

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
INVESTMENT COMMITTEE**

Working Party on Responsible Business Conduct

Common Framework for Annual Reporting by National Contact Points for the OECD Guidelines for Multinational Enterprises

The common reporting framework has been updated following the discussion on the proposed changes to the Annual Report on the OECD Guidelines for Multinational Enterprises [DAF /INV /RBC(2014)11] at the joint meeting of the Working Party on Responsible Business Conduct and NCPs on 4 December 2014. This revised version reflects comments submitted by delegates following the 20 March 2015 meeting of the Working Party on Responsible Business Conduct.

The updated common reporting framework retains the core questions aimed at providing the information required under the Implementation Procedures of the Guidelines. Some follow on questions have been added to help NCPs report on their achievements as well as ongoing needs and challenges.

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**COMMON FRAMEWORK FOR ANNUAL REPORTING BY NATIONAL CONTACT POINTS
TO THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES**

June 2014-December 2015¹

The role of National Contact Points is to further the effectiveness of the OECD Guidelines for Multinational Enterprises (the Guidelines) by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that arise from the alleged non-observance of the Guidelines in specific instances by individual companies. NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability to further the objective of functional equivalence.

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

This Common Reporting Framework, based on the Implementation Procedures of the Guidelines, assists NCPs in the preparation of these reports. The information provided by NCPs is the basis for the Annual Report to the OECD Council on the Guidelines for Multinational Enterprises. It is also used to produce Annual reports of individual NCPs (NCP Annual reports).

¹ Until 2014, the reporting period for NCPs covered activities undertaken from June to June. From 2015 the reporting period will cover the period from January to December of each year. For practical reasons, the 2015 reporting period will also cover activities between June and December 2014.

COMMON REPORTING FRAMEWORK

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A. NCP contact information

- Contact name (s): Arkadiusz Tarnowski, Polish Information and Foreign Investment Agency
- Address: Bagatela Str. 12, Warsaw, Poland
- Website or webpage: http://www.paiz.gov.pl/OECD_National_Contact_Point
- Email: ncpoecd@paiz.gov.pl
- Telephone: +48-22-334 9843

B. Institutional arrangements

Adhering governments have flexibility in organising their NCPs as long as the institutional arrangements meet the objective of functional equivalence and help further the effectiveness of the Guidelines. NCPs have to seek the active support of social partners, including the business community, worker organisations, NGOs and other interested parties as relevant.

1. In which governmental agency (ministry) is the NCP located?

Polish Information and Foreign Investment Agency (PAIiIZ), a state-owned company acting as an investment promotion agency.
2. In the case of independent NCPs, how has the NCPs been set up?
3. Does the NCP include representatives from:
 - Government agencies: Yes/**No**. If yes, please specify
 - Non-governmental bodies. Yes/**No**. If yes, please specify which:
 - business
 - trade unions
 - civil society
 - other
4. What are the main considerations that have determined the current structure of the NCP? (check all that apply).
 - Increase the relevance of the Guidelines to the ministries/government bodies involved
 - Ensure the independence of the NCP vis-à-vis the government
 - Ensure accessibility of the NCP to stakeholders
 - Involve relevant stakeholders in the NCP

- Other: Being part of PAIiZ allows good contact with companies and access to semi- business working culture as well as good connections to governmental bodies.
5. Does the NCP have an advisory body? Yes/**No**. Please indicate composition and functions.
6. Does the NCP have an oversight body? Yes/**No**. Please indicate composition and functions.
7. Please provide any other information on how its structure enables the NCP to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability.
8. How is the NCP funded? (check all that apply)
- government budget
 - other (please specify)
9. Does the NCP have dedicated staff? **Yes**/No. If yes:
- How many full time staff members?
 - How many part time staff members? **1**
 - No dedicated staff members
10. Are the financial and human resources provided to the NCP sufficient for the NCP to carry out its mandate? Yes/**No**
11. What challenges does the NCP face in fulfilling its mandate? (check all that apply)
- Lack of financial resources
 - Lack of capacity
 - Lack of support from the government
 - Difficulties in engaging the business community, worker organisations, other non-governmental organisations, other interested parties.
 - Other
12. Please explain these challenges, and elaborate on additional elements that would be needed for the NCP to fulfil its mandate and functions.
13. Does the NCP report to the government on its activities? **Yes**/No. If yes:
- Through regular meetings

- Through established reporting channels
- In an ad hoc manner
- Other

14. Please specify to whom the NCP reports (ex. Parliament, governmental body, etc.)

The activities of Polish NCP are part of quarterly and annual reports of PAIIZ being submitted to the Ministry of Economy and the Ministry of Treasure.

