



OECD Guidelines for Multinational Enterprises
**National Contact Point for
Responsible Business Conduct
Peer Reviews
ROMANIA**



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Note by the Republic of Türkiye

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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 Iceland 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 two to four 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 NCP of Romania. This report was prepared by a peer review team made up of reviewers from the NCPs of Kazakhstan, Portugal and Spain, and with the support of the OECD Secretariat. The NCP of Kazakhstan was represented by Indira Beisekeyeva. The NCP of Portugal was represented by Pinheiro. The NCP of Spain was represented by Rodrigo Pérez. 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 Romania and relevant stakeholders during an in-person mission on 12-14 March 2024. The peer review team wishes to acknowledge the NCP for the preparation of the peer review. The NCP of Romania was represented by Andrei Babadac, Radu Preda, Mihaela Paraschiv, Marc Tripon, and Rares Burlacu. 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 24-26 June 2024 meeting and declassified by the Investment Committee on 29 July 2024.

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1 Key findings and recommendations

Institutional arrangements

The NCP has a tripartite structure with a secretariat located in the Romanian Agency for Investment and Foreign Trade (ARICE) within the Foreign Investment Directorate (InvestRomania). The NCP membership is made up of ten government ministries and agencies, two business organisations, and one academic institution. The current government decision, adopted in 2005, does not accurately reflect the current NCP membership or practices.

In practice, the majority of the work of the NCP thus far has been conducted exclusively by the NCP secretariat. Per the Government Decision that establishes NCP, staffing is provided jointly from ARICE and the Ministry of Foreign Affairs. In practice, the secretariat is composed of three civil servants from InvestRomania working part-time in support of the NCP function. Staff resources have been increased in recent years, with 1 full-time equivalent (FTE) staff in 2021, 1.15 in 2022, and now amounting to 1.5 FTE staff. NCP staff have always worked on a part-time basis. Stakeholders raised concerns that the number of staff was too low considering the workload needed to ensure the functioning of the NCP. Neither the secretariat nor the NCP have formalised operating procedures.

The NCP does not have an advisory or oversight body. During the peer review, the NCP noted its plans to establish a multistakeholder advisory body to support the NCP.

During the peer review, the NCP noted further plans to update the NCP's institutional arrangements by amending the government decision establishing the NCP. Updates would involve modifying the NCP membership to create an interagency NCP, creating a multistakeholder advisory body, and expanding the formal mandate of the NCP to better enable it to address the responsibilities laid out in the Guidelines.

Stakeholder feedback regarding the NCP's institutional arrangements raised concerns relating to the NCP secretariat's location within a government agency responsible for investment promotion, a lack of balance among the membership of the NCP, and a lack of clarity surrounding the operations and decision-making procedures of the NCP.

	Finding	Recommendation
1.1	The NCP has already started reflecting on its structure and potential improvements are supported at a high level. The NCP secretariat is currently located in the Foreign Investment Directorate of ARICE, which may limit the NCP's access to different stakeholder groups based on the mandate of the Directorate. Due to its role in investment promotion, stakeholders have raised questions concerning the real or perceived risk of a conflict of interest based on the secretariat location.	The NCP should carefully consider the location of the secretariat to ensure it is well-situated to effectively enable outreach to a breadth of stakeholders—including all types of businesses that would fall under the scope of the Guidelines—and not exposed to risks of real or perceived conflict of interest, and enables to the NCP to address its responsibilities.
1.2	The current structure of the NCP enables broad access to government actors, which enhances the expertise available to the NCP. However, the structure is outdated and does not reflect current practices or enable the NCP to address its responsibilities. In practice, the NCP membership has not met	The NCP should formalise its structure and function by updating the Government Decision that establishes the NCP and complementing it with a public document that explains the NCP's operations. The complementary document should additionally include the membership of the NCP and advisory body, and clarify the NCP's decision making procedures and the role of the

	Finding	Recommendation
	and the work of the NCP has been taken at the level of the secretariat.	advisory body. The updated document should plan for regular meetings of the NCP and advisory body, in any case more than once per year, and include provisions whereby any member of the NCP or advisory body could call a plenary meeting of the NCP. The updates should be consulted with stakeholders and should ensure a balanced inclusion of stakeholders within the NCP's institutional arrangements.
1.3	NCP secretariat's staff resources have improved in recent years. Given the important workload of the NCP in updating its structure and function, as well as in preparation of the NCP to receive its first specific instance, current resources may not be sufficient.	The NCP should have dedicated full-time staff. The addition of full-time staff would additionally support the NCP in ensuring impartiality and avoiding potential conflicts of interest.

Promotional activities

The NCP has had a dedicated webpage on the InvestRomania website since 2016. The webpage is available in Romanian and English. The NCP has engaged in moderate promotion in recent years with an average of 3.7 events organised or co-organised, and an average of 3.7 events participated in, in the last three years. Promotional events have not equally targeted different stakeholder groups and the majority of the NCP's promotional work has been directed at foreign businesses looking to invest in Romania. The NCP held its first promotional event with an NGO in 2023.

The NCP drafted its first promotional plan covering activities in 2024. The plan expands the NCP's mandate and aims to facilitate engagement with a broader group of stakeholders. The plan is broad and lacks strategy in terms of target audiences, sectors, and topics for promotion. The plan is generally still skewed towards enabling promotion with business and does not explicitly reference trade unions as a target group for promotion.

To date, the NCP has not developed its own materials for promotion. The NCP webpage includes some links to OECD-developed promotional materials, which are available exclusively in English. The 2024 promotional plan foresees some efforts in this regard, such as the translation of the 2023 version of the Guidelines into Romanian. The NCP website is considered one main tool of promotion for the NCP, however, it provides largely basic information and is not used as a strategic tool for promotion.

Stakeholders raised concerns over the lack of the NCP's engagement with a broad range of stakeholders and considered that building this engagement would be a priority for the NCP, particularly as it works to update its institutional arrangements.

	Finding	Recommendation
2.1	The NCP has made positive developments in its promotional efforts, including by promoting to a broader range of stakeholders. The NCP has additionally developed its first promotional plan, which already addresses some weaknesses relating to the NCP's promotion. However, the promotional plan is broad and does not strategically identify priorities, target stakeholder groups, or key issues for promotion. The development of the promotional plan did not involve a consultation with the NCP membership or stakeholders.	The NCP should refine its promotional plan, notably to include: <ul style="list-style-type: none"> • Target audiences, sectors, and issues, all of which that enhance the scope of the NCP's promotional work • A media strategy for outreach, both considering opportunities for promotion with social media and traditional press • The promotion of the NCP as a non-judicial grievance mechanism, highlighting its advantages as compared to other existing grievance mechanisms available in Romania • A stakeholder engagement strategy that builds upon the connections made during the peer review and ensures ongoing engagement with stakeholders

	Finding	Recommendation
		When designing the updated and future promotional plans, the NCP secretariat should seek feedback from stakeholders, notably from its NCP membership and advisory body members. The NCP should make promotional plans publicly available.
2.2	The NCP's 2024 promotional plan foresees work in the development of materials into Romanian, such as the translation of the 2023 version of the Guidelines. The NCP has not to date developed any of its own promotional materials and OECD-developed materials available on the NCP webpage are available in English only, possibly limiting accessibility of the information for the local population. The information on the NCP webpage is basic and does not provide sufficient information to understand the Guidelines or the NCP.	The NCP should develop publicly available promotional materials, tailored to the Romanian NCP and the Romanian country context. Materials should be available in at least Romanian and English, including the 2023 version of the Guidelines. The NCP should additionally review the NCP webpage to ensure clear access to relevant information. This could include the addition of promotional materials (e.g. flyers, newsletters, presentation, videos), a calendar of NCPs events, or an FAQ relating to the Guidelines or handling of specific instances. Promotional materials could be developed in a cost-effective manner using in-house resources.

