

**COMMON FRAMEWORK FOR ANNUAL REPORTING BY NATIONAL CONTACT POINTS
FOR THE PERIOD 1 JULY 2011-30 JUNE 2012**

The role of National Contact Points is to further the effectiveness of the Guidelines. Under Part I of the Procedural Guidance, “NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability to further the objective of functional equivalence.” These criteria apply to all the activities carried by NCPs, including those to be reported under the current implementation cycle of the Guidelines.

A. Institutional Arrangements

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body.

Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/ well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
U.S. National Contact Point Bureau of Economic and Business Affairs U.S. Department of State 2201 C Street, NW Washington, DC 20520 Tel: (202) 647-5686 Fax: (202) 647-5713	Monopartite	US NCP and special advisor.	14 member Stakeholder Advisory Board, comprised of representatives from business, organized labor, academia, environmental, and human rights groups The US NCP also chairs a monthly meeting of the USNCP Interagency Working Group (IWG), comprised of other relevant U.S. Government agencies to consult on technical and specific instance-		www.state.gov/usncp usncp@state.gov

			related issues.		
<p>* Section on “NCP Structure” should be filled, as appropriate, indicating one of the following possible structures:</p> <ul style="list-style-type: none"> - <i>Monopartite</i>, i.e. the NCP is composed of one or more representatives of one Ministry - <i>Interagency</i>, i.e. the NCP is composed of one or more representatives of two or more Ministries - <i>Bipartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries and of representative/s of business association/s or trade union/s - <i>Tripartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s - <i>Quadripartite</i>: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s - <i>Independent Expert Body</i>: the NCP is composed only of independent experts 					

<p>2. What is the rationale behind the choice of the NCP organizational structure and for possible future changes to this existing structure?</p>
<p>The Department of State moved the U.S. NCP to the Office of the Assistant Secretary for Economic and Business Affairs from the Office of Investment Affairs in 2010 with a view to raising its profile and enhancing its ability to integrate a range of perspectives, and engage with diverse stakeholders. The NCP operates as an independent entity, but consults closely with other U.S. Government agencies on technical matters.</p>

<p>3. Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)</p>
<p>The U.S. NCP operates as an independent entity in implementing its responsibilities in the specific instance process. To deal with the broad range of issues covered by the Guidelines, it consults with other agencies through the U.S. NCP Interagency Working Group for their expertise on policy and technical issues.</p>

<p>4. “NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.” (Procedural Guidance, I. A.3).</p> <p>Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period (in case stakeholders are not in the NCP formal structure).</p>
<p>The United States created and launched in 2012 a Stakeholder Advisory Board (SAB), comprised of representatives from business, labor, academia, environmental and human rights groups. The SAB, which reports to the Advisory Committee on International Economic Policy (ACIEP), will provide multi-stakeholder input on the NCP’s work in the implementation of the Guidelines to the ACIEP, which in turn will communicate those recommendations to the State Department and the NCP. Separately, the NCP also held more than 50 meetings with other stakeholders representing the above interests, as well as officials from other national governments and multilateral institutions.</p>

5. Does the NCP coordinate with related government activities on responsible business conduct? Please elaborate, as appropriate. (e.g. implementation of the UN Guiding Principles on Business and Human Rights).

The U.S. NCP and the State Department's Bureau of Democracy, Human Rights and Labor, which takes the lead on fostering implementation of the UN Guiding Principles on Business and Human Rights, coordinate closely on engagement with stakeholders on the Guiding Principles.

6. *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

The U.S. Government concluded a comprehensive review of the U.S. NCP's operations, including its resource requirements, in 2011. Following that review, the State Department increased the U.S. NCP's staffing from one to two officers, and programmed adequate resources for the office to undertake its promotion and dispute resolution responsibilities.

B. Information and Promotion

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

<p>7. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i></p>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	The U.S. NCP updated and expanded the content of its website, in line with recommendations from the 2011 update of the Guidelines and the revision of the U.S. NCP procedures. The dedicated webpage is: www.state.gov/usncp
b.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	The U.S. NCP has made the 2011 Guidelines available on-line on its website, in English. We have distributed printed fact sheets summarizing the Guidelines and the role and activities of the NCP to the public. The U.S. NCP has not translated the Guidelines into other languages.
c.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	No
d.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	No
e.	Is the NCP required to report within the Government on a regular basis its activities? For example to Parliament?
	The U.S. NCP reports monthly about its activities to the Office of the Assistant Secretary for Economic and Business Affairs, and holds monthly meetings with the Interagency Working Group.
f.	Does the NCP conduct surveys or collect data documenting enterprises’ awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	The U.S. NCP has not yet conducted this type of survey, but does ask business and civil society stakeholders about awareness and relevance of the Guidelines to these groups' activities.

8. *“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.” (Procedural Guidance, I.B.2).*

“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide

<p><i>opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)</i></p> <p><i>“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)</i></p>	
a.	<p>How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.</p>
	<p>The U.S. NCP meets regularly with representatives of the business community and civil society stakeholders regarding the Guidelines, and speaks at conferences, public or internal meetings, and in academic settings. The U.S. NCP also works closely with U.S. Embassies around the world to disseminate information to U.S. businesses as well as overseas stakeholders about the Guidelines and their implementation. The U.S. NCP updated its website and has produced and distributed a fact sheet summarizing the Guidelines and the role and function of the NCP.</p>
b.	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>Yes-</p> <ul style="list-style-type: none"> • U.S. Council for International Business CSR Committee meeting, Washington D.C., May 2012 and October 2011 • U.S. State Department Workshop on Implementation of the UN Guiding Principles on Business and Human Rights, Washington D.C., April 2012 • U.S. State Department CSR Initiatives conference, Washington D.C., April 2012 • Tuesday Group (Washington-based sustainable development and human rights NGOs) meeting, Washington D.C., March 2012 • OECD National Contact Points and the Extractives Sector conference, London, March 2012 • Business for Social Responsibility conference, San Francisco, November 2011 • U.S. NCP and International Finance Corporation Compliance Advisor Ombudsman Roundtable on dispute resolution and outreach activities, Washington D.C., October 2011. • Washington International Business Council meeting, Washington D.C., October 2011 • Fordham Law School International Law Symposium, New York City, October 2011
c.	<p>How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?</p>
	<p>The United States looks to the ACIEP and SAB as the main bodies for advice on how to raise awareness and promote the Guidelines. We will also continue our close working relations with U.S. companies, trade associations, labor unions, civil society, academic institutions and multilateral organizations. We will welcome recommendations from the ACIEP and the SAB on what new business and civil society counterparts to build relations with.</p>
d.	<p>How does the NCP promote the Guidelines within Government? Please elaborate.</p>
	<p>The U.S. NCP has focused its promotion of the Guidelines within the U.S. Government through its long-standing work and relationships with agencies in the Interagency Working Group, which includes representatives from the Department of Commerce, the Department of Labor, the Department of the Treasury,</p>

