

OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES
GERMAN NCP
REPORT TO THE OECD
2014

National Contact Points must report annually to the OECD Investment Committee on the nature and results of their activities to further the effectiveness of the Guidelines for Multinational Enterprises, including implementation activities in specific instances.

A Common Reporting Framework, based on the Implementation Procedures of the Guidelines, assists NCPs prepare these reports. This information is the basis for the Chair's Annual Report to the OECD Council.

Common Reporting Framework

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Common framework for annual reporting by National Contact Points

The role of National Contact Points is to further the effectiveness of the Guidelines by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances. NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability.

A. Institutional arrangements

1. Governmental location of the NCP

Federal Ministry for Economic Affairs and Energy, Division VC3

2. Structure of the NCP

☐ Monopartite ☒ Interagency ☐ Bipartite ☐ Tripartite ☐ Quadripartite ☐ Independent Expert Body

The German NCP is based in the Federal Ministry for Economic Affairs and Energy acting in coordination with other ministries (Foreign Affairs, Finance, Justice and Consumer Protection, Labour and Social Affairs, Environment, Nature Conservation, Building and Nuclear Safety and Economic Cooperation and Development).

3. Does the NCP have an advisory body?

☒ Yes ☐ No

The German NCP holds regular meetings with the "Ministerial Group on the OECD Guidelines" as well as the "Working Party on the OECD Guidelines". Both of them are composed of representatives of Federal Ministries,

The "Working Party on the OECD Guidelines" includes as well trade unions, business organisations and civil society groups. This "Working party" meets once a year whereas the Ministerial Group meets more often.

Both "Group" and "Working Party" discuss (a) current issues relating to the OECD guidelines, (b) how to improve the dissemination of these Guidelines and (c) the working methods of the National Contact Point.

4. Does the NCP have an oversight body?

☒ Yes ☐ No

The oversight body consists of the traditional Ministerial structure which means starting with the Head-of-Department, then State-Secretary and as final Minister.

5. Was the NCP structure modified in the reporting period?

☐ Yes ☒ No

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

Through the placement of the NCP inside the German Government the expertise for the broad range of issues is guaranteed by the inclusion of other competent Ministries which can properly assess the factual implications of a question at hand. This inclusion serves to incorporate different views, so that the members of the NCP can find a balanced view. The NCP closely consults in all decisions and actions with these other Ministries. They are also invited to participate in the mediation process. The

German Government has a strong interest to promote corporate social responsibility in the areas of human rights, good governance, health and security and other factors which contribute to a positive development of countries through economic relations.

Additionally the "Working Group" includes as appropriate civil society organisations in its work; those organisations are informed in specific instances and are consulted in any relevant matters regarding the guidelines. The NCP may consult and include them on an ad-hoc basis in conciliation or mediation proceedings with the agreement of the parties involved.

Finally the NCP is organised in such a way that it is able to monitor specific instances after their conclusion.

7. Does the NCP have an allocated budget?

☐ Yes ☒ No

8. Does the NCP have dedicated staff?

☒ Yes ☐ No

The German NCP is based in the Ministry for Economic Affairs and Energy. The competent division is organized and staffed in a way which allows to cover its tasks. In addition to the Head-of-Division there are actually four responsible persons for the NCP and the OECD-Guidelines.

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

☒ Yes ☐ No

Whilst there are envisaged no changes in structure, the NCP continuously works to improve especially its resources structure. Actually a smaller resources reallocation inside the NCP has taken place concentrating the main workload.

10. Does the NCP report within the Government on its activities?

☒ Yes ☐ No

There is no obligation for a regular report, but as an integrated part of the government, the NCP remains accountable to the Parliament. Therefore the NCP is subject to parliamentary control of the Bundestag (Federal 'Lower House' of the Parliament). Individual Members of Parliament or Parliamentary Groups have the right to ask oral and written questions with regard to the activities of the NCP. The Bundestag has made use of these possibilities towards the NCP several times, especially during the update process of the Guidelines.

There have been various Parliamentary questions which specifically concern the Guidelines, but also general questions on the Foreign Trade Policy of Germany including separate issues with regard to the Guidelines and their implementation in Germany.

Furthermore, being placed within the governmental hierarchy the NCP may be required to report any time to higher governmental instances, too.