Specific instances

Since its establishment in 2005, the Romanian NCP has not received a specific instance. The NCP considers that this may be partly due to the availability of other accessible alternative dispute resolution platforms available in Romania. Trade union stakeholder feedback considered that a lack of promotion targeting different stakeholder groups, and rather focusing on promotion to business and government, was contributing to the lack of specific instance submissions to the NCP. Civil society stakeholder feedback considered the reason for the lack of specific instances was due to a lack of prioritisation of RBC in Romania, a lack of understanding of RBC and related themes among businesses, a lack of information based on current company practices and where issues lie, and a focus of the economic press on financial performance over sustainability. Feedback noted the expectation that specific instance submissions were likely to rapidly evolve given attention to RBC at EU-level and the increasing scrutiny and rising expectations from consumers and NGOs.

The NCP does not have case-handling procedures. Information on how to submit a specific instance, including a downloadable worksheet, is available on the NCP webpage. The procedure is not elaborated beyond the submission of the specific instance. The NCP indicated during the peer review that it was in the process of drafting its first case-handling procedures.

	Finding	Recommendation
3.1	In the context of the peer review, stakeholders have expressed interest in the NCP non-judicial grievance mechanism. The NCP does not have case-handling procedures, which is considered a prerequisite to receiving a specific instance.	The NCP should adopt case-handling procedures that have undergone a stakeholder consultation, are aligned with the 2023 version of the Guidelines, and ensure predictability in the process, for example by specifying the roles of the NCP membership and advisory body in the process.
3.2	The NCP secretariat has taken steps to build its expertise relating to handling specific instances, including by attending OECD and ILO trainings. However, the NCP still has limited expertise and capacity to handle a specific instance based on the lack of preparation and engagement of the NCP membership in NCP operations to date.	The NCP should ensure that it is prepared to handle a specific instance, notably by: building expertise among the NCP on skills relating to the handling of specific instances, such as mediation, and ensuring access to expertise by engaging in continued dialogue with the updated NCP membership and advisory body, ensuring access to experts covering all thematic areas of the Guidelines.

Support for government policies to promote RBC

The government of Romania is engaged in RBC-related policies and initiatives, including through the National Sustainable Development Strategy 2030 and the transposition of the Corporate Sustainability

Reporting Directive (CSRD) into Romanian law. Romania has not adopted a National Action Plan on Business and Human Rights.

The NCP, through its membership, has access to many different government actors covering thematic areas of the Guidelines. Other government actors have shown a willingness to engage further with the NCP. However, the NCP has not yet taken advantage of its possible role as a supporting mechanism for government policies to promote RBC. The NCP noted in the peer review that an update to the NCP's institutional arrangements could provide for such a role.

	Finding	Recommendation
4.1	Government actors working in RBC-related areas have shown an interest in engaging further with the NCP. The NCP has not engaged with other government actors previously.	The NCP secretariat should actively maintain dialogue with other government actors, building on the momentum started during the peer review.
4.2	Given the existing RBC-related policies and initiatives in Romania, and the willingness to cooperate of the government actors working in RBC-related areas, there is opportunity for policy coordination. The NCP has not established itself as a focal point or relevant actor in such coordination.	The NCP secretariat should seek to establish itself as a focal point for policy initiatives relating to RBC, acting as a resource to relevant government ministries and agencies, and strive to enhance the coherence of such policies and initiatives with the Guidelines.

2 Introduction

The Romanian NCP at a glance

Established: 2005

Structure: Tripartite

Location: Romanian Agency for Investment and Foreign Trade

Staffing: Three part-time staff

Webpage: <http://investromania.gov.ro/web/national-contact-point/> (English)

<http://investromania.gov.ro/web/punctul-national-de-contact/> (Romanian)

Specific instances received at the time of the on-site visit: The NCP has never received a specific instance.

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 Romanian NCP with the core effectiveness criteria of NCPs and with the Implementation Procedures.

Romania adhered to the OECD Declaration on International Investment and Multinational Enterprises (Investment Declaration) in 2005. 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 Adherents 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 practices¹.

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”.² The OECD Council Decision on the Guidelines states that “NCPs shall have the following responsibilities:

- 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.

¹ Decision of the Council on the OECD Guidelines on Responsible Business Conduct, para I(4).

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

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.³

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.⁴ The commitment to undergo this peer review was received by Romania 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”⁵ 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 template⁶ as well as responses to requests for additional information. The report also draws on responses to the stakeholder questionnaire which was completed by 6 organisations representing 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.

Romania is also an OECD accession candidate country and noted that the accession process increased the demand for an updated institutional framework for the Romanian NCP.

The peer review of the NCP was conducted by a peer review team made up of reviewers from the NCPs of Kazakhstan, Portugal, and Spain along with representatives of the OECD Secretariat. An on-site visit took place on 12-14 March. This visit included interviews with the NCP, other relevant government representatives and stakeholders. A list of organisations that participated in the on-site visit is set out in Annex B. The peer review team wishes to acknowledge the NCP for the quality of the preparation of the peer review, the extensive supportive information provided, and successful efforts to ensure broad participation in the 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 are generally made in reference to the 2023 version of the Guidelines. The methodology for the peer review is that set out in the core template.

Economic context

Romania’s economy is dominated by the services sector, representing 63% of GDP.⁷ Regarding foreign direct investment (FDI), the inward stock of FDI, which represents the accumulated value of FDI in the Romanian economy over time, was USD 113.5 billion in 2022, equivalent to 38.3 percent of Romania’s GDP. The outward stock of FDI was USD 4.7 billion in 2022, representing 1.6 percent of Romania’s GDP.

³ Para. I.1.

⁴ Procedures I.F.

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

⁶ Ibid.

⁷ <http://dotstat.oecd.org/Index.aspx?QueryId=79718> (2022)

In 2022, Romanian's exports of goods were USD 90.5 billion, and exports of services were USD 38.8 billion while imports of goods were USD 124.1 billion and imports of services were USD 25.1 billion.⁸

The main investors in Romania are Germany, Austria, France, Italy, and the United States, and the main inward investment sectors are Agriculture, Forestry and Fishing, Mining and quarrying, and Manufacturing. The main destinations for outward investment from Romania are the Netherlands, Cyprus,⁹ the Republic of Moldova, Bulgaria, and Italy, and the most important sectors are Agriculture, Forestry and Fishing, Mining and quarrying, and Manufacturing.¹⁰ The most important partner countries for exports of goods are Germany, Italy, Hungary, France, Bulgaria¹¹ while the most important source countries for imports of goods are Germany, Italy, Hungary, Poland, Bulgaria¹². The most important destinations for exports of services are Germany, United Kingdom, France, The Netherlands, Italy¹³, and the most important sources for imports of services are Germany, The Netherlands, France, United Kingdom, Italy¹⁴.

