



**National Contact Point for  
Responsible Business Conduct  
Peer Reviews  
ESTONIA**





# **National Contact Point for Responsible Business Conduct Peer Reviews: Estonia**



Note by the Republic of Türkiye

The information in this document with reference to “Cyprus” relates to the southern part of the Island. There is no single authority representing both Turkish and Greek Cypriot people on the Island. Türkiye recognises the Turkish Republic of Northern Cyprus (TRNC). Until a lasting and equitable solution is found within the context of the United Nations, Türkiye shall preserve its position concerning the “Cyprus issue”.

Note by all the European Union Member States of the OECD and the European Union

The Republic of Cyprus is recognised by all members of the United Nations with the exception of Türkiye. The information in this document relates to the area under the effective control of the Government of the Republic of Cyprus.

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# Foreword

The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (the Guidelines) are recommendations addressed by governments to multinational enterprises operating in or from adhering countries. They provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognised standards. The Guidelines are the only multilaterally agreed and comprehensive code of responsible business conduct that governments have committed to promoting.

Adhering governments to the Guidelines are required to set up a National Contact Point for Responsible Business Conduct (NCP) that operates in a manner that is visible, accessible, transparent, accountable, impartial and equitable, predictable, and compatible with the Guidelines. During the 2011 update of the Guidelines, NCPs agreed to reinforce their joint peer learning activities, in particular with respect to conducting voluntary peer reviews. The 2023 update of the Guidelines reinforced peer reviews of NCPs by making them mandatory and periodic, subject to modalities to be approved by the Working Party on Responsible Business Conduct (WPRBC). The commitment to undergo this peer review was made by Estonia while the 2011 version of the Procedures was in effect. The basis for this peer review is the 2011 version of the Guidelines (including the Implementation Procedures).

The peer reviews are led by representatives of 2 to 4 other NCPs who assess the NCP under review and provide recommendations. The reviews give NCPs a mapping of their strengths and accomplishments, while also identifying opportunities for improvement. More information can be found online at <https://mneguidelines.oecd.org/ncppeerreviews.htm>.

This document is the peer review report of the Estonian NCP. This report was prepared by a peer review team made up of reviewers from the NCPs of Argentina, Canada, and Israel, and with the support of the OECD Secretariat. The NCP of Argentina was represented by Gonzalo Jordan. The NCP of Canada was represented by Jasmine Jacques. The NCP of Israel was represented by Ronen Katz. The OECD Centre for Responsible Business Conduct was represented by Nicolas Hachez and Emily Halstead. The report was informed by dialogue between the peer review team, the NCP of Estonia and relevant stakeholders during an in-person mission on 19-21 September 2023. The peer review team wishes to acknowledge the NCP for the preparation of the peer review. The NCP of the Estonia was represented by Janne Änilane. This report also benefited from comments by delegates to the WPRBC and institutional stakeholders (BIAC, OECD Watch, TUAC). It was discussed by the WPRBC at its 6-7 March 2024 meeting and declassified by the Investment Committee on 15 April 2024.

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# 1 Key findings and recommendations

## Institutional arrangements

The Estonian NCP has a single agency structure located in the Consumer and Business Counselling Department of the Consumer Protection and Technical Regulatory Authority. The NCP is not supported by an advisory body and therefore does not formally include stakeholders in its institutional arrangements. The NCP staffing consists of one part-time staff member contributing 10% of their work to the NCP function. The Head of the Department of the Authority is available to provide the NCP support on an *ad hoc* basis. The structure and location of the NCP was previously analysed in a study ordered by the Ministry of Economic Affairs and Communication, which determined that the NCP should work in proximity to the team working on RBC-related policy issues. General feedback from stakeholders acknowledged the challenge of resources for the NCP, not only in terms of staff numbers but also staff expertise given that the government unit working on RBC-policy issues is separate from the NCP, despite the contradictory findings of the aforementioned study.

The separation of the NCP from the RBC-policy unit and other relevant teams within government contributes to a lack of expertise within the NCP on RBC-related issues, as well as obstacles to policy coherence. Feedback encouraged further cooperation between government members to access expertise across thematic areas of the Guidelines and ensure coherence of related initiatives.

While the NCP's location does allow it privileged access to businesses, the NCP does not engage equally with all stakeholder groups. Feedback raised concerns about the NCP's ability to meaningfully engage with different stakeholder groups, also due to its single agency structure without advisory body. The NCP has created an internal list of relevant stakeholders that could be called upon for expertise in the context of handling specific instances.

**Table 1.1. Key findings on institutional arrangements**

	Findings	Recommendations
1.1	The NCP staff shows dedication and works to build visibility of the NCP despite limited resources and expertise. The decision to separate the NCP and RBC policy teams has hindered the NCP's access to expertise and potential involvement in policy initiatives.	The Estonian Government should analyse the possibility of relocating the NCP, taking into consideration the results of the survey previously conducted, and with an aim to ensure RBC-related expertise within or easily accessible to the NCP. Regardless of a decision to change the location of the NCP, the Estonian government should ensure that the NCP has sufficient human and financial resources to address its responsibilities.
1.2	While the NCP has shown engagement with the RBC-related policy team in the Ministry of Economic Affairs and Communication, there is limited overall coherence and engagement amongst government members working in RBC-	The Estonian Government should develop an internal intergovernmental platform or working-group that enables dialogue between different parts of government that engage in RBC-related policy work and initiatives. This would notably provide the NCP with access to the



	related initiatives and policy areas.	relevant expertise that it needs to address its responsibilities and provide the NCP with relevant contacts to support its dissemination of information related to the Guidelines across government.
1.3	While the NCP's location allows for proximity to business stakeholders, the NCP has not always been able to engage stakeholders from different groups at the same level. The NCP has identified a list of relevant stakeholders that could support its function, but it has not formalised the inclusion of any stakeholders within its institutional arrangements.	The Estonian NCP should identify core stakeholder entities that can support its mandate and seek to include them in a formal multistakeholder advisory body. This would help the NCP to build and maintain stakeholder confidence.

## Promotional activities

Promotion by the NCP has been consistent over the last few years with an average of two events organised or participated in by the NCP each year. The NCP has shown efforts to continuously engage in promotional work despite limited resources, including translating the Guidelines into Estonian and engagement in the Nordic-Baltic Regional NCP Network. However, feedback has noted that the NCP has not always engaged equally with all stakeholder groups. The NCP has not thus far developed a strategic promotional plan for future initiatives with targeted stakeholder audiences.

The NCP lacks visibility with its stakeholders and does not have a formalised structure in its institutional arrangements to allow for interaction with stakeholders. While the NCP has made some strides in identifying stakeholders, a more extensive stakeholder mapping would be necessary to identify target audiences and partners for promotional activity. Further developing these partnerships would allow the NCP more opportunities for joint promotion, which could be less resource intensive for the NCP.

The NCP uses its website as a point for promotion and includes basic information on the Guidelines and NCP. Feedback considered that an enhanced online presence would be a resource effective method to increase the NCP's visibility with its stakeholders.

**Table 1.2. Key findings on promotional activities**

	Findings	Recommendations
2.1	The NCP has shown commitment to its promotional work through yearly promotional events, providing an Estonian translation of the Guidelines, and its continued engagement in the Nordic-Baltic Regional NCP Network. These promotional efforts have not always been planned or conducted in a strategic manner and have not always targeted all stakeholder groups equally.	The NCP should develop a promotional plan that considers the priorities and available resources of the NCP. The plan should aim to increase promotional levels generally and ensure that all stakeholder groups are equally targeted.
2.2	The NCP has made efforts to identify relevant stakeholders, notably in the context of its peer review. It remains essential for the NCP to further expand and leverage such contacts to enhance promotion.	The NCP should leverage the contacts it has already identified in the context of the peer review and expand on these relationships to enhance promotional outreach. The examination and expansion of this contact list should be done in the context of a stakeholder mapping exercise.

2.3	The NCP has made efforts to develop a webpage to disseminate information related to the Guidelines, OECD due diligence guidance, and NCP mechanism, available in Estonian and English. The provided information is basic and largely comprises of links to materials developed by the OECD. The website does not include information on NCP events and promotional work.	The NCP should further utilise its website as a low resource method of promotion. This could include promoting past and future NCP events and ensuring the website is cross-referenced on partner websites. The NCP could further seek to enhance its online presence through the use of social media, either via its own account or using the account of a promotional partner.
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## Specific instances

The NCP has developed case-handling procedures largely in line with the 2011 version of the Guidelines. While the NCP has not yet updated its case-handling procedures according to the 2023 version of the Guidelines, it has indicated plans to do so. Feedback suggested that current provisions of the case-handling procedures, notably the wording surrounding confidentiality, could make the mechanism less effective and predictable. There is additionally a disconnect between the case-handling procedures and information on handling specific instances on the NCP website, which states that the NCP would not handle issues that occurred more than three years ago.

The NCP has been effective in its role as a supporting NCP when handling a specific instance but has never handled a specific instance as the lead NCP. As the NCP has not had experience as a lead NCP, it is essential that it is prepared to act when a specific instance is received, notably with sufficient resources, access to expertise, and clear decision-making procedures. The NCP has received inquiries into the specific instance mechanism in recent years, which would suggest some visibility of the mechanism and the possibility that a specific instance could be submitted soon.