	<p>the Office of the U.S. Trade Representative, and the Environmental Protection Agency. The working group also includes Department of State officials from the Office of the Legal Adviser; the Bureau of Democracy, Human Rights, and Labor; the Bureau of Oceans, International Environmental and Scientific Affairs; regional country desk officers; and officers at U.S. missions abroad, as appropriate.</p>
e.	<p>How is co-operation with state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs,...) organized, in matters concerning information and promotion of the Guidelines and their implementation?</p> <p>The NCP is also invited to update (in tracked change mode) Annex 1, which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.</p>
	<p>The U.S. NCP has collaborated with the Export-Import Bank of the United States (EXIM) on providing information on the Guidelines to applicants for the Bank's financing programs in support of U.S. business activities abroad, and will continue this process.</p>
f.	<p>What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?</p>
	<p>The U.S. NCP has reached out on a regular basis, through cables and other communications, to U.S. Embassies around the world, to promote the Guidelines in host countries, including emerging markets and non-adhering countries.</p>
g.	<p>Does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative?</p>
	<p>The U.S. NCP looks forward to increasing its collaboration with these organizations.</p>
h.	<p>Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.</p>
	<p>The U.S. NCP regularly receives inquiries from other NCPs, the business community, organized labor, civil society and the public regarding the Guidelines and implementation. The U.S. NCP has regular and close working relations with a number of other NCPs, particularly regarding specific instances. In response to inquiries from academia, business groups and civil society, the U.S. NCP has held consultations and participated in panel discussions about the NCP's work and the Guidelines.</p>

C. Implementation in specific instances

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

See following Section E (Weak Governance Zones and Conflict-Affected and High Risk Areas) reports on the USNCP’s specific instances.

D. Other Implementation Issues

9. Proactive Agenda - <i>In accordance with the Investment Committee’s proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> ((Procedural Guidance, Commentary, I.18).	
a.	Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?
	The U.S. NCP has asked the ACIEP to direct the SAB to make the proactive agenda one of its top priorities for discussion and recommendation, in line with the principle that priorities under the proactive agenda should be driven by feedback from stakeholders. We will also continue our ongoing informal discussions with other business and civil society stakeholders.
b.	What proactive agenda issues deserve particular attention in your country?
	Supply chain management is an issue our stakeholders are very focused on.

10. Peer Learning - <i>In addition to contributing to the Committee’s work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> ((Procedural Guidance, Commentary, I.19).	
a.	Did the NCP participate in peer learning activities with other NCPs? Please elaborate.
	The U.S. NCP participated in the peer review of the Japan NCP in Tokyo, Japan, in April 2012.
b.	Would the NCP be prepared to engage in a “voluntary peer review? Within the next twelve months? Later on?
	The U.S. NCP will give this serious consideration. Resource requirements would be a factor.

11. Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered	
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<p>in carrying out the duties of the NCP?</p>	<p>The U.S. Government conducted from 2010-11 a comprehensive review and reform of the U.S. NCP office and its operations, coinciding with the 2011 update of the OECD Guidelines. The purpose of the reform initiative was to improve the NCP's effectiveness, including improving its visibility, accessibility, transparency and accountability, and to ensure the NCP was operating consistent with the language and the spirit of the Guidelines, including in the specific instance process. The initiative concluded in June 2011, and a number of reforms were implemented over the course of the reporting period.</p> <ul style="list-style-type: none"> • The Department of State moved the U.S. NCP to the Office of the Assistant Secretary for Economic and Business Affairs from the Office of Investment Affairs in 2010 with a view to raising its profile and enhancing its ability to integrate a range of perspectives, and engage with diverse stakeholders. • A senior career official continued to serve as the NCP. The NCP staff was supplemented by an experienced policy analyst on corporate social responsibility matters assigned by the State Department's Bureau of Democracy, Human Rights and Labor. • The NCP published an updated procedural guide for handling specific instances. This modified guide is consistent with the updated Guidelines. The guidance is at: http://www.state.gov/e/eb/oeecd/usncp/links/rls/166661.htm • The Department created a Stakeholder Advisory Board (SAB) whose function is to provide recommendations on implementation of the Guidelines, including their public promotion, collaboration between the U.S. NCP and stakeholders for identifying and addressing emerging and future CSR-related challenges through the proactive agenda, and the operations of the U.S. NCP. The SAB is comprised of leaders from business, labor, civil society, and academia. <p>On outreach and promotion, the NCP team also launched an aggressive campaign to raise awareness of and encourage implementation of the Guidelines' principles and standards among U.S. MNEs. The NCP led and participated in numerous outreach activities to business, civil society, international organizations, and academic groups and individuals, including presentations at conferences, public and internal seminars, workshops and other meetings, and academic settings. The NCP also updated and expanded the information on the Guidelines and the NCP on the U.S. NCP website, at: www.state.gov/usncp.</p>
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<p>12. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.</p>	
	<p>More regular and concrete engagement by national NCPs in effectively fostering use of the proactive agenda among their business and other stakeholders.</p>

E. Weak Governance Zones and Conflict-Affected and High Risk Areas

N.B. If the NCP does not have exclusive responsibility in regard to the Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas or the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, it is invited to consult relevant state agencies concerning the following questions.

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas¹

On 25 May, 2011 the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “Guidance”) [C(2011)49]. According to this Recommendation, adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “Guidance” approved by the Investment Committee and the Development Assistance Committee in December 2010.