As measured by employment at foreign-owned firms in Romania in 2020, the most important investors are Germany, France, the United States, Italy, and the Netherlands.¹⁵ As measured by employment at the overseas affiliates of Romanian MNEs, the most important destination countries are Hungary, Moldova, Spain, Italy, and Bulgaria.¹⁶

⁸ <https://data.imf.org/?sk=7A51304B-6426-40C0-83DD-CA473CA1FD52&slid=1542635306163>

⁹ 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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¹⁰ Central Bank of Romania

¹¹ Central Bank Statistics, received on request

¹² Central Bank Statistics, received on request

¹³ Central Bank Statistics, received on request

¹⁴ Central Bank Statistics, received on request

¹⁵ https://ec.europa.eu/eurostat/databrowser/view/FATS_G1B_08_custom_9684629/default/table?lang=en

¹⁶ https://ec.europa.eu/eurostat/databrowser/view/FATS_OUT2_R2_custom_9684655/default/table?lang=en

3 Institutional arrangements

Legal basis

Romania adhered to the OECD Investment Declaration in 2005. The Romanian NCP was formally established in May 2005.

The NCP was established through Government Decision 420/2005.¹⁷ The decision establishes the basic structure and functioning of the NCP and designates the responsible entities and membership. The decision has not been updated since 2005 and does not reflect the current composition of the NCP. As the only document that describes the NCP's structure and function, stakeholders considered that it was insufficient as a tool to clearly communicate the NCP's operations.

NCP Structure

The NCP has a tripartite structure composed of representatives from government, business, and academia. The NCP has a secretariat, which is hosted by the Directorate for Foreign Investment within the Romanian Agency for Investment and Foreign Trade (ARICE). The NCP does not have an advisory and/or oversight body.

ARICE is composed of five unique directorates: the Foreign Investment Directorate (InvestRomania), in which the NCP secretariat is located, a directorate focused on international trade, a directorate focused on the promotion of exports, a directorate for ensuring resources, and a strategic directorate dealing with cross-cutting issues.

The decision on the location of the NCP secretariat in the Foreign Investment Directorate was made in order to emphasise the fostering of dialogue with companies seeking to establish themselves in Romania, which at the time of the NCP's establishment, were considered the main group of companies covered by the Guidelines in Romania. Additionally, the formal mandate of the NCP did not permit it to engage with businesses or stakeholders beyond foreign investors. The location prioritises engagement with this group over enterprises already established in the country or Romanian enterprises investing abroad.

The NCP considers that the structure as established in Government Decision 420/2005 is outdated and the NCP indicated current efforts to develop a new institutional design to better align the NCP structure with contemporary standards and the 2023 version of the Guidelines and increase efficiency of the NCP. The NCP noted that they are seeking a more balanced structure by creating an advisory body with stakeholder representatives (see Box 3.1). The NCP noted that, in fulfilment of the Law no. 52/2003 regarding decisional transparency in public administration, updates to the Government Decision 420/2005 would be open to public consultation.

General stakeholder feedback noted the perception that the NCP was not yet fully operational and further clarity was needed around the NCP's structure and role as a non-judicial grievance mechanism. Feedback

¹⁷ Available : <https://legislatie.just.ro/Public/DetaliuDocumentAfis/61660> (Romanian)

noted the importance of dialogue with social partners in this context. Given the NCP's location in a government agency with an economic focus, feedback from civil society stakeholders noted the importance of ensuring that the NCP can operate in a manner that is accessible and accountable and avoids any real or perceived conflict of interest.

Composition

The NCP secretariat is housed in the Directorate for Foreign Investment (InvestRomania) within the Romanian Agency for Investment and Foreign Trade (ARICE). Per the Government Decision that establishes the NCP, staff for the secretariat are nominated from the Ministry of Foreign Affairs and from ARICE. At the time of writing, all secretariat members were provided from ARICE. The NCP executive function is undertaken by individuals designated by the Minister of State for coordinating activities in the business environment and small and medium-sized enterprises (now part of the Ministry of Economy) and by the President of ARICE. In practice, ARICE had been undertaking the executive function of the NCP alone.

The NCP composition has changed since its establishment in 2005, with the membership now differing from that included in Government Decision 420/2005. Membership of the NCP was selected based on expertise in the different thematic areas of the Guidelines. The membership as reported by the Romanian NCP, and up to date as of the time of the onsite visit, is included in Table 3.1. The current membership differs from the original membership notably as the National Agency for SMEs and Cooperation was reorganised and became part of the Ministry of Economy, and the Alliance of Employers' Confederations in Romania was replaced by its subsidiary member, Concordia Business Alliance. The replacement decision was made because Concordia Business Alliance is a member of BIAC.

Table 3.1. NCP membership as reported by the NCP

Institution	Stakeholder group
Ministry of Foreign Affairs	Government
Ministry of Finance	Government
Ministry of Justice	Government
Ministry of Investment and European Projects	Government
Ministry of Education	Government
Ministry of Labour and Social Solidarity	Government
Ministry of Economy, Entrepreneurship and Tourism	Government
Ministry of Transport and Infrastructure	Government
Ministry of Environment, Water and Forestry	Government
Romanian Agency for Investment and Foreign Trade	Government
Romanian Academy	Academia
Concordia Business Alliance	Business
Romanian Chamber of Commerce and Industry	Business

Source: NCP Annual Report (2023)

The NCP membership is not balanced as there are eleven institutions representing government, while two represent business and one represents academia. Trade union and civil society are not represented in the NCP membership.

The NCP notes that it is able to maintain meaningful relations with social partners and stakeholders due to the inclusion of the Ministry of Labour and Social Solidarity, which is the government body designated

by legislation on social dialogue¹⁸ to ensure the existence of meaningful social dialogue among stakeholders. The NCP noted ensuring its expertise in part by accessing OECD resources and participating in OECD training programs.

Trade union stakeholder feedback indicated that the institutional arrangements did not allow the NCP to operate in a manner that is impartial and equitable due to the inclusion of two private business associations within the NCP membership, and the lack of trade union representation within the NCP membership. Feedback recommended that the NCP include trade union representation either within the membership of the NCP or within an advisory body that includes equitable participation between businesses and trade unions. Feedback from civil society stakeholders further emphasised the importance of balancing the NCP membership, including representation from civil society.

Box 3.1. Foreseen updates to the institutional arrangements of the Romanian NCP

NCP membership

During the peer review, the Romanian NCP noted plans to update the NCP structure and membership in 2024. Plans would revise the NCP structure from tripartite to interagency with the addition of a multistakeholder advisory body. Therefore, the non-governmental members of the NCP currently included would move to the advisory body, if they meet the selection criteria for membership, and no longer have decision-making power. Government membership in the NCP is expected to be revised as well, though will include many of the same members. Some stakeholder feedback questioned the NCP's plans to exclude stakeholders from the decision-making body, and noted the importance of elaborating the role of stakeholders in the updated structure. Other stakeholder feedback considered the updated structure was a good starting point for the NCP to continue engagement with stakeholders.

The executive coordination of the NCP would be under the responsibility of ARICE, including the designation of an NCP Chair. Close ties would be preserved with the Ministry of Foreign Affairs but they would no longer play a coordinating role. The new structure would be reflected in an updated government decision.