**Table 1.3. Key findings on specific instances**

	Findings	Recommendations
3.1	The NCP has not yet aligned its case-handling procedures with the 2023 version of the Guidelines but is well-positioned to do so with the feedback it received in the context of this peer review. The current iteration of the case-handling procedures is not always detailed in provisions and may reduce the predictability of the process. The NCP website and the case-handling procedures are additionally not aligned, notably on the timeline of issues that can be addressed and on confidentiality, which could further decrease the predictability of the process.	The NCP should revise its case-handling procedures to align with the 2023 version of the Guidelines and increase transparency around the NCP's intended process to handle a specific instance. This revision should ensure that the information provided on the NCP website and the case-handling procedures is aligned to preserve the predictability of the process.
3.2	Recent interest in the NCP mechanism via inquiries has suggested some visibility of the mechanism and, as visibility increases, the NCP might expect to receive a specific instance soon.	The NCP should ensure that it is prepared to handle a specific instance as the lead NCP. The NCP should notably consider the required resources, and the clarification of the NCP's decision-making process either through the case-handling procedures or another public document.

## Support for government policies to promote RBC

The government of Estonia is engaged in RBC-related policies and initiatives, including the EU draft directive on Corporate Sustainability Due Diligence. Government representatives in RBC-related roles have shown interest in establishing and increasing cooperation with the NCP to address shared goals.

The NCP has not yet taken advantage of its possible role as a supporting mechanism for government policies to promote RBC. The NCP has begun to establish relevant contacts and there is agreement among government representatives on the importance of coherence around RBC policies and initiatives.

**Table 1.4. Key findings on support for government policies to promote RBC**

	Finding	Recommendation
4.1	The NCP has contact with many government representatives that engage in RBC-related work. These representatives have shown interest in working with the NCP to address shared goals and work towards coherence among RBC-related initiatives. There is currently no formal relationship or structure that allows them to do so.	The NCP should continue supporting these links between relevant government departments to enable coherence of RBC-related policies and initiatives. The intergovernmental platform noted in Recommendation 1.2 could be leveraged as a tool to facilitate this link between relevant government actors.

# 2 Introduction

## The Estonian NCP at a glance

**Established:** 2009

**Structure:** Single agency, no advisory body

**Location:** Consumer Protection and Technical Regulatory Authority

**Staffing:** One part-time staff

**Webpage:** <https://ttja.ee/en/business-client/consumer-topics/national-contact-point-responsible-business-conduct> (English)

<https://ttja.ee/ariklient/tarbija-teemad/vastutustundliku-ettevotluse-kontaktpunkt> (Estonian)

**Specific instances received:** One specific instance received and transferred to another NCP.

The Implementation Procedures of the Guidelines require NCPs to operate in a manner that is visible, accessible, transparent, accountable, impartial and equitable, predictable, and compatible with the Guidelines. This report assesses conformity of the Estonian NCP with the core effectiveness criteria and with the Implementation Procedures.

Estonia adhered to the OECD Declaration on International Investment and Multinational Enterprises (Investment Declaration) in 2001 and joined the OECD in 2010. The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (the Guidelines) are part of the Investment Declaration. The Guidelines are recommendations on responsible business conduct (RBC) addressed by governments to multinational enterprises operating in or from adhering countries. The Guidelines have been updated six times since 1976; the most recent revision took place in 2023.

Countries that adhere to the Investment Declaration are required to establish National Contact Points for Responsible Business Conduct (NCPs). NCPs are set up to further the effectiveness of the Guidelines and adhering countries are required to make human and financial resources available to their NCPs so they can effectively fulfil their responsibilities in a way that fully meets the core effectiveness criteria, taking into account internal budget capacity and practices<sup>1</sup>.

NCPs are agencies established by adhering governments to “promote the Guidelines and act as a forum for discussion of all matters relating to the Guidelines”.<sup>2</sup> The OECD Council Decision on the Guidelines states that “NCPs shall have the following responsibilities:

<sup>1</sup> Decision of the Council on the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, para I(4).

<sup>2</sup> OECD Guidelines for Responsible Business Conduct, Chapter I. Concepts and Principles, para. 11.

- a) Promote awareness and uptake of the Guidelines, including by responding to enquiries;
- b) Contribute to the resolution of issues that arise in relation to the implementation of the Guidelines in specific instances.

In addition, where appropriate and in coordination with relevant government agencies, NCPs may also provide support to efforts by their government to develop, implement, and foster coherence of policies to promote responsible business conduct.”<sup>3</sup>

The Procedures cover the role and functions of NCPs in six parts: institutional arrangements, information and promotion, specific instances, support for government efforts to promote responsible business conduct, reporting, and peer reviews. In 2023, the Procedures were updated. In particular, a new part on peer reviews was added providing for periodic mandatory peer reviews of NCPs, subject to modalities being approved by the WPRBC.<sup>4</sup> The commitment to undergo this peer review was received by Estonia while the 2011 version of the Procedures was still in effect and provided for a voluntary system of peer reviews.

The objectives of peer reviews as set out in the “Revised core template for voluntary peer reviews of NCPs”<sup>5</sup> are to assess that the NCP is functioning and operating in accordance with the core effectiveness criteria set out in the implementation procedures; to identify the NCP’s strengths and possibilities for improvement; to make recommendations for improvement; and to serve as a learning tool for all NCPs involved.

This report was prepared based on information provided by the NCP and in particular, its responses to the NCP questionnaire set out in the revised core template<sup>6</sup> as well as responses to requests for additional information. The report also draws on responses to the stakeholder questionnaire which was completed by six organisations representing government agencies, enterprises, trade unions, and civil society (see Annex A for a complete list of stakeholders who submitted written feedback) and information provided during the country visit (see Annex B for a full list of stakeholders that participated in the onsite visit).

The peer review of the NCP was conducted by a peer review team made up of reviewers from the NCPs of Argentina, Canada, and Israel along with representatives of the OECD Secretariat. An on-site mission took place on 19-21 September 2023. This visit included interviews with the NCP, other relevant government representatives and stakeholders. The peer review team wishes to acknowledge the NCP for the quality of the preparation of the peer review, the supportive information provided, and successful organisation of the onsite visit.

The basis for this peer review is the 2011 version of the Guidelines (including the Implementation Procedures) for any activity that took place before 8 June 2023, and the 2023 version of the Guidelines for any activity that took place thereafter. Recommendations for the future will generally be made in reference to the 2023 version of the Guidelines. The specific instances considered during the peer review date back to 2021. The methodology for the peer review is that set out in the core template.<sup>7</sup>

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<sup>3</sup> Para. I.1.

<sup>4</sup> Procedures I.F

<sup>5</sup> OECD, Core Template For Voluntary Peer Reviews Of National Contact Points (2019), [DAF/INV/RBC(2019)4/FINAL]

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

## Economic context

Estonia's economy is dominated by the Services sector, representing 71% of GDP in 2021. Regarding foreign direct investment (FDI), the inward stock of FDI, which represents the accumulated value of FDI in the Estonian economy over time, was USD 36.7 billion in 2022, equivalent to 96 percent of Estonia's GDP.<sup>8</sup> The outward stock of FDI was USD 13.3 billion in 2022, representing 35% percent of Estonia's GDP.<sup>9</sup> In 2022, Estonia's exports of goods were USD 21.1 billion and exports of services were USD 11.4 billion while imports of goods were USD 23.9 billion and imports of services were USD 8.8 billion.<sup>10</sup>

The main investors in Estonia are Finland, Sweden, Germany, Italy and Luxembourg and the main inward investment sectors are financial and insurance activities, wholesale, and retail trade (repair of motor vehicles and motorcycles), and real estate activities. The main destinations for outward investment from Estonia are Lithuania, Latvia, the United Kingdom, Cyprus<sup>11</sup> and Finland and the most important sectors are manufacturing, real estate activities and administrative and support service activities.<sup>12</sup> The most important partner countries for exports of goods are Germany, France, Belgium, Netherlands, and Italy while the most important source countries for imports of goods are Russia, Germany, China, Finland, and Lithuania. The most important destinations for exports of services are Finland, Germany, Sweden, the United Kingdom and the United States and the most important sources for imports of services are Germany, Finland, Lithuania, Latvia and the United Kingdom.

As measured by employment at foreign-owned firms in Estonia in 2020, the most important investors are Finland, Sweden, Germany, France, and Switzerland.<sup>13</sup> As measured by employment at the overseas affiliates of Estonia's MNEs, the most important destination countries are Belarus, Russia, Ukraine, Kazakhstan, and Norway.<sup>14</sup>

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<sup>8</sup> [FDI main aggregates - Summary : FDI positions - NCP \(oecd.org\)](#)

<sup>9</sup> [FDI main aggregates - Summary : FDI positions - NCP \(oecd.org\)](#)

<sup>10</sup> [Balance of Payments \(BOP6\) : Balance of Payments \(MEI\) BPM6-NCP \(oecd.org\)](#)

<sup>11</sup> Note by the Republic of Türkiye: The information in this document with reference to "Cyprus" relates to the southern part of the Island. There is no single authority representing both Turkish and Greek Cypriot people on the Island. Türkiye recognises the Turkish Republic of Northern Cyprus (TRNC). Until a lasting and equitable solution is found within the context of the United Nations, Türkiye shall preserve its position concerning the "Cyprus issue".

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<sup>12</sup> [FDI statistics by partner country and by industry - Summary : Inward FDI position - Main investors -NCP \(oecd.org\)](#)

<sup>13</sup> [Statistics | Eurostat \(europa.eu\)](#)

<sup>14</sup> [Statistics | Eurostat \(europa.eu\)](#)

# 3 Institutional arrangements

## Legal basis

Estonia adhered to the OECD Investment Declaration in 2001. The Estonian NCP was formally established in 2009.

