

LUXNCP - STAKEHOLDER CONSULTATION MEETING 30/09/2025 – MEETING MINUTES

- **Date:** September 30, 2025
- **Time:** 10:00 PM – 12:00 PM
- **Location:** Hybrid (Ministry of the Economy, Luxembourg and Microsoft Teams)
- **Attendees:*** Basak BAGLAYAN (NCP), Gilles BOULTGEN (CET), Penda FALL (IMS), Nadine HAAS (ASTM), Marian INGRAMS (OECD WATCH), Sabrina KOHN (HoS/CC), Adina LUPU (ALFI), Alexandre MORTELETTE (UniLu), Max MOUSEL (CCDH), Mandy NOESEN (LCGB), Jean-Louis ZEIEN (IDV)
- **Apologies:** Pitt BACH (OGBL), Lorenzo AVICO (LSFI)

AGENDA

- Welcome and introductions; approval of previous meeting minutes
- OECD Watch presentation: [State of Remedy 2024](#) report and [NCP evaluations](#)
- Updates: Recent NCP activities
- Draft Rules of Procedure (RoP) updates: presentation and discussion (written comments will be invited before finalization)
- Specific Instances: Status updates
- Promotional Plan 2026-2027: Continuation of discussion from the last meeting (please come with concrete proposals)
- Any other business and next meeting date
- Summary and next steps

DUSCUSSIONS

I. WELCOME AND INTRODUCTIONS

- The meeting was recorded to facilitate the drafting of the minutes. The recording will be deleted once the minutes are finalized.
- Draft minutes will be circulated for comments before publication. Substantive changes affecting content or meaning should be shared with the full group via the mailing list, while minor corrections may be sent directly to the NCP.

II. OECD WATCH PRESENTATION: STATE OF REMEDY 2024 REPORT AND NCP EVALUATIONS

- MI (OECD Watch) clarified that OECD Watch is not a formal member of any stakeholder advisory body to NCPs, as it has a separate role with the OECD Investment Committee. OECD Watch occasionally participates in NCP stakeholder meetings to share research findings and policy insights.
- The State of Remedy 2024 report reviews cases concluded in 2024, focusing on complaints filed by civil society and communities, and excluding those filed by unions, individuals, or companies.
- 22 complaints were filed by civil society in 2024, three rejected at the initial assessment stage and four resolved through agreements (three facilitated by NCPs and one outside the process).
- Three final statements included determinations on whether companies had observed the OECD Guidelines. OECD Watch views determinations as integral to effective remedy, as they recognize harm and clarify expected conduct. Only around 15 NCPs currently issue determinations; OECD Watch encourages broader use, supported by the 2023 update, which acknowledges that NCPs may express such views.
- Transparency during good offices is critical, as excessive confidentiality can undermine trust, especially in cases filed by communities. Many cases remain unresolved, and procedures often extend over two years, sometimes four, due to limited resources and increasing complexity of cases.
- Some NCPs have misinterpreted provisions on responsible disengagement and divestment by financial institutions. In significant or repeated cases, OECD Watch, together with TUAC, BIAC and adhering governments, may submit a substantiated submission to the OECD; only three such cases have been filed to date.
- Questions were raised about the report’s methodology, the exclusion of unions, and sectoral distribution. MI (OECD Watch) confirmed that unions are part of civil society but represented separately through TUAC; including them might slightly change results, as union cases more often lead to agreements. Mining, energy, agriculture, and food remain among the most frequently involved sectors, with growing attention to the financial sector.
- On determinations, she noted that they usually appear in the final statement or follow-up report. She added that while some NCPs fear legal exposure, no NCP has ever been sued for issuing determinations; careful language is sufficient to mitigate concerns.
- Before MI (OECD Watch) continued, BB (NCP) provided clarifications from LuxNCP’s perspective. The NCP applies a low threshold for accepting complaints and generally proceeds unless a case is clearly unsubstantiated or out of scope. LuxNCP currently handles five cases, and its Rules of Procedure, which already provide for both recommendations and determinations, are being revised and will be circulated for written input.
- On confidentiality, transparency is the general rule, with exceptions for retaliation risks or legitimate business interests. In one case, information submitted confidentially by a company was neither shared with the complainant nor used in the assessment. MI (OECD Watch) confirmed that this approach aligns with good practice when the information is excluded from analysis.
- Coordination among NCPs on interpretation of the Guidelines remains limited; maintaining consistent interpretation is particularly important following the 2023 update, which included several technical revisions.

