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

Cancels & replaces the same document of 3 January 2025

**Modalities for Peer Reviews of National Contact Points for Responsible Business
Conduct**

The Decision on the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct provides that “Adherents shall undertake periodic peer reviews of their NCPs, subject to modalities adopted by the Working Party on Responsible Business Conduct (WPRBC)” (I.5.).

This document contains these modalities. The WPRBC discussed two draft versions of the document at its March and June 2024 meetings, and approved them by written procedure on 5 November 2024.

It is submitted to the Investment Committee for declassification by 20 December 2024.

Allan Jorgensen, Head, OECD Centre for Responsible Business Conduct, Directorate for Financial and Enterprises Affairs, allan.jorgensen@oecd.org

Nicolas Hachez, Head of Access to Remedy, OECD Centre for Responsible Business Conduct, Directorate for Financial and Enterprises, nicolas.hachez@oecd.org

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1 Background and objectives

1. Between 2009 and 2024, National Contact Points for Responsible Business Conduct (NCPs) have undergone voluntary peer reviews. Voluntary peer reviews offered an opportunity to evaluate and shed light on the workings of NCPs and any barriers NCPs were facing in delivering their mandate, as well as achievements and good practices in this regard. Recognising the value of voluntary peer reviews as a learning tool and as a way to promote functional equivalence of NCPs, at the time of the 2011 update of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (the Guidelines)¹ a new provision was added to the Implementation Procedures² to facilitate voluntary peer evaluations.

2. While up to 2015 the process through which peer reviews were conducted had been left to the governments and their NCP under review, in 2015, the Working Party on Responsible Business Conduct (WPRBC) approved a Core Template for Voluntary Peer Reviews of National Contact Points (Core Template), which it revised in 2019.³ The Core Template laid out the process followed during peer reviews, the roles of the peer review team and the NCP under review, as well as arrangements on costs and funding.

3. In 2017, at the OECD Ministerial Council Meeting (MCM), ministers committed 'to having fully functioning and adequately resourced National Contact Points, and to undertake a peer learning, capacity building exercise or a peer review by 2021, *with the aim of having all countries peer reviewed by 2023.*'

4. These peer reviews have proved instrumental in supporting functional equivalence of NCPs. Peer reviews have increased effective implementation of the Guidelines, facilitated the spread of good practices, and led to the reinforcement of peer reviewed NCPs. Moreover, peer reviews have proven to be an important source of learning for other NCPs in the network and for NCPs acting as peer reviewers.

5. In light of the usefulness of peer reviews in ensuring effectiveness and functional equivalence of NCPs, the 2023 Declaration on Promoting and Enabling Responsible Business Conduct in the Global Economy [[OECD/LEGAL/0489](#)] underlined the commitment of Adherents to 'regularly engag[e] in peer reviews as an important part of driving effectiveness throughout the NCP network'. Likewise, as part of the targeted update of the Guidelines and their Implementation Procedures, NCP peer reviews were made mandatory and periodic, subject to modalities to be adopted by the WPRBC. Box 1.1 reproduces the language in the 2023 Implementation Procedures regarding peer reviews. The aim behind these changes was to further support functional equivalence of NCPs through a regular and dynamic process of peer learning.

¹ The Guidelines are set out in Annex 1 to the Declaration on International Investment and Multinational Enterprises [[OECD/LEGAL/0144](#)].

² The Implementation Procedures comprise the Decision of the Council on the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, the Procedures attached to it, and their respective Commentaries [[OECD/LEGAL/0307](#)].

³ OECD (2019), National Contact Point Peer Reviews: Core Template, available at <https://mneguidelines.oecd.org/national-contact-point-peer-reviews-core-template.pdf>.

6. As set out in the Procedures, the WPRBC is tasked with developing the modalities of the new peer review system in order for the new cycle to begin. This document sets out those modalities.⁴

Box 1.1. Implementation Procedures language about peer reviews

Decision on the Guidelines, para. I.5.

Adherents shall undertake periodic peer reviews of their NCPs, subject to modalities adopted by the Working Party on Responsible Business Conduct (WPRBC).

Procedures, para. I.F.

Adherents will undertake periodic peer reviews of their NCP organised by the Secretariat, as a means to increase effective implementation of the Guidelines, share best practices, and foster NCP effectiveness and functional equivalence. Modalities for periodic peer reviews, including procedures for conducting peer reviews, the duration of the peer review cycle and funding arrangements, will be approved by the WPRBC and reviewed at the end of every cycle. The first cycle of periodic peer reviews will only be launched after such modalities have been approved.

Commentary, paras. 23-24

23. Peer reviews are an important mechanism to increase effective implementation of the Guidelines, share best practices, and foster functional equivalence. As set out in the Decision, Adherents commit to undertake periodic peer reviews of the NCPs. The Secretariat will organise such peer reviews under the oversight of the WPRBC. Peer reviews evaluate strengths and weaknesses of the NCP with regard to the delivery of its mandate and the core effectiveness criteria defined in Section I of the Procedures, and make recommendations for improvement as appropriate.

24. The modalities of the periodic peer reviews (process, duration of the review cycle and funding arrangements) will be defined in a 'Core Template for NCP Peer Reviews' to be approved by consensus by the WPRBC and published on the OECD Website. The WPRBC will review the Core Template at the end of each cycle, in particular to ensure that NCPs are given enough time to prepare their peer reviews, that peer reviews do not represent an unreasonable burden, are cost-effective for governments and NCPs (including peer reviewer NCPs) and take into account the workloads of the WPRBC and the Secretariat, and that the selection process for peer reviewer NCPs ensures that all NCPs are offered an opportunity to participate in peer review teams. The cycle of periodic peer reviews will not start until modalities have been approved by the WPRBC.

⁴ These modalities do not create any rights or obligations under international law. They are adopted in accordance with paragraph I.5 of the Decision on the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct and set out the modalities of the periodic peer reviews referred to in that paragraph.

2 Planning and scheduling

Peer review cycle and schedule

7. NCP peer reviews will follow a cycle of seven years, meaning that NCPs will periodically undergo peer reviews approximately every seven years. One year before the end of each cycle, the modalities will be reviewed by the WPRBC and amended as appropriate in light of the learnings of the cycle and needs of the NCP network.

8. At least six months before the beginning of each cycle, the Secretariat will set out, in consultation with the WPRBC, a full schedule of all peer reviews and peer reviewer assignments (see below Peer review team) within the cycle. The schedule for every year of the cycle will seek to reflect both the diversity of the NCP network and the sequence of the previous cycle of peer reviews. It will also seek to avoid as much as possible significant overlap between an NCP's own peer review process and its peer reviewer assignments. Diversity criteria for the purpose of scheduling include size of the economy, level of experience, and region. In case of continued difficulties in accommodating a small number Adherents in the schedule, the peer review cycle may proceed based on a provisional schedule including Adherents agreeing to it, and the WPRBC Chair will provide assistance in resolving remaining difficulties with the countries concerned.

9. The schedule will assign each peer review a three-months window within which the on-site visit (see below On-site visit) will take place. The exact date will be arranged through the Secretariat where possible at least one year before the end date of the abovementioned time-window, so as to ensure that the on-site visit takes place at a time that is convenient for all parties.

10. In severe and unusual circumstances, and with maximal notice given those circumstances, an Adherent may request that the peer review of its NCP be postponed, and should provide a rationale for its request. The Secretariat will then consult with all affected NCPs to determine whether a postponement, which should normally be shorter than one year and may require adjusting the schedule of one or several other planned reviews, is possible. Similar arrangements will apply *mutatis mutandis* to any request by a peer reviewer NCP to switch assignments.