Multistakeholder advisory body

The NCP's multistakeholder advisory body would include representatives from business, trade unions, and civil society. Representatives from business and trade unions would be selected among those recognised by the Law on Social Dialogue. Civil society members would be selected based on criteria developed in consultation with OECD Watch. Specific advisory body membership would not be included in the updated government decision, which would contain only the selection criteria for each stakeholder group to allow for more flexibility in future updates.

Source: Onsite visit of the Romanian NCP peer review.

Functions and operations

The main mission of the NCP is noted in Government Decision 420/2005 and includes the NCP's role as a non-judicial grievance mechanism. The Decision does not provide a promotional role for the NCP or further details relating to the NCP's responsibilities. The Decision notes that the coordination of the NCP

¹⁸ The new law on social dialogue, Law No. 367/2022

is ensured by the Minister of State for coordinating activities in the business environment and SMEs, together with the person responsible for Romania's relations with the OECD, designated by the Minister of Foreign Affairs. The coordinators may convene NCP plenary or subgroup meetings as needed. Coordinators are additionally responsible for presenting and supporting annual reports on the NCP's activities, including by attending the annual meetings of the NCP Network. The NCP reported that, in practice, coordination of the NCP work is conducted by the NCP secretariat and meetings take place at the level of the NCP secretariat. The coordination of the NCP as described in the Government Decision is not up to date in this regard.

The mission of the NCP is further clarified on the NCP website. The website notes the NCP mandate as being twofold, focusing both on the non-judicial grievance mechanism and the NCP's role to promote and increase awareness of the Guidelines. While the website includes a link to the OECD Recommendation on the Role of Government in Promoting Responsible Business Conduct, it does not provide a description of the document or identify a role for the NCP in supporting government's efforts to promote RBC-related policies.

NCP member feedback showed low awareness of the NCP among its members, indicating that, in practice, the NCP members had not previously met. Feedback expressed the perception that the NCP grievance mechanism was not operational and awareness raising efforts had been limited. Feedback emphasised that the updated NCP structure should strike a balance between promotion and ensuring that the grievance mechanism is operational.

The missions of the NCP secretariat are not described in the government decision, on the NCP website, or in a separate document. The NCP noted that the secretariat is responsible for day-to-day activities relating to the NCP function and coordination of NCP activities.

The NCP members are designated in Government Decision 420/2005. The role of the NCP members is not clearly identified, but the Decision grants decision-making powers to the NCP membership. Details on how and when decision-making procedures are carried out are not included.

The current legal framework, Law 176 of 2010 regarding integrity in the exercise of public functions and dignities, for amending and supplementing Law no. 144/2007 regarding the establishment, organisation, and functioning of the National Integrity Agency, as well as for amending and supplementing other normative acts¹⁹, in Romania mandates public paid employees to file declarations of financial assets and declarations on private interests annually and each time a change occurs in their status. Such declarations are publicly available and would include the disclosure of affiliations as associate/shareholder in private companies, national companies, credit institutions, economic interest groups, and NGO memberships. The scope of enterprises included in these declarations is limited and would not require declaring share ownership in a very large multinational, for example. As the NCP membership is comprised of civil servants, this framework applies and may contribute to some extent to the NCP's impartiality and ability to address conflicts of interest. Article 1 paragraph 37 of the law stipulates that presidents and secretary generals of the trade unions are also mandated to submit declarations on financial assets and declarations of private interests.

Resources

The human resources available to the NCP secretariat increased in 2022 in relation to the beginning of OECD accession discussions. There are currently three civil servants working part-time on the day-to-day operations at the NCP secretariat. One staff member dedicates 70%, and two staff members dedicate 40% of their time to the NCP function. The NCP had three part-time staff members and experienced staff

¹⁹ <https://legislatie.just.ro/Public/DetaliuDocument/121924>

turnover in 2022. The staff spent a combined smaller amount of time working on the NCP function than the three staff members in 2023. In 2023, one staff member joined, and one staff member left the NCP. In 2022, four staff members joined the NCP and two staff members left the NCP. Trade union stakeholder feedback considered the lack of full-time staff members to be a barrier to accountability, in particular noting the high levels of staff turnover in recent years and the lack of a central full-time staff member to oversee the NCP's activities.

NCP staff were selected based on the relevance of their experience related to the other tasks they handle within the agency, such as dealing with the OECD Investment Committee. Staff reported working on other instruments relating to RBC, investment and corporate marketing, and event planning.

In order to preserve institutional memory, the NCP noted that all records of its activity were maintained digitally and physically at its headquarters. The NCP informed that it maintains an ongoing training process for part-time staff that rotate in on NCP duties. The NCP clarified that this is mostly on-the-job training.

The NCP does not have a dedicated budget. Financial resources are provided on an ad hoc basis from the budget of the agency in which the secretariat is housed. Government Decision 420/2005 provides that such financial resources will be allocated by the institutions responsible for the NCP from their own budgets. The NCP noted that each funding request required an application but, in practice, they had always been approved. In 2023, the NCP reported that sufficient financial resources were provided to conduct promotional activities and address relevant aspects of the NCP responsibilities. The NCP did not receive and was not in the process of handling any specific instances in 2023 and therefore did not require related resources.

General stakeholder feedback raised concerns about the NCP's resources being sufficient to allow the NCP to effectively address its responsibilities, particularly considering a recently increased workload as the NCP seeks to rebuild itself and invests resources in increasing visibility. Feedback recommended the NCP include dedicated full-time staff and a budget to deliver NCP activities. The NCP noted the possibility to include a minimum number of staff in the government decision.

Reporting

The NCP reports annually to the OECD and makes its reports publicly available since 2022. The Romanian NCP has submitted its annual report to the Investment Committee regularly during the past few years. The NCP does not report to other national entities on its activities.

The NCP does not have an oversight body. The NCP does not seek feedback from stakeholders or other NCPs on how it is fulfilling its responsibilities.

	Finding	Recommendation
1.1	The NCP has already started reflecting on its structure and potential improvements are supported at a high level. The NCP secretariat is currently located in the Foreign Investment Directorate of ARICE, which may limit the NCP's access to different stakeholder groups based on the mandate of the Directorate. Due to its role in investment promotion, stakeholders have raised questions concerning the real or perceived risk of a conflict of interest based on the secretariat location.	The NCP should carefully consider the location of the secretariat to ensure it is well-situated to effectively enable outreach to a breadth of stakeholders—including all types of businesses that would fall under the scope of the Guidelines—and not exposed to risks of real or perceived conflict of interest, and enables to the NCP to address its responsibilities.
1.2	The current structure of the NCP enables broad access to government actors, which enhances the expertise available to the NCP. However, the structure is outdated and does not reflect current practices or enable the NCP to address its responsibilities. In practice, the NCP membership has not met	The NCP should formalise its structure and function by updating the Government Decision that establishes the NCP and complementing it with a public document that explains the NCP's operations. The complementary document should additionally include the membership of the NCP and advisory body, and

	Finding	Recommendation
	and the work of the NCP has been taken at the level of the secretariat.	clarify the NCP's decision making procedures and the role of the advisory body. The updated document should plan for regular meetings of the NCP and advisory body, in any case more than once per year, and include provisions whereby any member of the NCP or advisory body could call a plenary meeting of the NCP. The updates should be consulted with stakeholders and should ensure a balanced inclusion of stakeholders within the NCP's institutional arrangements.
1.3	NCP secretariat's staff resources have improved in recent years. Given the important workload of the NCP in updating its structure and function, as well as in preparation of the NCP to receive its first specific instance, current resources may not be sufficient.	The NCP should have dedicated full-time staff. The addition of full-time staff would additionally support the NCP in ensuring impartiality and avoiding potential conflicts of interest.