The NCP has not been established through a legislative, regulatory or administrative instrument. The responsibility of the NCP is noted in the Statutes of the Consumer Protection and Technical Regulatory Authority.<sup>15</sup> Prior to the NCP's relocation to the Authority in 2021, the NCP was established by a Directive of the Minister of Entrepreneurship and Information Technology. After the transfer, the decree was abolished and related information on the NCP rules and structure was published on the NCP website (See: Webpage).

The NCP considered that establishing the NCP through a legal basis at this time could reduce its flexibility to adapt its function in case of need, in particular following lessons learned through handling its first specific instances.

## NCP Structure

The Estonian NCP has a single agency structure with no advisory body. The NCP does not include stakeholders in its institutional arrangements. Civil society stakeholder feedback noted the necessity for NCPs to engage a variety of stakeholders within their institutional arrangements to increase trust and efficacy of the NCP. Feedback further suggested the Estonian NCP increase the communication on its structure on the NCP website. Trade union stakeholder feedback suggested that a tripartite structure would add transparency, increase collaboration, and improve the NCP's ability to disseminate information. Feedback from government representatives noted that the location of the NCP was not logical given its supposed area of expertise and function.

The NCP has one staff member from the Consumer and Business Counselling Department of the Consumer Protection and Technical Regulatory Authority that works part-time on the NCP function. The NCP is additionally supported by the Head of Department. The NCP noted that, as it had not handled any specific instances, it was not yet aware of real workload and related time costs. The NCP indicated that available human resources could be re-evaluated and adjusted should the need arise in the context of handling specific instances.

The Estonian NCP was reorganised in recent years. Up until June 2019, the NCP and RBC team worked as a merged structure within the Ministry of Economic Affairs and Communications (MoEAC). Following structural changes, the RBC team and NCP were separated and continued working in separate departments in the MoEAC.

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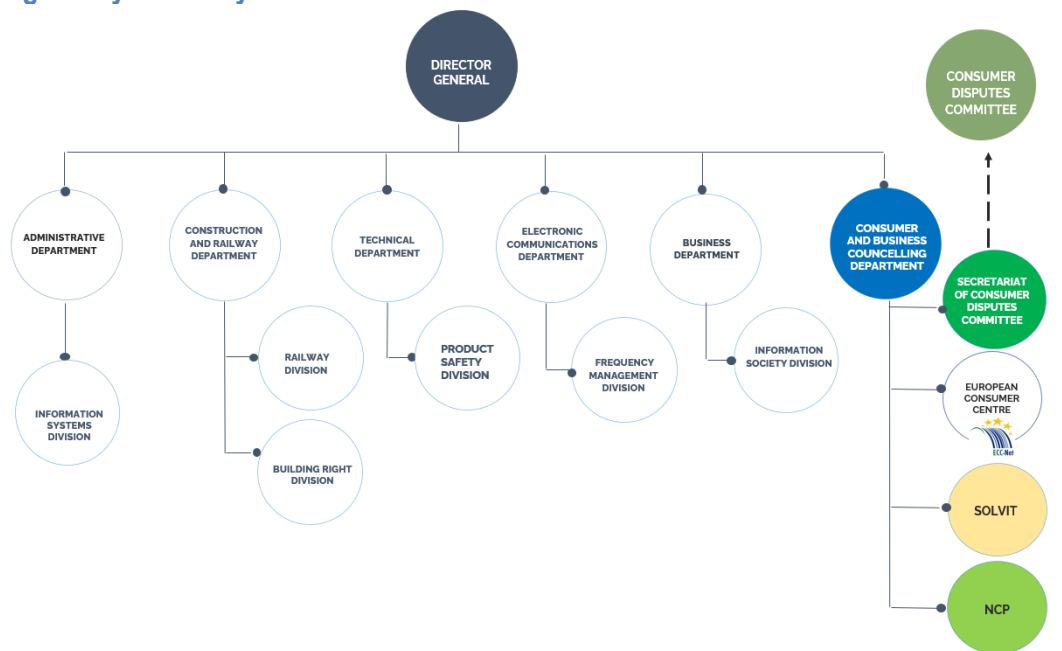
<sup>15</sup> <sup>121</sup> See: <https://www.riigiteataja.ee/akt/129102022020?leiaKehtiv>

In 2020, a study was ordered by the Ministry of Economic Affairs and Communications to establish best practices on the NCP structure and to determine the best way to establish the NCP moving forward<sup>16</sup>. The study was conducted externally and included interviews with other NCPs to consider other NCP structures, such as those of Finland, Sweden, Norway, Denmark, the Netherlands, Poland, and Germany. The survey responses suggested that it was favourable to have the RBC-related policy work and the NCP carried out by the same person(s) within the same institution supported by a network of experts. The decision was nevertheless made to transfer the NCP function, along with the entire economic cooperation unit in which it operated, to the Estonian Consumer Protection and Technical Regulatory Authority, an outcome that was not considered in the survey. The reasons for this decision were in part due to the Authority's proximity to entrepreneurs in everyday work, and in part due to other contact point functions being carried out by the Authority. Results of the survey were presented to stakeholders. The NCP however considers the lack of RBC-related policy expertise within the NCP itself to be a challenge when engaging with the substance of the Guidelines. The NCP suggested that the NCP and RBC team should be located together.

The delegate to the OECD Working Party on Responsible Business Conduct (WPRBC) is a member of the RBC team at the MoEAC. The NCP noted that there are not formal communication channels between it and the WPRBC delegate. In practice, the WPRBC delegate sends a brief to the NCP following WPRBC meetings.

An organisational chart of the Consumer Protection and Technical Regulatory Authority can be seen in Figure 3.1. The NCP is not housed in an authority relating to RBC policymaking. The team responsible for RBC-related policymaking and participating in RBC-related working groups, as well as on the substantive aspects of the Guidelines, is located in the Economic Development Department of the Ministry of Economic Affairs and Communications.

**Figure 3.1. Location of the Estonian NCP within the Consumer Protection and Technical Regulatory Authority**



Source: Estonian NCP Peer Review Questionnaire

<sup>16</sup> See: <https://pilv.mkm.ee/s/fNWFbe9JCaIT0HO> (Estonian)



While the NCP has not formally established an advisory body, it noted the creation of a list of competent authorities and stakeholders that could participate in handling specific instances, if necessary. The entities had not yet been contacted in this regard. The list contains the following:

- Ministry of Justice
- Ministry of Social Affairs
- Ministry of Economic Affairs and Communications
- Ministry of the Environment
- Ministry of Finance
- Ministry of Foreign Affairs
- Labour Inspectorate
- Environmental Board
- Competition Authority
- Tax and Customs Board
- Responsible Business Forum in Estonia (VEF)<sup>17</sup>
- Estonian Chamber of Commerce and Industry
- Estonian Trade Union Confederation

The NCP indicated an expectation that, in recognition of the importance of RBC-related areas in upcoming EU initiatives, the NCP foresaw changes in its institutional arrangements in the upcoming years, including the formal establishment of an advisory body. The NCP does not foresee giving the multi-stakeholder body decision-making power. The NCP noted a challenge in establishing such stakeholder groups given contacts were often at individual rather than organisational level and therefore staff turnover resulted in the loss of the NCP's connection with the stakeholder organisations. A further challenge was noted relating to inviting business stakeholders to join the structure given the NCP's location in a surveillance authority. The NCP considered that the development of an RBC-related advisory body would not only serve the NCP but could rather be a source of information for all parts of government that deal with relevant issues. This would additionally ensure the continued engagement of the group members even when the NCP did have specific issues to raise.

## Functions and operations

The competent authority in which the NCP is housed is responsible for market regulation in the field of electronic communication, media services, rail transport, product safety, building and energy efficiency and consumer rights, including market surveillance over consumer markets. The Consumer and Business Counselling Department, in which the NCP is housed, is responsible for out-of-court dispute handling, consumer counselling, the functioning of the Estonian SOLVIT centre<sup>18</sup>, national coordination of the EU Internal Market Information System (IMI), and for the contact point of the EC Free Flow of Data Regulation. The NCP considers that these other responsibilities are not in conflict with those of the NCP.

The NCP has indicated that, according to internal working arrangements, in the context of a specific instance the NCP will contact the competent authority from its list depending on the topic of the specific instance. The NCP additionally noted that the RBC team within the Ministry

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<sup>17</sup> See: <https://csr.ee/liikmed/>

<sup>18</sup> See: <https://ttja.ee/siseturu-probleemide-lahendamine>

of Economic Affairs and Communications would be included as an advisor in the case handling procedure.

The NCP noted maintaining institutional knowledge by storing NCP-related documents in the authority's IT-tool according to the internal document management procedure. Other documents are accessible on the NCP's website. The NCP correspondences are saved in a designated folder within the authority's server. The NCP noted that the authority in which it is housed has an internal document for transfer of tasks and tools, which the NCP follows in case of staff turnover.

## Resources

The NCP has one part-time staff member, dedicating 10% of her time to the NCP. The head of the department assists with NCP functions on an ad hoc basis. The NCP noted the possibility to engage with the RBC experts from MoEAC on an ad hoc basis. The NCP experienced staff turnover in 2022 when the head of the unit in which the NCP is located left, and the unit was reorganised with the NCP under the direct subordination of the Head of the Consumer and Business Counselling Department. The new Head of department assists the NCP on an *ad hoc* basis. The NCP considered that staff turnover was a problem. The NCP preserves institutional knowledge by saving relevant materials in a dedicated folder accessible to the whole department. The NCP's dedicated email additionally allows for the preservation of previous correspondence. In case of turnover, it would be foreseen to have a handover meeting to transfer information.

