

***OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES***  
**GERMAN NCP**  
***REPORT TO THE OECD***  
***2013***



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.

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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 of Economics and Technology, Division VC3

#### 2. Structure of the NCP

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

The German NCP is composed as a 'Single department' (attached to the Federal Ministry for Economics and Technology), with close inter-ministerial cooperation (see below)

#### 3. Does the NCP have an advisory body?

☒ Yes ☐ No

The NCP holds regular meetings with the 'Ministerial Group on the OECD Guidelines' as well as the 'Working Party on the OECD Guidelines', composed of representatives of these Federal Ministries as well as business organisations, trade unions and civil society NGOs to 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.

The 'Working Party on the OECD Guidelines' meets usually once a year under the chairmanship of a senior official of the Federal Ministry of Economics and Technology to discuss all Guidelines-related issues.

#### 4. Does the NCP have an oversight body?

☒ Yes ☐ No

Ministerial, State-Secretary, Minister

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

☐ Yes ☒ No

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

The NCP is placed within the government, as the German government has a strong interest to promote corporate social responsibilities 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.

As hinted above, 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 the other ministries.

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 question

regarding the Guidelines. The National Contact Point 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 ready to surveil its 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 a division in the Ministry of Economics and Technology which is also competent for the subject matters relating to investment, development banks and dept swaps. As it is Germany's obligation to guarantee the workability of the NCP, the division is always organized and staffed in a way which allows it to cover all its tasks.

In addition to the Head-of-Division there is always at least one main responsible person for the OECD-Guidelines

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

☐ Yes ☒ No

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 is accountable to 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. These possibilities were used in regard to 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 Aspects of Germany which include certain separate issues with regard to the Guidelines and their implementation in Germany. In one instance, NCP also met with a Member of Parliament to present the Guidelines and the complaint procedure.

Furthermore, as 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.oecd-nks.de> or <http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/nationale-kontaktstelle-oecd-leitsaetze.html>; both links are easily to be found through a web search engine. The text is available in German and English

12. Are the 2011 Guidelines available online? ☒ Yes ☐ No

The Guidelines are available on the internet site of the Federal Ministry of Economics and Technology in German, English, Spanish and French.

**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 of Economics and Technology ("Verantwortliches unternehmerisches Handeln im Ausland", see <http://www.bmwi.de/BMWi/Redaktion/PDF/Publikationen/br-oecd-flyer,property=pdf,bereich=bmwi,sprache=de,rwb=true.pdf>). The leaflet has been translated in English, too (Responsible Business Conduct in a Global Context, see <http://www.bmwi.de/English/Navigation/Service/publications,did=443004.html>).

**15. Is your Annual Report available online?**

☒ Yes ☐ No

Yes, see <http://www.bmwi.de/BMWi/Redaktion/PDF/M-O/oecd-nks-jahresbericht-juli-2011-2012,property=pdf,bereich=bmwi2012,sprache=de,rwb=true.pdf>

**16. Is your Annual Report available in print?**

☒ Yes ☐ No

The Annual Report is available in print in German and English.

**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 German Federal Government adopted a National Action Plan for CSR based on the recommendations of a multi-stakeholder forum which comprises many facets of CSR and relates to relevant international documents (see for further information: <http://www.csr-in-deutschland.de/> / <http://www.csr-made-in-germany.de>). Furthermore there is a Newsletter available, which contains detailed informations about the current status of implementation of the Action Plan for CSR.

This initiative takes into account not only the OECD-Guidelines, but involves 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 Ministerial Group on the OECD Guidelines and in this context ensures close coordination and exchange.

**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 German Global Compact Network are making reference to the Guidelines in their areas of work. The secretariat of the German Global Compact Network is commissioned by the Federal Ministry for Economic Cooperation and Development. Investment promotion programs and any other governmental foreign trade directs enterprises to the

Guidelines and abets them to adhere to them.

Companies applying for investment guarantees are explicitly encouraged to respect the OECD Guidelines.

**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 and Technology 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 NCP follows a promotional plan based on the ideas of presence and openness.

The Guidelines are presented to the public and to stakeholder representatives; this implies exchange and networking with interested groups, individuals, research institutions and stakeholders. The NCP aims at being associated not only with the Guidelines but with CSR and other related topics and to be one of the main respective contact points. Emphasis is made on the importance and unique character of the Guidelines with regard to the implementation and monitoring of CSR principles laid down in the Guidelines. This does not only contribute to the general awareness of the Guidelines, but helps to be integrated in the respective community dealing with the Guidelines and related issues.

