



OECD Guidelines for Multinational Enterprises
National Contact Point Peer Reviews
BELGIUM



ABOUT THE OECD GUIDELINES

The OECD Guidelines for Multinational Enterprises 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 Guidelines are the only multilaterally agreed and comprehensive code of responsible business conduct that governments have committed to promoting.

ABOUT NCP PEER REVIEWS

Adhering governments 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. During the 2011 update of the OECD Guidelines for multinational enterprises, National Contact Points agreed to reinforce their joint peer learning activities, and in particular, those involving voluntary peer reviews. A peer review can identify an NCP's strengths as well as areas for improvement. The peer review is conducted by representatives of 2 to 4 different NCPs who assess the NCP under review and provide recommendations. A peer review helps the NCP acquire more capacity to better meet the "core criteria for functional equivalence" which calls on NCPs to function in a visible, accessible, transparent and accountable manner. It gives the NCP under review a mapping of its strengths and accomplishments, while also identifying opportunities for improvement.

ABOUT THIS DOCUMENT

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

More information: <https://mneguidelines.oecd.org/ncps/>

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TABLE OF CONTENTS

| | |
|--------------------------------------|----|
| 1. SUMMARY AND KEY FINDINGS | 4 |
| 2. INTRODUCTION | 8 |
| 3. INSTITUTIONAL ARRANGEMENTS | 11 |
| 4. PROMOTION OF THE GUIDELINES | 14 |
| 5. HANDLING SPECIFIC INSTANCES | 17 |
| 6. PROACTIVE AGENDA | 27 |
| 7. POLICY COHERENCE | 28 |
| 8. CORE CRITERIA | 29 |
| ANNEX | 30 |

1. SUMMARY AND KEY FINDINGS

This document is the peer review report of the Belgian National Contact Point (NCP) for the OECD *Guidelines for Multinational Enterprises*¹ (the Guidelines). 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 Belgian NCP with the core criteria and with the Procedural Guidance contained in the implementation procedures.

Belgium adhered to the OECD Declaration on International Investment and Multinational Enterprises (Investment Declaration) in 1976 and created an NCP in 1980. The Belgian NCP benefits from strong institutional memory along with experience of handling a total of 17 specific instances between 2000 and 2015. The NCP is based in the Ministry of Economy which is known as the Federal Public Service Economy in Belgium. The NCP benefits from a tripartite structure, bringing together representatives of various government departments, employer organisations and trade unions.

The Belgian NCP has been active both in its promotion of the Guidelines and in its handling of specific instances. The specific instances received by the NCP have covered a wide range of topics and the NCP has each time taken steps to build constructive dialogue between the parties involved. The members of the NCP secretariat are committed to the work of the NCP and have maintained NCP activities in spite of limited resources available.

The report identifies areas where Belgium has developed good practice in the implementation of the core criteria by its NCP and areas where it could improve. It also includes recommendations to address these issues.

Key findings

Institutional arrangements: The tripartite structure of the NCP with its 17 members is designed to reflect a diversity of views during the NCP specific instance process. In addition, the NCP is supported by a large advisory body of experts covering a range of expertise. The institutional memory within the office is strong. Since 2012, all NCP records have been stored electronically. It is projected to use the government plan for the transmission of knowledge should there be staff changes in the future.

However, the Belgian NCP has limited resources available and no designated budget for NCP activities or for providing mediation services. The role of the members of the NCP is unclear (length of mandate, functions, competencies etc.) and there is no process in place for the appointment of a new chair or to ensure continuity in case of changes in secretariat staff. In addition, there are no written procedures available explaining how the NCP works and what the decision powers of the NCP members and of its secretariat are.

¹ The Implementation Procedures of the OECD Guidelines for Multinational Enterprises include the Decision of the Council on the Guidelines for Multinational Enterprises, as amended in 2011 (hereafter “the Decision”), which also contains the Procedural Guidance, as well as the Commentary on the Implementation Procedures, adopted by the Investment Committee.

Core criteria:

- **Visibility:** The Belgian NCP has a dedicated website which is available in Dutch and in French. The website contains a number of helpful resources and includes final statements and press releases for specific instances. The website is not easy to find through online searches since it is situated several layers into the ministry of economy website.
- **Accessibility:** The NCP has a long-standing relationship with NGOs and civil society in general and responds to requests for appointments.
- **Transparency:** The Belgian NCP publishes final statements of specific instances and makes them available on its website; these statements are most often accompanied by a press release. In addition, the Belgian NCP reports annually to the OECD Investment Committee and makes these reports available on its website. However, the Belgian NCP does not produce a written initial assessment; the initial assessment is an oral agreement between the NCP members.
- **Accountability:** The NCP reports annually to the Minister of Economy; however there is no formal reporting requirement within the government on the activities of the NCP.

| | Findings | Recommendations |
|-----|---|--|
| 1.1 | The functioning of the NCP at present is dependent upon a few key figures, notably the Chair and secretariat members and there are few written procedures beyond the legal instrument establishing the NCP. | Belgium should establish written procedures regarding the practical functioning of the NCP, including the procedure for appointing a chair, to ensure clarity and continuity. Such procedures should be made available online. |
| 1.2 | There is confusion regarding the various roles of members of the NCP and the expert network. | Belgium should ensure the roles of members of the NCP and the expert network are clearly explained and provide information regarding members based in different government departments. |
| 1.3 | There are limited human and financial resources available to the Belgian NCP and no dedicated budget for mediation/conciliation expertise. | Belgium should ensure that sufficient human and financial resources are made available to the NCP, including funds for mediation purposes. |
| 1.4 | A National Action Plan on Business and Human Rights is in the process of being developed and will include a section on the NCP. | Belgium should ensure the role of NCP and promotion of the Guidelines is integrated into the National Action Plan and take steps to align policy objectives by increasing the resources available to the NCP. |
| 1.5 | There is no formal reporting requirement within the government on the activities of the NCP. | Belgium should create an internal reporting mechanism within the government or parliament for the NCP to demonstrate accountability. As part of this exercise, the Belgian NCP could request a regular budget. |

Promotion of the Guidelines: the promotional strategy of the Belgian NCP could be enhanced to focus on organisations less familiar with the work of the NCP. In addition, there was some confusion with regards the respective roles of the NCP members and the expert network, along with a lack of awareness of the scope of the Guidelines. To increase efficiency and impact, alignment with the promotion of the future National Action Plan on Business and Human Rights could be helpful.

| | Findings | Recommendations |
|-----|--|---|
| 2.1 | The promotional activities of the NCP to date have tended to focus on organisations already familiar with the work of the NCP. | The Belgian NCP should develop a promotional strategy that ensures greater outreach to companies (including small and medium-sized enterprises), trade unions, NGOs and other NCPs. In addition, the NCP should promote the Guidelines to Belgian embassies in countries where Belgian companies are present. |
| 2.2 | The multiplicity of standards on RBC is sometimes seen as a barrier to awareness-raising on the OECD Guidelines. | The Belgian NCP could work in partnerships with other organisations to ensure successful promotion of all RBC-related standards (e.g. ISO 26000, UNGP, UNGC, sector specific RBC/CSR standards). |
| 2.3 | There were sometimes misunderstandings regarding the role of the NCP and the scope of application of the Guidelines. | The Belgian NCP could improve information available on the NCP website to clarify the role of the NCP and help set expectations. It would be helpful to clarify the scope of the Guidelines. |

