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

Cancels & replaces the same document of 24 February 2025

**Action Plan to Strengthen National Contact Points for Responsible Business Conduct
2025-2027**

This document is the Action Plan to Strengthen National Contact Points for Responsible Business Conduct (NCPs) for the period 2025-2027.

The Action Plan is articulated around three priorities: (i) Consolidation: building on and leveraging existing materials to address current needs; (ii) Compatibility: Implementing the updated Guidelines and Implementation Procedures and (iii) Closing the gap: Addressing gaps in the achievement of core effectiveness criteria where needed. The document also lays out modalities for planning activities and funding the Action Plan.

The document was approved by the Working Party on Responsible Business Conduct at its meeting of 19 November 2024 and declassified by the Investment Committee on 9 January 2025.

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1 Introduction

1. An important characteristic of the Network of National Contact Points for Responsible Business Conduct (NCPs) is functional equivalence, ‘meaning that all NCPs function with an equivalent degree of effectiveness, through achieving the core effectiveness criteria.’¹ Functional equivalence is therefore benchmarked against a minimum ‘effectiveness floor’ which consists of the following criteria: visibility, accessibility, transparency, accountability, impartiality and equitability, predictability and compatibility with the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (the Guidelines).²

2. Functional equivalence is particularly important as there is no prescribed model of NCP, and the general principle is that governments have flexibility in organising their NCPs. It must therefore be ensured that such flexibility does not lead to effectiveness gaps within the network, as this may create such issues as depriving companies and stakeholders in certain countries of valuable information about the Guidelines and due diligence guidance; depriving certain stakeholders and companies in certain countries of access to the NCP non-judicial grievance mechanism; causing increased workload for more effective NCPs as specific instances would be primarily directed to them by submitters; or causing governments in certain countries to miss out on important knowledge about RBC and the Guidelines, which may create policy misalignments.

3. Given the diversity of institutional arrangements among NCPs, and of the variety of national contexts and realities, functional equivalence must be actively pursued and strengthened. For this purpose, the Council Decision on the Guidelines provides that NCPs should meet regularly to share experiences (para. I.3.). Furthermore, the Procedures attached to the Decision task the Secretariat with ‘facilitat[ing] peer learning activities, as well as capacity building and training, in particular for NCPs of new Adherents and new NCP personnel, on the Guidelines and their Implementation Procedures such as promotion and the facilitation of conciliation and mediation’, to foster functional equivalence (para. II.5.c.).

4. Strengthening NCPs and ensuring effectiveness across the board has become a strong priority of Adherents, particularly in recent years. For example, increasing functional equivalence was one of the three objectives of the 2023 update of the Guidelines’ Implementation Procedures.³ Additionally, in the Declaration on Promoting and Enabling Responsible Business Conduct in the Global Economy [OECD/LEGAL/0489] adopted in February 2023, Ministers reiterated multiple commitments made previously on the need to ensure functional equivalence. Relevant language in the Declaration is reproduced in Box 1.1 below.

5. The Declaration specifically notes that efforts to ensure NCP effectiveness across the board should be pursued through Action Plans to Strengthen NCPs. Since 2016, the WPRBC has adopted such plans for the periods 2016-2019 [DAF/INV/RBC(2015)11/FINAL], 2019-2021 [DAF/INV/RBC(2018)13/FINAL], and 2021-2024 [DAF/INV/RBC(2021)30/FINAL]. This document is the Action Plan for the triennium 2025-2027 (the Action Plan). It draws on the background document discussed

¹ Procedures, Section I.

² The core effectiveness criteria are further defined in para. 10 of the Commentary to the Procedures.

³ See OECD (2022), *Stocktaking Report on the OECD Guidelines for Multinational Enterprises*, <https://mneguidelines.oecd.org/stocktaking-exercise-on-the-oecd-guidelines-for-multinational-enterprises.htm>, p. 87.

by NCPs at the NCP Network meeting of June 2024 [DAF/INV/NCP(2024)53], which reflected on the achievements of the previous plan, provided reflections about possible priorities in achieving functional equivalence and activities that could be proposed to meet them, and discussed possible funding for the Action Plan.

