



Conduct procedure before the Polish NCP in specific instance related to an alleged breach of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

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National Contact Point for OECD Responsible Business Conduct (OECD NCP) promotes standards for *responsible business conduct* (RBC) developed by the OECD, as well as considers notifications of alleged breaches by enterprises of *the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct* (OECD Guidelines).

This procedure specifies the manner of conduct before the Poland's OECD NCP in the event of a notification of an alleged breach of the OECD Guidelines by a given enterprise and was developed on the basis of **the 2023 edition of the OECD Guidelines**.

Conducting cases in accordance with the manner specified in the procedure, the OECD NCP strives to strengthen the RBC standards, at the same time assuming that the responsible enterprise participates in economic, environmental and social development, respects human rights and the environment, conducts a dialogue with stakeholders and communicates reliably its activities.

Poland is among **the 52¹ states that are Adherents to the OECD Guidelines** and therefore recommends multinational enterprises operating in the country as well as enterprises based in Poland and operating abroad to comply with the recommendations of the OECD Guidelines.

The OECD Guidelines recommend that enterprises carry out **risk-based due diligence** to identify, prevent and mitigate actual and potential adverse impacts and take responsibility for how they address such activity concerning RBC issues covered by the OECD Guidelines.

¹ On September 6, 2024, Mauritius joined the group of states that are Adherents to the OECD Guidelines.

This procedure consists of the following parts:

A. GENERAL RULES

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 - Multinational Enterprise
 - OECD National Contact Point for RBC
 - Responsible business conduct
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C. THE FLOW CHART OF CONDUCT PROCEDURE BEFORE THE POLISH OECD NCP

A. GENERAL RULES

1) The most important terms and abbreviations

OECD Guidelines for Multinational Enterprises on Responsible Business Conduct – the OECD Guidelines

These are recommendations concerning RBC standards for multinational enterprises developed by the OECD Member States. The recommendations are addressed to multinational enterprises conducting their business within a country that is adhering the OECD Guidelines, as well as enterprises from that country conducting their business in other territories. The recommendations included in the OECD Guidelines are in accordance with the law and international standards of responsible business conduct.

Multinational Enterprise

In Chapter I "Concepts and Principles" of the OECD Guidelines², it is indicated that the international nature of an enterprise's structure or activities and its commercial form, purpose, or activity, are the main factors to consider when assessing whether a given enterprise is a multinational enterprise. Multinational enterprises operate in all sectors of the economy. They usually comprise companies or other entities established in more than one country and so linked that they may coordinate their operations in various ways. While one or more of these entities may be able to exercise a significant influence over the activities of other entities in a group, their degree of autonomy within the group may vary widely from one multinational enterprise to another. Ownership may be private, State, or mixed. The OECD Guidelines are addressed to all the entities within the multinational enterprise (parent companies and/or local entities). According to the actual distribution of responsibilities among them, the different entities are expected to cooperate and to assist one another to facilitate observance of the OECD Guidelines.

OECD National Contact Point for RBC – OECD NCP

Adherents to the OECD Guidelines shall set up the OECD NCPs. The tasks of the OECD NCP include:

- a) promoting the OECD Guidelines, raising awareness of the OECD Guidelines, and their practical application, including promoting other RBC standards developed by the OECD.
- b) considering notifications of an alleged breach of the OECD Guidelines by multinational enterprises,
- c) and answering inquiries of other OECD NCPs, business and non-governmental organisations representatives as well as other stakeholders, including government administrations of countries that are not adherents to the OECD Guidelines.

² The 2023 edition of the OECD Guidelines, Chapter I "Concepts and Principles," paragraph 4.

Responsible business conduct / RBC

As defined by the OECD Guidelines, responsible business conduct means that enterprises should comply with applicable international regulations and standards in order to:

- a) contribute to economic, environmental and social progress to achieve sustainable development, and
- b) undertake actions aimed at preventing adverse impacts which may occur as a result of their operations or undertake actions aimed at mitigating such adverse impacts. RBC also entails the issue of responsibility for how enterprises address the adverse impacts of their business activity concerning issues specified in the OECD Guidelines. The basis for conducting these activities is a due diligence process.

