



OECD Guidelines for Multinational Enterprises on
Responsible Business Conduct

**National Contact Point for
Responsible Business Conduct
Peer Reviews
SLOVAK REPUBLIC**



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Foreword

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

Adhering governments to the Guidelines are required to set up a National Contact Point for Responsible Business Conduct (NCP) that operates in a manner that is visible, accessible, transparent, accountable, impartial and equitable, predictable, and compatible with the Guidelines. During the 2011 update of the Guidelines, NCPs agreed to reinforce their joint peer learning activities, in particular with respect to conducting voluntary peer reviews. The 2023 update of the Guidelines reinforced peer reviews of NCPs by making them mandatory and periodic, subject to modalities to be approved by the Working Party on Responsible Business Conduct (WPRBC). The commitment to undergo this peer review was made by the Slovak Republic while the 2011 version of the Procedures was in effect. The basis for this peer review is the 2011 version of the Guidelines (including the Implementation Procedures).

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

This document is the peer review report of the Slovak NCP. This report was prepared by a peer review team made up of reviewers from the NCPs of Denmark, and Ireland, and with the support of the OECD Secretariat. The NCP of Denmark was represented by Kim Haggren. The NCP of Ireland was represented by Paul McMahon. The OECD Centre for Responsible Business Conduct was represented by Nicolas Hachez and Emily Halstead. The report was informed by dialogue between the peer review team, the NCP of the Slovak Republic and relevant stakeholders during an in-person fact-finding mission on 22-24 February 2023. The peer review team wishes to acknowledge the NCP for the preparation of the peer review. The NCP of the Slovak Republic was represented by Katarína Goldbergerová, Petra Hajduckova, and Peter Hajducek. This report also benefited from comments by delegates to the WPRBC and institutional stakeholders (BIAC, OECD Watch, TUAC). It was discussed by the WPRBC at its 8 November 2023 meeting and declassified by the Investment Committee on 13 December 2023.

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Key findings and recommendations

Institutional arrangements

The Slovak NCP has a quadripartite structure with an NCP Secretariat working on daily operations for the NCP. At the time of the onsite visit, the NCP was composed of ten government ministries, four business representatives, and one representative each from trade unions and civil society. The NCP was formally established by government decree in January 2016. The Decree is supported by the NCP Statute and NCP Rules of Procedure to outline the functions and membership of the NCP. The Decree, Statute, and NCP website are not always aligned when it comes to the NCP membership. The NCP Secretariat is located within the Shareholders' Rights Department of the Ministry of Economy. The NCP does not have an advisory or oversight body.

The NCP location within the Ministry of Economy is generally seen positively by stakeholders given the Ministry's large influence and complementary agendas to the NCP work. However, the Department of Shareholders' Rights has a mandate to work with influential state-owned enterprises and is especially sensitive to staff turnover caused by changes in government. Stakeholder feedback has indicated concerns that frequent staff turnover could impact the institutional memory and continuity of the NCP work, and additionally that the department location creates the risk of a real or perceived lack of impartiality of the NCP.

The multistakeholder structure of the NCP is seen as a positive to support stakeholder confidence. However, the structure and function of the NCP are not visible and there is a lack of balance among stakeholder groups, notably with an overrepresentation of business stakeholders. The NCP lacks both human and financial resources necessary to increase the visibility of the NCP and address its responsibilities, particularly concerning promotion as mentioned below. Notably, as of March 2023 following changes within the Slovak government, the Slovak NCP was left without a dedicated staff.

	Findings	Recommendations
1.1	Frequent staff turnover has resulted in a lack of institutional knowledge and continuity for the work of the NCP. The current seat of the Secretariat in the Department of Shareholders' Rights is especially sensitive to staff turnover due to changes in administration. It further presents a potential conflict of interest for the NCP given the Department's responsibilities for influential state-owned enterprises.	The Slovak Republic could consider creating a discrete unit for the NCP, making it less susceptible to staff turnover during changes in administration, and reducing the risk of a real or perceived lack of impartiality of the NCP.
1.2	The multistakeholder structure of the NCP includes representatives from government, business, trade unions, and civil society, and helps to encourage stakeholder confidence. However, the membership of the NCP is not clearly communicated and lacks visibility. The membership is not well-balanced by	The NCP should review its current membership with an aim to balance stakeholder groups, possibly including representation from academia to support the NCP's access to expertise. The NCP should ensure the membership is communicated clearly and is aligned across the NCP website, Government Decision, and

	stakeholder group, notably with an overrepresentation of businesses.	NCP Statute.
1.3	Human and financial resources for the NCP are low, limiting the ability of the NCP to fulfill its responsibilities, notably related to promotion.	The NCP should have at least one full-time staff member dedicated to the NCP function and, at minimum, resources sufficient to carry out promotional activities.

Promotional activities

The Slovak NCP has not conducted any promotional activities in the last five years and the NCP membership does not meet annually, as is provided for in the rules of procedures. The low level of activity is partially due to shifting priorities during the pandemic and energy crises, change of NCP Secretariat location, and low levels of human and financial resources dedicated to the NCP function. Stakeholder feedback indicated a willingness to engage with the NCP and support it in its promotional efforts, which could additionally support policy coherence if the NCP re-engages with government NCP members.

The NCP does not have a promotional plan or strategy for stakeholder engagement. Stakeholder feedback indicated that increasing the visibility of the NCP and increasing meaningful stakeholder engagement should be a priority moving forward. The NCP currently lacks basic tools for promotion and does not regularly update its website, which is available only in Slovak. Feedback indicated that developing basic promotional materials, such as a more comprehensive website or an informational flyer, could assist the NCP's efforts and allow other organisations to multiply the impacts of their promotion.

	Findings	Recommendations
2.1	Stakeholders express a clear interest in RBC topics and a potential role for the NCP. However, the NCP has not conducted any promotion in the last five years and the NCP membership does not meet annually in practice, as is stipulated by the NCP Rules of Procedure. Stakeholder and NCP membership feedback suggested an interest to further engage with the NCP in the future, including through joint promotional activity.	The NCP should restart its activities by reconvening meetings of the entire NCP to build access to expertise on RBC, jointly develop a promotional plan, and foster policy coherence. Working with NCP members and other multiplier organisations could be a good resource for the NCP to restart its promotion, considering limited resources. The NCP should encourage these multiplier organisations to ensure that the knowledge is disseminated further via their members and networks.
2.2	The NCP lacks basic tools for promotion. The website is available only in Slovak and provides limited information on the NCP and the Guidelines. The NCP has not developed any additional promotional materials.	The NCP should review the website with an aim to use it as a promotional tool. The NCP could consider translating the website into English. The NCP should develop basic promotional materials, such as flyers with plain language, to be shared on the website and distributed to stakeholders. The NCP could further consider social media as a potentially low-resource tool for promotion and awareness raising.

Specific instances

Since its establishment in 2015, the Slovak NCP has not received a specific instance. Stakeholder feedback considered some reasons for this could be due to the presence of sufficient alternative remediation mechanisms, a perceived lack of impartiality due to the NCP's location in an economic ministry, a lack of visibility of the NCP mechanism, and a lack of applicability of the Guidelines to many Slovak businesses. Feedback noted the importance for

the NCP to raise its visibility and proactively prepare to handle a specific instance when it receives one.