Handling of specific instances: The Belgian NCP has handled a total of 17 specific instances since 2000. Over this time, the final statements have become more comprehensive and addressed a variety of complex topics. In certain instances, the NCP has made recommendations to business or determinations finding that a company has not observed the Guidelines. However, there are no written procedures available explaining the specific instance process, or guidance for bringing a specific instance to the NCP. In addition, members of the NCP are not trained mediators and there is an absence of human rights expertise. Finally, there are no non-governmental organisations represented amongst the NCP membership.

| | Findings | Recommendations |
|-----|---|---|
| 3.1 | There are no procedures available on the NCP website explaining how the specific instance procedure functions or how to bring a specific instance to the NCP. | The Belgian NCP should make the specific instance procedures available on its website, including guidance explaining the process for bringing a specific instance. |
| 3.2 | The lack of a written initial assessment can produce a lack of clarity in the proceedings | The Belgian NCP should make its initial assessment a written document to improve clarity between parties. The Belgian NCP may also consider making the initial assessment public. |

| | | |
|------|---|---|
| 3.3 | There is little recourse to external professional mediators and only the Chair has received mediation training in the past. The procedures do not ensure the creation of terms of reference setting out the scope of the mediation. | The Belgian NCP should involve more individuals trained in mediation in the composition of the NCP and/or ensure mediation practices are observed in the dialogue process such as creating an agreed set of terms of reference. In addition, the cooperation with external professional mediators could be evaluated. |
| 3.4 | The Belgian NCP is receiving a low number of specific instances per year and this number has been gradually decreasing. | The Belgian NCP could work with local stakeholders to develop NGO awareness of the Guidelines and the NCP process, highlighting developments in the 2011 version of the Guidelines. |
| 3.5 | Concerns were raised by some stakeholders regarding delays in producing an initial assessment in four cases. | The Belgian NCP should endeavour to meet the timeliness criteria set out in the Procedural Guidance and communicate with complainants and companies on progress. |
| 3.6 | Concerns were raised by some stakeholders regarding how parallel proceedings impacted a particular specific instance. | The Belgian NCP should ensure that parallel proceedings do not represent the sole reason for deciding that issues do not merit further consideration. |
| 3.7 | There is a lack of expertise in handling specific instances related to human rights. | The Belgian NCP should focus on building capacity to handle specific instances covering all aspects of the Guidelines, including through cooperating with embassies and international organisations. |
| 3.8 | Some stakeholders raised a concern regarding information that had been shared by a company with the NCP but not subsequently with the NGO bringing the specific instance | The Belgian NCP should create written procedures to ensure clarity in such matters going forward which respects the principle of equitability whereby both parties are kept equally informed or if this is not possible, such evidence should not inform the final decision. |
| 3.9 | Some stakeholders raised the importance of follow-up by the NCP to encourage implementation of the recommendations. | The Belgian NCP should include a standard practice on monitoring as part of the overall procedures to allow for follow-up within a set period of time. |
| 3.10 | The NCP is made up of a large number of members, many from various government departments. It is not possible to distinguish between actual members of the NCP involved in specific instances and those that play an advisory role. Furthermore, there are no NGO representatives on the NCP. | Belgium should consider how to clarify the current composition of the NCP, including making the distinction between NCP members and members of the expert network clearer (functions, competences). In addition, Belgium should consider the inclusion of NGO representatives. |

7. **Proactive agenda:** The Belgian NCP promotes the projects under the proactive agenda through sectoral seminars or roundtables. In 2014 the NCP held three events with a sector-specific focus covering the garment industry and conflict minerals. The NCP has noted that a lack of resources

and budget prevents more work from being done to promote the guidance documents coming out of the proactive agenda projects.

| | Findings | Recommendation |
|-----|---|---|
| 4.1 | The Belgian NCP noted that a lack of resources and budget prevents more work from being done to promote the guidance documents coming out of the proactive agenda projects. | The Belgian NCP could focus on outreach to one sector per year as part of a promotional strategy. |

Policy coherence: The Belgian NCP is part of the internal working party on responsible business conduct which is responsible for the development of a National Action Plan on business and human rights in accordance with the UN Guiding Principles on Business and Human Rights and the EU strategy for corporate social responsibility. Other parts of the Belgian government could be informed of NCP recommendations to ensure policy coherence in practice.

| | Findings | Recommendation |
|-----|--|---|
| 5.1 | The Belgian NCP is part of the internal working party on responsible business conduct which is responsible for the development of a National Action Plan on business and human rights. It is not clear, how promotion of the guidelines is aligned with the promotion of this action plan. | In order to increase efficiency and impact, the Belgium NCP could align the promotion of the OECD Guidelines with the general promotion according to the Belgium National Action Plan on Business and Human Rights. In addition, this would contribute to improving the political support to the NCP. |

Follow up

Belgium is invited to provide a report on follow-up to the recommendations to the OECD Working Party on Responsible Business Conduct within 12 months following submission of this report.

2. INTRODUCTION

Background

The OECD *Guidelines for Multinational Enterprises*² (the Guidelines) are recommendations on responsible business conduct 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. The Guidelines are part of the OECD Declaration on International Investment and Multinational Enterprises (Investment Declaration) to which 46 countries have adhered as at April 2016.

In 2011, the Procedural Guidance for NCPs was strengthened. The Procedural Guidance describes the functions of NCPs in four sections: institutional arrangements, information and promotion, implementation in specific instances and reporting. It also indicates the core criteria for functional equivalence of visibility, accessibility, transparency and accountability. In addition, new provisions were added encouraging NCPs to engage in voluntary peer evaluations.

All adhering countries are required to set up an NCP. The 2011 version of the Guidelines states that NCPs are created 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 fulfill their responsibilities, taking into account internal budget priorities and practices. As well as having a promotional role in respect of the Guidelines, NCPs are also non-judicial state-based grievance mechanisms which handle specific instances following non-observance of the Guidelines by an enterprise operating in or from an adhering country.

The basis for this peer review is the 2011 version of the Guidelines. The specific instances considered during the peer review date back to 2000. The methodology for the peer review is that set out in the OECD Core Template for voluntary peer reviews of NCPs (core template).³

This report was prepared based on information provided by the Belgian NCP and in particular, its responses to the NCP questionnaire set out in the core template, responses to the stakeholder questionnaire by a variety of stakeholders, information provided during the on-site visit and additional documentation provided by the NCP.

The peer review of the Belgian NCP was conducted by a peer review team made up of reviewers from the Netherlands, Morocco and Switzerland, along with two representatives of the OECD secretariat⁴. The on-site visit to Belgium took place on 12 and 13 November 2015 and a list of individuals who participated in the on-site visit, along with those stakeholders that provided written inputs, is set out in the annex.