4 Promotion of the Guidelines

Promotional plan

The NCP reported having a promotional plan in place for 2024.

The promotional plan is divided into four main sections:

1. Awareness raising of the Guidelines

This includes website management, communication with investors, including through promotional events and use of OECD-developed promotional aids, social media outreach, and translation work.

2. Communication with investors

This includes guidance and consultations via guidance documents tailored to investors and one-on-one consultation sessions for investors, a targeted investor outreach program, regular updates and newsletters to keep investors informed about RBC, and networking events to bring together investors, businesses, and experts in RBC.

3. Engagement with stakeholders

This includes the identification and establishment of strong relationships with key stakeholders from government agencies, businesses, NGOs, and CSOs, the organisation of promotional events to facilitate dialogue on RBC and requests for feedback from stakeholders on their perspectives on NCP initiatives.

4. Partnerships and collaborations.

This includes the collaboration with international organisations, chambers of commerce, and industry associations to amplify the reach of RBC initiatives, and the participation in relevant promotional events to showcase the NCP's commitment to RBC practices.

The plan was not developed in consultation with stakeholders or the NCP membership. The plan is not publicly available. The NCP noted the possibility for future promotional plans to be articulated with involvement of the NCP membership, and could be made publicly available based on the updated mandate of the NCP. Stakeholder feedback suggested that publishing the promotional plan could improve the NCP's accessibility and visibility.

The promotional plan is articulated around broad objectives and does not include specific events planned in 2024 or specific deliverable promotional materials for the NCP to develop. The plan does contain the intention to translate the Guidelines into Romanian in 2024. The targeted audiences of the promotional activities are not balanced by stakeholder group as the focus of the promotion is on investors. Stakeholder engagement additionally does not include engagement with trade union stakeholders.

The NCP does not monitor or measure the actual awareness or use of the Guidelines and related due diligence guidance among businesses or other stakeholder groups. Feedback noted that communicating with SMEs on RBC would be a priority in the future. Some business stakeholders noted having shared the Guidelines and related due diligence guidance within their respective organisations, independent of the NCP. Feedback from business stakeholders noted an interest in RBC and a willingness to engage further

with the NCP moving forward, noting an interest in training from the NCP relating to due diligence. Trade union stakeholder feedback noted the importance to consider due diligence in the context of ride sharing platforms in Romania, particularly from the perspectives of union and consumer protection.

Stakeholder feedback indicated limited efforts by the NCP to raise awareness with different stakeholder groups. Stakeholders expressed a perception of generally low visibility of the NCP. In particular, trade union stakeholder feedback noted a low accessibility due to a lack of engagement with them as a stakeholder group. Feedback from civil society stakeholders emphasised that maintaining a website and hosting a couple promotional events would not be sufficient to mainstream the Guidelines and RBC in the public agenda. Feedback encouraged the NCP to focus on increasing its visibility, underlining the importance of enacting a strategic promotional plan. Some feedback from civil society stakeholders noted the importance of education and awareness raising on RBC-related issues, such as concerning environment and public health, as a way to engage with civil society and individuals in a manner that shows the relevance for them as stakeholders.

Feedback from government representatives noted that the NCP needed to be more visible within the public administration. Feedback from the NCP membership noted opportunities for promotion based on their existing work in RBC-related areas, such as with SOEs and in the textile or minerals sectors. Additional feedback from trade unions stakeholders noted the relevance of underlining the benefits of RBC in coal and other mining regions in Romania in the context of the just transition.

Information and promotional materials

The NCP secretariat promotes the Guidelines in part by creating promotional content and research designed for companies seeking to establish a presence in Romania. The NCP noted that such information was disseminated at business events, direct investor meetings, and other speaking engagements like business forums. General information related to the Guidelines and due diligence guidance is available on the NCP website (see: Figure 4.1).

Figure 4.1. Explanatory text of the Guidelines available on the Romanian NCP webpage

The Guidelines aim to ensure that the operations of these enterprises are in harmony with government policies, to strengthen the basis of mutual confidence between enterprises and the societies in which they operate, to help improve the foreign investment climate and to enhance the contribution to sustainable development made by multinational enterprises. They encourage positive contributions enterprises can make to economic, environmental and social progress and minimise adverse impacts on matters covered by the Guidelines that may be associated with an enterprise's operations, products and services.

The OECD Guidelines for Multinational Enterprises cover fields such as:

- Employment and Industrial Relations
- Environment
- Human Rights
- Combating Bribery, Bribe Solicitation and Extortion
- Consumers Interests
- Science and technology
- Competition
- Taxation

OECD Guidelines for Multinational Enterprises

The 2023 edition of the Guidelines provides updated recommendations for responsible business conduct across key areas, such as climate change, biodiversity, technology, business integrity and supply chain due diligence, as well as updated implementation procedures for the National Contact Points for Responsible Business Conduct.

Source: <https://investromania.gov.ro/web/national-contact-point/>

The NCP includes news about the Guidelines and its own activities in the monthly InvestRomania newsletter.²⁰

The NCP has not developed any of its own promotional materials for inclusion on the NCP website. At the time of writing, the NCP only included links to OECD-developed materials in English. None of the resources available on the NCP's website were available in Romanian. In its 2024 promotional plan, the NCP noted its plans to translate the Guidelines into Romanian and promote the translation.

Promotional events

The NCP has organised and participated in promotional events consistently in the last three years. The NCP has organised or co-organised an average of 3.7 events per year in the last three years, and has participated in an average of 3.7 events per year in the last three years. An overview of the NCP's promotional events from the last three years can be found in Annex C. Stakeholders that had previously attended events organised by the Romanian NCP noted the quality and utility of the events, indicating a willingness for further cooperation and a desire for even more activity from the NCP. Feedback from civil society stakeholders noted the importance of maintaining connections with stakeholders developed in the context of the NCP's promotional events and the peer review.

The NCP has not targeted different stakeholder groups evenly in its promotional activities, with the majority of events being targeted towards business or government stakeholders. In the last three years, the NCP has organised one event targeted towards NGOs, one event that included academia among business and government, and the NCP did not conduct any promotion targeting trade union stakeholders.

Much of the promotional work of the NCP has been in the context of business forums. Additional events included focus on the automotive sector, sustainable finance, and general promotion of the Guidelines and the NCP. Despite promotion targeting business, business stakeholder feedback indicated a low awareness of the Guidelines and the NCP. Feedback noted that promotional events focused on investment opportunities rather than the principles of RBC. Business stakeholder feedback indicated pressure from abroad on Romanian companies from business partners with more established RBC frameworks, which sometimes include requirements passed on to the Romanian businesses. Feedback from civil society stakeholders noted the importance of targeting promotion to all stakeholder groups in a balanced manner. Business stakeholder feedback indicated a desire to cooperate with the NCP more in the future, particularly in the context of sharing expertise on the implementation of RBC-related policies and rules.

