



Organisation for Economic Co-operation and Development

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14 May 2021

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
INVESTMENT COMMITTEE**

**Meeting of the Network of National Contact Points for Responsible Business
Conduct**

NATIONAL CONTACT POINT 2020 REPORT TO THE OECD: PERU

This document is available in PDF format only.

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JT03476505

NATIONAL CONTACT POINT ANNUAL REPORTING QUESTIONNAIRE (2020)

A. CONTACT INFORMATION	
<p><i>Please provide the contact information of the person filling in the questionnaire.</i></p>	
Name: Job title: Email: Telephone number:	Nancy Bojanich Investment Specialist nbojanich@proinversion.gob.pe (511) 2001200 ext 1330
B. INSTITUTIONAL ARRANGEMENTS	
(a) Structure, location and composition of the NCP	
1. What is the <u>structure</u> of the NCP?	Single-agency
2. Who are the members of the NCP? <i>Please describe the functions of the members of the NCP and the ministry/agency or stakeholder organisation they represent. No names are required.</i>	The Steering Council of PROINVERSIÓN has the highest level of decision of the NCP. The Executive Director is in charge of the NCP Technical Secretariat through PROINVERSIÓN's Investors Servicing División- DSi. The Head of the DSi, mainly supervise the activities carried out, considering the authorized budget provided for the NCP activities. The investment specialist is in charge of carrying out the activities in order to disseminate and promote the OECD Guidelines, working in coordination with various public and private sector agencies as well as with civil society organizations. Likewise, this specialist coordinate with several NCPs and participate in the OECD working party on Responsible Business Conduct. The legal and technical specialists are in charge of carrying out activities related to the attention to specific instances related to the implementation of the OECD Guidelines, also both specialists support in several activities of the NCP.
3. If the NCP is not a <u>single-agency</u> NCP, does it have a <u>secretariat</u> ?	Yes
If yes, in which ministry or agency?	The NCP is located in the Private Investment Promotion Agency, public agency attached to the Ministry of Economy and Finance of Peru-
If yes, in which department of the ministry or agency?	PROINVERSION
4. Has the NCP been established through a legislative, regulatory or administrative instrument (e.g. a statute, a decree, a ministerial resolution)?	Yes
If yes, please provide the name and date of this instrument, and a link if available	PROINVERSION'S Steering Council Agreement N° 294-01-2009 dated July 1st 2009

<i>Additional comments on Structure, location and composition of the NCP</i>
The organization structure of PROINVERSIÓN, through its Steering Council, helps the interaction the NCP with other government agencies in order to promote the OECD Guidelines. Ministers that form part of the Steering Council are: Minister of Economy and Finance, Minister of Energy and Mining, Minister of Transportation and Telecommunication, Minister of Housing, Construction and Sanitation, Minister of Production. Moreover, there is a permanent interaction with the Ministry of Labor, the Ministry of Foreign Affairs and other public and private agencies.

(b) Advisory body			
5. Does the NCP have one or several <u>advisory bodies</u> ?	No		
If the NCP has several advisory bodies, please specify.	Click here to enter text.		
If yes, please describe the advisory body(ies)' functions (e.g. advising on promotion, on specific instance handling in general, on individual cases, providing <u>oversight</u> , etc.)	Click here to enter text.		
If yes, please list the names of organisations that are represented on the advisory body(ies) and the type of organisation. (e.g. government, business, business organisation, NGO, trade union, academia, consumer organisation, etc.)	Click here to enter text.		
If yes, please indicate how often the advisory body(ies) meets	Choose an item.		
6. If an advisory body provides oversight, please describe the oversight procedure	Click here to enter text.		
<i>Additional comments on Advisory body:</i> Click here to enter text.			
(c) Human and financial resources			
7. Does the NCP have dedicated full-time staff? <i>If yes, please indicate the number.</i>	No		Click here to enter text.
8. Does the NCP have dedicated part-time staff? <i>If yes, please indicate in the second box the number of part-time staff members and in the third box the percentage of time spent on NCP matters for each part-time staff member.</i>	Yes	3	<i>The NCP is composed of 3 part time officials from PROINVERSION. The Investment specialist devotes 60% of her time to NCP activities, and the 2 part time legal and technical specialists devotes 30% of his time in each case.</i>
9. Have any full-time or part-time staff members joined the secretariat during the year? <i>If yes, please indicate how many.</i>	Yes, part-time staff member(s)		2