In addition to the NCP function, the current part-time staff member is responsible for the EU Solvit Centre in Estonia, which deals with cases where the rights of citizens or businesses are breached by a public authority in another EU country. The staff member additionally acts as the national coordinator of the internal market information system (IMI) for surveillance authorities online.

The NCP does not have a dedicated budget. The NCP indicated that, in 2022, financial resources to conduct promotional activities had not been requested. Human resources were not sufficient to allow the NCP to engage in the organisation of future peer learning activities or to act as a member of a peer review team in another country's peer review. The NCP did have sufficient resources to attend the NCP meetings at the OECD. The NCP indicated potential for the provision of funds if needed for an expert, as in the case of mediation. The NCP generally acknowledged that its financial and human resources were not sufficient to fully address the responsibilities of NCPs. Requests for further human resources for the NCP had been made in previous years but had not been approved. The NCP suggested this might be due to the perception that the NCP is not enough work to merit a full-time staff position.

General stakeholder feedback considered that a lack of resources was a main challenge for the NCP and called for increase in allocated resources.

## Reporting

The NCP reports to the OECD and makes its reports publicly available. The Estonian NCP has submitted its annual report to the OECD regularly during the past few years. These reports are published on the NCP's webpage since 2018. Stakeholder feedback considered that the reports posted on the NCP website lacked sufficient context for stakeholders to be able to use and share them with workers or communities.

The NCP reports on its activities to Director General of the Authority and to the RBC team within the MoEAC. The NCP notes that the budget of the Consumer Protection and Technical Regulatory Authority can be publicly monitored, suggesting a degree of accountability for how it discharges the NCP function.

	Findings	Recommendations
1.1	The NCP staff shows dedication and works to build visibility of the NCP despite limited resources and expertise. The decision to separate the NCP and RBC policy teams has hindered the NCP's access to expertise and potential involvement in policy initiatives.	The Estonian Government should analyse the possibility of relocating the NCP, taking into consideration the results of the survey previously conducted, and with an aim to ensure RBC-related expertise within or easily accessible to the NCP. Regardless of a decision to change the location of the NCP, the Estonian government should ensure that the NCP has sufficient human and financial resources to address its responsibilities.
1.2	While the NCP has shown engagement with the RBC-related policy team in the Ministry of Economic Affairs and Communication, there is limited overall coherence and engagement amongst government members working in RBC-related initiatives and policy areas.	The Estonian Government should develop an internal intergovernmental platform or working-group that enables dialogue between different parts of government that engage in RBC-related policy work and initiatives. This would notably provide the NCP with access to the relevant expertise that it needs to address its responsibilities and provide the NCP with relevant contacts to support its dissemination of information related to the Guidelines across government.
1.3	While the NCP's location allows for proximity to business stakeholders, the NCP has not always been able to engage stakeholders from different groups at the same level. The NCP has identified a list of relevant stakeholders that could support its function, but it has not formalised the inclusion of any stakeholders within its institutional arrangements.	The Estonian NCP should identify core stakeholder entities that can support its mandate and seek to include them in a formal multistakeholder advisory body. This would help the NCP to build and maintain stakeholder confidence.

# 4 Promotion of the Guidelines

## Promotional plan

The NCP did not have a promotional plan covering activity in 2023.

Civil society stakeholder feedback encouraged the NCP to make a publicly available promotional plan on its website to enhance the NCP's visibility and improve its overall communication. Given new RBC-related directives and initiatives, such as the draft Corporate Sustainability Due Diligence Directive (CSDDD), feedback suggested the NCP ultimately seek to establish itself as an authority within the landscape of RBC -issues, noting how it relates to other initiatives. A promotional plan should also consider the context of the Estonian business landscape, which is largely comprised of SMEs.

The NCP indicated that much of its promotion takes place via its website and the materials available on it. The NCP has additionally organised events and participated in events organised by others in past years. The NCP further noted the use of direct emailing to stakeholders to transmit information on the Guidelines. Correspondence was noted with the following partners:

- Responsible Business Forum in Estonia
- Estonian Chamber of Commerce and Industry
- Estonian Trade Union Confederation
- Office of the Chancellor of Justice
- Estonian Business and Innovation Agency
- Ministry of Justice, Trafficking in Persons Network

The NCP considers the Responsible Business Forum in Estonia to be a key partner given its crucial role to provide consultations and make responsible business principles more visible among entrepreneurs. The NCP notes strengthening cooperation with them through promotional activities. The NCP further highlighted the importance of the Estonian Business and Innovation Agency, which considers responsible business as a priority. The agency aims to raise entrepreneurial awareness about responsible functioning and management practices. The work is ongoing but is foreseen to include various trainings, events, promos, etc. The NCP considers it an important initiative and an opportunity for cooperation.

The NCP does not have a particular strategy to measure the awareness or use of the Guidelines among enterprises. The 2020 study by the NCP conducted to understand best practices for the NCP structure foresaw continued discussions with stakeholders to further cooperation and promote the Guidelines. However, the pandemic and structural changes of the NCP at the time hindered the efforts. With more recent changes, such as the updated Guidelines and the new Government that took office in April 2023, the NCP has paused activities in order to plan a best path forward.

The NCP generally noted having more limited cooperation with NGOs and civil society as opposed to other stakeholder groups. Feedback from civil society and academia noted a

willingness to cooperate with the NCP and the importance of having NCP events targeted specifically to civil society as potential submitters of specific instances. Feedback from business stakeholders suggested a low level of awareness of the Guidelines and NCP mechanism among enterprises. Feedback noted an increasing focus on sustainability and due diligence, also in response to EU-level initiatives, and a need for tools that can help explain these concepts to businesses in practice. Feedback further showed concerns on uptake of the Guidelines as recommendations that company would not see the necessity to follow. This feedback additionally noted a perception among businesses that there were not many RBC issues in Estonia due to the low number of MNEs and the fact that many active MNEs in country are Scandinavian and largely considered very responsible. Feedback from trade unions stakeholders suggested a perception that RBC-related topics were really targeted at enterprises and actions that employers could take, and the implication for employees and their potential role was not visible. Given disparities in awareness of the Guidelines and the NCP between stakeholder groups, the NCP should conduct a stakeholder mapping exercise to identify priority areas and audiences for promotion, which would support their promotional planning.

## Information and promotional materials

The NCP has not developed any of its own materials providing information on the Guidelines, related due diligence guidance, or the NCP. The NCP website remains a main tool for the promotion of the NCP.

The 2011 Guidelines were translated into Estonian and are available on the NCP website<sup>19</sup>. The 2023 version of the Guidelines was translated into Estonian and posted on 14 September 2023.<sup>20</sup> The OECD Guidance on due diligence has been translated into Estonian and is available, with the English version, on the NCP's website. Other materials, prepared by the OECD and linked on the Estonian NCP's website, are linked below. The NCP has also created a form for filing a specific instance, available on its website<sup>21</sup> (see: Filing a complaint).

The NCP noted the possibility to translate materials, in cooperation with other relevant parties or NCPs, into other languages, such as Russian.

Civil society stakeholder feedback encouraged the Estonian NCP to develop publicly accessible promotional materials specific to the context of the Estonian NCP and businesses operating in or from Estonia. Trade union stakeholder feedback further suggested a friendly guide to the NCP itself, including basic information on its work and practices. Feedback additionally noted that, as the Estonian NCP had not handled specific instances, the NCP could share other relevant cases from the region (Baltics, Scandinavia, East-Europe) as promotion with stakeholders.

## Promotional events

The NCP has both organised events and participated in events organised by others in recent years. An overview of promotional events in which the NCP has engaged is available in Annex C.

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<sup>19</sup> Available : <https://pilv.mkm.ee/s/85Qd6BxhYwklv94>

<sup>20</sup> Available: <https://ttja.ee/media/3906/download>

<sup>21</sup> Since November 2023, the form has been available both as a pdf and online submission form in Estonian and English language.

Some examples of events organised by the Estonian NCP include:

- On 20 March 2019, a representative of the Estonian NCP made a presentation at the responsible business roundtable organised by the Ministry of Economic Affairs and Communications, including the representatives of state-owned companies, and Enterprise Estonia and Responsible Business Forum in Estonia (VEF).
- In 2020, the Ministry of Economic Affairs and Communications conducted a study to find the best practices relating to the structure of the NCP. The study considered other NCP structures, such as those of Finland, Sweden, Norway, Denmark, the Netherlands, Poland, and Germany. On 9 June 2020, the study was presented during a webinar to a focus group, including representatives from:
  - Ministry of Foreign Affairs
  - Ministry of Social Affairs
  - Ministry of Justice
  - Estonian Chamber of Commerce and Trade
  - Estonian Trade Union Confederation
  - Office of Gender Equality and Equal Treatment Commissioner
  - Responsible Business Forum in Estonia (VEF)
- On 22 April 2022, a meeting was held with the experts of the Ministry of Justice to discuss the draft Corporate Sustainability Due Diligence Directive and possible role of the NCP. As a result, the NCP was included in the mailing list of the experts involved in following the negotiations.
- On 30 May 2023, the NCP held a roundtable to discuss the updated Guidelines and possible cooperation promoting them after adoption. The participants included the Ministry of Economic Affairs and Communications, the Consumer Protection and Technical Regulatory Authority, Enterprise Estonia, Estonian Chamber of Commerce and Trade, and the Estonian Trade Union Confederation.

