC highlighted that in particular, since 2017, it has adopted new procedures and contractual provisions that align with international standards in terms of sustainability and with international instruments regarding human rights. It writes that the IOC has established a Human Rights Unit in the Corporate and Sustainable Development Department and has announced the creation of a Human Rights Advisory Council as part of its Olympic Agenda 2020+5<sup>6</sup> in order to develop the IOC's capacity with regard to human rights across all departments concerned in March 2021. To inform this work, the IOC has mentioned that it increasingly engages with human rights experts, NGOs, other organisations and sponsors. According to the IOC, the Olympic Agenda 2020 has been further integrated into subsequent voting processes, starting with the Olympic Games 2024, including an increased focus on human rights.

The IOC recognizes that any compliance process can always be improved and, in principle, is open for a dialogue organised by the Swiss NCP, provided that such dialogue has a basis under the OECD Guidelines, is entered into in good faith, is constructive, forward-looking and can lead to positive outcomes. The IOC is not confident that such conditions are met in this case. It alleges that public statements by the submitting Parties demonstrate that their actual purpose is overwhelmingly political, and consists of accusing and condemning the IOC for the attribution of the 2008 Olympic Games as well as the 2022 Olympic Winter Games to Beijing, China. The IOC mentions that the submitting Parties have launched a petition demanding the Federal Council to boycott the 2022 Winter Olympics in June 2021 and filed the specific

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<sup>4</sup> Olympic Charter, 17 July 2020, <https://olympics.com/ioc/olympic-charter>

<sup>5</sup> Code of Ethics, 2016, <https://olympics.com/ioc/code-of-ethics>

<sup>6</sup> <https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/IOC/What-We-Do/Olympic-agenda/Olympic-Agenda-2020-5-15-recommendations.pdf>.

instance to the Swiss NCP on the day of the opening ceremony of the Olympic Games Tokyo 2020 on 23 July 2021. According to the IOC they instrumentalize the NCP for a purpose outside its mandate and thus a meaningful dialogue to be facilitated by the NCP would be compromised from the outset.

Furthermore, the IOC emphasized that as a global sports organisation, it must stay politically neutral while operating in a highly political world. In its view it has neither the mandate nor the capability to change the legal or political system of a sovereign nation.

The IOC also questions whether the submitting Parties would have a legitimate interest in discussing the long-term future of the Olympic Movement as the next Olympic Games in Paris, Milan, Los Angeles and Brisbane do not concern Tibet or Tibetans or the very issues raised in the complaint. It mentions that as the 2022 Beijing Winter Olympic Games are set to begin on 4 February 2022, the discussions could therefore mainly influence the IOC's forward-looking endeavors.

### 3 The proceedings of the Swiss NCP up to date

Since the receipt of the submission on 27 July 2021 the NCP took the following steps:

27.7.2021	Confirmation to acknowledge receipt of the submission to the submitting Parties
28.7.2021	Information of the Swiss Embassy in China
29.7.2021	Constitution of an ad hoc Working group including representatives from the State Secretariat for Economic Affairs, the Federal Department of Foreign Affairs and the Federal Office for Sport according to the Specific Instances Procedure of the Swiss NCP <sup>7</sup>
2.8.2021	Submission was forwarded to the responding Party
26.8.2020	Meeting of the ad hoc Working group with the submitting Parties to inform them about the procedure of the specific instance.
13.9.2021	Meeting of the ad hoc Working group with the responding Party to inform them about the procedure of the specific instance.
29.9.2021	Receipt of a written statement by the responding Party
27.10.2021	Draft Report on Initial Assessment was sent to the submitting Parties and the responding Party for comments on possible misrepresentations of factual information
10.11.2021	Receipt of written comments by the submitting and the responding Parties

### 4 Considerations and decision of the Swiss NCP

Based on the Procedural Guidance for the OECD Guidelines and the Specific Instances Procedures of the Swiss NCP, the NCP considers the following points in its initial assessment:

#### a) Identity of the party concerned and its interest in the matter

The Swiss Tibetan Friendship Association, Tibetan Youth Association in Europe, Tibetan Community of Switzerland and Liechtenstein as well as the Tibetan Women's Association Switzerland were all founded in the 1970ies and 80ies. They advocate for the preservation of Tibetan culture, strengthen the political awareness of Tibetan, foster welfare of the Tibetan community and raise awareness about the abuses faced by the Tibetan

<sup>7</sup> [www.seco.admin.ch/ncp](http://www.seco.admin.ch/ncp)

women in Tibet. While their scope of activities lay within Tibet, the NCP is not aware of activities of the submitting Parties regarding the prevention of human rights of other minorities (e.g. the Uighurs). Nevertheless, the Swiss NCP comes to the conclusion that by providing detailed information on the topics raised, the submitting Parties have shown their interest in the issues raised.

