



# FINAL REPORT

by the German National Contact Point for the OECD Guidelines for  
Multinational Enterprises

in response to a complaint submitted by the

**Daphne Caruana Galizia Foundation**  
(hereinafter referred to as “the Complainant”)

against the

**Siemens AG**  
(hereinafter referred to as “the Respondent”)

The Complainant and the Respondent will be collectively referred to  
as “the Parties”.

## **A. THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES AND THE NATIONAL CONTACT POINTS**

- 1 The OECD Guidelines for Multinational Enterprises (OECD Guidelines) are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. They provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognised standards. The OECD Guidelines reflect the expectation from governments to businesses on how to act responsibly. They bring together all thematic areas of business responsibility, including human rights and labour rights, as well as information disclosure, environmental protection, anti-corruption, consumer interests, science and technology, competition, and taxation. This comprehensiveness is a unique feature of the OECD Guidelines and makes it the only government-backed instrument covering all major sustainability risks.
- 2 Adherents to the OECD Guidelines set up National Contact Points (NCPs). Their task is to promote the effective implementation of the OECD Guidelines. The NCPs shall, in particular, raise awareness of the OECD Guidelines among business, trade unions and civil society and serve as a non-judicial grievance mechanism.

## **B. SHORT OVERVIEW OF THE ISSUES RAISED**

- 3 The complaint was brought before the German National Contact Point for the OECD Guidelines for Multinational Enterprises (German NCP) by the Daphne Caruana Galizia Foundation, a Maltese non-profit non-governmental organisation (Complainant). It is directed against the Siemens AG, a large technology company focused on industry, infrastructure, transport and healthcare (Respondent). The complaint focuses on events related to the ElectroGas Malta consortium (Consortium) in which the Respondent's fully-owned subsidiary, Siemens Project Venture GmbH (SPV) is a minority shareholder, holding 33% of the shares.
- 4 The Complainant alleged that the Respondent, in the context of the Consortium, failed to fulfil its obligations under the OECD Guidelines, with certain provisions in Chapters IV (Human Rights), VII (Combating Bribery, Bribe Solicitation and Extortion) and XI (Taxation) allegedly affected.
- 5 The Respondent stated its full commitment to the OECD Guidelines and offered an exchange on broader compliance topics, including its compliance processes.
- 6 Upon careful consideration of the facts and views presented, the German NCP accepted the case with regard to allegations raised under Chapter VII and XI and

offered its good offices; but rejected the case with regard to allegations raised under Chapter IV.

- 7 In partially accepting the case and offering its good offices, the NCP highlighted that its good offices would provide a venue for a forward-looking conversation on how to further the implementation of the OECD Guidelines going forward.
- 8 The partial acceptance of the case and the NCP's offer of its good offices do not mean that the issues raised have been given final consideration. It is *not* a determination on whether or not the corporate behaviour or actions in question were consistent with the OECD Guidelines, and should not be equated with a determination on the merits of the issues raised in the submission.

### **C. SUMMARY OF THE EVENTS AND RESULTS**

- 9 The Complainant submitted the complaint on 17 October 2020. The Respondent submitted its response on 15 December 2020. The Complainant's response was received on 17 March 2021. The NCP engaged with the Parties in initial bilateral conversations on the complaint.
- 10 The NCP finalized its initial assessment, partially accepting the case and offering its good offices, in December 2021. The initial assessment was shared with the Parties on 4 January 2022. In its initial assessment, the NCP highlighted the forward-looking nature of its good offices, which would provide for a discussion forum between the Parties on how to further the effectiveness of the OECD Guidelines going forward; and noted that the exact scope of the good offices would be determined in coordination with the Parties. The Parties accepted the NCP's offer of good offices in mid-February 2022 and agreed to the use of an external mediator to be recruited by the NCP.
- 11 The NCP proposed an external mediator to the Parties. After separate introductory calls between the Parties and the mediator, facilitated by the NCP, both parties accepted the proposed mediator. The NCP, supported by the mediator, prepared draft terms of reference for the good offices phase which were finalized in coordination with both Parties. The NCP, supported by the mediator, facilitated several preparatory calls with each party to prepare for the first mediation meeting. During the good offices phase, three meetings were held: an in-person meeting on 26 September 2022; a virtual meeting on 28 October 2022; and an in-person meeting on 24 January 2023. Between these meetings, the NCP and mediator organized several bilateral calls with the Parties.
- 12 At the third mediation meeting, the Parties voluntarily reached an agreement, which was finalized in writing following the meeting. The content of the agreement, which

seeks to further the implementation of the OECD Guidelines, is kept confidential as agreed by the Parties. As agreed with the Parties, the NCP will conduct a follow-up twelve months after the publication of this report to follow-up on the agreement's implementation.

- 13 The NCP thanks the Parties for their participation in the NCP process and welcomes that an agreement was reached.

Berlin, den 4. Mai 2023

*Signed by Anne-Kathrin Röthemeyer*

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For the National Contact Point

Anne-Kathrin Röthemeyer