The NCP noted communicating about its role as a non-judicial grievance mechanism through its engagement with companies seeking to establish presence in Romania. The NCP considers that information on this role is further spread via the NCP website. The NCP did not conduct specific promotion with other stakeholder groups on the role of the non-judicial grievance mechanism. Feedback from civil society noted that the mechanism would benefit from further awareness raising through dialogue with civil society on the topic. Feedback from business stakeholders additionally noted a low level of awareness on the NCP's role as a non-judicial grievance mechanism.

Trade union stakeholder feedback noted some key RBC issues in country relating to freedom of association and collective bargaining, noting that the Social Dialogue Act²² created barriers to establishment of trade unions and collective bargaining. Further feedback considered that a recent update

²⁰ See: <https://investromania.gov.ro/web/newsroom/newsletters/>

²¹ February 2024 newsletter: https://investromania.gov.ro/web/wp-content/uploads/2024/04/InvestRomania-Newsletter-no.2_2024February-compressed.pdf

²² The new law on social dialogue, Law No. 367/2022

to the Act had shown progress but concerns remained, particularly to ensure that social dialogue is genuine and to ensure the integrity of collective agreements. Further issues raised included discrimination against trade union leaders and members, discouragement to accessing remedy, living wages, and decent working conditions for migrant workers. Trade union feedback noted that risks for migrant workers could become a problem in the future as the number of migrant workers in Romania increases, particularly as migrant workers may struggle with language and cultural barriers that prevent them from understanding their rights. Feedback considered that ensuring decent working conditions would be essential to keep workers in Romania, particularly as Romanian workers often move to other countries in the European Union where conditions are seen as favourable. Business stakeholder feedback noted that information technology and healthcare would be important sectors to target for promotion in Romania. Feedback additionally noted the importance of the transport sector, both road and maritime, highlighting that the Port of Constanța had been operating at increased capacity since Russia's war of aggression against Ukraine.

Webpage

The NCP has a dedicated webpage on the ARICE InvestRomania website since 2016.²³ The webpage is regularly updated and is available in English²⁴ and Romanian²⁵. The NCP considers that the webpage is one of their main tools for promotion and communication. Civil society stakeholder feedback noted that the NCP could benefit from a more varied approach to promotion, for example by opening more channels for communication or by developing more materials.

Information available on the webpage of the NCP is limited. It covers:

- A brief description of the Guidelines and the NCP
- How to submit a specific instance (see: Filing a specific instance)
- A description of the OECD due diligence guidance
- Links to some OECD resources
- And contact information.

There is a basic description of the Guidelines and the NCP, noting the main missions of both. The thematic chapters of the Guidelines are listed but not explained. The names provided for the thematic chapters are not yet aligned with the chapter names in the 2023 version of the Guidelines. The website is also missing the 'Disclosure' chapter. A link to the Guidelines is provided only in English as there is not a Romanian translation of the Guidelines. The NCP noted that there was ongoing work to update the general government websites in Romania, which could allow for a more in-depth enhancement of the NCP website and enable the addition of new features, such as an online submission form.

The NCP website includes additional information on the OECD due diligence guidance. There is a description of the main due diligence guidance and its functions and utility to businesses. Information on the sectoral due diligence guidance is not included.

All supporting documents included on both the English and Romanian version of the NCP website are included as links to documents in English. No supporting materials are provided in Romanian.²⁶

²³ The NCP webpage was previously hosted by the site of the Department for Public-Private Partnership and Foreign Investment, the former umbrella organisation that hosted the NCP secretariat.

²⁴ Available : <http://investromania.gov.ro/web/national-contact-point/>

²⁵ Available: <http://investromania.gov.ro/web/punctul-national-de-contact/>

²⁶ The NCP indicated translating a brochure on the Guidelines (<https://mneguidelines.oecd.org/OECD-Guidelines-RBC-Flyer.pdf>) in March 2024. The translated brochure is not available on the NCP's website.

The NCP makes use of partner social media accounts to assist in its promotional efforts. The NCP posts from the Twitter²⁷, Facebook,²⁸ and LinkedIn²⁹ pages of the Agency in which the secretariat located. Stakeholder feedback noted social media, and also traditional press, as an opportunity to increase awareness of the NCP, and particularly as a tool for education among individuals.

Stakeholder feedback suggested the NCP clearly dedicate a part of the website to specific instances, clearly identifying where specific instance case-handling information would be once the NCP begins handling cases.

Responding to enquiries

The NCP has their contact details listed on the webpage (email and address). At the time of writing, no queries had been addressed to the NCP.

Cooperation amongst NCPs

In February 2023, the NCP participated as a peer reviewer of the peer review of the NCP of Czechia. The Romanian NCP considered this experience useful and noted that it broadened their understanding of handling specific instances. The NCP additionally reported having attended an event organised by the Polish NCP in 2023.

At the time of writing, the NCP had not participated in NCP regional meetings outside of those organised in the margins of the meetings of the WPRBC and NCP Network meetings.

	Finding	Recommendation
2.1	The NCP has made positive developments in its promotional efforts, including by promoting to a broader range of stakeholders. The NCP has additionally developed its first promotional plan, which already addresses some weaknesses relating to the NCP's promotion. However, the promotional plan is broad and does not strategically identify priorities, target stakeholder groups, or key issues for promotion. The development of the promotional plan did not involve a consultation with the NCP membership or stakeholders.	<p>The NCP should refine its promotional plan, notably to include:</p> <ul style="list-style-type: none"> • Target audiences, sectors, and issues, all of which that enhance the scope of the NCP's promotional work • A media strategy for outreach, both considering opportunities for promotion with social media and traditional press • The promotion of the NCP as a non-judicial grievance mechanism, highlighting its advantages as compared to other existing grievance mechanisms available in Romania • A stakeholder engagement strategy that builds upon the connections made during the peer review and ensures ongoing engagement with stakeholders <p>When designing the updated and future promotional plans, the NCP secretariat should seek feedback from stakeholders, notably from its NCP membership and advisory body members. The NCP should make promotional plans publicly available.</p>
2.2	The NCP's 2024 promotional plan foresees work in the development of materials into Romanian, such as the translation of the 2023 version of the Guidelines. The NCP has not to date developed any of its own	The NCP should develop publicly available promotional materials, tailored to the Romanian NCP and the Romanian country context. Materials should be available in at least Romanian and English, including the 2023 version of the

²⁷ See: <https://twitter.com/investromania>

²⁸ See: <https://www.facebook.com/investro>

²⁹ See: <https://ro.linkedin.com/company/investromania>

	Finding	Recommendation
	<p>promotional materials and OECD-developed materials available on the NCP webpage are available in English only, possibly limiting accessibility of the information for the local population. The information on the NCP webpage is basic and does not provide sufficient information to understand the Guidelines or the NCP.</p>	<p>Guidelines. The NCP should additionally review the NCP webpage to ensure clear access to relevant information. This could include the addition of promotional materials (e.g. flyers, newsletters, presentation, videos), a calendar of NCPs events, or an FAQ relating to the Guidelines or handling of specific instances. Promotional materials could be developed in a cost-effective manner using in-house resources.</p>

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 never received a specific instance. The NCP had additionally never acted as support in a specific instance handled by another NCP.