- MI (OECD Watch) presented the main indicators used in OECD Watch’s evaluations: determinations, transparency and confidentiality, follow-up on recommendations and agreements, consequences for companies that do not engage in good faith, and the guiding role of NCPs as expert bodies rather than purely neutral facilitators. The indicator on the guiding role is new and assesses whether NCPs actively help parties align with the Guidelines.
- Limited staff capacity can make it difficult for smaller NCPs to take part in mediation and later draft final statements. MI (OECD Watch) suggested exchanges with NCPs such as the Netherlands and the UK, which have developed ways to separate these functions.
- Discussion also covered consequences and inter-ministerial coordination. Applying measures such as restrictions on trade promotion or public procurement would require cooperation with other ministries. MI (OECD Watch) clarified that NCPs may recommend such measures in their final statements, while implementation rests with the competent authorities.
- Reference was made to the OECD’s 2022 Recommendation on the Role of Government in Promoting Responsible Business Conduct, which encourages governments to consider a company’s conduct in NCP proceedings before granting public support. Luxembourg endorsed this recommendation, which could guide future policy discussions.
- LuxNCP will consider the OECD Watch indicators in its Rules of Procedure revision and, where relevant, in practical implementation.

III. UPDATES ON SPECIFIC INSTANCES (COMPLAINTS)

Greenpeace Luxembourg and FDC (filed March 2024)

- Accepted at initial assessment; good offices offered; the Fund declined mediation.
- The Fund is engaging with the NCP (written updates and replies).
- Final statement pending; timeline extended due to complexity and volume of submissions.
- In response to questions: BB (NCP) stated that, to her knowledge, no statement has been issued by the relevant Minister. MM (CCDH) referred to a parliamentary reply by the Minister for Social Security indicating the Fund’s board had refused mediation; BB (NCP) took note.
- BB (NCP) recalled that state-owned entities have heightened expectations under the UNGPs.
- On MNE status: BB (NCP) confirmed the Fund is an MNE as per the OECD Guidelines (as set out in the initial assessment).
- Reference was made to the Norwegian Oil Fund precedent, which served as an example of similar cases handled by other NCPs.
- On independence, BB (NCP) explained that the NCP acts independently in handling specific instances. While the Ministry is kept informed, it does not intervene in NCP decisions, which are taken in alignment with the OECD Guidelines. This independence operates effectively in practice and is supported within the administration, though a more formalized framework could strengthen it further.

IUF and Batipart S.A. (filed August 2024)

- Initial assessment issued in February; case accepted; good offices offered and accepted by both parties.
- Mediator appointed; mediation targeted for November.
- LuxNCP will act as co-mediator.

Global Rights Advocacy and Seattle University School of Law International Human Rights Clinic and Ternium S.A. (filed May 2025)

- Complaint filed in May 2025 by community representatives; also submitted to the US NCP. The Mexican NCP is involved as the alleged harm occurred in Mexico.
- Lead NCP: Luxembourg; supporting NCPs: United States and Mexico.
- Allegations concern contribution to adverse impacts, insufficient human rights due diligence in a context of violence, lack of engagement with families, and divisive conduct within the community.
- Company representatives met with LuxNCP in Luxembourg on 28 July; a written response was requested by end-September but has not yet been received.
- LuxNCP will proceed with the initial assessment. As per usual practice, the draft will first be shared with the parties for factual verification before publication on the NCP website.
- In discussion, participants expressed concern about delays. BB (NCP) noted that a one-month extension was granted following the July meeting. MI (OECD Watch) recommended stricter timelines and greater transparency in tracking which party causes delays. She noted examples such as the Canadian NCP, which publicly indicates where procedural delays occur, and which party requested extensions.