Notification of an alleged breach of the OECD Guidelines

Notification of an alleged breach of the OECD Guidelines by a multinational enterprise submitted to the OECD NCP on the appropriate form, available on the Polish OECD NCP's website.

Case / specific instance

The term "case" or "specific instance" refers to the subject of the notification of an alleged breach of the OECD Guidelines. The subject of the notification should include a description of the situation in which an alleged breach of the OECD Guidelines was committed along with an indication of Chapters of the OECD Guidelines to which the alleged breach is related to.

Good offices

Good offices mean joint discussions between the parties to the procedure with the support of the Polish OECD NCP – discussions aimed at seeking a solution of the specific instance that will be satisfactory to both parties of the procedure, conducted with the support of the Polish OECD NCP while ensuring compliance with the OECD Guidelines. Depending on the subject of the notification and the expectations of the parties to the procedure, good offices may also encompass mediation or conciliatory proceedings.

Parallel proceedings

The term "parallel proceedings" refers to national or international judicial proceedings (including civil, criminal, court and administrative and enforcement proceedings, and proceedings in the petty offence cases), administrative proceedings, or non-judicial proceedings concerning the same or closely related issues that may affect the case handled by the Polish OECD NCP. This also includes specific instances being handled by the same or other OECD NCP.

2) General rules of conducting procedure before the OECD NCP

The OECD NCPs play a significant role in enhancing the effectiveness of implementing the OECD Guidelines. The institutional arrangements and functions of the OECD NCPs have been delineated in Part II of the OECD Guidelines on implementation procedures of the OECD Guidelines

According to the OECD Guidelines, each OECD NCP operates on the basis of the criteria indicated in the OECD Guidelines: **visibility, accessibility, transparency, accountability, impartiality, fairness, predictability and compliance with the OECD Guidelines**³.

In light of the possibility to submit notifications to the OECD NCPs regarding alleged breaches by multinational enterprises of the OECD Guidelines, the procedure before the Polish OECD NCP can be classified as a remedy referred to as a “State non-judicial grievance mechanisms⁴”, although the notification to the Polish OECD NCP does not constitute a “complaint”, but should be rather understood as a request resulting in the commencement of the procedure before the Polish OECD NCP. In this context, the OECD NCPs endeavour to facilitate dialogue between the parties and support them in seeking mutually acceptable and OECD Guidelines-compliant solutions to the instances under consideration. Additionally, they actively bolster such dialogue with their specialised knowledge of the OECD Guidelines.

Conduct procedure before the Polish OECD NCP entails the voluntary participation of the parties concerned. All parties concerned are expected to participate in the procedure in good faith. This entails, among other things, providing timely responses, maintaining confidentiality, refraining from presenting matters handled in the procedure and its course inaccurately, as well as refraining from threatening or taking retaliatory measures against the parties concerned or against the Polish OECD NCP. It also involves actively engaging in the procedure to seek solutions compliant with the OECD Guidelines to resolve specific instances⁵.

Each OECD NCP publishes its procedure for handling cases involving the notifications received of alleged breaches of the OECD Guidelines. General rules of conducting procedure before the Polish OECD NCP are laid down in this procedure.

3) Who can submit a notification of an alleged breach of the OECD Guidelines?

A notification of an alleged breach of the OECD Guidelines may be submitted by any party. Such entity will hereinafter be referred to as the “Notifier”. It may be an employee of a given enterprise or a group of employees, people other than employees or groups of people, trade unions, NGOs and others.

The Notifier does not have to be at the same time affected by operations of the enterprise, but needs to prove its connection to the case.

4) In what language should a notification of an alleged breach of the OECD Guidelines be submitted?

To increase the accessibility of the Polish OECD NCP, this procedure has been posted on the OECD NCP's website in Polish and in English and Ukrainian.

³ See the 2023 edition of the OECD Guidelines, Part II “Implementation Procedures of the OECD Guidelines for Multinational Enterprises on RBC,” Commentaries on the “Implementation Procedures,” p. 64-66.

⁴ See UN Guiding Principles on Business and Human Rights, Principle No. 27.

