



PROCEDURAL GUIDANCE

of the German National Contact Point for the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct at the Federal Ministry of Economic Affairs and Climate Action

As of: 1 January 2024

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Multinational Enterprises in December 2023

[courtesy translation of the German original, the latter being the sole basis for any
interpretation that may become necessary]

A. Introduction

- 1 The OECD Guidelines for Multinational Enterprises on responsible business conduct (hereinafter: “Guidelines”) provide that all Adherents establish National Contact Points whose mandate is to further the effectiveness of the Guidelines. National Contact Points shall deliver on their mandate in a visible, accessible, transparent, accountable, impartial, equitable and predictable manner that is compatible with the Guidelines. The National Contact Points also act as non-judicial grievance mechanisms. In this role National Contact Points shall, in line with the above-mentioned criteria, contribute to resolving issues that arise in the implementation of the Guidelines in so-called “specific instances”. The specific instances refer to complaint procedures relating to potential violations of the Guidelines. For these complaint procedures, the Guidelines provide “Procedural Guidance”.
- 2 Compliance with the Guidelines by companies is on a voluntary basis; the Guidelines are not legally binding. Nevertheless, the Federal Government has a clear expectation that multinational enterprises operating in or from Germany will comply with the principles set out in the Guidelines and participate constructively in complaint procedures relating to them which are handled by the German National Contact Point (hereinafter: “NCP”) at the Federal Ministry for Economic Affairs and Climate Action (BMWK).
- 3 In the implementation of the National Action Plan for Business and Human Rights (2016-2020) the NCP was closely linked with the instruments promoting foreign trade and investment. Since then, the constructive participation in a complaint procedure has been taken into account when granting certain foreign trade and investment support measures (export credit guarantees, investment guarantees, untied financial loans). If companies fail to deal with allegations under the Guidelines, this can lead to the denial of future trade and investment support measures. A company’s constructive participation in the complaint procedure can also be taken into account when companies are selected for participation in official visits by the Ministry of Economic Affairs and Climate Action’s leadership.
- 4 The aim of the present Procedural Guidelines is to illustrate the nature and the course of a NCP complaint procedure. They are based on the Procedural Guidance of the OECD in force since the revision of the Guidelines in 2023 and its “Commentary on the Procedural Guidance”. The latter sets out the procedures to be used when applying the Guidelines in complaint procedures. It gives the NCPs a certain degree of discretion when it comes to its specific design of the complaint procedure. In addition to the basic principles of the complaint procedure, these Procedural Guidelines also show how the NCP handles certain aspects of the process.
- 5 According to the Procedural Guidance of the OECD, it is important that complaints are dealt with swiftly, efficiently and in line with applicable law and the OECD Guidelines. When working on complaints, the NCP acts in close coordination with other federal ministries that are members of the Interministerial Committee on the OECD Guidelines

(IMC),¹ and coordinates the decisions to be made in the context of the complaint procedure with them.

- 6 The Guidelines, these Procedural Guidelines and additional documents and information can be found on the NCP's website².
- 7 These Procedural Guidelines, first adopted in 2019, have been updated in light of the 2023 update of the OECD Guidelines after consultation with the Working Group on the OECD Guidelines, which includes representatives from business, trade unions and civil society as well as experts. It was agreed by the Interministerial Committee for the OECD Guidelines (IMC).
- 8 These Procedural Guidelines will apply to all complaints submitted to the NCP after the Procedural Guidelines have been published on the NCP website. For pending complaints, the NCP will discuss with the parties to what extent the ongoing procedure can be aligned with the new procedure.