11. The Secretariat will seek to schedule the first peer review of new Adherents to the Guidelines within three years of their adherence, in consultation with the WPRBC.

Peer review teams

12. Peer review teams will consist of representatives ('peer reviewers') from two NCPs. With the agreement of the NCP under review, one additional NCP may be added to the team as observer. Peer review teams should notably reflect, if possible, different levels of experience and NCP structures, and represent different geographical areas, including, if possible, the region of the NCP under review. NCPs will not be on the peer review team of an NCP that was on their own peer review team. Peer review teams will be coordinated and supported by one or two staff members of the OECD Secretariat.

13. Each NCP is expected to supply peer reviewers for at least two peer reviews per cycle. NCPs who are part of a peer review team will confirm the names of their representative(s) at the latest at the beginning of the peer review process (see Figure 3.1 below). Peer reviewers should be fluent in English and should normally be current members of the NCP or of the NCP Secretariat. In unusual circumstances, an NCP may designate another person with significant experience of the OECD Guidelines and the NCP process (such as a former NCP official or an advisory body member) as a representative to participate in the peer review.
14. Peer reviewers will expect to participate for the full duration of the peer review process (see Figure 3.1 below). In case a peer reviewer leaves the NCP during the process and/or can no longer participate in the review, the corresponding NCP will designate a replacement without delay, and ensure that the new peer reviewer is fully briefed on the progress of the review.
15. All information related to the peer review will be shared with the observer (if any), who may provide input or feedback into the different phases of the peer review process (see Figure 3.1 below).
16. At any time before the beginning of the peer review process, the NCP under review can raise to the Secretariat any potential conflict of interest or other issue arising from the NCPs or individual members of the proposed peer review team. If such cases, the Chair of the WPRBC will seek to resolve the issues or arrive at an alternative. Where such issues remain unresolved, the issue will be discussed by the WPRBC.

3 Process

Phases of the peer review process

17. The peer review process comprises the six phases set out in this section (see Figure 3.1 for an overview)

Figure 3.1. The NCP peer review process at a glance



Preparatory phase

18. The peer review process starts with a preparatory phase, which is launched six months before the date set for the on-site visit. At that moment, the Secretariat will contact the NCP under review and the peer review team to formally launch and explain the process.

Organisation of the on-site visit

19. Within three weeks of the beginning of the preparatory phase, the NCP under review will provide the peer review team with a draft programme for the on-site visit, in line with the specifications set out below (see On-site visit), as well as a draft list of persons and organisations to be invited to participate in each session. The draft programme will i) include proposals for past specific instances to be discussed; ii) specify if interpretation is needed and adjust the duration of sessions accordingly; iii) include names of persons and organisations considered for each session.

20. The draft programme and list of invited participants will be submitted to BIAC, TUAC and OECD Watch for any comments or suggestions on the draft list. The NCP under review should give serious consideration to all comments and suggestions from the peer review team and BIAC, TUAC and OECD Watch, and should give explanations to the peer review team for any comments or suggestions that it does not accept.

21. The NCP under review is responsible for inviting participants to the on-site visit well ahead of time, and for providing appropriate meeting venues for all sessions of the programme. The NCP under review

will make arrangements for the peer review team to be able to engage with, and receive information from, participants in English. Where local participants choose to participate in a language that is not English, interpretation will be provided by the NCP under review for the peer review team if necessary. All participants will be encouraged to participate in person. However, where due to travel or other reasons it would be impossible or unreasonable to do so, participants may participate remotely.

Collection of information

22. During the preparatory phase, the peer review team will collect information, mainly through questionnaires (see Box 3.1). Information collected through questionnaires may be complemented by desk research and meetings with the NCP under review.

23. Within three weeks of the beginning of the preparatory phase, the NCP under review will provide the peer review team with a list of persons and organisations that will be invited to fill out the questionnaire set out in Annex B, including their contact details. This list will include the prospective participants to the on-site visit but may extend beyond such participants. The list, exclusive of contact details, will be shared with BIAC, TUAC and OECD Watch, who within two weeks may suggest that additional persons or organisations be sent the questionnaire. The peer review team may also make suggestions. The NCP under review should give serious consideration to all suggestions from the peer review team and BIAC, TUAC and OECD Watch, and should give explanations to the peer review team for any comments or suggestions that it does not accept.

24. Once the list is complete, the NCP under review will invite the persons and organisations listed to fill out and submit the questionnaire in Annex B to the NCP under review within one month and forward the responses to the Secretariat as they become available. The Secretariat will share the responses with the peer review team. The NCP under review, the peer review team and the Secretariat will treat the responses confidentially, not disseminate them further, and discard them at the end of the process (see Figure 3.1). Information shared in these responses will only be used to inform the peer review report in such a way as not to reveal the identity of the respondent or their affiliation. Participants will be encouraged to fill out the questionnaires in the language of the report (English or French). However, should this impede the collection of responses, participants may respond in their own language. The peer review team may then request the NCP under review to translate responses received in an official language of the country of the NCP into the language of the report (English or French), where such translation cannot be obtained by the Secretariat through other reasonable means. In such cases, timelines will be adjusted after consultation of the NCP under review to account for the time needed for translations. Responses for which no translation can be obtained will not be considered in the process.

25. In certain circumstances, persons or organisations invited to submit a questionnaire response may request to submit it directly to the Secretariat. Such a request must be justified. The peer review team will assess whether the circumstances justify anonymity. Circumstances that justify anonymity may include, for example, having a specific instance ongoing before the NCP or a reasonable concern that the feedback will damage the respondent's relationship with the NCP. If the peer review team accepts the justification, the Secretariat will then share an anonymised version of the response with the NCP under review and the peer review team. In other cases, the Secretariat will suggest submitting the response non-anonymously, or sending it through BIAC, TUAC or OECD Watch as appropriate.

26. Within one month of the beginning of the preparatory phase, the Secretariat will share the questionnaire in Annex C with the NCP network. NCPs will return the questionnaire filled out in English or in French to the Secretariat within one month of receipt. NCPs that have not had significant interactions (e.g. coordinating on a specific instance; being part of the same regional network of NCPs) with the NCP under review in five years preceding are not expected to submit the questionnaire, but should notify the Secretariat that they will not have input.

27. At the latest two months after the beginning of the preparatory phase the NCP under review will fill out and return to the Secretariat the questionnaire in Annex A in English or in French, as well as any supporting documents it indicates. The peer review team may then request the NCP under review to translate supporting documents in the language of the report (English or French), where such translation cannot be obtained by the Secretariat through other reasonable means. The peer review team may request clarifications to the responses and additional supporting documents if appropriate.

Box 3.1. List of questionnaires collected

Questionnaire for the NCP under review

This questionnaire is available in Annex A, and aims to collect information and supporting documents on the structure and activities of the NCP under review, as well as on its objectives for the peer review.

Questionnaire for persons and organisations external to the NCP (stakeholder questionnaire)

This questionnaire is available in Annex B, and aims to collect information and perceptions about the NCP from persons and organisations that are external to the NCP under review, such as business, trade union and civil society stakeholders, academia, or other parts of government.

Questionnaire for the NCP network

This questionnaire is available in Annex C, and aims to collect information from other NCPs on their engagement, coordination and collaboration with the NCP under review.

28. The Secretariat may develop online versions of the questionnaires in the annexes in order to streamline the information collection phase. All responses to the questionnaires are shared with the peer review team and the NCP under review, pending any anonymity arrangements as per the above.

Scope of the review

29. By default, peer reviews will include a full review of institutional arrangements and delivery of all responsibilities of the NCP under review. Alternatively, the NCP under review may request that the peer review focus more in-depth on a particular set of issues on which it needs detailed review and recommendations.

