

NATIONAL CONTACT POINT ANNUAL REPORTING QUESTIONNAIRE (2020)

A. CONTACT INFORMATION

Please provide the contact information of the person filling in the questionnaire.

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B. INSTITUTIONAL ARRANGEMENTS

(a) Structure, location and composition of the NCP

1. What is the structure of the NCP?	Single-agency
2. Who are the members of the NCP? Please describe the functions of the members of the NCP and the ministry/agency or stakeholder organisation they represent. No names are required.	The U.S. NCP is a position held by a senior U.S. government official. The Office of the U.S. NCP includes 2 additional part-time officers.
3. If the NCP is not a <u>single-agency NCP</u> , does it have a <u>secretariat</u> ?	Choose an item.
If yes, in which ministry or agency?	U.S. Department of State
If yes, in which department of the ministry or agency?	Bureau of Economic and Business Affairs
4. Has the NCP been established through a legislative, regulatory or administrative instrument (e.g. a statute, a decree, a ministerial resolution)?	No
If yes, please provide the name and date of this instrument, and a link if available	Click here to enter text.

*Additional comments on **Structure, location and composition of the NCP***
[Click here to enter text.](#)

(b) Advisory body

5. Does the NCP have one or several <u>advisory bodies</u> ?	Yes
If the NCP has several advisory bodies, please specify.	Stakeholder Advisory Board (SAB) and Interagency Working Group
If yes, please describe the advisory body(ies)' functions (e.g. advising on promotion, on specific instance handling in general, on individual cases, providing <u>oversight</u> , etc.)	The primary objectives of the SAB are to promote and facilitate the implementation of the OECD Guidelines, and encourage the use of the NCP Specific Instance process as a means to resolve disputes and promote responsible business conduct.

If yes, please list the names of organisations that are represented on the advisory body(ies) and the type of organisation. (e.g. government, business, business organisation, NGO, trade union, academia, consumer organisation, etc.)	U.S. Departments of Commerce, Labor, Agriculture, and Treasury, Environmental Protection Agency, Export Import Bank, General Services Administration, Millennium Challenge Corporation, U.S. International Development Finance Corporation, U.S. Agency for International Development, U.S. Trade Representative, and additional State Department bureaus, including the Bureau of Democracy, Human Rights, and Labor, Legal Advisor, Energy and Natural Resources, and Oceans, Environment, and Science		
If yes, please indicate how often the advisory body(ies) meets	Twice a year		
6. If an advisory body provides oversight, please describe the oversight procedure	N/A		
Additional comments on Advisory body : Click here to enter text.			
(c) Human and financial resources			
7. Does the NCP have dedicated full-time staff? If yes, please indicate the number.	No	Click here to enter text.	
8. Does the NCP have dedicated part-time staff? If yes, please indicate in the second box the number of part-time staff members and in the third box the percentage of time spent on NCP matters for each part-time staff member.	Yes	3	15
9. Have any full-time or part-time staff members joined the secretariat during the year? If yes, please indicate how many.	Yes, part-time staff member(s)	2	
10. Have any full-time or part-time staff members left the NCP during the year? If yes, please indicate how many.	Yes, both part-time and full-time staff members	2	
11. Did the NCP have a <u>dedicated budget</u> this year?	Yes		
If no, were financial resources for promotional activities allocated on an ad hoc basis when requested by the NCP?	Choose an item.		
If no, were financial resources for specific instances allocated on an ad hoc basis when requested by the NCP?	Choose an item.		
12. During the year, did the human and financial resources available to the NCP allow it to:			
Handle specific instances in an efficient and timely manner	Yes		
Organise promotional events	No		
Attend NCP meetings at the OECD	Yes		
Attend events organised by other NCPs	Yes		
Attend events organised by stakeholders	Yes		
Cover professional mediator fees or in-house mediator fees	Yes		
Conduct fact-finding research into specific instances	N/A: The NCP did not need to conduct fact finding research this year		

If you answered no to any of the above, please specify	The USNCP does not fact find
<i>Additional comments on Human and financial resources:</i> Click here to enter text.	
(d) Reporting	
13. Does the NCP <u>report</u> to the executive on its activities?	No
If yes, how often?	N/A
14. Does the NCP report to the legislative body on its activities?	No
If yes, how often?	N/A
15. Please indicate any other relevant transparency requirement (e.g. access to information or disclosure laws) applicable to the NCP in your country	Freedom of Information Act requests
<i>Additional comments on Reporting:</i> Click here to enter text.	