B. Objectives and principles of the NCP complaint procedure

I. Purpose of the complaint procedure

- 9 The purpose of the complaint procedure is to contribute to resolving issues that arise in specific cases in the application of the Guidelines. In the complaint procedure, the NCP will support the parties in building **trust** and working towards an **agreement** on the contentious issues in a **dialogue-based and consensual** manner, thereby promoting compliance with and wider use of the Guidelines.
- 10 Such an agreement can entail measures by the company to further the implementation of the Guidelines in the future and/or ways to address, in accordance with the Guidelines, adverse impacts that may have occurred. Recommendations by the National Contact Point, if any, can also contribute to a solution.
- 11 The complaint procedure is not a court procedure. The NCP is not a court-like institution. It offers a protected **discussion forum** and steers the procedure in line with the Procedural Guidance, with the aim of achieving agreement amongst the parties. The NCP acts in line with the above-mentioned criteria:
- 12 **Visibility:** The NCP is easily identifiable for stakeholders inside and outside of government. Information about the NCP, the NCP complaint procedure and the

¹ The IMC OECD Guidelines consists, in addition to the staff of the NCP at the Federal Ministry for Economic Affairs and Climate Action (Chair), also of representatives of the Federal Ministry of Finance, the Federal Foreign Office, the Federal Ministry of Justice, the Federal Ministry of Labour and Social Affairs, the Federal Ministry of Food and Agriculture, the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection, the Federal Ministry of Digital and Transport, and the Federal Ministry for Economic Cooperation and Development.

² URL: <https://www.bmwk.de/Redaktion/EN/Dossier/national-contact-point-ncp.html>.

Procedural Guidance are available on the NCP website. The NCP informs the public about the NCP and its complaint procedure.

- 13 **Accessibility:** The NCP does not charge a fee for the filing of a complaint. The NCP provides a complaint submission form on its website which requests information relevant for the initial assessment, as well as additional information on the NCP complaint procedure (see also paragraph 12). It is available to answer questions about the procedure. NCP complaint procedures can be conducted in German or English. Conducting the complaint procedure in languages other than German and English may be possible in line with available capacities and resources. When NCP complaints are handled in languages other than German or English, delays can occur due to translation and interpretation requirements. Translation and interpretation services may be limited to key steps of the complaint procedure (see paragraph 79).
- 14 **Transparency.** The NCP acts in a transparent manner. This also holds true for the complaint procedure as long as the level of confidentiality needed for a successful process is ensured (see paragraphs 21-25).
- 15 **Accountability:** The NCP reports about its activities on an annual basis to the Bundestag and the OECD. The reports are published on the NCP website. The NCP's work is also subject of the meetings of the Working Group of the OECD Guidelines, which includes representatives of business, trade unions, civil society and experts. The Working Group meets at least twice a year. The NCP will also, as foreseen in the OECD Guidelines, undergo regular peer reviews.
- 16 **Impartiality and equitability:** The NCP ensures impartiality vis-à-vis the parties. This means, for example, that all statements by the parties are usually shared to ensure that the parties have a comparable level of information. The NCP ensures that all parties can take part in the procedure in fair and **equitable** conditions. It is available for all parties throughout the procedure for questions, explanations or other support. Where relevant and in the interest of a fair process, the NCP can show flexibility, e.g. with regard to deadlines for statements by the Parties, to account for different levels of capacities.
- 17 **Predictability:** The NCP ensures predictability by providing clear and publicly accessible information about the course of the procedure, the criteria for accepting complaints, expectations with regard to the participation of the parties in good faith, confidentiality, the character and possible results of the procedure, as well as the NCP's own role in the process.
- 18 **Compatibility with the Guidelines.** In its good offices, the NCP acts **in accordance with the Guidelines** and based on their principles and standards. Throughout the process, the NCP provides its expertise on the Guidelines and supports the Parties in finding agreements that are compatible with the Guidelines.

II. Good faith

- 19 If a complaint procedure is to reach a successful conclusion, all of the parties must cooperate constructively in the procedure and abide by the principle of **good faith**. The Guidelines define good faith as responding in a timely fashion, maintaining the necessary confidentiality, refraining from misrepresenting the issues and the procedure and from threatening or taking reprisals against others involved in the procedure, and in general a serious approach which fosters the finding of a solution. Conduct which might undermine trust between the parties and jeopardize the success of the complaint procedure should be avoided. The principle of good faith also means that the Parties will give serious consideration to any offer of good offices made by the NCP.
- 20 The NCP undertakes monitoring to ensure that the parties respect the principle of good faith throughout the procedure and where needed takes the necessary steps in this regard.