Furthermore, the NCP is open beyond the organised civil society to any interested group or person having questions with regard to the activities of the NCP. That is why the German NCP does not hesitate to reply to any inquiries from the research community, i.e. researchers, students and institutes which provide for a certain leverage concerning the promotion of the Guidelines. In the reporting period there have been inquiries for doctoral thesis, papers and articles which have been processed with due care.

The German NCP remains open to any indications and insights from those entities. In any outward contact the NCP encourages the exchange of information and insights.

More specifically:

The Guidelines also appear on the webpages [www.csr-in-germany.de](http://www.csr-in-germany.de) or [www.csr-made-in-germany.de](http://www.csr-made-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 at the website of the Ministry of Economics and Technology 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, the leaflet in German and in English, "Verantwortliches unternehmerisches Handeln im Ausland" (see above) is updated regularly and gives a summary introduction to the Guidelines and its purpose and functioning.

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

☒ Yes ☐ No

<b>Title</b>	Implementing the OECD Guidelines for Multinational Enterprises in the financial sector
<b>Date</b>	12 Apr 2013
<b>Place</b>	Frankfurt a.M.
<b>Further details</b>	Due to unforeseen circumstances the conference had to be postponed.

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

☒ Yes ☐ No

<b>Title</b>	Conference organized by BDA (German Employers' Association) on OECD Guidelines
<b>Date</b>	22 Nov 2012
<b>Place</b>	Berlin
<b>Further details</b>	

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

German embassies and consulate offices received a printed version of the revised Guidelines as well as the leaflet which has been mentioned above.

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

<b>ILO?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>UN Global Compact and its local networks?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>UN Office of the High Commissioner on Human Rights?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>National Institution for the Protection and Promotion of Human Rights?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Global Reporting Initiative?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>ISO26000?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other</b>	<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 are seen as mutually reinforcing each other. The Federal Government emphasizes the importance of all three international, government-backed instruments (OECD Guidelines, ILO Tripartite Declaration and UN Global Compact) whenever 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. Information on the interrelation between the instruments and on important tools available should be provided to companies in a more transparent way. The German Global Compact Network has made an overview about three instruments in the context of CSR, namely the UN Global Compact, ISO 26000 and the Guidelines, showing the commonalities and differences of the three instruments.



**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 German Mineral Resources Agency (DERA) at the Federal Institute for Geosciences and Natural Resources (BGR) at meetings of company associations. DERA also answered several direct requests by companies on due diligence of supply chains, also referring to and pointing out the requirements of the Guidelines.

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

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

From other NCPs?

☒ Yes ☐ No

From the business community?

☒ Yes ☐ No

From labour organisations?

☒ Yes ☐ No

From non-governmental organisations?

☒ Yes ☐ No

From governments of non-adhering countries?

☐ Yes ☒ No

Other

☒ Yes ☐ No

Enquiries from other National Contact Points were received and information on promotional activities and individual cases in the same field was exchanged in a spirit of mutual support and close cooperation.

Furthermore, a number of requests for general information from the 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 NCPs in which a continuous exchange of information is assured.

30. Is the NCP interested in volunteering for a peer evaluation? ☒ Yes ☐ No

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

- are they available online? ☒ Yes ☐ No

[www.bmwi.de/go/oecd-nks](http://www.bmwi.de/go/oecd-nks)

- in which language/s ? The procedures are available in English and German.

- do procedures take into account the 2011 Procedural Guidance? ☒ Yes ☐ No

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

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Title	Indonesian National/. German Company
Leading NCP	German NCP
Supporting NCP	/
Description	Violation of Human Rights and Indonesian Labour Law

Theme/s	IV. Human Rights		
	V. Employment and Industrial Relations		
Date specific instance received	17 Sep 2012		
Host country/ies	Indonesia		
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	<p>An Indonesian employee reproached a German company of a violation of his rights during the company's corporate restructuring. The NCP declared the complaint inadmissible as the OECD Guidelines were not violated.</p>		
Initial assessment	Assistance to parties	Conclusion of the procedures	
From date: 17 Sep 2012	From date: 17 Sep 2012	From date: 17 Sep 2012	
To date:	To date:	To date: 17 Dec 2012	
Vio			

