



OECD Guidelines for Multinational Enterprises
National Contact Point Peer Reviews
SLOVENIA



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Foreword

The OECD Guidelines for Multinational Enterprises (the Guidelines) are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. They provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognised standards. The OECD Guidelines are the only multilaterally agreed and comprehensive code of responsible business conduct that governments have committed to promoting.

Adhering governments to the Guidelines are required to set up a National Contact Point (NCP) that functions in a visible, accessible, transparent and accountable manner. During the 2011 update of the Guidelines, NCPs agreed to reinforce their joint peer learning activities, in particular with respect to conducting voluntary peer reviews.

The peer reviews are led by representatives of 2 to 4 other NCPs who assess the NCP under review and provide recommendations. The reviews give NCPs a mapping of their strengths and accomplishments, while also identifying opportunities for improvement. More information can be found online at <https://mneguidelines.oecd.org/ncpeerreviews.htm>.

This document is the peer review report of the Slovenian National Contact Point (NCP) for Responsible Business Conduct.

This report was prepared by a peer review team made up of reviewers from the NCPs of Austria, Hungary, and the United States, and with the support of the OECD Secretariat. The NCP of Austria was represented by Mario Micelli. The NCP of Hungary was represented by Viktória Fűzesi. The NCP of the United States was represented by Joseph Donahue. The OECD Centre for Responsible Business Conduct was represented by Nicolas Hachez and Emily Halstead. The report was informed by dialogue between the peer review team, the NCP of Slovenia and relevant stakeholders during an in-person fact-finding mission on 17-19 May 2022. The peer review team wishes to acknowledge the NCP for the quality of the preparation of the peer review, especially considering the very recent return to in-person visits and the necessity to respect sanitary measures. The NCP of Slovenia was represented by Jan Sitar, Gregor Umek, Urška Perko, and Andrej Piano. This report also benefited from comments by OECD delegates to the Working Party on Responsible Business Conduct and institutional stakeholders (BIAC, OECD Watch, TUAC).

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1 Key findings

This document is the peer review report of the Slovenian National Contact Point for Responsible Business Conduct (NCP). The implementation procedures of the the OECD Guidelines for Multinational Enterprises (the Guidelines) require NCPs to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability. In addition, they recommend that NCPs deal with specific instances in a manner that is impartial, predictable, equitable and compatible with the Guidelines.

This report assesses conformity of the NCP with the core criteria and with the Procedural Guidance contained in the implementation procedures. The peer review of the NCP was conducted by a team made up of reviewers from the NCPs of Austria, Hungary, and the United States, along with representatives of the OECD Secretariat. The peer review included an on-site fact-finding mission that took place from 17-19 May 2022. All information included in the report is up-to-date as of the close of the mission on 19 May.

Institutional arrangements

The Slovenian NCP has an interagency structure located in the Directorate for internationalisation, entrepreneurship and technology, Sector Internationalisation, within the Ministry of Economic Development and Technology. The interagency NCP is comprised of an inter-ministerial working group with representatives from the Ministry of Economic Development and Technology, the Ministry of Finance, the Ministry of Foreign Affairs, the Ministry of Justice, and the Ministry of Environment and Spatial Planning. Resourcing of the NCP Secretariat function includes one staff member from the Ministry of Economic Development and Technology dedicating 40% of his time to the NCP function. The staff member is not also a member of the inter-ministerial working group¹. The members of the NCP inter-ministerial working group are available as additional support. The NCP has an advisory body, comprised of stakeholder representatives from business associations, trade unions, civil society, and academia, which provides support to the NCP on matters related to specific instances.

Prior to 2019, the NCP had a full-time staff member from the Ministry dedicated to its function. Human resources have been noted by stakeholders as a challenge for the NCP, however, it is also acknowledged that increasing resources to the NCP after the staffing change was made especially difficult due to the impacts of the Covid19 pandemic which followed shortly after.

The inter-ministerial working group and the advisory body members are listed by name in a government decree² which establishes them. As the members are specified by name, it is not possible to replace them without issuing another government decree. This has led to issues as some NCP members have moved positions and the official voting members of the NCP and members of the advisory body are no longer necessarily the people working closest to the mechanism. This leaves limited flexibility to the structure and function of the NCP. Additionally, neither the government decree which established the NCP structure, nor

¹ A new staff member has taken over the role in the NCP Secretariat since the onsite visit. The NCP has indicated their intent to formally include the new member also in the interministerial working group.

² The list of NCP and advisory body members is available at: <https://www.gov.si/zbirke/delovna-telesa/oecd-nacionalna-kontaktna-tocka-slovenije/>

the NCP rules of procedure provide detail on the interaction of the inter-ministerial working group and the advisory body leaving the interactions to be informal and occur at the discretion of the members. This has the potential to create uneven engagement with different ministries or advisory body stakeholder representatives.

The advisory body is currently comprised of seven members representing three academic institutions, two business representatives (including the promotional development and export bank of Slovenia)³, one trade union representative, and one NGO representative. Some stakeholder feedback has indicated a perception that the advisory body favours business representatives, a stakeholder group which already has a high level of interaction with the NCP given its location. However, with three representatives included, academia has the most representation in the structure of the advisory body. The academic representatives cover the fields of international law, European law, and human rights and administrative law. Additionally, feedback indicated a perception that expertise of the academic representatives on the advisory body could extend to additional fields to cover the full range of the Guidelines, such as environment or anti-corruption.

Table 1.1. Key findings on institutional arrangements

	Findings	Recommendations
1.1	High turnover within the NCP Secretariat has created problems of knowledge transfer and hindered the NCP's ability to grow and improve. This issue was made especially prominent by the Covid19 pandemic, as it was more difficult to dedicate sufficient resources to the NCP.	Slovenia could consider ways to lend more stability to the NCP structure in an updated legal or official document to clarify the roles of the different bodies and the interactions that exist between them. This could further provide stipulations on the resourcing of the NCP to ensure sufficient financial and human resources.
1.2	The inter-ministerial and advisory bodies do not have a mandate to meet regularly, or at all, outside of specific instance proceedings. Stakeholders have shown support for the structure with wide representation, however, there is a perception that it is not being leveraged to support the NCP in achieving its dual mandate. Additionally, the operations between the NCP Secretariat, the inter-ministerial working group, and the advisory body are not well-established and there is a lack of clarity on how the bodies interact with one another	The NCP should enhance the roles of the interministerial working group and advisory body, particularly with more meetings of the bodies individually and together. This could help leverage the opportunity the bodies provide to interact with various stakeholder groups, particularly in terms of how they can assist with promotional efforts by the NCP.
1.3	Some stakeholders have indicated concerns about the NCP's ability to act impartially. Their concerns are based on the NCP's location in an economic ministry, a lack of safeguards specific to the NCP to avoid conflicts of interest, a lack of transparency around the NCP's structure and functions, and an imbalanced representation from different stakeholder groups.	The NCP should address concerns related to the perception of impartiality of the NCP, through substantive changes or improved communication on the NCP structure. This could be accomplished in part by increasing transparency around the structure of the NCP in an updated public official document, producing a conflict of interest document specific to the NCP, and improving representative diversity or participation in the advisory body, particularly by increasing trade union representation.

Source: On-site visit of the peer review of the Slovenian NCP

Promotional activities

Promotion by the NCP has been very low in recent years, with no events organised or participated in reported to the OECD Secretariat in 2021. The NCP has reported Covid19 to be a major challenge in continued promotion as many individuals associated with NCP operations needed to focus on Covid19

³ SID Bank, a public institution established and wholly owned by the Republic of Slovenia.

related challenges. The NCP may also consider developing more plain language promotional materials in its national language, beyond the translation of the Guidelines, to more easily disseminate the knowledge within the country, particularly highlighting the NCP role as it relates to the national context and priorities.

The NCP has access to a variety of stakeholders within its institutional arrangements thanks to its multi-stakeholder advisory body. However, the connections with different stakeholder groups in the advisory body are rarely leveraged for promotion and the advisory body does not have a role for promotion specified in its structure or function. The NCP could work to utilise the existing connections it has, particularly focusing on multiplier organisations, to enhance the reach of its promotional efforts. As a result of the above, the visibility of the NCP, and consequently its accessibility and transparency, is very low across all stakeholder groups.

