

## **ADMINISTRATIVE ORDER NO. 8 738 OF 20 JULY 2021**

Approves the Internal Regulations of the Inter-ministerial Working Group of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises.

THE SPECIAL SECRETARIAT FOR FOREIGN TRADE AND INTERNATIONAL AFFAIRS, in the use of the powers conferred upon it by article 9, sole paragraph, of Decree no. 9 874, of 27 June 2019, resolves:

Article 1. To approve the Internal Regulations of the Inter-ministerial Working Group of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises, in accordance with the Annex to this Administrative Order.

Article 2. This Administrative Order enters into effect on the date of its publication.

**ROBERTO FENDT JUNIOR**

ANNEX

### INTERNAL REGULATIONS

#### CHAPTER I

#### PURPOSE, ORGANISATION AND COMPOSITION

Article 1. The Inter-ministerial Working Group of the National Contact Point, hereinafter referred to as IWG-NCP, has as its objective the implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises, hereinafter referred to as the OECD Guidelines.

Sole paragraph – The implementation of the OECD Guidelines will be guided by the completion of actions aimed at:

- I – the dissemination and promotion of the OECD Guidelines;
- II – the handling of specific instances; and
- III – the co-ordination of responsible business conduct policies.

Article 2. The IWG-NCP is composed of:

I – three representatives of the Ministry of Economy, of which:

a) one representative of the Special Secretariat for Foreign Trade and International Affairs, who will act as co-ordinator;

b) one representative of the Special Secretariat for Social Security and Labour; and

c) one representative of the Special Secretariat for Productivity, Employment and Competitiveness;

II – a representative of the Ministry of Justice and Public Security;

III – a representative of the Ministry of Foreign Affairs;

IV – a representative of the Ministry of Mines and Energy;

V – a representative of the Ministry of Environment;

VI – a representative of the Office of the Comptroller General;

VII – a representative of the Ministry of Women, Family and Human Rights; and

VIII – a representative of the Central Bank of Brazil.

Paragraph 1. The representative designated in item I, line “a”, will be the Undersecretary for Foreign Investments of the Executive Secretariat of the Chamber of Foreign Trade of the Special Secretariat for Foreign Trade and International Affairs of the Ministry of Economy.

Paragraph 2. The other representatives will be nominated by the heads of the bodies they represent and appointed by the Special Secretary of Foreign Trade and International Affairs of the Ministry of Economy.

Paragraph 3. The representatives must be public servants occupying a commissioned post or trusted function equivalent to or higher than level 4 of the Senior Management and Advisory Group – DAS, and the substitutes will be their respective substitutes in these positions.

Paragraph 4. Representatives from other agencies, public and private entities and experts in the subjects under examination may be invited to participate in the meetings.

## CHAPTER II

### RESPONSIBILITIES AND POWERS

#### THE INTER-MINISTERIAL WORKING GROUP

Article 3. The IWG-NCP has the following administrative and organisational responsibilities:

I – propose amendments to these internal regulations to the Special Secretary for Foreign Trade and International Affairs;

II – exercise the powers conferred upon it by the National Investment Committee of the Chamber of Foreign Trade; and

III – issue other administrative acts necessary for the exercise of its functions.

Article 4. The responsibilities of the IWG-NCP in disseminating and promoting of the OECD Guidelines are as follows:

I – act as a governance and guidance body for the promotion and implementation of the OECD Guidelines;

II – take the necessary measures to ensure that the OECD Guidelines are known and available through appropriate means, particularly on websites and other online tools;

III – promote awareness and encourage implementation of the OECD Guidelines for Multinational Enterprises through activities involving representatives of the business community and workers' organisations as well as civil society and non-governmental organisations;

IV – support implementation, in the public and private sectors, of public policies and initiatives related to responsible business conduct that are in accordance with the OECD Guidelines.

Article 5. The responsibilities of the Inter-ministerial Working Group in dealing with specific instances are as follows:

I – approve the rapporteur's opinion by accepting or rejecting the complaints admitted by the Executive Secretariat;

II – appoint a rapporteur for the specific instances formalised from accepted complaints;

III – approve referral advice, including offers of good offices to find a nonjudicial solution between the parties, after the rapporteur's examination;

IV – approve final statements produced by rapporteurs of specific instances; and

V – approve rules for the handling of specific instances.

Article 6. The responsibilities of the IWG-NCP in coordinating responsible business conduct policies are as follows:

I – co-operate with the National Contact Points of other countries in relation to matters covered by the OECD Guidelines;

II – keep abreast of OECD discussions and co-ordinate the Brazilian position on issues related to the implementation of the Guidelines and responsible business conduct; and

III – assist with formulation, in the public and private sectors, of public policies and initiatives related to responsible business conduct.