B. Information and promotion

11. Does the NCP have a dedicated website or dedicated webpages?

☒ Yes ☐ No

Yes, see: <http://www.bmwi.de/DE/Themen/Aussenwirtschaft/Internationale-Gremien/oecd-leitsaetze.html>; the link can be also found through a web search engine. The text is also available in

English: <http://www.bmwi.de/EN/Topics/Foreign-trade/oecd-guidelines-for-multinational-enterprises.html>.

12. Are the 2011 Guidelines available online?

☒ Yes ☐ No

The Guidelines are available online on the above mentioned sites in German and English.

13. Are the 2011 Guidelines available in print?

☒ Yes ☐ No

The Guidelines are available in print in German and English. A print version of the Guidelines has been made available to 230 German Embassies and Consulates world-wide, along with the recommendation to contribute to their further dissemination in guest-countries, whenever and wherever appropriate.

14. Did you develop other products to raise awareness of the Guidelines?

☒ Yes ☐ No

A leaflet about the Guidelines is posted on the website of the Federal Ministry for Economic Affairs and Energy ("Verantwortliches unternehmerisches Handeln im Ausland", see <http://www.bmwi.de/DE/Mediathek/publikationen,did=26126.html>).

15. Is your Annual Report available online?

☒ Yes ☐ No

The Annual report of the German NCP is available online at: <http://www.bmwi.de/DE/Themen/Aussenwirtschaft/Internationale-Gremien/oecd-leitsaetze,did=429912.html>

16. Is your Annual Report available in print?

☒ Yes ☐ No

The Annual Report is available on request also in print.

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

☒ Yes ☐ No

Under the aegis of the Federal Ministry of Labour and Social Affairs the government seeks to raise the awareness and implementation of corporate social responsibility (CSR) in Germany and abroad. The government has adopted an action plan which comprises many facets of CSR and relates to relevant international documents (for further information see the website: <http://www.csr-in-deutschland.de> which is available also in English).

This initiative takes into account not only the OECD-Guidelines, but implicates inter alia the promotion of the UN Global Compact, UN Guiding Principles for Business and Human Rights, the European Commission's 'A renewed EU strategy 2011 - 14 for Corporate Social Responsibility' and ILO Tripartite Declarations. The Ministry of Labour and Social Affairs is part of the NCP and in this context ensures close coordination and exchange.

Furthermore, the NCP keeps contact with the project "Human Rights, Corporate Responsibility and Sustainable Development" of the Federal Ministry of Economic Cooperation and Development.

According to the German position the instruments mentioned above mutually strengthen each other and can be referred to for each others interpretation and implementation.

- 18. Does the NCP, together with appropriate state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs ,...), inform prospective investors about the Guidelines and their implementation?**

☒ Yes ☐ No

The Guidelines are promoted in this context by the German government's main website for foreign trade and investment (iXPOS). The Federal Foreign Office and the Federal Ministry for Economic Cooperation and Development as well as the UN Global Compact Germany represented by the Gesellschaft für Internationale Zusammenarbeit (GIZ) are making reference to the Guidelines in their areas of work. Regularly economic affairs officers at German Embassies are trained in the knowledge of OECD Guidelines as well as in the work performed by NCP's.

Investment promotion programs and any other governmental foreign trade aid directs enterprises to the Guidelines and abets them to adhere to them.

- 19. If the NCP conducted surveys or collected data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct, provide details.**

The Federal Ministry of Economic Affairs and Energy is funding research institutions which conduct research on the topic of CSR as well. However, the NCP did not collect any data specifically on the Guidelines.

- 20. Does the NCP have a promotional plan on the Guidelines?**

☒ Yes ☐ No

The Guidelines appear on the webpage www.csr-in-germany.de of the Federal Ministry of Labour and Social Affairs. It is the central page for the comprehensive action plan of the Federal Government to foster CSR in Germany and contains CSR-related activities of all ministries.

A regularly updated website of the German NCP is maintained and is easily found in the internet if the Guidelines are looked for in the context of Germany. It includes any information of the NCP which may be made public.

Moreover, to give a short overview about the Guidelines and their implementation the short leaflet "Verantwortliches unternehmerisches Handeln im Ausland" gives a summary introduction to the Guidelines and its purposes and functioning.