There is a perception, and some acknowledgement by the NCP, that promotion is not done evenly among the stakeholder groups, and is often targeted at business representatives. In particular, trade union stakeholders felt the NCP had spent little effort informing them of the Guidelines and promoting the NCP mechanism. The NCP has a promotional plan developed but it presents as more of an activity report than a proactive plan for future promotion. Additionally, the plan was developed solely by the NCP staff member and did not include input from the inter-ministerial working group or advisory body. Developing a strategic promotional plan with goals and methods to monitor awareness could help the NCP reach stakeholder audiences that have not been sufficiently targeted for promotional engagement in the past.

Table 1.2. Key findings on promotional activities

	Findings	Recommendations
2.1	Especially in recent years, the NCP has organised or participated in a limited number of promotional activities. Promotion is not being done strategically and there is a general need to increase promotional activity. As a result, the visibility of the NCP is very low across all stakeholder groups.	The NCP should increase promotion, both by organising or co-organising more events and participating in more events. This ought to be done strategically to target a diverse range of stakeholders and considering RBC priority areas in country. This will serve to increase the visibility of the Guidelines and the NCP.
2.2	The inter-ministerial structure and advisory body are generally viewed favourably by stakeholders, however there are concerns that the structures are not being efficiently leveraged for promotional purposes.	The NCP should leverage its partnerships to increase promotional activity. The NCP can utilise existing connections within its structure to reach out to different stakeholder groups and increase awareness of the NCP and Guidelines. This can also include leveraging other governmental connections to focus on policy coherence, particularly beyond the ministries already represented in the NCP.
2.3	Promotional activity by the NCP has been low in recent years and largely centres around a reactive approach where the NCP engages in promotion when called upon by others. Promotion has also not been conducted evenly across stakeholder groups, with more promotion being done amongst businesses representatives due to the connections they already have with the Ministry.	The NCP should create a comprehensive and strategic promotional plan for the year, taking input from all members of the NCP to identify opportunities for promotion. The plan ought to consider where promotion is lacking, in which sectors or amongst which stakeholders, and seek to increase promotional activities in those areas.

Source: On-site visit of the peer review of the Slovenian NCP

Specific instances

The Slovenian NCP has received one specific instance since its creation and as of the date of the on-site visit. The Slovenian NCP reviewed the submission according to its procedures and the specific instance was not accepted. The RoP were developed in 2019 and the specific instance provided the first opportunity to test the document in practice. While the document is fairly comprehensive, it could go further in defining

the roles of the inter-ministerial working group and the advisory body. The language could also be clarified to better align with Procedural Guidance. Beyond clarifications on roles and wording, concerns were raised about the accessibility of the procedure given submissions were required to be submitted in Slovenian, due to national law which requires official procedures to be conducted in the national language.

The voting procedure on specific instances allows only members of the inter-ministerial working group the right to vote. As the members of this working group are specified by name in the government decree, it creates limitations in voting procedures, particularly when there are scheduling issues among the six members. The general structure of the NCP is viewed favourably by stakeholders but there are concerns about limited flexibility in members and voting practices, as well as impartiality (see above).

Table 1.3. Key findings on specific instances

	Findings	Recommendations
3.1	The current RoP are comprehensive but lack some flexibility in terms of timelines, submission language, and contributions of the advisory body. Furthermore, they do not fully align with the Procedural Guidance	The NCP should revise its RoP to align with the Procedural Guidance, clarify the roles of the different bodies and allow for more meaningful engagement, particularly on the part of the advisory body. Revisions may further create a framework to allow for timeline adaptations and submissions in languages other than Slovenian..
3.2	Based on a government decree, there are limitations to the specific instance procedures based on voting members of the interministerial working group	The NCP should consider changing provisions around voting members so that participating individuals may change based on who is active on the NCP function or in the interministerial working group

Source: On-site visit of the peer review of the Slovenian NCP

2 Introduction

The Slovenian NCP at a glance

Established: 2002

Structure: Interagency

Location: Secretariat is located in Directorate for internationalisation, entrepreneurship and technology, Sector Internationalisation, within the Ministry of Economic Development and technology.

Advisory body: The Slovenia NCP is supported by an advisory body with representatives of expert institutions and organisations, Chamber of Commerce and Industry of Slovenia, Slovenian Association of Free Trade Unions, Centre for Information, Cooperation and Development of Non-Governmental Organisations, SID Bank – Slovenian Export and Development Bank.

Staffing: One part-time staff working 40% on NCP matters

Website: <https://www.gov.si/en/topics/oecd-national-contact-point-slovenia/>

Specific instances received: one not accepted, received in 2019.

The implementation procedures of the Guidelines require NCPs to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability. In addition, the guiding principles for specific instances recommend that NCPs deal with specific instances in a manner that is impartial, predictable, equitable and compatible with the Guidelines. This report assesses conformity of the Slovenia NCP with the core criteria and with the Procedural Guidance contained in the implementation procedures.

Slovenia adhered to the OECD Declaration on International Investment and Multinational Enterprises (Investment Declaration) in 2002. The OECD Guidelines for Multinational Enterprises (the Guidelines) are part of the Investment Declaration. The Guidelines are recommendations on responsible business conduct (RBC) addressed by governments to multinational enterprises operating in or from adhering countries. The Guidelines have been updated five times since 1976; the most recent revision took place in 2011.

Countries that adhere to the Investment Declaration are required to establish National Contact Points for Responsible Business Conduct (NCPs). NCPs are set up to further the effectiveness of the Guidelines and adhering countries are required to make human and financial resources available to their NCPs so they can effectively fulfil their responsibilities, taking into account internal budget priorities and practices⁴.

NCPs are “agencies established by adhering governments to promote and implement the Guidelines. The NCPs assist enterprises and their stakeholders to take appropriate measures to further the implementation

⁴ Amendment of the Decision of the Council on the OECD Guidelines for Multinational Enterprises, para I(4)

of the Guidelines. They also provide a mediation and conciliation platform for resolving practical issues that may arise.”⁵

The Procedural Guidance covers the role and functions of NCPs in four parts: institutional arrangements, information and promotion, implementation in specific instances and reporting. In 2011, the Procedural Guidance was strengthened. In particular, a new provision was added to invite the OECD Investment Committee to facilitate voluntary peer evaluations. In the commentary to the Procedural Guidance, NCPs are encouraged to engage in such evaluations.

The objectives of peer reviews as set out in the “Core Template for voluntary peer reviews of NCPs”⁶ are to assess that the NCP is functioning in accordance with the core criteria set out in the implementation procedures; to identify the NCP’s strengths and possibilities for improvement; to make recommendations for improvement; and to serve as a learning tool for all NCPs involved.

This report was prepared based on information provided by the NCP and in particular, its responses to the NCP questionnaire set out in the core template⁷ as well as responses to requests for additional information. The report also draws on responses to the stakeholder questionnaire which was completed by 5 organisations representing enterprises, civil society, and trade unions. Additionally, one NCP provided feedback on cooperation and coordination with the Slovenia NCP (see Annex A for a complete list of stakeholders who submitted written feedback) and information provided during the virtual visit.

The peer review of the NCP was conducted by a peer review team made up of reviewers from the NCPs of Austria, Hungary, and the United States, along with representatives of the OECD Secretariat. An on-site fact-finding mission took place from 17-19 May 2022 and included interviews with the NCP, other relevant government representatives and stakeholders. A list of organisations that participated in the virtual visit is set out in Annex B.

The basis for this peer review is the 2011 version of the Guidelines. The specific instance considered during the peer review dates back to 2019. The methodology for the peer review is that set out in the core template.⁸

Economic Context⁹

Slovenia’s economy is dominated by the service sector, representing 66% of GDP. Regarding foreign direct investment (FDI), according to the Bank of Slovenia¹⁰, the inward stock of FDI, which represents the accumulated value of FDI in the Slovenian economy over time, was USD 18 billion in 2021. The outward stock of FDI was USD 7.6 billion in 2021. In 2021, Slovenia’s exports of goods were USD 42 billion and exports of services were USD 10 billion while imports of goods were USD 41 billion and imports of services were USD 7 billion.