15. Does the NCP coordinate with other domestic government bodies or representatives with regard to activities on responsible business conduct? **Yes/No**. If yes, please elaborate – Ministry of Economy

C. Information and Promotion

16. Does the NCP have a dedicated website or dedicated webpages? **Yes/No** . If yes, please provide link.

http://www.paiz.gov.pl/OECD_National_Contact_Point

17. Are the Guidelines available online? **Yes/No**

18. Are the Guidelines available in print? **Yes/No**

19. Is the NCPs Annual Report available online or in print? **Yes/No**

20. Does the NCP have a promotional plan on the Guidelines? **Yes/No** . If yes, please provide details.

Distribution of guidelines during seminars and workshops.

21. Has the NCP implemented the actions identified in the promotional plan? **Yes/No** Why or why not?

22. How does the NCP inform investors about the Guidelines and their implementation? Through (check all that apply):

- Embassies
- Export credits agency
- Overseas investment guarantee body
- Investment promotion agencies
- Other (please specify): Regional Investor Assistance Centres

23. Has the NCP done any studies to assess awareness of enterprises on the Guidelines and the NCP? **Yes/No**. If yes, through:

- Survey(s)
- Regular meetings
- Other

24. What were the results of these studies/surveys?

25. Has the NCP organised any events to promote the Guidelines and their implementation procedure?
Yes/No

- Title/subject of the event
- Place, date
- Organiser(s)
- Number of participants and type of audience (e.g. government, business, worker organisations, NGOs, academia, or other parties)
- Highlights and key outcomes

1. ***"OECD Guidelines for multinational enterprises and trade unions. Recommendations for responsible business conduct in a global context and the perspective of cooperation. Workshop for the Visegrad Group countries."***

23-24 Oct 2014, Katowice, Poland.

Organized by the Polish NCP in cooperation with the Friedrich-Ebert Foundation and TUAC. Participants: 52 people - participants from trade union organizations (13 people from Poland), 10 people from the Czech Republic and 14 people from Hungary. Representatives from the Polish, Czech, Hungarian and French NCP (4 people). representative from TUAC, representative from International Union of Food workers (IUF), representative from the Polish Ministry of Economy, representative from the Polish Institute for Human Rights and Business.

Highlights: presentation of the OECD Guidelines to the trade union organizations; presentation of practical examples on effective conflict solutions involving trade union organizations; practical exercises related to filing potential complaints; SWOT analysis of the activities of NCPs in the Visegrad Group countries; mediation - effective tool in NCP's activities.

As a result of this workshop, on the Polish NCP website "Guidelines in Brief" in the Czech and Hungarian languages were published. Additionally, thanks to the French NCP's courtesy, a leaflet on the responsible business conduct and due diligence in the textile and clothing supply chain was published on the Polish NCP website in Polish, English, Czech and Hungarian languages.

2. "Plan for a Better Future. The role of the NGOs in the implementation of the UN Guiding Principles on Business and Human Rights and development of the National Action Plan on Business and Human Rights."

26-27 Oct 2015, Warsaw, Poland

Organized by the Polish Institute of Human Rights and Business, Embassy of the Kingdom of the Netherlands and the Polish NCP.

Participants: 15 people

Polish NCP had dedicated sessions to inform about the OECD guidelines and NCP activities.

Highlights: a working paper entitled "Polish NCP - current status and recommendations" has been elaborated and published (in Polish).

26. Did the NCP participate in any event organised by stakeholders or other entities to promote the Guidelines and their implementation procedures? **Yes/No**

- Title of the event
- Place, date
- Organiser(s)
- Number of participants and type of audience (e.g. government, business, worker organisations, NGOs, academia, or other parties)
- Highlights and key outcomes

1. 27 Nov 2014, Warsaw, Poland

Working Group on CSR organized by the Polish Ministry of Economy.

