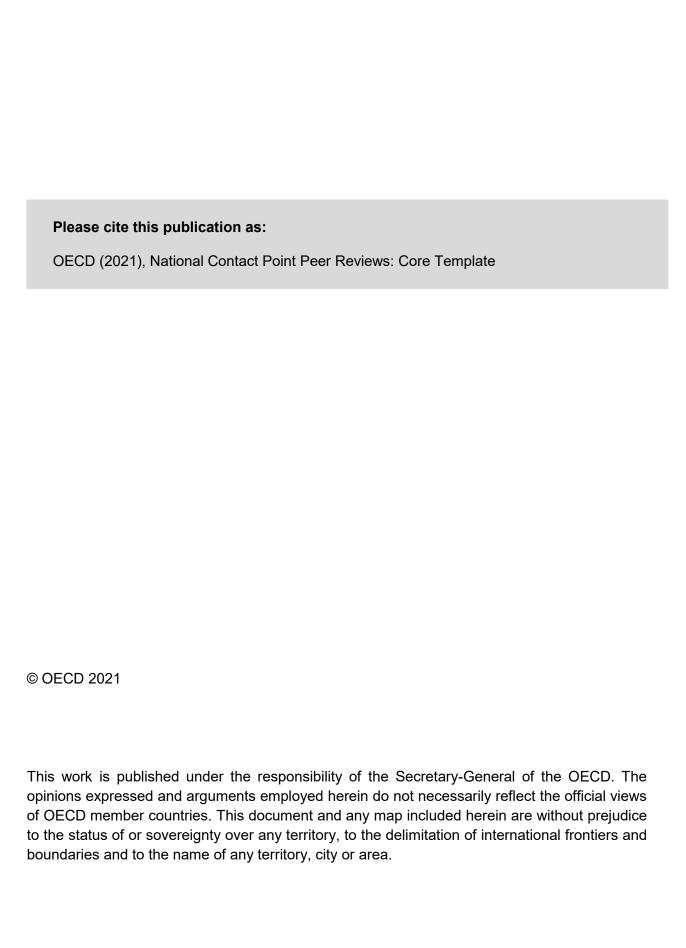# National Contact Point Peer Reviews
CORE TEMPLATE

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Introduction

At the time of the 2011 update of the OECD Guidelines for Multinational Enterprises (hereafter "Guidelines")[1] a new provision was added to Section II of the Procedural Guidance[2] on the facilitation of voluntary peer evaluations: "In discharging its responsibilities, the Committee will be assisted by the OECD Secretariat, which, under the overall guidance of the Investment Committee, and subject to the Organisation's Programme of Work and Budget, will […] facilitate peer learning activities, including voluntary peer evaluations, as well as capacity building and training, in particular, for NCPs of new adhering countries, on the implementation procedures of the Guidelines such as promotion and the facilitation of conciliation and mediation."[3] Paragraph 19 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises encourages NCPs "to engage in horizontal, thematic peer reviews and voluntary NCP peer evaluations".[4]

Member and non-Member countries having adhered to the Guidelines (hereafter "Adherents") have recognised the value of peer reviews as a learning tool and as a way to promote functional equivalence of NCPs. Peer reviews serve to highlight the achievements of individual NCPs, and can also provide support for improvement. Peer reviews also constitute a beneficial learning process for all NCPs involved in the peer review. As such, the Working Party on Responsible Business Conduct (WPRBC) has strongly encouraged all Adherents to volunteer for peer reviews. In 2017, the OECD Ministerial Council Meeting ("MCM") committed "to having fully functioning and adequately resourced National Contact Points, and to undertake a peer learning, capacity building exercise or a peer review by 2021, with the aim of having all countries peer reviewed by 2023."[5]

Up to 2015, the process through which peer reviews have been conducted had been left to the governments and their NCP under review.[6] A more structured approach and an agreed minimum level of scrutiny would ensure coherence in the way peer reviews are conducted, create a standard by which the quality of peer reviews can be ensured, and help promote functional equivalence of NCPs. As part of its work plan to improve NCP performance and promote functional equivalence, the WPRBC developed a "core" template for voluntary peer reviews (the Core Template). In light of the 2017 MCM commitment, this Core Template was revised in 2019 to account for the lessons learnt identified by NCPs under review, by peer review teams, and by stakeholders having participated in peer reviews since the approval of the Core Template.

The revised Core Template proposes a methodology for reviews to assess the conformity of an NCP with the core criteria of visibility, accessibility, transparency and accountability, and with other core elements of the Procedural Guidance). The revised Core Template proposes a procedure for conducting peer reviews, and questionnaires to collect information for the review. One questionnaire is addressed to the NCP under review (Annex 1), one to stakeholders (Annex 2), and one to other NCPs (Annex 3). Annex 4 contains a template for NCPs to report on the implementation of peer review recommendations. This reporting template can be used to report to the WPRBC, but can also serve for the NCP to communicate publicly about follow up action to the general public. Annex 5 contains the document entitled "Roles and Responsibilities of Peer Review Participants" developed by NCPs in 2017 and 2018. This document

provides background information and guidance to Adherents and stakeholders participating in NCP peer reviews.

The revised Core Template has been designed so as to keep the costs for the governments whose NCP is under review to a minimum, in order to allow for all Adherents to undergo a peer review of their NCPs.

The MCM commitment to have all NCPs peer reviewed by 2023 is a political commitment and a reflection of the importance of peer reviews. However, engaging in a peer review remains voluntary, and Adherents are free to use different approaches for peer reviews. However, it is understood that only peer reviews that integrate the key elements of the revised Core Template, looking at all core criteria for functional equivalence and involving the OECD Secretariat would be considered "OECD peer reviews".

The revised Core Template will be used for peer reviews starting in 2019, and will continue to be revised in the light of experience going forward.

Notes

[1] The Guidelines are a part of the OECD Declaration on International Investment and Multinational Enterprises (hereafter "Declaration"). The text of the Declaration, including the Guidelines, is available on the Compendium of OECD Legal Instruments with the reference OECD/LEGAL/0144.

[2] The Procedural Guidance is attached to the Decision of the Council on the OECD Guidelines for Multinational Enterprises [OECD/LEGAL/0307], a procedural decision related to the Declaration to which all those who adhere to the Declaration also adhere.

[3] Paragraph 5 c) of Section II of the Procedural Guidance.

[4] The Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises is reproduced in Part II of the booklet on the Guidelines www.oecd.org/daf/inv/mne/48004323.pdf.

[5] 2017 Ministerial Council Statement (http://www.oecd.org/mcm/documents/2017-ministerial-council-statement.htm).

[6] This was the case of the peer reviews of the NCPs of the Netherlands (2010), Japan (2012) and Norway (2013).

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Core template for peer reviews

Objectives of the review

The objectives of the peer review are to:

- Assess that the functioning and operation of the NCPs are in accordance with the core criteria set out in the Procedural Guidance;
- Identify the NCP's strengths and positive results as well as any gaps and possibilities for improvement;
- Make recommendations for improvement in line with the Guidelines; and
- Serve as a learning tool for reviewed and participating NCPs. The overarching goal is to promote functional equivalence of all NCPs, and to ensure that the network of NCPs operates to its full capacity in helping implement the Guidelines.