Two additional cases (individual submitters v. Luxembourg-headquartered companies)

- Both involve individual applicants and Luxembourg-headquartered companies; they are under initial review.

IV. UPDATES: RECENT NCP ACTIVITIES

- BB (NCP) reported on the peer review of the Norwegian NCP, which took place the previous week. Luxembourg participated alongside the US NCP and the OECD Secretariat. The Norwegian NCP was recognized as a strong performer in both structure and practice, though several findings and recommendations were identified.
- She recalled that, since the 2023 update of the OECD Guidelines, peer reviews have become mandatory and periodic, to be conducted every seven years. Luxembourg's peer review is scheduled for Q1 2028, with Austria and Kazakhstan as reviewing NCPs. LuxNCP will, in turn, review the New Zealand NCP in 2029 together with Japan.
- Since the last stakeholder meeting, LuxNCP participated in several events, including the House of Sustainability session on the Pact, an expert workshop at Nova School (Lisbon), and the June NCP Network and Working Party meetings (held online).

- In August, BB (NCP) met with LuxTrust as part of the NCP’s promotional work on digitalization. The meeting focused on LuxTrust’s awareness of the OECD Guidelines and ongoing initiatives in the digital sector. LuxTrust participates in a Benelux-level working group seeking to relaunch the ‘Label Numérique Responsable’ (Responsible Digital Label). The company invited LuxNCP to present on responsible business conduct. LuxNCP will coordinate this initiative with the Benelux NCPs and the OECD Secretariat.
- LuxNCP was also contacted by several academics working on the OECD Guidelines for master’s or doctoral research.
- BB noted that promotional activities have been less intensive than in 2023, when the Guidelines were updated, but confirmed that the NCP remains available to deliver presentations or awareness-raising sessions on the Guidelines, due diligence, and complaint procedures. BB (NCP) encouraged participants to inform the NCP of any organizations or companies interested in awareness-raising sessions.

V. DRAFT RULES OF PROCEDURE (ROP)

- BB (NCP) introduced the ongoing update of LuxNCP’s Rules of Procedure, noting that the revised draft will be circulated in the coming week for written input. The new version replaces the previous format and introduces several structural and substantive updates.
- Additions include a new introductory section describing the NCP’s mandate, purpose, and core principles, referencing the effectiveness criteria of the OECD Guidelines and the principle of good faith engagement.
- A section on retaliation will state the NCP’s zero-tolerance approach to threats, intimidation, or reprisals against any participants, and its commitment to coordinate with competent authorities where risks arise.
- The section on good offices has been clarified, including the procedures applicable when mediation fails and the steps for mediator appointment, reflecting lessons learned from recent cases.
- The revised text retains provisions on recommendations and determinations already present in the current RoP.
- A new part on supporting provisions will set out indicative timeframes for each procedural phase.
- Sections on transparency and confidentiality have been redrafted for clarity, addressing comments from the Luxembourg peer review that the earlier wording could be misinterpreted.
- Additional clarifications concern impartiality, conflict of interest, and assistance to the parties (including accessibility, language support, and cost coverage for mediation and travel).
- The draft draws extensively on examples from NCPs such as Norway and the Netherlands, which have already incorporated similar provisions.
- Stakeholders will receive the full draft by email; BB (NCP) invited written comments and asked participants to share their inputs with the entire group for transparency.
- On the timeline, participants agreed to allow six weeks for written comments.

- Participants discussed whether to open the consultation more widely to the public. MI (OECD Watch) suggested that NCPs sometimes publish draft procedures online or invite feedback from past complainants and interested organizations. After discussion, it was agreed that the consultation would remain limited to the stakeholder group and that members could share the draft within their own networks if they wished.