⁵ OECD Guidelines for Multinational Enterprises (2011), Foreword

⁶ OECD (2019), Revised Core Template For Voluntary Peer Reviews Of National Contact Points, <http://mneguidelines.oecd.org/national-contact-point-peer-reviews-core-template.pdf>

⁷ OECD (2019), Revised Core Template For Voluntary Peer Reviews Of National Contact Points, <http://mneguidelines.oecd.org/national-contact-point-peer-reviews-core-template.pdf>

⁸ OECD (2019), Revised Core Template For Voluntary Peer Reviews Of National Contact Points, <http://mneguidelines.oecd.org/national-contact-point-peer-reviews-core-template.pdf>

⁹ Data retrieved from OECD databases and Eurostat

¹⁰ Banka Slovenije (2022), Neposredne naložbe 2021, <https://bankaslovenije.blob.core.windows.net/publication-files/neposredne-nalozbe-2021-prva-objava.pdf>

The main investors in Slovenia are Austria, Germany, the United States, Italy, and Switzerland, and the main inward investment sectors are manufacturing and finance and insurance followed by wholesale and retail trade. The main destinations for outward investment from Slovenia are Croatia, Serbia, Bosnia and Herzegovina, Russia, and Macedonia, and the most important sectors are manufacturing and finance and insurance followed by wholesale and retail trade. The most important partner countries for exports of goods are Germany, Switzerland, Italy, Croatia and Austria while the most important source countries for imports of goods are China, Germany, Switzerland, Italy and Austria. The most important destinations for exports of services are Germany, Austria, Italy, Croatia and Switzerland, and the most important sources for imports of services are Croatia, Germany, Austria, Italy and Ireland.

As measured by employment at foreign-owned firms in Slovenia in 2019, the most important investors are Germany, Austria, Croatia, Switzerland and France. As measured by employment at the overseas affiliates of Slovenian MNEs, the most important destination countries are Serbia, Croatia, Bosnia and Herzegovina, North Macedonia and Russia.

3 Institutional Arrangements

Under the Commentary to the Procedural Guidance of the Guidelines, para. 9: “Since governments are accorded flexibility in the way they organise NCPs, NCPs should function in a visible, accessible, transparent and accountable manner.”

Legal basis

Slovenia’s government adhered to the OECD Investment Declaration in 2002.

The Slovenian NCP was formally established when, as part of the accession process of the Republic of Slovenia to the OECD, Slovenia signed the OECD Declaration on International Investment and Multinational Enterprises. Under this declaration, Slovenia began to implement the OECD Guidelines for Multinational Enterprises and established the Slovenian NCP. A government decree defines the membership of the interministerial working group and advisory body, but provides limited information on specific functions of the bodies and members. The portions of the decree relating to the NCP structure have been reproduced on the NCP website¹¹. The entire decree is not publically available. Stakeholder feedback suggested they did not have a clear understanding of the NCP structure based on available information.

The Slovenian NCP was formally recognised in 2019 by Government Decision No 02401-15/2019/6¹². The Decision stated that the Ministry of Economic Development and Technology intended to establish a new structure of a working group to carry out the tasks of the NCP. The Decision also included the intent to create the first Rules of Procedure (RoP) for the NCP.

NCP Structure

The NCP is an ‘interagency NCP’, composed of representatives from various government ministries. The NCP structure also includes an advisory body composed of stakeholder representatives.

The NCP Secretariat has one staff member who works part-time on NCP functions, operating the NCP Secretariat, and the remaining NCP members contribute on an as needed basis to the interagency working group. The part-time staff member dedicates 40% of his time to NCP functions in the Secretariat, and acts as head of the interagency working group. The Secretariat resides in the Internationalisation Division of the Directorate for Internationalisation, entrepreneurship and technology, in the Ministry of Economic Development and Technology.

¹¹ List of members based on government decree available: <https://www.gov.si/zbirke/delovna-telesa/oecd-nacionalna-kontaktna-tocka-slovenije/>

¹² Available in Slovenian at: https://www.gov.si/assets/vlada/Seja-vlade-SZJ/2019/07_2019/sev138.doc.pdf

The interagency working group includes representatives from the Ministry of Finance, Ministry of Foreign Affairs, Ministry of Justice, and the Ministry of the Environment and Spatial Planning. The advisory body includes representatives from academia, trade unions, business associations, and NGOs (See Figure 3.1).

The NCP reported that the Ministry representatives acting on the NCP act according to high moral and ethical standards and there are no conflicts of interest present in the operation of the NCP. Civil servants in Slovenia, including the members of the NCP, are bound by the Code of Ethics for Civil Servants in State Bodies and Local Communities¹³. This document applies to NCP members and, in the case of a conflict of interest, the NCP member(s) would excuse themselves from the specific instance procedure. According to the NCP, all members are required to sign a document also confirming that they have no known conflicts of interest to the procedure based on this Code of Ethics. This has been tested as one NCP member did recuse himself from the specific instance handled by the NCP as he was working in a Ministry involved with the company.

The NCP noted that due to the spread of the NCP working members across government ministries, and the variety of experts included in the advisory body, the NCP is able to engage with all facets of economic activity in Slovenia. Its connectedness is also supported by its execution agencies, such as Spirit – Slovenia Business Development Agency and STA – Slovenian Tourist Agency.

Business stakeholder feedback suggested that they had no concerns about the NCP's impartiality, fairness, or equitability in its function and decision making process given its location. Other stakeholder groups have in turn indicated a real or perceived risk of conflict of interest given the NCP location in a ministry with an economic focus, particularly concerning its process for handling specific instances, as illustrated by the handling of the specific instance received by the NCP (see below).

The NCP reported that its current structure allowed it to function in a manner that allows it to meet the core criteria of visibility, accessibility, transparency, and accountability. The NCP suggested this was due to its engagement with different stakeholders, including at the main business events in Slovenia as well as internationally such as via the Slovenian Pavilion at EXPO Dubai, and thanks to regular website updates and engagement with all layers of the economic ecosystem.

The NCP noted that, following a parliamentary election in April 2022, they expect a restructure of the Ministry of Economic Development and Technology, which could also affect the composition of the NCP.

NCP members and NCP support staff

Composition

As indicated above, the NCP is set up as an interagency NCP with an advisory body.

The list of members of the NCP inter-ministerial working group and advisory body can be found on the government website dedicated to working bodies (Figure 3.1). The list is accessible via a link on the NCP website. The current members of the interministerial working group and advisory body were designated by name by government decree¹⁴ when the NCP was formally recognised in 2019. As such, the members of these groups are not changeable in the case of staff movement or turnover. Adding new members to either group would require amending the government decree. In practice, several members of the NCP have moved positions and no longer work directly on matters related to the Guidelines, but still sit on the NCP. As this structure is restrictive in terms of representatives and does not allow the use of alternates, the NCP has indicated that they would consider a new government decree which mentions only positions, rather than individuals by name, so that a new decree is not required each time a staffing change occurs.

¹³ Available at: https://www.gov.si/assets/ministrstva/MJU/Uravniki-svet/6dc62de07b/Code_of_ethics.pdf

¹⁴ List of names available: <https://www.gov.si/zbirke/delovna-telesa/oecd-nacionalna-kontaktna-tocka-slovenije/>

Figure 3.1. Members of the Slovenia NCP and advisory body



Source: Slovenian government webpage on working bodies. <https://www.gov.si/en/registries/working-bodies/oecd-national-contact-point-slovenia/>

As indicated above, the Slovenian NCP has a Secretariat located in the Internationalisation Sector of the Directorate for Internationalisation, entrepreneurship and technology, in the Ministry of Economic Development and Technology. The Sector has other responsibilities to strive for the greater competitiveness and faster growth of Slovenian companies, leading to an internationalisation of the Slovenian economy and creating an effective supportive environment for companies¹⁵

Functions

The tasks of the interagency working group, as described on the NCP's website, comprise the following:

- “actively promoting the OECD Guidelines for Multinational Enterprises;
- providing information to enterprises and the general public on the content of the OECD Guidelines for Multinational Enterprises;
- conducting procedures on the basis of grievances relating to alleged non-observance of the OECD Guidelines for Multinational Enterprises (specific instances);
- monitoring the work of domestic multinational enterprises and foreign multinational enterprises in Slovenia;
- cooperating, within its remit, with institutions responsible for promoting the principles of corporate social responsibility (CSR);

¹⁵ See: <https://www.gov.si/en/state-authorities/ministries/ministry-of-economic-development-and-technology/about-the-ministry-of-economic-development-and-technology/internationalisation-entrepreneurship-and-technology-directorate/>

- cooperating internationally with other NCPs and international organisations (OECD, European Commission, United Nations Organisation and its specialised agencies, other similar organisations);
- cooperating and representing positions of Slovenia in the OECD Working Party on Responsible Business Conduct,
- annually reporting to the OECD Investment Committee and holding regular consultations within the OECD;
- annually reporting to the Slovenian Government on activities of the OECD NCP Slovenia.”