Article 7. The performance of tasks or the preparation of studies and publications related to the responsibilities of the IWG-NCP can be delegated to its Executive Secretariat or one of its constituent bodies, within the limits of their responsibilities, while the IWG-NCP will be responsible for assessing this performance.

Article 8. The IWG-NCP is forbidden from creating subgroups.

### CHAPTER III

#### DUTIES OF THE INTER-MINISTERIAL WORKING GROUP OF THE NATIONAL CONTACT POINT CO-ORDINATOR

Article 9. The duties of the IWG-NCP Co-ordinator include the following:

I – call and chair meetings;

II – submit to the IWG-NCP the acts that require its approval;

III – provide the information requested by the National Investment Committee of the Chamber of Foreign Trade of the Ministry of Economy;

IV – co-ordinate and, when necessary, act as mediator in the good offices phase of specific instances;

V – respond to requests for information on the OECD Guidelines and their implementation mechanisms, particularly in order to assist the groups mentioned in article 4, III;

VI – answer questions from NCPs of other countries and from governments of other countries that do not belong to the OECD Investment Committee; and

VII – represent the National Contact Point in promoting the OECD Guidelines and in dialogue with national and international institutions and entities, whose objectives and activities may contribute to the issues for which it is responsible.

### CHAPTER IV

#### DUTIES OF THE INTER-MINISTERIAL WORKING GROUP OF THE NATIONAL CONTACT POINT REPRESENTATIVES

Article 10. The IWG-NCP representatives have the following duties:

I – submit requests, proposals, requirements and suggestions to the IWG-NCP, as well as information related to the implementation of the OECD Guidelines;

II – contribute to the performance of tasks required for the exercise of the IWG-NCP's responsibilities, within the limits of their own abilities and responsibilities;

III – fulfil requests made by the IWG-NCP, within the limits of their own abilities and responsibilities; and

IV – co-operate with the IWG-NCP Executive Secretariat in fulfilling its responsibilities.

Sole paragraph – The activities of the representatives and invited attendees of the IWG-NCP are not remunerated.

## CHAPTER V

### EXECUTIVE SECRETARIAT

Article 11. The tasks of the Executive Secretariat of the IWG-NCP will be carried out by the Undersecretary for Foreign Investments of the Executive Secretariat of the Chamber of Foreign Trade of the Special Secretariat for Foreign Trade and International Affairs of the Ministry of Economy.

Article 12. The duties of the IWG-NCP Executive Secretariat include the following:

I – request statements from the competent bodies about topics associated with the OECD Guidelines, for the purpose of assisting the performance of the IWG-NCP's activities;

II – provide direct support to the IWG-NCP Co-ordinator;

III – provide secretarial and administrative support for IWG-NCP meetings, including communication about the date, location and agenda of the meetings, as well as preparing the respective minutes and records;

IV – circulate relevant information to IWG-NCP representatives and other agencies or entities, while safeguarding legal confidentiality;

V – keep an archive of IWG-NCP documents;

VI – liaise with IWG-NCP representatives and other public and private entities for the performance of the activities provided for in articles 3, 4, 5, and 6;

VII – monitor the progress of international negotiations, principally within the scope of the OECD, and of legislative projects of relevance to topics related to the OECD Guidelines;

VIII – show IWG-NCP documents to any interested members of the public, safeguarding cases of confidentiality, restricted access and protected personal data as provided for by Law no. 12 527 of 18 November 2011, and Law no. 13 709 of 14 August 2018;

IX – conduct public consultations approved by the IWG-NCP; and

X – evaluate compliance with the admissibility requirements for complaints of non-observance of the OECD Guidelines for the purpose of initiating the handling of specific instances;

XI – exercise other responsibilities attributed by the IWG-NCP.

## CHAPTER VI

### MEETINGS

Article 13. The IWG-NCP will meet ordinarily twice every six months and extraordinarily whenever requested by one of its members.

Paragraph 1. The quorum for a meeting is an absolute majority and the quorum for approval is a simple majority.

Paragraph 2. In addition to an ordinary vote, the Co-ordinator of the IWG-NCP will have the casting vote in the event of a tie.

Paragraph 3. Participation in the IWG-NCP will be considered a service of public importance, without remuneration.

Paragraph 4. The meetings of the IWG-NCP will be convened up to fifteen days in advance.

Article 14. Representatives who are located in the Federal District will meet in person, and representatives who are located in other federal states will participate in the meeting via videoconference.

Sole paragraph – In order to improve the efficiency and speed of the work, meetings may take place exclusively by videoconference as long as no representatives object.

Article 15. The IWG-NCP Executive Secretariat will send the agenda of the issues to be submitted for consideration and deliberation, along with documents to support discussions, at least five working days before the date of each meeting.

Article 16. Any omissions or uncertainties over the application and interpretation of these Internal Regulations will be settled by the IWG-NCP.