The NCP reported that it is invited to participate in the OECD roundtable organised by the Ministry of Foreign Affairs, which is meant as a place to exchange information and allows the NCP the opportunity to share the ongoing activities of the NCP.

Promotion in 2022 was aimed exclusively at government representatives. Promotion in previous years covered a wider range of audiences, including businesses, NGOs, and trade unions. In recent years, the NCP noted little substantive promotional work, such as on due diligence, as the team responsible for the NCP was not also working on RBC-related policy and lacked expertise on related issues. The NCP did not note efforts to cooperate in promotional activities with the RBC-related policy area experts from the Ministry of Economic Affairs and Communications. The NCP indicated some delay in promotional events as it was decided to focus on the promotion of the 2023 version of the Guidelines when it became available in Estonian.

The NCP acknowledged the opportunity of the 2023 version of the Guidelines for promotional activity and noted some ideas for future events, including in partnership with Enterprise Estonia<sup>22</sup>, who organises a conference every year mainly targeting businesses. General feedback from business stakeholders noted increased efforts in promotion by business organisations relating to the UNGPs and draft CSDDD. However, information on the practical

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<sup>22</sup> Enterprise Estonia is an Estonian national foundation, which aims to develop the economy of Estonia by developing enterprises and increasing export capacity, enhancing tourism, and bringing high-value foreign investments to Estonia. See: <https://eas.ee/en/>

implementation of RBC standards, including the Guidelines, was lacking. In particular, feedback noted the importance of promoting these varying tools not in competition with one another, but as complementary, and notably how voluntary recommendations could support the implementation of mandatory regulation.

Trade union stakeholders indicated that the main problems faced by employees in Estonia included low minimum wage compared to high cost of living, lack of capacity for negotiations between individual employees and companies, intimidation in negotiations, unpaid wages, and job-related illness and occupational health and safety.

Business stakeholder feedback acknowledged the work of the Estonian NCP thus far but noted that the promotion had not been very visible. Civil society stakeholder feedback noted the efforts that the Estonian NCP made in organising three promotional events in 2022 but considered the sole inclusion of government representatives as targeted audience problematic from the point of view of engaging all stakeholder groups. Feedback suggested that future promotion be expanded to all stakeholder groups, with input from stakeholders on organisation. Feedback particularly noted the opportunity to hold promotional events on the targeted updates of the Guidelines. Trade union stakeholder feedback considered that the work of the NCP to promote the Guidelines had been almost invisible. Feedback continued to suggest that future meetings with stakeholders should be regularly organised and these meetings would also act as an opportunity to distribute information to be shared via the stakeholders' internal communication channels. The NCP could additionally establish room for dialogue between trade unions and businesses on how they can cooperate to implement the Guidelines. Feedback from government representatives noted a willingness to engage further with the NCP and support promotional efforts, including through joint events and shared mailing lists.

## Webpage

The Estonian NCP website is available in both Estonian and English. It is included under the main website of the Consumer Protection and Technical Regulatory Authority. The NCP page can be located under the 'Consumer topics' tab of the Authority's main page. The NCP indicated that it regularly updates the website. Business stakeholder feedback considered that the Estonian NCP website provided all necessary information. Trade union stakeholder feedback raised concerns that the website may be hard to locate or understand without prior subject matter knowledge.

The NCP website contains information on the following:

- An overview of the NCP's role and responsibilities;
- An overview of the Guidelines with links to the full text;
- Basic information on the nature of the specific instance mechanism;
- The complaints-handling procedures;
- Contact information;
- Links to the OECD Centre for RBC website, OECD NCP website, OECD NCP case database, OECD webpage on the Guidelines, OECD webpage on due diligence, and the Estonian NCP's complaint submission form.

While the OECD webpage on due diligence is linked, there is no section of the NCP website that explains due diligence or the use of the texts provided by the OECD.

The English translation of the website is, at times, unclear and not fully aligned with the language used in either the 2011 or 2023 versions of the Guidelines. For example, the section

on the NCP, as it relates to acting as a non-judicial grievance mechanism, is not clear (see: Figure 4.1). The title 'NCP' alone does not establish the list as a set of functions of the NCP. Stating a refusal to handle 'anonymous' complaints may also be confusing relating to the NCP's actual confidentiality procedures (see Case-Handling Procedures). Civil society stakeholder feedback found the wording surrounding confidentiality to be unclear, also as it was somewhat contradictory between the inclusions on the webpage versus in the case-handling procedures. The Guidelines additionally do not provide that submissions must relate to issues that occurred in the last three years. Civil society stakeholder feedback found the inclusion of this on the website to be highly limiting and posing an obstacle for potential submitters. The criterion is not included in the case-handling procedures. Feedback encouraged the NCP to delete the criterion from its website. The NCP clarified that the timeline was included based on a study that had likely considered timelines in civil codes or legal processes. The NCP indicated it was open to a revision of the provision.

**Figure 4.1. Section of the Estonian NCP website on NCP functions**

## NCP

- ✘ does not handle anonymous complaints
- ✘ does not handle issues that occurred more than 3 years ago
- ✘ does not cover the costs of the stakeholders related to the meeting
- ✘ tries find a solution within a year

Source: <https://tja.ee/en/business-client/consumer-topics/national-contact-point-responsible-business-conduct>

As of the time of writing, references to NCPs and the Guidelines had not yet been updated to reflect the 2023 revision of the Guidelines: National Contact Points for Responsible Business Conduct, and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. Additionally, part of the website containing information on case handling includes the phrasing: 'NCP helps solve specific instances related to the application of the guidelines in a specific case in an extrajudicial, impartial, and just manner in compliance with the principles set out in the guidelines.' This deviates somewhat from the language used in the 2011 Guidelines, which states that NCPs should deal with specific instances in a manner that is: impartial, predictable, equitable, and compatible with the Guidelines. The section is not yet aligned to express the core effectiveness criteria contained in the 2023 Guidelines.

The website additionally includes the NCP annual reports to the OECD since 2018. The reports are not easily located as they are contained within the list of specific instance procedure dropdown menus and, at first glance, appear to be included as part of the procedure (see: Figure 4.2).



**Figure 4.2. Section of the Estonian NCP website on case handling procedures**

Complaint handling procedure

⊕ EXPAND ALL

ACCEPTANCE OF A COMPLAINT	▼
INITIAL ASSESSMENT OF A COMPLAINT	▼
ACCEPTANCE OF A COMPLAINT FOR PROCESSING OR REJECTION OF THE COMPLAINT	▼
PROCESSING OF THE COMPLAINT	▼
CONCLUDING THE PROCESSING OF THE COMPLAINT AND DRAFTING A FINAL STATEMENT	▼
CONTESTATION	▼
FOLLOW-UP ACTIVITIES	▼
<u>ANNUAL REPORTS</u>	▼

Note: The NCP's annual reports to the Investment Committee are included in this section of the webpage.

Source: <https://tja.ee/en/business-client/consumer-topics/national-contact-point-responsible-business-conduct>

The NCP neither has its own social media for promotion nor utilises the social media of its partners to promote information on the Guidelines and the NCP.

The MoEAC provides a page with information on the Guidelines, which also mentions the NCP.<sup>23</sup> A separate page within the MoEAC website is dedicated to responsible business and includes reference to the Guidelines and a link to the NCP webpage.<sup>24</sup>

## Requests for information

The NCP has their contact details listed on the webpage (email and post). Users are invited to contact for any enquiries.

The NCP has not received requests for information.

## Cooperation amongst NCPs

The NCP engages with other NCPs during the biannual meetings of the NCP Network, which it considers very valuable for experience sharing.

It has also been an active participant in the meetings of the Nordic-Baltic regional network, which meets at least once a year. The current Estonian NCP staff member has been attending meetings since 2019 and was most recently at the in-person meeting in Iceland in May 2023. The NCP considers that the regional network allows for direct contact with other NCPs and the consultation and sharing of thoughts or questions with more experienced NCPs. Previous

<sup>23</sup> See: <https://www.mkm.ee/en/ministry-news-and-contact/eu-and-international-cooperation/oecd-and-wto>

<sup>24</sup> See: <https://mkm.ee/ettevotlus-ja-innovatsioon/ettevotluskeskkond/vastutustundlik-ettevotlus> (Estonian)

meetings had included discussions on such topics as new options for promoting the Guidelines, strategies for stakeholder outreach, and some discussion on recently closed specific instances. Estonia will host the regional network meeting in Tallinn in May 2024.

	Findings	Recommendations
2.1	The NCP has shown commitment to its promotional work through yearly promotional events, providing an Estonian translation of the Guidelines, and its continued engagement in the Nordic-Baltic Regional NCP Network. These promotional efforts have not always been planned or conducted in a strategic manner and have not always targeted all stakeholder groups equally.	The NCP should develop a promotional plan that considers the priorities and available resources of the NCP. The plan should aim to increase promotional levels generally and ensure that all stakeholder groups are equally targeted.
2.2	The NCP has made efforts to identify relevant stakeholders, notably in the context of its peer review. It remains essential for the NCP to further expand and leverage such contacts to enhance promotion.	The NCP should leverage the contacts it has already identified in the context of the peer review and expand on these relationships to enhance promotional outreach. The examination and expansion of this contact list should be done in the context of a stakeholder mapping exercise.
2.3	The NCP has made efforts to develop a webpage to disseminate information related to the Guidelines, OECD due diligence guidance, and NCP mechanism, available in Estonian and English. The provided information is basic and largely comprises of links to materials developed by the OECD. The website does not include information on NCP events and promotional work.	The NCP should further utilise its website as a low resource method of promotion. This could include promoting past and future NCP events and ensuring the website is cross-referenced on partner websites. The NCP could further seek to enhance its online presence through the use of social media, either via its own account or using the account of a promotional partner.