The NCP has basic rules of procedure, which are publicly available in both English and Slovak. The RoP do not always align with the Procedural Guidance and best practices identified by the NCP Network, for example as voting is conducted by simple majority rather than consensus based. Feedback has suggested the revision of the RoP, notably as a means to prepare for a first specific instance and build predictability of the mechanism.

	Findings	Recommendations
3.1	The NCP Rules of Procedure are basic and do not always reflect the Procedural Guidance and the best practices identified by the NCP Network, also relating to voting procedures which would be done using a simple majority.	The NCP should consider revising its Rules of Procedure to better align them with the Procedural Guidance and Network best practices, notably on adding provisions for handling specific instances that involve parallel proceedings, and ensuring the procedure is not overly burdensome for submitters. The decision making process could additionally be revised to encourage consensus-based decision making.
3.2	There is a culture of access to remedy in the Slovak Republic, as evidenced by the existence of related laws and internal company policies. The NCP has not received a specific instance and frequent staff turnover might leave the NCP unprepared to handle it should they receive one. The NCP has engaged in peer learning activities, notably with other NCPs within the Central and Eastern European NCP Network.	The NCP should actively prepare to be able to handle a specific instance should they receive one, including through continued peer learning and networking with the Central and Eastern European, and other NCPs.

1 Introduction

The Slovak NCP at a glance

Established: 2015

Structure: Quadripartite, without advisory body

Location: Ministry of Economy, Shareholders' Rights Department (Ministerstvo hospodárstva SR, odbor akcionárskych práv)

Staffing: The NCP has two staff working part-time on NCP functions

Webpage: <https://www.economy.gov.sk/obchod/multilateralne-obchodne-vztahy/oecd/narodne-kontaktne-miesto-pre-smernice-oecd-pre-nadnarodne-spolocnosti> (Slovak)

Specific instances received: The NCP has not received any specific instances to date

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 Slovak NCP with the core criteria and with the Procedural Guidance contained in the implementation procedures.

The Slovak Republic adhered to the OECD Declaration on International Investment and Multinational Enterprises (Investment Declaration) in 2000. The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (the Guidelines) are part of the Investment Declaration. The Guidelines are recommendations on responsible business conduct (RBC) addressed by governments to multinational enterprises operating in or from adhering countries. The Guidelines have been updated six times since 1976; the most recent revision took place in 2023. As the onsite visit of this peer review was conducted prior to the adoption of the 2023 update of the Guidelines, it considers the 2011 edition of the Guidelines as a basis for review.

Countries that adhere to the Investment Declaration are required to establish National Contact Points (NCPs). NCPs are set up to further the effectiveness of the Guidelines and adhering countries are required to make human and financial resources available to their NCPs so they can effectively fulfil their responsibilities, taking into account internal budget priorities and practices¹.

¹ Amendment of the Decision of the Council on the OECD Guidelines for Multinational Enterprises, para I(4).

NCPs are “agencies established by adhering governments to promote and implement the Guidelines. The NCPs assist enterprises and their stakeholders to take appropriate measures to further the implementation of the Guidelines. They also provide a mediation and conciliation platform for resolving practical issues that may arise.”²

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

The objectives of peer reviews as set out in the “Revised core template for voluntary peer reviews of NCPs”³ are to assess that the NCP is functioning and operating in accordance with the core criteria set out in the implementation procedures; to identify the NCP’s strengths and possibilities for improvement; to make recommendations for improvement; and to serve as a learning tool for all NCPs involved.

This report was prepared based on information provided by the NCP and in particular, its responses to the NCP questionnaire set out in the revised core template⁴ as well as responses to requests for additional information. The report also draws on responses to the stakeholder questionnaire which was completed by three organisations representing government agencies, enterprises, and civil society (see Annex A for a complete list of stakeholders who submitted written feedback) and information provided during the country visit.

The peer review of the NCP was conducted by a peer review team made up of reviewers from the NCPs of Denmark and Ireland along with representatives of the OECD Secretariat. A fact-finding mission took place in Bratislava on 22-24 February, 2023. This visit included interviews with the NCP, other relevant government representatives and stakeholders. A list of organisations that participated in the virtual visit is set out in Annex B. The peer review team wishes to acknowledge the NCP for the quality of the preparation of the peer review, the supportive information provided, and efforts to ensure broad participation in the visit. The team additionally acknowledges Slovenské Elektrárne for providing the meeting venue.

The basis for this peer review is the 2011 version of the Guidelines. The methodology for the peer review is that set out in the core template.⁵

Following the loss of a no-confidence vote in parliament in December 2022, the Slovak government underwent personnel turnover at the beginning of 2023. This included the heads of various departments that had been appointed by previous ministers, including the head of the Department of Shareholders’ Rights where the NCP Secretariat sits. The turnover subsequently included the entire staff of the Slovak NCP Secretariat, effective as of March 2023. This information was provided during the onsite visit to Bratislava, and it is noted that the continuation of the peer review process, through to publication of the report, took place with the new NCP Secretariat staff, not present for the onsite visit. It is noted that government elections are expected in September 2023 and could be accompanied by further staff turnover.

² OECD Guidelines for Multinational Enterprises (2011), Foreword

³ OECD (2019), Revised Core Template For Voluntary Peer Reviews Of National Contact Points, <http://mneguidelines.oecd.org/national-contact-point-peer-reviews-core-template.pdf>

⁴ Ibid.

⁵ OECD (2019), Revised Core Template For Voluntary Peer Reviews Of National Contact Points, <http://mneguidelines.oecd.org/national-contact-point-peer-reviews-core-template.pdf>

Economic context⁶

The Slovak Republic's economy is dominated by the service sector, representing 66% of GDP. Regarding foreign direct investment (FDI), the inward stock of FDI, which represents the accumulated value of FDI in the Slovak economy overtime, was USD 59 billion in 2021, equivalent to 52% of the Slovak Republic's GDP. The outward stock of FDI was USD 5 billion in 2021, representing 5% of the Slovak Republic's GDP. In 2021, the Slovak Republic's exports of goods were USD 96 billion and exports of services were USD 11 billion while imports of goods were USD 97 billion and imports of services were USD 11 billion.

The main investors in the Slovak Republic are the Netherlands, Austria, Czechia, Germany, and Korea. The main inward investment sectors are manufacturing, financial and insurance activities, and real estate activities. The main destinations for outward investment from the Slovak Republic are Czechia, Poland, the United Kingdom, Austria, and Cyprus⁷, and the most importance sectors are wholesale and retail trade, followed by professional, scientific, and technical activities, and manufacturing. The most important partner countries for exports of goods are Germany, Czechia, Poland, Hungary, and France while the most important source countries for imports of goods are Germany, Czechia, China, the Russian Federation and Poland. The most important destinations for exports of services are Germany, Czechia, the United Kingdom, Austria and the Netherlands, and the most important sources for imports of services are Czechia, Germany, Austria, Poland and Korea.

As measured by employment at foreign-owned firms in the Slovak Republic in 2019, the most important investors are Germany, the United States, Czechia, France and Austria. As measured by employment at the overseas affiliates of Slovak MNEs, the most important destination countries are Czechia, Ukraine, Germany, Serbia and Poland.