The peer review team would like to thank the Belgian NCP for the warm welcome to the peer review process. The team found that all participants demonstrated a willingness and openness to talk

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³ [DAF/INV/RBC\(2014\)12/FINAL](#)

⁴ The individual members of the peer review team were Melanie Peters, Sylvia Tuin and Martje Van Putten (Netherlands), Nabila Tbeur (Morocco), Pierre-André Cordey and Alex Kunze (Switzerland), Kathryn Dovey and Cristina Tébar Less (OECD).

about their experiences and answer all questions and to learn as much as possible from the peer review.

Context

Belgium is located in the centre of Western Europe and has a key position in the European and international economy. It has three regions: Brussels-Capital, Flanders and Wallonia. The country has a surface area of 31 000 square kilometres and more than 11 million inhabitants. In 2015, Belgium had a GDP of EUR 403.227 billion. The economy is dominated by the service sector representing 68.6% of GDP. Regarding foreign direct investment (FDI), the inward flow over the period 2011-2014 is as follows, in billions of euros: 55 295 (2011), 5 071 (2012), 10 304 (2013), -6 560 (2014). Over the same period the outward flow was as follows: 33 357 (2011), 26 323 (2012), 17 373 (2013), 3 776 (2014).⁵

There are over 700 000 companies registered in Belgium, 99% of which are SMEs (defined as companies with less than 50 employees) and most of them are sole traders without any employees. There are 362 multinationals headquartered in Belgium (these are defined in Belgium as companies operating cross-border and having over 500 employees); most of these are located in the Brussels-Capital region. In 2015, the balance of trade for Belgium was slightly negative with an import flow of EUR 240.679 billion while the export flow accounted for EUR 236.708 billion.

⁵ OECD Foreign Direct Investment statistics database as at January 2016.

3. INSTITUTIONAL ARRANGEMENTS

NCP structure

Belgium first created an NCP to promote the Guidelines in 1980. The NCP has always been based in the Belgian Ministry of Economy.⁶

The Belgian NCP derives its legal basis from a decision of the Council of Ministers which dates from 3 April 1980 and an internal regulation (*règlement d'ordre intérieur*) created in 1982 and last updated on 20 September 2013 (see annex). The internal regulation sets out the tripartite composition of the NCP, lists the various ministries and organisations involved and establishes that the NCP will be chaired by a representative of the Ministry of Economy and supported by a secretariat drawn from civil servants within the ministry. The internal regulation also describes the role of the NCP and notes that the NCP will be brought together by the secretariat for meetings at least twice a year. Additional meetings can occur on the initiative of the Chair or individual NCP members.

The NCP has a tripartite structure, with representatives from government, employer organisations and trade unions. It consists of 17 members who are drawn from within the federal government⁷, the three regions of Belgium⁸, labour unions⁹ and employer organisations.¹⁰ The NCP is chaired by a former Director General of the Ministry of Economy who has been in the role since 2009. The Chair was appointed by the Minister of Economy. Representatives of the various ministries are nominated by the ministries upon request of the Chair of NCP. Labour unions and employer organisations are invited to put forward a representative.

The functioning of the NCP at present is dependent upon the practices of a few key figures, notably the Chair and secretariat members. There are few written procedures beyond the legal instrument establishing the NCP.

The role of the representatives of other ministries is to support the NCP by bringing their specific areas of expertise. When handling specific instances, the secretariat draws upon the relevant ministries depending upon the chapter of the Guidelines under consideration. There is no time limit to the mandate held by members of the NCP.

Oversight and advisory bodies

The Belgian NCP does not have an oversight body.

In late 2014, the NCP created an advisory network of experts made up of 22 individuals represented in their personal capacity and on a voluntary basis. The individuals were recommended by NCP members and by the secretariat. There is no time-limit to their mandate. The role is not

⁶ The Ministry of Economy in Belgium is known as the Federal Public Service (FPS) Economy

⁷ Ministries participating in the NCP are the Ministries of Finance, Employment, Public Health and Environment, Justice and Foreign Affairs.

⁸ The three regions in Belgium are Brussels-Capital, Flanders and Wallonia

⁹ The three labour unions on the NCP are Fédération général de travail de Belgique (FGTB), Centrale des Syndicats Chrétiens (CSC) and Centrale générale des syndicats libéraux de Belgique (CGSLB)

¹⁰ The three employer organisations on the NCP are the Fédération des entreprises de Belgique (FEB), the technology sector federation (AGORIA) and the chemical sector federation (ESSENSCIA) until October 2015, then replaced by the retail federation (COMEOS).

remunerated; however they can be paid fees to deliver specific projects. Each individual is represented in their personal capacity.

The network meets at least once a year and the NCP secretariat consults the network on general organisational matters (e.g. development of an action plan, organisation of seminars, etc.) and on questions relating to specific instances. The membership of the network is published on the NCP website. In January 2015, the network met jointly with the members of the NCP. There was some confusion regarding the various roles of members of the NCP and the expert network, this is something which could be clarified.

Committees

The Belgian NCP can sit as either an Evaluation Committee or a Conciliation and Mediation Committee when dealing with specific instances. Both committees are made up of the Chair, secretariat, certain members of the NCP and certain members of the network of experts. These individuals are selected by the Chair on an ad hoc basis depending upon the question or specific instance being considered by the NCP and based on the expertise required. Decisions of the NCP when sitting as either an evaluation committee or a conciliation and mediation committee are made by consensus.

Resources

In June 2015, a full-time member of the NCP secretariat retired and was not replaced, leaving one individual in the role at that time. A senior member dedicates 20% of her time to the NCP secretariat role and a junior member, appointed in October 2015, dedicates 100% of his time.

The NCP does not have a dedicated budget. To date, the NCP has had a practice of requesting and drawing upon funds from other areas of the Ministry of Economy. The NCP noted that one specific instance in particular drew on significant resources from the NCP, taking up almost two years' worth of usual expenditure. The limited human and financial resources available to the Belgian NCP are a barrier and there is no dedicated budget for mediation/conciliation expertise.

The senior member of the NCP secretariat has been in the role for over 17 years and as such the institutional memory within the office is strong. Since 2012, all NCP records have been stored electronically. It is projected to use the government plan for the transmission of knowledge should there be staff changes in the future.