⁵ See the 2023 edition of the OECD Guidelines, Part II “Implementation Procedures of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct,” Commentaries on the “Implementation Procedures,” p. 63.



However, the procedure before the OECD NCP is conducted in Polish, hence the notification form of an alleged breach of the OECD Guidelines should be completed in Polish. In specific situations, the OECD NCP allows for the possibility of consulting a case and filing a notification in English.

5) What may a notification of an alleged breach of the OECD Guidelines be related to?

The Notifier should specify in the form the Chapters of the OECD Guidelines that he/she believes to have been breached by a given company as well as describe and document the emerging situation, explaining why the Notifier believes that this company have breached the OECD Guidelines.

The 2023 edition of the OECD Guidelines comprise the following eleven Chapters:

Chapter I	Concepts and Principles
Chapter II	General Policies
Chapter III	Disclosure
Chapter IV	Human Rights
Chapter V	Employment and Industrial Relations
Chapter VI	Environment
Chapter VII	Combating Bribery and Other Forms of Corruption
Chapter VIII	Consumer Interests
Chapter IX	Science, Technology and Innovations
Chapter X	Competition
Chapter XI	Taxation

6) To which OECD NCP should a notification of an alleged breach of the OECD Guidelines be submitted?

Adherents to the OECD Guidelines encourage the enterprises operating 'in' or 'from' their territories to observe the OECD Guidelines. Consequently, the OECD NCPs may have to handle notifications of alleged breaches of the OECD Guidelines occurring within their country or cases related to enterprises based in their country.

Notification of an alleged breach of the OECD Guidelines should be submitted to the OECD NCP in the country where the alleged breach of the OECD Guidelines took place. If a OECD NCP is not operating in this country, the notification should be submitted to the OECD NCP in the country where the enterprise has its registered office.

Notification of an alleged breach of the OECD Guidelines submitted to the Polish OECD NCP may concern a Polish multinational enterprise or a foreign multinational enterprise conducting business in Poland. Some notifications may relate to multiple situations occurring in several countries. In such cases, the proceedings involve the OECD NCPs from several different countries, among which the leading and supporting roles are determined⁶.

⁶ See the 2023 edition of the OECD Guidelines, Part II "Implementation Procedures of the OECD Guidelines," Commentary on the "Implementation Procedures," p. 69.



7) How to submit a notification to the Poland's OECD NCP?

A model notification form of an alleged breach of the OECD Guidelines is available on the Polish OECD NCP's website. [Form of the notification](#) must be filled in Polish (subject to specific circumstances as mentioned in point 4 above).

Notification of an alleged breach of the OECD Guidelines for Multinational Enterprises should be submitted electronically by sending the completed notification form along with any appendices to the following email address: kpk.oecd@mfigr.gov.pl

8) Indicative time frame for procedure before the Polish OECD NCP

The procedure before the OECD NCP covers **four stages**. The total duration of these stages should not exceed **12 months**.

If the OECD NCP is conducting the procedure from several different countries, it covers **five stages**. The total duration of these stages should not exceed **14 months**.

Procedure's stages	Description of actions	Indicative time frame
Stage I	Coordination In a situation in which the case is handled by the NCPs from multiple countries, the coordination stage includes appointing a lead OECD NCP and the supporting OECD NCPs.	no more than 2 months from the day of receiving the notification
Stage II	Initial Assessment The initial analysis of the case, the decision to proceed (or not proceed) with the case, the preparation of an Initial Assessment, and the proposal of conducting <i>good offices</i> between the parties.	no more than 3 months from the day of receiving the notification or upon completion of the coordination stage.
Stage III	Good offices This stage involves assistance provided by the OECD NCP to the parties involved in discussions aimed at finding a mutually satisfactory resolution to the specific instances indicated in the notification.	no more than 6 months from the publishing of an Initial Statement.
Stage IV	Closing of the procedure The development and publication of the Final Statement regarding the case.	no more than 3 months
Stage V	Monitoring (<i>follow-up</i>) In cases where monitoring of the case is possible, the OECD NCP typically, one year after the publication of the Final Statement, contacts the parties to obtain information regarding the implementation of the agreement reached during the procedure or the implementation of the recommendations included in the Final Statement.	no more than 3 months

In justified cases, it is permitted to extend the procedure before the OECD NCP. However, the Polish OECD NCP expects that the parties involved will provide necessary information within specified time limits to avoid delays in the procedure.

