



Organisation for Economic Co-operation and Development

DAF/INV/NCP(2025)38

For Official Use

English - Or. English

24 April 2025

DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
INVESTMENT COMMITTEE

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

NATIONAL CONTACT POINT 2024 REPORT TO THE OECD: PERU

This document is available in PDF format only.

OECD Centre for Responsible Business Conduct (rbc@oecd.org)

JT03565017

NCP Annual Reporting Questionnaire 2024

Survey response 1

A. Contact information

Please indicate your country:
Peru
Please provide the names, titles and contact information of all the people to be included in the contacts list on the ONE Community. If relevant, list the NCP's primary contact first.
Names, job titles and emails of all people to be included:
Lisbeth Loja - Coordinator of the Responsible Business Conduct Unit - lloja@proinversion.gob.pe Alexander Salvador - Technical Investment Advisor - asalvador@proinversion.gob.pe

B. Institutional arrangements - (a) Structure, location and composition of the NCP

1. What is the structure of the NCP?
Single agency
1. What is the structure of the NCP? [Other]
1a. Did the structure of the NCP change in 2024? If yes, please provide details in the comment box.
Yes
1a. Did the structure of the NCP change in 2024? If yes, please provide details in the comment box. [Comment]
The NCP is now located in the Unit for Responsible Business Conduct of PROINVERSIÓN (IPA). The Director of the Investor Services Directorate is the Highest Authority of the NCP and the RBC Unit Coordinador is the NCP Technical Secretariat. The NCP has also two Advisory Groups (intergovernmental and stakeholders)

2. Who are the staff of the NCP? Please describe the functions of the NCP staff.

Highest Authority of the NCP (Investor Services Division Director)

- Supervise the Technical Secretariat, in particular, to approve the final versions of the reports related to the specific instances and the promotional plans on responsible business conduct, as well as the Annual Report to the Congress of the Republic of Peru.
- Approve the specific guidelines for carrying out the functions of the NCP, as proposed by the Technical Secretariat.
- Modify the structure of the NCP at the proposal of the Technical Secretariat, including the designation, incorporation or withdrawal of new members of the NCP support groups.
- The highest authority may request the support of the Technical Secretariat in carrying out these functions.

Technical Secretariat (RBC unit)

- Promote and disseminate the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, the OECD Due Diligence guidance and related instruments within government and among stakeholders ;
- Coordinate actions with the private sector and civil society in general to promote the implementation of the Guidelines, responsible business conduct and risk-based due diligence;
- Monitor and promote coordination between entities regarding policies linked to the standards of responsible business conduct established in the Guidelines and related instruments;
- Monitor developments on the topic of responsible business conduct and due diligence in international negotiations and forums in which the Investor Services Directorate participates;
- Facilitate dialogue between multinational companies and various civil society actors, in particular through the mechanism of specific bodies;
- Propose to the Highest Authority of the NCP the appointment, incorporation and retirement of the members of the NCP advisory groups.
- Provide information on the specific process of the specific instance and facilitate good offices upon request;
- Respond to queries on issues related to the NCP and the Guidelines;
- Evaluate possible synergies or recommendations in the promotion of the Guidelines and related topics, as well as convene periodic meetings with public and private sector stakeholders.
- Represent the NCP in meetings, forums, or activities developed at national or international level, which fall within the scope of the functions of the NCP, whether these are organized by the NCP, the OECD or by third parties.
- Participate in joint peer learning activities and, where possible, participate in peer-led thematic reviews.
- Participate, representing the NCP, in the meetings of the WPRBC, the National Contact Point Networks, and other forums that are enabled for this purpose;
- Safeguard the documentation related to the activities of the NCP;
- Carry out all other functions corresponding to the NCP established in the Guidelines, in the OECD Recommendation on the role of government in promoting Responsible Business Conduct and other instruments issued related to the role of the NCP.

3. Please select all groups represented in the NCP structure (excluding advisory body), and list the members. [Business]

No

3. Please select all groups represented in the NCP structure (excluding advisory body), and list the members.

[Business][Comment]

3. Please select all groups represented in the NCP structure (excluding advisory body), and list the members. [Trade unions]

No

3. Please select all groups represented in the NCP structure (excluding advisory body), and list the members. [Trade unions][Comment]

3. Please select all groups represented in the NCP structure (excluding advisory body), and list the members. [Civil society]

No

3. Please select all groups represented in the NCP structure (excluding advisory body), and list the members. [Civil society][Comment]

3. Please select all groups represented in the NCP structure (excluding advisory body), and list the members. [Government (include ministry/department/agency they represent)]

Yes

3. Please select all groups represented in the NCP structure (excluding advisory body), and list the members. [Government (include ministry/department/agency they represent)][Comment]

Private Investment Promotion Agency

3. Please select all groups represented in the NCP structure (excluding advisory body), and list the members. [Other NCP members]
No
3. Please select all groups represented in the NCP structure (excluding advisory body), and list the members. [Other NCP members][Comment]
4. Does the NCP have a secretariat?
Yes
4. (Continued) If the NCP has a Secretariat, in which ministry or agency is the Secretariat located?
Investment or trade agency
4. (Continued) If the NCP has a Secretariat, in which ministry or agency is the Secretariat located? [Other]
4. (Continued) If the NCP has a Secretariat, in which department of the ministry or agency is the Secretariat located?
RBC Unit
4. (Continued) If the NCP has a Secretariat, did the location of the Secretariat change in 2024?
Yes
5. Has the NCP been established through a legislative, regulatory or administrative instrument (e.g. a statute, a decree, a ministerial decision)? If yes, please provide the name and date of this instrument, and a link if available, in the comments box. If no link is available, you may upload as an annex.
Other executive decision
5. Has the NCP been established through a legislative, regulatory or administrative instrument (e.g. a statute, a decree, a ministerial decision)? If yes, please provide the name and date of this instrument, and a link if available, in the comments box. If no link is available, you may upload as an annex. [Comment]
Acuerdo PROINVERSION N° 146-3-2024-CD
Additional comments on the section Structure, location and composition of the NCP:

B. Institutional arrangements - (b) Advisory body

6. Does the NCP have one or several advisory bodies?
Yes, several advisory bodies
6. (continued) Was the advisory body added/modified in 2024? Please describe.
Yes
6. (continued) Was the advisory body added/modified in 2024? Please describe. [Comment]
they were created in 2024
6. (Continued) If the NCP has several advisory bodies, please specify.
Intergovernment Working Group Key Stakeholders Group
6. (Continued) If yes, please describe the advisory body(ies)' functions. [Advising on promotion]
Yes
6. (Continued) If yes, please describe the advisory body(ies)' functions. [Advising on specific instance handling in general]
No
6. (Continued) If yes, please describe the advisory body(ies)' functions. [Advising on individual specific instances]
Yes
6. (Continued) If yes, please describe the advisory body(ies)' functions. [Providing oversight]
No