1	How has the Guidance been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively been involved? What means have been used?
	Yes, primarily by the Department of State. In July 2011, Under Secretaries of State Hormats and Otero issued a Statement on Due Diligence that affirmatively promoted the Guidance as a means of performing effective due diligence, including for fulfillment of related statutory obligations. Department of State officials, including overseas embassies, frequently discuss the Guidance with stakeholders and are actively engaged with implementation efforts. For example, the U.S. Embassy in Tokyo, Japan has made two presentations to Japanese trade associations for promoting the Guidance.
2	What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the Guidance?
	A number of U.S. companies are developing due diligence systems within their corporate management in order to comply with related statutory requirements, and the Department’s July 2011 official statement encouraged companies to use the Guidance to do so. The Department’s public comments to the Securities and Exchange Commission concerning the statutory requirements also encouraged companies to use the Guidance in their own systems.
3	What measures have been taken to promote the active use of the Guidance by other stakeholders, professional associations, financial institutions, and civil society organisations?
	The U.S. Government regularly discusses the importance of the Guidance with multilateral institutions, civil society organizations, organized labor, academics and other professional associations.

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones²

On 8 June 2006, the OECD Council adopted the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones [C(2006)127] and recommended the widest possible dissemination of the Tool by adhering

¹ <http://www.oecd.org/dataoecd/62/30/46740847.pdf>

² <http://www.oecd.org/dataoecd/26/21/36885821.pdf>

governments and its active use by multinational enterprises and other concerned parties.	
4.	Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.
	The U.S. NCP has posted the OECD Risk Awareness Tool on its website.
5.	Do you have information about the use of this instrument by investors in Weak Governance Zones?
	We have not received any information from investors about their use of the instrument, but will continue to seek feedback.

C. Implementation in specific instances

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “*impartial, predictable, equitable and compatible with the Guidelines*” (in addition to the “*core criteria of visibility, accessibility, transparency and accountability*” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view to the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

Case One

13. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) the following template for each specific instance received, under consideration or concluded in the reporting period.	
Sector and Country	accommodation and food service activities, United States, Colombia, and Brazil
Date complaint received	11/08/2010
Complainant/s	trade union
Name of Complainant/s	--
Industry sector ³	accommodation and food service activities

³ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, forestry and fishing; B - Mining and quarrying; C – Manufacturing; D - Electricity,

Name of Enterprise/s	--	
Relevant Chapter(s) and Paragraph(s) from Guidelines	Chapter IV, Employment and Industrial Relations, paragraphs 1 and 4 [2000 Guidelines].	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country.</i> (Procedural Guidance, Commentary, 41)		
<i>Initial Assessment*</i> 11/08/2010--08/07/2011 *From specific instance received to it being accepted or rejected. <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe</i> (Procedural Guidance, Commentary, I.40.1)	<i>Assistance to Parties*</i> 11/08/2010--08/07/2011 *From specific instance accepted to conclusion of the procedures –	<i>Conclusion of the procedures*</i> 08/07/2011--08/07/2011 * From Conclusion of the procedures to NCP Final Statement issued. <i>The NCP should issue its statement or report within three months after the conclusion of the procedure.</i> (Procedural Guidance, Commentary, I.40.3)

14. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? None</p> <p>How was the information on the specific instances gathered? (see box below)</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue? Yes</p>
	The U.S. NCP gathered information via post, teleconference, meetings, and e-mail from the parties and the home country (France) NCP
b.	<p>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	At the time the complainant submitted the specific instance to the U.S. NCP, two U.S. Government administrative agencies were reviewing the employment and industrial relations issues contained in the specific instance. One of the U.S. administrative agencies resolved some matters contained in the specific instance, and

gas, steam and air conditioning supply; E - Water supply; sewerage, waste management and remediation activities; F – Construction; G - Wholesale and retail trade; repair of motor vehicles and motorcycles; H - Transportation and storage; I - Accommodation and food service activities; J - Information and communication; K - Financial and insurance activities; L - Real estate activities; M - Professional, scientific and technical activities; N - Administrative and support service activities; O - Public administration and defence; compulsory social security; P – Education; Q - Human health and social work activities; R - Arts, entertainment and recreation; S - Other service activities; T - Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use; U - Activities of extraterritorial organizations and bodies

	the other U.S. administrative agency was in the process of addressing the other issues. The parallel proceedings affected the U.S. NCP's review of the specific instance. The two parties also conducted separate negotiations and in September 2011 reached a confidential, amicable agreement.
	At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.
	The specific instance was rejected, and not transferred to another NCP.
d..	Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.
	The U.S. NCP issued an initial assessment statement, which was sent only to the parties involved, declaring that the issues raised did not merit further examination. The specific instance was submitted to the U.S. NCP before the implementation of the revised U.S. NCP procedures, and therefore, the NCP followed its earlier procedures, which stipulated that the NCP would not release to the public the text of the initial assessment or the names of the parties involved.

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	N/A
b.	In what form has the NCP provided its good offices?
	The U.S. NCP worked with both parties to obtain clarification of factual and related issues.

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	Yes. The two parties conducted separate negotiations and in September 2011 reached a confidential, amicable agreement.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website?
	The parties reached agreement separate from and subsequent to the conclusion of the U.S. NCP process. The U.S. NCP issued in July 2011 an initial assessment statement, which was sent only to the parties involved, stating that the issues raised did not merit further examination. The complainant submitted the specific instance to the U.S. NCP before the implementation of the revised U.S. NCP procedures, and therefore, the U.S. NCP followed its earlier procedures, which stipulated that the NCP would not release to the public the text of the initial assessment or the names of the parties involved.
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate
	See information above.

d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it also provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	No
e.	How was the statement made publicly available? Through a press release, publication on the website..?
	N/A
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.
	Yes, for follow-up clarification.
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	No

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	Yes-- it was multi-jurisdictional, concerning the France-based MNE's activities in the United States, Colombia and Brazil. The U.S. and France NCPs were involved in the specific instance.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	The U.S. and France NCPs were in regular communication regarding this specific instance.
c.	Was a leader NCP identified?
	The France and U.S. NCPs agreed that the U.S. NCP would lead the portion of the case involving the MNE's operations in the United States, and that the France NCP would lead the portion of the case involving the MNE's operations in Colombia and Brazil.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	Both NCPs dealt with same complaint.