Details on operational procedures of the NCP in the context of handling specific instances can be found in section Rules of Procedure. These rules only pertain to handling specific instances and do not cover the rest of the NCP mandate. The rules state that the inter-ministerial working group may vote and make decisions in specific instances, when a majority of members are present, and the advisory body provides advice, recommendations and examples of good practices. It is not clearly stated whether the same rules apply to other types of decisions, such as adopting the promotional plan or revising the RoP¹⁶.

Outside of the NCP function, the current NCP chair takes on other responsibilities such as managing state subsidies to various factories and their investments, NATO tenders, and international development cooperation projects focused in Africa, India, and Albania.

The advisory body may provide advice, recommendations, and examples of good practices when called upon for assistance in the handling of specific instances. The advisory body members do not have voting or decision making rights when it comes to determine whether or not to accept a specific assistance, or to confirm an initial or final statement for publication.

Similar to the inter-ministerial working group, the advisory body members are also listed by name in government decree. This means that only those names listed may formally attend meetings with the NCP and replacement is not possible in case of scheduling conflicts.

Resources

In its 2021 Annual Report, the Slovenia NCP noted that the current sole staff member of the NCP had entered the role that year.

The NCP reported that, as a small country, they benefited from continued connections to different government ministries and agencies. This creates ease of access to many areas of expertise but the NCP noted that, also due to the size of the country, there could be limited expertise on some topics.

Until 2019, the NCP had a full-time staff member dedicated to NCP functions. The NCP reported that if NCP activity intensifies, they would make the recommendation to return a full-time staff member to NCP function. The NCP noted they would welcome the return of a full-time staff member.

The NCP reported the staffing situation as a challenge given the position has passed between part-time employees in the associated ministry, including a few transfers of duties taking place in the last year.

More in particular, the NCP notes that handover takes place by sharing documents electronically and physically among public employees which were working in NCP coordination. The NCP notes that limited advice was given by previous coordinators and the new coordinator learns most of the information about the role independently. The NCP notes that little transfer of knowledge takes place and a lack of institutional memory and stable management is hindering the active and efficient performance of the NCP¹⁷.

¹⁶ The Slovenian NCP has since indicated that the NCP does use the same voting rules in other processes.

¹⁷ NCP Questionnaire

Stakeholder feedback has confirmed concerns around the limited staffing of the NCP. Feedback suggested more government support on development at national level, allowing for more NCP employees and easier accessibility for stakeholder groups in Slovenia and abroad.

The NCP has a dedicated budget which it reports as sufficient to allow the NCP to attend events and meetings when invited, and handle other NCP related tasks. The NCP did not have any on-going specific instances during the previous year.

The NCP dedicated budget has been 5.000 EUR for its direct annual activity for the last five years, not including staff costs. Any additional costs by the NCP are covered directly by institutions which support NCP activity, and are not refunded by the Ministry or NCP. Given the NCP's peer review in 2022, the dedicated NCP budget was increased to 40.000 EUR for the year.

Reporting

The NCP reports both to executive and legislative bodies on an ongoing basis, including discussing budget and accounts. The reports are not currently public but may be made so in the future.

The NCP reports annually to the Investment Committee. The report is not currently publically available but the NCP notes that it may be in the future.

Table 3.1. Key findings on institutional arrangements

	Findings	Recommendations
1.1	High turnover within the NCP Secretariat has created problems of knowledge transfer and hindered the NCP's ability to grow and improve. This issue was made especially prominent by the Covid19 pandemic, as it was more difficult to dedicate sufficient resources to the NCP.	Slovenia could consider ways to lend more stability to the NCP structure in an updated legal or official document to clarify the roles of the different bodies and the interactions that exist between them. This could further provide stipulations on the resourcing of the NCP to ensure sufficient financial and human resources.
1.2	The inter-ministerial and advisory bodies do not have a mandate to meet regularly, or at all, outside of specific instance proceedings. Stakeholders have shown support for the structure with wide representation, however, there is a perception that it is not being leveraged to support the NCP in achieving its dual mandate. Additionally, the operations between the NCP Secretariat, the inter-ministerial working group, and the advisory body are not well-established and there is a lack of clarity on how the bodies interact with one another	The NCP should enhance the roles of the interministerial working group and advisory body, particularly with more meetings of the bodies individually and together. This could help leverage the opportunity the bodies provide to interact with various stakeholder groups, particularly in terms of how they can assist with promotional efforts by the NCP.
1.3	Some stakeholders have indicated concerns about the NCP's ability to act impartially. Their concerns are based on the NCP's location in an economic ministry, a lack of safeguards specific to the NCP to avoid conflicts of interest, a lack of transparency around the NCP's structure and functions, and an imbalanced representation from different stakeholder groups.	The NCP should address concerns related to the perception of impartiality of the NCP, through substantive changes or improved communication on the NCP structure. This could be accomplished in part by increasing transparency around the structure of the NCP in an updated public official document, producing a conflict of interest document specific to the NCP, and improving representative diversity or participation in the advisory body, particularly by increasing trade union representation.

Source: On-site visit of the peer review of the Slovenian NCP

4 Promotion of the Guidelines

The NCP reported the Covid-19 pandemic as a major hindrance to promotion in 2021, during which the NCP did not engage in any promotional activity. The NCP reported that all employees with dedicated NCP functions were involved in work related to Covid preventative measures, an effort that helped protect the Slovenian economy heading out of the pandemic. The NCP reports that it did promote RBC unofficially in private initiatives when helping companies form their CSR policies and while working with international companies.

Promotional plan

The 2021 Annual Report from the Slovenian NCP indicated that there was a promotional plan in place for the coming year. The plan is not currently publicly available on the NCP website and a formal document was not provided. The NCP however provided a list of promotional activities which does not include information on modalities, targeted audience, or an overall strategy.

The information on promotional activities planned by the Slovenian NCP in 2022 was as follows:

- Promotional activities on NCP key topics to stakeholders, meeting of key international companies, mailing, distributing RBC guidelines, working with CSR consultants
- Participation of the Slovenian NCP at peer review of Spain in April
- Peer review of the Slovenian NCP in May
- Participation of Slovenian NCP in at least five main business events promoting RBC

Stakeholder feedback pointed to a need for the NCP to enhance strategic communication in the future in order to increase engagement and visibility of the NCP.

While representing different stakeholder groups, the advisory body is not consulted for the development of the promotional plan. There is no system in place to leverage the advisory body members to enhance promotional reach and activity of the NCP.

While limited information was provided on promotional activities, the NCP did not report stakeholder engagement as an issue. The NCP reported that its role and exposure within its Ministry allowed for it to promote the NCP and Guidelines to all visitors of the Ministry, including access to a copy of the Guidelines translated into Slovenian. The translation is also available at the Agency Spirit and the Chamber of Commerce.

The NCP reported that they are able to monitor and measure awareness of the Guidelines through direct engagement with companies, in individual meetings and during group activities. This is often done while discussing their CSR policies, business activities, HR policies, and investment plans. Feedback is requested on an ad hoc basis during the promotional activities or by direct contact to stakeholders. There is not a specific form or list of questions used to gather this feedback. Business stakeholder feedback considered the NCP to effectively reach out and take into account views of stakeholders.

Information and promotional materials

The Slovenian NCP has reported the use of a print promotional material in the form of a printed copy of the Guidelines translated into Slovenian. The booklet is available to visitors at the Ministry and is brought to other promotional events involving the NCP.