To this end, the core peer review will:

- Note existing institutional arrangements and assess their adequacy vis-à-vis the mandate;
- Assess performance of the NCP against the mandate and the core criteria for functional equivalence (visibility, accessibility, transparency and accountability) set out in the Procedural Guidance, including:
  - information and promotion;
  - handling enquiries;
  - dealing with specific instances in a manner that is consistent with the principles for handling specific instances (impartial, predictable, equitable and compatible with the Guidelines);
  - co-operating with other NCPs;
  - reporting.
- Make recommendations as appropriate.

Scheduling of peer reviews

The Secretariat will actively seek the commitment of all Adherents to undergo peer review of their NCP and will permanently maintain an up to date schedule of planned peer reviews.

Adherents should express their commitment to have their NCP undergo a peer review through a letter from the Ministry or other governmental body having responsibility for the NCP, or from their Permanent Delegation to the OECD or their embassy. The letter should include, to the extent possible, the timeframe for the peer review. The final date of the peer review will be agreed between the NCP and the Secretariat.

Cancellations and deferrals of peer reviews should also be notified to the Secretariat through the same means.

Peer Review Team and roles of team members

The Secretariat will establish a team to perform the peer review ("Peer Review Team") in coordination with the NCP under review as set out in Annex 5. Based on the schedule of peer reviews, the Secretariat will strive to compose Peer Review Teams as far in advance as possible – if possible one year in advance – to enable effective planning by NCPs and the Secretariat. NCPs who are taking part in a Peer Review Team will indicate the names of their representatives at the latest six months before the date of the on-site visit, and will confirm the names three months before that date (see below). The Secretariat will issue calls for NCPs to volunteer as Peer Reviewers on a periodic basis.

The Peer Review Team consists of:

a. Peer reviewers representing two to four NCPs ("Peer Reviewers"). In composing the Peer Review Team, the Secretariat will strive to reflect the diversity of the NCP network. The Peer Reviewers should notably reflect different levels of experience, different NCP structures, and represent different geographical areas (including, if possible, an NCP from the same region as the NCP under review). This diversity will help make the peer review process a capacity building exercise and promote functional equivalence. Peer reviewers should be NCP officials currently in office. In case an NCP is not able to appoint one of its officials currently in office as its representative, former officials or members of the advisory body of the NCP may be considered to participate in the peer review where appropriate. Peer Reviewers are the authors of the peer review report and determine its findings and recommendations.

b. One or two members of the OECD Secretariat. The OECD Secretariat will help prepare the initial report, including analysing the responses by the NCP under review to the questionnaire in Annex 1, by the stakeholders in Annex 2, and by other NCPs in Annex 3. The Secretariat will take an active part in the on-site visit, and prepare the final report.

c. Optionally, one representative from an NCP acting as observer ("Observer"). Observers may choose to intervene in stakeholder meetings during the on-site visit, or to participate in discussions regarding the final report provided that there is no objection from Peer Reviewers, as set out in Annex 5.

The NCP under review may designate an external facilitator to help organise and conduct the on-site meeting and other aspects of the review. The external facilitator shall not substitute for the Secretariat or the Peer Review Team. The external facilitator will not be considered part of the Peer Review Team, and as such, should not determine the content of the peer review report.

Elements of the peer review

The review will include the following steps:

a. **Preparation of the review**: The NCP under review will liaise with the Secretariat regarding the date of the on-site visit for the review, and will provide a full list of stakeholders, including parties involved in closed specific instances, to be contacted to take part in the peer review. BIAC, TUAC and OECD Watch will be informed of the planned peer review and will be invited to provide feedback on the NCP and help identify local stakeholders.

b. Sending of questionnaires**:**
   i. The Secretariat will send the questionnaire in Annex 1 to the NCP under review. Additional questions prepared by the review team can be included in the questionnaire as relevant.

   ii. The Secretariat will send the questionnaire in Annex 2 to BIAC, TUAC and OECD Watch.

iii. The NCP under review will send the questionnaire in Annex 2 to the stakeholders identified during the preparation of the review (see above), if necessary, in the local language. In exceptional circumstances, a stakeholder may request to submit its response directly to the Secretariat, who will then share an anonymised version of it with the NCP under review. Such a request must be expressly justified by the stakeholder and the credibility and seriousness of the request will be ascertained by the Peer Reviewers. Exceptional circumstances may include, for example, having a specific instance ongoing before the NCP or a reasonable concern that the feedback will damage the stakeholder's relationship with the NCP. In case the Peer Reviewers are not satisfied that the motives warrant anonymity, the Secretariat will notify the stakeholder and suggest to submit the questionnaire indicating their name, or to send it through BIAC, TUAC or OECD Watch.

iv. The Secretariat will send the questionnaire in Annex 3 to the Network of NCPs. NCPs who have had significant interaction with the NCP under review (responding to enquiries, cooperation in the handling of specific instances, participation in peer learning or peer reviews) will be invited to fill out the questionnaire and return it to the Secretariat. Responses will be collated and shared with the NCP under review.

c. **Submission of information**: The NCP will share the responses to the questionnaire in Annex 1 and all other relevant information, materials and documents, two months before the date of the on-site visit. Responses from stakeholders to the questionnaire in Annex 2 will be sent as soon as available, and no later than two weeks before the on-site visit. The replies to the questionnaire must provide sufficient detail and accompanying material to allow for a satisfactory understanding by the review team of the NCP's functioning and performance. Some questions may require involving other parts of the government, but all responses will be channelled via the NCP. In case questionnaires are sent to stakeholders in the local language, the NCP under review will translate the responses into one of the official languages of the OECD (English or French). When translation is required, the NCP under review and the Secretariat will jointly adapt the timeline of the peer review to ensure that translated responses are available to the Peer Review Team in a timely manner.

d. Preparation of initial review report: The Secretariat will prepare an initial review report based on the responses to the questionnaires, as well as other relevant information, including feedback from BIAC, TUAC and OECD Watch. It will send the draft report to the NCP under review and the Peer Reviewers two weeks before the date of the on-site visit. Where necessary the review team may ask the NCP under review for additional information and clarification to be provided in advance, or during the on-site visit.

e. On-site visit: The NCP under review will organise the on-site visit of the review team. The on-site visit will include meetings with the NCP under review and with relevant government officials and stakeholders, for in-depth discussions, based on the initial report, aimed at providing the review team with a full picture of the functioning and performance of the NCP. To allow the NCP under review to fully prepare, the Peer Review Team may prepare a non-exhaustive list of questions relating to former specific instance outcomes and processes to share with the NCP under review, no later than two weeks in advance of the on-site visit.

f. Preparation of final review report: The Secretariat, in cooperation with the Peer Reviewers, will prepare a final draft after the on-site visit, incorporating inputs from the on-site visit or received in writing after the visit. The final draft will include recommendations from the Peer Reviewers to the NCP. The NCP under review will have an opportunity to comment on the draft before it is finalised.

g. Discussion and publication of the review: The draft report will be submitted to the WPRBC and the meeting of NCPs for comments, either during a meeting or through written procedure. Where relevant the final draft will be revised to incorporate suggestions by the WPRBC. It is then

declassified by the Investment Committee (IC) and published on the website of the OECD. The summary of the assessment and recommendations will be submitted to the IC and included in the Annual report to the Council. The final report will be published on the OECD website. NCPs that have undergone a review are encouraged to make the report widely available, including by publishing it on their websites in their language(s).

h. Public launch of the report: After the release of the report, the NCP under review may organise a public launch of the report to present and discuss the findings and recommendations of the review with local stakeholders. The NCP under review is encouraged to invite Peer Reviewers and the Secretariat to participate in such an event.

i. Follow up to the recommendations in the review: The NCP under review will report back to the WPRBC within one year of the presentation of the review to inform of any measure taken on the basis of recommendations in the review. NCPs are encouraged to issue a public report or statement on the implementation of the recommendations and to publish it on their website. Annex 4 contains a template for reporting to the WPRBC and publicly.