Within the governmental organisation the NCP also supports and helps coordinating any outreach initiative for the further promotion and adherence of the Guidelines through developmental policy tools. Any related topic of the Ministry for Economic Affairs and Energy is tried to be linked publicly with the Guidelines.

- 21. Did the NCP organise any event to promote the Guidelines and their implementation procedures?**

☒ Yes ☐ No

Title

The role of OECD and OECD Guidelines

Date

22 Nov 2013

Place

Berlin

Further details	Given at the Handelsverband Deutschland e.V. (Confederation of German Retail)
Title	National Contact Point of OECD: OECD Guidelines, roles and functions of the NCP
Date	28 Mar 2014
Place	Berlin
Further details	Before a Delegation from Myanmar

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

☒ Yes ☐ No

Title	National Contact Point for the OECD Guidelines
Date	19 Nov 2013
Place	Bonn
Further details	Round Table 2013 of UNEP FI/VfU

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

Speech by the German Embassy Manila at a conference by the Friedrich Ebert Foundation on "The German national Contact Point" 31 July 2013.

German Embassies and Consulate Offices received a printed version of the revised Guidelines. They are regularly consulted in specific instances.

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

- | | | |
|---|---|--|
| ILO? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| UN Global Compact and its local networks? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| UN Office of the High Commissioner on Human Rights? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| National Institution for the Protection and Promotion of Human Rights? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Global Reporting Initiative? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| ISO26000? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Other | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

The NCP relates to these instruments, as stated above, within the governmental action plan on CSR. The instruments should be seen as mutually reinforcing. The Federal Government emphasizes the importance of all three international, government-backed instruments (OECD Guidelines, ILO Tripartite Declaration and UN Global Compact) wherever suitable, e.g. in the context of G8/G20. Promotion efforts by the respective agencies often comprise promotion of the other instruments. ILO standards are related to the interpretation and updating of the OECD Guidelines. Other instruments, like the Global Reporting Initiative, can help companies to implement the OECD Guidelines' expectations, especially after the update.

25. Does the NCP or another government agency promote the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones?

- ☒ Yes ☐ No

The Risk Awareness Tool is published on the German National Contact Point's web page.

26. Does the NCP or another government agency promote the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas?

- ☒ Yes ☐ No

Companies have been informed through several presentations of the Federal Institute for Geosciences and Natural Resources (BGR) at meetings of company associations. Answers to direct requests by companies on due diligence of supply chains have been given, also pointing out the requirements of the Guidelines.

Furthermore, the website on mineral certification of BGR refers to the website of the Guidelines.

27. Were enquiries received on the Guidelines and their implementation procedures

- | | | |
|---|---|--|
| From other NCPs? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| From the business community? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| From labour organisations? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| From non-governmental organisations? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| From governments of non-adhering countries? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Other | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

Enquiries from other national Contact Points were received. Furthermore, a number of requests for general information from media, students, researchers, citizens and companies have been received and answered.

C. Proactive agenda

In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders in order to: a) consider new developments and emerging practices concerning responsible business conduct; b) support the positive contributions enterprises can make to identify and respond to risks of adverse impacts associated with particular products, regions, sectors or industries

28. Did the NCP identify new emerging challenges for enterprises, or engage in any related activities?

- ☐ Yes ☒ No

D. Co-operation and peer learning

In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs will engage in joint peer learning activities. In particular, they are encouraged to engage in horizontal, thematic peer reviews and voluntary NCP peer evaluations. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.

29. Did the NCP engage in direct co-operation with other NCPs?

- ☒ Yes ☐ No

As mentioned above, the NCP maintains a relationship of mutual assistance and support with other NCP. German NCP participated in the First Regional Meeting of Central European Contact Points organized by Austria on 20 september 2013.

30. Is the NCP interested in volunteering for a peer evaluation?

- ☒ Yes ☐ No

Timeframe to be decided.