9) How are the OECD Guidelines interpreted during the procedure before the OECD NCP?

If the OECD NCP finds that the OECD Guidelines' provisions are unclear at any given moment of the case consideration procedure,, it should undertake measures to obtain the interpretation. Therefore, the OECD NCP:

- 1) analyses similar specific instance conducted by OECD NCPs in other countries;
- 2) as the case may be, contacts OECD NCPs in other countries;
- 3) in case of further doubts, the OECD NCP may apply for interpretation to the OECD Investment Committee.

In situations where it was necessary to clarify the way of understanding of the OECD Guidelines, information about this is included in the Final Statement.

10) Rules of maintaining transparency of the procedure and confidentiality

Pursuant to the OECD Guidelines, transparency is considered to be one of the rules of the OECD NCP's operation. Additionally, the criteria of visibility, accessibility and accountability, based on which the NPCs operate, should contribute to the preservation of transparency of procedures.

However, in the case of procedures conducted by the OECD NCP, it is important to preserve a balance between transparency and confidentiality of information in order to increase confidence in the OECD NCP and procedures conducted by the OECD NCP, as well as the effectiveness of implementing the OECD Guidelines.

The Polish OECD NCP pays special attention to:

- a) protecting confidentiality of business information and other data as well as interests of the parties to the procedure,
- b) maintaining full confidentiality of meetings and discussions with the parties to the procedure. Moreover, the OECD NCP assumes that personal details of individuals harmed as a result of an enterprise's operations can be included in published documents only if those individuals give their written consent.

During the procedure the OECD NCP draws the parties' attention to the need to maintain **confidentiality** indicated in the OECD Guidelines⁷ and informs the parties that the proceedings may be discontinued if one or both of the parties do not respect the principle of confidentiality. The principle of confidentiality applies to both parties concerned and the OECD NCP. Details of the procedure before the OECD NCP may not be distributed to the public in any way, without the consent of the parties and the OECD NCP, subject to the stipulations specified in the procedure.

11) Rules of documenting the case in the procedure before the OECD NCP

All documents related to the procedure conducted before the OECD NCP are kept in a case file. Specifically, these are:

- a) notification with attachments,
- b) correspondence kept with the parties,
- c) correspondence concerning the case with experts and other institutions,
- d) correspondence concerning the case kept with the OECD,

⁷ See the 2023 edition of the OECD Guidelines, Part II "Implementation Procedures of the OECD Guidelines," Commentary on the "Implementation Procedures," p. 72, pts 47-49.



- e) notes made after each meeting concerning the case,
- f) the initial Assessment of the case, and for cases accepted by the NCP, the Final Statement, and, where appropriate, a Monitoring note.
- g) other supporting materials or documents relevant to the case.

An exception to the abovementioned rules is the documentation relating to *good offices*. Its course is confidential in whole. The only document that is generated as a result of *good offices* is the agreement or summary of discussions agreed to by the parties. The agreement or the summary of discussions may be published by the OECD NCP as an element of the Final Statement only if the parties concerned agree to this.

The documentation of the case before the OECD NCP, except for documents which are to be made public on the OECD NCP's website, is confidential and is not subject to disclosure, also in the mode of access to public information.

The Polish OECD NCP does not provide any information on pending cases. The primary channel of communication of the OECD NCP is its website where the OECD NCP publishes current information about its activity and pending cases being considered before the OECD NCP.



B. CONDUCT PROCEDURE BEFORE THE POLISH OECD NCP

I. Coordination stage with OECD NCPs in other countries

In situations where OECD NCPs from several different countries are involved in handling a case, the coordination stage includes the exchange of case documentation (notification and any response from the enterprise concerned) as well as the designation of supporting and lead OECD NCPs.

Correspondence between OECD NCPs from different countries is conducted in English, which may necessitate the translation of case documentation into English.