Roles and responsibilities of peer review participants

The peer review participants are the NCP under review, the NCP Peer Reviewers, the Observers, the Secretariat and stakeholders. Their respective responsibilities are set out in detail in Annex 5. The NCP under review is responsible for ensuring the smooth functioning of the peer review process. To help with this coordination, it should designate a contact person within the NCP who should follow the review process from the beginning to the end. The NCP representative should be in touch with the review team throughout the review process.

On-site visit

The purpose of the on-site visit is to have a dialogue between the review team and the NCP under review and relevant stakeholders, and to collect all additional information needed to enable an assessment of the NCP's performance as described above. The on-site visit is expected to take a maximum of two to three days.

The on-site visit is also the occasion for the NCP under review to receive feedback directly from stakeholders. Therefore, the NCP under review is normally present during meetings with stakeholders but does not intervene (unless invited to do so by the Peer Review Team or by stakeholders). In exceptional circumstances such as those described in para. 0 b iii., stakeholders may request to be interviewed without the presence of the NCP. Such request should be made in advance of the on-site visit. When the Peer Reviewers determine that the circumstances are credible and serious, it may request the NCP under review to excuse itself from the room during the delivery of that stakeholder's feedback. If the Peer Reviewers determine that the request is not justified or if the NCP under review, after giving careful consideration to the request and in good faith, refuses to excuse itself from the room, the stakeholder is notified and may then elect to either be interviewed in the presence of the NCP under review or to decline the invitation.

The on-site visit will include meetings with:

- Members of the NCP and any other relevant bodies related to the functioning of the NCP (e.g. inter-ministerial or other advisory bodies to the NCP, other ministries).
- Other agencies related to the NCP's work on promotion of the Guidelines (investment promotion agencies, export credit agencies, national human rights institution, etc.).

- Relevant stakeholders, including at a minimum, representatives from business, trade unions and civil society. Stakeholders involved in the OECD's work under the proactive agenda should also be invited. The review team may ask for other stakeholders to be invited.

- Where feasible, parties to closed specific instances handled by the NCP in order to obtain feedback on their experience, in particular on the conformity with the Procedural Guidance regarding implementation in specific instances (impartial, predictable, equitable and compatible with the Guidelines).

- In addition, other relevant stakeholders can be invited, such as representatives of academia, chambers of commerce, stock exchanges, RBC platforms, etc.

The questions to stakeholders (Annex 2) will be sent in advance of the meetings to allow for adequate preparation. Stakeholders may also provide additional information in writing to the review team before or after the on-site meeting.

The on-site visit will be carried out in one of the official languages of the OECD (French and English). The NCP under review may need to provide interpretation services to facilitate participation of NCPs, key stakeholders and other relevant parties.

Time will be allocated before the end of the on-site meetings for a de-briefing between the review team and the NCP under review, including discussion of possible recommendations.

Peer review report

Following the on-site visit, the review team will finalise the peer review report. The report will include:

- Key data on business activity in the country (inward and outward investment, key sectors, etc.)

- A summary of the results of the review, including an overview of the findings and recommendations.

- A description of the institutional arrangements, procedures, decision-making, and other aspects of the functioning of the NCP under review.

- An overview of the main activities undertaken by the NCP to perform its mandate, including promotion of the Guidelines and related due diligence guidance, and handling of specific instances.

- An assessment of the conformity of the NCP's operations with the core criteria and core aspects of the NCP mandate.

- Where appropriate, recommendations on possible improvements to the functioning of the NCP, in line with the core criteria and mandate set out in the Guidelines. Parameters for such recommendations could include, inter alia, the criteria applied for accepting a specific instance and the number of rejected instances based on these criteria, average time taken to deal with a specific instance, the number of specific instances concluded with/without dialogue between the parties, etc.

- An invitation to report back on any follow-up to the recommendations within one year of the presentation of the report to the WPRBC.

- A list of stakeholders and participants in the review process.

Costs and funding

The costs for the peer review will be covered as follows:

- The Adherent whose NCP is under review will make a contribution if possible six months prior to the on-site visit to cover the staff, travel and accommodation costs of the Secretariat. The financial

contribution for an NCP peer review was established in the documents entitled "Funding the NCP Action Plan (2016-18)" and "Action Plan to Strengthen National Contact Points for Responsible Business Conduct (2019-2021)" as 35 000 euros. The contribution will be formalised between the Adherent and the OECD. Funding of an NCP peer review by an external donor may also be possible. The financial contribution level will be examined on a periodical basis by the WPRBC.

- The NCP under review will bear its own costs, as well as the costs of organising and hosting the on-site visit, including, if needed, any costs for interpretation during the on-site visit, translation of any relevant documents into one of the two OECD official languages, and if necessary, possible expenses to allow for participation of stakeholders, depending on availability of funds.
- NCPs that are part of the review team will pay for their own costs, including travel and accommodation related to the on-site visit and to the meeting of the WPRBC.

Annex A. Annex 1: Material and questionnaire for NCPs

Material to be provided by the NCP under review

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

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

Questionnaire

Institutional arrangements

What is the structure of the NCP? Please provide an organisation chart if possible.

What are the main considerations that have determined the current structure of the NCP? In particular, how does the current structure allow the NCP to respond to the following core criteria?

- Visibility
- Accessibility
- Transparency
- Accountability

How does the NCP structure allow it to effectively engage with stakeholders and take into account their views?

What human and financial resources are dedicated to the NCP and how have these resources varied over the last five years (increase/decrease/stable)? Please explain why these resources are/are not sufficient to allow the NCP to fulfil its functions? If resources are insufficient, what additional human and financial resources might the NCP seek?

Explain the main challenges the NCP faces related to the core criteria of visibility, accessibility, transparency and accountability, if any?

If the NCP is located in a ministry or governmental agency linked to trade or investment promotion, does the structure of the NCP avert potential conflict of interest? If so, how?

Mandate and activities of NCPs

Information and promotional activities

How did the NCP promote the Guidelines and related due diligence Guidance and provide information about the functioning of the NCP to stakeholders? Please explain and give examples (e.g. a regularly updated website and/or newsletter; publishing its annual report; speaking engagements at conferences, workshops and meetings; developing and disseminating publications; regular or periodic stakeholder engagement activities, training; communication with relevant government agencies).