<i>E. Timeframe</i>	
	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
	1) 11/08/2010--08/07/2011; 2) 08/07/2011--08/07/2011; 3) 08/07/2011--08/07/2011

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	Yes-- Colombia. At the time of the review of the specific instance, Colombia was not an adhering country to the Guidelines.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Please contact the home NCP.
d.	Would the NCP care to contribute additional information about the specific instances considered? N/A

Case Two

15. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) the following template for each specific instance received, under consideration or concluded in the reporting period.	
Sector and Country	manufacturing, India
Date complaint received	02/05/ 2011
Complainant/s	trade union
Name of Complainant/s	--
Industry sector ⁴	manufacturing
Name of Enterprise/s	--
Relevant Chapter(s) and Paragraph(s) from Guidelines	Chapter II (General Policies), and Chapter IV (Employment and Industrial Relations), of the 2000 version of the Guidelines.
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the</i>	

⁴ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, forestry and fishing; B - Mining and quarrying; C – Manufacturing; D - Electricity, gas, steam and air conditioning supply; E - Water supply; sewerage, waste management and remediation activities; F – Construction; G - Wholesale and retail trade; repair of motor vehicles and motorcycles; H - Transportation and storage; I - Accommodation and food service activities; J - Information and communication; K - Financial and insurance activities; L - Real estate activities; M - Professional, scientific and technical activities; N - Administrative and support service activities; O - Public administration and defence; compulsory social security; P – Education; Q - Human health and social work activities; R - Arts, entertainment and recreation; S - Other service activities; T - Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use; U - Activities of extraterritorial organizations and bodies

<i>issues arise in a non-adhering country.</i> (Procedural Guidance, Commentary, 41)		
<p><i>Initial Assessment*</i></p> <p>02/05/2011---- 27/01/ 2012</p> <p>*From specific instance received to it being accepted or rejected.</p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe</i> (Procedural Guidance, Commentary, I.40.1)</p>	<p><i>Assistance to Parties*</i></p> <p>N /A</p> <p>*From specific instance accepted to conclusion of the procedures –</p>	<p><i>Conclusion of the procedures*</i></p> <p>27/01/ 2012--27/01/2012</p> <p>* From Conclusion of the procedures to NCP Final Statement issued.</p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure.</i> (Procedural Guidance, Commentary, I.40.3)</p>

16. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? Obtaining accurate factual information from a distance.</p> <p>How was the information on the specific instances gathered? The U.S. NCP obtained information via e-mail, post and teleconference from the complainant, the MNE, local government authorities, and the U.S. Embassy.</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue? No.</p>
b.	<p>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p> <p>Issues related to the specific instance were the subject of parallel proceedings by Indian state administrative authorities. The MNE was involved in some of these proceedings. The matters concerning the parallel proceedings informed the U.S. NCP regarding whether it would serve the purposes of the Guidelines for the U.S. NCP to offer good offices.</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?</p> <p>Rejected. The specific instance was not transferred to another NCP. The specific instance was rejected because the complainant had failed to pursue the principal available host government remedy to address its concern.</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p> <p>The U.S. NCP has issued an initial assessment statement, which was sent only to the parties involved. The specific instance was submitted to the U.S. NCP before the implementation of the revised U.S. NCP procedures, and therefore, the NCP followed its earlier procedures, which stipulated that the NCP would not release to the</p>

	public the text of the initial assessment or the names of the parties involved.
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<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	N/A
b.	In what form has the NCP provided its good offices?
	The U.S. NCP worked with both parties to clarify factual and other issues.

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	N/A
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website?
	N/A
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate
	N/A
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it also provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	N/A
e.	How was the statement made publicly available? Through a press release, publication on the website..?
	The specific instance was submitted to the U.S. NCP before the implementation of the revised U.S. NCP procedures, and therefore, the NCP followed its earlier procedures, which stipulated that the NCP would not release to the public the text of the initial assessment or the names of the parties involved.
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.
	No
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	No

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	No
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	N/A
c.	Was a leader NCP identified?
	The U.S. NCP handled this specific instance on its own.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	N/A

<i>E. Timeframe</i>	
	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
	1) 02/05/ 2011-- 27/01/2012; 2) 02/05/ 2011--27/01/2012; 3) 02/05/2011--27/01/2012

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	Yes
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes
d.	Would the NCP care to contribute additional information about the specific instances considered? N/A

Case Three

17. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) the following template for each specific instance received, under consideration or

concluded in the reporting period.		
Sector and Country	Mining and quarrying; United States	
Date complaint received	09/05/2011	
Complainant/s	civil society group	
Name of Complainant/s	--	
Industry sector ⁵	Mining and quarrying	
Name of Enterprise/s	--	
Relevant Chapter(s) and Paragraph(s) from Guidelines	Chapter II, General Policies; Chapter III, Disclosure; and Chapter V, Environment [Note: The issue was raised under the 2000 Guidelines]	
<p><i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country.</i> (Procedural Guidance, Commentary, 41)</p>		
<p><i>Initial Assessment</i> 09/05/2011 2011--present (Note: Initial assessment is under consideration between the US NCP and the Japan NCP).</p> <p>*From specific instance received to it being accepted or rejected.</p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe</i> (Procedural Guidance, Commentary, I.40.1)</p>	<p><i>Assistance to Parties*</i> —N/A</p> <p>*From specific instance accepted to conclusion of the procedures –</p>	<p><i>Conclusion of the procedures*</i> N/A</p> <p>* From Conclusion of the procedures to NCP Final Statement issued.</p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure.</i> (Procedural Guidance, Commentary, I.40.3)</p>

18. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

⁵ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, forestry and fishing; B - Mining and quarrying; C – Manufacturing; D - Electricity, gas, steam and air conditioning supply; E - Water supply; sewerage, waste management and remediation activities; F – Construction; G - Wholesale and retail trade; repair of motor vehicles and motorcycles; H - Transportation and storage; I - Accommodation and food service activities; J - Information and communication; K - Financial and insurance activities; L - Real estate activities; M - Professional, scientific and technical activities; N - Administrative and support service activities; O - Public administration and defence; compulsory social security; P – Education; Q - Human health and social work activities; R - Arts, entertainment and recreation; S - Other service activities; T - Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use; U - Activities of extraterritorial organizations and bodies

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? N/A</p> <p>How was the information on the specific instances gathered? The U.S. and Japan NCPs obtained information via e-mail, post, meetings and teleconferences.</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue? No</p>
b.	<p>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p> <p>N/A</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p> <p>N/A</p>
d..	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p> <p>N/A</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p> <p>N/A</p>
b.	<p>In what form has the NCP provided its good offices?</p> <p>N/A</p>

<i>C. Conclusion of the procedures</i>	
a.	<p>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</p> <p>N/A</p>
b.	<p>If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website?</p> <p>N/A</p>

c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate
	N/A
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it also provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	N/A
e.	How was the statement made publicly available? Through a press release, publication on the website..?
	N/A
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.
	N/A
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	N/A

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	The US NCP and the Japan NCP agreed to jointly handle this specific instance.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	The US NCP and the Japan NCP have consulted each other regularly regarding this specific instance.
c.	Was a leader NCP identified?
	The US NCP and the Japan NCP agreed to jointly handle this specific instance.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	Both NCPs are dealing with the same complaint.