6. (Continued) If yes, please describe the advisory body(ies)' functions. [Other]
6. (Continued) Did the advisory body(ies) contain representatives from the following groups? Please select all that apply and list the members from each group in the adjacent comment box. [Business]
Yes
6. (Continued) Did the advisory body(ies) contain representatives from the following groups? Please select all that apply and list the members from each group in the adjacent comment box. [Business][Comment]
ERM Peru, Chamber of Commerce of Commerce and Production of Cajamarca
6. (Continued) Did the advisory body(ies) contain representatives from the following groups? Please select all that apply and list the members from each group in the adjacent comment box. [Trade unions]
Yes
6. (Continued) Did the advisory body(ies) contain representatives from the following groups? Please select all that apply and list the members from each group in the adjacent comment box. [Trade unions][Comment]
Autonomous Central of Workers of Peru (CATP Perú); Unitary Confederation of Workers of Peru (CUT Perú)
6. (Continued) Did the advisory body(ies) contain representatives from the following groups? Please select all that apply and list the members from each group in the adjacent comment box. [Civil society]
Yes
6. (Continued) Did the advisory body(ies) contain representatives from the following groups? Please select all that apply and list the members from each group in the adjacent comment box. [Civil society][Comment]
Civil society platform on business and human rights, Working Group on Business and Human Rights – Voluntary Principles and Guiding Principles
6. (Continued) Did the advisory body(ies) contain representatives from the following groups? Please select all that apply and list the members from each group in the adjacent comment box. [Government]
Yes
6. (Continued) Did the advisory body(ies) contain representatives from the following groups? Please select all that apply and list the members from each group in the adjacent comment box. [Government][Comment]
Ministry of Foreign Trade and Tourism (MINCETUR); Ministry of Energy and Mines (MINEM); Ministry of Justice and Human Rights (MINJUSDH); Ministry of Labor and Employment Promotion (MTPE); Ministry of Production (PRODUCE); Presidency of the Council of Ministers (PCM), National Council of Science, Technology and Innovation (CONCYTEC); National Fund for Financing State Business Activity (FONAFE); National Institute for the Defense of Free Competition and the Protection of Intellectual Property (INDECOP); Commission for the Promotion of Peru for the Exportation and Tourism (PROMPERÚ)
6. (Continued) Did the advisory body(ies) contain representatives from the following groups? Please select all that apply and list the members from each group in the adjacent comment box. [Other]
Indigenous People and Academia
6. (Continued) Did the advisory body(ies) contain representatives from the following groups? Please select all that apply and list the members from each group in the adjacent comment box. [Other comment]
Chamber of Commerce of Indigenous People of Peru, Confederation of Amazonian Nationalities of Peru / Pontifica Universidad Católica del Perú, Universidad Mayor de San Marcos
6. (Continued) Please indicate how often the advisory body(ies) has met in 2024.
Once
6. (Continued) Please indicate how often the advisory body(ies) has met in 2024. [Other]
7. If an advisory body provides oversight, please describe the oversight procedure:
Additional comments on the section Advisory body(ies):

B. Institutional arrangements - (c) Human and financial resources

8. Does the NCP have dedicated full-time staff members?
No
9. Does the NCP have dedicated part-time staff members?
Yes
9. (Continued) Please indicate the number of part-time staff members:
4
9. (Continued) Please indicate the percentage of time spent on NCP matters for each part-time staff member:
Part-time staff#1: 10% Part-time staff#2: 85% Part-time staff#3: 50% Part-time staff#4: 25%
10.1 Have any full-time staff members joined the NCP during the year?
No
10.2 Have any part-time staff members joined the NCP during the year?
Yes
10.2 (Continued) Please indicate how many part-time staff members joined the NCP during the year:
1
11.1 Have any full-time staff members left the NCP during the year?
No
11.2 Have any part-time staff members left the NCP during the year?
No
12. Did the NCP have a dedicated budget this year?
No
12. (Continued) If no, were financial resources for promotional activities allocated on an ad hoc basis when requested by the NCP?
Yes
12. (Continued) If no, were financial resources for specific instances allocated on an ad hoc basis when requested by the NCP? Please select N/A (Not Applicable) if the NCP did not handle specific instances this year.
Yes
13. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the response was not relevant to the NCP's work in 2024 (e.g. if the NCP did not handle specific instances). [Handle specific instances in an efficient and timely manner]
Yes
13. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the response was not relevant to the NCP's work in 2024 (e.g. if the NCP did not handle specific instances). [Conduct promotion (organise events, produce materials, etc.)]
Yes
13. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the response was not relevant to the NCP's work in 2024 (e.g. if the NCP did not handle specific instances). [Provide support to efforts by their government to develop, implement, and foster coherence of policies to promote RBC]
Yes
13. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the response was not relevant to the NCP's work in 2024 (e.g. if the NCP did not handle specific instances). [Attend NCP meetings at the OECD]
Yes
13. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the response was not relevant to the NCP's work in 2024 (e.g. if the NCP did not handle specific instances). [Attend events organised by other NCPs]
Yes

13. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the response was not relevant to the NCP's work in 2024 (e.g. if the NCP did not handle specific instances). [Attend events organised by stakeholders]

Yes

13. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the response was not relevant to the NCP's work in 2024 (e.g. if the NCP did not handle specific instances). [Attend events organised by other government entities]

Yes

13. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the response was not relevant to the NCP's work in 2024 (e.g. if the NCP did not handle specific instances). [Cover professional mediator fees or in-house mediator fees]

N/A

13. During the year, did the human and financial resources available to the NCP allow it to: Please select "N/A" if the response was not relevant to the NCP's work in 2024 (e.g. if the NCP did not handle specific instances). [Conduct fact-finding research into specific instances]

N/A

13. (Continued) If you have answered "no" to any of the above, please specify:

Additional comments on the section Human and financial resources:

The NCO does not have an allocated budget. However, when preparing the budget there is an "accounting goal" for international matters. which includes OECD, APEC and international negotiations. The budget prepared on september of the previous year, includes travel expenses, per diem, promotional activites, among other for the NCP.

B. Institutional arrangements - (d) Reporting

14. Does the NCP report to the executive on its activities?

No

15. Does the NCP report to the legislative body on its activities?

Yes

15. (Continued) If yes, how often?

Once a year

16. Please indicate any other relevant transparency requirement(s) (e.g. access to information or disclosure laws) applicable to the NCP in your country:

regarding access to information, the NCP complies with peruvian legislation (Supreme Decree N° 007-2024-MINJUS)

Additional comments on the section Reporting:

C. Information and promotion - (a) Website

17. Does the NCP have a website?

Yes

17. (Continued) If yes, please provide the link:

<https://info.proinversion.gob.pe/pnc-peru>

17. (continued) Was the website created/renovated this year?

The NCP website was not created/renovated in 2024.

18.1 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	
18.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [A description of the Guidelines]	
Yes	
18.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [The OECD Due Diligence Guidance Documents]	
Yes	
18.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [Explanatory text about due diligence]	
Yes	
18.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [OECD Recommendation on the Role of Government in Promoting Responsible Business Conduct]	
Yes	
18.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [Ministerial Declaration on Promoting and Enabling Responsible Business Conduct in the Global Economy]	
Yes	
18.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [Information on the NCP and its mandate]	
Yes	
18.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [The NCP Annual Report submitted to the OECD]	
Yes	
18.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [The NCP's Report to the executive and/or legislative (if applicable)]	
N/A	
18.1 Are the following items available on the NCP website? Information about the Guidelines and the role of the NCP: [The NCP's peer review report (if applicable)]	
Yes	
18.2 Are the following items available on the NCP website? Information about specific instances [Information on how to submit a specific instance]	
Yes	
18.2 Are the following items available on the NCP website? Information about specific instances [An online form to submit a specific instance]	
Yes	
18.2 Are the following items available on the NCP website? Information about specific instances [The NCP's case-handling procedures]	
Yes	
18.2 Are the following items available on the NCP website? Information about specific instances [All final statements since 2011]	
Yes	
18.3 Are the following items available on the NCP website? Information on promotional activities: [The NCP's promotional plan]	
Yes	
18.3 Are the following items available on the NCP website? Information on promotional activities: [Information on upcoming events promoting the Guidelines]	
No	
18.3 Are the following items available on the NCP website? Information on promotional activities: [Information on past events promoting the Guidelines]	
Yes	