VI. DRAFT PROMOTIONAL PLAN / WORK PLAN

- The discussion resumed from the previous meeting, where participants had proposed several promotional activities: (i) centralized access to materials for companies (database); (ii) a condensed overview of OECD due diligence guidance; (iii) events where companies present their due diligence practices.
- Ministry of Foreign Affairs Working Group on Business and Human Rights is already compiling a database of freely available resources on business and human rights. A subgroup has identified approximately 70 sources; next steps are review/validation and triage to a shorter, usable list. Outcome may inform whether to create additional e-learning content.
- BB (NCP) proposed renaming the ‘promotional plan’ as a broader ‘work plan’ to include specific instances and policy engagement alongside promotional activities. BB (NCP) to draft on this basis and circulate.
- Input requested on measurement: how to assess reach and impact of activities.
- MI (OECD Watch) encouraged expanding outreach beyond domestic stakeholders, including rights holders and affected communities, potentially through cooperation with the foreign service. She noted that some governments have institutionalized such outreach by providing materials and training to embassy staff.
- Participants discussed the broader policy context, noting growing hesitation around advancing RBC regulation and access to remedy. BB (NCP) observed that the NCP continues to promote alignment with international standards in inter-ministerial processes (e.g. risk-based due diligence and prioritization), though public positioning on legislative developments is subject to inter-ministerial coordination.

VII. CLOSING REMARKS: UPCOMING EVENTS AND NEXT STEPS

- Before closing, BB (NCP) informed participants of upcoming events, including the OECD Working Party on RBC and NCP Network meetings in Paris, as well as the UN Forum on Business and Human Rights in Geneva and noted that she would report on these events at the next meeting.
- BB (NCP) noted that LuxNCP will contribute to two upcoming events on digitalization the [Data Summit](#) in December and a conference organized by CNPD, Luxembourg Data Protection Commission, in January on “Vie privée et environnement - numérique durable - convergences et perspectives” with presentations on the Science and Technology chapter of the OECD Guidelines and responsible AI.
- MM (CCDH) informed participants that the CCDH would publish its human trafficking report by the end of the year. The report will again address business and human rights. The report would be referenced in the next stakeholder meeting once published.
- SK (HoS/CC) mentioned an upcoming [event on 16 October organised by the Institut luxembourgeois des droits de l’homme](#) focusing on legal aspects of business and human rights.

- It was agreed that the next stakeholder meeting will take place in January 2026. In the meantime, an additional meeting will be convened after the close of the Rules of Procedure consultation to discuss the written comments within the group.
- BB (NCP) thanked the participants for their active engagement and contributions and closed the meeting.

VIII. RELEVANT LINKS AND DOCUMENTS

- [OECD Watch State of Remedy 2024](#)
- [OECD Watch National Contact Point Evaluations 2024](#)
- [OECD Recommendation on the Role of Government in Promoting Responsible Business Conduct](#)
- OECD Watch Blog: [Using the OECD Recommendation on the Role of Government in Promoting RBC](#)
- [Initial assessment IUF and Batipart](#)

IX. UPCOMING EVENTS

- Institut luxembourgeois des droits de l’homme (ILDH), [Droits fondamentaux des entreprises](#) (16 October 2025)
- United Nations [Forum on Business and Human Rights](#) (24-26 November 2025)
- Luxembourg National Data Service (LNDS), Data Summit Luxembourg (2 December 2025)
- Commission Nationale pour la Protection des Données (CNPD), Vie privée et environnement - numérique durable - convergences et perspectives (28 January 2026)

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* List of organizations:

ABBL : Association des Banques et Banquiers Luxembourg

AI : Amnesty International

ALFI : Association Luxembourgeoise des Fonds d’Investissement

Barreau

Caritas

CC : Chambre de Commerce

CCDH : Commission consultative des Droits de l’Homme

CDM : Chambre des Métiers

CET : Centre pour l’égalité de traitement

HoS : House of Sustainability

IDV : L’Initiative pour un devoir de vigilance

IMS : Inspiring More Sustainability

Luxinnovation

LSFI : Luxembourg Sustainable Finance Initiative

NCP : National Contact Point

OGBL : Onafhängege Gewerkschaftsbond Lëtzebuerg – Luxembourg Trade Union Confederation

OKAJU : Ombudsman fir Kanner a Jugendlecher

UniLu : University of Luxembourg