<i>E. Timeframe</i>	
	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?

1. N/A; 2) N/A; 3) N/A

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	No.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	Whether this specific instance involves a specific business relationship between the U.S based company and a Japanese MNE or not is under consideration.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes
d.	Would the NCP care to contribute additional information about the specific instances considered? N/A

Case Four

19. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) the following template for each specific instance received, under consideration or concluded in the reporting period.	
Sector and Country	Water supply; sewerage, waste management and remediation activities; United States
Date complaint received	08/06/ 2011
Complainant/s	a trade union and a civil society organization
Name of Complainant/s	--
Industry sector ⁶	Water supply; sewerage, waste management and remediation activities
Name of Enterprise/s	--
Relevant Chapter(s) and	Chapter V, Employment and Industrial Relations, paragraphs 1.(b), 2.(b), and 8;

⁶ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, forestry and fishing; B - Mining and quarrying; C – Manufacturing; D - Electricity, gas, steam and air conditioning supply; E - Water supply; sewerage, waste management and remediation activities; F – Construction; G - Wholesale and retail trade; repair of motor vehicles and motorcycles; H - Transportation and storage; I - Accommodation and food service activities; J - Information and communication; K - Financial and insurance activities; L - Real estate activities; M - Professional, scientific and technical activities; N - Administrative and support service activities; O - Public administration and defence; compulsory social security; P – Education; Q - Human health and social work activities; R - Arts, entertainment and recreation; S - Other service activities; T - Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use; U - Activities of extraterritorial organizations and bodies

Paragraph(s) from Guidelines	Chapter VI, Environment, paragraphs 1.(a) 1. (c), 2.(a), 2. (b), 6.(a) 6. (b).	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<p><i>Initial Assessment*</i> 08/06/ 2011-- present</p> <p>*From specific instance received to it being accepted or rejected.</p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>Assistance to Parties*</i> — N/A</p> <p>*From specific instance accepted to conclusion of the procedures –</p>	<p><i>Conclusion of the procedures*</i> N/A</p> <p>* From Conclusion of the procedures to NCP Final Statement issued.</p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>

20. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? N/A</p> <p>How was the information on the specific instances gathered? See box below.</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an Issue? No.</p>
	The U.S. NCP obtained information from the parties via post, e-mail, meetings and teleconferences, and communication with the France NCP.
b.	<p>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	Yes. The employment and industrial relations issue was under review by a U.S. administrative agency. The environmental issue was under review in the U.S. judicial system.
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?</p>
	N/A

d..	Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.
	N/A

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	N/A
b.	In what form has the NCP provided its good offices?
	The U.S. NCP has worked with both parties to obtain clarification of factual and related issues.

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	N/A
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website?
	N/A
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate
	N/A
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it also provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	N/A
e.	How was the statement made publicly available? Through a press release, publication on the website..?
	N/A
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.
	N/A
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	N/A

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	The MNE is based in France. The case has involved the U.S. and French NCPs.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	Yes. The U.S. and France NCPs have consulted closely in this case.
c.	Was a leader NCP identified?
	The NCPs agreed that the U.S. NCP would take the lead, because the issues were occurring in the United States.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	Both NCPs are dealing with the same complaint.

<i>E. Timeframe</i>	
	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
	1) N/A; 2) N/A; 3) N/A

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	No
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes-- several times
d.	Would the NCP care to contribute additional information about the specific instances considered? N/A

Case Five

21. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) the following template for each specific instance received, under consideration or

concluded in the reporting period.		
Sector and Country	Information and communication, United States and Montenegro	
Date complaint received	12/07/2011	
Complainant/s	trade unions	
Name of Complainant/s	--	
Industry sector ⁷	Information and communication	
Name of Enterprise/s	--	
Relevant Chapter(s) and Paragraph(s) from Guidelines	Chapter I, Concepts and Principles, paragraphs 3 and 5; Chapter IV, Employment and Industrial Relations, paragraphs 1.(a), 4.(a), and 8.	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> 12/07/ 2011--present	<i>Assistance to Parties*</i> — N/A	<i>Conclusion of the procedures*</i> N/A
*From specific instance received to it being accepted or rejected. <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	*From specific instance accepted to conclusion of the procedures –	* From Conclusion of the procedures to NCP Final Statement issued. <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

22. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	What practical issues arose during the initial assessment of the specific instance? N./A

⁷ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, forestry and fishing; B - Mining and quarrying; C – Manufacturing; D - Electricity, gas, steam and air conditioning supply; E - Water supply; sewerage, waste management and remediation activities; F – Construction; G - Wholesale and retail trade; repair of motor vehicles and motorcycles; H - Transportation and storage; I - Accommodation and food service activities; J - Information and communication; K - Financial and insurance activities; L - Real estate activities; M - Professional, scientific and technical activities; N - Administrative and support service activities; O - Public administration and defence; compulsory social security; P – Education; Q - Human health and social work activities; R - Arts, entertainment and recreation; S - Other service activities; T - Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use; U - Activities of extraterritorial organizations and bodies

	How was the information on the specific instances gathered? (see box below) Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue? No
	The U.S. NCP gathered information from the parties via post, teleconference, meetings, and e-mail, and separately from the home country (Germany) NCP.
b.	Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?
	A U.S. Government administrative agency addressed certain matters related to the specific instance. Both parties were involved in those proceedings. The U.S. NCP consulted the administrative agency. Those proceedings did not affect the specific instance process.
c.	At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.
	N/A
d..	Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.
	N/A

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	N/A
b.	In what form has the NCP provided its good offices?
	N/A

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	N/A
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website,..?
	N/A
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate

	N/A
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it also provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	N/A
e.	How was the statement made publicly available? Through a press release, publication on the website..?
	N/A
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.
	N/A
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	N/A

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	Yes—the MNE is headquartered in Germany, and the specific instance referred to the MNE's activities in the United States and Montenegro. The Germany NCP has been involved.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	The U.S. and Germany NCPs are in regular communication regarding this specific instance.
c.	Was a leader NCP identified?
	Yes-- the Germany and U.S. NCPs decided that the U.S. NCP would lead the portion of the case involving issues in the USA, and the Germany NCP would lead on issues in Montenegro.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	Both NCPs are dealing with issues raised under the same provisions and paragraphs of the Guidelines.