18.4 Are the following items available on the NCP website? Contact information: [Information on how to make an enquiry to the NCP]
Yes
18.4 Are the following items available on the NCP website? Contact information: [A phone number to reach the NCP directly]
No
18.4 Are the following items available on the NCP website? Contact information: [An email address to reach the NCP directly]
Yes
Additional comments on the section NCP website:

C. Information and promotion - (b) Promotion*

19. Does the NCP have a promotional plan for the coming year(s)? If yes and it is public, please provide a link in the comments box.
Yes
19. Does the NCP have a promotional plan for the coming year(s)? If yes and it is public, please provide a link in the comments box. [Comment]
https://info.proinversion.gob.pe/wp-content/uploads/2024/06/16.-2024-NCP-Annual-Promotional-Plan.pdf
20. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? If yes, please also provide details in the NCP Reporting Questionnaire Annex document that will be uploaded at the end of the questionnaire.
Yes
21. Did the NCP make a presentation to promote the Guidelines and/or the NCP in events organised by others? If yes, please also provide details in the NCP Reporting Questionnaire Annex document that will be uploaded at the end of the questionnaire.
Yes
22. Did the NCP make use of social media to communicate on NCP promotional activities during the year?
Yes
22. (Continued) If yes, please list the accounts from which the NCP posts.
https://www.facebook.com/proinversionpe/ https://x.com/ProInversionPe https://www.linkedin.com/company/proinversionpe/ ?feedView=all
22. (Continued) How many posts were made to promote the NCP or the Guidelines?
5 - 10
23. Did the NCP produce other materials to promote the Guidelines and/or the NCP during the year (includes: flyers, brochures, email campaigns, newsletters, videos, etc.)? If yes, please provide details in table 3 in Annex 1.
Yes
24. Did the NCP hold a stakeholder meeting during the year?
Yes
25. Did the NCP promote the Guidelines among the business community during the year?
Yes
26. Did the NCP carry out any training on the Guidelines aimed at businesses during the year?
No
27. Did the NCP promote the Guidelines among NGOs during the year?
Yes
28. Did the NCP promote the Guidelines among trade unions during the year?
Yes

29. Did the NCP focus on any of the following during promotional activities during the year: [OECD Due Diligence Guidance for Responsible Business Conduct]
Yes
29. Did the NCP focus on any of the following during promotional activities during the year: [OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector]
No
29. Did the NCP focus on any of the following during promotional activities during the year: [Due Diligence for Responsible Corporate Lending and Securities Underwriting and/or Responsible Business Conduct for Institutional Investors and/or Responsible Business Conduct Due Diligence for Project and Asset Finance Transactions]
No
29. Did the NCP focus on any of the following during promotional activities during the year: [OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas]
No
29. Did the NCP focus on any of the following during promotional activities during the year: [OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector]
No
29. Did the NCP focus on any of the following during promotional activities during the year: [OECD-FAO Guidance for Responsible Agricultural Supply Chains]
No
29. Did the NCP focus on any of the following during promotional activities during the year: [OECD-FAO Business Handbook on Deforestation and Due Diligence in Agricultural Supply Chains]
No
Additional comments on the section Promotional activities:

D. Specific Instances - (a) NCP case-handling procedures for specific instances

30. Does the NCP have case-handling procedures?
Yes
31. Are the case-handling procedures available online?
Yes
31. (Continued) If yes, please provide a link in the text box.
https://info.investinperu.pe/instancias-especificas/
31. (continued) If no, please upload a copy of the case-handling procedures in the Additional Materials section at the end of the online questionnaire.
32. Were the NCP's case-handling procedures modified this year?
No
32. (continued) If no, what are the NCP's plans to update its case-handling procedures in alignment with the 2023 version of the Guidelines? Please indicate estimated completion date and provide relevant details in the comments box.
Q2 2025
32. (continued) If no, what are the NCP's plans to update its case-handling procedures in alignment with the 2023 version of the Guidelines? Please indicate estimated completion date and provide relevant details in the comments box. [Comment]
the NCP has already a draft with comments from stakeholders. However, the advisory group (key stakeholders) has requested to be sent to them for comments
Additional comments on the section Case-handling procedures:

D. Specific Instances - (b) Specific instances in practice

33. Has the NCP ever received a specific instance?
Yes
33. (continued) If yes, how many years ago did the NCP receive its most recent specific instance?
Within the last year
34. Does the NCP request feedback from the parties on the procedure following the conclusion of a specific instance? Please select N/A if the NCP has never received a specific instance
Yes
35. Has the NCP staff undergone training in dispute resolution or problem solving during the year (e.g. mediation)? If yes, please provide details in the comments box.
No
35. Has the NCP staff undergone training in dispute resolution or problem solving during the year (e.g. mediation)? If yes, please provide details in the comments box. [Comment]
36. Did the NCP conduct mediation this year?
N/A
Additional comments on the section Specific instances in practice:

D. Specific Instances - (c) Reporting specific instances

37. Did the NCP receive new specific instance submissions during the year? If yes, please also provide details in the NCP Reporting Questionnaire Annex document that will be uploaded at the end of the questionnaire.
Yes
38. Did the NCP close specific instances during the year? If yes, please also provide details in the NCP Reporting Questionnaire Annex document that will be uploaded at the end of the questionnaire.
No
39. 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? If yes, please also provide details in the NCP Reporting Questionnaire Annex document that will be uploaded at the end of the questionnaire. Select N/A if no specific instances were in progress at the start of the year.
Yes
40. Did the NCP follow up on a case during the year? If yes, please also provide details in the NCP Reporting Questionnaire Annex document that will be uploaded at the end of the questionnaire. Select N/A if no specific instances were concluded before the start of the year.
No
41. Is the OECD database of specific instances accurate and up to date with regard to cases handled by the NCP? Select N/A if the NCP has never received a specific instance.
No
41. (Continued) Please provide details (missing cases, out of date entries, broken links, etc.) in the box below:
Our last three cases are not included we will send the forms.
42. Did the NCP submit keywords to be included in all specific instances available in the OECD case database? If not, please submit a keyword reporting form for each public specific instance.
No
Additional comments on the section Reporting specific instances:

E. Peer learning and peer reviews

43. Did the NCP take part in the following activities with other NCPs during the year: [Host a peer learning activity]
No
43. Did the NCP take part in the following activities with other NCPs during the year: [Participate in peer learning activities hosted by other NCPs]
Yes
43. Did the NCP take part in the following activities with other NCPs during the year: [Co-operate with other NCPs in handling specific instances]
Yes
43. Did the NCP take part in the following activities with other NCPs during the year: [Provide mentoring/capacity building to another NCP]
Yes
43. Did the NCP take part in the following activities with other NCPs during the year: [Participate in/host a meeting of regional networks of NCPs (excluding during the NCP meetings at the OECD)]
Yes
44. Is the NCP interested in hosting an NCP learning/experience-sharing event in 2025?
No
44. Is the NCP interested in hosting an NCP learning/experience-sharing event in 2025? [Comment]
45. Which topic would the NCP consider to be a priority to cover in a peer learning event?
mediation/conflict resolution
46. Is the NCP interested in participating in developing tools for use by NCPs?
Yes
47. Did the NCP act as a peer reviewer during a peer review onsite visit in 2024?
No
48. Did the NCP undergo a peer review (onsite visit) in 2024?
No
48. (continued) If yes, please specify the date on which the onsite visit began.
Additional comments on the section Peer-learning and peer reviews:

F. Support for government policies to promote RBC* - (a) Promotional work

49. In 2024, did the NCP promote the Guidelines and/or the OECD due diligence guidance instruments among: [Trade and investment promotion agencies (or other government entity in charge of trade and investment support)]
Yes
49. In 2024, did the NCP promote the Guidelines and/or the OECD due diligence guidance instruments among: [Embassies abroad]
No
49. In 2024, did the NCP promote the Guidelines and/or the OECD due diligence guidance instruments among: [Other relevant government agencies]
Yes

50. Did the NCP promote the Recommendation on the Role of Government in Promoting RBC among relevant government officials during the year?
Yes
50. Did the NCP promote the Recommendation on the Role of Government in Promoting RBC among relevant government officials during the year? [Comment]
Forum: "The Role of Government in Promoting Responsible Business Conduct and the Impact of Due Diligence Initiatives"
WORKSHOP (Session 7): RBC and Due Diligence: The Role of the Government
51. Did the NCP carry out any activity to promote its role and mandate with other relevant government agencies during the year?
Yes
51. Did the NCP carry out any activity to promote its role and mandate with other relevant government agencies during the year? [Comment]
Organized and event called Sustainability Trends in Public Companies: A Global Perspective
Participated in activities of third parties
Additional comments on the section Promotional work for policy coherence:

F. Support for government policies to promote RBC - (b) Engagement with relevant officials

52. Is the NCP involved in any intergovernmental coordination mechanism regarding policy areas covered by the Guidelines and/or relevant for RBC? If yes, please provide a short description of these mechanisms and the NCP's participation therein.
Yes
52. Is the NCP involved in any intergovernmental coordination mechanism regarding policy areas covered by the Guidelines and/or relevant for RBC? If yes, please provide a short description of these mechanisms and the NCP's participation therein. [Comment]
Yes, Working Group of government entities (NAP) and Multistakeholder roundtable of NAP
53. Does the NCP coordinate its action / cooperation with other state-based non-judicial grievance mechanisms? If yes, please explain how.
No
53. Does the NCP coordinate its action / cooperation with other state-based non-judicial grievance mechanisms? If yes, please explain how. [Comment]
54. Did the NCP share statements, data and other insights with: [Officials responsible for public procurement]
No
54. Did the NCP share statements, data and other insights with: [Officials responsible for public procurement][Comment]
54. Did the NCP share statements, data and other insights with: [Officials responsible for trade and investment support (including trade missions)]
No
54. Did the NCP share statements, data and other insights with: [Officials responsible for trade and investment support (including trade missions)][Comment]
54. Did the NCP share statements, data and other insights with: [Officials responsible for SOEs]
No
54. Did the NCP share statements, data and other insights with: [Officials responsible for SOEs][Comment]

54. Did the NCP share statements, data and other insights with: [Officials in relevant government agencies (including other state-based non-judicial grievance mechanisms)]
No
54. Did the NCP share statements, data and other insights with: [Officials in relevant government agencies (including other state-based non-judicial grievance mechanisms)][Comment]
55. Did the NCP inform officials responsible for reviewing eligibility for government support and services* of companies' involvement/engagement in specific instances? *(e.g. such as trade advocacy, economic diplomacy, or other benefits)
No
55. Did the NCP inform officials responsible for reviewing eligibility for government support and services* of companies' involvement/engagement in specific instances? *(e.g. such as trade advocacy, economic diplomacy, or other benefits) [Comment]
56. To what extent has the NCP engaged or exchanged with public procurement officials/practitioners, trade and investment officials, or SOEs officials? [As part of a public procurement process]
No
56. To what extent has the NCP engaged or exchanged with public procurement officials/practitioners, trade and investment officials, or SOEs officials? [As part of a public procurement process][Comment]
56. To what extent has the NCP engaged or exchanged with public procurement officials/practitioners, trade and investment officials, or SOEs officials? [As part of dedicated events or training]
Yes
56. To what extent has the NCP engaged or exchanged with public procurement officials/practitioners, trade and investment officials, or SOEs officials? [As part of dedicated events or training][Comment]
events by the NCP or third parties
56. To what extent has the NCP engaged or exchanged with public procurement officials/practitioners, trade and investment officials, or SOEs officials? [Other]
Yes
56. To what extent has the NCP engaged or exchanged with public procurement officials/practitioners, trade and investment officials, or SOEs officials? [Other][Comment]
advisory body
56. To what extent has the NCP engaged or exchanged with public procurement officials/practitioners, trade and investment officials, or SOEs officials? [N/A: the NCP has not engaged or exchanged with officials/practitioners in this context]
No
56. To what extent has the NCP engaged or exchanged with public procurement officials/practitioners, trade and investment officials, or SOEs officials? [N/A: the NCP has not engaged or exchanged with officials/practitioners in this context][Comment]
57. Please identify any specific initiatives/good practices in your country, involving RBC and other policy areas like public procurement, trade and investment, and/or SOEs.
legislative decree 1693 - Decreto Legislativo N° 1693, promulgated in Peru, aims to organize, systematize, and enhance the efficiency of state-owned business activities, while strengthening the structure and management of the National Fund for Financing State Business Activity (FONAFE). It promotes efficiency and strengthening management structures, the decree encourages practices aligned with responsible business conduct principles, such as transparency, accountability, and sustainable management within state-owned enterprises.
Law 32069, known as the General Law of Public Procurement, establishes the Organismo Especializado para las Contrataciones Públicas Eficientes (OECE), a specialized technical body under the Ministry of Economy and Finance. The OECE is tasked with providing technical assistance, supervising procurement processes, and ensuring adherence to the principles of efficiency and sustainability in public acquisitions. These provisions collectively aim to foster sustainable public procurement by integrating economic, environmental, and social considerations into the procurement process, thereby promoting responsible and efficient use of public resources.
58. Please include any other examples of policy coherence activities:

Additional comments on Engagement with relevant officials

F. Support for government policies to promote RBC - (c) RBC policy landscape and the role of the NCP

59. Does the NCP follow and/or provide input, or is the NCP consulted, on policy or regulatory developments to promote RBC? If yes, please provide a short explanation of how this is done in practice.

Yes

59. Does the NCP follow and/or provide input, or is the NCP consulted, on policy or regulatory developments to promote RBC? If yes, please provide a short explanation of how this is done in practice. [Comment]

the NCP has requested the Ministry of Energy and Mines to be invited once the discussions to elaborate the 20250 National Mining Policy starts.

60. Have the Guidelines and/or the OECD due diligence instruments and/or the Recommendation on the Role of Government in Promoting RBC been referred to in national legislation/regulations/policies/economic agreements adopted during the year? (e.g. on responsible business conduct; non-financial reporting, export credits, public procurement, trade and investment) [The Guidelines]

No

60. Have the Guidelines and/or the OECD due diligence instruments and/or the Recommendation on the Role of Government in Promoting RBC been referred to in national legislation/regulations/policies/economic agreements adopted during the year? (e.g. on responsible business conduct; non-financial reporting, export credits, public procurement, trade and investment) [The OECD due diligence instruments]

No

60. Have the Guidelines and/or the OECD due diligence instruments and/or the Recommendation on the Role of Government in Promoting RBC been referred to in national legislation/regulations/policies/economic agreements adopted during the year? (e.g. on responsible business conduct; non-financial reporting, export credits, public procurement, trade and investment) [The Recommendation on the Role of Government in Promoting RBC]

No

60. Have the Guidelines and/or the OECD due diligence instruments and/or the Recommendation on the Role of Government in Promoting RBC been referred to in national legislation/regulations/policies/economic agreements adopted during the year? (e.g. on responsible business conduct; non-financial reporting, export credits, public procurement, trade and investment) [Relevant national legislation/regulations/policies/economic agreements were adopted during the year but did not include reference to the above.]