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

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

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

Please explain and give examples of how the NCP has informed relevant stakeholders (business, worker organisations, NGOs and other interested parties) about the NCP, its role and its activities.

Specific instances

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

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

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

Has the NCP made determinations regarding the observance of the Guidelines by enterprises involved in specific instances? Is this provided for in the Rules of Procedure?

Does the NCP regularly make recommendations to the parties involved in specific instances on the implementation of the Guidelines? Is this provided for in the Rules of Procedure?

Does the NCP perform follow-up such as monitoring the implementation of recommendations or agreements? Please describe the process for doing so. In particular, does the NCP publish any information regarding follow up, e.g., reports monitoring implementation by the enterprise? Is follow up provided for in the Rules of Procedure? Please describe any challenges faced by the NCP in conducting follow up.

What steps is the NCP taking to handle specific instances in a way that is impartial, predictable, equitable, and compatible with the Guidelines? In particular:

- How does the NCP aim for impartiality in the resolution of specific instances? Please explain the rules and procedures followed by the NCP to deal with potential conflicts of interest of NCP members and provide examples, if any.
- How does the NCP deal with specific instances in an efficient and timely manner? Does the NCP publish indicative timelines? If the NCP has not been able to meet indicative timelines in some cases since 2011, what were the main obstacles?
- Does the NCP provide clear and publicly available information on its role in the resolution of specific instances and the possible outcomes (determinations, recommendations, etc.)? Please describe the information provided.
- Explain and provide examples of how the NCP engages parties in specific instances in a fair and equitable manner.
- How does the NCP balance the need for transparency with confidentiality of specific instance proceedings and protecting sensitive business information?
- When faced with a complex case, can the NCP call upon governmental experts? External experts? If so, please explain the criteria and procedure to do so. Is this possibility provided for in the Rules of Procedure?

Explain and give examples (since 2011) of how the NCP has coordinated with or supported other concerned NCPs when similar issues are raised or if the same specific instance is submitted to several NCPs?

Has the NCP asked the Investment Committee or Working Party on Responsible Business Conduct for assistance or clarifications when dealing with a specific instance? If so, please explain the issues that required assistance or clarifications.

Has the NCP experienced lack of cooperation by one of the parties or reluctance to share information? If so, please describe and explain the measures the NCP took to address these issues.

- Has the NCP experienced a breach of its confidentiality policy by one of the parties? If so, how did it address this issue?
- Has the existence of parallel proceedings or public campaigns affected the NCP's handling of a specific instance? If so, has this been a constraint in coming to the resolution of the case and how did the NCP address the issue?
- What are the main challenges faced by the NCP with respect to the consideration of specific instances, and how were these overcome? Are any of these challenges particular to specific instances raised in non-adhering countries?
- If the NCP has received no or very few submissions in specific instances, what can explain this and what is the NCP doing to encourage new case submissions?

Reporting, transparency and accountability

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

- Does the NCP report annually to the Investment Committee on its structure, promotion and implementation activities? Does it publicly disclose this report?
- Does the NCP report on its activities to other national government bodies (e.g. parliament, advisory or steering committees, etc.)? Does the NCP report on its budget and accounts? Does it publicly disclose these reports?
- Does the government seek regular feedback from stakeholders and other NCPs on how the NCP is fulfilling its activities? If so, what are the main communication channels used by the government to obtain this feedback?

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

Contribution to the development of due diligence guidance

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

Explain and give examples of how the NCP promotes the OECD Guidance on due diligence (e.g. the OECD Due Diligence Guidance on RBC, or the related sectoral guidance).[1]

Other

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

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

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

Further comments

- How do you assess the NCP's performance in discharging its mandate of promoting the Guidelines and related due diligence guidance and in handling cases?
- On measure, how would you assess the NCP against the four core criteria of visibility, accessibility, transparency and accountability?
- On measure, how would you assess the NCP's handling of specific instances against the guiding principles of impartiality, predictability, equitability and compatibility with the Guidelines?
- In your view, what have been the most significant achievements of the NCP?
- In your view, what have been the most significant challenges faced by the NCP?
- Do you have any further comments to add?

Notes

[1] See https://mneguidelines.oecd.org/duediligence/

Annex B. Annex 2: Questionnaire for Stakeholders

Adherent governments have to set up a National Contact Point (NCP) tasked with furthering the effectiveness of the Guidelines by undertaking promotional activities, handling enquiries, and providing a mediation and conciliation platform for resolving issues that arise from the alleged non-observance of the Guidelines.[1]

Main functions and activities of NCPs

Information and promotional activities

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

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

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

Promotion of due diligence and sectoral guidance

NCPs are expected to support the positive contributions that enterprises can make and assist them identify and respond to risks of adverse impacts associated with particular products, regions, sectors or industries. In this context, the OECD has developed several guidance tools related to risk-based due diligence.[2]

- How do you assess the NCP's role in contributing to sectoral projects and the development of due diligence guidance?
- How does the NCP inform and engage stakeholders about ongoing sectoral projects and due diligence guidance?
- How does the NCP promote the outcomes of these processes?

Implementation in specific instances

According to the Procedural Guidance, NCPs are expected to contribute to the resolution of cases (referred to as "specific instances") relating to non-observance of the OECD Guidelines for Multinational Enterprises by companies[3] in a manner that is impartial, predictable, equitable and compatible with the principles and standards of the Guidelines.

How do you assess the NCP's performance in handling cases in light of the guiding principles above? Please elaborate and provide suggestions. For example,

- How does the NCP explain how to bring cases? How does the NCP explain its role in the resolution of cases? How does the NCP explain possible outcomes of cases?
- How simple and accessible is the procedure to raise a case before the NCP?
- Do you consider that the NCP handles cases in an efficient and timely manner? Please give examples.
- Do you believe the NCP acts impartially in the resolution of cases? Please give examples.
- How does the NCP ensure that parties engage in the process in a fair and equitable manner? In particular, how does the NCP balance the need for transparency with confidentiality of case proceedings and sensitive business information?

If the NCP has received no or very few submissions for specific instances, what can explain this?

If you have been involved in a specific instance, please provide feedback on your experience. Please use the above questions to guide you in providing feedback.

Institutional arrangements

Under the Decision of the Council on the OECD Guidelines for Multinational Enterprises, governments have flexibility in organising their NCPs, but NCPs are expected to operate in accordance with the following 'core criteria': visibility, accessibility, transparency and accountability.

Do you have a clear understanding of the structure of the NCP (i.e. how the NCP is organised)? If so, what are the advantages and disadvantages of the NCP's structure in meeting the core criteria above?

Do you consider that the NCP structure allows it to effectively reach out to and take into account the views of stakeholders?

Do you consider that the current structure is sufficient to avoid potential conflicts of interest in the functioning of the NCP (e.g. between attracting foreign investors, promoting the interest of domestic enterprises abroad versus those of relevant stakeholders, etc., and promoting observance of the Guidelines)?

What are your views on how the NCP reports on its activities? For example, are reports on NCP activities, including on promotional activities and case-handling, easily available to all stakeholders?