# 5 Specific instances

## Box 5.1. Terminology for the status of specific instances

- Specific instances **concluded** are those that the NCP found to merit further examination after the initial assessment and that have subsequently been closed. For such specific instances, the NCP will have offered its “good offices” (e.g. mediation/conciliation) to both parties.
- Specific instances **not accepted** are those that the NCP found not to merit further examination, or cases that have been withdrawn prior to the completion of the initial assessment and that have therefore been closed.
- Specific instances **closed** include both specific instances that have been concluded and those that were not accepted.
- Specific instances that are **ongoing** are those that are not yet closed. These include submissions received by the NCP, both those awaiting initial assessment, as well as those accepted by the NCP.

Source: OECD (2023) Annual Report on the activity of National Contact Points for Responsible Business Conduct in 2022.

## Overview

As of the date of the on-site visit, the NCP had received five specific instance requests in total and had never handled a specific instance as the lead NCP for the duration of the process. One specific instance request was ultimately transferred to the Latvian NCP to act as lead, one specific instance request did not contain sufficient information to begin an initial assessment and the submitters became unresponsive after multiple attempts for contact, one request involved a potential submitter that became unresponsive before filing a submission form, one request was transferred to the consumer services as the responsible entity, and one was transferred to the surveillance officials at the Consumer Protection and Technical Regulatory Authority.

The first two initial requests for specific instances included information on related sectors and Guidelines’ chapters. They involved the transportation and storage sector. Referenced chapters included: Human Rights (Chapter IV), Environment (Chapter VI), and Consumer Interests (Chapter VIII),

An overview of the specific instance handled by the NCP, prior to its transfer to the Latvian NCP, is available in Annex D.

The NCP considered that a reason for a lack of specific instance submissions was due to a lack of culture of mediation in Estonia. The NCP did note the existence of other non-judicial

mechanisms in country, such as the Consumer Disputes Committee<sup>25</sup>, which handles consumer disputes arising from contractual relationships, and the Labour Dispute Committee<sup>26</sup>, which hears labour disputes. In addition to addressing disputes, the Consumer Disputes Committee maintains a ‘Blacklist’<sup>27</sup> of companies that do not comply with its decisions. The Consumer Disputes Committee additionally operates from the same Department within the Consumer Protection and Technical Regulatory Authority as the NCP. The NCP is therefore in direct proximity to another out of court grievance mechanism. The NCP clarified that the Consumer Disputes Committee resolves disputes independently pursuant to Acts and other national legislation and does not provide mediation as foreseen with the NCP. The NCP noted that there was still a clear place for the specific instance mechanism, particularly given the broader scope of issues under the Guidelines. The NCP further considered that visibility remained a key challenge for the NCP and would need to be increased in order to attract more specific instances.

Business stakeholder feedback considered that, as a small country, it was logical that the Estonian NCP would not receive a high number of specific instances—though further noted that the visibility of the Guidelines may not be high enough to encourage submissions. Trade union stakeholder feedback noted that it was difficult to establish visibility of the mechanism among trade unions in recent years due to competing priorities, such as the Covid19 pandemic and the war in Ukraine. Additional feedback considered that there was a passive attitude among workers and a general lack of faith in learning about and fighting for their rights. There was scepticism among union members on the utility of a non-judicial mechanism and feedback suggested union members would need targeted promotion to understand the NCP mechanism if they were to raise future specific instances. Trade unions are additionally hesitant to access these mechanisms due to fear of being named and risk of reprisals, which would need to be addressed by the NCP to build trust and confidence in the mechanism. Feedback noted the necessity to protect workers seeking remediation regardless of whether they are unionised. Civil society stakeholder feedback considered that low accessibility and visibility of the NCP could be contributing factors to the lack of specific instances received by the NCP. Feedback suggested that the NCP improve its communication and promotion of its responsibilities amongst all stakeholders, which may improve stakeholder trust and engagement with the NCP and encourage the future filing of specific instances.

## Case-Handling Procedures

### Overview

The Estonian NCP’s case-handling procedures, titled “complaint handling procedure“ are available on the Estonian NCP website in English and Estonian. The complaint handling procedures were last updated in 2021 after the structural changes to the NCP and are based on the 2011 version of the Guidelines’ Implementation Procedures. The NCP originally adopted its case-handling procedures on 22 November 2018. The NCP noted plans to update the case-handling procedures after taking some time to also disseminate the 2023 version of the Guidelines. The case-handling procedures were previously established in a Ministerial Decree when the NCP was located at the Ministry of Entrepreneurship and Information Technology

<sup>25</sup> See: <https://ttja.ee/en/consumer-disputes-committee>

<sup>26</sup> See: <https://www.eesti.ee/en/work-and-labor-relations/working-bases/labour-dispute#labour-dispute1>

<sup>27</sup> Available: <https://jvis.ttja.ee/modules/tarbijavaidluskomisjoni-otsused/mustnimekiri>

(see: Legal basis). The case-handling procedures were published online in 2021 following the abolishment of the decree when the NCP changed location.

The complaint handling procedures are brief and do not provide extensive detail on the process. The case-handling procedures are structured as follows:

- 'Acceptance of a complaint
- Initial assessment of a complaint
- Acceptance of a complaint for processing or rejection of the complaint
- Processing of the complaint
- Concluding the processing of the complaint and drafting a final statement
- Contestation
- Follow up activities.'

Generally, language is not aligned with the standard language used in the Guidelines and Procedural Guidance (2011) and Procedures (2023), which could reduce the predictability of the process and the extent to which the NCP operates in a manner that is compatible with the Guidelines. There are no provisions included on NCP coordination in specific instances (see Cooperation amongst NCPs).

### ***Filing a complaint***

The process to file a specific instance is not clearly highlighted in the case-handling procedures. The NCP website states in English and Estonian that to submit a specific instance, complainants must fill and send a 'complaint form' in Estonian or English by e-mail to [ncp.estonia@ttja.ee](mailto:ncp.estonia@ttja.ee), or send complaints by post mail to the NCP. The NCP noted that the form to submit a specific instance would soon be available as an online submission form in Estonian and English.<sup>28</sup>

The NCP website contains a link to the complaint form, which leads to a 3-page PDF document.<sup>29</sup> The form contains 8 sections for the submitter to fill out:

- 'Your contact data
- Your mandate
- Contact data of the company against which the complaint is being filed
- Content of the complaint
- Additional information about the complaint
- Prior contact with the company
- Annexes related to the complaint (reports, studies, testimony of witnesses, etc.)
- Additional information'

The section on 'mandate' asks for information relating to the legitimate interest of the submitter, or details in the case that the submission is being submitted on behalf of another party. The 'content of the complaint' section is a blank entry box that does not provide suggestions on information to be included. 'Additional information about the complaint' asks for the host country of the issues, thematic references to the Guidelines (excluding Disclosure), and desired remedy to be achieved through the NCP process. The NCP clarified that the exclusion of the Disclosure

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<sup>28</sup> As of October 2023, an online submission form was also available in Estonian (<https://ttja.ee/kaebuse-esitamise-vorm>). As of November 2023, the online submission form was also available in English (<https://ttja.ee/complaint-ncp-estonia> )

<sup>29</sup> Available: <https://ttja.ee/en/media/1451/download> (English)

chapter was not intentional and that it would correct this oversight. The thematic chapter references are not yet aligned with the chapter titles included in the 2023 Guidelines. The section on ‘prior contact with the company’ additionally asks about any parallel proceedings that have or are currently addressing the issues raised. The annexes section asks the submitter (‘Yes / No’) if they have evidence of the issues raised. The form asks for a description of the evidence but does not specify requirements for submissions.

The end of the complaint form notes that, upon submission, the submitter is acknowledging that they are aware that the information provided will be submitted to the named company, information is subject to public disclosure due to the NCP’s ‘policy of openness,’ information which cannot be disclosed must be marked as confidential with reasoning for confidentiality, and ongoing participation and timeliness would be expected from them to engage in the NCP process.

The case-handling procedure section, ‘Acceptance of a complaint’ notes that the complaint form commences the proceedings and the NCP will send a confirmation of its receipt within ten business days.

### ***Initial assessment***

The case-handling procedures specify the elements taken into consideration by the NCP to decide whether the specific instance warrants further examination. The text has not yet been updated with the provisions of the 2023 Guidelines. In alignment with the 2011 Guidelines, the NCP will perform an initial assessment of the case based on the following elements:

- ‘the identity of the party concerned and its interest in the matter;
- whether the issue is material and substantiated;
- whether there seems to be a link between the enterprise’s activities and the issue raised in the specific instance;
- the relevance of applicable law and procedures, including court rulings;
- how similar issues have been, or are being, treated in other domestic or international proceedings;
- whether the consideration of the specific issue would contribute to the purposes and effectiveness of the guidelines.’