III. Transparency and confidentiality

- 21 The NCP core principle of transparency also applies to the complaint procedure (see paragraph 14).
- 22 The parties and the NCP – unless agreed otherwise – are generally allowed to publicly communicate about the existence and the stage of the complaint procedure and to publish their submissions to the NCP. With the conclusion of the initial assessment, the NCP informs on its website about the status of pending complaints. This information should usually include information on the parties as well as the issues raised.
- 23 However, the Guidelines also provide that, in order to make the complaint procedure more effective, steps to ensure confidentiality can be needed particularly with regard to facts and arguments not known to the public which are shared as part of the process. The NCP aims to strike a balance between **transparency** as a general procedural principle and a level of **confidentiality** needed to ensure the parties' trust in the procedure.
- 24 There is a limit to transparency in particular where it comes to necessary protection of commercial secrets or, where relevant, personal data. The latter is particularly important if publishing personal data entails a risk of reprisal.
- 25 At the start of the mediation and conciliation phase³, the NCP coordinates with the Parties on 'Terms of Reference' to reach a joint understanding on transparency and confidentiality requirements for the mediation phase (paragraph 59). The principle of good faith can also entail a duty to maintain confidentiality. For example, disclosure of documents or information received during the procedure without the agreement of the other party/parties, or the conducting of a public campaign, particularly during the mediation phase, against a party, can in certain cases damage trust in the procedure and

³ For reasons of linguistic clarity, in the following only referred to as "mediation phase".

lessen the prospect of a successful outcome. The NCP expects the parties to reflect on the possible effects of their conduct on the likelihood of a successful outcome to the procedure. As part of its efforts to steer the procedure, the NCP can take appropriate measures to ensure the possibility of a successful conclusion of the procedure. If the NCP no longer believes an agreement to be possible, it can terminate the procedure.

C. Sequence of events during the procedure

I. Submission of the complaint

26 A complaint procedure before the NCP is launched by the submission of a written complaint.

27 If possible, the complaint should be emailed to germanncp@bmwk.bund.de using the submission form available on the NCP's website. The complaint should be accompanied by other documents which serve to back up the complaint with relevant information.

28 Alternatively, there is the possibility of sending the complaint to the following address:

Bundesministerium für Wirtschaft und Klimaschutz
National Contact Point for the OECD Guidelines (NCP)
Scharnhorststr. 34 - 37
10115 Berlin
Deutschland

II. Receipt of the complaint and initial assessment

29 The NCP confirms receipt of the complaint and contacts the complainant to inform them how the complaint will be handled. This will usually happen within 10 days after the complaint has been submitted.

30 The NCP first checks whether the complaint is understandable and whether there is a risk that it might violate any third party's rights, particularly data protection rights. The complainant may be asked to remedy any issues identified. Similarly, the NCP can request that the complainant provide additional information or documents.

III. International competence and coordination with other National Contact Points

31 In principle, complaints are handled by the NCP of the country in which the issues have arisen. The German NCP will forward complaints about issues that have arisen in another Adherent to the competent NCP there.

32 If the complaint relates to issues arising in a non-Adherent, the German NCP may be competent for handling the case if the relevant company's main headquarters are in Germany. In this case, the NCP follows this Procedural Guidance and will conduct the

complaint procedure where it believes this to be useful and feasible to help mediate between the parties.

33 If the complaint relates to parts of companies or operations in more than one Adherent, the German NCP will consult with the NCPs concerned on how to proceed in line with the principles set out in the Procedural Guidance of the OECD Guidelines. In cases where a different NCP is competent to deal with a complaint that pertains to a company based in Germany, the German NCP follows the procedure and cooperates with the competent NCP.