⁶ Data retrieved from OECD databases and Eurostat

⁷ Note by the Republic of Türkiye: The information in this document with reference to "Cyprus" relates to the southern part of the Island. There is no single authority representing both Turkish and Greek Cypriot people on the Island. Türkiye recognises the Turkish Republic of Northern Cyprus (TRNC). Until a lasting and equitable solution is found within the context of the United Nations, Türkiye shall preserve its position concerning the "Cyprus issue".

Note by all the European Union Member States of the OECD and the European Union: The Republic of Cyprus is recognised by all members of the United Nations with the exception of Türkiye. The information in this document relates to the area under the effective control of the Government of the Republic of Cyprus.

2 Institutional arrangements

Legal basis

The Slovak Republic adhered to the OECD Investment Declaration in 2000. The Slovak NCP was formally established in 2016.

The NCP was formally established by Decree of the Minister of Economy of the Slovak Republic, Decision No. 3/2016⁸ on 18 January 2016. The Decision established the composition of the NCP and granted the authority to appoint NCP members from the relevant institutions to the Director of the Department of Bilateral Trade Cooperation in the Ministry of Economy. The Decision was amended in 2017, 2019, and most recently in 2022. The most recent update, Decision No. 7/2022⁹ moved the Chair of the NCP and the NCP Secretariat from the Department of Bilateral Trade Cooperation to the Department of Shareholder rights, also in the Ministry of Economy. The update additionally switched mentions of the Central European Corporate Governance Association to the Slovak Association of Corporate Governance, as the association had changed its name.

The Statute of the NCP¹⁰ is included as an annex to the Decision and has been updated with each amendment. The Statute is also publicly available on the NCP's website. The Statute includes details on the NCP's location, tasks, composition, roles and responsibilities of members and the Chair, how members are appointed to and removed from the NCP, and a general overview of the activities of the Secretariat and the NCP as a whole.

NCP Structure

The NCP is a 'multipartite NCP,' meaning the NCP is composed of a group of government officials and other stakeholder representatives. Specifically, the Slovak NCP is a 'quadrupartite' NCP composed of representatives from government, business, trade unions, and civil society.

The Decision that formally established the NCP originally allocated the Department of Bilateral Trade Cooperation as the Secretariat for the NCP. With the amendment to the Decision in May 2022, the NCP moved to the Department of Shareholder's Rights¹¹. The transfer of the NCP function took place in the summer of 2022 and was implemented because the new department already had been working with OECD Guidelines and corporate governance in the context of it representing the Slovak State as a shareholder in Slovak state-owned enterprises (SOEs). This was viewed as enhancing the expertise of the NCP and as an opportunity to make it more

⁸ Available: <https://www.mhsr.sk/uploads/files/AG3OUZd4.pdf> (Slovak)

⁹ Available: <https://www.mhsr.sk/uploads/files/PwmyOTPt.pdf?csrt=16875323326843030423> (Slovak)

¹⁰ Available: <https://www.mhsr.sk/uploads/files/xRsOIEj9.pdf> (Slovak)

¹¹ Art. 1, Decision 7/2022

effective and visible. The NCP suggested that the new location was at times advantageous as the department was well-connected to businesses. The NCP further noted that the large mandate of the Ministry often led to the de-prioritisation of the NCP function, which could become especially problematic if the NCP needed to dedicate resources to handle a specific instance. Civil society stakeholder feedback moreover indicated a concern for a real or perceived conflict of interest based on the NCP's seat in a ministry with an economic focus, in particular in case a specific instance would be filed against an SOE. Feedback otherwise considered the structure to have broad expertise based on the representation of various stakeholder groups and relevant work being done in parallel in the Ministry. The NCP noted that the Secretariat location within the Department of Shareholders' Rights was especially sensitive to changes in government, given the Department's role with SOEs, and leaving the NCP Secretariat highly vulnerable to staff turnover.

Feedback from government considered that the NCP structure provided ample opportunity for stakeholder engagement and expert advice, in line with the Guidelines themes, considering the representativeness of NCP member organisations.

Composition

Overview

The NCP is composed of ten government representatives, four business representatives, one trade union representative, and one representative from a non-governmental organisation. As per the Decision that established the NCP, the Chair of the NCP is from the Ministry of Economy of the Slovak Republic¹². Per the NCP statute, the Chair of the NCP is the director of the Department of Shareholder's Rights. The Chair is also a member of the Secretariat. The NCP statute specifies that, in addition to the state representatives, there will be representation from employee organisations and the non-governmental sector¹³.

As of the time of the onsite visit, the NCP Secretariat has dedicated staff members working part-time on NCP functions. The staff members spend 50% and 20% of their time on NCP functions, respectively. The NCP had five staff members leave and one staff member join in 2022, decreasing the overall staff by four members.

The exact membership of the NCP including the names of representatives can be found on the NCP website¹⁴. The membership on the website differs somewhat from the list included in the Decision. NCP members are proposed by the represented organisations and appointed by the NCP Chair.

Government representation

The government representation is comprised of members from the following ministries and government bodies, with the number of representatives indicated in parentheses¹⁵:

- Ministry of Economy of the Slovak Republic (1)

¹² Art. 1, Decision 3/2016

¹³ Art. 3.1, NCP Statute 7/2022

¹⁴ Available: <https://www.mhsr.sk/obchod/multilateralne-obchodne-vztahy/oeed/narodne-kontaktne-miesto-pre-smernice-oeed-pre-nadnarodne-spolocnosti/clenovia-nkm?csrt=16875323326843030423> (Slovak)

¹⁵ This is the number of members as per the NCP website at the time of writing.

- Ministry of Foreign and European Affairs of the Slovak Republic (1)
- Ministry of Finance of the Slovak Republic (1)
- Ministry of Labour, Social Affairs and Family of the Slovak Republic (1)
- Ministry of Justice of the Slovak Republic (2)
- Ministry of Environment of the Slovak Republic (1)
- Ministry of Education, Science, Research and Sport of the Slovak Republic (1)
- Ministry of Interior of the Slovak Republic (1)
- Ministry of Agriculture and Rural Development of the Slovak Republic (2)
- Government Office of the Slovak Republic (1)

Stakeholder representation

The stakeholder representation includes members from the organisations listed in Table 2.1:

Table 2.1. Represented organisations in the Slovak NCP by stakeholder group

Stakeholder group	Member organisations
Business	Export-Import Bank of the Slovak Republic (EXIMBANKA) National Bank of the Slovak Republic National Union of Employers Slovak Association of Corporate Governance
Trade unions	Confederation of the Trade Unions of the Slovak Republic
Civil Society	Priatel'ia-Zeme CEPA (Friends of the Earth)

Source: Annual Reporting Questionnaire – Slovak Republic (2022)

Different stakeholder groups, also members of the NCP, indicated differing levels of engagement and awareness of the NCP and the Guidelines, notably as business representatives had more contact with the NCP. Generally, NCP members were not clear about their duties in relation to the NCP function, though some members, such as EXIMBANKA, did have further knowledge of the Guidelines. Feedback from the NCP Secretariat suggested that limited engagement from civil society was indicative of the NGO and CSO landscape in the Slovak Republic, which has a limited number of NGOs. Stakeholder feedback from academia added that many NGOs in the Slovak Republic are more active on issues relating to politics and government, as opposed to business activities.