30. The NCP under review will make this request to the peer review team within three weeks of the beginning of the preparatory phase. The request will be shared with BIAC, TUAC and OECD Watch for feedback within two weeks.

31. The peer review team will consider this request in light of all information available, including past peer reviews, recent experience, BIAC, TUAC and OECD Watch feedback, as well as questionnaires received. At the latest three months before the on-site visit, the Secretariat will indicate to the NCP under review whether the peer review team accepts its request on the scope of the review or makes an alternative proposal. If necessary, the Secretariat will organise a call between the NCP under review and the peer review team.

32. In the event the NCP under review and the peer review team cannot agree on the scope on the review, assistance may be sought from the Chair of the WPRBC. If no agreement has been found two months prior to the on-site visit, a standard review will be carried out.

Initial draft report and preparatory document for the on-site visit

33. Based on all the information submitted and the scope agreed, the Secretariat will draft an initial peer review report in English or in French (at the choice of the NCP under review), and share it with the peer review team and with the NCP under review no later than one month before the on-site visit. The NCP under review may submit comments and clarifications within two weeks of receipt. Time permitting, the Secretariat will revise the initial draft report as appropriate and share the new version with the NCP under review and the peer review team prior to the on-site visit.

34. The Secretariat will also establish, in consultation with the peer review team, a preparatory document for the on-site visit, containing logistical information, chairing arrangements and a list of indicative questions for each session.

35. The Secretariat will organise one or several calls with the peer review team to discuss the content of the initial draft report and the preparatory document.

On-site visit

36. The peer review includes a 2 to 3-day on-site visit by the peer review team to the country of the NCP under review to interview members of the NCP and its supporting bodies, relevant government offices, services and agencies, as well as stakeholders, including from business, NGOs, trade unions, and academia.

37. The on-site visit will include at least:

- 1) One preparatory session for the peer review team.
- 2) Three sessions with the NCP, including one opening session with the senior management of the NCP, at the highest appropriate level determined by the NCP under review, and the full membership of the NCP. If possible, a Minister, vice-Minister, deputy Minister or other high-level official responsible for the NCP and/or the head of the government agency hosting the NCP will also be invited to attend all or part of the opening session. The opening session will include a presentation by the NCP under review setting out its objectives for the peer review, presenting its structure and recent activities, including regarding promotion, specific instances and support for government policy efforts in the field of RBC. For sessions 3-7 below, it is sufficient that only the person(s) involved in the daily operation of the NCP attends.
- 3) One session with the NCP's advisory and/or oversight bodies (if relevant).
- 4) One session with each of the following stakeholder groups:
 - a. business organisations and individual companies;
 - b. trade unions and trade union federations;
 - c. civil society organisations;
 - d. representatives of academia may either be included in the civil society session or in a separate session.
- 5) One session with representatives of other relevant ministries, government departments and agencies.
- 6) Deep dive sessions on past specific instances. As much as possible, both parties to the cases examined in a deep dive session should participate. Each party is interviewed separately and will be reminded of the commitments made as to confidentiality of elements of the process, particularly of information received from the other party in the context of mediation. Cases selected for deep dive sessions should normally be closed, but open cases close to completion may also be considered, where appropriate. NCPs that have, in the ten years preceding the on-site visit, received:

- a. between one and five specific instances will organise at least one deep dive session.
 - b. between five and fifteen specific instances will organise at least two deep dive sessions.
 - c. over fifteen specific instances will organise at least three deep dive sessions.
- 7) NCPs who have not received specific instances in the ten years preceding the on-site visit will organise, instead of the deep-dive session, a promotional event to present the NCP and the specific instance process, and if appropriate the Guidelines and due diligence guidance, to interested stakeholders. Other NCPs are also encouraged to take advantage of the on-site visit to organise promotional events and increase their visibility.
- 8) One concluding session where the initial findings and recommendations of the peer review will be presented. The NCP under review will invite the senior management of the NCP, as well as all members of the NCP and its supporting/advisory bodies to this session. If possible, a Minister, vice-Minister, deputy Minister or other high-level official responsible for the NCP and/or the head of the government agency hosting the NCP will also be invited to attend this session.
38. To allow the NCP under review and other participants to fully prepare, the peer review team may communicate a non-exhaustive indicative list of questions for each session, to be shared by the NCP under review with all participants, no later than two weeks in advance of the on-site visit.
39. At least one representative of the NCP under review will be present during all sessions, but will not intervene (unless invited to do so by the peer review team or by stakeholders). In certain circumstances participants may request to be interviewed without the presence of the NCP. Such a request must be justified by the participant. The peer review team will assess whether the circumstances justify excusing the NCP. Circumstances that justify excusing the NCP may include, for example, having a specific instance ongoing before the NCP or a reasonable concern that the feedback will damage the participant's relationship with the NCP. Such request should normally be made in advance of the on-site visit. If the peer review team accepts the justification, it will request the NCP under review to excuse itself from the room during that session. Otherwise, or if the NCP under review, which should give careful consideration to the request in good faith, refuses to excuse itself from the room, the participant may elect either to be interviewed in the presence of the NCP under review or to decline the invitation.
40. The peer review team will actively engage in all sessions during the on-site visit and ask questions to the NCP and participating stakeholders relevant to the development of the peer review report. Peer reviewers will generally share the chairing of sessions. The Secretariat may also ask questions if allowed by the NCP chairing the session. Peer reviewers and the Secretariat will be objective, courteous and respectful in their interactions with participants and the NCP under review and encourage open and candid dialogue. Information shared and statements made by any participant in all sessions except those with the NCP under review's members and/or secretariat, will only be reflected in the peer review report in such a way as not to reveal the identity of the relevant participant or their affiliation ('Chatham House Rule').
41. The NCP under review is not expected to provide the peer review team and the Secretariat with any meals or any other activity outside of this programme, or gifts of any kind. In case the NCP under review does wish to do so, it should notify in advance the peer review team and the Secretariat, so they may inform it of any limits to hospitality that they may accept, for example as per the rules of their organisations, and the NCP under review should plan accordingly.

Assessment phase

42. The Secretariat will update the initial draft peer review report on the basis of inputs gathered during the on-site visit, and share with the peer reviewers for input and comments within one month of the end of the on-site visit. Where appropriate, the peer review team may request additional clarifications and information from the NCP under review, and may ask the NCP under review to organise additional remote meetings with relevant persons and organisations. The NCP under review will respond promptly to such

requests. Once the peer review team is in agreement on the substance of the draft report, and at the latest two months after the on-site visit, the Secretariat will share it with the NCP under review for comments, which should include but not be limited to identifying factual errors, and providing any additional relevant information. The peer review team has discretion on whether and how to reflect comments provided by the NCP under review.

43. The NCP under review will provide comments within two weeks of receipt. The Secretariat will then finalise the report in consultation with the peer review team and share the final draft version with the NCP under review within two weeks.