34 Such coordination with other NCPs seeks to clarify which NCP will take the lead (lead NCP) and, where necessary, which NCP(s) will take on a supporting role (supporting NCP), e.g. by examining or translating documents, facilitating contact with the parties. Where needed, coordination arrangements can be agreed.

35 The parties will be informed about the coordination. In case of a transfer of a case submitted to the German NCP to another NCP, the Parties will be consulted.

36 For cases that the German NCP conducts as lead NCP, these Procedural Guidelines will apply. As soon as the NCP has received the complaint (possibly supplemented by further documents), it will forward it to the company concerned, asking it to provide a statement usually within four weeks. The NCP informs the company that its response will be forwarded to the complainant and that any confidential business information should be marked as such, accompanied where necessary by an explanation on why it must be treated confidentially. Such information will only be shared if consent has been given by the holder of the information. Where relevant, the Respondent and the NCP can work on redactions of sensitive data, to allow the sharing of documents.

37 Where needed for its initial assessment, the NCP can ask the complainant and the respondent to provide additional statements.

IV. Initial Assessment

38 Based on the complaint and the response submitted by the company, the NCP undertakes an initial assessment and decides, usually within three months after receiving the complaint or taking on the complaint as lead NCP, whether the issues raised in the complaint merit further examination, i.e. whether or not to accept the complaint for further consideration.

1. Eligibility criteria

39 When deciding whether to accept a complaint for further consideration, the NCP examines the following points:

(a) Eligibility of the parties

aa. Complainant(s) and their interest in the matter

40 Complaints can be submitted by (natural and legal) persons, trade unions and non-governmental organisations. The complainant must demonstrate their legitimate interest in the matter in question and justify the complaint. It is possible to file a complaint on behalf of a third party provided the complainant can demonstrate that they are authorised to do so.

bb. Respondent

41 The complaint must be directed at an addressee of the Guidelines, i.e. a “multinational enterprise”. The Guidelines apply to all sectors of the economy. Whilst the Guidelines do not specify exactly what constitutes a “multinational enterprise”, they do state that these “usually comprise companies or other entities established in more than one country and so linked that they may coordinate their operations in various ways.” The Guidelines also apply to activities of business partners of multinational enterprises including suppliers and subcontractors (cf. also paragraph 44 in this regard).

42 Small and medium-sized multinational enterprises are also subject to the Guidelines. Consideration has been and will be given to the fact that these smaller companies do not have the same possibilities and capacities as large corporations.

(b) Relevance of the issues raised for the implementation of the Guidelines and submission in good faith

43 The purpose of the examination by the NCP of the issues raised is to advance the objectives of the Guidelines and render the latter more effective. This is generally the case if the questions raised refer to the subject matter of the OECD Guidelines and if support from the NCP can foster the application of the Guidelines in the specific case or in future. Submitting a complaint solely based on an alleged violation of the general OECD Due Diligence Guidance for responsible business conduct⁴ or sector-specific due diligence guidances⁵ is not sufficient.

44 Furthermore, there must be a link between the company’s operations – including the activities of their business partners (cf. paragraph 41 above) – and the issues raised in the complaint. This can derive from potential negative effects of the company’s own activities, or from a contribution to negative effects. Where a company did not cause or contribute to a negative effect itself, there may nevertheless be a relationship because the negative effect is directly linked to the company’s operations, products or services through a

⁴ See: <https://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>.

⁵ See: <https://mneguidelines.oecd.org/duediligence/>.

business relationship. This is not intended to shift responsibility from the entity causing an adverse impact to the enterprise with which it has a business relationship.

45 The complaint must be material (relevant to the implementation of the Guidelines) and **sufficiently substantiated, i.e. supported by sufficient and credible information**. There is no requirement to prove the merits of the case, as in a court.