The NCP considers one reason why it has never received a specific instance is due to the availability of other accessible alternative dispute resolution platforms. Specifically, the NCP noted that the justice system in Romania was accessible, and there were other mechanisms available under the Law no. 192 of 16 May 2006 on mediation.³⁰ Mediation services are additionally offered through the Chamber of Commerce and Industry’s Mediation Centre³¹, Labour Inspectorate³², and the National Authority for Consumer Protection. Additionally, the National Council for Combating Discrimination³³, established under the anti-discrimination law (Law 137/2000)³⁴, hears cases relating to discrimination against governments, businesses, or public persons. The NCP therefore considered that stakeholders had alternative avenues to address issues. Feedback from government representatives noted that these other mechanisms largely

³⁰ See: <https://legislatie.just.ro/Public/DetaliuDocumentAfis/71928>

³¹ <https://arbitration.ccir.ro/en/>

³² See : <https://www.inspectiamuncii.ro/despre-inspectia-muncii>

³³ See : <https://www.cncd.ro/>

³⁴ Available » https://www.cdep.ro/proiecte/2006/300/00/2/leg_pl302_06.pdf (Romanian)

focused on labour disputes. Civil society stakeholder feedback noted the expectation that specific instance submissions were likely to rapidly evolve given attention to RBC at EU-level and the increasing scrutiny and rising expectations from consumers and NGOs.

Trade union stakeholder feedback considered that a lack of promotion targeting different stakeholder groups, and rather focusing on promotion to business and government, was contributing to the lack of specific instance submissions to the NCP. Civil society stakeholder feedback considered the reason for the lack of specific instances was due to a lack of prioritisation for RBC in Romania, a lack of understanding of RBC and related themes among businesses, a lack of information based on current company practices and where issues lie, and a focus of the economic press on financial performance over sustainability. Further feedback from civil society added the belief that filing specific instances is one of the best ways to bring awareness to the NCP.

Case-handling procedures

Overview

The NCP has not developed official case-handling procedures to date. Limited information on the handling of specific instances is available on the NCP website. The NCP points webpage users to the Guide for National Contact Points on Coordination when Handling Specific Instances,³⁵ an OECD guide developed to support NCPs in cases where coordination amongst them is required, to provide more information on the specific instance procedures of an NCP. The NCP otherwise considers that the NCP webpage link to the Guidelines, which contain information on handling specific instances, explains the process to potential users of the mechanism. Stakeholder feedback acknowledged information on how to submit a specific instance, but noted confusion around the process following submission given the lack of information available on the NCP's website.

The NCP noted that it was working to address the lack of case-handling procedures, particularly focusing on aligning the procedures with the 2023 version of the Guidelines. The NCP informed that current drafting had been done by consulting other documents within the NCP Network, but had not yet involved a consultation with stakeholders. The NCP noted not currently having a mandate to engage with external mediators should the need arise, but the provisions could be included in the context of the updated NCP structure. The NCP considered that the budget would be sufficient for such provisions.

Civil society stakeholder feedback noted the importance for the NCP to adopt case-handling procedures in accordance with the 2023 Guidelines, including not only the requirements, but also the recommendations and suggestions contained therein. Feedback noted the importance of undertaking this process with input from stakeholders.

Filing a specific instance

The submission process for filing a specific instance is included on the NCP's webpage. The section of the webpage dedicated to submitting a specific instance includes a submission form to file a specific instance, available as a Word document in English only.³⁶ The form is to be submitted by email (pnc@investromania.gov.ro).

It is noted the submission must contain the following information:

- Contact details of the submitters

³⁵ Available: <https://mneguidelines.oecd.org/Guide-for-NCPs-on-Coordination-when-handling-Specific-Instances.pdf>

³⁶ Available: <http://investromania.gov.ro/web/wp-content/uploads/2023/08/Complaint-submission-form.docx>

- Contact details of other involved parties, if relevant, and justification for their involvement
- Contact details of the MNE against which the specific instance is submitted
- Host country(ies) of the issues raised
- Detailed description of the facts relating to the issues indicating the related principles and recommendations of the Guidelines, including documents to give relevance and credibility to the specific instance
- Indication of any data provided that is considered strictly confidential or that may not be shared with the other party. The webpage notes that the NCP reserves the right to evaluate such a request
- Indication of any parallel proceedings that are pending or have been concluded relating to the issues raised
- Request to the NCP to provide its good offices to contribute to the consensual resolution of the issues raised and indicative illustration of expected outcomes
- Signature of the submitting person.

The webpage then notes that, after the submission of the specific instance, the submitter is not allowed to raise new issues. The NCP confirms reception of the form within one week and informs the MNE involved. The webpage then points users to the OECD Guide for National Contact Points on Coordination when Handling Specific Instances to see steps followed after the submission of the specific instance. No guidance is provided on steps following coordination with other NCPs (initial assessment, good offices, conclusion and final statement, follow up).

The NCP does not have any specific information available relating to the handling of specific instances beyond a link to the OECD documents.

Indicative timeframes

An indicative timeframe for handling specific instances is not provided by the Romanian NCP, except to note that the NCP will confirm receipt of a specific instance request form within one week.

Confidentiality and transparency

The NCP webpage notes that submitters of specific instances may request that certain data remain strictly confidential or not be shared with the other party. This is not noted within the downloadable submission form itself, but rather on the NCP's webpage. As indicated above, the NCP notes that it reserves the right to evaluate the request for confidentiality and inform the parties accordingly.

The NCP webpage or downloadable submission form do not make further reference to confidentiality or transparency when handling specific instances.

Impartiality and avoidance of conflict of interest in the handling of specific instances

The NCP webpage and other supporting documents do not address impartiality and conflict of interest that the NCP may face in specific instances. The NCP noted that it maintains its impartiality due to the laws covering civil servants in Romania, as noted in Functions and operations.

Parallel proceedings

Per the NCP webpage and downloadable submission form, information on parallel proceedings is collected during the submission of a specific instance. This information is noted to include any previous contact the parties had with the MNE in attempt to resolve the issues, national or international and/or public or private authorities or other NCPs with which a proceeding is pending or had been concluded.

Specific Instances in Practice

As indicated above, the NCP has not yet received a specific instance. To date, the NCP has also not coordinated with other NCPs in the context of handling specific instances. One specific instance involved issues arising in Romania relating to the activities of a French MNE operating in Romania,³⁷ but the case was submitted and concluded in 2003, two years before the adherence of Romania to the Guidelines and the establishment of the Romanian NCP.

	Finding	Recommendation
3.1	In the context of the peer review, stakeholders have expressed interest in the NCP non-judicial grievance mechanism. The NCP does not have case-handling procedures, which is considered a prerequisite to receiving a specific instance.	The NCP should adopt case-handling procedures that have undergone a stakeholder consultation, are aligned with the 2023 version of the Guidelines, and ensure predictability in the process, for example by specifying the roles of the NCP membership and advisory body in the process.
3.2	The NCP secretariat has taken steps to build its expertise relating to handling specific instances, including by attending OECD and ILO trainings. However, the NCP still has limited expertise and capacity to handle a specific instance based on the lack of preparation and engagement of the NCP membership in NCP operations to date.	The NCP should ensure that it is prepared to handle a specific instance, notably by: building expertise among the NCP on skills relating to the handling of specific instances, such as mediation, and ensuring access to expertise by engaging in continued dialogue with the updated NCP membership and advisory body, ensuring access to experts covering all thematic areas of the Guidelines.