<i>E. Timeframe</i>	
	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
	1) N/A ; 2) N/A; 3) N/A

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	Yes- Montenegro.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes
d.	Would the NCP care to contribute additional information about the specific instances considered? N/A

Case Six

23. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) the following template for each specific instance received, under consideration or concluded in the reporting period.	
Sector and Country	manufacturing , USA, UK, the Netherlands, Hungary
Date complaint received	23/08/2011
Complainant/s	individual/company
Name of Complainant/s	--
Industry sector ⁸	manufacturing
Name of Enterprise/s	--
Relevant Chapter(s) and Paragraph(s) from Guidelines	Chapter II, General Policies, paragraph 1; Chapter III, Disclosure, paragraph 1; Chapter IV, Human Rights, paragraphs 1 and 3; Chapter VI, Environment, paragraphs 2 (a) and (b), and 3; Chapter VIII, Consumer Interests, paragraph 2; Chapter IX, Science and Technology, paragraph 2; and Chapter X, Competition, paragraph 1.

⁸ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, forestry and fishing; B - Mining and quarrying; C – Manufacturing; D - Electricity, gas, steam and air conditioning supply; E - Water supply; sewerage, waste management and remediation activities; F – Construction; G - Wholesale and retail trade; repair of motor vehicles and motorcycles; H - Transportation and storage; I - Accommodation and food service activities; J - Information and communication; K - Financial and insurance activities; L - Real estate activities; M - Professional, scientific and technical activities; N - Administrative and support service activities; O - Public administration and defence; compulsory social security; P – Education; Q - Human health and social work activities; R - Arts, entertainment and recreation; S - Other service activities; T - Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use; U - Activities of extraterritorial organizations and bodies

<p><i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i></p>		
<p><i>Initial Assessment*</i> 23/08/ 2011-- present</p> <p>*From specific instance received to it being accepted or rejected.</p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p><i>Assistance to Parties*</i> N/A</p> <p>*From specific instance accepted to conclusion of the procedures –</p>	<p><i>Conclusion of the procedures*</i> N/A</p> <p>* From Conclusion of the procedures to NCP Final Statement issued.</p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>

24. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? N/A</p> <p>How was the information on the specific instances gathered? (see response below)</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue? Yes.</p>
	The U.S. NCP gathered information via post, teleconference, and e-mail from the parties, and through communications with the Hungary, UK, and Netherlands NCPs.
b.	<p>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	No
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p>
	N/A
d..	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	N/A

<i>B. Assistance to the parties</i>	
a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	N/A
b.	In what form has the NCP provided its good offices?
	N/A

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	N/A
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website?
	N/A
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate
	N/A
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it also provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	N/A
e.	How was the statement made publicly available? Through a press release, publication on the website..?
	N/A
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.
	N/A
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	N/A

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.

	Yes-- it was multi-jurisdictional, concerning activities of four manufacturing MNEs: two U.S. MNEs, one UK MNE, and a UK-Netherlands MNE. The complainant was a Hungarian citizen. The U.S., UK, Netherlands and Hungary NCPs were involved in this case.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	The U.S. NCP is communicating with the UK, Netherlands, and Hungary NCPs regarding this case.
c.	Was a leader NCP identified?
	Yes-- the U.S. NCP is leading the case.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	All NCPs are dealing with the same issues and the same complaint.

<i>E. Timeframe</i>	
	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
	1) N/A; 2) N/A ; 3) N/A

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	No
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes
d.	Would the NCP care to contribute additional information about the specific instances considered? N/A

Case Seven

25. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) the following template for each specific instance received, under consideration or concluded in the reporting period.	
Sector and Country	Electricity supply, Cameroon

Date complaint received	27/08/2011	
Complainant/s	individual	
Name of Complainant/s	--	
Industry sector ⁹	Electricity supply	
Name of Enterprise/s	--	
Relevant Chapter(s) and Paragraph(s) from Guidelines	Chapter V, Employment and Industrial Relations, paragraph 1. (e)	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> 27/08/2011-- present *From specific instance received to it being accepted or rejected. <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	<i>Assistance to Parties*</i> 27/08/2011-- present *From specific instance accepted to conclusion of the procedures –	<i>Conclusion of the procedures*</i> N/A * From Conclusion of the procedures to NCP Final Statement issued. <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

26. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? none</p> <p>How was the information on the specific instances gathered? The U.S. NCP obtained information relating to the specific instance via e-mail, post and teleconference from the complainant and the MNE.</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue? No.</p>

⁹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, forestry and fishing; B - Mining and quarrying; C – Manufacturing; D - Electricity, gas, steam and air conditioning supply; E - Water supply; sewerage, waste management and remediation activities; F – Construction; G - Wholesale and retail trade; repair of motor vehicles and motorcycles; H - Transportation and storage; I - Accommodation and food service activities; J - Information and communication; K - Financial and insurance activities; L - Real estate activities; M - Professional, scientific and technical activities; N - Administrative and support service activities; O - Public administration and defence; compulsory social security; P – Education; Q - Human health and social work activities; R - Arts, entertainment and recreation; S - Other service activities; T - Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use; U - Activities of extraterritorial organizations and bodies

b.	Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?
	The U.S. NCP is looking into reports that the issues related to the specific instance may be the subject of parallel proceedings in Cameroon. The U.S. NCP has not determined whether the existence of these parallel proceedings would affect the specific instance procedure.
c.	At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?
	N/A
d..	Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.
	N/A

B. Assistance to the parties

a.	If conciliation or mediation was provided, were these services provided without costs to the parties?
	N/A
b.	In what form has the NCP provided its good offices?
	The U.S. NCP has contacted both parties to obtain clarification of factual and related issues.