The NCP has not developed additional promotional materials¹⁸.

Stakeholders have indicated that it would be useful to also have the due diligence and sectoral guidance translated into Slovenian, as well as more accessible information brochures about RBC and the NCP.

Website

The Slovenian NCP's website is available in English and Slovenian, and is easily identifiable online. The website layout is simple and easily comprehensible, including a content overview at the top of the webpage. General stakeholder feedback found the website to be helpful and informative.

The NCP website refers to itself as the 'OECD NCP,' which is not a correct identification of the mechanism as it suggests that the NCP is responsible for all OECD-related matters, or even that it represents the OECD in Slovenia. The website does specify the specific topic matters in which the NCP deals.

The NCP's website provides information on:

- The establishment of the Slovenian NCP
- Tasks of the NCP
- An overview of the OECD Guidelines for MNEs and link to the document
- Links to relevant OECD sector due diligence guidance
- An overview of the specific instance handling procedures of the NCP as well as a link to the NCP's rules for handling specific instance.
- Contact details (address, telephone, email)

The website does not contain additional promotional materials produced by the NCP with NCP specific contexts, the linked materials are largely OECD publications.

The website does not contain information on who may submit a specific instance or how to submit a specific instance. This information can be found within the NCP's rules of procedure, linked on the website. Submissions can be made via post mail or e-mail, there is no online submission form.

The English version of the website does not contain information about previously handled specific instances and does not have a dedicated page or section to specific instances¹⁹.

The website does not include the NCP's promotional plan and there is no dedicated section to highlight relevant or upcoming promotional events.

At the time of writing, the website does not provide information on the structure of the NCP, or the activities and relationship with relevant ministries or organisations also involved in the NCP advisory body. The members of the NCP are not listed on the NCP website but can be found listed on a separate government webpage dedicated to the NCP as a government working body (shown in Figure 3.1). This page contains the list of tasks of the NCP, identical to that on the NCP webpage, and a list of names and locations for all

¹⁸ Since the onsite visit, the new NCP member has indicated future plans to develop promotional material.

¹⁹ During the onsite visit, the NCP added a section to the NCP website for specific instances, including published statements, available here: <https://www.gov.si/en/topics/oecd-national-contact-point-slovenia/>

NCP and advisory body members²⁰. The webpage contains a link to the NCP webpage, but the NCP webpage does not include a link to this webpage²¹.

The NCP does not appear to have any social media accounts or use social media for promotion²².

The NCP reported regular updates to their website, particularly in the context of providing relevant material on the Guidelines and related due diligence Guidance.

Stakeholder feedback suggested more transparency on NCP activities on the website and inclusion of information, particularly around handled specific instances.

Promotional activities

The NCP has not been active in recent years relating to organising or co-organising promotional activities, with no activities organised in 2020 or 2021. The NCP organised four events in 2019 (Annex C). Reportedly, due to Covid-19 related issues, the NCP was unable to participate in promotional events in 2021. The NCP participated in two events organised by other actors in 2020 and one event in 2019²³. Stakeholders also noted the Covid-19 pandemic as a major challenge for the NCP which may have hindered progress in recent years.

Contrary to the data reported in its annual reports to the OECD, the NCP reported for the purposes of the peer review a regular effort to promote the Guidelines and related due diligence guidance through regular website updates, newsletters, annual reports, speaking engagements at conferences, workshops and meetings, distribution of publications, regular or periodic stakeholder engagement activities, trainings, and communication with relevant government and non-governmental agencies. The NCP further reported using the discussion of its previous discussion as a point for promotion and engagement with stakeholders.

Stakeholder feedback has emphasised the importance of the NCP's role in contributing to sectoral projects and the development of due diligence guidance, also focusing on small and medium enterprises (SMEs).

Civil society stakeholder feedback indicated that it was unfamiliar with promotional practices of the NCP as it was perceived that the NCP conducted their promotion predominately to business stakeholders. In general, the visibility of the NCP is very low across all stakeholder groups, as is consequently its accessibility and transparency. There was also an indicated perception that the NCP promoted business interests rather than the Guidelines.

The NCP indicated that they did have a stronger relationship with business stakeholders over other stakeholder groups and had more promotional opportunities with them. There was a perception that promotion was not needed for NGOs given that 17 Slovenian NGOs, representing a large portion of NGOs operating in Guidelines related fields in Slovenia, had been involved in the NCP's specific instance and it was therefore assumed that they had an understanding of the Guidelines. The NCP indicated a willingness to reengage proactively with the stakeholder group, particularly after the specific instance procedure was met with some criticism.

Trade union stakeholders additionally indicated a lack of proactive engagement on the part of the NCP to build relationships with trade unions. Trade union stakeholders reported that they found a lot of connections between the mission of the Guidelines and their own work, but they had never been formally introduced to

²⁰ See at: <https://www.gov.si/en/registries/working-bodies/oecd-national-contact-point-slovenia/>

²¹ A link to the NCP member and functions page has since been added to the main NCP webpage.

²² Since the onsite visit, the NCP has indicated a willingness to expand promotion, including the utilisation of the Ministry's Facebook page.

²³ NCP Annual Reporting Questionnaires 2021, 2020, 2019

the Guidelines of the NCP. They indicated that they would be interested in learning more and potentially using the specific instance mechanism in the future, particularly in situations not covered by national law.

Promotion of policy coherence

The NCP reported that the availability of the Guidelines and due diligence guidance on their webpage has proved a useful resource to policy makers. Likewise, the specific instance handled by the NCP had subsequent policy implications. The NCP noted that the public information, and additional media coverage related to the specific instance handled by the NCP (see below) contributed to public awareness on the issue of hydraulic fracking in Slovenia, leading to public and media pressure on the government to act towards a ban. The NCP noted that journalists reporting on fracking had contacted the NCP for information on the specific instance. A decision for the ban on hydraulic fracking in Slovenia was subsequently taken at ministerial level, led by the Ministry of Industry, which was aware of the specific instance, though did not contact the NCP for specific support when creating the legislation.

The NCP and the Guidelines are mentioned multiple times in the National Action Plan of the Republic of Slovenia on Business and Human Rights, published in November 2018²⁴. Following the adoption of the NAP, the Ministry of Foreign Affairs established a working group for its implementation. Specifically, the NAP states, “the Republic of Slovenia will strive to improve the functioning of the Slovenian National Contact Point in accordance with the OECD Guidelines.”²⁵ The NAP does not specify a role for the NCP in its creation, though the Ministry of Foreign Affairs and the Chamber of Commerce and Industry, represented in the inter-ministerial working group and Advisory Body of the NCP respectively, were both heavily involved in the NAP’s preparation. While the NAP does not specify the role of the NCP, some of the representatives from the ministries involved were also acting in their capacity as NCP members and therefore provided the NCP’s expertise for the NAP.

A first interim report on the implementation of the NAP on Business and Human Rights was published in Slovenian in June 2021. Limited information is currently available about the publication. Slovenia is currently in the process of preparing a second NAP. The NCP has representation in the inter-ministerial working group involved in the NAP’s preparation as the representative from the Ministry of Economic Development and Technology is also an NCP member.

Stakeholder feedback has welcomed the involvement of the Slovenia NCP to promote policy coherence. Specifically, regarding the future update of the principles of Corporate Governance Code for State-owned Enterprises (the Code)²⁶ in order to affirm and encourage RBC. The revision is expected in the second half of 2022.

Other governmental ministries, such as the Ministry for Environment and Spatial Planning, reported meaningful and consistent engagement with the NCP in relation to their activities, although there was some confusion on how the NCP distinguishes when one of its members is acting in its NCP capacity versus as a representative from its Ministry.

The National Export Credit Agency (ECA) also reported excellent cooperation with the NCP and permanent contact with the Ministry in which the NCP is housed. The ECA further reported that the OECD Guidelines were mentioned in their sustainability policy as a reference for due diligence. The ECA noted that they have not reached out to the NCP for council but would be happy to engage with them in the future if consultation was applicable.