Further comments

How do you assess the NCP's performance in discharging its mandate of promoting the Guidelines and related due diligence guidance and in handling cases?

On measure, how would you assess the NCP against the four core criteria of visibility, accessibility, transparency and accountability?

On measure, how would you assess the NCP's handling of specific instances against the guiding principles of impartiality, predictability, equitability and compatibility with the Guidelines?

In your view, what have been the most significant achievements of the NCP?

In your view, what have been the most significant challenges faced by the NCP?

In your view, how can the NCP improve its performance?

Do you have any further comment?

Notes

[1] Please see Part II of the booklet on the Guidelines for key provisions on core criteria and functioning of NCPs www.oecd.org/daf/inv/mne/48004323.pdf.

[2] Information on projects related to the promotion of due diligence is available on the OECD website https://mneguidelines.oecd.org/duediligence/ .

[3] Consideration of a specific instance may involve three stages (initial assessment of the merits of a specific instance, the provision of good offices such as mediation or conciliation, and the conclusion of the procedures, including the publication of the main results). As a general principle, NCPs should strive, to the extent possible, to conclude the procedure within 12 months from the receipt of the specific instance with the publication of the results at the end of the procedure. Sensitive business and stakeholder information should be protected.

Annex C. Annex 3: Questionnaire to the Network of NCPs

The Decision of the Council on the OECD Guidelines for Multinational Enterprises states that 'National Contact Points in different countries shall co-operate if such need arises, on any matter related to the Guidelines relevant to their activities.'[1]

In this regard, NCPs should in particular:

- Respond to enquiries about the Guidelines from other NCPs;[2]
- Consult NCPs in other countries concerned by specific instances they are handling;[3]
- Engage in peer learning activities (including peer reviews).[4]

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

Responding to enquiries

Please describe your experience of making enquiries to the NCP under review.

Coordination in specific instances

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

Peer learning and peer reviews

Please describe your experience of engaging in peer learning/peer review with the NCP under review.

Notes

[1] See Para. I 2. and Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises para. 17.

[2] Procedural Guidance, para. I.B.3.

[3] *Id.*, para. I.C.2.b) and Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, paras. 23-24.

[4] Procedural Guidance, para. II.5.c) and Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, para. 19.

Annex D. Annex 4: Template for reporting on peer review recommendations

Please indicate for each recommendation:

- Whether it has been implemented.
- What actions were taken.
- The date on which the recommendation was implemented/is expected to be implemented.
- If it has not been implemented, the reasons for not implementing it.

If necessary, please provide further commentary about actions taken by the NCP on the recommendations or explanations for inaction.

Annex E. Annex 5: Roles and responsibilities of peer review participants[1]

I. What is a peer review?

Peer reviews are a tool widely used across the OECD and other international organisations. Peer reviews are mechanisms through which governments submit themselves to reviews by other governments with a view to sharing best practices and improving implementation of standards.

In 2011, a new provision was added to the OECD Guidelines for Multinational Enterprises (hereafter "the Guidelines")[2] on the facilitation of voluntary peer evaluations of NCPs. In the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, NCPs are encouraged to engage in such evaluations.[3] Peer reviews are also an important tool of the OECD Action Plans to strengthen the NCPs.[4]

According to the Core Template, the objectives of NCP peer reviews are to:

- Assess that the functioning and operation of the NCPs are in accordance with the core criteria set out in the Procedural Guidance;
- Identify the NCP's strengths and positive results as well as any gaps and possibilities for improvement;
- Make recommendations for improvement; and
- Serve as a learning tool for reviewed and participating NCPs. The overarching goal is to promote functional equivalence of all NCPs, and to ensure that the network of NCPs operates to its full capacity in helping implement the Guidelines.[5]

To achieve these objectives the review team will:

- Note existing institutional arrangements and assess their adequacy vis-à-vis the mandate.
- Assess performance of the NCP against the mandate, and against the core criteria for functional equivalence (visibility, accessibility, transparency and accountability), as outlined in the Procedural Guidance, including:
  - o information and promotion;
  - o handling enquiries;
  - o dealing with specific instances in a manner that is consistent with the principles for handling specific instances (impartial, predictable, equitable and compatible with the Guidelines);
  - o co-operating with other NCPs;
  - o reporting.
- Make recommendations as appropriate.[6]

Peer review reports represent the position of the Peer Reviewers vis-à-vis the above elements. In this respect stakeholder feedback is instrumental to informing the assessment of the performance of the NCP under review by the Peer Review Team. However not all stakeholder feedback will necessarily be included

in a peer review report. The NCP under review is invited to provide comments on the peer review report (i.e. identify factual errors and provide any additional relevant information) (see below). The assessment of the NCP's performance against the mandate, and against the core criteria for functional equivalence and issuing of recommendations in a peer review report are the prerogative of the Peer Reviewers.

Peer reviews:

- **Are not fact-finding missions**: independent bodies, such as commissions of experts from international organisations, carry out on-site fact-finding missions exclusively to investigate specific events or to establish facts. Peer review, on the other hand, is not always conducted on-site, and it generally goes beyond fact-finding to include an assessment of performance. Fact-finding can be a part of the peer review process.
- **Are not reporting and data collection**: a common policy tool is reporting by countries to organisations, which then analyse the submitted reports. By contrast, a peer review is characterised by dialogue and interactive discussion, which can include questionnaires, but which usually involves no formal reporting by the country under review.
- **Are not an independent audit**: the final outcome of a peer review is not an audit of the NCP; it is designed to assist the NCP in learning from peers to fulfil its mandate. An NCP under review volunteers to undergo a peer review and therefore participates throughout the peer review.

II. Who is involved in peer reviews?

NCP under review: An NCP of an Adherent that volunteers to undergo a review. All NCP peer reviews are undertaken in accordance with the Core Template. Generally one to two members of the NCP lead the organisation of the peer review. It is the Adherent's responsibility to decide how different members of the NCP will participate in the review process and to designate a primary interlocutor. Depending on the structure of the NCP, members of an NCP can include the NCP secretariat, advisory bodies, oversight bodies, etc.

NCP Peer Reviewers: Representatives from two to four other NCPs participate as reviewers in a peer review. The composition of the team of NCP reviewers is suggested by the OECD Secretariat in coordination with the NCP under review through a transparent process based on general expressions of interest in the annual reporting questionnaire, the level of experience of the reviewers (with handling specific instances etc.), specific language skills or context-specific knowledge where necessary, and availability. The NCP under review can raise any potential conflict of interest or other issue arising from the countries represented in the proposed review team, in which case an alternative will be sought. The team is designed to reflect diversity both in terms of the different models of NCPs and the country/regional context.[7] Each reviewing NCP is represented by one or two individuals. Participants serve as representatives of the NCP rather than in a personal capacity.

Observers: Representatives from NCPs can be Observers to a peer review. Upon approval of the NCP under review, NCPs are invited by the OECD Secretariat to be part of a peer review based on expressions of interest (i.e. in the annual reporting questionnaire). Since the aim of participating as an Observer is to learn about the peer review process, NCP representatives which have previously participated as NCP Peer Reviewers or have been involved in undergoing a peer review themselves are generally not invited to participate as Observers. An Observer may choose to intervene in stakeholder meetings during the on-site visit provided there are no objections from other participants.