C. INFORMATION AND PROMOTION		
(a) NCP website¹		
16. Does the NCP have a website? If yes, please provide the link in the second box.	Yes	https://www.state.gov/u-s-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises/
If yes, was the website created/renovated this year?	No	
17. Are the following items available on the NCP website?		
Information about the Guidelines and the role of the NCP		
The text of the Guidelines	Yes	
A description of the Guidelines	Yes	
The OECD Due Diligence Guidance Documents	Yes	
Explanatory text about due diligence	Yes	
Information on the NCP and its mandate	Yes	
The NCP Annual Report submitted to the OECD	Yes	
The NCP's Report to the executive and/or legislative (if applicable)	No	
The NCP's peer review report (if applicable)	Yes	
Information about specific instances		
Information on how to submit a specific instance	Yes	
An online form to submit a specific instance	Yes	

¹ This includes dedicated NCP webpages as part of the Ministry's website.

The NCP's rules of procedure	Yes
All final statements since 2011	Yes
Information on promotional activities	
The NCP's promotional plan	No
Information on upcoming events promoting the Guidelines	No
Information on past events promoting the Guidelines	No
Contact information	
Information on how to make an enquiry to the NCP	Yes
A phone number to reach the NCP directly	No
An email address to reach the NCP directly	Yes
<i>Additional comments on NCP website:</i> Click here to enter text.	
(b) Promotional activities²	
18. Does the NCP have a promotional plan for the coming year(s)?	No
19. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? <i>If yes, please provide details in table 1 in Annex 1.</i>	No
20. Did the NCP make a presentation to promote the Guidelines and/or the NCP in events organised by others? <i>If yes, please provide details in table 2 in Annex 1.</i>	Yes
21. Did the NCP make use of social media to communicate on NCP promotional activities during the year?	No
22. Did the NCP hold a <u>stakeholder meeting</u> during the year?	Yes
23. Did the NCP promote the Guidelines among the business community during the year?	Yes
24. Did the NCP carry out any training on the Guidelines aimed at businesses during the year?	No
25. Did the NCP promote the Guidelines among NGOs during the year?	Yes
26. Did the NCP promote the Guidelines among trade unions during the year?	No
27. Did the NCP promote the Guidelines among government agencies during the year?	Yes
28. Did the NCP promote the Guidelines among embassies abroad during the year?	Yes
29. Did the NCP promote the Guidelines to investment promotion agencies during the year?	Yes

² Attendance of NCP meetings held at the OECD and other OECD events such as the Global Forum on Responsible Business Conduct are not considered to be promotional activities.

30. Did the NCP focus on any of the following during promotional activities during the year:	
OECD Due Diligence Guidance for Responsible Business Conduct	Yes
OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector	No
Due Diligence for Responsible Corporate Lending and Securities Underwriting and/or Responsible Business Conduct for Institutional Investors	Yes
OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas	No
OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector	No
OECD-FAO Guidance for Responsible Agricultural Supply Chains	Yes
<i>Additional comments on the section Promotional activities:</i> Click here to enter text.	

D. SPECIFIC INSTANCES		
(a) NCP rules of procedure for handling specific instances		
31. Does the NCP have rules of procedure describing the handling of specific instances?	Yes	
32. Are the rules of procedure available online? <i>If yes, please provide a link in the second box. If no, please attach a copy of the rules of procedure to this questionnaire</i>	Yes	https://www.state.gov/u-s-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises/specific-instance-process/
33. Were the NCP's rules of procedure modified this year?	No	
<i>Additional comments on the section Rules of procedure:</i> Click here to enter text.		
(b) Specific instance practicalities		
34. Does the NCP confirm receipt of a specific instance submission?	Yes	
35. Does the NCP request feedback from the parties on the procedure following the conclusion of a specific instance?	Yes	
36. Has the NCP staff undergone training in dispute resolution or problem solving (e.g. mediation)?	No	
37. Did the NCP engage professional mediators during the year?	Yes	
38. Did the NCP staff or members conduct mediation this year?	No	