The NCP additionally shared that it would consider whether there is a possible conflict of interest among the NCP officials and possible external experts involved in handling the specific instance. Specific wording on avoiding such conflicts is not present in the case-handling procedures. The NCP clarified that, during the initial assessment phase, it would be assessed whether an NCP official or potential external expert to be engaged in the handling of the specific instance may have any private interest in the area. In the case of a possible conflict of interest, the persons would withdraw themselves from the proceeding. The case-handling procedures do not specifically include taking into account whether the enterprise is covered by the Guidelines, which is provided for in the 2023 Guidelines. The case-handling procedures have additionally not yet been updated to reflect handling cases involving parallel proceedings, as provided for in the 2023 Guidelines.

The case-handling procedures outline the process for the drafting of an initial statement in the ‘Acceptance of a complaint for processing or rejection of the complaint’ section. The NCP aims to conclude its initial assessment within three months; however this may be extended depending on the circumstances and the complexity of the case. The case-handling procedures mention that the NCP draws up a ‘written resolution’ together with the reasons for acceptance

or rejection of the specific instance and sends it to both parties by e-mail. The initial assessment contains the circumstances of the complaint, conclusion of the activities performed and justification of the NCP's decision. The NCP publishes the initial assessment on the website of the Consumer Protection and Technical Regulatory Authority, considering the necessity to protect sensitive information.

The Estonian NCP has not yet handled a specific instance as a lead NCP and has therefore not published an initial assessment.

### ***Good offices***

In the 'processing of the complaint' section, the case-handling procedures mention that the NCP 'aims at making the decision' within six months, but the actual length depends on the circumstances and the role of the parties in the proceeding. It is not clear to what decision the NCP is referring in the section, as the section relates to the good offices procedures of the NCP.

When a specific instance is accepted, the NCP hears the parties jointly and/or separately, involves experts, other authorities or interested parties, if necessary. This aligns with the 2011 Procedural Guidance and the 2023 Procedures. The NCP may carry out a mediation process to help the parties negotiate to find a mutually acceptable solution in the form of an agreement. Mediation by a third-party is also mentioned in the case-handling procedures as the NCP may involve a third person to act as a mediator.

The NCP clarified that external expertise, for example in the case of mediation, could be acquired by hiring concrete experts with an employment contract. The recruitment would be carried out according to the Procedure for Recruitment and Selection, an internal document of the Consumer Protection and Technical Regulatory Authority. If the external experts were used as a service provided by the professional consultation company, the aforementioned internal document on recruitment and selection would be used to launch a procurement procedure.

The case-handling procedures specify that any information obtained during mediation is to be kept confidential. If the parties decline mediation, do not come to an agreement, or if the NCP believes that reaching an agreement is improbable, the NCP will outline the steps taken in the process and explain the reasons for the lack of an agreement in its 'decision'. Additionally, if needed, the NCP will highlight any matters that need further consideration.

### ***Conclusion of the specific instance***

Per the Procedures (2023), NCPs are expected to always make the results of a specific instance publicly available<sup>30</sup>. The case-handling procedures indicated that the Estonian NCP aims at drafting a final statement within 3 months after the conclusion of the substantive discussion of the issue, which follows the timeline in the Procedures (2023). The NCP sends the draft decision to the parties for commenting. While the NCP considers these comments, it is not obligated to enact them. In the event that the parties come to an agreement, the NCP releases the decision containing the outcomes of the procedure. The specifics of the agreement are made public if both parties provide consent.

The case-handling procedures state that if the parties fail to reach an agreement, the NCP outlines the steps taken and cites the causes for the absence of an agreement, alongside any matters needing further consideration if deemed necessary. The NCP may issue recommendations on the implementation of the Guidelines. The outcomes of handling the

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<sup>30</sup> Paragraphs I.C-4. and I.C-6. of the Procedures

specific instance are not disclosed if such confidentiality would aid the 'efficient application' of the Guidelines. There are no provisions for issuing determinations.

The case-handling procedure section 'contestation' provides that, if a party finds the NCP has violated the case-handling procedures, it may submit a complaint to the NCP. Further details on this process are not included.

### ***Case follow-up***

In the case of follow-up, the case-handling procedures outline that the NCP will notify the OECD Investment Committee of the results of processing the complaint within three months after the end of the proceedings.

Within one year of concluding the specific instance process, the NCP contacts the parties to inquire about either a jointly reached agreement or the adoption of recommendations. Within 18 months following the release of 'the decision' concluding the specific instance process, the NCP publishes an assessment regarding the adoption of the agreement or recommendations on their website. However, the NCP may choose not to publish where maintaining confidentiality would be important for the 'efficient application' of the Guidelines.

## **Confidentiality and impartiality**

The case-handling procedures state that the outcomes of handling specific instances are not disclosed if maintaining confidentiality would aid the 'efficient application' of the Guidelines. The content of agreements reached within the NCP process would additionally only be published with the consent of both parties. The NCP further noted that, as it is hosted by a Government authority, it acts in accordance with the Estonian Public Information Act<sup>31</sup> that requires it to classify information whose disclosure may violate a business secret intended for internal use.

The NCP website notes that a submitter of a specific instance may identify sensitive information to be kept confidential and provide relevant justification for maintaining confidentiality to the NCP. To ensure the security of the submitting party, the NCP is additionally not obliged to publish the name(s) of the submitting party. Civil society stakeholder feedback recommended that the NCP better align provisions on confidentiality between the NCP website and the RoP, and general stakeholder feedback noted the importance to maintain transparency as the default. The NCP clarified that it had noted the exclusion of anonymous complaints on its website to avoid risk of false submissions but indicated an openness to revise language to allow for such confidentiality, notably when there is risk of reprisal.

The case-handling procedures do not include provisions on parallel proceedings or campaigning. The form to submit a specific instance does ask the submitter to include any relevant information on previous or ongoing attempts to address the issues in other platforms.

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<sup>31</sup> Available: <https://www.riigiteataja.ee/en/eli/503052023003/consolide>



## Specific Instances in Practice

As of the time of writing, the NCP had not handled any specific instances as the lead NCP. The NCP has received the following requests or inquiries for specific instances (See Annex D):<sup>32</sup>

- The NCP received a specific instance on 9 July 2021 concerning the activities of the Latvian subsidiary of an Estonian company in Latvia. The specific instance was ultimately transferred to and handled by the Latvian NCP.<sup>33</sup>
- On 12 December 2022, the NCP received an inquiry about filing a specific instance. The Estonian NCP tried contacting the submitters to aid their submission but ultimately did not receive sufficient information to begin the specific instance handling process as the submitters had become unresponsive.
- On 16 January 2023, the NCP received a complaint from a citizen concerning an Estonian investment platform that had allegedly hid crucial investment information from its clients. The citizen was invited to complete a specific instance submission form but did not follow through with the submission.
- On 18 May 2023, the NCP received a complaint from a US citizen concerning a knife he had purchased from an Estonian company, which he did not receive and regarding which he was unable to contact the company. The NCP transferred the complaint to the consumer services where it is being handled.
- On 25 August 2023, the NCP received an anonymous e-mail saying a small store in Tallinn was selling salt produced in Russia. As the store is not a multinational enterprise and the salt is not under sanctions, the NCP transferred the information to the surveillance officials at the Consumer Protection and Technical Regulatory Authority.

## Timeliness

The NCP has not handled a specific instance as the lead NCP to date. The NCP website specifies that the NCP will aim to find a solution within the specific instance mechanism within one year. The case-handling procedures specify an indicative timeframe of three months for initial assessment, six months for good offices, and three months for conclusion of a specific instance. The case-handling procedures have not yet been updated to align with the 2023 Guidelines to account for the additional two months that may be added in the case of coordination.

## Cooperation among NCPs

Provisions for coordination in the context of handling specific instances are not outlined in the NCP's case-handling procedures. The 2023 version of the Guidelines provide specific guidance on coordination between NCPs in specific instances, which should be considered in future versions of the Estonian NCP's case-handling procedures.

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<sup>32</sup> An additional complaint was received by the NCP on 29 September, after the onsite visit. The complaint was submitted by a Turkish citizen and concerned the behaviour of a hotel reception in a small town in Estonia. The NCP considered that it would not be the correct entity to handle the case and advised the citizen on alternative complaint mechanisms.

<sup>33</sup> See: <http://mneguidelines.oecd.org/database/instances/lv0002.htm>

Two NCPs provided feedback on their cooperation with the Estonian NCP. The NCPs had cooperated with the NCP in the context of specific instances as lead or supporting NCPs and in the context of the Nordic-Baltic NCP regional network. The feedback considered the Estonian NCP accessible and responsive when handling inquiries from other NCPs. Feedback further noted that, despite its limited resources, the Estonian NCP had been consistently present at regional network meetings and had contributed openly and constructively, showing also strong motivation for continued learning and dedication to the strengthening of the NCP.

The NCP participates regularly in the meetings of the NCP network and the Nordic-Baltic regional network.

The NCP has acted as support in two specific instances. The first specific instance, led by the Latvian NCP, was originally received by the Estonian NCP, and then transferred to Latvia. The NCP continued to provide support and reviewed draft statements from the Latvian NCP. At the time of writing, the Estonian NCP was acting as support for a specific instance led by the United Kingdom NCP. Further details on the case were not yet available.