6. The Action Plan 2025-2027 is contained in Section 2 below, Section 3 describes an agile method for planning activities under the Action Plan, while Section 4 lays out the funding modalities for the Action Plan.

Box 1.1. Section on NCPs in the 2023 Ministerial Declaration

WE STRESS the **unique role of National Contact Points (NCPs) in promoting implementation of the Guidelines by companies**. WE RECOGNISE their achievements in this regard as well as in informing public policies on RBC. WE STRESS the need to further scale-up awareness and implementation of RBC and due diligence standards globally.

WE COMMEND the NCPs for their contributions to this broader landscape in serving as non-judicial grievance mechanisms contributing to the resolution of issues that arise relating to the implementation of the Guidelines. WE RECOGNISE that effective remedy for those affected by corporate activities, particularly for groups experiencing vulnerability, remains a challenge in the global economy.

WE RECOGNISE the **pressing need to further strengthen the NCP system to realise its full potential** in furthering the effectiveness of the Guidelines in light of the urgent need to scale up responsible business conduct as an enabler of sustainable development.

WE REAFFIRM our **commitment to having fully functioning and adequately resourced NCPs, noting the importance of flexibility** to take into account national contexts, and HIGHLIGHT the need to achieve **full effectiveness of NCPs across the board**, both at domestic level and through the NCP network supported by the Secretariat, including through targeted updates of the Guidelines' Implementation Procedures to strengthen NCPs and the NCP network.

WE ARE COMMITTED to increasing efforts in this regard, including through the **full and timely delivery of OECD Action Plans to Strengthen NCPs**, ensuring adequate resources for NCPs, improving stakeholder confidence by developing and maintaining meaningful relations with stakeholders, and regularly engaging in peer reviews as an important part of driving effectiveness throughout the NCP network.

Note: Emphasis added

Source: <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0489>

2 Action Plan

7. According to the Declaration, increasing NCP effectiveness across the board and fostering functional equivalence is a strategic priority that needs to be addressed at two levels: the domestic level, and the level of the NCP Network. At domestic level, actions to increase NCP effectiveness will rely primarily on the periodic system of peer reviews [DAF/INV/RBC(2024)5/REV2], which is designed to provide each NCP with an individualised structured assessment of its achievement of the core effectiveness criteria, and corresponding recommendations that, if implemented, will foster functional equivalence.

8. Consequently, actions at the level of the NCP Network will rely primarily on collective activities held under the Action Plan, as suggested by the Declaration.

9. With the above in mind, the Action Plan for the period 2025-2027 is articulated around three priorities to achieve functional equivalence, which are detailed below, namely

- **Consolidation:** Building on and leveraging existing materials to address current needs
- **Compatibility:** Implementing the updated Guidelines and Implementation Procedures
- **Closing the gap:** Addressing gaps in the achievement of core effectiveness criteria where needed

Priority #1 – Consolidation: Building on the achievements of previous Action Plans

10. One of the key achievements of the previous Action Plans is that a solid foundation has been built to enable NCPs to fulfil their responsibilities: NCPs now have access to a comprehensive set of tools, including guides, handbook, manual, templates, online training tool, roster of mediators, etc. that provide guidance and learning materials on the most important aspects of the NCP role.

11. However, experience shows that NCPs are not always fully aware of the existence of these resources or how to access and use them. This is particularly true of the many resources available to promote the Guidelines and the due diligence guidance, such as the Promotion and Stakeholder Engagement Handbook (which includes model promotional plans, methodologies for surveys, etc.) or template presentations and stock language on various topics. Such lack of awareness could be due to the fact that these resources are stored in various places, including the NCP webpage, the NCP ONE Community Space, and external platforms (e.g. the Online Training Tool). The high turnover in the NCP network may also explain that knowledge of such resources gets lost in transitions between staff. This diminishes the impact of this work, and consequently the effectiveness of the NCPs concerned.