44. The contents of the draft peer review report will include:

- 1) Key relevant data on the economic context of the country, with a focus on business activity covered by the Guidelines. Such data will be drawn from OECD Data. If unavailable, data from other sources such as national statistics offices can be used;
- 2) An executive summary of the results of the review, including an overview of the findings, a structured assessment of achievement of the core effectiveness criteria, and recommendations based on the Implementation Procedures and on good practice from the NCP network.
- 3) A description of the institutional arrangements, procedures, decision-making, and other aspects of the functioning of the NCP under review.
- 4) A detailed analysis of the main activities undertaken by the NCP to perform its responsibilities, including promotion of the Guidelines and related due diligence guidance, handling of specific instances, as well as support for government efforts to promote RBC (if any). Such analysis is focused on the scope agreed during the preparatory phase and informed by feedback received from questionnaires as well as during the on-site visit.
- 5) A structured assessment of the extent to which the NCP under review achieves the core effectiveness criteria, according to the matrix set out in Figure 3.2.
- 6) Where appropriate, recommendations on possible improvements to the structure and activities of the NCP, being mindful of the flexibility accorded to governments in the way they organise their NCP. Recommendations may directly address findings from the structured assessment above, but may also address more cross-cutting aspects of the NCP's structure and activities described in the Implementation Procedures and informed by good practices other NCPs, such as human and financial resources or stakeholder confidence.
- 7) A list of participants in the review process.
- 8) A list of promotional events organised, co-organised and participated in by the NCP in the five years prior to the on-site visit, including themes addressed, size and nature of audience.
- 9) An overview of all specific instances received by the date of the on-site visit. In preparing such overview, the peer review team will receive guidance from the NCP under review on how to preserve any confidentiality arrangements related to cases, in particular cases that are ongoing at any stage of the peer review process.

45. The cut-off date for any information to be included and analysed in the peer review report will be that of the day preceding the on-site visit. Developments taking place after that date may be submitted to the Secretariat, and the peer review team will determine whether and how to reflect them in the report.

Figure 3.2. Structured assessment of core effectiveness criteria

Note: Illustrative considerations relevant for structured assessment of the core effectiveness criteria are provided in each box, based on provisions of the Procedures and findings from previous peer reviews.

	Visibility	Accessibility	Transparency	Accountability	Impartiality and equitability	Predictability	Compatibility with Guidelines
Institutional arrangements	NCP is clearly identified within government	NCP is structurally connected to representative stakeholders	Founding document/terms of reference is/are publicly available	There are clear reporting lines to government and possibility for stakeholder feedback	Structure prevents personal and institutional conflicts of interests	NCP has clear operating and decision-making procedures	Structure meets main Procedures' specifications
Promotion	NCP's promotion reached a critical mass of stakeholders	Promotional materials and events are free and easily accessible to all	Promotional plans and events are publicly available	NCP assesses the impact of its promotion	Promotion is offered and directed to all representative stakeholders	NCP announces in advance promotional activities	Promotion meets Procedures' specifications
Specific instances	Stakeholders know about the specific instance process	Case-handling procedures do not set onerous filing or acceptance requirements	NCP consistently publishes comprehensive statements	NCP requests feedback to parties on case handling and reports on feedback	Parties to cases are treated fairly (e.g. submission shared, equitable level of support)	NCP has clear case-handling procedures and keeps timelines	NCP case-handling procedures and practices are consistent with Procedures
Conclusion on achievement of criteria							

Approval and declassification of the report by the WPRBC

46. The draft peer review report will be approved and declassified by the WPRBC, if possible within four months of the on-site visit. An informal review group composed of WPRBC delegates will be in charge of holding initial discussions on draft reports to provide preliminary feedback to the peer review team. The informal review group will be chaired by the Chair of the WPRBC and composed of one delegate from each country whose NCP has been designated as peer reviewer for the following year. In the last year of the cycle, one delegate from each country whose NCP had been designated as peer reviewer in the first year of the cycle will compose the informal review group. For each draft report, a virtual meeting of the informal review group will be organised by the Secretariat, during which the peer review team will present the main findings of the draft report, the structured assessment of the core effectiveness criteria and the main recommendations. The quorum for this virtual meeting will be seven delegates. Delegates whose NCP is part of the peer review team of the report being discussed will not be considered as part of the informal review group for that discussion, and will not be included in the quorum. The country of the NCP under review may also be present at the corresponding meeting of the informal review group and share initial reactions to the draft report, and will not be included in the quorum.

47. Delegates participating in the informal review group will comment on the report and may ask questions to the peer review team and the NCP under review. The peer review team will revise the draft report, where relevant, to incorporate comments. The final draft report is then submitted to the WPRBC for approval and declassification through written procedure. It will also be shared with the Investment Committee (IC) for information in parallel. In exceptional cases, and upon unanimous request of the members of the informal review group present, the report may be discussed by the WPRBC in plenary session at its next meeting.

48. Once a year, the WPRBC will hold a session during which it will discuss trends emerging from peer review reports and reporting back (see below Reporting back), with a view to identifying progress and challenges within the NCP network, and to providing further support where needed.

Dissemination phase

49. Following declassification, the report will be published on the website of the OECD and of the NCP under review. The OECD will promote the report on social media, and the NCP under review is encouraged to do so as well.

50. The Chair of the WPRBC will write to the Minister(s), vice-Minister, deputy Minister or other high-level official responsible for the NCP, and/or head of the government agency hosting the NCP informing them of the outcomes of the peer review process. The Chair will consult with the NCP under review prior to sending the letter, to identify the most relevant and meaningful addressee of the letter for this purpose.

51. Upon publication of the report on the OECD website, the Secretariat and/or the NCP under review will issue a press release highlighting the main elements of the review. The press release will be shared with the peer review team and the NCP under review or the Secretariat (as relevant) for comments ahead of time. If possible and relevant, the NCP under review will provide the Secretariat with a list of the most relevant news outlets to complement the contacts of the Secretariat, and to which the press release will be sent.

52. The NCP under review will organise a public event to launch and discuss the report with its stakeholders, generally within three months of the publication of the report. At a minimum, all persons and organisations that were invited to submit a questionnaire and/or to participate in the on-site visit should be invited to the event. The NCP under review is also encouraged to invite a representative of the peer review team to speak at the event. The event may be in person, virtual or hybrid.

53. A summary of the peer review report will also be included in an annex of the Annual Report on the Activities of NCPs.

Reporting back

54. The country of the NCP under review will report back on the implementation of the peer review recommendations at the first WPRBC meeting taking place twelve months after approval of the peer review report. Ten months after the approval of the report by the WPRBC, the NCP under review will share a reporting back form according to the template provided in Annex D. The form will be shared with the WPRBC at the latest two weeks in advance of the meeting as a room document. NCPs will involve senior leadership in such reporting back, and this senior leadership, where possible a Minister, vice-Minister, deputy Minister or other high-level official responsible for the NCP and/or head of the government agency hosting the NCP, should attend the meeting and present progress made by the NCP. Where possible, peer reviewers will be included in the delegation of their country for that session.

55. Delegates may make further recommendations to the NCP under review, and/or invite it to report again at a future meeting of the WPRBC where significant findings and recommendations have been insufficiently addressed, thereby showing a lack of progress towards better achievement of the core effectiveness criteria. The WPRBC Chair will determine the time frame for such additional reporting back. Upon request of the NCP under review, the Chair may also make arrangements for the creation of a group of other NCPs to support the NCP under review in implementing the peer review recommendations. NCPs having acted as peer reviewers will be invited to be part of such support group, but other NCPs may also be included. In case additional recommendations are made or a second round of reporting back is decided, the WPRBC Chair will write to the Minister(s), vice-Minister, deputy Minister or other high-level official responsible for the NCP and/or head of the government agency hosting the NCP to inform them of such outcomes. The Chair will consult with the NCP under review prior to sending the letter. In the event the WPRBC finds that a second round of reporting back is also inconclusive on substantial aspects of the peer review, it may make a proposal to the Investment Committee that the NCP has manifestly not been operating in a way consistent with the Procedures, for the purposes of the process laid out in Section II.2.d) of the Procedures.

56. NCPs' reporting back forms will be made public on the OECD Website following the WPRBC discussion, and a summary of reporting back outcomes will be included in an annex of the Annual Report on NCP Activities.