10. Have any full-time or part-time staff members left the NCP during the year? <i>If yes, please indicate how many.</i>	Yes, part-time staff member(s)	1
11. Did the NCP have a <u>dedicated budget</u> this year?	Yes	
If no, were financial resources for promotional activities allocated on an ad hoc basis when requested by the NCP?	Choose an item.	
If no, were financial resources for specific instances allocated on an ad hoc basis when requested by the NCP?	Choose an item.	
12. During the year, did the human and financial resources available to the NCP allow it to:		
Handle specific instances in an efficient and timely manner	Yes	
Organise promotional events	Yes	
Attend NCP meetings at the OECD	Yes	
Attend events organised by other NCPs	Yes	
Attend events organised by stakeholders	Yes	
Cover professional mediator fees or in-house mediator fees	No	
Conduct fact-finding research into specific instances	No	
If you answered no to any of the above, please specify	For reasons of not having enough budget, currently the NCP, no cover professional mediator fees, and not conduct research into specific instances .	
<i>Additional comments on Human and financial resources:</i> Click here to enter text.		
(d) Reporting		
13. Does the NCP <u>report</u> to the executive on its activities?	Yes	
If yes, how often?	Three times a year	
14. Does the NCP report to the legislative body on its activities?	No	
If yes, how often?	Choose an item.	
15. Please indicate any other relevant transparency requirement (e.g. access to information or disclosure laws) applicable to the NCP in your country	Click here to enter text.	
<i>Additional comments on Reporting:</i> Click here to enter text.		

C. INFORMATION AND PROMOTION		
(a) NCP website¹		
16. Does the NCP have a website? If yes, please provide the link in the second box.	Yes	Click here to enter text.
If yes, was the website created/renovated this year?	No	
17. Are the following items available on the NCP website?		
Information about the Guidelines and the role of the NCP		
The text of the Guidelines	Yes	
A description of the Guidelines	No	
The OECD Due Diligence Guidance Documents	Yes	
Explanatory text about due diligence	No	
Information on the NCP and its mandate	Yes	
The NCP Annual Report submitted to the OECD	Yes	
The NCP's Report to the executive and/or legislative (if applicable)	No	
The NCP's peer review report (if applicable)	N/A: The NCP does not have a peer review report	
Information about specific instances		
Information on how to submit a specific instance	Yes	
An online form to submit a specific instance	No	
The NCP's rules of procedure	Yes	
All final statements since 2011	Yes	
Information on promotional activities		
The NCP's promotional plan	No	
Information on upcoming events promoting the Guidelines	No	
Information on past events promoting the Guidelines	Yes	
Contact information		
Information on how to make an enquiry to the NCP	Yes	
A phone number to reach the NCP directly	Yes	
An email address to reach the NCP directly	Yes	
Additional comments on NCP website: The web site of PROINVERSION provides information about OECD guidelines, NCP activities and regarding the participation of Peru in the Investment Committee, both in Spanish and English languages : https://www.investinperu.pe/modulos/JER/PlantillaStandard.aspx ?are=1&prf=0&jer=8008&sec=17		

¹

This includes dedicated NCP webpages as part of the Ministry's website.

(b) Promotional activities²	
18. Does the NCP have a promotional plan for the coming year(s)?	No
19. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? <i>If yes, please provide details in table 1 in Annex 1.</i>	Yes
20. Did the NCP make a presentation to promote the Guidelines and/or the NCP in events organised by others? <i>If yes, please provide details in table 2 in Annex 1.</i>	Yes
21. Did the NCP make use of social media to communicate on NCP promotional activities during the year?	Yes
22. Did the NCP hold a stakeholder meeting during the year?	No
23. Did the NCP promote the Guidelines among the business community during the year?	Yes
24. Did the NCP carry out any training on the Guidelines aimed at businesses during the year?	No
25. Did the NCP promote the Guidelines among NGOs during the year?	No
26. Did the NCP promote the Guidelines among trade unions during the year?	No
27. Did the NCP promote the Guidelines among government agencies during the year?	No
28. Did the NCP promote the Guidelines among embassies abroad during the year?	No
29. Did the NCP promote the Guidelines to investment promotion agencies during the year?	Yes
30. Did the NCP focus on any of the following during promotional activities during the year:	
OECD Due Diligence Guidance for Responsible Business Conduct	Yes
OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector	No
Due Diligence for Responsible Corporate Lending and Securities Underwriting and/or Responsible Business Conduct for Institutional Investors	No
OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas	No
OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector	Yes

² Attendance of NCP meetings held at the OECD and other OECD events such as the Global Forum on Responsible Business Conduct are not considered to be promotional activities.