²⁴ See at: https://www.ohchr.org/Documents/Issues/Business/NationalPlans/Slovenia_EN.pdf

²⁵ Page 41. National Action Plan of the Republic of Slovenia on Business and Human Rights

²⁶ Available at: https://www.sdh.si/Data/Documents/pravni-akti/EN_corporate_governance_code_2019.pdf

Table 4.1. Key findings on promotional activities

	Findings	Recommendations
2.1	Especially in recent years, the NCP has organised or participated in a limited number of promotional activities. Promotion is not being done strategically and there is a general need to increase promotional activity. As a result, the visibility of the NCP is very low across all stakeholder groups.	The NCP should increase promotion, both by organising or co-organising more events and participating in more events. This ought to be done strategically to target a diverse range of stakeholders and considering RBC priority areas in country. This will serve to increase the visibility of the Guidelines and the NCP.
2.2	The inter-ministerial structure and advisory body are generally viewed favourably by stakeholders, however there are concerns that the structures are not being efficiently leveraged for promotional purposes.	The NCP should leverage its partnerships to increase promotional activity. The NCP can utilise existing connections within its structure to reach out to different stakeholder groups and increase awareness of the NCP and Guidelines. This can also include leveraging other governmental connections to focus on policy coherence, particularly beyond the ministries already represented in the NCP.
2.3	Promotional activity by the NCP has been low in recent years and largely centres around a reactive approach where the NCP engages in promotion when called upon by others. Promotion has also not been conducted evenly across stakeholder groups, with more promotion being done amongst businesses representatives due to the connections they already have with the Ministry.	The NCP should create a comprehensive and strategic promotional plan for the year, taking input from all members of the NCP to identify opportunities for promotion. The plan ought to consider where promotion is lacking, in which sectors or amongst which stakeholders, and seek to increase promotional activities in those areas.

Source: On-site visit of the peer review of the Slovenian NCP

5 Specific instances

Overview

As of the date of the on-site visit, the NCP has received one specific instance which was not accepted due to insufficient evidence to link the company to the activities and because the NCP determined that the instance would not further the purpose and effectiveness of the Guidelines. The specific instance was received in 2019.

An overview of the case handled by the NCP is available in Annex D.

Rules of Procedure

Overview

The Slovenian NCP published the current iteration of its rules of procedure (RoP) in July 2019. This was the first publicly available RoP for the NCP.

The rules for handling specific instances are broken down into the following sections:

1. Summary – handling specific instances
2. The right to decide in specific instances
3. Handling specific instance – key principles
4. Who has the right to file a complaint?
5. Stage 1 – Initial assessment
6. Stage 2 – Mediation
7. Stage 3 – Statement at the conclusion of the procedure

Summary

The summary section of the RoP begins by laying out the goals and criteria (impartiality, predictability, equitability and compatibility), when handling specific instances.

The section refers to the NCP's assistance to the business community, worker organisations, other non-governmental organisations, and other interested parties.

The section continues to cover the stages of the specific instance handling procedures. A small infographic is provided, that also includes the indicative timeline for each phase (Figure 5.1). These include an initial assessment phase, where the NCP determines if the issues raised merit further examination, a good offices phase, where the NCP may:

- seek advice from relevant authorities, and/or representatives of the business community, worker organisations, other non-governmental organisations, and relevant experts;
- consult the NCP in the other country or countries concerned;

- seek the guidance of the OECD Investment Committee if it has doubt about the interpretation of the Guidelines in particular circumstances;
- offer, and with the agreement of the parties involved, facilitate access to consensual and non-adversarial means, such as conciliation or mediation, to assist the parties in dealing with the issues.

The final phase listed is the conclusion of procedures where the NCP makes public the results of the specific instance handling. The RoP note the following methods for publication of outcomes:

- a statement when the NCP Slovenia decides that the issues raised do not merit further consideration;
- a report when the parties have reached agreement on the issues raised;
- a statement when no agreement is reached or when a party is unwilling to participate in the procedures.

Figure 5.1. Stages in handling specific instances according to the Slovenian NCP RoP

Stages in handling specific instances submitted to the NCP Slovenia		
Stage 1 – Initial assessment	Stage 2 – Mediation	Stage 3 – Statement at the conclusion of the procedure
A decision on whether to consider or reject a complaint: within three months of receipt of the complaint	Conditional on the agreement of the parties involved: limited to the period of six months	the NCP Slovenia should publish a statement within three months of the conclusion of the procedure

Source: NCP of Slovenia website. <https://www.gov.si/en/topics/oecd-national-contact-point-slovenia/>

The final paragraph of the summary section contains information on timelines of procedures, noting the objective to complete procedures within a year of receiving a specific instance. The NCP notes that extended timelines may be relevant in certain circumstances, such as handling a specific instance with a host country which has not adhered to the Guidelines. The RoP continues to report that, in the case of delays, the Slovenian NCP will inform all involved parties of delays, state the reasoning for the delays, and inform the parties of new indicative timeframes.

The right to decide in specific instances

In this section, the NCP clarifies the structure and function of the members of the NCP and its advisory body. The NCP notes a differentiation between the ‘NCP Slovenia inter-ministerial working group’ and the ‘external associates,’ or advisory body. The inter-ministerial working group may vote and make decisions in specific instances, when a majority of members are present, and the advisory body provides advice, recommendations and examples of good practices.

The NCP noted that the advisory body acted only in a consultation role when called upon to do so, such as in the case of the specific instance in 2019. The advisory body does not hold regular meetings, either independently, or with the NCP. Documents are shared with the advisory body in specific instance procedure, including draft statements, however the NCP noted the advisory body’s role is more focused on providing advice prior to the drafting stage.

Handling specific instances – key principles

The NCP uses this section to outline and explain the principles and standards contained in the Guidelines for handling specific instances. The key principles are outlined as follows, and largely repeat para. 22 of the Commentary to the Procedural Guidance:

- **Impartial.** The NCP Slovenia will ensure impartiality in the resolution of specific instances.
- **Predictable.** The NCP Slovenia will ensure predictability by providing clear and publicly available information on its role in the resolution of specific instances, including the provision of good offices, the stages of the specific instance process including indicative timeframes, and the potential role the NCP Slovenia can play in monitoring the implementation of agreements reached between the parties.
- **Equitable.** The NCP Slovenia will ensure that the parties can engage in the process on fair and equitable terms, for example by providing reasonable access to sources of information relevant to the procedure.
- **Compatible with the Guidelines.** The NCP Slovenia will operate in accordance with the principles and standards contained in the Guidelines.

Civil society stakeholder feedback labelled improving impartiality, both real and perceived, in practice as a key target for the NCP.

Who has the right to file a complaint?

This section clarifies who may submit a specific instance to the NCP. The RoP draw language from the Procedural Guidance to explain that any ‘interested party’ may submit a specific instance, relating to companies operating in or from Slovenia. The section also lists the information necessary to file a specific instance, as shown below:

- name, surname and contact information of the person filing the complaint;
- grounds for the complaint, including the description of the matter, the role of the enterprise involved, and the explicit indication of the part or parts of the Guidelines which, according to the person filing the complaint, have not been complied with;
- as specific and detailed documentation as possible.

The RoP do not provide further guidance in terms of specific documentation that may be submitted in support of the claim.

The RoP continue to provide information on the process followed after initial submission. The RoP notes that the NCP will aim to forward the complaint to the relevant enterprise, including information the Slovenian NCP and specific instance procedure, within ten days of the initial submission. The NCP may return to the submitting party if more information is required. The enterprise is invited to submit any comments on the standard proposed timeframe of one year, noted in the RoP summary, for procedures with the NCP.

The section notes that submissions can be filed by email or regular mail and provides a physical and email address for specific instances.

The RoP do not specify a language for submission but the Slovenian NCP clarified that, due to existing laws affecting government officials, the NCP was only able to receive submissions in Slovenian, which may negatively affect the accessibility of the NCP for non-Slovenian speaking stakeholders.

Stage 1 – Initial assessment

The final three sections of the RoP are dedicated to the three stages of handling a specific instance, beginning with Stage 1 – Initial assessment.

The section begins by explaining that submissions will be assessed according to criteria set out by the Guidelines. The RoP note that other NCPs may be involved depending on the location and operations of the listed company, the RoP provides a footnote with relevant information on NCP coordination according to the Commentary to the Procedural Guidance.