Timeline of the peer review process

57. The timeline of the review is calculated based on the date of the on-site visit according to Table 3.1 below. The Secretariat will provide a detailed timeline of every step to the NCP under review upon the start of the process.

Table 3.1. Timeline of the peer review process

DATE:	ACTION TO BE TAKEN
Preparatory Phase	
Six months before date of on-site visit	Secretariat contacts NCP under review and peer review team to launch the process. Secretariat shares detailed timeline with NCP under review
+ 3 weeks	NCP under review sends to the Secretariat <ul style="list-style-type: none"> a list of persons and organisations to which to send the Annex B questionnaire and whom to invite to the on-site visit (stakeholder list).

	<ul style="list-style-type: none"> a proposal for a draft programme for the on-site visit if relevant, its request regarding the scope of the review
	The Secretariat submits the stakeholder list and request regarding scope to BIAC, TUAC and OECD Watch
+ 1 week	Secretariat sends questionnaire in 4Annex C Annex C with the NCP network
+ 1 week	Feedback due from peer review team, BIAC, OECD Watch, and TUAC
	NCP under review sends Annex B questionnaire to list of stakeholders
+ 3 weeks	NCP under review submits Annex A questionnaire to the Secretariat
	Annex C questionnaire due back from the NCP network
+ 1 week	NCP under review shares responses to Annex B questionnaires with Secretariat
Three months before on-site visit	Peer review team sends feedback on NCP request regarding scope
Two months before on-site visit	Scope of the review finalised
One month before on-site visit	Secretariat shares initial draft report with NCP under review and peer review team
+ 2 weeks	NCP under review shares comments on initial report
+ 2 weeks	If possible, Secretariat shares revised initial report with NCP under review and peer review team
On-site visit	
Date of on-site visit	On-site visit to NCP under review, involving 2-3 days of meetings with relevant government bodies and stakeholders.
Assessment Phase	
+ 1 month	Secretariat sends updated draft report to the Peer Reviewers for their comments.
+ 1 months	Secretariat sends draft peer review report to NCP under review
+ 2 weeks	NCP under review sends comments on the report
WPRBC Phase	
+ 2 weeks	Final version of the draft report shared with NCP under review and meeting of informal review group is organised
+ 2 weeks	Comments from informal review group are implemented and report is submitted to WPRBC for approval and declassification, and to the IC for information in parallel
Dissemination Phase	
+ 3 weeks	Report is published on OECD Website
	WPRBC Chair writes to Minister, vice-Minister, deputy Minister or other high-level official, and/or Head of government agency
	Press release issued
+ 3 months	Launch event of the report in Adherent country
Reporting back Phase	
+10 months after WPRBC approval	NCP under review shares Annex D reporting back form
Two weeks prior to WPRBC	Reporting back for shared as room document with WPRBC
Next WPRBC	NCP under review reports back to WPRBC on implementation of peer review report

	Secretariat publishes reporting back form on OECD website WPRBC Chair writes to Minister, vice-Minister, deputy Minister or other high-level official, and/or Head of government agency [if applicable]
Next WPRBC	Second round of reporting back [if applicable]

58. Deadlines can be extended if necessary with agreement of the NCP under review and the peer review team, provided such extensions do not unduly disrupt the organisation of the review. Where extension is sought regarding the WPRBC approval phase or reporting back phase, the Chair of the WPRBC will be consulted by the Secretariat after consultation with the peer review team.

4 Funding

59. The NCP under review bears its own costs, as well as the costs of organising and hosting the on-site visit, including, if needed, costs for interpretation of interviews of participants to the on-site visit into English, translation of any documents received in a national language of the NCP into English where such translation cannot be obtained through other reasonable means.

60. NCPs that are part of the review team bear their own costs, including travel and accommodation related to the on-site visit.

61. Each peer review also carries costs for the Secretariat, which will be covered through a contribution/grant (the contribution) from the Adherent whose NCP is under review. These include:

- Staff costs related to Secretariat work as outlined above;
- Non-staff costs (incl. travel costs of the Secretariat, publication costs, including translation of the report if required, meeting costs); and
- An administrative cost recovery charge of 6.48% of the total amount.

62. Experience shows that the cost is higher for NCP peer reviews of larger economies because they tend to have more extensive activities and receive more stakeholder input, which increases the amount of work required for the peer review.

63. In order to avoid cross-subsidisation of these additional costs and to provide a factual predictor of the costs, the contributions will be calculated on the basis of the size of the gross domestic product (GDP) of the Adherent whose NCP is under review, according to Table 4.1 below:

Table 4.1. Scale of contributions

GDP	0-100bn USD	101- 500bn	501- 1000bn	1001- 2000bn	2001- 3000bn	3001- 4000bn	4001- 5000bn	Over 5000bn
Contribution	35,000 EUR	40,000 EUR	45,000 EUR	50,000 EUR	55,000 EUR	60,000 EUR	65,000 EUR	70,000 EUR

64. The amounts will be adjusted as per the salary adjustments rates adopted by the relevant governing body of the OECD each year, and commonly applied across the board at the OECD.

65. The level of GDP taken into account to determine the amount of the contribution is calculated on the basis of the latest data available in OECD Data⁵ twenty-four months before the opening of the time window during which the peer review on-site visit is scheduled to take place (see above Planning and scheduling). In the event GDP data for the Adherent whose NCP under review is unavailable from the OECD, data from the International Monetary Fund will be used.

66. The contribution will be formalised at least one month before the start of the NCP peer review through the issuance of a signed offer letter. The contribution can be paid as a lump sum at the latest upon

⁵ <https://data.oecd.org/gdp/gross-domestic-product-gdp.htm>.

the first day of the peer review process (see Table 3.1), or in instalments according to a payment schedule set out in the offer letter after agreement with the Secretariat.

Annex A. Questionnaire for the NCP under review

Material to be provided by the NCP under review

The NCP under review will provide the following material in advance of the on-site visit:

- The latest annual report submitted to the OECD, including any additional information since the last report was issued, as well as publicly available reports to government and/or parliament, if applicable;
- Description of, and copies of any relevant documents on, institutional arrangements, including any instrument setting up the NCP and its responsibilities under domestic regulation; internal regulations and case-handling procedures; any relevant national legislation, etc.
- Promotional plans and tools;
- Initial assessment and final statements of all specific instances since the last peer review (if applicable), as well as summaries of ongoing specific instances, and any relevant material related thereto, in line with the NCP's case-handling procedures and confidentiality policies;
- List and contact details of key stakeholder groups and relevant government agencies;
- Any other relevant information to help the review team obtain a full picture of the operation and functioning of the NCP.

Questionnaire

Institutional arrangements

1. What is the structure of the NCP? Please provide an organisation chart if possible.
2. What are the main considerations that have determined the current structure of the NCP? In particular, how does the current structure allow the NCP to operate in a manner that is
 - visible
 - accessible
 - transparent
 - accountable
 - impartial and equitable
 - predictable and
 - compatible with the Guidelines?

For guidance on expectations around these criteria, please consult para. 10 of the Commentary to the Procedures.

3. How does the NCP structure allow it to maintain meaningful relations, effectively engage with social partners and stakeholders, and take into account their views?

4. What human and financial resources are dedicated to the NCP and how have these resources varied over the last five years (increase/decrease/stable)? Please explain why these resources are/are not sufficient to allow the NCP to

- Promote the Guidelines and related OECD due diligence guidance and the NCP itself?
- Handle specific instances in a timely and efficient manner?
- Support efforts by government to develop, implement, and foster coherence of policies to promote RBC (where relevant)?

If resources are insufficient, what additional human and financial resources might the NCP seek?