(c) Court or administrative proceedings taking place in parallel

46 Pending, concluded or possible court, administrative or NCP proceedings in Germany or elsewhere on the same issues that could influence the NCP procedure do not per se preclude a NCP procedure. The NCP decides case-by-case whether an offer of good offices could make a positive contribution to the resolution of the issues raised or to the Guidelines' implementation in the future and do so without causing serious prejudice for either of the parties involved in the other proceedings or resulting in contempt of court. It is important that the support provided by the NCP and the application of the Guidelines can provide added value compared to the other proceedings. To be able to make an appropriate decision, the NCP can ask the Parties to provide, where possible, relevant information and views on the parallel proceedings. When making its decision, the NCP can take into account practices of other NCPs; it can decide to partially accept the specific instance or to suspend the specific instance while the parallel proceedings are ongoing.

2. Initial assessment

47 The German NCP carries out an initial assessment. In the initial assessment, the allegations raised in the complaint are subject to a careful examination in terms of the Guidelines, taking legal aspects into account, to determine whether the issues raised warrant further examination and whether involvement of the NCP could help resolve the issue.

(a) Acceptance of the complaint for further consideration by the NCP

48 When the complaint is accepted for further consideration, the parties are informed in writing about the NCP's decision to do so. At the same time, the NCP offers the parties its good offices in the form of a mediation or conciliation procedure.⁶

49 The Parties have an opportunity to comment on the draft initial assessment, usually within two weeks. It is at the NCP's discretion whether to make changes to the report based on the comments received. The finalized initial assessment is shared with the Parties, published on the NCP website and forwarded to the OECD. The publication of the initial assessment serves to implement the principle of transparency (paragraph 14). The initial assessment will note that the acceptance of a complaint does not imply any finding

⁶ For reasons of linguistic clarity, in the following only referred to as "mediation procedure".

as to whether or not an enterprise has acted in accordance with the Guidelines (see also paragraph 50).

50 The acceptance of a complaint for further consideration means that the NCP finds that the complaint warrants further examination as to whether the issues raised are relevant to the implementation of the Guidelines. Acceptance of a complaint and the NCP's mediation offer does not mean that the issues raised have been given final consideration and does not imply any finding as to whether or not an enterprise has acted in accordance with the Guidelines.

(a) Rejection of the complaint

51 If a decision is taken not to further examine the complaint, the NCP informs the parties of the grounds for its decision and draws up a report containing the following points:

- names of the parties (if consent is given by the parties);
- the allegations on which the complaint is based, including indications as to which parts of the Guidelines are alleged to have been breached and where appropriate the position of the Parties;
- a summary of the complaint procedure;
- the grounds on which the case has been rejected;

52 The parties are provided with a draft of this report for comments usually within two weeks. It is at the NCP's discretion whether to make changes to the report based on the comments received before sharing the final report with the Parties.

53 The report is then sent to the parties, published on the NCP's website and forwarded to the OECD in line with the Procedural Guidance of the OECD.

V. Mediation phase

1. Preliminary remarks

54 At the beginning of the mediation phase, the NCP reminds the parties of the importance of the general procedural principle of good faith.

55 The NCP primarily aims at a joint discussion between the parties; however, separate contacts between the NCP and the parties can also be useful. If all parties agree, the NCP can involve external mediators in the mediation phase. The mediators are selected based on a proposal by the NCP with the agreement of the parties. The NCP bears the costs of the external mediators.

56 The NCP keeps in contact with the parties during the procedure, and discusses the state of the procedure and possible steps that could be taken to resolve the issues in hand and arrive at an agreement in line with the OECD Guidelines.

57 If necessary, the NCP can seek advice from competent authorities, relevant embassies and consulates in the locality, representatives of the business community, employee organisations or civil society organisations as well as proven experts. It can consult the NCPs of other countries. It can also ask for information from the OECD Secretariat on NCP practices in similar cases and for advice by the OECD Working Party on Responsible Business Conduct, and/or seek guidance from the OECD Investment Committee in cases where the NCP is unsure as to how to interpret the Guidelines in a particular case.