II. Initial assessment stage: from the day of receiving the notification to the preparation of the Initial Assessment

- 1) Within 10 days from receiving the notification, the OECD NCP shall:
 - a) confirm its receipt to the Notifier,
 - b) send a copy of the notification to the concerned enterprise, together with a request for an initial response,
 - c) if the registered office of the enterprise is located (or the enterprise conducts its business activity) in another country (other countries), the Polish OECD NCP will inform the OECD NCP in another country (other countries) about receiving the notification.
 - i. In the event of the receipt of a notification regarding specific instances occurring in other countries, after notifying the OECD NCPs in those countries⁸, the Polish OECD NCP will coordinate its actions with the OECD NCPs in those countries. The coordination actions are aimed at establishing the lead and supporting OECD NCPs in the case
 - ii. The coordination stage should be completed within two months from receiving the notification.
- 2) Afterwards, the NCP starts an **initial analysis of the case**, which covers the verification of:
 - a) the identity of the Notifier and the reasons for its interest in the case,
 - b) whether the enterprise adheres to the OECD Guidelines,
 - c) whether the case is relevant (i.e., relevant for the implementation of the OECD Guidelines) and justified (i.e. supported by sufficient and credible information),
 - d) whether there is a connection between the enterprise's activity and the case,
 - e) whether there are alternative appeal mechanisms or legal procedures in the case (including court proceedings),
 - f) in the event that proceedings are being conducted by another body in the same case (see Part A(1), referred to as "Parallel Proceedings") – is it possible to conduct proceedings before the OECD NCP?
 - g) whether similar cases have been handled (or similar procedures are being conducted) as part of other national or international procedures,

⁸ See the 2023 edition of the OECD Guidelines, Part II "Implementation Procedures of the OECD Guidelines," Commentary on the "Implementation Procedures," p. 69, pts 29-32.



- h) whether the review of a particular case can contribute to achieving its purposes and enhance the effectiveness of the OECD Guidelines.
- 3) The OECD NCP organises **separate meetings with each party** during which it presents the opportunities arising from cooperation with the OECD NCP and discusses in detail the procedure before the OECD NCP.
- 4) Subsequently, the OECD NCP analyses the information collected to date, decides whether to proceed with the case and prepares the Initial Assessment of the case.
- 5) If the OECD NCP accepts the case, the **Initial Assessment** should include:
 - a) names of the parties,
 - b) subject of the notification, including Chapters of the OECD Guidelines that it refers to,
 - c) summary of actions that were undertaken by the OECD NCP from the moment the notification was submitted,
 - d) justification of the OECD NCP's decision on proceeding with the case,
 - e) explanation that the OECD NCP decides to proceed with the case does not mean the OECD NCP confirms that the OECD Guidelines have been breached by the enterprise,
 - f) description of consecutive stages of the procedure.
- 6) If the OECD NCP decides not to proceed with the case, the Initial Assessment also functions as the Final Statement closing the procedure before the OECD NCP, and should include:
 - a) names of the parties (unless, for the good of the case, the OECD NCP decides not to disclose the names of the parties),
 - b) subject of the notification, including Chapters of the OECD Guidelines that it referred to,
 - c) summary of actions that were undertaken by the OECD NCP from the moment the notification was submitted,
 - d) justification of the OECD NCP's decision not to proceed with the case.
- 7) The draft Initial Assessment of the NCP is sent to the parties with a request to communicate any potential comments or propose records within 14 days from receiving the document.
 - i. If the OECD NCP assumes the role of a lead NCP in a case coordinated with other OECD NCPs, the OECD NCP also sends the draft Initial Assessment to the supporting OECD NCPs
- 8) The OECD NCP makes a decision on whether to take the comments into account or not.
- 9) If the Initial Assessment requires further agreement with the parties, the OECD NCP sends another draft Initial Assessment to the parties and sets a deadline for comments.
- 10) The Initial Assessment in its final version is published on the OECD NCP's website in Polish and English.
- 11) The OECD NCP also forwards the published Initial Assessment to the relevant organizational units within the government administration authorities competent in respect of the subject matter of the notification.
- 12) Moreover, the OECD NCP sends information about the publication of the Initial Assessment to the OECD Secretariat which places it in the database of cases conducted by the OECD NCP (<http://mneguidelines.oecd.org/database/>).