Functions and operations

The functions and operations of the NCP are largely explained in the Statute of the NCP. The Statute specifies that NCP activities will be conducted in accordance with the core criteria of visibility, accessibility, transparency, and predictability¹⁶. At the time of writing, the Statute had been amended three times following amendments to the Decision. The Statute is only available in Slovak language and was examined using Google translate and DeepL by the peer review team for the purpose of this report. The Statute contains distinct lists with responsibilities for the NCP, the Chair, NCP members, and the NCP Secretariat. The lists are summarised in English below.

¹⁶ Art. 2.1, NCP Statute 7/2022

The Statute specifies the activities of the NCP as follows¹⁷:

- Awareness raising of the Guidelines and their implementation procedures to the public, particularly targeting business covered under the Guidelines;
- Respond to questions on the Guidelines from other NCPs, business stakeholders, employee organisations, other non-governmental organisations, the public, and other adherent governments;
- Handle specific instances related to non-observance of the Guidelines;
- And cooperate with the OECD Investment Committee and other relevant OECD bodies on matters related to the Guidelines, including annual reporting to the OECD Secretariat.

The functions of the Chair are to¹⁸:

- Represent the NCP within the Ministry and externally;
- Convene meetings or announce voting procedures per rollam¹⁹, propose the meeting agendas and conduct the meetings;
- Be responsible for compliance with the NCP statute and rules of procedure;
- Approve minutes of the meetings or voting per rollam;
- And appoint and dismiss NCP members.

Per the NCP statute, the members of the NCP have the following responsibilities²⁰:

- Participate in increasing the effectiveness of the Guidelines;
- Express their opinions on materials for discussion at NCP meetings;
- Comment on draft meeting agendas, propose modifications; and confirm (by voting) meeting agendas;
- Propose the inclusion of experts where relevant to the handling of specific instances;
- And participate in the NCP negotiations and voting procedures.

Per the NCP statute, the NCP Secretariat has the following responsibilities²¹:

- Checking the details of specific instance submissions;
- Preliminary assessment of submission, followed by recommendations for further consideration or rejection;
- Provision of expert opinion, if needed, for the decision to accept or not accept a specific instance;
- Preparation of statement or reports relating to specific instances;
- Organisation and administrative security for NCP meetings;
- Preparation of draft statutes and rules of procedures, including their amendments;
- Provision of information on the negotiation and agenda of the NCP;

¹⁷ Art. 2.1, NCP Statute 7/2022

¹⁸ Art. 4.2, NCP Statute 7/2022

¹⁹ In the event that a sufficient number of voting members are not present, the voting is conducted through electronic correspondence.

²⁰ Art. 5.5, NCP Statute 7/2022

²¹ Art. 6.2, NCP Statute 7/2022

- Provision of documents for NCP meetings;
- Provision of voting per rollam procedures;
- Provision of other activities necessary for the NCP function;
- Maintenance and update of the NCP member list;
- And ensuring the publication of relevant information and documents in accordance with the core criteria of visibility, accessibility, transparency, and predictability.

The NCP's RoP contain additional provisions on voting and organisational rules for the NCP (See Rules of Procedure). Per the NCP statute, the NCP RoP is to regulate voting and meeting rules for the NCP²².

The RoP contain both provisions on handling specific instances and general operating principles for the NCP, e.g., voting. The document notes that meetings will take place as needed, and at least once a year. The NCP has not held its annual meeting in the last few years. The NCP however noted that NCP members had cooperated informally, such as during meetings of the Slovak Association for Corporate Governance. Meetings, or per rollam voting procedures, are convened by the NCP Chair or when two NCP members jointly make the proposition. The meetings are conducted by the Chair, or a person authorised by the Chair and are held on camera. Invitations to NCP meetings are sent electronically by the Secretariat and contain the agenda, location, time of the meeting, and relevant supporting materials. Invitations must be sent at least 10 days in advance, except in exceptional circumstances.

The RoP instructs that NCP members are to attend NCP meetings in person or give written permission to another person authorising them to represent that NCP member. Authorised representatives have all powers of the NCP members, including voting. Attendees and authorised representatives should be provided to the NCP Secretariat at least three days before the meeting. Participation is required of NCP members.

Per the RoP, NCP meetings reach quorum if a simple majority of all NCP members is present. All members have one vote, and the Chair may cast a tie breaking vote if the need arises. The meeting opens by a simple majority vote to appoint a person to verify the meeting minutes and a vote to approve the proposed agenda or changes. The NCP adopts a position on every point on the agenda by means of a 'resolution.' The Chair of the meeting formulates the resolution using standard language. NCP members can vote for, against, or abstain from voting for a resolution. Resolutions are adopted by a simple majority and are binding on all NCP members. This method of voting deviates from general practices within the NCP Network, which is based on consensus. Diverging opinions can be expressed and recorded in the meeting minutes. The voting is not held on camera.

The RoP contains specific guidance around keeping the minutes for NCP meetings. The NCP Secretariat is tasked with drawing up the minutes of each NCP meeting, which the NCP Chair and designated verifier that meeting approve and sign. The minutes contain the following information:

- The place and time of the meeting
- The name of the NCP Chair
- The points on the agenda
- The outcome of the NCP meeting
- Signature of the verifier, person drafting the minutes, and NCP Chair

²² Art. 7.1, NCP Statute 7/2022

- Attendance sheet of members present as an annex

The minutes are sent by the Secretariat to all NCP members within ten business days of the NCP meeting. The minutes are considered approved if no comments are received within five days of sending the minutes. The Secretariat may modify the minutes based on NCP member feedback and with the Chair's approval.

The minutes and any materials discussed at the meetings must be archived by the NCP Secretariat. These minutes are not published on the NCP website.

Resources

The NCP did not have a dedicated budget in 2022. The NCP indicated that resources were not allocated on an ad hoc basis to carry out promotional activities. The NCP further indicated that lack of budget was a barrier to the NCP to organise promotional events, though promotion was ultimately suspended in 2022 due to the high number of staff leaving the NCP function and the transfer of the NCP Secretariat to a new department. The NCP indicated that resources in 2022 were sufficient to allow the NCP to attend NCP meetings at the OECD.

In 2022, the NCP reported having two part-time staff members dedicating 20% and 50% of their time, respectively, to NCP functions. In 2022, the NCP reported that five staff members had left, and one staff member had joined, decreasing the overall staff by four members. In its 2021 annual report, the NCP indicated having five part-time staff members spending approximately 20% of their time on NCP functions. One staff member joined the NCP and one staff member left in 2021. The NCP also reported five staff members in 2020, with no staff turnover reported. Based on annual reporting, if five staff members had left the NCP in 2022 and only one joined, the NCP would have a staff of one member, though it reported two. It is not clear when the additional member joined the NCP.²³ During the onsite visit, the NCP informed that as of March 2023 there would be no dedicated staff working on the NCP function, following changes in government. It was not clear when new staff might be allocated.

In addition to the NCP function, NCP staff worked on agendas relating to the draft EU directive on Corporate Sustainability Due Diligence (CSDDD), the energy crisis, and managed relations with state-owned enterprises. The NCP noted that work relating to the energy crisis had taken a lot of staff resources, and the NCP agenda had not been a priority. The NCP's responsibility to work with wholly or partially owned SOEs, which are responsible for a significant amount of the country's GDP, could be seen to create a conflict of interest, particularly if the NCP were to receive a specific instance concerning an enterprise in the department's portfolio. (Read more about the NCP's handling of conflicts of interest in the NCP rules relating to Confidentiality and transparency).