Yes

60. Have the Guidelines and/or the OECD due diligence instruments and/or the Recommendation on the Role of Government in Promoting RBC been referred to in national legislation/regulations/policies/economic agreements adopted during the year? (e.g. on responsible business conduct; non-financial reporting, export credits, public procurement, trade and investment) [N/A: no relevant national legislation/regulations/policies/economic agreements were adopted during the year.]

No

60. (Continued) Please provide a short summary and a link to the legislation/regulation/policies/economic agreement. If a link is not available, please upload a copy of the legislation at the end of the questionnaire, on the "Additional materials" page.

61. Did your country adopt a National Action Plan (NAP) on Business and Human Rights or Responsible Business Conduct in 2024.

No

61. (Continued) Please indicate the scope of the National Action Plan: [NAP on Business and Human Rights]

N/A

61. (Continued) Please indicate the scope of the National Action Plan: [NAP on Responsible Business Conduct]

N/A

61. (Continued) Please provide a link to the NAP on Responsible Business Conduct: If a link is not available, please upload a copy of the legislation at the end of the questionnaire, on the "Additional materials" page.

61. (Continued) Did the NAP on Responsible Business Conduct make reference to: [The Guidelines?]
61. (Continued) Did the NAP on Responsible Business Conduct make reference to: [The NCP?]
61. (Continued) Did the NAP on Responsible Business Conduct make reference to: [The OECD due diligence instruments?]
61. (Continued) Did the NAP on Responsible Business Conduct make reference to: [The Recommendation on the Role of Government in Promoting RBC?]
61. (Continued) Please provide a link to the NAP on Business and Human Rights: If a link is not available, please upload a copy of the legislation at the end of the questionnaire, on the "Additional materials" page.
61. (Continued) Did the NAP on Business and Human Rights make reference to: [The Guidelines?]
61. (Continued) Did the NAP on Business and Human Rights make reference to: [The NCP?]
61. (Continued) Did the NAP on Business and Human Rights make reference to: [The OECD due diligence instruments?]
61. (Continued) Did the NAP on Business and Human Rights make reference to: [The Recommendation on the Role of Government in Promoting RBC?]
62. Was a NAP in development in 2024?
No
62. (Continued) If yes, please indicate the scope of the NAP: [NAP on Business and Human Rights]
N/A
62. (Continued) If yes, please indicate the scope of the NAP: [NAP on Responsible Business Conduct]
N/A
Additional comments on the section RBC policy landscape and the role of the NCP
there is a NAP on business and Human Rigths (2021-2025). The Ministry of Justice and Human Rights will evaluate next steps this year. In 2024, they also adopted the 2040 Multisectorial National Policy on Human Rights.

G. Challenges

63. Has the NCP faced any particular challenge(s) it would like to highlight this year?
Main challenges include high rotation of public officials which depending of the entity forces us to stay in a overview stage instead of focusing on more specific aspects of RBC.
Internal procedures for travelling arrangements, not related to budget, but for the authorization needed to attend meetings and events abroad which is not granted by the entity but by a third party (Ministry of Economy). While we were able to attend all OECD meeting we were denied authorization to participate in events of third parties that were previously coordinated.



RESOLUTION OF THE GENERAL SECRETARIAT No. 115-2024

Lima, June 19, 2024

VIEWED:

Report No. 017-2024/DSI and Provision No. 00873-2024/DSI of the Directorate of Investor Services; Memorandum No. 00146-2024/OPP and Report No. 00046-2024/OPP of the Office of Planning and Budget; Legal Report No. 00295-2024/OAJ of the Office of Legal Counsel; and,

CONSIDERING:

That, Article 14 of the Consolidated Text of Legislative Decree No. 1362, Legislative Decree that regulates the Promotion of Private Investment through Public Private Partnerships and Projects in Assets, approved by Decree Supreme Court No. 195-2023-EF, establishes that the Investment Promotion Agency Private – PROINVERSIÓN is a specialized technical organization, attached to the Ministry of Economy and Finance, with legal status, technical, functional, administrative, economic and financial autonomy, whose management is results-oriented, with efficiency, effectiveness, transparency, quality and integrity;

That is specified in article 2 of the Regulation of Organization and Functions of PROINVERSIÓN, approved by Supreme Decree No. 185-2017-EF, which PROINVERSIÓN is responsible for promoting private investment through Public-Private Partnerships (PPP), Asset Projects (PA) and Works for Taxes (OXI), for incorporation into public services, public infrastructure, assets, projects and state companies, in accordance with their powers;

That, likewise, articles 40 and 41, letter f) of the regulation in question, indicate that the Directorate of Investor Services is the line body in charge of promoting and facilitating various information, guidance and support services for national and foreign investors, thereby contributing to creating an attractive environment for private investment and monitoring its effectiveness, in accordance with the economic plans and the integration policy; having, among its functions, that of developing activities as a National Contact Point (PNC-CER) in Peru, in coordination with the Ministry of Economy and Finance, to disseminate and promote the Lines

Guidelines for Multinational Enterprises of the Organization for Economic Cooperation and Development Economic Development (OECD) and facilitate dialogue between multinational companies and various actors in civil society;

That, in accordance with numeral 72.2 of article 72 of the Consolidated Text of Law No. 27444, General Administrative Procedure Law, approved by Supreme Decree No. 004-2019-JUS, every entity is competent to carry out the internal material tasks necessary for the efficient fulfillment of its mission and objectives, as well as for the distribution of the powers that are included within its competence;

That, in accordance with the aforementioned legal norm, the Tenth Provision End of the State Organization Guidelines, approved by Decree Supreme Court No. 054-2018-PCM, establishes that, exceptionally, a public entity may form a functional unit within it, provided that the volume of operations or resources it manages to fulfill its line or internal administration functions justifies it, in such a way as to differentiate the hierarchical lines and scopes of responsibility, said functional unit does not constitute an organizational unit but rather a work team within the body or organic unit within which it is constituted, and is formalized by resolution of the highest administrative authority after a favorable opinion from the Planning and Budget Office or the one that takes its place;

That, through Report No. 017-2024/DSI, the Directorate of Consumer Services Investor notes that, in light of the commitments made by adhering to the OECD Declaration on International Investment and Business Multinationals and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, as well as the recommendations issued by the Organisation for Economic Co-operation and Development (OECD) after the Peer Review to which the National Contact Point for Responsible Business Conduct of the OECD in Peru, located in PROINVERSIÓN; it is required to establish a non-organic functional unit called "Functional Unit for Responsible Business Conduct", with the purpose of encompassing the functions linked to the National Contact Point, assigned to the Investor Services Directorate, in a specific unit for these purposes;

That the "Functional Unit for Responsible Business Conduct" can be created within the framework of the Tenth Final Complementary Provision of the State Organization Guidelines, approved by Supreme Decree No. 054-2018-PCM, and amended by Supreme Decree No. 131-2018-PCM and Supreme Decree No. 064-2021-PCM, which states that exceptionally, in addition to the functional units that make up the functional structure of a special program or project, an organ or organic unit of a public entity may form a functional unit within it, provided that the volume of operations or resources it manages to fulfill its line or internal administration functions justifies it, in order to differentiate the hierarchical lines and scopes of responsibility. Said functional unit does not constitute an organizational unit but rather a work team within the organ or organic unit within which it is constituted;