5. Explain the main challenges the NCP faces related to the core effectiveness criteria (see Q2 above), if any.

6. Does the structure of the NCP avert potential conflict of interest? If so, how?

7. How does the NCP ensure access to expertise on the Guidelines and the OECD due diligence guidance?⁶

Responsibilities and activities of NCPs

Information and promotion

8. How did the NCP promote the Guidelines and related OECD due diligence guidance? How did the NCP raise awareness about the Procedures, and the NCP itself to relevant government agencies, the business community, worker organisations, other non-governmental organisations, and the interested public? Please explain and give examples (e.g. a regularly updated website and/or newsletter; publishing its annual report; speaking engagements at conferences, workshops and meetings; developing and disseminating publications; regular or periodic stakeholder engagement activities, training; communication with relevant government agencies).

9. Is the NCP aware of other actions by the Government to promote RBC and the Guidelines and related OECD due diligence guidance? Has the NCP been involved and/or consulted in relation to these initiatives?

10. Does the NCP regularly monitor and measure the actual awareness of or use of the Guidelines and related OECD due diligence guidance by enterprises? If so, please describe the methodology used.

11. Please explain and give examples of how the NCP and stakeholders have cooperated in raising awareness of the Guidelines and related OECD due diligence guidance among all stakeholders.

12. Please explain and give examples of how the NCP has informed companies of its role in handling cases as a non-judicial grievance mechanism and assisting them in relation with the Guidelines and related OECD due diligence guidance.

13. Please explain and give examples of how the NCP has informed relevant government agencies, the business community, worker organisations, other non-governmental organisations, and the interested public about the NCP, its role and its activities.

⁶ See <https://mneguidelines.oecd.org/duediligence/>

Specific instances

14. Does the NCP have case-handling procedures? If so, have they been brought in line with the 2023 version of the Guidelines? If not, what are the NCP's plans and timeline to update them? Does the NCP plan to consult stakeholders in the update process? When was the last version of the case-handling procedures published on the NCP's website?

15. How does the NCP inform stakeholders about the process to raise specific instances (e.g. providing guidance on how to file a request; specific requirements for substantiating a request; explanation of the different phases of the specific instance process; indicative timeframes, etc.)?

16. If the NCP uses external support, for example from a professional mediator, when providing good offices, please explain the process to do so (e.g. selection method, appointment, remuneration, etc.).

17. What is the NCP's current process for drafting initial assessment and final statements? Does the NCP publish initial assessment statements? Does the NCP share drafts of initial assessment and final statements with the parties for factual corrections before publication? Were there any recent changes in practice in this regard?

18. Has the NCP made determinations regarding the observance of the Guidelines by enterprises involved in specific instances? Is this provided for in the case-handling procedures?

19. Has the NCP informed relevant government agencies of the good faith engagement, or absence thereof, of the parties, or applied any other type of consequence on the relevant party in such cases (such as recommending that some type of government support be denied, removed or suspended)? If so, please provide details, notably of how the NCP has communicated with the parties in this regard.

20. Does the NCP regularly make recommendations to the parties involved in specific instances on the implementation of the Guidelines? Is this provided for in the case-handling procedures?

21. Does the NCP engage in follow-up on the implementation of recommendations or agreements? Please describe the process for doing so. In particular, is follow up provided for in the case-handling procedures? Does the NCP publish follow-up statements? Does the NCP share drafts of follow-up statements with the parties for factual corrections before publication? Please describe any challenges faced by the NCP in conducting follow up.

22. What steps is the NCP taking to handle specific instances in a way that is consistent with the core effectiveness criteria? In particular:

- How does the NCP aim for impartiality in the resolution of specific instances? Please explain the rules and procedures followed by the NCP to deal with potential conflict of interests of NCP members and provide examples, if any.
- Explain and provide other examples of how the NCP engages parties in specific instances in an impartial and equitable manner.
- How does the NCP deal with specific instances in an efficient and timely manner? Does the NCP publish indicative timeframes? If the NCP has not been able to meet indicative timelines in some cases since 2011, what were the main obstacles? Does the NCP inform regularly parties to specific instances of the progress of the case and potential delays?
- Does the NCP provide clear and publicly available information on its role in the resolution of specific instances and the possible outcomes (determinations, recommendations, etc.)? Please describe the information provided.

- How does the NCP balance the need for transparency with confidentiality of specific instance proceedings and protecting sensitive business information?
 - When faced with a complex case, can the NCP call upon governmental experts? External experts? If so, please explain the criteria and procedure to do so. Is this possibility provided for in the case-handling procedures?
23. Explain and give examples (since 2011) of how the NCP has coordinated with or supported other concerned NCPs at the outset of the specific instance process when similar issues are raised or if the same specific instance is submitted to several NCPs?
24. Has [COUNTRY] asked the Investment Committee or the WPRBC on Responsible Business Conduct for assistance or clarifications when dealing with a specific instance? If so, please explain the issues that required assistance or clarifications.
25. Has the NCP experienced lack of cooperation by one of the parties or reluctance to share information? If so, please describe and explain the measures the NCP took to address these issues.
26. Has the NCP experienced a breach of its confidentiality policy by one of the parties? If so, how did it address this issue?
27. Has the NCP become aware of risks or an actual or potential instance of reprisals against parties to a specific instance, the NCP itself or its members? If so, what steps did the NCP take?
28. Has the existence of parallel proceedings or public campaigns affected the NCP's handling of a specific instance? If so, has this been a constraint in coming to the resolution of the case and how did the NCP address the issue?
29. What are the main challenges faced by the NCP with respect to the consideration of specific instances, and how were these overcome? Are any of these challenges particular to specific instances raised in non-adhering countries?
30. If the NCP has received no or very few submissions in specific instances, what can explain this and what is the NCP doing to encourage new case submissions?

Support for government's policy efforts to promote RBC

31. How does the NCP support efforts by the government to develop, implement and foster coherence of policies to promote RBC? Please specify if and how the NCP:
- engages or exchanges with relevant public officials working on public procurement, state-owned enterprises, or trade and investment, on issues related to RBC and/or to help mainstream RBC in other relevant policy areas;
 - facilitates or is involved in coordination within government on topics relevant for RBC and/or related to the areas covered by the Guidelines (e.g., human rights, labour rights, environment, anti-corruption, etc.);
 - has been consulted and/or involved in the development and/or implementation of a National Action Plan (NAP), legislation/regulation or other public policy on Business and Human Rights or on Responsible Business Conduct or any area covered by the Guidelines (e.g., human rights, labour rights, environment, anti-corruption, etc.) in the past five years;
 - disseminates information on its case-handling activities and specific instances, including information on businesses' engagement in good faith in the specific instance process and statements in cases handled, when relevant among concerned government agencies, such as those in charge of trade advocacy, economic diplomacy, or other benefits;

- promotes stakeholder participation in the development and implementation of RBC policies (e.g. by engaging with businesses and other stakeholders on existing or potential RBC regulation and policies, providing transparent channels for meaningful consultation and engagement and a safe space for dialogue, etc.);
- has taken any other action to support coordination and policy coherence in areas relevant for RBC and/or covered by the Guidelines.

32. How did the NCP promote and raise awareness about the Guidelines and related OECD due diligence guidance, and about itself and its role, with relevant government agencies? Please explain and give examples.

33. Did the NCP actively disseminate the OECD Recommendation on the Role of Government in Promoting Responsible Business Conduct across government? Please specify what actions were taken for this purpose and which government agencies were contacted.