**Table 5.1. Specific instances where the Estonian NCP has coordinated with other NCPs**

Specific instances	Lead NCP	Supporting NCP(s)
Nicholas Paul Hare & OMNIVA	Latvia	Estonia
NGOs & UK-headquartered MNE	United Kingdom	Canada, Estonia, United States

Source: OECD NCP Database (2023)

	Findings	Recommendations
3.1	The NCP has not yet aligned its case-handling procedures with the 2023 version of the Guidelines but is well-positioned to do so with the feedback it received in the context of this peer review. The current iteration of the case-handling procedures is not always detailed in provisions and may reduce the predictability of the process. The NCP website and the case-handling procedures are additionally not aligned, notably on the timeline of issues that can be addressed and on confidentiality, which could further decrease the predictability of the process.	The NCP should revise its case-handling procedures to align with the 2023 version of the Guidelines and increase transparency around the NCP's intended process to handle a specific instance. This revision should ensure that the information provided on the NCP website and the case-handling procedures is aligned to preserve the predictability of the process.
3.2	Recent interest in the NCP mechanism via inquiries has suggested some visibility of the mechanism and, as visibility increases, the NCP might expect to receive a specific instance soon.	The NCP should ensure that it is prepared to handle a specific instance as the lead NCP. The NCP should notably consider the required resources, including in the case mediation is required, the relevant experts and stakeholders with which the NCP would need a relationship, and the clarification of the NCP's decision-making process either through the case-handling procedures or another public document.

## 6 Support for government policies to promote RBC

In line with the Implementation Procedures,<sup>34</sup> NCPs may support efforts by their government to develop, implement, and foster coherence of policies aimed at promoting RBC. NCPs may thus assist with implementation of the Recommendation on the Role of Government in Promoting Responsible Business Conduct [OECD/LEGAL/0486] (the Recommendation). The Recommendation recognises the important role of NCPs in ensuring policy coherence for RBC, notably by facilitating coordination within government, disseminating information on the NCP's activities and specific instances, engaging or exchanging with other public authorities on RBC-related issues (e.g. public procurement officers, state-owned enterprise officials, trade and investment officials), and promoting stakeholder participation in the implementation, monitoring and promotion of RBC.

It was noted by government representatives that a new government had been formed in Estonia in April 2023, which involved the reorganisation of several ministries and the establishment of priorities for the government. Priority areas were noted to include defence and security, green transition and EU agenda, fight against regional inequality in Estonia, digitalisation of state services, and state finance.

### Recent governmental policies enabling and promoting RBC

The Ministry of Justice is responsible for the EU draft CSDDD and around seven ministries are active on the file. The NCP established contact with the relevant experts and held a meeting with the Ministry of Justice on the process of drafting the CSDDD. The NCP is included in the Ministry's emailing list for any updates.

Other government representative feedback noted a lack of engagement with the NCP but considered that the pending RBC-related EU directives would be an opportunity for the NCP to increase its visibility. Feedback noted that the notion of Corporate Social Responsibility (CSR) was in general better known and more frequently used than RBC in companies. Representatives were generally open to increasing cooperation with the NCP, including through joint promotional activities. Business stakeholder feedback suggested that linking the NCP work and the Guidelines with other RBC-related policies and activities would support businesses to be compliant.

Estonia has passed a Public Procurement Act<sup>35</sup>, laying the rules of public procurement, and which also considers social, innovative, and environmentally friendly solutions relating to public procurement. The Act does not make mention of the Guidelines, due diligence, RBC, or the NCP, and was not drafted in consultation with the NCP. Feedback from government

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<sup>34</sup> Decision I.1; Procedures I.D.

<sup>35</sup> Available: <https://www.riigiteataja.ee/en/eli/525032019011/consolide>

representatives considered that there could be a role for the NCP relating to public procurement, notably as a way to promote sustainability and increase the competitiveness of Estonian companies internationally.

The team working on gender equality in the MoEAC noted the existence of a commissioner in Estonia that dealt with complaints relating to gender equality. The team considered that there could be shared interests with the NCP and possibilities for future cooperation. The team additionally noted some overlap with some provisions of the Guidelines in the Gender Equality Act<sup>36</sup> and Equal Treatment Act<sup>37</sup> in Estonia, which regulate the activities of employers and largely focus on non-discrimination.

The NCP noted that, in 2022, the Guidelines and related due diligence guidance had not been referred to in any national legislation, regulation or policy adopted during the year.

### The role of the NCP

The NCP noted limited work in the area of policy coherence due to the RBC-related policy teams being located in a different institution. Estonia has not adopted a National Action Plan on Responsible Business Conduct or Business and Human Rights and is not in the process of doing so.

Some feedback from government representatives noted that, even though the location of the NCP did not hold a policy portfolio, it was still able to cooperate on some level with ministries concerning policy.

	Finding	Recommendation
4.1	The NCP has contact with many government representatives that engage in RBC-related work. These representatives have shown interest in working with the NCP to address shared goals and work towards coherence among RBC-related initiatives. There is currently no formal relationship or structure that allows them to do so.	The NCP should continue supporting these links between relevant government departments to enable coherence of RBC-related policies and initiatives. The intergovernmental platform noted in Recommendation 1.2 could be leveraged as a tool to facilitate this link between relevant government actors.

<sup>36</sup> See : <https://www.riigiteataja.ee/en/eli/530102013038/consolide>

<sup>37</sup> See : <https://www.riigiteataja.ee/en/eli/530102013066/consolide>

# 7 Annex Documents

- A. List of organisations submitting responses to the NCP peer review questionnaire
- B. List of organisations that participated in the NCP peer review on-site visit
- C. Promotional events
- D. Overview of specific instances handled by the NCP as the leading NCP

## Annex A. List of organisations that submitted a response to the NCP peer review questionnaire

**Table A A.1. Questionnaire submitters for the Estonian NCP peer review by stakeholder group**

<b>Business</b>
Estonian Chamber of Commerce and Industry
Enterprise Estonia
Responsible Business Forum
<b>Trade Unions</b>
Estonian Trade Union Confederation
<b>Civil Society</b>
OECD Watch
<b>Government</b>
Ministry of Justice – Anti-Human Trafficking Network
<b>NCPs</b>
Latvia
Norway

## Annex B. List of organisations that participated in the NCP peer review on-site visit

**Table A B.1. Participants of the Estonian NCP peer review by stakeholder group**

<b>Business</b>
Estonian Business and Innovation Agency
Estonian Employers' Federation
<b>Trade Unions</b>
Estonian Trade Union Confederation
OECD Trade Union Advisory Committee (TUAC)
<b>Civil Society</b>
Estonian Business School (EBS)
OECD Watch
Responsible Business Forum in Estonia
<b>Government</b>
Ministry of Economic Affairs and Communication (Business and Consumer Environment Department, Economic Development Department, Labour relations and Labour Environment Department)
Ministry of Finance (Financial Information Policy Department)
Ministry of Foreign Affairs (Department for Trade Policy and International Trade Organisations)
Ministry of Justice (Legal policy department)

## Annex C. Promotional events 2020-2022

**Table A C.1. Promotional activities in 2022 organised or co-organised by the NCP**

Title	Date	Location	Size of Audience	Organised or co-organised	Target Audiences
Introduction of the role of OECD NCP	7 April 2022	Consumer Protection and Technical Surveillance Authority	50-100	Organised	Government
Meeting of NCP and RBC experts	5 October 2022	Ministry of Economic Affairs and Communications	<10	Organised	Government
Introduction of NCP to expert of the EU draft Due Diligence Directive	10 October 2022	Ministry of Justice	<10	Organised	Government

Source: NCP Annual Report (2022)

**Table A C.2. Promotional activities in 2021 organised or co-organised by the NCP**

Title	Date	Location	Size of Audience	Organised or co-organised	Target Audiences
Conference on responsible business conduct	27 May 2021	Online	50-100	Co-organised	Business, NGOs, Trade unions, Government

Source: NCP Annual Report (2021)

**Table A C.3. Promotional activities in 2020 organised or co-organised by the NCP**

Title	Date	Location	Size of Audience	Organised or co-organised	Target Audiences
Stakeholder meeting	9 June 2020	Online	10-50	Organised	Business, NGOs, Trade unions, Government

Source: NCP Annual Report (2020)

**Table A C.4. Promotional activities in 2020 participated in by the NCP**

Title	Date	Location	Size of Audience	Organiser	Target Audiences
Annual meeting of the Responsible Business Conduct Forum of Estonia	18 June 2020	Online	10-50	Responsible Business Forum of Estonia	Members of the Responsible Business Forum

Source: NCP Annual Report (2020)



## Annex D. Overview of the specific instance handled by the Estonian NCP as the lead NCP

**Table A D.1. Specific instance received by the Estonian NCP**

Enterprise	Submitter	Host Country	Chapter (s) of the Guidelines	Date of submission	Date of initial assessment	Date of conclusion	Outcome	Description
Omniva Latvia	Nicholas Hare	Latvia	Human Rights (IV), Environment (VI)	09-07-2021	14-04-2022 (Latvian NCP)	03-02-2023 (Latvian NCP)	Transferred to the Latvian NCP. Handled with support of Estonian NCP.	Specific instance received by the Estonian NCP and subsequently transferred to Latvian NCP as issues involved the impacts of a Latvian company in Latvia.

## **National Contact Point for Responsible Business Conduct Peer Reviews: Estonia**

This document is the peer review report of the National Contact Point (NCP) of Estonia. The objectives of NCP peer reviews are to assess that the NCP is functioning and operating in accordance with the core effectiveness criteria set out in the implementation procedures; to identify the NCP's strengths and possibilities for improvement; to make recommendations for improvement; and to serve as a learning tool for all NCPs involved. The peer review of the NCP of Estonia was conducted by a team of reviewers from the NCPs of Argentina, Canada, and Israel, along with representatives of the OECD Secretariat.

