

REPORT OF NATIONAL CONTACT POINTS TO THE INVESTMENT COMMITTEE

Common Framework for Annual Reporting by National Contact Points for the period June 2007-June 2008

NORWAY

A. Institutional Arrangements

Annexes 1 and 2 to this questionnaire show, respectively, the “Structure of the National Contact Points” from the 2007 NCP Chair’s Summary and the list of National Contact Points (providing contact details) that is available on the OECD Guidelines website. NCPs are asked to update these tables if necessary.

NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees).

How does the NCP relate to other government agencies?

How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?

How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?

Do you also wish to provide any information on how the NCP relates with other initiatives such as the UN Global Compact and its local networks?

The current structure of the Norwegian NCP is a tripartite system, consisting of representatives from the labor union, the Confederation of Norwegian Enterprise (the main representative body for Norwegian employers), the Ministry of Trade and Industry and the Ministry of Foreign Affairs. Norway has a long and solid tradition of a tripartite-system where government institutions, labor unions and employers organizations co-operate.

B. Information and Promotion

How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?

The Guidelines are translated into Norwegian and are available on the website of the Ministry of Foreign Affairs. The Ministry of Foreign Affairs has published an informative/promotional brochure on the Guidelines that have been distributed to businesses and relevant institutions and agencies. The informational brochure is also available on the Norwegian Government's official web-site: <http://www.regjeringen.no>.

Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

The Guidelines are promoted in different events. For instance, in connection with presentations and new publications. The Norwegian Ministry of Foreign Affairs launched in January 2008 a booklet on anti-corruption with a section on the Guidelines. This brochure is distributed to all the Norwegian embassies and export promotion offices abroad as well as to the relevant agencies and organisations in Norway. Furthermore, the Norwegian Government is in the process of writing a White Paper on CSR. As a follow-up to the white paper, a more comprehensive CSR strategy with increased promotion of the OECD guidelines may be considered.

How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the Guidelines (consultations, distribution of the Guidelines, etc.)?

Co-operation is carried out through the NCP. In addition there is a national consultation committee for CSR "Kompakt" in which the OECD Guidelines are discussed.

Annex 3 to this questionnaire presents Table 1 from the 2007 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes"). NCPs are asked to update this table. If no update is necessary, please indicate this.

No update.

Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

(a) No

(b) No

(c) No

C. Implementation in specific instances

One specific instance was concluded with the Norwegian NCP during the June 2007-2008 cycle.

In June 2006 both the Swedish and Norwegian NCPs were contacted by the Norwegian NGO Bellona and the Argentinian NGO Center for Human Rights and Environment (CEDHA) who claimed that the Scandinavian bank Nordea, as partial financier of the Finnish company Botnia's construction of a pulp mill in Uruguay, was not following the OECD Guidelines for Multinational Enterprises.

The Swedish NCP, in cooperation with the Norwegian NCP, decided to take the case as a specific instance. The report from Bellona/CEDHA has been assessed in accordance with the rules of procedure prescribed in the OECD Guidelines for Multinational Enterprises.

The Norwegian NCP and the Swedish NCP concluded the specific instances on January 24 2008 and issued the following statement:

Statement by the Swedish National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises - with the full support of Norway's NCP - in connection with a complaint from the Argentine environmental organisation CEDHA against Nordea.

Introduction

On 12 July 2006, the Swedish National Contact Point for the OECD Guidelines for Multinational Enterprises (NCP) received a complaint from the Argentine environmental and human rights NGO CEDHA (Center for Human Rights and Environment), that was also signed by the Norwegian environmental organisation Bellona, concerning Nordea's part-financing of the Finnish company Botnia's pulp mill project in Uruguay. The same complaint was also sent to the Norwegian National Contact Point. The complaint has been dealt with via consultation between the Swedish and Norwegian Contact Points, but it has been agreed that the main responsibility should lie with the Swedish NCP as Nordea's head office is in Stockholm. The Norwegian NCP endorses the comments and conclusions expressed in the statement.

Conclusion

The Swedish National Contact Point has not found indications to support the complaints made about Nordea having violated the OECD Guidelines in its part-financing of Botnia's pulp mill in Uruguay.

This position is founded partly on meetings that have been held with the aim of contributing to a solution by means of discussion and dialogue, and partly on questions and answers that have been exchanged between the parties concerned, with the NCP acting as facilitator and intermediary. Moreover, the International Finance Corporation's (IFC) environmental study on the project and visits made to Uruguay by trade union organisations have strengthened this assessment. This statement has the full support of the Norwegian NCP.

In its handling of the matter, the Swedish National Contact Point has examined the application of the Guidelines to the financial sector and whether Nordea has independent liability as part-financer and supplier of financial services to the company Botnia. At the annual NCP meeting in Paris in June 2007, the topic for roundtable discussions was the OECD Guidelines and the financial sector. Sweden took on a leading role at the meeting, and it was established that the Guidelines could be applicable. The NCP states that the Guidelines can and should be applied to the financial sector as well as to other multinational enterprises. The NCP considers the following rule in the Guidelines to be of particular interest in this respect:

Chapter 2, paragraph 10

'Encourage, where practicable, business partners, including suppliers and subcontractors, to apply principles of corporate conduct compatible with the Guidelines'

The Swedish National Contact Point would like to take this opportunity to encourage Nordea and other actors in the financial sector to practise as much transparency and freedom of information as possible. In order to foster greater understanding among the general public for their activities, it is essential that companies be sensitive to the public's increasing demands for information. The NCP would like to point in particular to Chapter 2, 'General policies', paragraph 7, and Chapter 3, 'Disclosure', paragraphs 4e)–f) and 5b)–c).¹

Nordea says that in the case in question it followed its regular processing routine for project and risk analysis where it – according to the information provided – applied procedures similar to those within the framework of the Equator Principles. In the course of proceedings, Nordea has adopted the Equator Principles (February 2007) and acceded to the UN Principles for Responsible Investments with effect from 1 November 2007.

¹ Chapter 2, 'General policies'

7. "Develop and apply effective self-regulatory practices and management systems that foster a relationship of confidence and mutual trust between enterprises and the societies in which they operate."

Chapter 3, 'Disclosure'

4. "Enterprises should also disclose material information on:

e. Material foreseeable risk factors,

f. Material issues regarding employees and other stakeholders"

5. "Enterprises are encouraged to communicate additional information that could include:

b) Information on systems for managing risks and complying with laws, and on statements of codes of business conduct,

c) Information on relationships with employees and other stakeholders."

The NCP considers that this process has illustrated how the Guidelines can contribute to both socially and environmentally responsible international entrepreneurship. It has played a significant role in promoting the Guidelines and has provided an example of how they can be applied even to the financial sector. This process has also shown how valuable good cooperation between National Contact Points can be. To conclude, the NCP would like to underline that it considers it very important that the OECD Guidelines are respected and followed by all actors.

D. Other

How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of guidelines implementation? Please provide examples that illustrate this.

Concerning the core criteria for the operation the Norwegian NCP ensures transparency by releasing press statement on the result of the specific instances . All the three instances handled by the Norwegian NCP have been published on the official web site of the Norwegian government. The statement covers both information on the Guidelines as well as information on the procedure of the instance dealt with. The statements have included the names of the parties involved.

Do you wish to provide any other information on the nature and results of NCP activities, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?

If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?