Reporting

The NCP is required to report annually to the OECD Investment Committee as set out in the implementation procedures of the Guidelines and in Belgium's own internal regulation. This report is also submitted to the Ministry of Economy; however there is no formal reporting requirement within the government on the activities of the NCP. The NCP has met the reporting obligation to the OECD each year and the annual report is published on the website of the NCP.

| | Findings | Recommendations |
|-----|---|--|
| 1.1 | The functioning of the NCP at present is dependent upon a few key figures, notably the Chair and secretariat members and there are few written procedures beyond the legal instrument establishing the NCP. | Belgium should establish written procedures regarding the practical functioning of the NCP, including the procedure for appointing a chair, to ensure clarity and continuity. Such procedures should be made available online. |
| 1.2 | There is confusion regarding the various roles of members of the NCP and the expert network. | Belgium should ensure the roles of members of the NCP and the expert network are clearly explained and provide information regarding members based in different government departments. |
| 1.3 | There are limited human and financial resources available to the Belgian NCP and no dedicated budget for mediation/conciliation expertise. | Belgium should ensure that sufficient human and financial resources are made available to the NCP, including funds for mediation purposes. |
| 1.4 | A National Action Plan on Business and Human Rights is in the process of being developed and will include a section on the NCP. | Belgium should ensure the role of NCP and promotion of the Guidelines is integrated into the National Action Plan and takes steps to align policy objectives by increasing the resources available to the NCP. |
| 1.5 | There is no formal reporting requirement within the government on the activities of the NCP. | Belgium should create an internal reporting mechanism within the government or parliament for the NCP to demonstrate accountability. As part of this exercise, the Belgian NCP could request a regular budget. |

4. PROMOTION OF THE GUIDELINES

Promotion in practice

Stakeholders involved in the on-site visit indicated that they are informed of the work of the NCP by the NCP members and the members of the expert group which represent many of the main organisations in Belgium. The NCP also organises seminars and is invited to speak at seminars organised by others.

However the NCP faces a challenge in raising awareness of the Guidelines and the NCP with companies. Often only a small number of companies participate in NCP-led promotional events. This is the case even though employer organisations are represented as members of the NCP. In addition, they raised the possibility of holding a session focused on one particular theme or aimed at one particular sector to encourage uptake. Business organisations could play a key role in better communicating the work of the NCP to companies directly. With regards trade unions, the three unions represented on the NCP noted that they try to reach out to members from other unions but there has not been great interest in the work of the NCP to date.

The Belgian NCP could do more to promote its existence both in Belgium and abroad. For instance by using networks of embassies to ensure Belgian companies operating outside Belgium are aware of the role of the NCP. In addition, only a few of the individual members of the NCP promote the NCP on the websites of their own organisations.

The NCP also highlighted the challenge in promoting the work of the NCP since the term “NCP” is not well-known and does not explain the activities or focus of the NCP.

Strategy

Each year the Belgian NCP develops a promotion/information plan to cover corporate responsibility activities including but not limited to the Guidelines. The 2015-16 Action Plan sets out the following areas of focus:

- Increase cooperation with organisations holding multi-stakeholder consultations (especially the United Nations Global Compact and The Shift)
- Organise consultations and information meetings on a sectoral basis
 - Confection sector (2015)
 - Conflict minerals (2015-16)
 - Financial sector (2016)
- Work with organisations who can raise awareness of the NCP with a business audience
- Cooperate with the EU on the Non-Financial Reporting Directive (2014/95/EU) (2015-16)

It was noted that the promotional activities of the NCP to date have tended to focus on organisations already familiar with the work of the NCP.

Website

The Belgian NCP has a dedicated website (www.oecd-guidelines.fgov.be) which is available in Dutch and in French. However, it is not easy to find the website via a search engine.

Information contained on this website in French and Dutch includes:

- The Guidelines
- Frequently Asked Questions
- Annual Reports of the NCP
- Final Statements of Specific Instances

Materials

The Belgian NCP has created a flyer summarising the Guidelines in Dutch and in French and made available on the website.

Recent NCP-led events

The Belgian NCP held the following events over the past two years:

- February 2014: Human Rights a Special Challenge for Companies
- July 2014: Roundtable on garment industry
- November 2014: Roundtable on conflict minerals
- January 2015: Annual meeting of the Expert Network
- February 2015 : Roundtable on garment industry
- January-March 2015 : Consultations of Belgian enterprises active in Qatar

According to members of the expert network, one of the challenges linked to promotional activities is the perceived multiplicity of standards addressing responsible business conduct. Members of the network indicated that the OECD Guidelines are not well-known in Belgium and that there is often confusion between the Guidelines, the UN Guiding Principles on Business and Human Rights, the UN Global Compact, etc. There is a role for the NCP to clarify the differences and commonalities between these standards and to demonstrate what is expected from companies, with the support of the OECD Secretariat. The expert network members also noted that Belgium has a large number of small and medium-sized enterprises (SMEs) that may be less familiar with the standards.

While there were regular promotional events in 2014, there were fewer meetings organised in 2015 by the NCP. In addition to the events mentioned above, in 2014 a meeting was held by the NCP focused on Belgian companies operating in Qatar. Two companies were invited to present their strategy on occupational health and safety in Qatar. Following this, a report was produced by the NCP which was made publicly available. In addition, one of the companies organised an on-site visit to Qatar for the Belgian ambassador and two trade union representatives to visit the living quarters of

workers. This was an interesting example of the NCP using its convening power to host a meeting aimed at a particular sector and addressing known human rights risks.

| | Findings | Recommendations |
|-----|--|---|
| 2.1 | The promotional activities of the NCP to date have tended to focus on organisations already familiar with the work of the NCP. | The Belgian NCP should develop a promotional strategy that ensures greater outreach to companies (including small and medium-sized enterprises), trade unions, NGOs and other NCPs. In addition, the NCP should promote the Guidelines to Belgian embassies in countries where Belgian companies are present. |
| 2.2 | The multiplicity of standards on RBC is sometimes seen as a barrier to awareness-raising on the OECD Guidelines. | The Belgian NCP could work in partnerships with other organisations to ensure successful promotion of all RBC-related standards (e.g. ISO 26000, UNGP, UNGC, sector specific RBC/CSR standards). |
| 2.3 | There were sometimes misunderstandings regarding the role of the NCP and the scope of application of the Guidelines. | The Belgian NCP could improve information available on the NCP website to clarify the role of the NCP and help set expectations. It would be helpful to clarify the scope of the Guidelines. |

5. HANDLING SPECIFIC INSTANCES

Specific instances received

Since 2000 the Belgian NCP has received a total of 17 specific instances, ten of which resulted in final statements which are available on the Belgian website. Of these cases, 12 were accepted and five were not accepted.