C. Conclusion of the procedures

a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	N/A
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website?
	N/A
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate
	N/A
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it also provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.

	N/A
e.	How was the statement made publicly available? Through a press release, publication on the website..?
	N/A
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.
	N/A
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	N/A

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	No
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	N/A
c.	Was a leader NCP identified?
	The U.S. NCP has taken the case. There is no involvement of other country NCPs.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	N/A

<i>E. Timeframe</i>	
	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
	1) N/A; 2) N/A; 3) N/A

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?

	Yes
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes
d.	Would the NCP care to contribute additional information about the specific instances considered? N/A

Case Eight

27. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) the following template for each specific instance received, under consideration or concluded in the reporting period.		
Sector and Country	Manufacturing; United States, United Kingdom, Australia, Switzerland, Algeria, Iraq, Yemen.	
Date complaint received	27/08/2011	
Complainant/s	nongovernmental organization	
Name of Complainant/s	--The Lead Education and Abatement Design (LEAD) Group Incorporated	
Industry sector ¹⁰	Manufacturing	
Name of Enterprise/s	--Innospec, Inc., Xtrata PLC, and Britania Refined Metals LTD	
Relevant Chapter(s) and Paragraph(s) from Guidelines	Chapter VI, Environment, paragraphs 1(a), (b) and (c); 2(a) and (b); 3; 6(a), (b), (c) and (d); 7 and 8.	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country.</i> (Procedural Guidance, Commentary, 41)		
<i>Initial Assessment*</i> 27/08/2011--01/02/2012	<i>Assistance to Parties*</i> N/A	<i>Conclusion of the procedures *</i> 01/02/2011-- 01/02/2012

¹⁰ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, forestry and fishing; B - Mining and quarrying; C - Manufacturing; D - Electricity, gas, steam and air conditioning supply; E - Water supply; sewerage, waste management and remediation activities; F - Construction; G - Wholesale and retail trade; repair of motor vehicles and motorcycles; H - Transportation and storage; I - Accommodation and food service activities; J - Information and communication; K - Financial and insurance activities; L - Real estate activities; M - Professional, scientific and technical activities; N - Administrative and support service activities; O - Public administration and defence; compulsory social security; P - Education; Q - Human health and social work activities; R - Arts, entertainment and recreation; S - Other service activities; T - Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use; U - Activities of extraterritorial organizations and bodies

<p>*From specific instance received to it being accepted or rejected.</p> <p><i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i></p>	<p>*From specific instance accepted to conclusion of the procedures –</p>	<p>* From Conclusion of the procedures to NCP Final Statement issued.</p> <p><i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i></p>
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28. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<p><i>A. Initial Assessment</i></p>	
<p>a.</p>	<p>What practical issues arose during the initial assessment of the specific instance? The U.S. NCP did not issue an initial assessment in this case. One of the parties chose not to participate, and therefore, pursuant to Section I.26 of the commentary on Procedural Guidance for NCPs, the U.S. NCP issued a statement to that effect.</p> <p>How was the information on the specific instances gathered? The U.S. NCP obtained information via teleconference, post and e-mails from the complainant, other country NCPs, and the MNE.</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue? No</p>
<p>b.</p>	<p>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p>
	<p>No</p>
<p>c.</p>	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?</p>
	<p>N/A</p>
<p>d.</p>	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p>
	<p>On February 1, 2012, the U.S. NCP issued a public statement that it considered the issues raised to merit further consideration under the Guidelines, and that one of the parties chose not to participate further in the process. The statement is available at: http://www.state.gov/e/eb/oeecd/usncp/links/rls/183059.htm</p>

<p><i>B. Assistance to the parties</i></p>	
<p>a.</p>	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p>
	<p>N/A</p>

b.	In what form has the NCP provided its good offices?
	The U.S. NCP worked with both parties to obtain clarification of factual and related issues, and made clear to them that it would be available to help them resolve their differences.

<i>C. Conclusion of the procedures</i>	
a.	Did the parties reach agreement on the issues raised? Please elaborate as appropriate.
	No
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website?
	N/A
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate N/A
	On February 1, 2012, the U.S. NCP issued a public statement that it considered the issues raised to merit further consideration under the Guidelines, and that one of the parties chose not to participate further in the process.
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it also provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	No
e.	How was the statement made publicly available? Through a press release, publication on the website..?
	The statement was posted on the U.S. NCP website. The URL is: http://www.state.gov/e/eb/oece/usncp/links/rls/183059.htm
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.
	No
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	No.

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	It was a multi-jurisdictional specific instance. The specific instance requested mediation between the LEAD Group and Innospec, with the goal of ending TEL's sale to and use in the countries that continue to use leaded gasoline, before the end of 2011. The specific instance also asserted that Xstrata, a Swiss-incorporated company, played an important supply chain role in Innospec's activities. The LEAD Group alleged that Xstrata owned a

	mine in Australia that sent its lead to BRM, a UK-based smelter, and that BRM served as Innospec's sole source for lead used to produce TEL. The LEAD Group asked that if Innospec would not cease its sale of TEL to the above countries for leaded gasoline, then Xstrata should cease its sale to Innospec of lead for TEL for leaded gasoline. Accordingly, The LEAD Group sent its specific instance request to the Australian, Swiss, UK and U.S. NCPs.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	Yes
c.	Was a leader NCP identified?
	The NCPs of the United Kingdom, Australia and Switzerland and the U.S. agreed that the U.S. NCP would take the lead on Innospec-related issues, the U.K. NCP would lead on the Xstrata matters, and that the Australia and Switzerland NCPs would offer support as appropriate.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?
	The U.K. and U.S. NCPs handled different issues dealing with the same complaint

E. Timeframe

	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
	1) 30/08/2011-- 01/02/2012 ; 2) 01/02/2012 -- 01/02/2012 ; 3) 01/02/2012 -- 01/02/2012

