

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
INVESTMENT COMMITTEE**

Working Party on Responsible Business Conduct

AUSTRIA

**NATIONAL CONTACT POINT FOR THE OECD GUIDELINES FOR MULTINATIONAL
ENTERPRISES 2016 REPORT TO THE OECD**

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**AUSTRIA NATIONAL CONTACT POINT
FOR THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES**

2016 REPORT TO THE OECD

COMMON FRAMEWORK FOR ANNUAL REPORTING BY NATIONAL CONTACT POINTS FOR THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES

1 January - 31 December 2016

The role of National Contact Points is to further the effectiveness of the OECD Guidelines for Multinational Enterprises (the Guidelines) by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that arise from the alleged non-observance of the Guidelines in specific instances by individual companies. NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability to further the objective of functional equivalence.

National Contact Points must regularly report to the OECD Investment Committee on the nature and results of their activities to further the effectiveness of the Guidelines including implementation activities in specific instances.

This Common Reporting Framework, based on the Implementation Procedures of the Guidelines, assists NCPs in the preparation of these reports. The information provided by NCPs is the basis for the Annual Report to the OECD Council on the Guidelines for Multinational Enterprises. It is also used to produce Annual reports of individual NCPs (NCP Annual reports).

COMMON REPORTING FRAMEWORK

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Annex 2: SPECIFIC INSTANCES

10. Are other Ministries part of the institutional arrangements of the NCP? <i>(e.g. represented on advisory or oversight bodies, participate in specific instances, etc.)</i>	Yes
If yes, please list the Ministries (e.g. Social Affairs, Labour, Trade, Environment, Foreign Affairs, Justice, Finance, etc.)	-Federal Chancellery -Federal Ministry for Europe, Integration and Foreign Affairs -Federal Ministry of Labour, Social Affairs and Consumer Protection -Federal Ministry of Finance
11. Are social partners and other stakeholders (trade unions, business community, civil society and other non-governmental organisations) part of the institutional arrangements of the NCP? <i>(e.g. represented on advisory or oversight bodies, represented on the NCP, take part in specific instances)</i>	
NGOs	Yes
Representatives of the business community	Yes
Trade unions	Yes
12. Does the NCP have an advisory body?	Yes
If yes, please describe its functions	<p>The Steering Committee (“Lenkungsausschuss”) of the Austrian NCP meets at least twice a year for discussion with the NCP on related recent OECD developments, on-going specific instances and promotional activities.</p> <p>The responsibilities/functions of the Steering Committee include (also see para 8 of the Steering Committee’s Terms of Reference, http://www.en.bmwf.gv.at/ExternalTrade/Documents/Terms%20of%20References_Steering%20Committee_englisch_BMFWF.pdf):</p> <ul style="list-style-type: none"> a. Consulting of the Austrian NCP in all matters regarding the implementation of the Guidelines; b. The support and consulting of the Austrian NCP during the implementation of the pro-active agenda; c. Participation in the preparation of the annual report of the Austrian NCP to the OECD Investment Committee; d. The promotion of a broad dialogue on the Guidelines with stakeholders; e. Proposals for the further development of the Austrian NCP; f. The suggestion that a matter be referred to the OECD Investment Committee in case of doubts regarding the interpretation of the Guidelines. <p>For further functions of the Steering Committee see question 13 below.</p>
If yes, please list the names of organisations that are represented on the advisory body and the type of organisation, or provide a link to the list on the NCP website. <i>(e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)</i>	1 representative from each of the following organisations: -Federal Chancellery (government) -Federal Ministry for Europe, Integration and Foreign Affairs (government) -Federal Ministry of Labour, Social Affairs and Consumer Protection (government) -Federal Ministry of Finance (government) -Federal Ministry of Science, Research and Economy (government), Chair