Reporting, transparency and accountability

34. How does the NCP promote and achieve accountability (e.g. through regular reporting on its activities and decisions, formal or informal advisory structures, etc.)? Please elaborate and indicate in particular:

- does the NCP report annually to the Investment Committee on its structure, promotion and implementation activities? Does it publicly disclose this report?
- does the NCP report on its activities to other national government bodies (e.g. parliament, advisory or steering committees, etc.)? Does the NCP report on its budget and accounts? Does it publicly disclose these reports?

35. Does the government seek regular feedback from stakeholders and other NCPs on how the NCP is fulfilling its activities? If so, what are the main communication channels used by the government to obtain this feedback?

36. Through what other means has the NCP promoted transparency on its functions and activities? Please explain (e.g. by updating its website regularly; publishing a regular newsletter, etc.).

Contribution to the development of due diligence guidance

37. Explain and give examples of how the NCP has sought and contributed to identify new emerging challenges and opportunities for enterprises, or has engaged in any related activities

38. Explain and give examples of how the NCP promotes the OECD due diligence guidance (e.g. the OECD due diligence guidance on RBC, or sector due diligence guidances).

Other

39. Describe and explain the processes put in place by the NCP to maintain past records and access to institutional memory (e.g. past and planned promotional activities, past consultations with stakeholders, procedure for dealing with specific instances, etc.).

40. Describe the mechanisms in place to ensure knowledge management and a smooth transition in cases of changes in staff.

41. Explain and provide examples of how the NCP shared experience and best practices with other NCPs, notably by participating in peer learning or capacity-building activities. Please explain whether and why such engagement has been useful to the NCP.

Further comments

42. In your view, what have been the most significant achievements of the NCP?
43. In your view, what have been the most significant challenges faced by the NCP?
44. Do you have any further comments to add?

Annex B. Questionnaire for persons and organisations external to the NCP

Adherent governments have to set up a National Contact Point on Responsible Business Conduct (NCP) tasked with furthering the effectiveness of the Guidelines by undertaking promotional activities and acting as a non-judicial grievance mechanism. In addition, where appropriate, NCPs may support efforts by their government to develop, implement, and foster coherence of policies to promote responsible business conduct (RBC)⁷

Name of submitter(s):⁸

Main functions and activities of NCPs

Information and promotional activities

Information and promotion of the Guidelines, the due diligence guidance and the NCP

One of the main functions of NCPs under the Guidelines is to make the Guidelines and its own role known and available to stakeholders and to raise awareness of stakeholders about the Guidelines and their implementation by NCPs.

1. What are your views on how the NCP promotes the Guidelines?
2. What are your views on how the NCP promotes its activities, notably as a non-judicial grievance mechanism?
3. In particular, what are your views on the communication tools or avenues being used by the NCP (website, brochures, leaflets, participation in public events, etc.)?

Promotion of due diligence and sectoral guidance

NCPs are expected to support the positive contributions that enterprises can make and assist them to identify and respond to risks of adverse impacts associated with particular products, regions, sectors or

⁷ Please see Part II of the Guidelines for key provisions on core effectiveness criteria and functioning of NCPs https://www.oecd-ilibrary.org/finance-and-investment/oecd-guidelines-for-multinational-enterprises-on-responsible-business-conduct_81f92357-en.

⁸ In certain circumstances, persons or organisations invited to submit a questionnaire may request to submit their response directly to the OECD Secretariat (rbc@oecd.org). Such a request must be justified. The peer review team will assess whether the circumstances justify anonymity. Circumstances that justify anonymity may include, for example, having a specific instance ongoing before the NCP or a reasonable concern that the feedback will damage the respondent's relationship with the NCP.

industries. In this context, the OECD has developed several guidance tools related to risk-based due diligence, at general and sectoral level.⁹

4. How do you assess the NCP's role in contributing to sectoral projects and the development of due diligence guidance?
5. How does the NCP inform and engage stakeholders about ongoing sectoral projects and due diligence guidance?
6. How does the NCP promote the OECD due diligence guidance, both general and sectoral?

Implementation in specific instances (non-judicial grievance mechanism)

According to the Procedures, NCPs are expected to contribute, serving as a non-judicial grievance mechanism, to the resolution of cases (referred to as "specific instances") relating to implementation of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct by companies¹⁰ in a manner that is: visible, accessible, transparent, accountable, impartial and equitable, predictable, and compatible with the Guidelines.

7. How do you assess the NCP's performance in handling cases in light of the criteria above? Please elaborate and provide suggestions. For example,
 - How does the NCP explain how to bring cases? How does the NCP explain its role in the resolution of cases? How does the NCP explain possible outcomes of cases?
 - How simple and accessible is the procedure to raise a case before the NCP?
 - Do you consider that the NCP handles cases in an efficient and timely manner? Please give examples.
 - Do you consider that the process followed by the NCP is predictable? Are the NCP's case-handling procedures accessible and drafted in a user-friendly manner? Are they applied consistently by the NCP?
 - Do you believe the NCP acts impartially and equitably in the resolution of cases? Please give examples.
 - How does the NCP ensure that parties engage in the process in a fair and equitable manner? In particular, how does the NCP balance the need for transparency with confidentiality of case proceedings and sensitive business information? How does the NCP seek to ensure that power and resource imbalances do not prevent the parties from effectively engaging in the process?
8. If the NCP has received no or very few submissions for specific instances, what can explain this?
9. If you have been involved in a specific instance, please provide feedback on your experience. Please use the above questions to guide you in providing feedback.

⁹ Information on projects related to the promotion of due diligence is available on the OECD website <https://mneguidelines.oecd.org/duediligence/>.

¹⁰ Consideration of a specific instance may involve up to five stages (coordination between NCPs, where relevant, initial assessment of a specific instance, the provision of good offices such as mediation or conciliation, the conclusion of the procedures, including the publication of the main results, and a follow up on agreement or recommendations, as relevant). As a general principle, NCPs should strive, to the extent possible, to conclude the procedure within 12 months (14 months with coordination) from the receipt of the specific instance to the publication of the results at the end of the procedure. Appropriate steps should be taken to protect sensitive business and stakeholder information.

Institutional arrangements

Under the Decision of the Council on the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, governments have flexibility in organising their NCPs, but NCPs are expected to operate in accordance with the following 'core effectiveness criteria' to be: visible, accessible, transparent, accountable, impartial and equitable, predictable, and compatible with the Guidelines.

Please explain and provide examples to support your answers to the questions below.

10. Do you have a clear understanding of the structure of the NCP (i.e. how the NCP is organised)? If so, what are the advantages and disadvantages of the NCP's structure in meeting the core effectiveness criteria above?
11. Do you consider that the NCP structure allows it to effectively reach out to and take into account the views of stakeholders?
12. Do you consider that the NCP structure enables it to have sufficient access to expertise on all aspects of the NCP mandate (e.g. substantive issues covered by the Guidelines, mediation skills, etc.)?
13. Do you consider that the current structure allows the NCP to operate impartially and be perceived as such? Is it sufficient to avoid potential conflicts of interest in the functioning of the NCP?
14. Do you think the NCP has sufficient human and financial resources to effectively deliver on its responsibilities of promoting the Guidelines and acting as a non-judicial grievance mechanism,, and to play a role in supporting the government's policy efforts to promote RBC?
15. What are your views on how the NCP reports on its activities? For example, are reports on NCP activities, including on promotional activities and case-handling, easily available to all stakeholders?

Support for governments' policy efforts to promote responsible business conduct

In furthering the effectiveness of the Guidelines, NCPs may, where appropriate and in coordination with relevant government agencies, support efforts by their government to develop, implement, and foster coherence of policies aimed at promoting responsible business conduct. Providing or requesting such support should take into account the NCP's resources and capacity to fulfil their responsibilities related to promotion and specific instances.

16. How do you assess the NCP's actions to support policies of relevant government agencies to promote RBC for responsible business conduct?