| | Date of submission | Guidelines chapter | Company | Host country | Notifier | Outcome |
|----|---------------------------|---|-------------------------------------|----------------------------------|---|---|
| 1 | 14 May 2001 | Employment and industrial relations | Marks and Spencer | Belgium | Syndicate of trade unions | Accepted No determination possible |
| 2 | 25 September 2003 | General policies | ING Belgique SA | Democratic Republic of the Congo | UN Panel of Experts | Accepted Company found to have met Guidelines |
| 3 | 25 September 2003 | Not defined | Speciality Metals | Democratic Republic of the Congo | UN Panel of Experts | Accepted Recommendations made to the company |
| 4 | 15 April 2004 | Environment | Tractebel-Suez | Lao PDR | NGO Proyecto Gato | Accepted Company found to have met Guidelines |
| 5 | 24 November 2004 | General policies, Employment and industrial relations, Concepts and principles | Cogecom | Democratic Republic of the Congo | NGO | Not accepted Concluded due to parallel proceedings |
| 6 | 24 November 2004 | General policies | Belgolaise SA | Democratic Republic of the Congo | NGO | Not accepted Concluded due to parallel proceedings |
| 7 | 24 November 2004 | Concepts and principles, General policies, Taxation | Nami Gems | Democratic Republic of the Congo | NGO 11.11.11 | Not accepted |
| 8 | 24 November 2004 | Not defined | Speciality Metals | Democratic Republic of the Congo | NGO 11.11.11 | Not accepted Referred to earlier case |
| 9 | 24 November 2004 | Competition, Disclosure, Employment and industrial relations, Environment, General policies | Groupe George Forrest International | Democratic Republic of the Congo | NGO 11.11.11. on behalf of 15 other NGOs and United Nations Expert Panel | Accepted Recommendations made to the company |
| 10 | 13 June 2005 | Disclosure, Employment and industrial relations | GP Garments | Sri Lanka | International Textile, Garment and Leather Worker's Federation | Accepted No agreement reached through mediation Recommendations made to the company |

| | Date of submission | Guidelines chapter | Company | Host country | Notifier | Outcome |
|----|--------------------|--|---|----------------------------------|--|---|
| 11 | 13 July 2006 | Concepts and principles, Employment and industrial relations | In Bev | Montenegro | Trade Union | Accepted Case withdrawn following mediation |
| 12 | 24 January 2008 | Combating bribery, bribe solicitation and extortion, Competition, Consumer interests, Disclosure, General policies | Pharmaceutical company | Belgium | NGO Gresea | Not accepted |
| 13 | 27 March 2009 | Environment | Dredging International | India | NGO Greenpeace | Accepted Concluded company not involved |
| 14 | 30 November 2010 | Disclosure, Employment and industrial relations, General policies | BRINK'S group | Belgium | Individual | Accepted Recommendations made to the company |
| 15 | 3 December 2010 | General policies, Environment, Employment and industrial relations, Disclosure | Financière du Champs de Mars Socfinal (renamed SOCFIN, January 2011) Intercultures (renamed Socfinaf January 2011) Bollere SA | Cameroon | NGOs | Accepted by the French NCP in July 2011 in coordination with the Belgian and Luxembourg NCPs. The French NCP offered its good offices to Bolloré's Group from 2012 to 2013. After mediation in 2013, it followed up its recommendations in coordination with the Belgian and Luxembourg NCPs. The Belgian NCP offered its good offices to Socfin in 2015. Socfin accepted to dialogue in February 2016. |
| 16 | 4 April 2012 | Concepts and principles, Human rights | Forrest Group | Democratic Republic of the Congo | International Federation for Human Rights (FIDH), the Action contre l'Impunité pour les Droits de l'Homme (ACIDH), Rights & Accountability in Development (RAID) | Accepted Recommendations made to the company |
| 17 | 10 September 2013 | Environment | Jan De Nul NV | Russian Federation | NGO Greenpeace | Accepted Recommendations made to the company |

The number of specific instances received by the Belgian NCP has been decreasing year on year. It may be beneficial for the NCP to reach out to NGOs in Belgium and encourage them to bring forward specific instances. Some stakeholders noted that it is a challenge to bring a specific instance to the NCP because a lot of information is required, as a result only the larger NGOs or trade unions tend to bring forward such claims. However, the NCP does engage in informal support to complainants wishing to make a complaint.

There were sometimes misunderstandings regarding the role of the NCP and the scope of application of the Guidelines. For instance, an NGO representative noted that few NGOs in Belgium are bringing specific instances to the NCP, this is considered to be partly based on the assumption that the low number of MNEs in Belgium prohibits the bringing of specific instances or that companies should have a recognised brand. There was also the awareness that specific instances involving Belgian companies operating overseas had not resulted in a successful mediation whereas specific instances involving foreign companies operating in Belgium had been successful. Furthermore, a lack of confidence in the process for bringing about change was noted.

In addition, there is a misunderstanding amongst certain stakeholders from the NGO community that the Guidelines only apply to large multinational companies. The NCP is encouraged to be more proactive towards the NGO community in the absence of a representative of OECD Watch.

Procedures

Once parties raise a specific instance with the Belgian NCP, the NCP secretariat will contact them to explain the procedures and set out the way in which the specific instance will be handled. This can occur over several meetings.

There are no written procedures available on the NCP website to explain the various steps involved in the handling of a specific instance procedure.

The internal regulation which provides the legal basis for the NCP sets out some general rules of procedure and internal timelines as follows with regards the initial assessment:

| Phase | Action | Timelines |
|--------------------------------|--|--|
| Initial assessment | Receipt of confirmation is sent to the notifier and the NCP members are informed | Within 5 days of receipt of the specific instance |
| | Evaluation Committee sends its conclusion regarding admissibility to the NCP | Within 2 months of receipt of the specific instance |
| | NCP decides whether the specific instance is admissible, taking into account the conclusions of the Evaluation Committee | Within 4 weeks of receipt of the Evaluation Committee's conclusion |
| Communication with the parties | Secretariat informs the parties of the NCP decision | - |
| | If the specific instance is not admissible the parties can adjust their file or submit additional documents which could make the file admissible | - |
| | If the specific instance is admissible, the parties are invited to a meeting with the NCP | Within 2 months of the NCP decision |

In practice, the following list sets out the various steps involved in the handling of a specific instance from the outset to closure. The overall objective is to complete a file within 9 months following the date when the specific instance was deemed admissible.

Initial assessment

1. Specific instance arrives at the secretariat
2. The secretariat requests a meeting with the Chair to discuss
3. The secretariat then requests a meeting with the notifier (face to face if possible or by telephone)
4. During this meeting the secretariat explains the NCP procedures
5. The secretariat will then contact the company in question usually by calling the secretary to the CEO
6. The secretariat explains the NCP procedure to the company
7. A file setting out the specific instance will then be prepared by the secretariat
8. A meeting of certain NCP members is then called to sit as an Evaluation Committee – this will usually be made up of approximately 6-7 people representing the following:
 - Chair and secretariat
 - Relevant ministries
 - Region where the company is based
 - Trade unions
 - Employers federations
9. During this meeting the file is discussed and all members consider whether the NCP can help resolve the situation
10. A decision is made by the Evaluation Committee to advise the NCP on whether to:
 - Reject the specific instance
 - Accept the specific instance
 - Request more information
11. A meeting of all members of the NCP is then called
12. At this NCP meeting the secretariat explains the position and presents the recommendation of the Evaluation Committee
13. If the NCP decides to reject the specific instance a statement is prepared by the secretariat which includes the names of both parties

14. If the NCP decides to accept the specific instance, the secretariat invites both parties to the table to discuss the issues.

Use of good offices

1. If the parties reach agreement the secretariat will prepare a paper (final statement) setting out the results of the dialogue. A meeting of the whole NCP will then be convened to discuss the paper and seek consensus.
2. The paper will then be shared with both parties for a factual accuracies check. Since 2011, parties have been given one week to respond to this request. Following this, the paper is made public.