	<ul style="list-style-type: none"> -Austrian Federal Chamber of Labour (statutory representation of workers/employees) -Austrian Chamber of Agriculture (representation of farmers and cooperatives) -Austrian Trade Union Federation (trade union) -Federation of Austrian Industries (business organisation) -Austrian Federal Economic Chamber (statutory representation of companies/business) -Südwind (representative of OECD Watch, NGO) -University professor (legal expert in the field of extrajudicial dispute resolution)
If yes, please indicate how often the NCP meets with the advisory body	Twice a year
13. Does the NCP have an oversight body?	Yes
If yes, please describe its functions	According to the Steering Committee's Terms of Reference (para 8.g.), it is also responsible for the evaluation of the activities of the Austrian NCP, in particular with regard to the compliance with the Terms of Reference and the implementation of the key criteria pursuant to Item I of the Procedural Guidance of the OECD Guidelines for Multinational Enterprises as well as the compliance with the latter.
If yes, please list the names of organisations that are represented on the oversight body and the type of organisation, or please provide a link to the list on the NCP website. <i>(e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)</i>	For a member list of the Steering Committee see question 12 above.
If yes, please indicate how often the oversight body meets	Twice a year
14. Does the NCP have a body for both advice and oversight?	Yes
If yes, please describe its functions	For a detailed description of the functions of the Steering Committee see questions 12 and 13 above.
If yes, please list the names of organisations that are represented on the oversight body and the type of organisation, or provide a link to the list on the NCP website. <i>(e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)</i>	For a member list of the Steering Committee see question 12 above.
If yes, please indicate how often this body meets	Twice a year
<i>Additional comments on Composition of the NCP: Click here to enter text.</i>	
(c) Financial resources	
15. Did the NCP have a dedicated budget this year?	Yes
16. Did the NCP have a dedicated budget to conduct its promotional activities during the year?	Yes
If no, were financial resources for promotional activities allocated on an ad hoc basis when requested by the NCP?	Choose an item.

17. Did the NCP have a dedicated budget to conduct its activities related to specific instances during the year?	Yes
If no, were financial resources for specific instances allocated on an ad hoc basis when requested by the NCP?	Choose an item.
18. During the year, was the NCP able to access funds for the following activities:	
Organising promotional events	Yes
Attending NCP meetings at the OECD	Yes
Attending events organised by other NCPs	Yes
Attending events organised by other stakeholders	Yes
Professional mediator fees or in-house mediator fees	Yes
Fact-finding research into specific instances	No
<i>Additional comments on Financial resources:</i> Ad. 18.) The Austrian NCP does not dispose of a dedicated budget for fact-finding research into specific instances. However, in case such funding becomes necessary, funds will be allocated on an ad hoc basis.	
(d) Reporting	
19. Does the NCP report to the government on its activities?	Yes
If yes, how often?	More than three times a year
20. Does the NCP report to parliament on its activities?	No
If yes, how often?	Choose an item.
<i>Additional comments on Reporting:</i> Ad. 20.) The Austrian Minister of Science, Research and Economy received a parliamentary request with regard to the activities of the NCP. The inquiry was accordingly answered in January 2016. However, the NCP has no general duty to report to the Austrian parliament.	

C. INFORMATION AND PROMOTION	
(a) NCP website¹	
21. Was a new NCP website created this year? If yes, please provide the link.	No Click here to enter text.
22. 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
Information on the NCP and its mandate	Yes
The 2015 NCP Annual Report submitted to the OECD	Yes
The NCP's own 2015 Annual Report	Yes
Information about specific instances	
Information on how to submit a specific instance	Yes

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

The NCP's rules of procedures	Yes
All final statements since 2011	Yes
Information on promotional activities	
Information on upcoming events promoting the Guidelines	Yes
Information on past events promoting the Guidelines	Yes
Contact information	
Information on how to make an enquiry to the NCP	Yes
A phone number to reach the NCP directly	Yes
An email address to reach the NCP directly	Yes
<i>Additional comments on NCP website:</i> Ad. 22.) Link to NCP website: www.oecd-leitsaetze.at	
(b) Promotional activities²	
23. 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>	Yes
24. 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
25. Did the NCP make use of social media to communicate on NCP promotional activities during the year?	No
26. Did the NCP hold a stakeholder meeting during the year?	Yes
27. Did the NCP promote the Guidelines among the business community during the year?	Yes
28. Did the NCP carry out any training on the Guidelines aimed at businesses during the year?	Yes
29. Did the NCP promote the Guidelines among NGOs during the year?	Yes
30. Did the NCP promote the Guidelines among trade unions during the year?	Yes
31. Did the NCP promote the Guidelines among government agencies during the year?	Yes
32. Did the NCP promote the Guidelines among embassies abroad during the year?	Yes
33. Did the NCP promote the Guidelines to investment promotion agencies during the year?	Yes
34. Did the NCP refer to the following sector guidance reports in promotional activities during the year:	
OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas	Yes
OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector	No

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.