The RoP goes on to note that the NCP will determine if the issue is *bona fide* and relevant to the implementation of the Guidelines. The RoP notes the following criteria, that align with para. 25 of the Commentary to the Procedural Guidance:

- the identity of the party concerned and its interest in the matter;
- whether the issue is material and substantiated;
- whether a link exists between the enterprise's activities and the issue raised in the specific instance;
- the relevance of applicable laws and procedures, including court rulings;
- how similar issues have been, or are being, treated in other domestic or international proceedings;
- whether the consideration of the specific issue would contribute to the purposes and effectiveness of the Guidelines.

The RoP then clarifies that the decision by the NCP to accept a specific instance does not imply non-compliance with the Guidelines on the part of the enterprise.

The decision to accept or not accept a specific instance is normally determined by a vote of the inter-ministerial working group by a majority of members present. The head of the NCP of Slovenia, on the basis of the Guidelines and in consultation with the OECD Secretariat, may decide the issue does not merit further examination and block the specific instance from being accepted, regardless of the vote by the inter-ministerial working group. In the same paragraph the RoP note that if the parties reach agreement, or the complaint is withdrawn before initial assessment, the NCP will conclude the procedure by issuing a statement.

These arrangements are arguably not in line with the Procedural Guidance, notably as the OECD Secretariat does not have a mandate to consult with individual NCPs on the decision to accept or not accept a specific instance, which remains with the NCP. The NCP noted that this wording may be misleading as, in practice, the NCP would not consult the OECD Secretariat for advice on the decision.

The RoP then notes the contents of the initial assessment, as follows:

- names of the members of the NCP Slovenia who participated in making the initial assessment;
- names of the parties;
- short description of the procedure;
- content of the complaint;
- reasons for the decision on whether the complaint should be considered or rejected (the matter may be accepted for consideration only "in part"), in which case the following is indicated:
 - the parts of the complaint that fall within the scope of the Guidelines and the parts that do not fall within the scope of the Guidelines;
 - the decision of the NCP Slovenia to further consider the matter does mean that the enterprise has failed to comply with the Guidelines;
 - a short description of the following stages of the procedure for consideration of the complaint by the NCP Slovenia.

Once the initial assessment is drafted, the NCP submits it to the parties inviting them to submit comments within ten working days. The NCP has the sole responsibility to determine which comments may be incorporated into the statement. The statement is then sent to the parties and published on the website of the Ministry of Economic Development and Technology.

Stage 2 – Mediation

Here the RoP indicate that, when issues raised merit further consideration, the NCP will offer good offices to the parties. The NCP notes the possibility to arrange consensual, non-adversarial mediation, with agreement from both parties and their commitment to engage in good faith.

The RoP note that, as a first step, the NCP may arrange to meet with each party separately. With agreement, the NCP will then arrange an initial meeting between the parties to set the timeframe for the mediation procedures. The NCP will invite several potential mediators from the central register of mediators²⁷ to participate in the initial meeting. The parties have the option to select a mediator with whom to continue the process.

Following the initial meetings, the NCP notes that it will meet with the chosen mediator to discuss details of the specific instances, if the parties are authorised to enter into legally binding obligations, and discuss if there is a need to collect further information from the submitter. The RoP note that the mediation procedure is agreed upon by the parties, and respects any applicable legislation and customs of Slovenia. The mediation procedure is described as impartial, predictable, equitable, and compatible with the Guidelines.

Stage 3 – Statement at the conclusion of the procedure

The section starts by noting that a statement will be issued by the NCP at the conclusion of the procedure, regardless of the outcome of mediation. The Procedural Guidance however requires to issue a 'report' instead of a 'statement' when mediation results in an agreement. The RoP lists the information included in the final statement as follows:

- names of the members of the NCP Slovenia who prepared the final statement;
- names of the parties;
- date when the complaint was filed with the NCP Slovenia;
- details of the complaint and the chapters or parts of the Guidelines which, as stated in the complaint, have allegedly not been complied with;
- a short description of the procedure conducted by the NCP Slovenia, the extent to which the parties cooperated and participated in good faith during the procedure and the outcome of the mediation in the form of an agreement between the parties;
- reasons why the parties failed to reach an agreement (in cases where the proposal for mediation was rejected or the mediation was not successful);
- recommendations to the enterprise on how to improve its business conduct in accordance with the Guidelines ('where appropriate').

The RoP does not include information on what to include in a 'report' in case parties reach agreement.

²⁷ The Ministry of Justice keeps the central register of mediators who operate in judicial programmes for alternative dispute resolution.

Source: http://www.mp.gov.si/si/obrazci_evidence_mnenja_storitve/alternativno_resevanje_sporov/centralna_evidenca_mediatorjev_v_programih_sodisc/

The members of the inter-ministerial working group decide the content of the final statement. The head of the NCP, based on the Guidelines and consultation with the OECD Secretariat, may decide on the final content of the statement, regardless of the decision of the working group. These arrangements are arguably not in line with the Procedural Guidance, notably as the OECD Secretariat does not have a mandate to consult with individual NCPs on the contents of its statements, as such decisions remain with the NCP.

The involved parties have 15 days to provide comments on the final statement. The NCP decides whether or not any comments will be incorporated. The final text is then sent to the parties and published on the website of the Ministry of Economic Development and Technology.

The RoP do not specify the exact location of the publications within the Ministry webpage, for example, if the publication is also included on the NCP specific webpage. The NCP webpage does not currently have a section dedicated to specific instances.

The RoP note that the NCP may enter into an informal monitoring stage following the formal conclusion of the specific instance to monitor the implementation of any recommendations provided. The NCP may also request feedback from participants on the procedural handling the specific instance to assess and improve its own handling procedures.

If a mediation results in agreement, the parties are to agree on measures to be taken following the final statement, being as specific as possible so the parties know what outcomes to expect. The RoP note that the NCP will arrange a meeting of the parties one year following the final statement to ask for a report on implantation of the agreed measures. The NCP will then publish the information from the meeting.

The RoP do not specify what information will be included in this follow up publication, or where the document will be published.

When mediation does not result in agreement and the NCP has issued recommendations, the final statement may specify a timeframe by when the parties need to report back on their progress towards implementing the recommendations. The RoP notes that any measures during the monitoring stage should be completed within one year of publication of the final statement.

The RoP do not provide mention of procedures surrounding confidentiality agreements.

Specific Instances in practice

The Slovenia NCP received its first and only case on 12 November 2019. The case was not accepted and was formally concluded 6 March 2020, following a meeting and decision of the inter-ministerial working group. The 6 March meeting was the only formal meeting made to discuss the specific instance. While all members of the inter-ministerial working group and advisory body were invited to attend, due to scheduling conflicts, only four members of the inter-ministerial working group and none from the advisory body were able to attend. The members took the decision not to accept the case together and it was agreed that only the members involved in that meeting would remain active in the drafting and final phases of handling the specific instance. Therefore, only those four NCP members have signed the final statement. The procedure was complicated given that just days after the meeting Covid19 began causing major disruptions.

The specific instance details were recently made available on the NCP website²⁸ and had previously been available on the website for the Ministry of Economic Development and Technology in Slovenian.

²⁸ Available at: https://www.gov.si/assets/ministrstva/MGRT/Dokumenti/DIPT/NKT/Initial-Assessment-Fracking_NCP-Slovenia.doc

Box 5.1. Details of the specific instance received by the Slovenian NCP

Focus Association for Sustainable Development and 16 CSOs and civil initiatives & Ascent Resources plc.

On 12 November 2019, Focus Association for Sustainable Development and 16 other CSOs submitted a specific instance to the Slovenian NCP alleging that a Slovenian subsidiary of Ascent Resources plc., a multinational enterprise headquartered in the United Kingdom, had not observed the Guidelines in relation to their hydraulic fracking activities. Specifically, concerning environmental and health hazards, lack of due diligence, insufficient stakeholder engagement, and improper lobbying activities in Slovenia.

The company responded that their intended process was small-scale hydraulic fracking and could not be equated to fracturing or high-volume hydraulic fracking in shale gas production.

The Slovenian NCP coordinated with the UK NCP to gain access to the parent company. The UK further provided procedural advice given it was the Slovenian NCP's first experience handling a specific instance.