III. Good offices stage

- 1) Having decided to proceed with the case, the OECD NCP should make every effort to aid the parties in reaching an agreement. During this stage of the procedure, the OECD NCP is specifically authorised to:
 - a) consult the case with public administration bodies, representatives of the business environment, employee organisations, non-governmental organisations, experts,
 - b) consult the case with OECD NCPs operating in countries that the case concerns,
 - c) turn to the Investment Committee in the case of doubts related to the OECD Guidelines interpretation in a given situation;
- 2) Depending on the findings made during the analysis of the case, the OECD NCP may propose to the parties concerned joint discussions with the active support of the OECD NCP (*good offices*). As part of *good offices* and where it is relevant to the matters being examined, the OECD NCP offers or facilitates access to consensus-based and non-adversarial processes, such as mediation or conciliatory proceedings, to assist the parties concerned in resolving the specific instance handled⁹.
- 3) *Good offices* are conducted by the OECD NCP in accordance with the principles which the parties concerned are acquainted with before it begins. In particular:
 - a) parties concerned join *good offices* voluntarily,
 - b) if the OECD NCP offers mediation to the parties concerned as part of *good offices*, mediation is conducted by either an OECD NCP mediator or an external mediator, whose fees are covered by the OECD NCP.
 - c) *good offices* discussions, including mediation or other forms of conciliatory proceedings, are confidential
 - d) during the conduct of *good offices*, the OECD NCP supports the parties in seeking agreement while adhering to the principle of compliance with the OECD Guidelines.
- 4) During the conduct of *good offices*:
 - a) The OECD NCP is providing efficient communication between the parties and a space to conduct discussions,
 - b) with the consent of the parties and the OECD NCP, joint discussions may be held without the participation of the OECD NCP. In such a case, the parties are required to successively inform the OECD NCP of progress in the discussions
- 5) If the enterprise concerned refuses to participate in the *good offices*, the OECD NCP examines the case on its own. The OECD NCP then presents conclusions from the examination of the case to the parties and may again propose *good offices* or other form of conciliatory proceedings. In the case of a repeated refusal to conduct *good offices*, the OECD NCP continues its independent examination of the case.

⁹ See the 2023 edition of the OECD Guidelines, Part II “Implementation Procedures of the OECD Guidelines,” Commentary on the “Implementation Procedures,” p. 70-71, pts 36-38.

IV. Ending the procedure before the OECD NCP, publishing the Final Statement

- 1) The procedure before the OECD NCP ends in the preparation and publication of the Final Statement of the case. Final Statement should specifically include:
 - a) formal information:
 - i. date of receiving the notification,
 - ii. names of the parties to the procedure name of the Notifier and the enterprise that the notification concerns,
 - b) chapters of the OECD Guidelines that are identified as the subject of the notification,
 - c) summary of actions undertaken by the OECD NCP in relation to the case,
 - d) summary of the notification,
 - e) position of the enterprise that the notification concerns,
 - f) actions taken by the OECD NCP to resolve the case,
 - g) assessment of the case by the OECD NCP,
 - h) information that the parties joined the good offices,
 - i) substantive elements of the parties' positions presented during the procedure,
 - j) if an agreement is reached between the parties (including a partial agreement) – the date on which the agreement has been reached,
 - k) conclusions from the procedure before the NCP,
 - l) information on planned monitoring,
 - m) additional information – if justified
- 2) If the parties reach an agreement, the OECD NCP describes it in the Final Statement. The wording of the agreement or its fragments may be made public together with the Final Statement only if the parties agree to such publication.
- 3) If the parties do not reach an agreement, the OECD NCP describes it in the Final Statement.
- 4) Where appropriate and relevant to the resolution of the case, the OECD NCP may also present in the Final Statement its position on whether the company has adhered to the OECD Guidelines.
- 5) If justified, the OECD NCP may also include in the Final Statement recommendations for the enterprise on actions allowing to avoid breaches of the OECD Guidelines in the future.
- 6) In relevant cases, the OECD NCP determines in the Final Statement a date after which both parties concerned will be asked to present information on the progress made in implementing the recommendations outlined in the Final Statement and/or the status of the agreement reached (monitoring stage).
- 7) The draft Final Statement of the OECD NCP is sent to the parties concerned (and possibly to the NCPs supporting the parties) with a request to communicate any potential comments or propose records within 14 days from receiving the document.
- 8) The OECD NCP makes a decision on whether to take the comments into account or not.