Presentation on OECD Guidelines, NCP and its activities

2. 25 March 2015, Warsaw, Poland

Workshop for Regional Investor Assistance Centres

Presentation on OECD Guidelines, NCP and its activities.

Participants: 50 people

3. 18 May 2015, Warsaw, Poland

Consultation meeting of the Polish Section of the Business and Industry Advisory Committee to the OECD

Presentation on OECD Guidelines, NCP and its activities.

4. 23 June 2015, Warsaw, Poland
Workshop for Regional Investor Assistance Centres
Presentation on OECD Guidelines, NCP and its activities.
Participants: 15 people

5. 14 Oct 2015, Warsaw, Poland
Workshop for Regional Investor Assistance Centres
Presentation on OECD Guidelines, NCP and its activities.
Participants: 20 people

6. 06 Nov 2015, Warsaw, Poland
Working Group on CSR organized by Deloitte.
Presentation on OECD Guidelines
Participants: 15 people

7. 17 Nov 2015, Warsaw, Poland
Workshop for Regional Investor Assistance Centres
Presentation on OECD Guidelines, NCP and its activities.
Participants: 15 people

27. Does the NCP cooperate with OECD partner organisations and/or other leading organisations working on responsible business conduct? **Yes/No**. Please check all that apply and provide further details on the nature of the cooperation.

- ILO
- UN Global Compact and its local networks
- UN Office of the High Commissioner on Human Rights
- National Institution for the Protection and Promotion of Human Rights
- Global Reporting Initiative
- ISO
- Other, please provide details: We are in contact with the organizations/ initiatives, as well as working groups in the field of CSR organized by Ministry of Economy, Polish representations of BIAC and TUAC.

28. Did the NCP receive enquiries about the Guidelines and the NCP? From (check all that apply):

- Business – 3
- Labour organisations

- Non-governmental organisations
- Government agencies - 2
- Other government (e.g. via embassies) - 5
- Other (individuals, press, academia) - 5

29. If available please provide web statistics regarding your NCP's website:

- How many visitors did the website(s) receive in the reporting period?

The Polish version received 48 228 entries in the reporting period and the English version received 33 280 entries. Comparing the number of entries in 2015 (calendar year) to 2014 (calendar year), it shrunk by 5% (Polish version) and by 29% (English version).

Most entries in a single month, for the Polish version, were achieved in June 2014 - 5149, whereas the average number of entries per month in the reporting period was 2538. Most entries in a single month, for the English version, were achieved in June 2014 - 2769, whereas the average number of entries in the reporting period per month was 1751.

- How many downloads of materials on the NCP website (e.g. the Guidelines, brochures, other materials) occurred during the reporting period?

1. Guidelines (Polish version) - 4 383 downloads
2. Procedure in matters related to breach of OECD guidelines by a multinational enterprise or its related party (Polish version) - 430 downloads
3. Procedure in matters related to breach of OECD guidelines by a multinational enterprise or its related party (English version) - 583 downloads
4. Guidelines in brief (Polish version) - 361 downloads
5. Guidelines in brief (English version) - 341 downloads
6. Information on Guidelines and the complaint mechanism (Russian version) - 837 downloads
7. Information on Guidelines and the complaint mechanism (Ukrainian version) - 634 downloads
8. Summary of most important information about filing complaints - frequently asked questions (Polish version) - 291 downloads
9. Summary of most important information about filing complaints - frequently asked questions (English version) - 443 downloads

D. Specific instances

According to the Procedural Guidance, NCPs are expected to contribute to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances in a manner that is impartial, predictable, equitable and compatible with the principles and standards of the Guidelines.

30. What are the NCP's procedures for handling specific instances? Please attach the procedures

Procedures of the Polish NCP in matters related to breach of OECD guidelines by a multinational enterprise or its related party are available online, both in Polish and English. The link is below:

1. Polish version: http://www.paiz.gov.pl/kpk_oecd/dokumenty_do_pobrania

2. English version: http://www.paiz.gov.pl/OECD_National_Contact_Point/downloads

Where applicable please elaborate or note an absence of NCP procedures regarding:

- Requirements on submitting a complaint in a specific instance

Requirements are available online, in procedures, both in Polish and English.