F. Other

a.	Has the specific instance involved business activities in a non-adhering country?
	The LEAD Group alleged Innospec was manufacturing and supplying the TEL additive for leaded gasoline that was being sold and used in Algeria, Iraq, and Yemen.
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	The Innospec-related specific instance did not address the Innospec-Xstrata business relationship. The Xstrata-related specific instance, handled by the UK NCP, addressed the Innospec-Xstrata business relationship.
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes
d.	Would the NCP care to contribute additional information about the specific instances considered? N/A

Case Nine

29. Please fill in, where appropriate (and subject to any relevant confidentiality provisions in the Procedural Guidance and Commentary) the following template for each specific instance received, under consideration or concluded in the reporting period.		
Sector and Country	airline industry, USA	
Date complaint received	26/09/2011	
Complainant/s	trade unions	
Name of Complainant/s	UNITE HERE/AFL-CIO/IUF	
Industry sector ¹¹	Transportation	
Name of Enterprise/s	LSG Lufthansa Service Holding AG	
Relevant Chapter(s) and Paragraph(s) from Guidelines	Chapter II ,General Policies, paragraphs A.1, A.4., A.6, A.7, A.8; Chapter V, Employment and Industrial Relations, paragraphs 2.a, 3, and 4.c; and Chapter VIII, Consumer Interests, paragraphs 1, and 7.	
<i>As a general principle, NCPs should strive to conclude the procedure within 12 months from receipt of the specific instance. It is recognised that this timeframe may need to be extended if circumstances warrant it, such as when the issues arise in a non-adhering country. (Procedural Guidance, Commentary, 41)</i>		
<i>Initial Assessment*</i> 26/09/ 2011 17/02/ 2012	<i>Assistance to Parties*</i> N/A	<i>Conclusion of the procedures*</i> 01/03/ 2012
*From specific instance received to it being accepted or rejected. <i>Preferably within three months from receipt of the specific instance according to Indicative Timeframe (Procedural Guidance, Commentary, I.40.1)</i>	*From specific instance accepted to conclusion of the procedures –	* From Conclusion of the procedures to NCP Final Statement issued. <i>The NCP should issue its statement or report within three months after the conclusion of the procedure. (Procedural Guidance, Commentary, I.40.3)</i>

30. For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

¹¹ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, forestry and fishing; B - Mining and quarrying; C – Manufacturing; D - Electricity, gas, steam and air conditioning supply; E - Water supply; sewerage, waste management and remediation activities; F – Construction; G - Wholesale and retail trade; repair of motor vehicles and motorcycles; H - Transportation and storage; I - Accommodation and food service activities; J - Information and communication; K - Financial and insurance activities; L - Real estate activities; M - Professional, scientific and technical activities; N - Administrative and support service activities; O - Public administration and defence; compulsory social security; P – Education; Q - Human health and social work activities; R - Arts, entertainment and recreation; S - Other service activities; T - Activities of households as employers; undifferentiated goods- and services-producing activities of households for own use; U - Activities of extraterritorial organizations and bodies

<i>A. Initial Assessment</i>	
a.	<p>What practical issues arose during the initial assessment of the specific instance? N/A</p> <p>How was the information on the specific instances gathered? The U.S. NCP obtained information via post, e-mail, teleconference and meetings.</p> <p>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue? No.</p>
b.	<p>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</p> <p>At the time of the specific instance submission, the U.S. National Mediation Board (NMB) was overseeing an ongoing negotiations process between LSG Lufthansa and UNITE HERE. Because the NMB was addressing contract negotiations between the parties, the NCP determined it would await the outcome of the NMB process before assessing what, if any, role the NCP might offer to the parties. The NCP did not consider the existence of a parallel proceeding sufficient reason by itself to decide not to offer its good offices, consistent with the procedural guidance of the Guidelines. The NCP obtained information from the NMB.</p>
c.	<p>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP? If it was rejected, can you specify why?.</p> <p>N/A</p>
d.	<p>Has the NCP issued a statement/report on its decision that the issues raised merit or did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</p> <p>Before the U.S. NCP was able to make a determination regarding the specific instance, the two sides reached a collective bargaining agreement under the NMB process. On February 17, UNITE HERE officially withdrew its specific instance. The U.S. NCP issued a public statement, on March 1, 2012, regarding these developments, and stated that it considered the matter between the parties to be closed. The statement was posted on the U.S. NCP's website. The URL is: http://www.state.gov/e/eb/oece/usncp/links/rls/185107.htm</p>

<i>B. Assistance to the parties</i>	
a.	<p>If conciliation or mediation was provided, were these services provided without costs to the parties?</p> <p>N/A</p>
b.	<p>In what form has the NCP provided its good offices?</p> <p>The U.S. NCP worked with both parties to help clarify factual and other issues.</p>

<i>C. Conclusion of the procedures</i>	
a.	<p>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</p>

	Yes. The parties reached agreement through the separate NMB-administered process.
b.	If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website?
	As noted above, the parties reached an agreement in another forum. The U.S. NCP issued a public statement, which is posted on the U.S. NCP website.
c.	Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate
	N/A
d.	Did the statement contain recommendations on the implementation of the Guidelines? Did it also provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.
	No
e.	How was the statement made publicly available? Through a press release, publication on the website..?
	The statement was posted on the U.S. NCP website. The URL is: http://www.state.gov/e/eb/oecd/usncp/links/rls/185107.htm
f.	Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate as appropriate.
	No
g.	Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.
	No

<i>D. NCP coordination</i>	
a.	Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.
	LSG Lufthansa Service Holding AG is a German MNE, but the activities all occurred in the United States. The U.S. and German NCPs consulted on the case.
b.	If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.
	The U.S. and German NCPs coordinated closely regarding this specific instance.
c.	Was a leader NCP identified?
	The NCPs agreed that the U.S. NCP would take the lead, because the issues were taking place in the United States.
d.	Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?

	The NCPs reviewed the same issues in this specific instance.
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<i>E. Timeframe</i>	
	What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?
	1) 26/09/2011—01/03/ 2012; 2) 01/03/ 2012-- 01/03/ 2012; 3) 01/03/ 2012--01/03/ 2012

<i>F. Other</i>	
a.	Has the specific instance involved business activities in a non-adhering country?
	No
b.	Does the specific instance involve a specific business relationship (supplier, subcontractor...)?
	No
c.	Has the home NCP liaised with the parent company of the enterprise party to the specific instance?
	Yes
d.	Would the NCP care to contribute additional information about the specific instances considered? N/A