Further comments

17. How do you assess the NCP's performance in discharging its mandate of promoting the Guidelines and related due diligence guidance and in handling cases?
18. On measure, how would you assess the NCP's performance against the core effectiveness criteria?
19. How do you assess the government's support to the NCP in effectively delivering on its responsibilities?
20. In your view, what have been the most significant achievements of the NCP?

21. In your view, what have been the most significant challenges faced by the NCP?
22. In your view, how can the NCP improve its performance?
23. Do you have any further comment?

Annex C. Questionnaire for the NCP network

The Decision of the Council on the OECD Guidelines for Multinational Enterprises states that ‘NCPs in different Adherents shall co-operate, if such need arises, on any matter related to the Guidelines relevant to their activities.’¹¹

In this regard, NCPs should in particular:

- Respond to enquiries about the Guidelines from other NCPs;¹²
- Consult NCPs in other countries concerned by specific instances they are handling;¹³
- Engage in peer learning activities (including peer reviews).¹⁴

This questionnaire is designed to capture broad feedback from relevant NCPs who have worked closely with the [COUNTRY] NCP. Responses will be collected by the Secretariat, collated and shared with the [COUNTRY] NCP.

NCPs that have not had significant interactions (e.g. coordinating on a specific instance; being part of the same regional network of NCPs) with the NCP under review in five years preceding are not expected to submit the questionnaire, but should notify the Secretariat that they will not have input.

Responding to enquiries

Please describe your experience of making enquiries to the NCP of [COUNTRY].

Coordination in specific instances

Please describe your experience of coordinating with the NCP of [COUNTRY] on specific instances (reactiveness, knowledge of the Guidelines, etc.).

Peer learning and peer reviews

Please describe your experience of engaging in peer learning/peer review with the NCP of [COUNTRY].

¹¹ See Para. I 2. and Commentaries on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct para. 20

¹² Procedures, para. I.B.3.

¹³ Id., para. I.C.1. and I.C.3 b) and Commentaries on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, paras. 29-32.

¹⁴ Procedures, para. II.5.c) and Commentaries on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, para. 22-24.

Annex D. Template reporting back form

The peer review report of the National Contact Point for Responsible Business Conduct (NCP) of [country] was discussed at the Working Party on Responsible Business Conduct (WPRBC) at its [month, year] meeting. The peer review team made up of reviewers from the NCPs of [countries] provided recommendations on possible improvements to the functioning of the NCP in line with the core effectiveness criteria for NCPs and responsibilities set out in the Implementation Procedures to the Guidelines.

The NCP of [country] was invited to report back to the WPRBC on follow-up to the recommendations after the discussion of the final peer review report by the WPRBC. To support the discussion, the NCP of [country] is pleased to address this reporting back document to the WPRBC:

Institutional arrangements

[recommendation 1.1.:]	[recommendation text]
------------------------	-----------------------

Status of implementation of the recommendation:

Implemented <input type="checkbox"/>	In progress <input type="checkbox"/>	Not implemented <input type="checkbox"/>
Date of implementation: Click or tap to enter a date.	Expected date of implementation: Click or tap to enter a date.	

Actions taken and further details (if no actions taken or recommendation not implemented, please explain):

[recommendation 1.2.:]	[recommendation text]
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Status of implementation of the recommendation:

Implemented <input type="checkbox"/>	In progress <input type="checkbox"/>	Not implemented <input type="checkbox"/>
Date of implementation: Click or tap to enter a date.	Expected date of implementation: Click or tap to enter a date.	

Actions taken and further details (if no actions taken or recommendation not implemented, please explain):

[recommendation 1.3.:]	[recommendation text]
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Status of implementation of the recommendation:

Implemented <input type="checkbox"/>	In progress <input type="checkbox"/>	Not implemented <input type="checkbox"/>
Date of implementation: Click or tap to enter a date.	Expected date of implementation: Click or tap to enter a date.	

Actions taken and further details (if no actions taken or recommendation not implemented, please explain):

[recommendation 1.4.:]	[recommendation text]
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Status of implementation of the recommendation:

Implemented <input type="checkbox"/>	In progress <input type="checkbox"/>	Not implemented <input type="checkbox"/>
Date of implementation: Click or tap to enter a date.	Expected date of implementation: Click or tap to enter a date.	

Actions taken and further details (if no actions taken or recommendation not implemented, please explain):

Promotional activities

[recommendation 2.1.:]	[recommendation text]
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Status of implementation of the recommendation:

Implemented <input type="checkbox"/>	In progress <input type="checkbox"/>	Not implemented <input type="checkbox"/>
Date of implementation: Click or tap to enter a date.	Expected date of implementation: Click or tap to enter a date.	

Actions taken and further details (if no actions taken or recommendation not implemented, please explain):

[recommendation 2.2.:]	[recommendation text]
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Status of implementation of the recommendation:

Implemented <input type="checkbox"/> Date of implementation: Click or tap to enter a date.	In progress <input type="checkbox"/> Expected date of implementation: Click or tap to enter a date.	Not implemented <input type="checkbox"/>
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Actions taken and further details (if no actions taken or recommendation not implemented, please explain):

[recommendation 2.3.:]	[recommendation text]
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Status of implementation of the recommendation:

Implemented <input type="checkbox"/> Date of implementation: Click or tap to enter a date.	In progress <input type="checkbox"/> Expected date of implementation: Click or tap to enter a date.	Not implemented <input type="checkbox"/>
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Actions taken and further details (if no actions taken or recommendation not implemented, please explain):

[recommendation 2.4.:]	[recommendation text]
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Status of implementation of the recommendation:

Implemented <input type="checkbox"/> Date of implementation: Click or tap to enter a date.	In progress <input type="checkbox"/> Expected date of implementation: Click or tap to enter a date.	Not implemented <input type="checkbox"/>
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Actions taken and further details (if no actions taken or recommendation not implemented, please explain):

Specific instances

[recommendation 3.1.:]	[recommendation text]
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Status of implementation of the recommendation:

Implemented <input type="checkbox"/> Date of implementation: Click or tap to enter a date.	In progress <input type="checkbox"/> Expected date of implementation: Click or tap to enter a date.	Not implemented <input type="checkbox"/>
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Actions taken and further details (if no actions taken or recommendation not implemented, please explain):

[recommendation 3.2.:]

[recommendation text]

Status of implementation of the recommendation:

Implemented

In progress

Not implemented

Date of implementation: Click or tap to enter a date.

Expected date of implementation: Click or tap to enter a date.

Actions taken and further details (if no actions taken or recommendation not implemented, please explain):

[recommendation 3.3.:]

[recommendation text]

Status of implementation of the recommendation:

Implemented

In progress

Not implemented

Date of implementation: Click or tap to enter a date.

Expected date of implementation: Click or tap to enter a date.

Actions taken and further details (if no actions taken or recommendation not implemented, please explain):

[recommendation 3.4.:]

[recommendation text]

Status of implementation of the recommendation:

Implemented

In progress

Not implemented

Date of implementation: Click or tap to enter a date.

Expected date of implementation: Click or tap to enter a date.

Actions taken and further details (if no actions taken or recommendation not implemented, please explain):

Support for governments' policy efforts to promote responsible business conduct (if any)

[recommendation 4.1:]	[recommendation text]
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Status of implementation of the recommendation:

Implemented <input type="checkbox"/>	In progress <input type="checkbox"/>	Not implemented <input type="checkbox"/>
Date of implementation: Click or tap to enter a date.	Expected date of implementation: Click or tap to enter a date.	

Actions taken and further details (if no actions taken or recommendation not implemented, please explain):