That, likewise, the aforementioned Tenth Final Complementary Provision indicates that the creation of the non-organic functional unit is formalized by resolution of the highest administrative authority, after a favorable opinion from the Office of Planning and Budget or the one that takes its place; published on the Portal of Standard Transparency of the entity in the item "Planning and Organization";

That, in this regard, through Report No. 00046-2024/OPP, attached to the Memorandum No. 00146-2024/OPP, the Planning and Budget Office issues a favorable opinion on the origin of the creation of the "Functional Unit for the "Responsible Business Conduct" under the Directorate of Customer Services Investor, concluding and arguing that the provisions of the Tenth Final Complementary Provision of the "Organizational Guidelines of the State", approved by Supreme Decree No. 054-2018-PCM and amendments, considering that the aforementioned functional unit will not constitute an organizational unit, but rather a work team within an organ, does not imply the creation of positions, nor the allocation of new resources, and the general and specific functions are aligned with part of those of the Investor Services Directorate established in the PROINVERSIÓN Organization and Functions Regulations;

That, article 10 of the Regulations of Organization and Functions of PROINVERSIÓN points out that the General Secretariat is the highest administrative authority of the entity, and is therefore responsible for issuing the corresponding resolution;

That, with the approval of the Directorate of Investor Services, the Office of Planning and Budget, and the Office of Legal Advice;

In accordance with the provisions of the Consolidated Text of the Decree Legislative Decree No. 1362, Legislative Decree regulating the Promotion of Private Investment through Public-Private Partnerships and Asset Projects, approved by Supreme Decree No. 195-2023-EF, the Regulation of Organization and Functions of PROINVERSIÓN, approved by Supreme Decree No. 185-2017-EF; and the State Organization Guidelines, approved by Supreme Decree No. 054-2018-PCM and modified by Supreme Decree No. 131-2018-PCM and Supreme Decree No. 064-2021-PCM;

IT IS RESOLVED:

Article 1.- Create the "Functional Unit for Responsible Business Conduct", dependent on the Investor Services Directorate of the Private Investment Promotion Agency – PROINVERSIÓN.

Article 2.- Establish the general and specific functions of the "Unit Functional for Responsible Business Conduct", the following:

- **General functions**

- (a) Promote awareness and adoption of the Guidelines, as well as other related instruments, among government agencies and bodies, the business sector, workers' organizations, non-governmental organizations and civil society in general; including responses to consultations;
- (b) Contribute to the resolution of issues arising in relation to the implementation of the Guidelines in specific instances.
- (c) In addition, where appropriate and in coordination with relevant government entities, NCP-CERs may also provide support to their governments' efforts to develop, implement and

“fostering coherent public policies to promote responsible business conduct.”

• **Specific functions**

- a) Promote and disseminate the OECD Guidelines for Businesses Multinationals on Responsible Business Conduct, the guidelines of OECD Due Diligence and related instruments, within government and among stakeholders;
- b) Coordinate actions with the private sector and civil society in general to promote the implementation of the Guidelines, responsible business conduct and risk-based due diligence;
- c) Monitor and promote coordination between entities in relation to policies linked to the standards of responsible business conduct established in the Guidelines and related instruments;
- d) Monitor developments on the topic of responsible business conduct and due diligence, in international negotiations and forums in which the Customer Services Directorate participates. Investor;
- e) Facilitate dialogue between multinational companies and various civil society actors, in particular through the mechanism of specific bodies;
- f) Provide information on the specific process of the specific instance and facilitate good offices upon request;
- g) Respond to queries on issues related to the NCP-CER and the Guidelines;
- h) Evaluate possible synergies or recommendations in the promotion of the Guidelines and related topics, as well as convene periodic meetings with public and private sector stakeholders.
- i) Represent the PNC-CER in meetings, forums, or activities developed at national or international level, which fall within the scope of the functions of the PNC-CER, whether these are organized by the PNC, the OECD or by third parties.
- j) Participate in joint peer learning activities and intervene, where possible, in thematic reviews carried out among peers.
- k) Participate, representing the PNC-CER, in the meetings of the WPRBC, the Networks of National Contact Points, and other forums that are enabled for this purpose;
- l) Safeguard the documentation related to the activities of the PNC-CER;
- m) Carry out all other functions corresponding to the PNC-CER established in the Guidelines, in the OECD Recommendation on the role of government in promoting Responsible Business Conduct and other instruments issued related to the role of the PNC-CER.”

Article 3.- Establish that, through a memorandum addressed to the General Secretariat and within five (5) business days following the issuance of this resolution, the Director of the Investor Services Directorate will identify the server who, in addition to his/her functions, will be the coordinator of the “Functional Unit for Responsible Business Conduct.”

Article 4.- Notify this Resolution to the Executive Directorate, the Line Directorates, the Planning and Budget Office, the Administration Office, and the Legal Advisory Office.

Article 5.- Order the publication of this Resolution in the digital headquarters of PROINVERSIÓN (www.gob.pe/proinversion) and in the Standard Transparency Portal of PROINVERSIÓN (www.transparencia.gob.pe) in the item "Planning and _____ Organization".

Sign up and get in touch.

FERNANDO ALARCON DIAZ
Secretary General
PROINVERSION



This is a printable authentic copy of an electronic document filed by PROINVERSIÓN, applying the provisions of Art. 25 of DS 070-2013PCM and the Third Final Complementary Provision of DS 026-2016-PCM. Its authenticity and integrity may be verified by reading the QR code or the following link:
<https://consulta.proinversion.gob.pe/consulta/dlFile?var=t8GFuYOAfIWzqL%2FAj2%2FNhmOjZlZdoJJlqF2Ed17gw9Y%3D>



CONSEJO DIRECTIVO
Sesión N° 146 del 6 de setiembre de 2024

Acuerdo PROINVERSIÓN N° 146-3-2024-CD

Visto el Resumen Ejecutivo N° 002-2024/DSI del 17 de julio de 2024, el Informe Legal N° 364-2024/OAJ, el Memorándum N° 89-2024/DE y de acuerdo con las funciones de este Consejo Directivo establecidas en los literales a) y f) del artículo 7° del ROF de PROINVERSIÓN, aprobado mediante Decreto Supremo N° 185-2017-EF, se acuerda:

1. *Dejar sin efecto el Acuerdo de Consejo Directivo de PROINVERSIÓN N° 294-01-2009, adoptado por el Consejo Directivo en Sesión N° 294 del 1 de julio de 2009.*
2. *Aprobar la modificación de la estructura del Punto Nacional de Contacto para la Conducta Empresarial Responsable de la OCDE en Perú, el mismo que se encuentra ubicado en la Unidad Funcional para la Conducta Empresarial Responsable de PROINVERSIÓN, estableciéndose que su Autoridad Máxima será el Director de Servicios al Inversionista de PROINVERSIÓN y su Secretaría Técnica estará a cargo de la Unidad Funcional para la Conducta Empresarial Responsable.*
3. *Aprobar las Reglas de Funcionamiento del Punto Nacional de Contacto para la Conducta Empresarial Responsable de la OCDE en el Perú.*
4. *Precisar que las actuaciones del Punto Nacional de Contacto para la Conducta Empresarial Responsable de la OCDE en el Perú se rigen por lo dispuesto en las Líneas Directrices de la OCDE para Empresas Multinacionales sobre Conducta Empresarial Responsable, y otros instrumentos emitidos por dicha organización, relativo a sus funciones, así como por lo establecido en las Reglas de Funcionamiento.*
5. *Establecer que, a partir de la aprobación de este Acuerdo, cualquier modificación de la estructura del Punto Nacional de Contacto, sus Reglas de Funcionamiento, emisión de lineamientos para el ejercicio de sus funciones; así como otros vinculados, se realizará de acuerdo con lo establecido en las Reglas de Funcionamiento.*

Comunicar el presente acuerdo a la Dirección Ejecutiva, la Dirección de Servicios al Inversionista, la Unidad Funcional para la Conducta Empresarial Responsable y a la Secretaría Técnica de la Comisión Multisectorial de naturaleza permanente encargada del seguimiento de las acciones para la adhesión del Perú a la OCDE.