General stakeholder feedback indicated a perception that the NCP was under resourced, both in terms of financial and human resources, and called for a resource increase so the NCP could effectively address its responsibilities.

Reporting

The NCP reports to the OECD and makes its reports publicly available. The Slovak NCP has submitted its annual report to the Investment Committee regularly during the past few years.

²³ As of March 2023, none of the NCP staff present at the onsite visit remained in the NCP role and replacements had not been selected.

These reports are published on the NCP's webpage from 2015-2020. The NCP does not report to the executive of legislative body on its activities.

	Findings	Recommendations
1.1	Frequent staff turnover has resulted in a lack of institutional knowledge and continuity for the work of the NCP. The current seat of the Secretariat in the Department of Shareholders' Rights is especially sensitive to staff turnover due to changes in administration. It further presents a potential conflict of interest for the NCP given the Department's responsibilities for influential state-owned enterprises.	The Slovak Republic could consider creating a discrete unit for the NCP, making it less susceptible to staff turnover during changes in administration, and reducing the risk of a real or perceived lack of impartiality of the NCP.
1.2	The multistakeholder structure of the NCP includes representatives from government, business, trade unions, and civil society, and helps to encourage stakeholder confidence. However, the membership of the NCP is not clearly communicated and lacks visibility. The membership is not well-balanced by stakeholder group, notably with an overrepresentation of businesses.	The NCP should review its current membership with an aim to balance stakeholder groups, possibly including representation from academia to support the NCP's access to expertise. The NCP should ensure the membership is communicated clearly and is aligned across the NCP website, Government Decision, and NCP Statute.
1.3	Human and financial resources for the NCP are low, limiting the ability of the NCP to fulfill its responsibilities, notably related to promotion.	The NCP should have at least one full-time staff member dedicated to the NCP function and, at minimum, resources sufficient to carry out promotional activities.

3 Promotion of the Guidelines

Promotional plan

The NCP indicated that it does not have a promotional plan for the coming years. The NCP did not indicate any specific barriers to conducting promotional activities in its recent annual reports, but it did inform the peer review team that budget had been a barrier to promotion.

Business stakeholder feedback indicated a low-level of awareness of the Guidelines among companies in the Slovak Republic, noting that likely only large companies had awareness and the knowledge was not transferred to smaller enterprises. Some stakeholders from business also noted a perception that increasing RBC-related regulation on an EU-level could be shifting focus from the Guidelines, particularly if the enterprise is not aware of the interaction between them. Trade union stakeholder feedback additionally noted a low level of awareness of the NCP and Guidelines among trade unions in the Slovak Republic.

Feedback from stakeholders in academia noted the connections between the work of the NCP and some academic faculties that focus on RBC and related issues. Feedback indicated an eagerness to further engage with the NCP in the future, including inviting the NCP as a guest speaker at the university. Feedback further suggested the NCP as a platform to open a dialogue between business and academia in the Slovak Republic, particularly relating to business ethics.

Information and promotional materials

The NCP has not created any of its own promotional materials. The NCP provides access to materials created by the OECD Secretariat and by other NCPs, such as flyers and presentations (See section on the Webpage below). The NCP does provide a translation of the Guidelines into Slovak language.

The NCP webpage includes general presentations on the Guidelines and NCPs from the OECD, the Dutch NCP, the Hungarian NCP, and the German NCP. There is not a presentation specific to the Slovak NCP. Stakeholder feedback suggested the NCP produce its own distributable promotional material, which could then be distributed internally at multiplier organisations.

Promotional events

According to the NCP's annual reports, the NCP has not organised, co-organised, or participated in any promotional events relating to the Guidelines in at least the last five years (2018-2022). The promotional activity level of the NCP is lower than NCPs with comparable

resources. The Slovak NCP was one of ten NCPs in 2021, and six NCPs in 2022²⁴, that did not organise, co-organise, or participate in any promotional activity. General stakeholder feedback indicated a lack of visibility of the NCP.

The NCP notes continued engagement with stakeholders as a result of its structure, which allows for cooperation with different organisations. While the NCP Statute does specify that NCP members have the responsibility to participate in increasing the effectiveness of the Guidelines, it does not specify how this is done. In particular, it is not clear if NCP members have a responsibility to conduct promotion within their organisations or with related stakeholders. NCP members indicated a willingness to engage further within the NCP in the future, including through joint promotional events. Members expressed an interest in receiving more information on RBC in general from the NCP Secretariat, as a point of expertise on the subject. Feedback from other stakeholders outside of the NCP membership additionally expressed an interest in future cooperation with the NCP. Trade union stakeholder feedback additionally noted a willingness to assist the NCP in promotion by communicating any messages downstream within large trade union confederations, noting also the possibility to reference the NCP, or create a dedicated page, on their websites.

In its 2021 and 2022 Annual Reports to the OECD Secretariat, the NCP indicated that it participated in peer learning activities hosted by another NCP. Details of participation in such an event were not included in the reporting form and are therefore unknown. In its 2022 report, the NCP further expressed interest also in hosting a peer learning event during the year. The NCP is most interested in dealing with topics relating to specific instances involving human rights and labour laws in a business setting. The NCP clarified that it has maintained contact with other NCPs in the Network of Central and Eastern European NCPs to participate in peer learning and share best practices.

Through their own reporting, the NCP has indicated interest from business in increasing transparency and raising responsible business standards in the Slovak Republic. This suggests that the NCP has avenues available already in their existing stakeholder network to promote the Guidelines and the NCP. Government feedback and business stakeholder feedback further indicated an eagerness for more NCP promotional activity, including cooperatively through joint events, seminars, or conferences. Stakeholder feedback suggested that increasing interest in RBC, particularly relating to the CSDDD, could provide momentum for the NCP to kickstart its promotional activity given the demand for expertise in the field. Some business stakeholder feedback expressed concern for the ability of Slovak businesses to consider the Guidelines in light of other upcoming regulations.

Webpage

The NCP website is available exclusively in Slovak. It is accessible via the website of the Ministry of Economy of the Slovak Republic as a subpage under trade-multilateral trade-relations-OECD-national contact point for OECD Guidelines for Multinational Enterprises. Limited sections of the Ministry website are available in English but the pages concerning the Guidelines and NCP are not. Civil society stakeholder feedback noted that translating the website also into English would be beneficial for the NCP's visibility and accessibility.

²⁴ OECD (2022), Annual report on the Activity of National Contact Points for Responsible Business Conduct, <https://mneguidelines.oecd.org/annual-report-on-the-activity-of-national-contact-points-for-responsible-business-conduct-2021.pdf>

The NCP noted that the website is their main tool for promoting the Guidelines and the NCP. For the purposes of this review, the website was translated using the automatic translate functions and other online translation platforms.

As the website is not available in English, it is not easily identified using search words in English. The website is easily identifiable when searching in Slovak (Národné kontaktné miesto Slovenskej republiky). Government stakeholder feedback considers the website to be comprehensive and to contain all necessary information relating to the Guidelines and the NCP. Conversely, civil society stakeholder feedback noted that the website was missing key information, such as the OECD Due Diligence Guidance, and the steps to submit a specific instance. Feedback encouraged the NCP to include these items on the website to increase the NCP's visibility and accessibility.