The NCP concluded that the submitters did not provide information or evidence to substantiate alleged violations of the Guidelines in the particular specific instance. The NCP further concluded that there was no discernible direct connection between the company's activities and the issues. Given that the process was at the time legally permissible in the Republic of Slovenia, the company's eligibility for the necessary permits, and based on the fact that the activities in question had not yet been performed, the NCP considered the case would not serve the purpose or effectiveness of the Guidelines. In its statement, the NCP also noted that the company must undergo the process to obtain permits for their intended activities.

For the reasons noted above, the case was not accepted and considered closed on 6 March 2020.

The submitting parties felt they had an okay understanding of the NCP process during the specific instance, however, did not have the perception that the NCP was operating with impartiality. It was not possible to reach the company for feedback on the procedure.

Source: Initial Assessment by the Slovenian NCP

The specific instance procedures in the aforementioned case²⁹ received criticism from stakeholders who disagreed with the NCP's reasoning for not accepting the case. Stakeholders felt that the NCP had misinterpreted the criteria for initial assessment and demonstrated a lack of understanding of due diligence.

While there was criticism about the substantive interpretations in the specific instance decision, the submitters indicated that they had a reasonable understanding of the process, although noted that they were not clear on the exact role of the advisory body or how the voting process worked within the inter-ministerial working group. Stakeholder feedback also suggested that the specific instance was handled in a timely manner, but was not handled with impartiality. Feedback suggested that the NCP held more communication with the company and only communicated with the submitters on administrative matters. This perceived lack of impartiality would make the submitters less likely to submit another specific instance to the NCP.

It was not possible to contact a representative of the involved company for the purpose of this review and thus there is no feedback on the process from the perspective of the company.

²⁹ See OECD Watch press release: <https://www.oecdwatch.org/complaint/focus-vs-ascent-resources-plc/>

Timeliness

Limited information on indicative timeframes is available within the Slovenian NCP RoP. The NCP notes that the aim is to conclude specific instances within one year after reception, acknowledging the possibility of extension under extenuating circumstances. The NCP does not mention a deadline for the three stages of handling a specific instances. The RoP do note that any monitoring or follow-up conducted should be completed within one year following the publication of the final statement. Stakeholders have also noted a lack of timing specifications for the individual phases in the RoP.

The one specific instance closed by the NCP took 108 days (i.e. 3 ½ months) from the receipt of the specific instance to the conclusion.

Confidentiality and campaigning

No issues have been brought to the NCP in terms of confidentiality or campaigning related issues. There is no information related to confidentiality in the RoP or publically available on the NCP website. While information on confidentiality is not included in the RoP, the NCP notes that all staff in the NCP's ministry undergo obligatory training on how to handle sensitive and confidential information³⁰. Details of the training were not specified.

Stakeholders have also noted a lack of information regarding confidentiality and transparency in the RoP.

Parallel proceedings

Neither the RoP nor the website of the NCP include explicit guidance around parallel proceedings.

The NCP has not reported any parallel proceedings or public campaigns, to date, impacting their handling of specific instances. There were parallel proceedings related to the specific instance handled by the NCP, but none were reported to have had an impact on the specific instance procedure or outcome.

Cooperation with other NCPs

The Slovenian NCP participated as a member of the peer review team for the peer review of the Spanish NCP in 2022.

The NCP had a supporting NCP in its specific instance and has not acted as support in any specific instances lead by other NCPs. The NCP reported a very positive experience coordinating with other NCPs, particularly regarding process as it was on their first specific instance.

³⁰ NCP Peer Review Questionnaire

Table 5.1. Specific instance where the Slovenia NCP cooperated with other NCPs

Specific instance	Lead NCP	Supporting NCP
Focus Association for Sustainable Development and 16 CSOs and civil initiatives & Ascent Resources plc.	Slovenia NCP	UK NCP

Source: OECD NCP Database (2021)

Table 5.2. Key findings on specific instances

	Findings	Recommendations
3.1	The current RoP are comprehensive but lack some flexibility in terms of timelines, submission language, and contributions of the advisory body. Furthermore, they do not fully align with the Procedural Guidance	The NCP should revise its RoP to align with the Procedural Guidance, clarify the roles of the different bodies and allow for more meaningful engagement, particularly on the part of the advisory body. Revisions may further create a framework to allow for timeline adaptations and submissions in languages other than Slovenian..
3.2	Based on a government decree, there are limitations to the specific instance procedures based on voting members of the interministerial working group	The NCP should consider changing provisions around voting members so that participating individuals may change based on who is active on the NCP function or in the interministerial working group

Source: On-site visit of the peer review of the Slovenian NCP

Annex A. List of organisations submitting responses to the NCP peer review questionnaire

Table A.1. Questionnaire submitters for the Slovenian NCP peer review by stakeholder group

Business
Zavarovalnica Triglav
Slovenian Sovereign Holding (SSH)
Civil Society
Institute for the Development of Social Responsibility (IRDO)
Focus NGO
Institutional stakeholders
TUAC
NCPs
Hungary

Annex B. List of organisations that participated in the NCP peer review on-site visit

Table A B.1. Participants of the Slovenian NCP peer review by stakeholder group

Government
Ministry of Economic Development and Technology
Ministry of Foreign Affairs
Ministry of Environment and Spatial Planning
Business
Institute for the Development of Social Responsibility (IRDO)
Slovenian Sovereign Holding
Chamber of Commerce
Trade unions
ZSSS
Pergam
Civil Society
Centre for Information Cooperation and Development
Academia
University of Maribor, Faculty of Law
New University, Faculty of Government and European Studies
Institutional stakeholders
TUAC

Annex C. Promotional events 2019-2020

Table A C.1. Promotional activities in 2019 organised or co-organised by the NCP

Title	Date	Location	Size of Audience	Organised or co-organised	Targeted Audience
National conference on Internationalisation	10 April 2019	Brdo pri Kranju, slovenia	>100	Co-organised	Business representatives, government representatives
Slovenian Forum on Promotion of Responsible Business Conduct and Human rights in Economy	31 May 2019	Chamber of Commerce Slovenia, Ljubljana	>100	Co-organised	Business representatives, government representatives, general public
Bled Strategic Forum	31 August-3 September 2019	Bled, Slovenia	>100	Co-organised	Business representatives, government representatives, general public, trade unions, academia, NGOs
International Economic forum	16 September-20 September 2019	International Business Fair in Celje	>100	Co-organised	Business representatives, government representatives, general public, trade unions, academia, NGOs

Source: NCP Annual Report (2019)

Table A C.2. Promotional activities in 2019 participated in by the NCP

Title	Date	Location	Size of Audience	Organiser	Targeted Audience
Entrepreneurship and Human Rights	20 November 2019	Faculty of Government and European Studies Kranj	10-50	Academia	Not specified

Source: NCP Annual Report (2019)

Table A C.3. Promotional activities in 2020 participated in by the NCP

Title	Date	Location	Size of Audience	Organiser
Conference Exporters 2020	7 October 2020	Chamber of Commerce and Industry Slovenia	50-100	Newspaper Delo, Institute for Strategic Solutions
9. Summit of Small Business 2020	17 December 2020	Audio visual performance	>100	Chamber of Commerce and Industry of Slovenia

Source: NCP Annual Report (2020)

Annex D. Overview of the specific instance handled by the Slovenian NCP as the lead NCP

Table A D.1. Overview of the specific instance handled by the Slovenian NCP

Enterprise	Submitter	Host country	Chapter (s) of the Guidelines	Date of submission	Date of Initial Assessment	Date of conclusion	Outcome	Description	Follow-up?
Ascent Resources plc.	17 NGOs	Slovenia	General Policies (II), Environment (VI)	19-11-2019	06-03-2020	06-03-2020	Not accepted	The Slovenian NCP did not accept the specific instance after determining that there was not sufficient evidence to link the company to the activities and the instance would not further the purpose and effectiveness of the Guidelines.	No

National Contact Point Peer Reviews: Slovenia

Governments adhering to the OECD Guidelines for Multinational Enterprises are required to set up a National Contact Point (NCP) that functions in a visible, accessible, transparent and accountable manner.

This report contains a peer review of the Slovenian NCP, mapping its strengths and accomplishments and also identifying opportunities for improvement.