## **b) Responsibility of the Swiss NCP**

According to the Procedural Guidance for the OECD Guidelines, a specific instance must be raised in the country in which the alleged breach occurred. If this country is not a signatory of the Guidelines and therefore has no NCP, the issue should be raised in the country where the multinational company has its headquarters. The Swiss NCP is responsible for this specific instance regarding the issues in China because this country is not a signatory state of the OECD Guidelines and the IOC has its headquarters in Lausanne, Switzerland<sup>8</sup>.

## **c) Scope of application of the OECD Guidelines and materiality of the specific instance**

### *Applicability of the OECD Guidelines to the responding Party*

The OECD Guidelines establish legally non-binding principles and standards of responsible business conduct for “multinational enterprises”. The Guidelines do not provide a precise definition of the term “multinational enterprises”. However, they state that these include enterprises in all sectors of the economy and that ownership may be private, State or mixed. In addition, they usually comprise companies or other entities established in more than one country and so linked that they may coordinate their operations in various ways.<sup>9</sup>

The OECD Guidelines expressly establish legally non-binding principles and standards for responsible business conduct, which is generally understood as the responsibility of entities involved in business or commercial activities. Thus, even though the OECD Guidelines do not explicitly refer to the “commercial nature” of the operations of multinational enterprises, the key question should be whether the activities in question are of commercial nature. This should be decided by the competent NCP through a case-by-case analysis based on the concrete circumstances, independently of the legal form of the entity. Against this background, the Swiss NCP makes the following considerations on whether the IOC has a multinational scope and if its activity is commercial in the case at question.

IOC is an association registered in the Commercial Register of the Canton of Vaud.<sup>10</sup> Its administration, headquartered in Lausanne, Switzerland is placed under the responsibility of the director general who, under the authority of the president, runs it with the assistance of the directors; the latter are at the head of units responsible for dealing with business in their respective sectors of competence<sup>11</sup>. As a “*truly global organization, it acts as a catalyst for collaboration between all Olympic stakeholders, including the athletes, the National Olympic Committees, the International Federations, Organising Committees for the Olympic Games, the Worldwide Olympic Partners and Olympic broadcast partners. It also collaborates with public and private authorities including the United Nations and other international organisations*”<sup>12</sup> The IOC registered Olympic Broadcasting Services (OBS) SA in Switzerland, as well as a subsidiary company, OBS SL, in Madrid, Spain, to serve as the Host Broadcast organisation for all Olympic Games, Olympic Winter Games and Youth Olympic Games. The planning of the broadcast operation is the daily business of a

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<sup>8</sup> OECD Guidelines, Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, Paragraph 24

<sup>9</sup> OECD Guidelines, Chapter I, Paragraph 4

<sup>10</sup> [www.zefix.ch/de/search/entity/list/firm/975527](http://www.zefix.ch/de/search/entity/list/firm/975527)

<sup>11</sup> <https://olympics.com/ioc/administration>

<sup>12</sup> <https://olympics.com/ioc/overview>

team of 166 people, working from the offices in Madrid, who progressively relocate to the host city prior to the Games. The IOC manages the global broadcast rights for the Olympic Games across all media platforms. It seems that these Olympic broadcast partnerships are the greatest source of revenue of the Olympic Movement.<sup>13</sup>

On its website the IOC states that *“The Olympic Games generate substantial revenues through the sale of broadcasting and marketing rights as well as other income streams. The revenue for the Olympiad that spans 2013 to 2016, covering the Olympic Winter Games Sochi 2014 and the Olympic Games Rio 2016, was USD 5.7 billion. The IOC is a non-profit organisation, dedicated to using the revenue generated from the Olympic Games to assist athletes and develop sport worldwide. As a result, every day the IOC distributes about USD 3.4 million around the world to help athletes and sporting organisations.”*<sup>14</sup> In its response to the Swiss NCP, the IOC explains that it distributes 90 per cent of its revenues to different sports organisations throughout the Olympic Movement, in order to support the staging of the Olympic Games and to promote the worldwide development of sport. It retains 10 per cent of its revenue for the operational and administrative costs of governing the Olympic Movement.

In the case at question the Swiss NCP makes the following considerations based on the OECD Guidelines:

- The Olympic Broadcasting Services (OBS) SA in Switzerland has a subsidiary company, OBS SL, in Madrid, Spain. Furthermore the IOC acts as a global organization collaborating with stakeholders including the National Olympic Committees and the Organizing Committees. The NCP concludes that the IOC has international operations and a multinational scope.
- The implementation of the 2022 Beijing Winter Olympic Games will include through the sale of broadcasting and marketing rights the generation of funds for the IOC. Even if 90 per cent of the generated revenue is to be used to assist athletes and develop sports worldwide and only 10 per cent of the revenue are used for the operational and administrative costs of the Olympic Movement, the involvement of the IOC in the organization of the games can be considered as activities of commercial nature, to which the OECD Guidelines are applicable. Based on these considerations, the Swiss NCP concludes that in the particular case of the present submission the OECD Guidelines apply to the responding Party. However, the application of the OECD Guidelines in this specific case does not allow the general conclusion that sports federations are multinational companies. Despite certain commercial activities according to the OECD Guidelines, the IOC and the sport federations remain non-profit organizations whose main purpose is the promotion of sport worldwide, which distinguishes it from most other multinational companies.