2. Preparation of the mediation meeting

58 If the parties accept the NCP's offer of good offices, the NCP prepares, if applicable supported by an external mediator, the mediation by engaging in discussions and written contact with the parties to discuss the expectations and objectives of the parties, and to explain the procedure.

59 To ensure that the mediation procedure runs efficiently, the parties will – with support from the NCP – develop “Terms of Reference” which will include details of the scope and course of the discussions, confidentiality, procedural and logistical aspects or other matters of interest.

3. Mediation meeting

60 The NCP puts the organisational preconditions in place for efficient and protected talks. The mediation meetings usually take place at the premises of the National Contact Point in the Federal Ministry of Economic Affairs and Climate Action in Berlin. In order to facilitate the greatest possible participation of the parties in the mediation meetings, the NCP can use appropriate communication technologies and can conduct mediation meetings fully or partially remotely.

61 At the beginning of each mediation meeting the mediator will give the parties time to voice their views of the matter in hand. The purpose of the mediation meetings is to facilitate an agreement between the parties about the issues raised and possible measures to further the implementation of the Guidelines in the future or address negative effects in line with the OECD Guidelines.

VI. Conclusion of the procedure

1. If there is agreement between the parties

62 If the parties succeed in reaching agreement on substantial points during the mediation, the NCP will prepare a draft final report for the Parties' comments. It is at the NCP's discretion whether to make changes to the report based on the comments received before sharing the final report with the Parties.

63 The report should provide information on the issues raised, and where appropriate the position of the parties, the procedure conducted by the NCP, and the date of the agreement. Information regarding the terms of the agreement will only be included insofar as the parties give their consent. At the request of the parties, the NCP can help with the implementation of the agreement. The NCP can issue recommendations on the implementation of the Guidelines. It will take appropriate steps to follow up on the implementation of the agreement and where relevant the recommendations. The timeline for the follow-up will be specified in the final report.

2. If there is no agreement between the parties

64 A report will also be published if no agreement was reached between the parties or if one of the parties is not or no longer willing to take part in the procedure.

65 The report will provide information on the allegations on which the complaint is based, including indications as to which parts of the Guidelines are considered to have been breached and

- information about the parties;
- the issues raised and the parties' positions as appropriate;
- the reasons why the NCP decided that the matter warranted further examination;
- a summary of the course of the complaint procedure, including information on the parties' engagement in the procedure and, if applicable, the reasons which prevented an agreement;
- where relevant, recommendations as to how the Guidelines should be implemented.

66 The NCP shares the draft report with the parties for comments within two weeks. It is at the NCP's discretion whether to make changes to the report based on the comments received before it shares the final report with the parties.

67 The NCP will normally take appropriate steps to follow up on the implementation of its recommendations. The timeline for such follow-up will be specified in the final report.

3. Withdrawal of a complaint

68 If the complainant withdraws the complaint before the procedure has been concluded, the NCP closes the case.

4. Determination

69 At no point in the procedure does the NCP determine whether or not the company acted in line with the Guidelines.

5. Follow-up

70 Where relevant, the NCP follows up on the implementation of the agreement or recommendations in an appropriate manner and in line with the timelines specified in the final report. Such follow-up can be done through a bilateral exchange between the NCP and the Parties or a joint meeting with all parties. As needed, external mediators can be used.

71 Once the follow-up has been concluded the Parties will be given the possibility to comment on the draft follow-up report, if possible within two weeks. It is at the NCP's discretion whether to make changes to the report based on the comments received before sharing the final report with the Parties.

6. Publication

72 The report and where relevant the follow-up report are published on the NCP's website.

73 The NCP reports to the OECD on the outcome of the procedure. Relevant divisions in the Ministry in charge of foreign trade and investment support measures and of the travel arrangements for the leadership of the Ministry will also be informed about the conclusion of the case with reference to the NCP final report. Relevant units in the Federal Office for Economic Affairs and Export Control (BAFA) in charge of the German Supply Chain Due Diligence Act will also be informed.