1. Polish version: http://www.paiz.gov.pl/kpk_oecd/dokumenty_do_pobrania

2. English version: http://www.paiz.gov.pl/OECD_National_Contact_Point/downloads

- Standing requirements for participating in a specific instance (e.g. rules around who is allowed to bring complaints to an NCP mechanism, who is allowed to participate in mediation).

Pursuant to the Guidelines, a complaint may be filed by any "interested party". The complainant may be, for example, a community or its members, a group of employees or individuals affected by a company's activities, trade unions or non-government organizations etc. A complainant does not have to be the affected party, however, he/she must demonstrate his/her connection to the case, e.g. having support for such cases in the mission of his/her organization. The complainant must, moreover, remain in close contact with the affected parties to be in a position to provide detailed information regarding the situation to the NCP.

A complaint may be filed if it is established that a multinational enterprise or its related entity breached one or more of the principles set out in any of the 11 chapters of the OECD Guidelines. Complaints may concern ongoing matters, old matters which the company failed to duly address or situations that may result in the breach of OECD Guidelines in the future. The complainant must specify which chapters and paragraphs of the Guidelines contain principles breached by the company and describe and document the situation. The decision of the NCP in the given case will be based on the presented information and evidence.

The NCP may also reject cases that are frivolous or vexatious and not intended to resolve the dispute. It is desirable that the enterprise named in the complaint be seated in one of the countries whose

governments committed to adhere to the Guidelines. Otherwise, the NCP may attempt to establish dialogue, but the conduct of talks and success of the proceedings depends solely on the good will of the enterprise named in the complaint. If such company is not willing to cooperate, the NCP may only provide its recommendations.

- Confidentiality provisions

Confidentiality provisions are available online, in procedures, both in Polish and English.

1. Polish version: http://www.paiz.gov.pl/kpk_oecd/dokumenty_do_pobrania

2. English version: http://www.paiz.gov.pl/OECD_National_Contact_Point/downloads

The core operating principles of the NCP are openness, transparency and accountability, i.e. ensuring the transparency of proceedings. This primarily means ensuring that parties to the case are provided with full information. Departures from this rule are admissible only if the same contributes to an agreement between the parties and requires a justification in the case documentation.

In its operations, the NCP also attributes particular attention to:

- protecting the confidentiality of business information and other data, interests of the parties concerned,
- maintaining absolute confidentiality of the contents of talks between the parties and with the parties, throughout their duration, including during mediation.

Moreover, the Polish NCP assumes that personal data of affected parties may be included in published documents only when such parties agree in writing.

- Indicative timeframes for the different steps of the procedure

Conduct concerning particular cases involves 3 stages which, in principle, should not exceed 12 months:

1. Stage I: from receipt of complaint to initial assessment (approx. 3 months);
 2. Stage II: from acceptance of case by the NCP to conclusion of mediation (approx. 6 months);
 3. Stage III: drafting and publication of the final statement (approx. 3 months).
- Where justified, the duration of the respective stages may be extended. If the process becomes prolonged due to circumstances outside the NCP's control, the NCP will notify the parties accordingly. It is also assumed that the parties will deliver information as required so as to not cause any additional delays.

The OECD NCP will exercise all efforts to monitor the further course of the case following the conclusion of proceedings, including in particular the performance of the agreement made between the parties.

- Existence of a statute of limitations: **N/A**

- Publication and availability online of initial assessments

Polish NCP does publish online initial assessments, both in Polish and English. The link is below:

1. Polish version: http://www.paiz.gov.pl/kpk_oecd/dokumenty_do_pobrania
2. English version: http://www.paiz.gov.pl/OECD_National_Contact_Point/downloads

31. How many new specific instance(s) did the NCP receive in the reporting period? **3**

See Annex (template for reporting specific instances)

32. What are the main challenges the NCP encountered in handling specific instances during the reporting period? (check all that apply).

- Parallel legal proceedings
- Parallel public campaigning by complainant
- Unrealistic expectations regarding possible outcomes
- Unwillingness of the company to engage
- Unwillingness of the complainant(s) to engage
- Other (please elaborate)
- No specific instances

E. 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.

33. Does the NCP engage in any of the multi-stakeholder advisory groups under the proactive agenda?

- Responsible Mineral Supply Chains? Yes/**No**. Please specify.
- Stakeholder Engagement in the Extractive Industries? Yes/**No**. Please specify.
- Responsible Business Conduct in the Financial Sector? Yes/**No**. Please specify.
- Responsible Agricultural Supply Chains? Yes/**No**. Please specify.