Final statement

1. If no agreement can be reached, the NCP will prepare a final statement for publication. The NCP can issue recommendations in this final statement.
2. Each file will be closed with a final statement or a report which is sent to the parties concerned who must respect its strict confidentiality prior to publication.

Initial assessment

The Belgian NCP does not produce a written initial assessment. In practice, the initial assessment is an oral agreement between the NCP members. It would help clarify proceedings if the NCP made its initial assessment a written document to improve clarity between parties.

Use of good offices

The approach taken by the Belgian NCP is for members of the NCP to moderate a dialogue between both parties. Up to 2012, all members of the NCP would participate in this dialogue, however since 2013 fewer members participate in this stage of the process. The NCP as a whole will determine which members of the NCP are present at these meetings. As such, this part of the NCP process is not always tripartite in representation and due to a lack of written procedures it is not always clear to the parties which NCP members will be representing the NCP.

Since 2014, the NCP also has an expert network to draw upon. When members of the expert network join specific instance proceedings or NCP meetings in the lead-up, they function as experts and do not form part of the NCP itself. The NCP remains the decision-making body.

In general, the NCP does not offer external professional mediation to the parties. Most often the dialogue is moderated by the Chair and the secretariat. On occasion, individual members of the NCP have moderated the dialogue. In one specific instance, the NCP engaged an external mediator but the company did not agree to participate in the mediation offered. The current Chair of the NCP has received mediation training in the past but other NCP members are not trained mediators. Furthermore, the procedures do not ensure the creation of terms of reference setting out the scope of the mediation. Companies interviewed during the on-site visit raised the importance of trust when entering into dialogue moderated by the NCP.

The NCP highlighted the difficulty of companies not accepting the use of good offices by the NCP and refusing to participate in mediation proceedings. In one instance, the Belgian NCP issued a

statement which stressed the importance of participation and made a determination with regards the company's non-observance of the Guidelines.¹¹

The NCP also highlighted a more general concern. Once a specific instance is filed, a company can change its location and may move out of Belgium before it is located by the NCP for further investigations.

Final statement

Since 2009, the Belgian NCP has published a final statement for each concluded specific instance. In the period 2000 – 2013 these were most often in the form of a one-page summary. From 2014 onwards the final statements are more comprehensive. The final statement is published online and is accompanied by a press release in most cases.

Timeliness

In the 2011 update to the Guidelines, an indicative timeframe was incorporated into the commentary to the procedural guidance. As a general principle, NCPs should strive to conclude the whole procedure within 12 months from date of receipt of the specific instance. More specifically, the procedural guidance states that NCPs should seek to conclude an initial assessment within three months, establish a timeframe for resolution of the issues raised with the parties, facilitate resolution in a timely manner and issue a final statement within three months of the conclusion of the procedure.

The Belgian NCP aims to stay within the timelines indicated by the Procedural Guidance and this is set out in the internal regulation. Some stakeholders raised concerns regarding the amount of time taken by the Belgian NCP to produce an initial assessment. In particular, there were three specific instances brought by NGOs which were not accepted by the Belgian NCP where it took approximately nine months to conduct the initial assessments.

In addition, there are three specific instances which date from 2004, which were transferred by the Belgian NCP to the United Kingdom NCP. The Belgian NCP had found the specific instances admissible but due to the project links with the United Kingdom the specific instances were transferred. Some stakeholders consider these specific instances to be blocked for over 11 years.

Confidentiality

Procedures involving confidentiality are set out in the internal regulation establishing the Belgian NCP as follows:

- NCP members are required to respect confidentiality
- When the procedures for a specific instance are ongoing both the NCP and other participants are required to respect strict confidentiality in respect of the discussion and the documents

In March 2014, the NCP ceased mediation proceedings in a specific instance brought by an NGO against a dredging company.¹² This followed an article appearing in the press which was critical of the company. The NCP noted that the terms set out by the NCP for mediation included a requirement on

¹¹ Specific instance notified by Centre pour le Développement – Cameroun (CED Cameroon), Fondation Camerounaise d'Actions Rationalisées et de Formation sur l'Environnement (FOCARFE), SHERPA (France) and NGO MISEREOR (Germany) regarding the activities of SOCAPALM / SOCFIN / SOCFINAF in Cameroon

¹² Specific instance notified by NGO Greenpeace regarding the activities of Jan de Nul NV in the Russian Federation

the complainant to not make public statements about the company or the specific instance while mediation was underway.

Some stakeholders noted that in addition to general procedures being made available on the NCP website, the Belgian NCP should put in place security protocols to protect individuals and organisations that bring specific instances to the NCP.

Parallel proceedings

The issue of parallel proceedings was considered in one specific instance¹³ whereby the Belgian NCP stopped the mediation due to parallel proceedings occurring in Sri Lanka. In the final statement the NCP made a number of recommendations. The Procedural Guidance however notes that NCPs should not decide that issues do not merit further consideration solely because parallel proceedings have been conducted, are underway or are available to the parties concerned.

Cooperation with other NCPs

One specific instance sent to three NCPs (Belgium, France, Luxembourg) in December 2010 represents a good example of cooperation between NCPs.¹⁴ The specific instance referred to four multinational enterprises and a subsidiary enterprise active in Cameroon. The Belgian and Luxembourg NCPs were not able to identify staff contact details within the financial holding companies based in their countries. Therefore, the French NCP was designed to lead the specific instance as Bolloré had shares in the others companies involved. The French NCP offered its good offices to the French Group. The French NCP accepted the specific instance in July 2011, establishing links between all enterprises according to the Guidelines. Once the French multinational enterprise agreed to enter into dialogue, the French NCP offered its good offices in 2012 and 2013, issued a detailed report (agreement between the parties), set up mediation in 2013 and followed up on its recommendations.

In March 2015, the French NCP called on all enterprises involved to meet their responsibilities and asked the Belgium and Luxembourg NCPs to do their best efforts to enter into dialogue with the entities based in their respective countries. In October 2015, the Belgian NCP issued a communiqué referring to the French NCP communiqués and noting that the Group based in Belgium and Luxembourg had refused its good offices. At the end of 2015, the French NCP took stock of its actions and shared its analysis with both NCPs. In parallel, the Belgium-Luxembourg based Group accepted the good offices of the Belgium NCP. In May 2016, the French NCP transferred the leadership of the specific instance to the Belgium NCP and followed up on its recommendations addressed to the French Group.

Requests for clarification

The Belgian NCP made a request for clarification to the Investment Committee in 1977/78 regarding a specific instance involving Renault. The clarification related to the definition of “timely” information.