31. Is the NCP interested in being part of the team conducting a voluntary peer evaluation?

- ☒ Yes ☐ No

E. Specific instances

32. Did the NCP develop procedures for handling specific instances?

☒ Yes ☐ No

33. How many new specific instances did the NCP receive in the reporting period?

3

Title	German retail company subsidiary in Pakistan		
Leading NCP	German NCP		
Supporting NCP			
Description	Violation of Trade Unions rights and Human rights		
Theme/s	V. Employment and Industrial Relations		
Date specific instance received	2 Jan 2014		
Host country/ies	Pakistan		
Source	<input checked="" type="checkbox"/> Trade Union <input type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties		
Industry sector	Wholesale and retail trade; repair of motor vehicles and motorcycles		
Status	In progress		
Summary	A trade Union in Pakistan complains that its trade union rights at the METRO subsidiary in Pakistan are violated as well as the Human Rights of the employees.		
Initial assessment	Assistance to parties	Conclusion of the procedures	
From date: 2 Jan 2014	From date:	From date:	
To date:	To date:	To date:	

Title	Alleged violation of employees rights in Russia		
Leading NCP	German NCP		
Supporting NCP			
Description	Alleged violation of Human Rights and employees rights in Russia		
Theme/s	V. Employment and Industrial Relations		
Date specific instance received	5 Jun 2013		
Host country/ies	Russia		
Source	<input type="checkbox"/> Trade Union <input type="checkbox"/> NGO <input checked="" type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties		
Industry sector	Manufacturing		

Status	Concluded	
Summary	Not accepted for further evaluation in September 2013 as instance was not specified enough for an assessment. Published under: http://www.bmwi.de/BMWi/Redaktion/PDF/A/abgelehnte-beschwerden-der-nationalen-kontaktstelle.property=pdf,bereich=bmwi2012,sprache=de,rwb=true.pdf	
Initial assessment	Assistance to parties	Conclusion of the procedures
From date: 5 Jun 2013	From date:	From date: 20 Sep 2013
To date:	To date:	To date:

Title	Alleged violation of employees rights in Russia	
Leading NCP	Brazilian NCP	
Supporting NCP	German NCP	
Description	Alleged violation of Human Rights and employees rights in Brazil	
Theme/s	V. Employment and Industrial Relations	
Date specific instance received	5 Jun 2013	
Host country/ies	Brazil	
Source	<input type="checkbox"/> Trade Union <input type="checkbox"/> NGO <input checked="" type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties	
Industry sector	Manufacturing	
Status	Concluded	
Summary	Transferred to Brazilian NCP	
Initial assessment	Assistance to parties	Conclusion of the procedures
From date: 5 Jun 2013	From date:	From date: 5 Jun 2013
To date:	To date:	To date:

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

☒ Yes ☐ No

Title	Deutsche Post DHL
Status	Concluded
Summary	After a mediation with meetings on September 12 and December 11 2013 parties agreed through a Joint Final Statement dated January 2014 that by means of the mediation proces at the NCP the alleged complaints have been clarified or can be resolved by future dialogue.

Link	http://www.bmwi.de/BMWi/Redaktion/PDF/G/gemeinsame-abschlusserklaerung-deutsche-nationale-kontaktstelle-englisch,property=pdf,bereich=bmwi2012,sprache=de,rwb=true.pdf
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Title	trovicor GmbH
Status	Concluded
Summary	Trovicor has been reproached of contributing to the monitoring, arrest and torture of Bahaini opposition activists by maintaining monitoring equipment used by the security agencies of Bahrain. NCP offered partial assistance which was not accepted by the complainant. Case was closed consequently.
Link	

Title	Kekeritz/German textile companies
Status	In progress
Summary	Complaint against textile companies based on their responsibility for the factory fire in the Tazreen factory in bangladesh. Mediation talks are ongoing.
Link	

Title	German Cement Company
Status	In progress
Summary	German cement Company is reproached of a violation of rights of its employees union rights in Indonesia. Mediation talks are in preparation.
Link	

F. Useful experiences and future work

34. 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.

35. Based on your recent activities, what issues might deserve particular attention during the 2014-2015 implementation cycle of the OECD Guidelines?

The German NCP is working on a Handbook for German Companies which shall help to further promote the Guidelines and give orientation especially to small and medium sized enterprises in their

understanding of the Guidelines and their implementation in their commercial activities abroad. The Handbook is planned to be finalized and published soon.

NCP CONTACT INFORMATION

Contact	Federan Ministry for Economic Affairs and Energy; Division VC3
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