OECD-FAO Guidance for Responsible Agricultural Supply Chains	Yes
<i>Additional comments on the section Promotional activities:</i> Ad 23.) In addition to the organisation of events mentioned in table 1 in Annex 1, the NCP engaged in the following activities: -conducting a survey among the business community regarding the awareness level of the Guidelines and the NCP -new brochure on specific instances (rules of procedure etc.) -new brochure on OECD-Guidelines -report on 2015 NCP activities (for stakeholders)	

D. SPECIFIC INSTANCES		
(a) NCP rules of procedure for handling specific instances		
35. Does the NCP have rules of procedure describing the handling of specific instances?	Yes	
36. Are the rules of procedure available online? <i>If yes, please provide link. If no, please attach a copy of the rules of procedure to this questionnaire</i>	Yes	See Link below
37. Were the NCP's rules of procedure modified this year?	No	
<i>Additional comments on the section Rules of procedure:</i> Ad 36.) http://www.en.bmwf.gv.at/ExternalTrade/Documents/Terms%20of%20References_Austrian%20NCP_englisch_BMWFW.pdf		
(b) Specific instance practicalities		
38. Does the NCP confirm receipt of a specific instance submission?	Yes	
39. Who has the final sign-off on accepting a specific instance? <i>Please provide the function of the relevant staff within the NCP. No names are required.</i>	Director NCP	
40. Who has the final sign-off on final statements? <i>Please provide the function of the relevant staff within the NCP. No names are required.</i>	Director NCP	
41. Does the NCP request feedback from the parties on the procedure following the conclusion of a specific instance?	Yes	
42. Has the NCP staff undergone training in dispute resolution or problem-solving (e.g. mediation)?	Yes	
43. Did the NCP engage professional mediators during the year?	No	
<i>Additional comments on the section Specific instance practicalities:</i> Click here to enter text.		
(c) Reporting specific instances		

44. Did the NCP receive new specific instance submissions during the year? <i>If yes, please also provide details in Annex 2</i>	No
45. 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 calendar year? <i>If yes, please also provide details in Annex 2</i>	Yes
<i>Additional comments on the section Reporting specific instances:</i> Click here to enter text.	

E. PEER LEARNING	
46. Did the NCP take part in the following activities with other NCPs during the year:	
NCP-hosted peer learning activities	Yes
Co-operation with other NCPs in handling specific instances	Yes
Mentoring/capacity building of another NCP	Yes
47. Is the NCP interested in hosting an NCP learning/experience-sharing event in 2017?	No
48. Which topic would the NCP consider to be a priority to cover in a peer learning event?	-Due Diligence Guidance for Responsible Business Conduct -Handling fact-finding research into specific instances
49. Is the NCP interested in participating in developing tools for use by NCPs?	Yes
<i>Additional comments on the section Peer-learning activities:</i> Ad. 46.) The Austrian NCP attended a peer-learning event and capacity-building seminar of the Italian NCP. Ad. 47.) The Austrian NCP hosted a NCP learning event in 2015 (mediation workshop).	

F. POLICY COHERENCE ³	
50. Have the Guidelines been referred to in relevant national legislation adopted during the year? <i>(e.g. on responsible business conduct; non-financial reporting, export credits regulation, public procurement)</i>	No
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>	N/A

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 [...]."

