



**Ministry for Foreign Affairs**

Department for Trade Promotion, Nation Branding  
and CSR

## Guidelines for Sweden's National Contact Point for Responsible Business Conduct

### Background

Sweden is a party to the OECD Declaration on International Investment and Multinational Enterprises. Under the Declaration, the adhering governments jointly recommend multinational enterprises operating in or from OECD Member countries to observe the accompanying Guidelines for Multinational Enterprises on Responsible Business Conduct. The Guidelines are recommendations on responsible business conduct regardless of where the enterprises operate.

The governments of the adhering countries have undertaken to promote these Guidelines by establishing a National Contact Point for Responsible Business Conduct (NCP). The NCP's task is to provide information on and promote the implementation of the Guidelines, and to serve as a forum for dialogue on issues related to their implementation. The NCP is also required to contribute to resolving issues that arise from the implementation of the Guidelines in specific instances. The latter means that individuals can report enterprises they consider have failed to meet the Guidelines.

According to the Guidelines, the NCP must be organised so as to operate as an effective platform for handling cases related to the Guidelines and to carry out its tasks in an impartial manner. At the same time, an appropriate level of responsibility in relation to the adhering government must be maintained.

For some time now, a working group at the Ministry for Foreign Affairs Department for Trade Promotion, Nation Branding and CSR (UD FH),

together with external members representing business and trade union organisations, have served as Sweden's NCP.

The Guidelines in this memorandum aim to guide the work of the Swedish NCP.

### **Purpose**

The NCP is a working group at the Government Offices that also includes external members.

This working group is Sweden's NCP for the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. It carries out tasks as outlined in the OECD Guidelines. This includes promoting the Guidelines, being involved in handling specific instances and being able to answer questions about the Guidelines as needed.

### **Primary responsibility**

UD FH is responsible for the NCP under Section 23 of the Government Offices Regulations and the rules of procedure for the Ministry for Foreign Affairs (UF 2022:4). The NCP's work is headed by a chair and a secretary located at UD FH and appointed by the Head of UD FH.

### **Members**

The NCP must consist of at least six and at most eleven members.

The chair and the secretary must be employed by the Government Offices (Ministry for Foreign Affairs), and they must carry out their tasks within the scope of their regular employment. If one of them is absent, the other may stand in as an alternate.

The other members must not be employed at the Government Offices. The organisations below must have the option to recommend one member each. This is done via a written communication to the chair. After special delegation by the Head of UD FH, the chair can approve the proposals via a written confirmation to the organisation.

These other members will henceforth be referred to as 'external members'.

- Swedish Federation of Business Owners

- IF Metall
- Swedish Trade Union Confederation
- Swedish Confederation of Professional Organisations
- Swedish Trade Federation
- Confederation of Swedish Enterprise
- Association of Graduate Engineers
- Confederation of Professional Employees
- Unionen

No remuneration is paid for serving as an NCP member.

In exceptional cases, for example cases concerning conflict of interest or long-term illness, a member can propose that the chair appoint an alternate. The regular member is responsible for ensuring that the alternate is familiar with relevant questions.

The NCP may invite experts as needed.

#### **The external members' role**

The external members of the NCP act in their personal capacity. However, they may also contribute with experience and information based on their regular tasks and positions. The external members must, within the framework of NCP activities (see section 'Purpose' above), exercise objectivity and impartiality.

#### **Work procedures**

##### **Meetings**

The NCP will hold regular meetings. These meetings will normally be held at least bi-monthly, except for during periods of holiday. The chair or secretary summons members to meetings and proposes a meeting agenda. External members may propose changes to the agenda. The secretary issues material

ahead of the meetings (usually one week in advance) and records the minutes of the meetings.

#### **Decisions**

Decisions are made by the Head of UD FH, as proposed by the members of the NCP. The Head of UD FH can delegate their right of decision to the NCP chair.

As a rule, proposals for decisions are drafted at regular NCP meetings by consensus of all those present. The NCP can submit proposals when at least half of the members are present.

If consensus is not reached in a specific instance within the time stipulated in the OECD Guidelines, the chair may decide the matter. The chair may also decide on other matters if consensus has not been reached when the same matter has been considered at two consecutive meetings.

Proposals for decisions can also be submitted via a written procedure, provided that at least half of the members take part.

Members have the possibility to enter a written reservation against a proposal for a decision.

#### **Collaboration**

The NCP will regularly collaborate with, and may consult, representatives of civil society and Academia.

The NCP may also consult other sections of the Government Offices or other representatives of trade unions and the business sector.

The NCP may consult external experts and/or mediators provided that funding is available.

#### **Documentation and archiving**

The chair and the secretary are responsible for documentation and archiving.

#### **Individual cases**

The NCP are to receive and handle applications from individuals in relation to issues emerging from the implementation of the Guidelines in individual

cases. This must be done in accordance with the procedures in the Guidelines.

Pursuant to Section 73 of the Rules of Procedure, the Head of UD FH has the right to establish guiding principles for NCP work related to individual cases. Drafting and amending to such principles will take place in consultation with the Legal Secretariat.

Before publishing a statement on an initial assessment or a final statement concerning an individual case, the chair and secretary must consult with the Legal Secretariat on the formulation of the statement for quality assurance purposes.

### **Transparency and confidentiality**

As a working group within the Government Offices, the NCP is obliged under Swedish law to comply with the principle of public access to official documents. This means that Swedish legislation on public access to information under the Freedom of the Press Act and the Public Access to Information and Secrecy Act (2009:400) applies to documents and information stored at the Government Offices and relating to the NCP.

Sweden has undertaken to adhere to the OECD Guidelines, including the parts relating to transparency and confidentiality. The Guidelines state that transparency is a general principle of the NCP's activities. In some cases, there may be reason not to disclose information, for example when it concerns business or operational circumstances, or the personal and financial circumstances of private individuals. However, as a rule, a party in a case should be informed of everything that the other party cites. The Guidelines further state that national law on transparency and confidentiality takes precedence over the Guidelines.

### **Conflicts of interest**

The members of the NCP must voluntarily report any conflicts of interest or circumstances that could be assumed to affect confidence in their impartiality in the processing of individual grievances. External members report to the chair and the secretary. The chair and the secretary report to the Head of UD FH.

In cases where a member of the NCP is at risk of a conflict of interest, the member must consider whether it is best to refrain from taking part in the processing of the case.

**Reporting and follow-up**

The chair and the secretary will annually report in writing to the relevant Minister and/or State Secretary at the Ministry for Foreign Affairs. Reporting to the relevant Minister and/or State Secretary at the Ministry for Foreign Affairs will also take place as required. The chair and the secretary report routine matters of major importance to the UD FH leadership and, if necessary, to the Director-General for Trade Policy.