¹³ Specific instance notified by the International Textile, Garment and Leather Worker's Federation ITGLWF regarding the activities of GP Garments in Sri Lanka

¹⁴ Specific instance notified by Centre pour le Développement – Specific instance notified by Centre pour le Développement – Cameroun (CED Cameroon), Fondation Camerounaise d'Actions Rationalisées et de Formation sur l'Environnement (FOCARFE), SHERPA (France) and NGO MISEREOR (Germany) regarding the activities of SOCAPALM / SOCFIN / SOCFINAF in Cameroon to the NCP in Belgium, France and Luxembourg

Outputs

The Belgian NCP issues recommendations in specific instances to the company in the final statement. On two occasions, the NCP has issued a determination regarding observance of the Guidelines by the company.¹⁵ If there is a lack of cooperation by one of the parties or a reluctance to share information this is highlighted in the final statement.

Monitoring of Specific Instances

In one recent specific instance, the Belgian NCP provided for follow-up of the recommendations.¹⁶ The follow-up consisted of meetings with the parties and verifying external information. There is no information on the NCP website regarding these procedures or the follow-up exercises that are ongoing. Some stakeholders noted that the NCP is not able to ensure that companies follow the recommendations made by creating consequences in such circumstances. The Belgian NCP does not have a standard procedure on whether to monitor the implementation of recommendations. It could be helpful to include a standard practice on monitoring as part of the overall procedures to allow for follow-up within a set period of time.

Assessment against the Guiding Principles for Specific Instances

Impartiality

As the Belgian NCP is made up of a large number of members, the NCP should try to ensure balanced representation between government representatives and stakeholders in the NCP's composition. In addition, there are no representatives from non-governmental organisations (NGOs) as part of the NCP and it may be helpful to include such representation.

Furthermore, within the NCP structure there is no independent board or oversight body. Although the expert network was created in 2014, this functions more as a resource and less as a decision-making body. Furthermore the status of experts in the expert network is unclear. One member of the expert network suggested that moving the NCP out of the Ministry of Economy might help in terms of visibility and in demonstrating impartiality.

Predictability

The lack of written procedures regarding the process of the NCP in handling specific instances results in a lack of predictability. Although the process is explained to both parties once a specific instance has been received, it would be beneficial for complaints and companies to know in advance how the procedure works.

Similarly, although the Belgian NCP does engage with the individuals or organisations bringing forward the specific instances, there is no guidance available on the website setting out the complaint-making procedure or template complaint forms or letters that could assist the parties.

¹⁵ Specific instance notified by the International Federation for Human Rights (FIDH), the Action contre l'Impunité pour les Droits de l'Homme (ACIDH), and Rights & Accountability in Development (RAID) regarding the activities of the Forrest Group in the Democratic Republic of Congo and specific instance notified by Proyecto Gato regarding the activities of Tractebel-Suez in Lao PDR.

¹⁶ Specific instance notified by the International Federation for Human Rights (FIDH), the Action contre l'Impunité pour les Droits de l'Homme (ACIDH), and Rights & Accountability in Development (RAID) regarding the activities of the Forrest Group in the Democratic Republic of Congo

Linked to this, as mentioned above, the Belgian NCP does not produce a written initial assessment to share with the parties. The Procedural Guidance does not require publication of an initial assessment but this is also an option for the Belgian NCP to consider.

Equitability

Some stakeholders raised a concern regarding equitability in relation to one particular specific instance in which information that had been shared with the NCP by the company had not been subsequently shared with the NGO bringing forward the specific instance and had formed part of the basis for the decision of the NCP. The NCP did not agree with this assessment. Nevertheless, due to a lack of written procedures on such matters it is not possible for the NCP to refer to current practice in such circumstances. Some stakeholders requested the Belgian NCP to make a commitment in its procedures to only base initial assessments and final statements on information that has been shared with both parties.

Another challenge is that all mediation meetings take place in Brussels which has a cost implication for the parties involved. To date, the Belgian NCP has not made use of local embassies to host mediation in the country where the adverse impact occurred or possible video conferencing methods. When the notifiers have been located outside Belgium, the Belgian NCP has made efforts to reduce the number of face-to-face meetings with both parties in order to keep costs to a minimum.

Compatible with guidelines

The peer review team did not find any issues with regards the compatibility of the Belgian NCP procedures with the Guidelines.

Case examples

A specific instance study was selected for the purposes of the peer review during which the review team met with the company and the complainant.¹⁷ The company representative was positive regarding the process; although he was not aware of the NCP process beforehand, he felt he had an opportunity to explain the situation to the NCP. He would have liked to see greater publicity given to the outcome of specific instances in general and for a stronger follow-up procedure to be in place regarding the monitoring of recommendations by the NCP. Furthermore, he questioned the possibility of sanctions for false accusations and whether it would be possible to open up the proceedings themselves to greater transparency. Finally, he raised some questions regarding improvements to the mediation practice in general and ensuring that all information is available to both parties.

From the point of view of the complainant, it was noted that meeting with the full NCP membership can be quite daunting for parties and that later meetings with less members present were preferable. There was a lack of clarity with regards the respective roles of the members of the NCP in general. More broadly, it was felt that there was a bias towards the company. There was also a lack of clarity as to whether the specific instance had been accepted since the NCP initially indicated it was not admissible but nevertheless provided good offices to try to reach an outcome. More generally, the NGO representative would be keen to see stronger recommendations from the NCP that set out particular steps the company could take and a position from the NCP that philanthropic actions by a company would not necessarily amount to remedy. Finally, the NGO representative noted that some information had been shared by the company with the NCP which influenced the final statement and was not shared with the complainants.

¹⁷ Specific instance notified by the International Federation for Human Rights (FIDH), the Action contre l'Impunité pour les Droits de l'Homme (ACIDH), and Rights & Accountability in Development (RAID) regarding the activities of the Forrest Group in the Democratic Republic of Congo.

A second specific instance study was shared from the perspective of the company involved since the complainant was not available¹⁸. The company in question was positive regarding the interactions with the Belgian NCP. They noted that the specific instance improved their engagements with local NGOs. At the beginning of the specific instance process, the company was represented by the CEO and CFO and the specific instance was taken seriously within the company. In terms of particular recommendations to the NCP, the company recommended very clear rules of engagement for all parties. The representatives felt that the NCP facilitated well the dialogue.

| | Findings | Recommendations |
|-----|---|---|
| 3.1 | There are no procedures available on the NCP website explaining how the specific instance procedure functions or how to bring a specific instance to the NCP. | The Belgian NCP should make the specific instance procedures available on its website, including guidance explaining the process for bringing a specific instance. |
| 3.2 | The lack of a written initial assessment can produce a lack of clarity in the proceedings | The Belgian NCP should make its initial assessment a written document to improve clarity between parties. The Belgian NCP may also consider making the initial assessment public. |
| 3.3 | There is little recourse to external professional mediators and only the Chair has received mediation training in the past. The procedures do not ensure the creation of terms of reference setting out the scope of the mediation. | The Belgian NCP should involve more individuals trained in mediation in the composition of the NCP and/or ensure mediation practices are observed in the dialogue process such as creating an agreed set of terms of reference. In addition, the cooperation with external professional mediators could be evaluated. |
| 3.4 | The Belgian NCP is receiving a low number of specific instances per year and this number has been gradually decreasing. | The Belgian NCP could work with local stakeholders to develop NGO awareness of the Guidelines and the NCP process, highlighting developments in the 2011 version of the Guidelines. |
| 3.5 | Concerns were raised by some stakeholders regarding delays in producing an initial assessment in four cases. | The Belgian NCP should endeavour to meet the timeliness criteria set out in the Procedural Guidance and communicate with complainants and companies on progress. |
| 3.6 | Concerns were raised by some stakeholders regarding how parallel proceedings impacted a particular specific instance. | The Belgian NCP should ensure that parallel proceedings do not represent the sole reason for deciding that issues do not merit further consideration. |
| 3.7 | There is a lack of expertise in handling specific instances related to human rights. | The Belgian NCP should focus on building capacity to handle specific instances covering all aspects of the Guidelines, including through cooperating with embassies and international organisations. |