12. Experience also shows that some of these tools should be viewed as living documents, and allow for regular revisions to reflect recent developments or unaddressed challenges.⁴ For example, NCPs have

⁴ Updating the 'Guides' for NCPs on procedural aspects of the specific instance process is covered under priority #2 below, to reflect the 2023 update of the procedures.

flagged that one of the main challenges with good offices was to get parties to agree terms of reference for the mediation, an aspect which is not currently covered in-depth in existing materials.

Box 2.1. Possible activities under Priority #1

- Redesign and promotion of the NCP Network's ONE Community Space to make it a better known, more user friendly and more effective portal of information and exchange for NCPs
- More systematic information sessions for new NCP officials (and others upon request) about the availability and use of resources available
- Annual in-depth training course for new NCP officials (and others upon request) on responsible business conduct and NCP responsibilities
- Regular evaluation of existing tools to ensure continued relevance and usefulness, leading to revisions and complements where requested by the NCP network

Note: Subject to confirmation according to Section 3 and funding being made available

Priority #2 – Compatibility: Implementing the updated OECD Guidelines

13. The update of the OECD Guidelines in 2023 created a new reality for NCPs, both in terms of the substantive standards to be implemented, and in terms of procedural provisions applicable to NCPs regarding their institutional arrangements and their responsibilities. One of the core effectiveness criteria by which NCPs have to operate is 'compatibility with the Guidelines' on all aspects of their activities, and therefore it would be a priority to ensure that NCPs receive the support needed to operate in ways that are fully compatible with the updated Guidelines and Procedures.

A. Updated Guidelines' provisions

14. The 2023 update of the Guidelines included significant revisions to certain chapters of the Guidelines, including Chapter VI on Environment; Chapter VII on Combating Bribery and Other Forms of Corruption; and Chapter IX on Science, Technology and Innovation. The new provisions are of a highly technical nature and correspond to issues that are likely to feature in future specific instances. NCPs would thus likely benefit from dedicated training and access to expertise/information on those subjects, in addition to other more *ad hoc* substantive issues that continue to prove challenging for NCPs, such as the rights of indigenous peoples, or questions related to responsibilities under the due diligence framework. This could take the form of workshops or other events during which NCPs could hear from experts on the issues at hand, either from the Secretariat or other organisations. Likewise, certain NCPs have highlighted the value of spaces in which NCPs can exchange on certain issues and learn from their peers in a more informal manner. Such activities could take place either in the context of the NCP Network meetings, or *ad hoc*. Regional networks of NCPs (see below) could also be appropriate venues to discuss issues of particular significance only to certain regions. Apart from live activities, the Online Training Tool for NCPs, which focuses on NCP structures and responsibilities, could be complemented with substantive modules covering the state of affairs with respect to various Guidelines' chapters.

15. Additionally, NCPs are making increased use of the possibility to request the Secretariat for information about how issues they are faced with in current cases have been dealt with in past cases,

which is now explicitly recognised after the update of the Guidelines.⁵ This is an opportunity for improved consistency in the interpretation of the Guidelines across the Network, but will require additional tools and resources for the Secretariat to respond to such requests in a timely and organised manner, such as dedicated staff and a state of the art analytical tool for the database.

Box 2.2. Possible activities under Priority #2A

- Regular workshops on substantive issues with experts from NCPs and the OECD Secretariat, and external experts
- Informal exchange and peer learning spaces on substantive issues
- Addition of substantive modules to the Online Training Tool
- Improvements to the NCP specific instances database, e.g. to support searches and analysis of interpretations of the Guidelines by NCPs
- Dedicated capacity at the Secretariat for responding to requests for information about past cases

Note: Subject to confirmation according to Section 3 and funding being made available

B. Updated Implementation Procedures

16. The 2023 update of the Guidelines also involved significant revisions to the Implementation Procedures.⁶ In particular, the possibility for NCPs to support efforts by their government to develop, implement, and foster coherence of, policies to promote responsible business conduct was added. This reflects that policy activity on RBC is accelerating (for example, to date the Secretariat estimates that 75% OECD countries have already introduced or are in the process of introducing some sort of regulation embedding expectations of due diligence) and that involvement of NCPs in such processes can help inform policies and support alignment with the Guidelines and the due diligence guidance, thereby helping to prevent fragmentation of standards.