OECD Secretariat: The OECD Secretariat organises and coordinates the Peer Review Team (Peer Reviewers, Secretariat and Observers) and coordinates the peer review process in close contact with the NCP under review. The OECD Secretariat also contributes to the preparation of the peer review report

throughout the peer review process. Where appropriate, the OECD Secretariat may call on external consultants to participate in the review to provide support to the OECD Secretariat.

Stakeholders: Stakeholders represent a very broad group and are an important component of the peer review process. The following types of stakeholders are generally involved in an NCP peer review:

- Civil society organisations active in country of the NCP under review (including National Human Rights Institutions (NHRIs), RBC platforms and academia where relevant)
- Trade unions active in the NCP's country
- Businesses and industry initiatives in the NCP's country
- Parties to specific instances
- Institutional stakeholders to the OECD (BIAC, OECD Watch, TUAC)

In addition, individual representatives from across government are invited to provide feedback. These may include CSR/RBC policy makers, representatives from labour departments, development cooperation, export credit agencies, procurement, foreign affairs, environment, trade, finance, commerce etc.

Stakeholders can provide feedback on the NCP, either by filling out a questionnaire, as set out in the Core Template, by participating in the on-site visit or both. A list of stakeholder organisations present at the on-site visit and submitting responses to the questionnaire is included in the final peer review report. However comments in the report are not attributed to specific individuals or organisations.

III. What is the timeline of NCP peer reviews?

The OECD Secretariat provides an indicative timeline to the NCP under review once a date is selected for the on-site visit to enable retroactive planning and outline deadlines and timelines for the main steps of the peer review.

Figure 1. Broad timelines for NCP Peer Reviews

1. Preparatory Phase
Timing: **3 months**
Principal tasks:
- Identify peer review team (OECD in coordination with NCP)
- Identify stakeholders and request feedback to be shared with peer review team (NCP)
- Organise on-site visit (NCP)
- Provide materials about the NCP (NCP)
- Draft initial peer review report based on desk-based research (OECD)

2. On-site visit
Timing: **2-3 days**
Principal tasks:
- Interview NCP and stakeholders (OECD and Peer Review Team)
- Agree to principal recommendations and findings (OECD and Peer Review Team)

3. Assessment Phase
Timing: **3 months**
Principal tasks:
- Draft post-onsite report (OECD)
- OECD and Peer Review Team work together to update the draft
- OECD and Peer Review Team work with NCP under review to finalize report
- Present report and peer review outcomes to OECD Working Party on Responsible Business Conduct (NCP and Peer Review Team)
- Disseminate Report and main findings (NCP , OECD and Peer Review Team)

1. **Preparatory Phase**: The first phase of a peer review involves planning and desk-based research. This phase includes: the designation of the Peer Reviewers and Observers, identification of stakeholders, and organisation of the on-site visit, including the drafting of an agenda. The NCP under review collects and provides key information to the OECD Secretariat such as documents relating to the designation, structure and functioning of the NCP. The NCP also proposes a list of stakeholders to provide written feedback via the stakeholder questionnaire and a smaller representative group to participate in the on-site visit. These lists are shared with the institutional stakeholders for feedback, who may suggest additional stakeholders be sent the stakeholder questionnaire or participate in the on-site visit.

    Stakeholders (including BIAC, TUAC and OECD Watch) provide feedback through the stakeholder questionnaire. Generally stakeholders are provided three weeks to submit feedback. This deadline can be extended as necessary. Based on all the information submitted the OECD Secretariat drafts an initial peer review report and shares it with the Peer Review Team and with the NCP under review in advance of the on-site visit. Generally the initial report is shared at least two weeks in advance of on-site visit.

2. **On-site visit:** The peer review includes a 2-3 day on-site visit by the peer review team and OECD Secretariat to the country of the NCP under review to interview members of the NCP, relevant government administrations, services and agencies, as well as stakeholders from business, NGOs, trade unions, etc.

3. **Assessment phase**: The OECD Secretariat prepares a revised peer review report on the basis of inputs gathered during the on-site visit. The Peer Reviewers then collaborate to draft updates and provide additional input on the revised report. The content of the draft final report is agreed to by the Peer Reviewers and is shared with the NCP under review for fact-checking. It is then presented in person or by written procedure to the WPRBC for comment.[8] Where relevant the final draft is

revised to incorporate suggestions by the WPRBC. It is then declassified by the IC and published on the website of the OECD. Final findings and recommendations are also shared with the IC and with the OECD Council via the Annual Report on the OECD Guidelines for Multinational Enterprises. The final report can be sent to the Ministry or agency hosting the NCP.

IV. What are the roles and responsibilities of different parties involved in a peer review?

A. What are the roles and responsibilities of the NCP under review?

During the preparatory phase, the NCP under review:

- Is invited to communicate objectives and motivations for undertaking a peer review to the Peer Review Team.
- Should share all background information with the OECD Secretariat for onward transmission to the Peer Reviewers, including:[9]
    - The latest annual report submitted to the OECD, including any additional information since the last report was issued;
    - Description of, and copies of any relevant documents on, institutional arrangements, including any instrument setting up the NCP and its mandate under domestic regulation; internal regulations and rules of procedures; any relevant national legislation, etc.
    - Communication plans and promotional tools;
    - Initial assessments and final statements of all specific instances, as well as summaries of on-going specific instances, and any relevant material related thereto, in line with the NPC's Rules of Procedure and confidentiality policies;
    - List of stakeholders participating in the peer review[10];
    - Any other relevant information to help the review team obtain a full picture of the operation and functioning of the NCP.[11]
- Should develop an agenda for the on-site visit in consultation with the Peer Review Team.[12] This will involve:
    - Identifying timing and structure of sessions (for example see template agenda, annexed)
    - Identifying which specific instances to discuss in detail during the on-site visit
    - Identifying which stakeholders to invite to the on-site visit. See footnote [10.]
- Should respond to requests for additional information or clarification from the Peer Review Team to the extent possible.[13]
- Should send feedback questionnaires (Annex 2 of the Core Template) to the agreed-to list of stakeholders and collect and share feedback with the OECD Secretariat, unless arrangements for the anonymous submission of feedback have been made according to the Core Template.[14] The NCP may also wish to provide a note to its stakeholders to explain the objectives and the process of the peer review to accompany the questionnaire and / or the invitation to the on-site visit.
- Should translate into one of the OECD official languages (English or French) any stakeholder feedback submitted in a different language.[15]
- Should organise the logistics associated with the on-site visit (securing the venue, inviting participants, arranging for interpretation where needed).[16]

- Should assist in providing logistical support to the Peer Review Team for the on-site visit (e.g. identifying potential hotels, providing directions to the venue).
- Where relevant should consult the Peer Review Team on the role of members of advisory or oversight bodies during the on-site visit.