Fernando Alarcón Díaz
Secretario de Actas

Lima, 11 de setiembre de 2024



OPERATING RULES OF THE OECD NATIONAL CONTACT POINT FOR RESPONSIBLE BUSINESS CONDUCT IN PERU

1. AIM

This document regulates the operation of the Organization for Economic Cooperation and Development (OECD) National Point of Contact for Responsible Business Conduct in Peru (NCP-RBC), which is located in the Functional Unit for Responsible Business Conduct of the Private Investment Promotion Agency of Peru - PROINVERSIÓN. The NCP-RBC was established on July 1st, 2009 by PROINVERSIÓN Steering Council Agreement N° 294-01-2009 and modified by PROINVERSIÓN Steering Council Agreement N° 146-3-2024-CD of September 6th, 2024.

The operating rules aim to establish in greater detail the functions of the NCP-RBC in order to promote the effective operation of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (Guidelines) and to indicate the manner in which the NCP-RBC develops and maintains relations with representatives of the business sector, workers' organizations, non-governmental organizations and civil society in general.

2. SCOPE

These rules apply to public officials that carry out activities of the OECD National Contact Point for Responsible Business Conduct in Peru.

3. OPERATING RULES

3.1 The actions of the NCP-RBC will be governed in accordance with the provisions of the Guidelines, related instruments issued by the OECD, as well as the provisions of this document and those provisions issued specifically in relation to the activities under the responsibility of the NCP-RBC.

3.2 In carrying out its functions, the NCP-RBC will seek to differentiate its actions from those carried out by the entity in which it is located.

Location and Conformation

3.3 The NCP-RBC is located in the Functional Unit for Responsible Business Conduct of PROINVERSIÓN. The Highest Authority is the Director of the Investor Services Division of PROINVERSIÓN and the Technical Secretariat is in charge of the Functional Unit for Responsible Business Conduct.

3.4 The Coordinator of the Functional Unit for Responsible Business Conduct will act as Technical Secretary of the NCP-RBC.

Functions

3.5 The main functions of the NCP-RBC are:

3.5.1 Promote awareness and adoption of the Guidelines, as well as other related instruments among government entities and agencies, the business sector, workers' organizations, non-governmental organizations and civil society at large; including responses to consultations.



3.5.2 Contribute to the resolution of issues arising in relation to the implementation of the Guidelines in specific instances.

In addition, where appropriate and in coordination with relevant government entities, NCPs-RBC may also provide support to their governments' efforts to develop, implement and foster coherence of public policies to promote responsible business conduct.

Fundamental criteria for functional equivalence in the activities of the NCP-RBC

3.6 The criteria that will govern the activities carried out by the NCP-RBC are:

- 3.6.1 **Visibility:** The role of the NCP-RBC and the availability of associated mechanisms should be communicated to the general public. The NCP-RBC should also play an active role in promoting the Guidelines.
- 3.6.2 **Accessibility:** easy access to NCP-RBC services must be provided and specific instances handled in an efficient and timely manner.
- 3.6.3 **Transparency:** The NCP-RBC must be transparent in all the activities it carries out, taking into account the need for confidentiality in order to offer good offices in the development of specific instances.
- 3.6.4 **Accountability:** The NCP-RBC should be accountable in order to maintain stakeholder confidence and promote the public profile of the Guidelines.
- 3.6.5 **Impartial and equitable:** Governments should organize their NCPs-RBCs in a way that allows them to act and be perceived in such a way as to maintain the continued trust of stakeholders, parties involved in specific instances, and the general public. NCPs-RBCs should also seek to ensure, particularly through clear and accessible procedures for handling cases, that parties can participate in the process on fair and equitable terms.
- 3.6.6 **Predictable:** The NCP-RBCs, as part of their activities, will provide the public with clear and public information about their functions and the procedures they follow to fulfill their responsibilities, particularly in the resolution of specific instances.
- 3.6.7 **Compatible with the Guidelines:** The NCP-RBCs will operate in a manner compatible with the Guidelines

Functions of the Highest Authority of the NCP-RBC

3.7 The following are the functions of the Highest Authority of the NCP-RBC:

- 3.7.1 Supervise the Technical Secretariat, in particular, to approve the final versions of the reports related to the specific instances and the promotional plans on responsible business conduct, as well as the Annual Report to the Congress of the Republic of Peru.
- 3.7.2 Approve the specific guidelines for carrying out the functions of the NCP, as proposed by the Technical Secretariat.
- 3.7.3 Modify the structure of the NCP-RBC, at the proposal of the Technical Secretariat, including the designation, incorporation or withdrawal of new members of the NCP-RBC support groups.
- 3.7.4 The highest authority may request the support of the Technical Secretariat in carrying out these functions.

Functions of the Technical Secretariat of the NCP-RBC



3.8 The functions of the Technical Secretariat are, by way of example, the following:

- 3.8.1 Promote and disseminate the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, the OECD Due Diligence guidance and related instruments within government and among stakeholders ;
- 3.8.2 Coordinate actions with the private sector and civil society in general to promote the implementation of the Guidelines, responsible business conduct and risk-based due diligence;
- 3.8.3 Monitor and promote coordination between entities regarding policies linked to the standards of responsible business conduct established in the Guidelines and related instruments;
- 3.8.4 Monitor developments on the topic of responsible business conduct and due diligence in international negotiations and forums in which the Investor Services Directorate participates;
- 3.8.5 Facilitate dialogue between multinational companies and various civil society actors, in particular through the mechanism of specific bodies;
- 3.8.6 Propose to the Highest Authority of the NCP-RBC the appointment, incorporation and retirement of the members of the NCP-RBC support groups.
- 3.8.7 Provide information on the specific process of the specific instance and facilitate good offices upon request;
- 3.8.8 Respond to queries on issues related to the NCP-RBC and the Guidelines;
- 3.8.9 Evaluate possible synergies or recommendations in the promotion of the Guidelines and related topics, as well as convene periodic meetings with public and private sector stakeholders.
- 3.8.10 Represent the NCP-RBC in meetings, forums, or activities developed at national or international level, which fall within the scope of the functions of the NCP-RBC, whether these are organized by the NCP, the OECD or by third parties.
- 3.8.11 Participate in joint peer learning activities and, where possible, participate in peer-led thematic reviews.
- 3.8.12 Participate, representing the NCP-RBC, in the meetings of the WPRBC, the National Contact Point Networks, and other forums that are enabled for this purpose;
- 3.8.13 Safeguard the documentation related to the activities of the NCP-RBC;
- 3.8.14 Carry out all other functions corresponding to the NCP-RBC established in the Guidelines, in the OECD Recommendation on the role of government in promoting Responsible Business Conduct and other instruments issued related to the role of the NCP-RBC.