17. However, NCPs may benefit from guidance and peer-learning on engaging effectively in policy, such as securing access to the process and decision-makers, or to relevant expertise to input into the relevant processes. Such activities would then complement and reinforce the proposed Action Plan on 'Implementing and disseminating the OECD Recommendation on the Role of Government in Promoting Responsible Business Conduct' [DAF/INV/RBC(2024)14/FINAL], as the Recommendation notably recognises the role that NCPs can play in promoting policy coherence for RBC [OECD/LEGAL/0486].

18. Significant updates were also brought to the provisions of the Implementation Procedures regarding the handling of specific instances by NCPs, including:

⁵ Procedures, II. 5. a); and Commentary, para. 58. The Investment Committee however remains the body ultimately responsible for issuing clarifications of the interpretation of the Guidelines. Procedures, II.2.c).

⁶ 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 [<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0307>].

- Expectation to publish case-handling procedures consistent with the Procedures and to consult stakeholders in developing these procedures;
- Clarification that the assistance NCPs provide may include supporting constructive dialogue, facilitating agreements between the parties and/or issuing recommendations;
- New process for coordinating in good faith with other NCPs to choose the lead and supporting NCPs and agreeing relevant arrangements;
- Strengthened provisions around follow-up on the implementation of recommendations or, if any, the agreement reached by the parties;
- Option for NCPs to share their views in their final statement on whether the enterprise observed the Guidelines;
- New language to clarify expectations on transparency and confidentiality;
- New language around appropriate steps to be taken by NCPs to address risks of reprisals against parties to a specific instance.

19. Several NCPs have indicated requiring support from the Secretariat and the Network in implementing these updates in practice. For example, by October 2024, only a third of NCPs (18 out of 52) had published new case-handling procedures in line with the new Implementation Procedures, and several NCPs have asked the Secretariat for review of draft new procedures. Likewise, the Guides for NCPs on procedural aspects of specific instances, which NCPs have indicated to be very helpful, are based on the 2011 version of the Guidelines and would need to be updated to reflect the above. Additionally, some NCPs noted that further support was needed on ensuring efficient and effective handling of specific instances across the board.

20. Finally, the Implementation Procedures have also strengthened the provisions regarding NCPs' institutional arrangements, notably as regards ensuring that structures allow NCPs to fully meet core effectiveness criteria. While Adherents have flexibility as to the structure of their NCPs, good practice is emerging with regard to, e.g., stakeholder inclusion; addressing risks of conflicts of interest; or ensuring an adequate level of human and financial resources, which could be further socialised across the network.

21. Compatibility with the Implementation Procedures is considered in the context of the relevant provisions depending on whether they set out either expectations ('will' provisions), recommendations ('should' provisions) or guidance ('may' or 'can' provisions) applicable to Adherents and NCPs. Ensuring compatibility with 'expectations' by the entire Network would therefore be a primary objective in achieving this priority.

Box 2.3. Possible activities under Priority #2B

- Peer learning on support by NCPs of policy efforts by their government to promote RBC
- Updating all Guides for NCPs on procedural aspects of handling specific instances in line with 2023 Guidelines update
- Regular organisation of peer learning sessions on procedural aspects of case-handling (including confidential cases sessions)
- Regular exchanges on good practice regarding institutional arrangements and update of the Guide for NCPs on structures and activities

Note: Subject to confirmation according to Section 3 and funding being made available

Priority #3 – Closing the gap: Addressing gaps in the achievement of core effectiveness criteria where needed

22. The different Action Plans implemented since 2016 have coincided with important increases in the effectiveness of NCPs [DAF/INV/NCP(2024)53]. However, there is a gap between the NCPs who are on track to achieving core effectiveness criteria, and who therefore contribute to functional equivalence; and NCPs who struggle to do so despite the support offered to the Network under the Action Plans, for example because they suffer from low resources and high turnover.⁷ Such gaps in effectiveness may be widening in the future, and thereby undermine functional equivalence.