Box A E.1. Tips for identifying stakeholders

- **In stakeholder lists, clearly identify:**
  - o Stakeholders providing written feedback (through written questionnaires) and
  - o Stakeholders providing in-person feedback (through participation in the on-site visit)
- **Integrate additions to stakeholder lists from institutional stakeholders and the OECD Secretariat**: This ensures a broad group of participating stakeholders and a wide range of perspectives.
- **Take steps to identify individuals who personally engaged in specific instance processes**: This results in more relevant information being shared.
- **Aim to have both parties to specific instances participate in on-site visits where possible**: This allows for a comprehensive assessment of individual specific instances.

During the on-site visit the NCP under review:

- Should provide a brief presentation on the NCP for the peer review team and answer questions as clearly and comprehensively as possible.
- Is encouraged to ensure the Peer Review Team has access to open and candid feedback from stakeholders.

Box A E.2. Tips for planning the on site visit

- **Encourage an interview format rather than formal presentations during stakeholder sessions**: This ensures relevant information is shared with Peer Review Team and allows time to clarify and follow-up on issues.
- **Plan for Q&A sessions between the NCP and Peer Review Team**: This allows time for additional clarifications, fact-checking and helps ensure consistency throughout the process.
- **Keep groups small where possible**: This creates a more comfortable environment for external stakeholders and makes interviews more manageable.

During the assessment phase, the NCP under review:

- Should provide comments on the peer review report developed after the on-site visit (i.e. identify factual errors and provide any additional relevant information).[17]
- Should review a draft final version of the peer review report for submission to the WPRBC.[18]
- Should be available at the presentation of the peer review report to the WPRBC where relevant.[19]
- May organise a public launch of the report to present and discuss the findings and recommendations of the review with local stakeholders.[20]
- Is invited to respond to the WPRBC on any follow up to the recommendations in the peer review report one year after discussion by the WPRBC. In this respect NCPs can submit a short written

report (i.e. in form of a table or narrative) with an overview on the implementation of the recommendations set out in the peer review report. A template for such a written report is provided in Annex 4.

- Is encouraged to issue a public report or statement on the implementation of the recommendations and to publish it on the NCP website and/or the OECD website.

Costs:

- The NCP under review is responsible for providing a voluntary contribution towards covering the cost of the peer review, as set out in the Core Template.[21]
- The NCP under review is responsible for bearing its own costs, as well as the costs of organising and hosting the on-site visit, including, if needed, any costs for interpretation during the on-site visit, translation of any relevant documents into one of the two OECD official languages, and if relevant, possible expenses to allow for participation of stakeholders, depending on availability of funds.[22]

B. What are the roles and responsibilities of NCP Peer Reviewers?

During the **preparatory phase** NCP Peer Reviewers:

- Are requested to commit to participating in the full duration of the peer review process from preparation for the on-site visit to the finalisation of the report and its presentation at the WPRBC.
- Are requested to closely review information provided by the NCP and OECD Secretariat in advance of the on-site peer review visit. Information to review will include the initial peer review report, questions for on-site visit, stakeholder questionnaire submissions, statements of relevant specific instances, and other relevant materials such as legal documents establishing the NCP, rules of procedure, etc.
- Are requested to contribute to the planning of the on-site visit through participating in at least one call to prepare the on-site visit and by developing a list of questions to be addressed during the on-site visit.

During the **on-site visit** NCP Peer Reviewers:

- Are requested to participate in the full on-site visit.
- Are requested to actively engage in all sessions during the on-site visit and ask questions to the NCP and participating stakeholders relevant to the development of the peer review report. Peer reviewers may designate one chair for all the sessions or share the chairing of sessions.
- Are requested to be objective, courteous and respectful in their interactions with stakeholders and the NCP and encourage open and candid dialogue.

During the **assessment phase** NCP Peer Reviewers:

- Should provide feedback on the peer review report developed after the on-site visit and participate in a call (where necessary) to agree on final recommendations and findings to be included in the report.[23]
- Are requested to participate in the peer review process in a spirit of openness and collaboration, recognising that final peer review reports are meant to reflect the perspectives of all Peer Reviewers.
- Are requested to be available to present the outcomes of the peer review report at a meeting of the WPRBC.
- Are responsible for covering their own costs, including travel and accommodation related to the on-site visit and to the final meeting of the WPRBC at the OECD. [24]

- Are encouraged to participate in the public launch of the report, if such an event is organised by the NCP under review.[25]

C. What are the roles and responsibilities of Observers to a peer review?

Observers are requested to:

- Attend the whole on-site peer review visit.
- Follow discussions during the on-site visit.
- Follow discussions during the on-site visit. Observers may choose to ask questions during the panel discussions of the on-site visit, provided there are no objections from other participants, but are not required to do so.

All information related to the peer review will be shared with the Observers to the peer review process but Observers are not expected to provide input or feedback into the drafting of the peer review report.

D. What are the roles and responsibilities of the OECD Secretariat?

The OECD Secretariat participates in the peer reviews by facilitating organisation of the peer review process, including the on-site visit, and ensuring that the peer review is carried out in accordance with the Core Template. In this regard:

During the preparatory phase, the OECD Secretariat:

- Organises the Peer Review Team in coordination with the NCP under review through a transparent process. The NCP under review can raise any potential conflict of interest or other issue arising from the countries represented in the proposed review team. In which case an alternative will be sought.
- Transmits all information provided by the reviewed NCP to the Peer Reviewers.
- Collects stakeholder feedback when arrangements for anonymous submissions have been made according to the Core Template.[26]
- Communicates with the NCP under review to develop the agenda for the on-site visit.[27]
- Drafts the initial report based on information provided by the NCP and shares it with the Peer Review Team.
- Shares the initial report with the reviewed NCP for comments and shares its comments with the Peer Reviewers.[28]
- Contributes to the list of questions developed by the Peer Reviewers to be addressed during the on-site visit.

During the assessment phase, the OECD Secretariat:

- Drafts the revised peer review report following the on-site visit based on information provided during the visit and includes recommendations agreed by the Peer Reviewers.[29]
- Provides the draft peer review report to the reviewed NCP for comments and shares its comments with the Peer Reviewers.
- Ensures the updates, edits and comments of the Peer Reviewers are incorporated to develop a final report. [30]
- Provides the final report to the reviewed NCP before its dissemination to the WPRBC and offers an opportunity for final comment if needed to correct factual errors.
- Provides the report to the WPRBC delegates in advance the WPRBC meetings for discussion during the meetings.

- Organises the presentation and discussion of the peer review report at meetings of the WPRBC.
- Requests the declassification of the report by the IC.
- Makes the report publically available by publishing it online, sending a copy to the relevant Minister of the country of the NCP under review, and reporting final recommendations and findings to the IC and the OECD Council.[31]
- With the agreement of the NCP under review, makes the written report on the follow up to the recommendations in the peer review report publically available.

E. What are the roles and responsibilities of stakeholders?

Input from stakeholders (parties to specific instances as well as external stakeholders of the reviewed NCP) is very important in demonstrating how an NCP functions in practice with respect to criteria and principals set in the OECD Procedural Guidance. Stakeholders are requested to:

- Be candid and constructive in their feedback
- Participate in the process in good faith

Stakeholders asked to complete a questionnaire are requested to:

- Provide complete and accurate information to the extent possible and to submit the questionnaire according to provided deadlines.