- 9) If the Final Statement requires further agreement with the parties, the OECD NCP sends to the parties (and possibly to the OECD NCPs supporting the parties) another draft Final Statement and sets a deadline for comments.
- 10) The Final Statement in its final version is published on the OECD NCP's website in Polish and English.
- 11) The OECD NCP also forwards the published Final Statement to the relevant organisational units within the government administration authorities competent in respect of the subject matter of the notification.
- 12) The OECD NCP sends information about the publication of the Final Statement to the OECD Secretariat which places it in the database of cases conducted by the OECD NCP (<http://mneguidelines.oecd.org/database/>).

V. Monitoring (*follow up*)

- 1) The Final Statement indicates a date after which both parties concerned will be asked to present information on the progress made in implementing the recommendations outlined in the Final Statement and/or the status of the agreement reached.
- 2) The OECD NCP may invite the parties concerned to a meeting to discuss details regarding the progress made in implementing the recommendations outlined in the Final Statement and/or the status of the agreement reached.
- 3) After obtaining the abovementioned information, the OECD NCP prepares a Monitoring note which specifically includes:
 - a) basic information about the case and the parties concerned,
 - b) information on the agreement concluded between the parties,
 - c) information on steps undertaken by the parties to implement them,
 - d) explanation of the occurred situation, if execution of the agreement was conducted in a manner different than assumed or the enterprise failed to comply with the agreement,
 - e) potential recommendations for the enterprise or the Notifier.
- 4) The draft Monitoring note produced by the OECD NCP is sent to the parties (and possibly to the OECD NCPs supporting the parties) with a request to communicate any potential comments or propose records within 14 days from receiving the document.
- 5) The OECD NCP makes a decision on whether to take the comments into account or not.
- 6) If the Monitoring note requires further agreement with the parties (and possibly with the OECD NCPs supporting the parties), the OECD NCP sends another draft to the parties and sets a deadline for comments.
- 7) The Monitoring note in its final version is published on the OECD NCP's website in Polish and English.
- 8) The OECD NCP also forwards the published Monitoring note to the relevant organizational units within the government administration authorities competent in respect of the subject matter of the notification.
- 9) The OECD NCP sends information about the publication of the Monitoring note of the case to the OECD Secretariat which places it in the database of cases conducted by the OECD NCPs (<http://mneguidelines.oecd.org/database/>).

VI. Permitted exceptions to the conduct procedure before the Polish OECD NCP

- 1) In special situations, for the good of the case, the OECD NCP may decide not to make the Initial Assessment public.

In such situations, the Initial Assessment remains only in the case file kept by the OECD NCP and is a confidential document of the OECD NCP intended only for the parties concerned (and possibly for the supporting OECD NCPs in the case coordinated with other OECD NCPs), which is not subject to publication on the OECD NCP's website nor is it made available to the OECD Secretariat.

The above principle does not apply to cases not accepted by the OECD NCP for further review, in which the Initial Assessment is also the Final Statement.

- 2) In special cases it is possible to withdraw the notification by the Notifier.

This may occur when the parties reach an agreement before the first stage of the procedure and Initial Assessment are completed. Once the OECD NCP accepts the case for consideration and moves to the second stage of the procedure, it is not possible to withdraw the notification.

- 3) In specific cases, it is possible to suspend the procedure before the OECD NCP at the good offices stage due to pending parallel proceeding(s) in a case involving contentious matters pending before the OECD NCP.
- 4) In particular situations, Poland's OECD NCP reserves the right to allow other exceptions to this procedure.
- 5) To matters not settled in this procedure, the provisions of Part II of the 2023 edition of the OECD Guidelines shall apply: *Implementation procedures of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct*.