NCP Support Groups

Intergovernmental Working Group

3.9 The Intergovernmental Working Group is composed of representatives of public entities, who, due to their specific experience in issues related to responsible business conduct and the Guidelines, provide support to the NCP. The Technical Secretariat, upon approval by the Highest Authority, will invite representatives of the chosen entities to participate in this support group.

a) About the members:

- The Intergovernmental Working Group will be composed of representatives of public entities.



- Each entity will have a main representative and an alternate representative.
- Validity: One (1) year and may be renewed for one or more new period(s), as many times as necessary.
- The reasons for removal of members are as follows:
 - due to the end of his/her duties in the entity he/she represents,
 - consecutive absence from more than 2 meetings,

b) Frequency of meetings: Ordinary meetings will be held at least quarterly. The Technical Secretariat may also call extraordinary meetings when it deems necessary.

c) Calls, agenda and documentation:

- Ordinary meetings shall be convened, in writing, by the Technical Secretariat at least seven (07) calendar days before the date of the meeting, except for extraordinary meetings. When the call is made, the planned agenda shall also be circulated and, where applicable, the documentation supporting each item on the agenda shall also be sent.
- Extraordinary meetings will be called, in writing, by the Technical Secretariat at least one (1) calendar day before the meeting date, indicating the reason and urgency of the call.
- Members may propose discussion points to the Working Group to be addressed at the meetings, through the Technical Secretariat.
- The agreements of each meeting must be recorded in minutes. To this end, the Technical Secretariat provides support for their preparation.

d) Decision-making in the Working Group will be carried out by simple majority. If required, the deciding vote will be cast by the Technical Secretary of the NCP-RBC.

e) Role of the NCP in meetings: The Technical Secretariat of the NCP-RBC chairs the meetings. In addition, it is responsible for keeping the minutes of the meetings and following up on what has been agreed. The Technical Secretariat will inform the Highest Authority about the meetings held.

f) Working mechanisms: The members of the Working Group will issue their opinions, recommendations and reports during the regular and/or extraordinary meetings. However, the Technical Secretariat of the NCP-RBC may consult the experts, in accordance with its areas of competence. The opinions, recommendations and reports of the members of the Intergovernmental Working Group will not be considered as having been made by the NCP-RBC.

g) The participation of representatives of the entities as part of this support group is not remunerated.

3.10 The Intergovernmental Working Group has the following responsibilities:

3.10.1 Provide support to the NCP -RBC, mainly during the development of specific instances that arise, and in which it is necessary to have its technical-specialized opinion.



- 3.10.2 Propose activities for the NCP-RBC Promotional Plan, or propose specific actions for its implementation. The NCP will consult with the Intergovernmental Working Group, in order to complement the aforementioned Plan.
- 3.10.3 Provide general support for the promotion and dissemination of the Guidelines, the OECD Due Diligence Guidance and sectoral guides, as well as other related instruments, in their respective areas of work and sectoral activity. They are also expected to actively participate in the actions planned within the framework of the NCP-RBC Promotion Plan.
- 3.10.4 Support NCP-RBC coordination, cooperation and policy coherence on issues of responsible business conduct for the exchange of information, providing mutual support when necessary.

3.11 The NCP-RBC will meet with the Intergovernmental Working Group at least quarterly, not including meetings related to Specific Instances, in order to coordinate activities, share experiences or inform each other on aspects related to the Guidelines or Responsible Business Conduct.

Key Actors Group (stakeholders):

- a) About the members:
 - The Key Stakeholders Group will be composed of representatives of civil society (business sector, trade unions, non-governmental organizations - NGOs, academia and indigenous organizations). It may also appoint a government entity as an observer.
 - Validity: Except as provided in the grounds for removal of members, the term of permanence in the Working Group may be one (1) year and may be renewed for one or more new period(s), as many times as necessary.
 - The reasons for removal of members are as follows:
 - due to the end of his/her duties in the organization he/she represents,
 - consecutive absence from more than 2 meetings,
 - communication of the organization.
- b) Frequency of meetings: Ordinary meetings will be held at least twice a year. Extraordinary meetings may be convened when the NCP-RBC deems it necessary.
- c) Calls, agenda and documentation:
 - Ordinary meetings will be convened, in writing, by the Technical Secretariat of the NCP-RBC at least fifteen (15) calendar days before the meeting date. When the meeting is convened, the planned agenda will also be circulated and, where applicable, the documentation supporting each agenda item will also be sent.
 - Extraordinary meetings will be called, in writing, by the Technical Secretariat of the NCP-RBC at least one (1) calendar day before the meeting date, indicating the reason for the call.
 - Members may propose discussion points to be addressed at the meetings. Their request will be circulated through the Technical Secretariat for inclusion in the agenda.
 - The agreements of each meeting must be recorded in minutes. To this end, the Technical Secretariat provides support for their preparation.



- d) Decision-making in the Working Group will be carried out by simple majority. If required, the deciding vote will be cast by the Technical Secretary of the NCP-RBC.
- e) Role of the NCP in meetings: The Technical Secretariat of the NCP-RBC chairs the meetings. In addition, it is responsible for keeping the minutes of the meetings and following up on what has been agreed. The Technical Secretariat will inform the Highest Authority about the meetings held.
- f) Working mechanisms: The members of the Group will issue their opinions, recommendations and reports during the ordinary and/or extraordinary meetings. However, the Technical Secretariat of the NCP-RBC may consult the members, in accordance with the organization's specialization in the field of responsible business conduct. The opinions, recommendations and reports of the members of the Key Stakeholders Group will not be considered as having been made by the NCP-RBC.
- g) The participation of representatives of organizations in this support group is unpaid.

3.12 The following are the responsibilities of the Key Actors Group:

- 3.12.1 Propose activities for the NCP-RBC Promotion Plan, or propose specific actions for its implementation. The NCP-RBC will consult with the Key Actors Group, in order to approve the aforementioned Plan.
- 3.12.2 Provide general support for the promotion and dissemination of the Guidelines, the OECD Due Diligence Guidance and sectoral guides, as well as other related instruments, in their respective areas of work and sectoral activity.
- 3.12.3 Actively participate in the actions planned within the framework of the NCP-RBC Promotion Plan.

Conflict of Interest

3.13 NCP-RBC members must abstain from intervening in specific instances where their personal, work-related, economic or financial interests may be in conflict with the fulfillment of their duties as members of the NCP-RBC. A conflict of interest will be considered to exist in the following cases:

- 3.13.1 If you are a spouse, cohabitant, relative within the fourth degree of consanguinity or second degree of affinity, with any of the parties involved in the specific instance or with their representatives, agents, or with the administrators of their companies.
- 3.13.2 If you personally, or your spouse, partner or any relative within the fourth degree of consanguinity or second degree of affinity, have an interest in the matter in question or in another similar matter, the resolution of which may influence the situation of that person.
- 3.13.3 When there is a close friendship, manifest enmity or objective conflict of interest with any of the parties involved in the specific instance, which becomes evident through attitudes or facts evident in the procedure.
- 3.13.4 When you have or have had in the last twelve (12) months, a relationship of service or subordination with any of the parties involved in the specific instance or third parties directly interested in the matter, or if you have a business



agreement in the works with any of the parties, even if it does not materialize later.

3.14 Additionally, the members of the NCP-RBC must refrain from intervening in specific instances, when they have overseen or participated in the evaluation for the approval of any benefit linked to PROINVERSIÓN'S private investment facilitation mechanisms, in favor of any of the parties involved.