

To: Romanian National Contact Point & OECD Centre for Responsible Business Conduct
From: OECD Watch
Date: 25 January 2024
Re: OECD Watch submission to the 2024 Peer Review of NCP Romania

OECD Watch welcomes NCP Romania's willingness to undergo a peer review to improve the NCP's effectiveness in promoting the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (Guidelines) and contributing to resolving irresponsible business conduct by multinational enterprises (MNEs) in specific instances. We appreciate the opportunity to provide input into this peer review.

This submission highlights areas for the NCP's improvement of particular concern to OECD Watch. We direct the NCP, the Romanian government, and the peer reviewers to [OECD Watch's most recent evaluation of NCP Romania](#).¹ As our evaluation shows, aspects of the NCP's procedures, communications, and organisational structure do not meet civil society's expectations for NCPs. This submission includes recommendations in relation to these issues.

NCP Romania's procedures

NCP Romania's website does not have a publicly available rules of procedure, only a short guide on how to file specific instances, and the NCP has not received any specific instances. Therefore, potential complainants know nothing about the NCP's complaint-handling processes, including on issues of key concern to civil society, such as complainant anonymity, confidentiality rules, mediation accessibility, and how the NCP treats parallel proceedings. The 2023 Guidelines clearly state that "NCPs will publish their case-handling procedures, i.e. procedures they follow in handling specific instances, which will be consistent with these Procedures." Civil society therefore expects the NCP to publish its comprehensive specific instance-handling procedures in the near future.

OECD Watch urges the Romanian government to not just adopt the minimum requirements in the updated Procedures, but to implement the strong recommendations and suggestions therein, which are based on current NCP good practices and extensive input from stakeholders. It is crucially important that the NCP consults with stakeholders throughout this process. In addition to informing stakeholders about the updated Guidelines, the NCP should solicit their expert opinions on strengthening its work and drafting its procedures. OECD Watch is able to support the NCP in this process if needed.

NCP Romania's communication

While it is positive that the NCP's website contains information on the Guidelines and OECD Due Diligence Guidance, many aspects of its communication do not meet civil society's expectations. According to the Working Party on Responsible Business Conduct's 2022 Annual Report on NCPs, the NCP engaged in some promotional activities, but these events only promoted the Guidelines to business and not to NGOs or trade unions. The NCP has also not developed a promotional plan, or otherwise this plan has not been published on its website. To improve its accessibility and visibility, the NCP should ensure that the Guidelines and its own activities are promoted equally to all stakeholders as set out in its annual promotional plan.

¹ OECD Watch's NCP evaluations were last updated in 2021.

NCP Romania's organisation

While it is positive that the NCP ensures broad expertise in its dual mandate by formally involving diverse relevant government departments, OECD Watch encourages the NCP to align its organisation further with civil society's expectations.

Stakeholder advisory body and stakeholder involvement in the NCP: The NCP does not have a multi-stakeholder advisory body and does not equally involve representatives of all three core stakeholder groups in its governance and decision-making structure (only business, not NGOs or trade unions, are formally involved). This significantly limits the accessibility and visibility of the NCP and should be remedied as part of its internal review process following the 2023 update to the Guidelines.

Staffing resources: The NCP has only a small number of part-time staff, which is not in line with civil society's expectations for NCPs to employ two or more full-time employees. Increased staffing and resources should increase the visibility of the NCP amongst all stakeholders, potentially improving its recognition in Romania and abroad, and perhaps also leading to the filing of specific instances.

Location in bureaucracy: The NCP is located in the Ministry of Economy, Entrepreneurship and Tourism. This is not in line with civil society's expectations that NCPs not be housed in government ministries relating to economics, trade, and investment. OECD Watch recommends that the Romanian government review the NCP's location to ensure its accessibility and accountability to its stakeholders and that there is no real or perceived conflict of interest.

Contact details

For questions or clarification on this submission, please contact the OECD Watch Secretariat.

OECD Watch Secretariat (c/o SOMO)	Katharine Booth, Researcher and Policy Advisor
KNSM-iaan 17	k.booth@oecdwatch.org
1019 LA Amsterdam	
The Netherlands	Marian Ingrams, Director
Ph: +31 20 6391291	m.ingrams@oecdwatch.org
info@oecdwatch.org	