Additional comments on the section Specific instance practicalities : Click here to enter text.	
(c) Reporting specific instances	
39. Did the NCP receive new specific instance submissions during the year? <i>If yes, please also provide details in Annex 2</i>	Yes
40. Did the NCP close specific instances during the year? <i>If yes, please also provide details in Annex 2</i>	Yes
41. Of the specific instances that were already in progress at the start of the year, are there any that are still ongoing at the end of the year? <i>If yes, please also provide details in Annex 2</i>	Yes
42. Did the NCP follow up on a case during the year? <i>If yes, please also provide details in Annex 2</i>	No
43. Is the OECD case database accurate and up to date with regard to cases handled by the NCP? If not, please provide details (missing cases, out of date entries, broken links, etc.) in the additional comments section below.	No
Additional comments on the section Reporting specific instances : https://www.state.gov/specific-instance-between-international-union-of-food-agricultural-hotel-restaurant-catering-tobacco-and-allied-workers-associations-iuf-and-cargill-incorporated-regarding-operations-i/	

E. PEER LEARNING AND PEER REVIEWS	
44. Did the NCP take part in the following activities with other NCPs during the year:	
Host a peer learning activity	No
Participate in peer learning activities hosted by other NCPs	Yes
Co-operate with other NCPs in handling specific instances	Yes
Provide mentoring/capacity building to another NCP	Yes
45. Is the NCP interested in hosting an NCP learning/experience-sharing event in 2020?	No
46. Which topic would the NCP consider to be a priority to cover in a peer learning event?	N/A
47. Is the NCP interested in participating in developing tools for use by NCPs?	Yes

48. Is the NCP interested in acting as a peer reviewer in the future?	No
If yes, please specify the semester and the year	N/A
<i>Additional comments on the section Peer-learning and peer reviews:</i> Click here to enter text.	

F. POLICY COHERENCE³	
49. Have the Guidelines been referred to in relevant national legislation/regulations/policies adopted during the year? (e.g. on responsible business conduct; non-financial reporting, export credits regulation, public procurement)	Yes
If yes, please provide a short summary and a link to the legislation. If a link is not available, please attach a copy of the legislation to this questionnaire.	The United States government ratified the U.S.-Mexico-Canada Agreement (USMCA) on 1 July 2020, which references the MNEGs in the Investment Chapter: Article 14.17: Corporate Social Responsibility The Parties reaffirm the importance of each Party encouraging enterprises operating within its territory or subject to its jurisdiction to voluntarily incorporate into their internal policies those internationally recognized standards, guidelines, and principles of corporate social responsibility that have been endorsed or are supported by that Party, which may include the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights. These standards, guidelines, and principles may address areas such as labor, environment, gender equality, human rights, indigenous and aboriginal peoples' rights, and corruption. https://usmca.com/investment-usmca/
50. Did your country adopt a National Action Plan (NAP) this year? If yes, please indicate which type of NAP.	No
If yes, please provide a link.	Choose an item.
If yes, does the NAP make reference to the Guidelines?	Choose an item.
If yes, does the NAP make reference to the NCP?	Choose an item.
51. Was a NAP in development this year? If yes, please indicate which NAP.	No
If yes, did the NCP participate in the development of the National Action Plan?	Choose an item.

³ Paragraph 37 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises: "Statements and reports on the results of the proceedings made publicly available by the NCPs could be relevant to the administration of government programmes and policies. In order to foster policy coherence, NCPs are encouraged to inform these government agencies of their statements and reports when they are known by the NCP to be relevant to a specific agency's policies and programmes [...]."

52. Did the NCP inform officials responsible for trade missions of its relevant statements and reports?	N/A: the NCP did not publish any statement this year
53. Did the NCP inform officials responsible for foreign trade and investment incentives of its relevant statements and reports?	N/A: the NCP did not publish any statement this year
54. Did the NCP inform officials responsible for public procurement of its relevant statements and reports?	N/A: the NCP did not publish any statement this year
55. Does your national legislation or policy on public procurement refer to the Guidelines and/or OECD due diligence instruments and/or to the NCP process?	Yes
If yes, please provide a link to the legislation. <i>If a link is not available, please attach a copy of the legislation to this questionnaire.</i>	Click to enter text.
56. Have public procurement officials/practitioners consulted the NCP on the Guidelines and OECD due diligence instruments or involved the NCP in specific public procurement opportunities?	Yes
57. Were public procurement officials involved in any of your training/outreach activities?	No
58. What tools or activities does the NCP develop to support public procurement practitioners on RBC and OECD due diligence?	Public procurement official in our Interagency Working Group
59. Please identify any specific initiatives/good practices involving public procurement and RBC in your country.	Click to enter text.
60. Please include any other examples of policy coherence activities.	Click to enter text.
Additional comments on Policy Coherence: Click here to enter text.	