23. To address this challenge,⁸ the Action Plan will organise individualised support will be provided to NCPs who are struggling to sufficiently achieve the core effectiveness criteria. This individualised support will come in addition to peer reviews and activities planned in the context of projects led by the Secretariat to promote RBC in certain regions, which all involve some degree of support to NCPs in those regions.

24. In practice, this could take the form of twinning or mentoring programmes (for example for newly established NCPs), or of individualised projects through which the Secretariat and/or Adherents and their NCPs provide targeted support to NCPs that request it, as has been experienced with success in the past.⁹ Regional networks of NCPs could also be leveraged to provide targeted support to their less effective members, if necessary with support from the Secretariat.

Box 2.4. Possible activities under Priority #3

- Twinning/mentoring programme where an NCP could be paired upon request with another highly experienced NCP who would be available for support and advice
- Country-specific NCP capacity-building projects
- Regional NCP networks meetings or activities aimed to address effectiveness challenges common to NCPs in particular regions

Note: Subject to confirmation according to Section 3 and funding being made available

⁷ OECD (2024), Increasing impact, addressing challenges: A year in review of National Contact Points for Responsible Business Conduct – 2023 Annual Report on NCP Activity, p. 18, available at [https://www.oecd.org/content/dam/oecd/en/networks/national-contact-points/OECD-2023-Annual-Report-on-NCP-Activity.pdf/ jcr_content/renditions/original/OECD-2023-Annual-Report-on-NCP-Activity.pdf](https://www.oecd.org/content/dam/oecd/en/networks/national-contact-points/OECD-2023-Annual-Report-on-NCP-Activity.pdf/jcr_content/renditions/original/OECD-2023-Annual-Report-on-NCP-Activity.pdf).

⁸ To note, in 2023 the Implementation Procedures were updated to include a provision whereby '[w]hen, based on the last two annual reporting cycles and upon proposal by the WPRBC, the [Investment] Committee determines that an NCP has, for an extended period of time and without legitimate reason, manifestly not been operating in a way consistent with these Procedures, it may make appropriate recommendations to the Adherent and invite it to report back within a set timeframe, and the Committee may do so repeatedly until it is satisfied that the issues have been addressed.' See Procedures, Section II.2.d).

⁹ For example, in 2023 the Secretariat delivered an in-depth capacity-building programme to the NCP of Tunisia, funded by Germany's GIZ. See details in *Ibid.*, p. 18.

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Planning activities in practice

25. In order to match activities with available funding, as well as to be able to respond to certain new needs as they emerge, the planning of the concrete activities will be done in an agile manner. General orientations are laid out in the Action Plan approved by the WPRBC as per the priorities above. A discussion of the WPRBC on progress towards the objectives will take place each year in conjunction with the discussion of the Annual Report on NCP Activities.

26. In turn, specific activities to respond to priorities will be planned on an ongoing basis by NCPs themselves, using the suggestions provided in Box 1.1, Box 2.1, Box 2.2, Box 2.3 and Box 2.4 above as a basis. To that effect, the Secretariat will survey the NCP Network and informally consult interested NCPs, including from donor countries, to discuss needs and resources with the Secretariat and organise activities.

4 Funding

27. This Action Plan, like previous Action Plans, will be funded through voluntary contributions (VCs), and the amount of activities will be adjusted to the funding available in any given year. All Adherents and NCPs are encouraged in this regard to regularly make contributions towards the Action Plan, in line with their capacities. The Secretariat will make an annual funding request for the Action Plan to Adherents, in conjunction with the abovementioned WPRBC's discussion of the Annual Report on NCP Activities and achievement of Action Plan priorities. However, Adherents' budgetary cycles will be taken into account when formalising VCs.