OECD-FAO Guidance for Responsible Agricultural Supply Chains	No
<p><i>Additional comme</i> As part of Proinversion's investment guidance services, Peru's adherence to the OECD Declaration and OECD Guidelines is being informed to foreign investors willing to explore the possibility of doing business in Peru.</p> <p>Besides, the NCP has developed and published a brochure titled : Peru Strengthening an investment climate that promotes a sustainable,which includes topics regarding the guidelines of the OECD for multinational Enterprises. This brochure has been delivered to participants of several meetings and activities of the investment promotion Agency, and in promotional activities of the NCP.</p> <p><i>nts on the section Promotional activities:</i> Click here to enter text.</p>	

D. SPECIFIC INSTANCES		
(a) NCP rules of procedure for handling specific instances		
31. Does the NCP have rules of procedure describing the handling of specific instances?	Yes	
32. Are the rules of procedure available online? <i>If yes, please provide a link in the second box. If no, please attach a copy of the rules of procedure to this questionnaire</i>	Yes	Click here to enter text.
33. Were the NCP's rules of procedure modified this year?	No	
<i>Additional comments on the section Rules of procedure:</i> Click here to enter text.		
(b) Specific instance practicalities		
34. Does the NCP confirm receipt of a specific instance submission?	Yes	
35. Does the NCP request feedback from the parties on the procedure following the conclusion of a specific instance?	Yes	
36. Has the NCP staff undergone training in dispute resolution or problem solving (e.g. mediation)?	No	
37. Did the NCP engage professional mediators during the year?	No	
38. Did the NCP staff or members conduct mediation this year?	No	
<i>Additional comments on the section Specific instance practicalities:</i> Click here to enter text.		
(c) Reporting specific instances		
39. Did the NCP receive new specific instance submissions during the year? <i>If yes, please also provide details in Annex 2</i>	Yes	

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40. Did the NCP close specific instances during the year? <i>If yes, please also provide details in Annex 2</i>	No
41. Of the specific instances that were already in progress at the start of the year, are there any that are still ongoing at the end of the year? <i>If yes, please also provide details in Annex 2</i>	No
42. Did the NCP follow up on a case during the year? <i>If yes, please also provide details in Annex 2</i>	N/A
43. Is the OECD case database accurate and up to date with regard to cases handled by the NCP? If not, please provide details (missing cases, out of date entries, broken links, etc.) in the additional comments section below.	No
<i>Additional comments on the section Reporting specific instances:</i> Click here to enter text.	

E. PEER LEARNING AND PEER REVIEWS	
44. Did the NCP take part in the following activities with other NCPs during the year:	
Host a peer learning activity	No
Participate in peer learning activities hosted by other NCPs	No
Co-operate with other NCPs in handling specific instances	No
Provide mentoring/capacity building to another NCP	No
45. Is the NCP interested in hosting an NCP learning/experience-sharing event in 2020?	No
46. Which topic would the NCP consider to be a priority to cover in a peer learning event?	Workshops regarding the guidelines in due diligence in mining , extractive sectors and in other economic sectors in order to enhance the NCP knowledge with respect to these issues..
47. Is the NCP interested in participating in developing tools for use by NCPs?	Yes
48. Is the NCP interested in acting as a peer reviewer in the future?	No
If yes, please specify the semester and the year	Click here to enter text.
<i>Additional comments on the section Peer-learning and peer reviews:</i> Click here to enter text.	

F. POLICY COHERENCE ³		
49. Have the Guidelines been referred to in relevant national legislation/regulations/policies adopted during the year? (e.g. on responsible business conduct; non-financial reporting, export credits regulation, public procurement)	No	
If yes, please provide a short summary and a link to the legislation. <i>If a link is not available, please attach a copy of the legislation to this questionnaire.</i>	Click here to enter text.	
50. Did your country adopt a National Action Plan (NAP) this year? <i>If yes, please indicate which type of NAP.</i>	Yes	NAP on Business and Human Rights
If yes, please provide a link.	https://observatoriodelderechoshumanos.mjus.gob.pe/observatorio-de-ddhh/	
If yes, does the NAP make reference to the Guidelines?	Yes	
If yes, does the NAP make reference to the NCP?	Yes	
51. Was a NAP in development this year? <i>If yes, please indicate which NAP.</i>	Yes	NAP on Business and Human Rights
If yes, did the NCP participate in the development of the National Action Plan?	Yes	
52. Did the NCP inform officials responsible for trade missions of its relevant statements and reports?	No	
53. Did the NCP inform officials responsible for foreign trade and investment incentives of its relevant statements and reports?	No	
54. Did the NCP inform officials responsible for public procurement of its relevant statements and reports?	No	
55. Does your national legislation or policy on public procurement refer to the Guidelines and/or OECD due diligence instruments and/or to the NCP process?	No	
If yes, please provide a link to the legislation. <i>If a link is not available, please attach a copy of the legislation to this questionnaire.</i>	Click to enter text.	
56. Have public procurement officials/practitioners consulted the NCP on the Guidelines and OECD due diligence instruments or involved the NCP in specific public procurement opportunities?	No	
57. Were public procurement officials involved in any of your training/outreach activities?	No	
58. What tools or activities does the NCP develop to support public procurement practitioners on RBC and OECD due diligence?	Click to enter text.	