The landing page of the NCP website contains the following sections:

- OECD Guidelines for Multinational Enterprises
- National contact point
- The Decision and Statute of the NCP
- Rules of Procedure of the NCP
- NCP news
- Members of the NCP
- NCP publications
- How to file a complaint?

The webpage dedicated to the Guidelines²⁵ does not contain a description or explanation of the instrument, rather only a link to the document. The linked document is provided in Slovak language. There is not information provided on the OECD due diligence guidance or related sectoral guidance.

The subpage entitled National Contact Point (sk: Národné kontaktné miesto) contains general information on the Guidelines, including basic themes, links to the pre- and post-2011 versions of the Guidelines (the latter only available in English), a basic description and function of the NCP, NCP annual reports from 2015-2020 (only available in English), and contact information for the NCP. The information provided on the Guidelines is incorrect as it states that there are 46 adherent countries and one adherent international organisation, while in reality there are 51 adherent countries and there are no international organisation adherents (the European Union being an observer to the WPRBC). At the time of writing, the webpage still had the NCP address listed as part of the Department of Bilateral Trade Cooperation, despite the move in 2022.

The subpage dedicated to the establishment of the Slovak NCP contains links to the most recent government Decision (7/2022) and the Statute of the NCP.

The NCP webpage dedicated to the rules of procedure²⁶ (Rokovací poriadok NKM) includes four links: one to the Slovak language rules of procedure, one to the English translation of the rules of procedure, one to the official document that formally adopted the rules of procedure, and one to an addendum to the rules of procedure (in English only). The addendum appears to

²⁵ Available: <https://www.mhsr.sk/obchod/multilateralne-obchodne-vztahy/oezd/narodne-kontaktne-miesto-pre-smernice-oezd-pre-nadnarodne-spolocnosti/smernice-oezd-pre-nadnarodne-spolocnosti?csrt=16875323326843030423> (Slovak)

²⁶ Available: <https://www.mhsr.sk/obchod/multilateralne-obchodne-vztahy/oezd/narodne-kontaktne-miesto-pre-smernice-oezd-pre-nadnarodne-spolocnosti/rokovaci-poriadok-nkm> (Slovak)

make clarifying edits in the English translation, which are not applicable to the original Slovak version.

The webpage dedicated to NCP news includes the description of a promotional seminar held by the NCP in 2017. The page also includes links to general presentations on the Guidelines and NCPs from the OECD, Dutch NCP, Hungarian NCP, and German NCP. It is not clear why these presentations were selected for inclusion on the webpage. The page does not include any other events or comments on the NCP's promotional responsibility.

The subpage dedicated to members of the NCP contains a list with names and organisations for each current member of the NCP. At the time of writing, it is understood that this list is not up to date. Notably, as it includes a representative from the Central European Association of Corporate Governance, even though this organisation was replaced by the Slovak Association of Corporate Governance in the most recent Decision on the establishment of the NCP.

The NCP webpage dedicated to NCP publications contains a dropdown list with links to the following documents:

- A promotional flyer developed by the OECD with FAQs on NCPs;
- A promotional flyer developed by the OECD with an overview of NCP cases and the specific instance process;
- And a document for business relating to the Guidelines developed by the Business and Industry Advisory Committee to the OECD (BIAC).

Lastly, the website contains a page with information on how to file a specific instance. The webpage contains a very basic description of the NCP mechanism and provides no further links. The page appears to be incomplete in its description of the process. Notably, there is reference to a five stage process, but there is no further information as to what these stages are or how further information can be obtained (See Figure 3.1). The page does not contain information on how to submit a specific instance.

The NCP does not use social media as a tool for promotion. Business stakeholder feedback encouraged the NCP to develop a LinkedIn account to share NCP information, or use that of a partner, given that it is a useful tool to disseminate messages to business. Trade union stakeholder feedback further suggested Facebook as a platform to reach trade union members, and noted also the possible utility of sharing promotional materials via email distribution lists.

Figure 3.1. Slovak NCP website page on handling specific instances

Ako podať sťažnosť?

Postup pri podávaní sťažnosti

Procedurálne usmernenie k usmerneniam OECD vyžaduje, aby NKM vybavovali sťažnosti, ktoré uvádzajú porušenie Smerníc OECD. Postup „špecifického prípadu“ – ako sa oficiálne nazýva mechanizmus podávania sťažností v usmerneniach – je určený na riešenie sporov medzi spoločnosťami a jednotlivcami alebo skupinami negatívne ovplyvnenými obchodnými aktivitami spoločností. Každá zainteresovaná strana, ktorá môže preukázať „záujem“ (všeobecne definovaný) na údajnom porušení, môže podať sťažnosť.

Mimovládne organizácie a odborové zväzy z celého sveta využívajú tento mechanizmus na riešenie nepriaznivých sociálnych a environmentálnych dopadov spôsobených nekorektným správaním spoločností, na hľadanie kompenzácie a iných foriem nápravy škôd, na zastavenie škodlivých korporátnych aktivít, ako aj na zvyšovanie verejného a politického povedomia o medzinárodne uznávaných normách, ktoré by podniky mali spĺňať. **Proces podávania sťažnosti má 5 fáz.** EN: The complaint process has 5 stages.

Source: <https://www.economy.gov.sk/obchod/multilateralne-obchodne-vztahy/oecd/narodne-kontaktne-miesto-pre-smernice-oecd-pre-nadnarodne-spolocnosti/ako-podat-staznost?csrt=13399486935258072403>

Promotion of policy coherence

The NCP did not report any activity to promote policy coherence. The Slovak Republic does not have a National Action Plan (NAP) on business and human rights or RBC and the NCP has not indicated the development of one.

The Slovak Republic recently introduced its first National Action Plan, relating to women, peace, and security, and covering a period from 2021-2025²⁷. While the NAP does contain themes relevant to the Guidelines, there is no reference to the Guidelines or NCP in the document. Notably, many of the ministries responsible for the implementation of the NAP are also members of the NCP, such as the Ministry of Labour, Social affairs and Family of the Slovak Republic, the Ministry of Interior, and the Ministry of Foreign and European Affairs.

The Slovak NCP indicated that some steps had been taken within government towards implementing aspects of the Guidelines, namely a codex of behaviour for companies in exchange markets and a codex of behaviour for state-owned enterprises, into legally binding tools, but they had yet to be adopted. The NCP noted that the work had not been a priority for government but believed that more regular meetings of the NCP could support policy coherence. Government feedback indicated a willingness to work further with the NCP on RBC policy issues, noting the necessity for the NCP to establish itself further as a resource on the subject.

The Slovak NCP noted that some entities, such as the Export Credit Agency of the Slovak Republic (EXIMBANKA), a member of the NCP, had implemented internal policy changes in compliance with the Guidelines, including the compulsory consideration of the Slovak NCP statements and reports, to its environmental and social sustainability, anti-bribery and

²⁷ Available: <https://www.wpsnaps.org/app/uploads/2021/01/Slovakia-NAP-2021-2025.pdf>

transparency, and related due diligence and risk assessment frameworks²⁸. Relating to environmental, social and human rights review of transactions, the Agency is additionally obligated to consider statements and reports available from all NCPs. General feedback noted the perception that enterprises with RBC policies were more resilient in times of crisis. Stakeholder feedback suggested using examples of this to encourage other companies to enact internal RBC policies, possibly with the support of the NCP. Given the NCP's close proximity to SOEs, it is well-positioned to ensure that SOEs lead by example, notably as is recommended in the recently adopted Recommendation on the Role of Government in Promoting Responsible Business Conduct.²⁹

EXIMBANKA and the Ministry of Agriculture³⁰ indicated having references to the NCP and OECD Guidelines published on their websites.