51. Did the NCP communicate public statements on specific instances to public procurement officials?	No	
52. Did the NCP communicate public statements on specific instances to officials responsible for trade missions?	No	
53. Did the NCP communicate public statements on specific instances to officials responsible for foreign trade and investment incentives?	Yes	
54. Did your country adopt a National Action Plan (NAP) this year? <i>If yes, please indicate which type of NAP</i>	No	N/A
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.	
55. Was a NAP in development this year? <i>If yes, please indicate which NAP.</i>	No	N/A
If yes, did the NCP participate in the development of the National Action Plan?	Choose an item.	
56. Please indicate any other examples of policy coherence activities:	Senior officials of the Federal Ministry of Science, Research and Economy are regularly informed about NCP activities, including specific instances. Similarly, the Austrian NCP regularly informs officials responsible for trade missions about NCP activities and specific instances. Moreover, as explained in questions 12 to 14 above, the Steering Committee, being inter alia composed by members of different Austrian ministries, is regularly informed about NCP activities.	
<i>Additional comments on Policy Coherence:</i> Ad. 55.) While there is no NAP on Business and Human Rights envisaged, a NAP on Human Rights is currently in development. The NAP on Human Rights will include a chapter on Business and Human Rights.		

G. IMPACT AND FUTURE WORK		
57. Does the NCP have a promotional plan for the coming year (2017)?	Yes	
58. Is the NCP interested in being a <u>reviewer</u> in a peer review planned in 2017 or 2018?	No	
59. Is the NCP interested in being an <u>observer</u> of a peer review planned in 2017 or 2018?	Yes	
60. Has the NCP faced any particular challenge(s) it would like to highlight this year?	The Austrian NCP is currently in the process of handling a complex specific instance case. The main challenge is to establish a basis of mutual trust and constructive dialogue between the participating parties. The specific instance is now in its final phase and expected to be concluded in the first half of 2017.	

*Additional comments on the section **Impact and future work:***
Ad 59.) The NCP is highly interested in becoming an observer of a peer review in 2017.

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>
Taking Responsibility in Global Supply Chains	06/04/2016	Federal Ministry of Science, Research and Economy	Conference	10-50	Organised	Business Representatives, NGOs, Trade Unions, Government Representatives	OECD Guidelines, Due Diligence in Global Supply Chains
Due Diligence in International Business Transactions	28/06/2016	Federal Ministry of Science, Research and Economy	Conference	10-50	Organised	Business representatives, NGOs, Trade Unions, Government Representatives	OECD Guidelines, Due Diligence in International Business Transactions (all sectors)
Part of the Business Reality Check: 40 Years OECD Guidelines for Multinatio	24/10/2016	Austrian Federation of Industries	Conference	50-100	Organised	Business representatives, NGOs, Trade Unions, Government Representatives	OECD Guidelines: Developments, Challenges

nal Enterprises							
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Total number= 3

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
Social Tensions and Multinational Economic Activities	25/10/2016	Federal Ministry of Science, Research and Economy	Meeting	<10	Academia (University Professors of the Chinese University of Political Science and Law)	University Professor of the University of Vienna	Presentation	Day to Day Work in Reducing Social Tensions: National Contact Points

Total number= 1

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).

Please add additional lines if needed.

We encourage all NCPs to inform the 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 Secretariat, please complete and send this [form](#) to Alison.holm@oecd.org and Kathryn.dovey@oecd.org⁴.

For all specific instances that are currently IN PROGRESS:

Names of parties	Date received <i>(dd/mm/yyyy)</i>	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.
Finance & Trade Watch Austria, EarthRights International et al. vs. ANDRITZ HYDRO GmbH	09/04/2014	No	http://mneguidelines.oecd.org/database/instances/at0005.htm	Yes; Cooperation and confidential exchange of expertise with other NCPs.

Total number=	1
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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 were CONCLUDED during the year:

Title	Date received (dd/mm/yyyy)	Date concluded (dd/mm/yyyy)	Link to OECD database if available	Outcomes achieved	Follow-up by the NCP	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
N/A	N/A	N/A	N/A	Choose an item.	Choose an item.	N/A

Total number= N/A

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.
N/A	N/A	N/A	Choose an item.	N/A

Total number= N/A

END OF QUESTIONNAIRE