Stakeholders participating in on-site visits are requested to:

- Be prepared to discuss their current/past relationship to the NCP. As the objective of the peer review is to better understand the practical functioning of the NCP, stakeholders are asked to focus on providing information relevant to the performance of the NCP with respect to the core criteria for functional equivalence and the guiding principles for specific instances as set out in the Procedural Guidance. In this respect the following general questions may assist in guiding responses from stakeholders at the on-site visit:
  - o Could you describe your relationship to the NCP?
  - o What interactions have you had with the NCP to date?
  - o What are your views on the dual role of the NCP in promoting the Guidelines and handling specific instances?
  - o What good practice of the NCP would you like to highlight and where do you feel there are areas for improvement?
- Respond to questions from the Peer Review Team in a constructive and open manner.

V. Templates

A. Template timeline for NCP Peer Reviews

DATE:	ACTION TO BE TAKEN
Preparatory Phase	
Two months before date of on-site visit	Secretariat sends request for feedback about the NCP under review to BIAC, OECD Watch and TUAC.
+ 1 week	NCP under review sends responses to Annex 1 questionnaire and a list of stakeholders to the Secretariat
	NCP under reviewprovides a proposal for a draft programme for the on-site visit to the Secretariat
+ 2 weeks	Argentina sends Annex 2 questionnaire to list of stakeholders
	Peer Reviewers provide feedback on the draft programme for the on-site visit
	Feedback due from BIAC, OECD Watch and TUAC to the Secretariat
One month before date of on-site visit	NCP under review shares responses from stakeholders with the Secretariat
+ 2 weeks	Draft report is shared with NCP under review and Peer Reviewers
On-site visit	
Date of on-site visit	On-site visit to NCP under review, involving 2-3 days of meetings with relevant government bodies and stakeholders.
Assessment Phase	
+ 3 weeks	Secretariat sends updated draft report to the Peer Reviewers for their comments.
+ 5 weeks	Peer Reviewers provide comments
+ 9 weeks	Secretariat forwards draft report to NCP under review for review
+12 weeks	NCP under reviewresponds to Secretariat with comments on the draft report Secretariat forwards the comments to the Peer Reviewers Secretariat incorporates comments from NCP under review
+ 14 weeks	Final version of the report shared with NCP under review
TBC	Secretariat sends draft report to the Working Party and final version to NCP under review
TBC	Working Party discusses report
TBC	Report is published

B. Template agenda for the on-site visit for NCP Peer Reviews

This agenda has been developed as an optional model in light of on-site visits completed to date. It is designed to assist the NCP in structuring a series of meetings to provide practical information. This template agenda is based on a 2-day on-site visit however it is also possible to arrange a 3-day visit.

Pre-meeting of the review team the day before

Timing	Duration	Agenda	Participants
1600 - 1730	1h30	Preparatory meeting	Peer Review Team: Peer reviewers Observer NCP OECD Secretariat

Day 1 of the On-site Visit

Timing	Duration	Agenda	Interviewees

0900 - 1030	1h30	Welcoming remarks
		Orientation Session
		Q&A with NCP
			Government Representative
			NCP, including (as relevant):
			    NCP Chair
			    NCP secretariat staff
			    NCP members

Break			

1045 - 1145	1h	Introductory remarks
		Q&A with NCP supporting bodies (as relevant)
			NCP supporting bodies, including (as relevant):
			    Advisory body
			    Oversight body

Break			

1200 - 1300	1h	Q&A with Business representatives and BIAC	Business representatives, including:
			    individual companies
			    business associations

Lunch			

1400 - 1500	1h	Q&A with Civil Society NGOs and OECD Watch, NHRIs,
		Academia (where appropriated)
			Civil society representatives, including (as relevant):
			    NGOs
			    OECD Watch
			    National Institution for Human Rights
			    National CSR Boards/ Platforms/Committees
			    Academia

Break			
1515 - 1615	1h	Q&A with Trade Unions and TUAC	Trade Union representatives
Break			
Timing	**Duration**	**Agenda**	**Participants**
1630 - 1700	30 mins	Review Team debrief session	Peer Review team
Break			
1715 - 1800	45 mins	Q&A with NCP	NCP core team Peer Review team
1800- 1900	1 hour	Debrief and initial findings	Peer Review team

Day 2 of the On-site Visit

Timing	Duration	Agenda	Interviewees
9 – 12:30	3:30h	Sessions dedicated to looking at 3-4 specific instances in depth	Parties involved in specific instances[32]
Lunch			
1330 - 1500	1h30	Policy Coherence Q&A with relevant government representatives	Relevant government representatives[33]

Timing	Duration	Agenda	Participants
1500 - 1600	1h	Fact-checking session	NCP core team Peer Review team
1600 - 1700	1h	Review Team Session: Preparation of first findings	Peer Review team
Break			
1715 - 1745	30 mins	Presentation of initial findings by the Peer Review team	NCP Peer Review team

Notes

[1] This annex was initially developed by NCPs as a paper entitled "Rules and responsibilities of NCP peer review participants" and was updated to reflect written comments received as well as revisions to the Core Template.

[2] The Guidelines are a part of the OECD Declaration on International Investment and Multinational Enterprises (hereafter "Declaration"). The text of the Declaration, including the Guidelines, is available on the Compendium of OECD Legal Instruments with the reference OECD/LEGAL/0144.

[3] Paragraph 19.

[4] See 'Implementation of an action plan to strengthen National Contact Points,' FINAL (2016-2018); 'Action Plan to Strengthen National Contact Points for Responsible Business Conduct (2019-2021)'.

[5] Revised Core Template for Voluntary Peer Reviews, para 8.

[6] Id, para 9.

[7] Id. para. 14 a.

[8] Id. para 16 g.

[9] Id. para. 16 c.

[10] Stakeholder lists should identify relevant stakeholders to a) send feedback questionnaires to and b) invite to participate in the on-site visits. Stakeholders should include 1) members of NCP advisory bodies; 2) government representatives that have engaged with the NCP; 3) civil society organisations active in the NCP's home country; 4) trade unions active in the NCP's home country; 5) leading businesses and industry initiatives in the NCP's home country; 6) parties that have participated in specific instances. Stakeholder lists should be reviewed by the OECD Secretariat and institutional stakeholders of the OECD (BIAC, TUAC, OECD Watch) who may suggest that additional stakeholders be added. NCPs may identify 50-100 stakeholders to provide feedback questionnaires and a smaller representative group to participate in the on-site visit.

[11] See Annex 1 above.

[12] Id para 16 e. and 20.

[13] Id. para 16 d.

[14] Id. para. 16 b. iii.

[15] Id., para. 16 c.

[16] Id., para. 16 e.

[17] Id., para. 16 f.

[18] Id.

[19] Id. para 16 g.

[20] Id. para 16 h.

[21] Id. para 25.

[22] Id.

[23] Id. para 16 f.

[24] Id. para 25.

[25] Id. para. 16 h.

[26] Id., para. 16 b. iii.

[27] Id., para. 16 e.

[28] Id., para. 16 d.

[29] Id., para. 16 f.

[30] Id., para. 16 e.

[31] Id., para. 16 g.

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CORE TEMPLATE

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