D. Supplementary points

I. Protection against reprisals

74 Threatening or using any form of reprisal against complainants or respondents, the NCP or external mediators during or after the NCP complaint procedure is unacceptable. Reprisals may include, for example, threats to harm the individual, their family or other relations; inappropriate threats to terminate employment or inappropriate threats of legal action.

75 The principle of good faith means not least that those involved refrain from threatening or using any reprisals against other participants, mediators or the NCP itself during and after the procedure. If necessary, the NCP can, where needed together with other relevant actors, initiate appropriate measures in steering the procedure and in line with its

capacities to protect those involved, the NCP or the mediators (see also paragraph 19).

II. Conflict of interest

76 To avoid conflicts of interest when handling complaints at the NCP or among the members of the IMC involved in decision-making, the NCP, in coordination with the IMC, will develop a procedure to avoid conflicts of interest. The procedure should in particular lay out when members of the NCP or IMC must recuse themselves from the complaint procedure to avoid an actual or potential conflict of interest.

77 The National Contact Point also minimizes the risk of conflicts of interest when selecting possible external mediators. A conflict of interest prevents the employment of a mediator in an NCP complaint procedure.

III. Duration of the procedure

78 In accordance with the Procedural Guidance, the NCP aims to conclude any coordination with other National Contact Points within two months; the initial assessment within three months and the entire procedure within twelve months (or fourteen months in cases where coordination with other NCPs is needed) from the receipt of the complaint. The exact duration of the procedure will, however, depend on the precise nature of the case and on factors that may be out of the NCP's control (e.g. translation services, involvement of other countries' NCPs). In some cases, it may be necessary to seek advice from experts or ask the Investment Committee for their comments. For good reason, the Guidelines do not set rigid deadlines.

79 Should the NCP be unable to keep to the schedule set out in the Guidelines, it will inform the parties as soon as possible, stating the reasons and – if possible – setting out an alternative timeframe.

IV. Languages of the procedure

80 The languages of the procedure are German and English. Wherever possible, the NCP can make translation or interpretation services available. However, these may be restricted to the most important steps of the procedure (see paragraph 13).

V. Enquiries

81 Questions about the complaint procedure and other activities of the NCP can be submitted using the relevant enquiry form on the NCP's website or via email to the National Contact Point at germanncp@bmwk.bund.de.

VI. Data protection

82 The processing of personal data at the NCP is done in accordance with the European General Data Protection Regulation and the Federal Data Protection Act. The legal basis for the processing of personal data by the NCP is Article 6(1)(e) of the General Data Protection Regulation in combination with section 3 of the Federal Data Protection Act. Personal data are processed by the NCP in its work to handle complaints and enquiries in accordance with the privacy policy⁷ of the Federal Ministry for Economic Affairs and Climate Action and only to the extent necessary. Further information about data protection can be found in the aforementioned privacy policy.

83 In order to process complaints, where necessary the NCP obtains information from public and non-public bodies in EU Member States or countries outside the EU.⁸ Also, the NCP coordinates with foreign NCPs when verifying which NCP is responsible for the case.⁹ In certain cases, it may be necessary to transmit personal data (also of third parties) pursuant to section 25 of the Federal Data Protection Act in conjunction with Article 49(1)(d)(4) of the General Data Protection Regulation to countries outside the EU in order to process the complaint or enquiry. Pursuant to these provisions, the transmission of data to countries outside the EU is permissible on the grounds of public interest. The tasks of the NCP envisaged in the OECD Guidelines and the Procedural Guidance, and particularly the consultations between NCPs and the international sharing of data required for this, are grounds of public interest. When data is transmitted to a country outside the EU, the affected parties are informed about this in advance.

VII. Freedom of information

84 This is without prejudice to the provisions of the Freedom of Information Act and the Environmental Information Act.

⁷ URL: <https://www.bmwk.de/Navigation/EN/Service/Privacy-Policy/privacy-policy.html>.

⁸ Cf. paragraph 30.

⁹ Cf. paragraph 33ff.