Requests for information

The NCP has their contact details listed on the NCP website (email, telephone, and mailing address). The current address references the old NCP Secretariat location, within the Department of Bilateral Trade Cooperation.

Cooperation amongst NCPs

The Slovak NCP participated as a member of the peer review team for the peer review of the Swedish NCP in December 2021.

The NCP has previously indicated that it has participated in a peer learning activity hosted by another NCP. Details of participation in such an event are unknown. The NCP has not reported other habitual cooperation with other NCPs.

	Findings	Recommendations
2.1	Stakeholders express a clear interest in RBC topics and a potential role for the NCP. However, the NCP has not conducted any promotion in the last five years and the NCP membership does not meet annually in practice, as is stipulated by the NCP Rules of Procedure. Stakeholder and NCP membership feedback suggested an interest to further engage with the NCP in the future, including through joint promotional activity.	The NCP should restart its activities by reconvening meetings of the entire NCP to build access to expertise on RBC, jointly develop a promotional plan, and foster policy coherence. Working with NCP members and other multiplier organisations could be a good resource for the NCP to restart its promotion, considering limited resources. The NCP should encourage these multiplier organisations to ensure that the knowledge is disseminated further via their members and networks.
2.2	The NCP lacks basic tools for promotion. The website is available only in Slovak and provides limited information on the NCP and the Guidelines. The NCP has not developed any additional promotional materials.	The NCP should review the website with an aim to use it as a promotional tool. The NCP could consider translating the website into English. The NCP should develop basic promotional materials, such as flyers with plain language, to be shared on the website and distributed to stakeholders. The NCP could further

²⁸ See: https://www.eximbanka.sk/en/english/international-relations/anti-bribery-policies-of-eximbanka-sr.html?page_id=183480

²⁹ Available: <https://mneguidelines.oecd.org/oecd-recommendation-on-the-role-of-government-in-promoting-rbc.htm#:~:text=To%20address%20this%20need%2C%20the,on%2014%2D15%20February%202023>

³⁰ See : <https://www.mpsr.sk/narodne-kontaktne-miesto-pre-smernice-oecd-pre-nadnarodne-spolocnosti/---11447>

		consider social media as a potentially low-resource tool for promotion and awareness raising.
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4 Specific instances

Overview

At the date of the on-site visit, the NCP had never received a specific instance and had never acted as support for another NCP in the context of handling a specific instance.

The NCP notes that comprehensive national legislation covering issues that may be relevant to the Guidelines might be part of the reason that the NCP has not received any specific instances. The NCP clarified that many large companies in the Slovak Republic additionally have their own internal grievance mechanisms. Business stakeholder feedback additionally indicated a lack of specific instances given the high number of MNEs in the Slovak Republic that have headquarters in other adherent countries. Feedback further noted the broad implementation of the Whistleblower Protection Act³¹, which protects whistleblowers of anti-social activity and includes a complaint mechanism. Some stakeholders suggested the mechanism could overlap with some of the areas covered by the Guidelines, and indicated a willingness to direct complainants to the NCP if they felt it was the correct mechanism to address the issues at hand. Stakeholder feedback from academia further noted the importance to understand the role of the NCP amid the different grievance mechanisms in the country.

Rules of Procedure

Overview

The Rules of Procedure (RoP) of the NCP is available in both English³² and Slovak³³ on the NCP website. The RoP was published on 20 September 2016. The RoP contains the following Articles:

1. Introductory provisions
2. Convocation of the NCP meetings
3. Participation in the meetings of the National Contact Point
4. Procedure and voting
5. Examination of specific instances
6. Minutes of the meeting
7. Final provisions

³¹ Act No. 54/2019 Coll.

³² Available: <https://www.economy.gov.sk/uploads/files/YHpUpYq0.pdf?csrt=13399486935258072403>

³³ Available: <https://www.economy.gov.sk/uploads/files/POdlxzAE.pdf?csrt=13399486935258072403>

Information from the RoP relating to meetings and decision-making procedures were analysed in the section on institutional arrangements (see Functions and operations). The following section considered the RoP as it relates to the specific instance procedure.

Filing a complaint

The submission process for specific instances is described under Article 5 of the RoP, Examination of specific instances. The section begins by noting that, in the context of the specific instance process, the NCP shall act in an impartial, transparent, predictable, and fair manner, also in accordance with the principles and standards contained in the Guidelines. The exact wording in the RoP differs slightly from that provided in the Procedural Guidance.

The NCP does not have an online form to submit a specific instance. The NCP notes that submissions can be sent by post, or by electronic means. Contacts details are provided. According to the RoP, submissions should contain the following information:

- ‘first name, surname and address of the natural person or the name and registered office/place of business of the legal person submitting the referral,
- name, registered office or place of business of the multinational enterprise involved,
- contact e-mail address and phone number of the submitter,
- the provision of the Guidelines to which the violation alleged by the submitter refers or to which the specific instance otherwise relates,
- the subject-matter of the referral, including the identification of decisive facts and evidence demonstrating the submitter’s allegations,
- solutions proposed by the submitter,
- and the signature of the authorised person and date.’

The NCP will confirm reception of a referral to the Secretariat without ‘undue delay.’ If the submission is incomplete or otherwise requires more information, the Secretariat will request the supplemental information for the submitter with a response expected within 15 business days. The deadline may be extended in special circumstances and failure to meet the designated timeline will result in the NCP stopping the proceedings. Completed submissions will move on to the initial assessment stage of the procedure.

Initial assessment

During the initial assessment, the NCP Secretariat will decide whether or not to make a recommendation to the NCP that a submission merits further examination. During this stage, the Secretariat may ask another member of the NCP to provide an expert opinion on the matter, in writing. The decision on whether to accept a case is communicated by the Secretariat to the NCP electronically. In the case that there are opposing views among the NCP members, a meeting may be convened. The statute further notes that NCP membership may be expanded at the proposal of the Chair or an NCP member, depending on resources needed to handle a specific instance³⁴.

³⁴ Art. 3.2, NCP Statute 7/2022

The NCP statute notes that in case of ambiguities in the interpretation of the Guidelines, the English version will prevail and further request for clarification may be made to the OECD Investment Committee³⁵.

If the NCP concludes that the referral does not merit further consideration, it will communicate the decision to the submitter. The NCP will indicate, at minimum, the subject matter, and the reasons for non-acceptance.

If the NCP decides the referral does merit further consideration, it will offer its good offices to the involved parties.

Good offices

The RoP note that good offices may entail the facilitation of a dialogue between the parties by the NCP, the Secretariat, or an authorised representative. The NCP may also propose the use of conciliation or meditation to address the issues. The RoP note that the purpose of the NCP procedure is to find a mutually satisfactory resolution of the issues raised. The RoP does not contain further information on good offices in practice, such as on the role of the NCP or provisions for mediation.