¹⁸ Specific instance notified by the NGO Greenpeace India regarding the activities of Dredging International in India.

| | | |
|------|---|--|
| 3.8 | Some stakeholders raised a concern regarding information that had been shared by a company with the NCP but not subsequently with the NGO bringing the specific instance | The Belgian NCP should create written procedures to ensure clarity in such matters going forward which respects the principle of equitability whereby both parties are kept equally informed or if this is not possible, such evidence should not inform the final decision. |
| 3.9 | Some stakeholders raised the importance of follow-up by the NCP to encourage implementation of the recommendations. | The Belgian NCP should include a standard practice on monitoring as part of the overall procedures to allow for follow-up within a set period of time. |
| 3.10 | The NCP is made up of a large number of members, many from various government departments. It is not possible to distinguish between actual members of the NCP involved in specific instances and those that play an advisory role. Furthermore, there are no NGO representatives on the NCP. | Belgium should consider how to clarify the current composition of the NCP, including making the distinction between NCP members and members of the expert network clearer (functions, competences). In addition, Belgium should consider the inclusion of NGO representatives. |

6. PROACTIVE AGENDA

As noted above, the Belgian NCP promotes the projects under the proactive agenda through sectoral seminars or roundtables. In 2014 the NCP held three events with a sector-specific focus covering the garment industry and conflict minerals. In addition, in February 2014, the NCP published a special report regarding the issue of fire and building safety in the garment sector in Bangladesh.¹⁹ The NCP has noted that a lack of resources and budget prevents more work from being done to promote the guidance documents coming out of the proactive agenda projects.

| | Findings | Recommendation |
|-----|---|---|
| 4.1 | The Belgian NCP noted that a lack of resources and budget prevents more work from being done to promote the guidance documents coming out of the proactive agenda projects. | The Belgian NCP could focus on outreach to one sector per year as part of a promotional strategy. |

¹⁹

“Report and recommendations of the Belgian National Contact Point for the OECD Guidelines for Multinational Enterprises on the issue of fire and building safety in the clothing sector in Bangladesh”.

7. POLICY COHERENCE

The Belgian NCP is part of the internal working party on responsible business conduct which is responsible for the development of a National Action Plan on business and human rights in accordance with the UN Guiding Principles on Business and Human Rights and the EU strategy for corporate social responsibility.

The Export Credit Agency (ECA) for Belgium is an enterprise called Credendo Group which does not provide direct lending only insurance. When investors apply to the ECA, they are required to sign a page stating that they are aware of the Guidelines and the UN Global Compact. The representative noted that if there were a specific instance against a company already a recipient of ECA insurance they would look into the complaint. However, at present there is no policy position on whether this would affect the insurance provided.

Other parts of the Belgian government could be informed of NCP recommendations to ensure policy coherence in practice.

| | Findings | Recommendation |
|-----|--|---|
| 5.1 | The Belgian NCP is part of the internal working party on responsible business conduct which is responsible for the development of a National Action Plan on business and human rights. It is not clear, how promotion of the guidelines is aligned with the promotion of this action plan. | In order to increase efficiency and impact, the Belgium NCP could align the promotion of the OECD Guidelines with the general promotion according to the Belgium National Action Plan on Business and Human Rights. In addition, this would contribute to improving the political support to the NCP. |

8. CORE CRITERIA

Visibility

The Belgian NCP has a dedicated website www.oecd-guidelines.fgov.be which is available in Dutch and in French.

Information contained on this website in French and Dutch includes:

- The Guidelines
- Frequently Asked Questions
- Annual Reports of the NCP
- Final Statements of Specific Instances

In order to help facilitate wider promotion, the website could be translated into English since there are many potential users of the site that may not speak Dutch or French. Furthermore, the website could contain more up-to-date information regarding the Guidelines in general. Finally, the website is not easy to find through online searches since it is situated several layers into the ministry of economy website.

Transparency

The Belgian NCP publishes its final statements and makes them available on its website; these statements are most often accompanied by a press release. To date, the NCP does not publish any details of specific instances received or in progress nor does it make an initial assessment public since this is not a written document.

The Belgian NCP reports annually to the OECD Investment Committee and makes these reports available on its website.

Accessibility

The NCP has a long-standing relationship with NGOs and civil society in general and responds to requests for appointments.

Accountability

The NCP reports annually to the Ministry of Economy however there is no formal reporting requirement within the government on the activities of the NCP. Furthermore, since the NCP has no dedicated budget there is no reporting on costs within the report. There is also no reporting requirement in place to the Belgian parliament. As noted above, the Belgian NCP created a network of experts in 2014 however this body does not have an oversight role and is designed instead as a source of expertise and advice for the NCP on particular questions.

ANNEX

STAKEHOLDER PARTICIPATION

The following stakeholders participated in the on-site visit to Belgium:

- Credendo Group
- Besix company
- Fédération des entreprises de Belgique (FEB-VBO) employer organisation
- Centrale des Syndicats Chrétiens (CSC-ACV) trade union
- Centrale générale des syndicats libéraux de Belgique (CGSLB-ACLVB) trade union
- Fédération général de travail de Belgique (FGTB-ABVV) trade union
- Belgian Financial Intelligence Processing Unit (CTIF-CFI)
- The Shift
- FPS Health
- FPS Economy
- IRCO
- FIDO
- 11.11.11 NGO
- Rights & Accountability in Development (RAID)
- Forrest Group
- Dredging International

The following stakeholders submitted written responses to the questionnaire sent by the NCP:

- FEB – VBO employer organisation
- COMEOS employer organisation
- The Shift CSR organisation
- Forrest Company
- CGSLB trade union
- FGTB trade union
- CSC trade union
- Transparency International Belgium
- OECD Watch
- The International Federation for Human Rights (FIDH), la Ligue des Droits de l'Homme, the Action contre l'Impunité pour les Droits de l'Homme (ACIDH), and Rights & Accountability in Development (RAID) (joint submission)
- 11.11.11 NGO

National Contact Point Peer Reviews:

Belgium

Adhering governments 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 Belgian NCP, mapping its strengths and accomplishments and also identifying opportunities for improvement.