G. CHALLENGES	
61. Has the NCP faced any particular challenge(s) it would like to highlight this year?	Delays in mediation due to pandemic; virtual mediation option presents security challenges to sensitive business information. Outreach was hindered due to pandemic.
Additional comments on Challenges: Click here to enter text.	

Annex 1: NCP PROMOTIONAL ACTIVITIES

Please provide information on the events organised or co-organised by the NCP (Table 1), and events in which the NCP has participated to promote the Guidelines (Table 2).
Please select the event type, size and type of audience as well as the theme from the dropdown menus for each event.
Please add additional lines if needed.

Table 1

NCP-organised and co-organised events to promote the Guidelines and/or the NCP							
Title	Date (dd/mm/yyyy)	Location	Type of event	Size of audience	Organised or co-organised?	Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc.</i>	Theme <i>e.g. the OECD Guidelines, the NCP activities on sector due diligence guidance documents, etc.</i>
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
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Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.

Total number=	Click here to enter text.
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Table 2

Presentations by the NCP to promote the Guidelines and/or the NCP in events organised by others								
Title	Date (dd/mm/yyyy)	Location	Type of event	Size of audience	Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc</i>	Organiser(s)	Type of intervention	Theme of the intervention
American Mediation, Negotiation and Arbitration Congress	Feb 2020	Washington, DC	Meeting	<10	Click here to enter text.	MICI and U.S. NCP	Information exchange, network building	Dispute resolution
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
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Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

Total number=	Click here to enter text.
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Annex 2: SPECIFIC INSTANCES

Please provide details of the following in the table below:

1. Specific instances **in progress** during the year (specific instances received and found to merit further examination after the initial assessment, and under consideration by the NCP).
2. Specific instances **concluded** during the year (specific instances that the NCP found to merit further examination after the initial assessment and that have subsequently been closed).
3. Specific instances **not accepted** during the year (specific instances that the NCP found not to merit further examination).
4. Specific instances for which **follow up** was performed during the year (the NCP monitored whether the agreement reached by the parties or its recommendations to the parties have been implemented)

Please add additional lines if needed.

We encourage all NCPs to inform the OECD Secretariat on received specific instances and to provide a final statement as soon as it becomes available, in order to keep the OECD database updated at all times. For all specific instances that have not yet been reported to the OECD Secretariat, please complete and send this [form](#) to ncp-specific-instances@oecd.org⁴.

⁴ According to paragraph 42 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, “[...] NCPs will report to the Investment Committee in order to include in the Annual Report on the OECD Guidelines information on all specific instances that have been initiated by parties, including those that are in the process of an initial assessment, those for which offers of good offices have been extended and discussions are in progress, and those in which the NCP has decided not to extend an offer of good offices after an initial assessment”.

For all specific instances that are currently IN PROGRESS:

Names of parties	Date received (dd/mm/yyyy)	Is the initial assessment publicly available?	Link to OECD database if available	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
IndustriALL - GE	2018	No	Click here to enter text.	No
WECAN – Credit Suisse	2020	No	Click here to enter text.	Yes -Swiss NCP because Swiss company with whom they dealt in 2019
Former employee – Coca-Cola	2020	No	Click here to enter text.	Click here to enter text.

Total number= 3

For all specific instances that were CONCLUDED during the year:

Title	Date received (dd/mm/yyyy)	Date concluded (dd/mm/yyyy)	Link to OECD database if available	Outcomes achieved	Does the final statement plan for follow up?	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
IUF - Cargill	2018	2020	Click here to enter text.	Other	No follow-up	Informed Turkish NCP
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.

Total number= 1

For all specific instances that were NOT ACCEPTED during the year:

Title	Date received (dd/mm/yyyy)	Link to OECD database if available	Reasons for not accepting the specific instance	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.

Total number= Click here to enter text.

For all specific instances for which FOLLOW UP was performed during the year:

Title	Date concluded (dd/mm/yyyy)	Date of follow up (dd/mm/yyyy)	Was a public follow up statement issued?	Link to the follow up statement, if applicable
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.

Total number= Click here to enter text.

END OF QUESTIONNAIRE