Title	Deutsche Post DHL		
Leading NCP	German NCP		
Supporting NCP	/		
Description	Violation of Human Rights and Rights of DHL employees to union activities		
Theme/s	V. Employment and Industrial Relations		
	IV. Human Rights		
Date specific instance received	21 Nov 2012		
Host country/ies	Columbia, Norway, Turkey, USA, Guatemala, Hongkong, Indonesia, Malawi, P		
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	Transportation and storage		
Status	In progress		
Summary	<p>DP-DHL is reproached of trying to impede the formation of labor unions and to violate worker's rights in several countries.</p>		
Initial assessment	Assistance to parties	Conclusion of the procedures	

From date: 21 Nov 2012	From date: 21 Nov 2012	From date:
To date:	To date:	To date:

<b>Title</b>	Trovicor GmbH		
<b>Leading NCP</b>	German NCP		
<b>Supporting NCP</b>	/		
<b>Description</b>	Violation of Human Rights in Bahrain		
<b>Theme/s</b>	IV. Human Rights		
<b>Date specific instance received</b>	6 Feb 2012		
<b>Host country/ies</b>	Bahrain		
<b>Source</b>	<input type="checkbox"/> Trade Union <input checked="" type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties		
<b>Industry sector</b>	Professional, scientific and technical activities		
<b>Status</b>	In progress		
<b>Summary</b>	<p>Trovicor is a manufacturer and maintenance provider of monitoring equipment which is delivered, among others, to government agencies. Trovicor is reproached of contributing to the monitoring, arrest and torture of Bahraini opposition activists by maintaining monitoring equipment used by the security agencies of Bahrain.</p>		
<b>Initial assessment</b>	<b>Assistance to parties</b>	<b>Conclusion of the procedures</b>	
From date: 6 Feb 2012	From date: 6 Feb 2012	From date:	
To date:	To date:	To date:	

<b>Title</b>	Kekeritz ./ German textile companies		
<b>Leading NCP</b>	German NCP		
<b>Supporting NCP</b>	/		
<b>Description</b>	Violation of Human Rights in Bangladesh		
<b>Theme/s</b>	II. General Policies IV. Human Rights		
<b>Date specific instance received</b>	13 May 2013		

<b>Host country/ies</b>	Bangladesh		
<b>Source</b>	<input type="checkbox"/> Trade Union <input type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input checked="" type="checkbox"/> Other interested parties		
<b>Industry sector</b>	Manufacturing		
<b>Status</b>	In progress		
<b>Summary</b>	Complaint against textile companies based on their responsibility for the factory fire in the Tazreen factory in Bangladesh last year.		
<b>Initial assessment</b>	<b>Assistance to parties</b>	<b>Conclusion of the procedures</b>	
From date: 13 May 2013	From date: 13 May 2013	From date:	
To date:	To date:	To date:	

<b>Title</b>	German Cement Company		
<b>Leading NCP</b>	German NCP		
<b>Supporting NCP</b>	/		
<b>Description</b>	Violation of Rights to union activities		
<b>Theme/s</b>	II. General Policies		
<b>Date specific instance received</b>	31 May 2013		
<b>Host country/ies</b>	Indonesia		
<b>Source</b>	<input checked="" type="checkbox"/> Trade Union <input checked="" type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties		
<b>Industry sector</b>	Construction		
<b>Status</b>	In progress		
<b>Summary</b>	German Cement Company is reproached of a the violation of Rights of its' employees to union activities.		
<b>Initial assessment</b>	<b>Assistance to parties</b>	<b>Conclusion of the procedures</b>	
From date: 31 May 2013	From date: 31 May 2013	From date:	
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

## **F. Useful experiences and future work**

**35. 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.**

**36. Based on your recent activities, what issues might deserve particular attention during the 2013-2014 implementation cycle of the OECD Guidelines?**

The NCP is currently 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 in the following reporting period.

## **NCP CONTACT INFORMATION**

<b>Contact</b>	Federal Ministry of Economics and Technology, Division VC3
<b>Address</b>	Scharnhorststraße 34-37, 10115 Berlin
<b>Country</b>	GERMANY
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<b>Email</b>	Buero-vc3@bmwi.bund.de
<b>Telephone</b>	+49 30/18 615-7521
<b>Fax</b>	+49 30/18 615-5378