Based on these considerations, the Swiss NCP concludes that in the particular case of the present submission the OECD Guidelines apply to the responding Party.

#### *Material scope of the OECD Guidelines with regard to the issues raised*

The submission is material in the sense that it refers to alleged breaches (including human rights due diligence, forced labour) of specific provisions of Chapters II, IV and V of the OECD Guidelines. The submitting Parties have substantiated their submission by providing information for the NCP to consider the issues raised.

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<sup>13</sup> OLS, Media Guide Olympic Games Tokyo, July 2021, <https://www.obs.tv/prx/asset.php?tgt=OBSMediaGuide-Tokyo2020-July2021-7e12cb46507f.pdf&gen=1>, p. 8/9 and 12

<sup>14</sup> <https://olympics.com/ioc/funding>

However, it must be noted that the OECD Guidelines distinguish between avoiding causing or contributing to adverse impact through the enterprise's own activity and adverse impacts directly linked to the operations of the enterprise. The Swiss NCP considers that while the submitting Parties make reference to various allegations of forced labour directly linked to the activities of the IOC, the roles and responsibilities of individual actors according to the different provisions of the OECD Guidelines will have to be further explored.

#### **d) Legal context and parallel proceedings**

The Swiss NCP will take into consideration ongoing parallel proceedings, including court rulings. According to the Specific Instances Procedures of the Swiss NCP, already concluded or ongoing parallel proceedings will not necessarily prevent the Swiss NCP from pursuing a specific instance. However, in each individual case the Swiss 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. The NCP is not aware of parallel proceedings in relation to the IOC.

#### **e) Contribution to the purpose and effectiveness of the OECD Guidelines**

The role of the NCP is to offer a forum for discussion and to assist the parties concerned to address the issues raised. The submitting Parties have engaged in an exchange with the responding Party since June 2021. The Swiss NCP considers that by accepting this specific instance and offering a confidential mediation it could contribute to the dialogue between the parties building on the previous written exchange and help the parties to reach a better mutual understanding of the issues raised and a mutually acceptable outcome.

Thus, the NCP could offer both parties to facilitate a dialogue on the mitigation and remediation of alleged adverse human rights impacts during and due to the 2022 Beijing Winter Olympic Games and a discussion regarding the respect of human rights for the organization of future Olympic Games. However due to the envisaged duration of the NCP proceedings<sup>15</sup>, its conclusion is only expected after the 2022 Beijing Winter Olympic Games have been held. Therefore a discussion regarding IOC's decision to award the 2022 Winter Olympic Games to Beijing, China, does not seem to be feasible.

#### **f) Conclusion**

The Swiss NCP accepts the specific instance and offers its good offices to the parties for further consideration. Due to the envisaged duration of the NCP proceedings, a possible mediation could focus on the mitigation and remediation of alleged adverse human rights impacts during and due to the 2022 Beijing Winter Olympic Games and the respect of human rights for the organization of future Olympic Games. A mediation could also contribute to the exploration of the roles and responsibilities of individual actors (e.g. sponsors, suppliers) according to the different provisions of the OECD Guidelines.

### **5 Next steps**

The Swiss NCP will offer its good offices to the parties and ask them for confirmation whether they are willing to accept this offer with the aim of reaching a mutually acceptable outcome. If the parties reach an agreement and find a solution for the raised questions, the Swiss NCP will make publicly available a final statement with the results of the proceedings. Information regarding the contents of the discussions and the agreement will only be published with the express consent of the parties involved. If no agreement is reached or one of the parties is not

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<sup>15</sup> OECD Guidelines 2011, Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, para. 41: "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."



willing to take part in the proceedings, the Swiss NCP will also make this information publicly available in a final statement. The latter will include a summary of the reasons why no agreement was reached.

The Swiss NCP may draw up recommendations for implementation of the OECD Guidelines, which will also be included in the final statement. In addition, the NCP can envisage specific follow-up activities, for which the NCP will provide support following completion of the specific instance procedure. Final statements are published on the Swiss NCP website and are referenced in the OECD Database on Specific Instances for the OECD Guidelines. Before the statement is issued, the Swiss NCP gives the parties the opportunity to comment on a draft statement. If there is no agreement between the Swiss NCP and the parties about the wording of the statement, the Swiss NCP makes the final decision.

The Swiss NCP requests that the parties agree to maintain confidentiality during the further proceedings. In order to establish an atmosphere of trust, the OECD Guidelines foresee that no information regarding the content of the proceedings may be shared with third parties or supporters of the submission. If sensitive business information is provided or discussed during the meetings of the Swiss NCP, special requirements concerning the treatment of confidential information can be agreed upon by the parties involved in this specific instance. The NCP informs the parties that it reserves the right to stop the proceedings if one or the other of the parties does not respect this confidentiality. Even after the proceedings have been concluded, parties concerned remain committed to treat information received during the proceedings in a confidential way unless the other party agrees to their disclosure.

The Swiss NCP will publish its report on the initial assessment on the Swiss NCP website.