³ Paragraph 37 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises: "Statements and reports on the results of the proceedings made publicly available by the NCPs could be relevant to the administration of government programmes and policies. In order to foster policy coherence, NCPs are encouraged to inform these government agencies of their statements and reports when they are known by the NCP to be relevant to a specific agency's policies and programmes [...]."

59. Please identify any specific initiatives/good practices involving public procurement and RBC in your country.	Click to enter text.
60. Please include any other examples of policy coherence activities.	Peru has the policy to negotiate articles of Corporate Social Responsibility in its international investment treaties. Specifically, in the Investment Chapter of the Commercial Agreement negotiated with the countries members of the Pacific Alliance, we have included in the article of Social Responsibility Policy, a direct reference to the OECD Guidelines.
<i>Additional comments on Policy Coherence:</i> Click here to enter text.	

G. CHALLENGES	
61. Has the NCP faced any particular challenge(s) it would like to highlight this year?	Participate in the following phases in the context of the Regional Program to promote RBC in LAC countries. And in the implementation phase of the NAP on Business and Human Rights.
<i>Additional comments on Challenges:</i> Click here to enter text.	

Annex 1: NCP PROMOTIONAL ACTIVITIES

Please provide information on the events organised or co-organised by the NCP (Table 1), and events in which the NCP has participated to promote the Guidelines (Table 2).

Please select the event type, size and type of audience as well as the theme from the dropdown menus for each event.

Please add additional lines if needed.

Table 1

NCP-organised and co-organised events to promote the Guidelines and/or the NCP							
Title	Date (dd/mm/yyyy)	Location	Type of event	Size of audience	Organised or co-organised?	Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc.</i>	Theme <i>e.g. the OECD Guidelines, the NCP activities on sector due diligence guidance documents, etc.</i>
OECD Guidelines for Responsible Business Conduct and Good Practices in Due Diligence to Mining Companies	17/12/2020	Lima- Perú	Webinar	>100	Organised	Government representatives, Business representatives, academia, NGOs, General public	OECD Guidelines and Due Diligence in mining companies
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.

Total number=

1

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Table 2

Presentations by the NCP to promote the Guidelines and/or the NCP in events organised by others								
Title	Date (dd/mm/yyyy)	Location	Type of event	Size of audience	Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc</i>	Organiser(s)	Type of intervention	Theme of the intervention
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
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Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

Total number=

Click here to enter text.

Annex 2: SPECIFIC INSTANCES

Please provide details of the following in the table below:

1. Specific instances **in progress** during the year (specific instances received and found to merit further examination after the initial assessment, and under consideration by the NCP).
2. Specific instances **concluded** during the year (specific instances that the NCP found to merit further examination after the initial assessment and that have subsequently been closed).
3. Specific instances **not accepted** during the year (specific instances that the NCP found not to merit further examination).
4. Specific instances for which **follow up** was performed during the year (the NCP monitored whether the agreement reached by the parties or its recommendations to the parties have been implemented)

Please add additional lines if needed.

We encourage all NCPs to inform the OECD Secretariat on received specific instances and to provide a final statement as soon as it becomes available, in order to keep the OECD database updated at all times. For all specific instances that have not yet been reported to the OECD Secretariat, please complete and send this [form](#) to ncp-specific-instances@oecd.org⁴.

⁴ According to paragraph 42 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, “[...] NCPs will report to the Investment Committee in order to include in the Annual Report on the OECD Guidelines information on all specific instances that have been initiated by parties, including those that are in the process of an initial assessment, those for which offers of good offices have been extended and discussions are in progress, and those in which the NCP has decided not to extend an offer of good offices after an initial assessment”.

For all specific instances that are currently IN PROGRESS:

Names of parties	Date received (dd/mm/yyyy)	Is the initial assessment publicly available?	Link to OECD database if available	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
 197 former employees of AVIANCA PERÚ S.A. vs. AVIANCA HOLDINGS S.A. and/or AVIANCA PERÚ S.A. in liquidation	24.07.2020	No	No	No, because AVIANCA HOLDING S.A. headquarters is located in Panama, that country does not have a NCP.
Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.	Click here to enter text.

Total number= 1

For all specific instances that were CONCLUDED during the year:

Title	Date received (dd/mm/yyyy)	Date concluded (dd/mm/yyyy)	Link to OECD database if available	Outcomes achieved	Does the final statement plan for follow up?	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.

Total number= Click here to enter text.

For all specific instances that were NOT ACCEPTED during the year:

Title	Date received (dd/mm/yyyy)	Link to OECD database if available	Reasons for not accepting the specific instance	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.

Total number= Click here to enter text.

For all specific instances for which FOLLOW UP was performed during the year:

Title	Date concluded (dd/mm/yyyy)	Date of follow up (dd/mm/yyyy)	Was a public follow up statement issued?	Link to the follow up statement, if applicable
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.

Total number=

Click here to enter text.

END OF QUESTIONNAIRE