Conclusion of the specific instance

In the case the parties reach agreement, the NCP will issue a report, describing at minimum the issues raised, the procedure followed, and the date of the agreement. Details of the agreement are to be included in the report only with consent from the parties. The procedure followed by the NCP to adopt a statement or report is not specified.

If the parties cannot reach agreement, one or both parties refuse to or is otherwise unable to participate in the process, or one party does not respect the NCP procedures, the NCP will issue a final statement. The final statement will describe at minimum the issues raised, the identity of the parties, the date of submission, the reasons for the decision to examine the submission, the procedure followed, and recommendations. The report may also include the reasons why an agreement could not be reached. Civil society stakeholder feedback welcomes the NCP's inclusion of recommendations in its procedures, but further encourages the NCP to consider providing for determinations where relevant in the future.

The RoP notes that at the conclusion of a specific instance, the NCP will publish a statement or report and shall inform the OECD Investment Committee of the update. The RoP specifies again that all statements will be published to uphold principles adopted in the Guidelines, notably transparency, but sensitive information will be withheld when deemed relevant. Parties will additionally have the option to comment on the draft statements or reports.

It is noted that the NCP uses the terms 'statement' and 'report' at times interchangeably in the RoP, while these terms are distinct in the Procedural Guidance.

Case follow-up

The RoP does not contain any provisions specific to follow up procedures when handling specific instances. The NCP has never handled a specific instance and has therefore never had the possibility to conduct a follow up. Civil society stakeholder feedback indicated a desire for the NCP to include provisions for follow up in its rules of procedure.

³⁵ Art. 2.2, NCP Statute 7/2022

Timeliness

The RoP includes information on timelines, specifically that the NCP will aim to complete its initial assessment within three months and aim to publish a statement within three months of the closure of the referral procedure. The entire procedure should be completed within twelve months of the closure of the referral procedure. The RoP does not give a specific timeline for the good offices phase.

Confidentiality and transparency

The NCP's RoP mentions confidentiality multiple times in relation to handling specific instances. Specifically, that all NCP members are bound by confidentiality to the information learned during the examination of a specific instance. Civil society stakeholder feedback has indicated that the broad phrasing of confidentiality requirements in the specific instance procedure should be revised to specify which information, and when information, will be confidential in order to maintain the NCP's transparency.

The guidance for examining specific instances additionally states that the NCP will act with impartiality, transparency, and predictability in accordance with the principles and standards contained in the Guidelines.

The RoP does not contain language on how the NCP would handle conflicts of interest should they occur. The NCP statute however specifies that NCP members must fulfil the principle of impartiality and be aware of their obligations relating to data protection, confidentiality, and conflicts of interest³⁶. Particularly, if an NCP member has a conflict of interest with any item discussed at an NCP meeting, the member must notify the Chair and abstain from voting.

Parallel proceedings

The RoP do not contain specific provisions for handling specific instances involving parallel proceedings, though good practices have been identified by the NCP Network for submitting parties to disclose any parallel procedures at the time of the submission. The NCP has not in practice considered any specific instances involving parallel proceedings. Civil society stakeholder feedback suggested the alignment of the RoP with the wording on parallel proceedings in the Commentary on the Implementation Procedures, notably that the existence of parallel proceedings not automatically bar specific instances from proceeding.

Cooperation among NCPs

The RoP does not contain specific provisions on the cooperation with other NCPs in the context of handling a specific instance. The NCP has not coordinated with other NCPs in the context of handling a specific instance.

The NCP noted that it does communicate regularly with other NCPs, notably with the Network of Central and Eastern European NCPs, in order to conduct peer learning and share best practices.

³⁶ Art. 5.4, NCP Statute 7/2022

One NCP provided feedback on their cooperation with the Slovak NCP. The NCP had cooperated with the NCP in the context of an NCP peer review. The feedback noted appreciation for the Slovak representative's valuable remarks during the review.

The NCP attends regularly the meetings of the NCP network.

Strategy for future specific instances

Since its inception in 2015, the Slovak NCP has not received any request for a specific instance. The NCP and stakeholders gave various suggestions as to why this was the case, such as the presence of sufficient alternative access to remedy, a perceived lack of impartiality due to the NCP's location in an economic ministry, a lack of visibility of the NCP mechanism, and a lack of applicability of the Guidelines to many Slovak businesses that do not qualify as multinational. Stakeholder feedback during the onsite visit indicated that the purpose and scope of the Guidelines and NCP had not been totally clear to them, including on the NCP's ability to facilitate dialogue between parties.

Moving forward, stakeholder feedback largely considered that increasing the NCP's visibility, and awareness of the Guidelines, would be the most important steps in promoting the NCP's role as a non-judicial grievance mechanism. In addition to general awareness raising, the promotion should include information on how the NCP function fits into the landscape of other grievance mechanisms in the Slovak Republic, and how it could be particularly relevant to the different stakeholder groups.

The NCP itself noted the utility of the peer review as an exercise to jump start activity of the NCP and re-engage NCP members and other relevant stakeholders. However, as the members of the NCP Secretariat at the time of the visit will not be able to follow up on the outcomes of the peer review, preserving institutional knowledge and continuing communications with stakeholders identified during the peer review will remain paramount for the NCP.

Request for clarification

To date, the Slovak Republic has not submitted requests for clarification from the Investment Committee or the Working Party on Responsible Business Conduct.

	Findings	Recommendations
3.1	The NCP Rules of Procedure are basic and do not always reflect the Procedural Guidance and the best practices identified by the NCP Network, also relating to voting procedures which would be done using a simple majority.	The NCP should consider revising its Rules of Procedure to better align them with the Procedural Guidance and Network best practices, notably on adding provisions for handling specific instances that involve parallel proceedings, and ensuring the procedure is not overly burdensome for submitters. The decision-making process could additionally be revised to encourage consensus-based decision making.
3.2	There is a culture of access to remedy in the Slovak Republic, as evidenced by the existence of related laws and internal company policies. The NCP has not received a specific instance and frequent staff turnover might leave the NCP unprepared to handle it should they receive one. The NCP has engaged in peer learning activities, notably with other NCPs within the Central and Eastern European NCP Network.	The NCP should actively prepare to be able to handle a specific instance should they receive one, including through continued peer learning and networking with the Central and Eastern European, and other NCPs.

5 Annex Documents

- A. List of organisations submitting responses to the NCP peer review questionnaire
- B. List of organisations that participated in the NCP peer review on-site visit

Annex A. List of organisations that submitted a response to the NCP peer review questionnaire

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

Government	Ministry of Interior
Business	National Union of Employers
Civil Society	OECD Watch

Source: Slovak NCP peer review preparatory phase (2023)

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

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

Government	
	Government Office of the Slovak Republic
	Ministry of Agriculture
	Ministry of Economy
	Ministry of Education
	Ministry of Finance
	Ministry of Foreign Affairs and European Matters
Business	
	Automotive Association Industry
	EXIMBANKA
	National Union of Employers
	PWC
	SE
	SPP
Trade Unions	
	ECHOZ
	Slovak Gas Trade Union
Academia	
	Faculty of Management, Comenius University Bratislava

Source: Slovak NCP peer review onsite visit (2023)

National Contact Point Peer Reviews: Slovak Republic

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

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