- Responsible Supply Chains in the Textile and Garment Sector? Yes/**No**. Please specify.
34. How does the NCP use and rely on guidance developed as part of the proactive agenda projects mentioned above? (check all that apply).
- Promotion and awareness raising activities
 - Dealing with specific instances
 - Handling enquiries
 - Developing guidance at the national level
 - Other

F. Co-operation and peer learning

In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs are encouraged to cooperate and engage in horizontal, thematic peer reviews and voluntary peer evaluations. Cooperation and experience sharing can be carried out through meetings at the OECD or hosted by a government and can include mentoring and coaching, direct co-operation between individual NCP on specific issues, etc.

35. How did the NCP engage in co-operation and experience sharing with other NCPs during the reporting period? Check all that apply:
- Horizontal learning activities
 - Co-hosting events
 - Co-operation in handling specific instances
 - Mentoring/capacity building events
 - Other
 - No co-operation
36. Did the NCP encounter any difficulties in co-operating with other NCPs? Yes/**No**. If yes, please elaborate.
37. Is the NCP interested in volunteering for a peer evaluation? Yes/**No**. Please indicate semester/year.
38. Is the NCP interested in being part of a peer review team? Yes/**No**. – Please indicate semester/year.
39. Please provide suggestions for themes of future horizontal learning exercises.

40. Is the NCP interested in hosting an NCP learning/experience-sharing event? Please indicate semester/year. **Yes/No** – 2Q2016

G. Impact and future work

41. Have there been any measurable impacts of the Guidelines and/or the efforts of the NCP in the past implementation cycle? **Yes/No** For example:
- Have the Guidelines been referred to in national legislation (e.g. on non-financial reporting, export credits regulation etc.)? **Yes/No**
 - Do any domestic industry standards refer to the Guidelines? **Yes/No**
 - Other?
42. What are the new emerging challenges for enterprises identified by NCPs, notably in developing and emerging economies and sectors? -
43. How has the NCP helped enterprises address these challenges? -
44. What issues might deserve particular attention during the 2016 implementation cycle of the Guidelines? For example:
- Areas for which additional proactive agenda projects would be valuable
 - Areas where additional research or analytical support would be helpful
 - Areas which would benefit from additional policy dialogue
 - Other

ANNEX: TEMPLATE FOR REPORTING SPECIFIC INSTANCES

Please fill in, where appropriate and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary, the following template for each new specific instance received in the reporting period. Please also provide the link to the initial assessment, if available, and the final statement. Please note that specific instances that were rejected by the NCP also need to be reported upon.

- Title as it appears in the OECD's database of specific instances: Industry sector, host countries, etc.
- Leading NCP:
- Supporting NCP:
- Description: (issues raised)
- Theme/s: (indicate the Guidelines chapters mentioned in the submission)
- Host country/ies
- Source: (trade union, NGO, individuals, business or other interested parties)
- Industry sector
- Status: In progress or Concluded
- Summary: (context, good offices, highlights, challenges, opportunities, conclusions, follow up, etc.)
- Initial assessment: From date... to date... Please provide links to relevant public communication issues by the NCP and/or initial assessment.
- Engagement with parties: From date... to date...
- Conclusion of the procedures: From date to date... Please provide links to relevant public communication issues by the NCP and/or final statement.
- Parties consulted with regard to the specific instance procedure
- Link to existing entry in the OECD database of specific instances (<http://mneguidelines.oecd.org/database/>)

Are there any updates on specific instances that were reported and not concluded in the previous reporting period? Yes/No.

- Update on specific instances from previous reporting period
- Title as it appears in the OECD's database of specific instances: Industry sector, host country (ies), date specific instance was received
- Status: In progress and concluded
- Summary: (context, good offices, highlights, challenges, opportunities, conclusions, etc.)
- Timeframe:
- Engagement with parties: From date... to date...
- Conclusion of the procedures: From date to date... Please provide links to relevant public communication issues by the NCP and/or final statement.
- Parties consulted with regard to the specific instance procedure
- Link to existing entry in the OECD database of specific instances (<http://mneguidelines.oecd.org/database/>)