³⁷ See: <https://mneguidelines.oecd.org/database/instances/fr0006.htm>

6 Support for government policies to promote RBC

In line with the Implementation Procedures,³⁸ 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.

The NCP's current institutional arrangements do not provide it with a role to support government efforts to foster RBC-related policy coherence. Though the NCP structure engages many government ministries, it has not disseminated information among concerned government authorities under its current mandate. The NCP noted that it had not engaged or exchanged with other public authorities, such as public procurement officers, state-owned enterprise officials, or trade and investment officials, on issues related to responsible business conduct. The NCP considers that an ongoing institutional overhaul of the NCP would empower the NCP with a more active role in this area and include more engagement with other governmental actors. The NCP noted that collaboration between different government departments had been enhanced in the context of the government's work on the OECD accession process.

The NCP and government representatives considered that some of the main challenges in Romania related to the growing services sector, the gig economy, the internationalisation of Romanian businesses, and the ongoing efforts by Romania to join the OECD. Feedback from civil society stakeholders considered that sustainability was not viewed as a priority in Romania, including the perception that Romania was doing less than other countries to address related issues. Feedback added the perception that much of the government was working silos concerning issues related to sustainability, which limits communication and impact. An overview of the main government policies and initiatives relating to RBC can be found in Annex D.

Recent governmental policies enabling and promoting RBC

The Romanian Agency for Investment and Foreign Trade, where the NCP secretariat is located, is working towards drafting a strategy for investment and a strategy for business and human rights in accordance with the Guidelines. The strategy will be drafted in collaboration with a currently unnamed international actor and could involve collaboration with the NCP. The Export Council, an industry body co-chaired by the Romanian Agency for Investment and Foreign Trade is working with its stakeholders and with academia on drafting a national strategy for exports.

³⁸ Decision I.1; Procedures I.D.

Romania has a National Sustainable Development Strategy 2030, which was adopted by the Romanian Government on 9 November 2018 through Government Decision 877/2018.³⁹ The strategy was coordinated by the Department of Sustainable Development with contributions from other governmental and stakeholder representatives. The strategy includes how Romania plans to address the seventeen sustainable development goals, including an implementation and monitoring strategy. As noted in the document, the Department of Sustainable Development is allocated a role to ensure policy coherence in the field of sustainable development. The document states Romania's commitment to joining the OECD. The document does not include references to the NCP or the Guidelines or related due diligence guidance.

The Romanian Sustainability Code,⁴⁰ approved by Government Decision no 1.117/2023, is a tool to implement the National Strategy for Sustainable Development. The Code provides stakeholders with information on requirements for sustainability reporting, and included the development of a free governmental platform for reporting. Feedback indicated that the Code had been developed considering the Guidelines, and that the reporting platform could be a tool for the NCP to learn more about specific companies if relevant.

The Department of Sustainable Development is additionally responsible for the National Strategy on Circular Economy,⁴¹ which includes an action plan for implementation. The implementation is coordinated at government level by an interministerial committee that meets every two months. Representatives considered that the NCP could be involved in implementation work relating to RBC in these committee meetings.

As of 2022, Romania has had an Interministerial Committee on Climate Change, established at government level and coordinated by the Prime Minister of Romania. The Committee has a consultative role and includes representatives from all ministries, in addition to representatives from other stakeholder groups. One target is related to training experts on sustainable development. Government representatives considered that cooperation with the NCP on joint promotion in this context would enhance exposure for both parties.

As of 26 January 2024, the Corporate Sustainability Reporting Directive (CSRD) was transposed into Romanian law through Ministry of Finance Order no. 85/2024⁴². The first reporting period is expected in 2025. Negotiations of the draft Corporate Sustainability Due Diligence Directive (CSDDD) are led by the Ministry of Economy with input from the Ministry of Justice and other government agencies. The NCP was not contacted relating to the negotiations but government representatives indicated that the NCP could be contacted relating to the transposition of the CSDDD into Romanian law, should it be adopted in the future.

In terms of presenting RBC as a competitive advantage for companies, the Ministry of Investment and European Projects receives financing proposals aligned with the EU Taxonomy and the do no significant harm (DNSH) principle.⁴³ The Ministry considers proposals on a points basis, where companies may receive more points for additional measures, such as based on accessibility, disability and inclusion, and equal rights. The NCP is not consulted in the points allocation process.

Government representatives indicated an ongoing number of RBC-related policies and initiatives in Romania, such as a national anti-corruption strategy, which includes reducing corruption risks within the business environment, an increase in public transparency through public consultation of legal acts,

³⁹ Available: <https://dezvoltaredurabila.gov.ro/files/public/10000001/Romania-Sustainable-Development-Strategy-2030-en.pdf>

⁴⁰ See : <http://codsustenabilitate.gov.ro/>

⁴¹ Available: <https://dezvoltaredurabila.gov.ro/strategia-nationala-privind-economia-circulara-13409762>

⁴² See: <https://legislatie.just.ro/Public/DetaliiDocument/278502>

⁴³ See the Ministry page: <https://oportunitati-ue.gov.ro/en/>

transition work to a circular economy, reforms for SOE good governance, and the development of a new agency on monitoring public companies, consulted with the OECD. Some feedback indicated that this ongoing work had allowed for the consolidation of relevant stakeholders in a database that might support NCP work. Feedback additionally noted that the Guidelines had been integrated into certain national labour laws, but direct references to the Guidelines or NCP had not been included.

In 2023, at the request of the Romanian Government, acting via the Ministry of Finance, the OECD published a Review of the Corporate Governance of State-Owned Enterprises (SOEs) in Romania.⁴⁴ A short subsection of the report is dedicated to RBC and largely focuses on sustainability-related reporting. The report recommended that related expectations by government are publicly disclosed with clearly established mechanisms for implementation. The report noted that Romania had undertaken important legal and institutional changes over the past decade to improve the governance and performance of its state-owned enterprises, yet significant implementation shortcomings persisted.

National Action Plan on Business and Human Rights

Romania has not adopted or begun drafting a National Action Plan on Business and Human Rights.

The role of the NCP

The NCP does not have an established role to support government policies to promote RBC and noted not having the resources to do so in 2023. However, the NCP reported in 2023 having promoted the Guidelines among embassies abroad, trade and investment promotion agencies, and government agencies. Governmental NCP members expressed having knowledge of the Guidelines and related due diligence guidance.

According to its internal procedures, and in accordance with the Recommendation of the Council on Bribery and Officially Supported Export Credits ([OECD/LEGAL/0447](https://www.oecd-ilibrary.org/governance/oecd-review-of-the-corporate-governance-of-state-owned-enterprises-in-romania_fabf20a8-en)), in the due diligence process before granting official export credit support, EXIM Banca Romaneasca has the obligation to take into consideration any statements or reports made publicly available by the NCP. As of the time of writing, no relevant statements had been published by the NCP.

The Declaration on Promoting and Enabling Responsible Business Conduct in the Global Economy,⁴⁵ and the OECD Recommendation on the Role of Government in Promoting Responsible Business Conduct⁴⁶ are both linked on the NCP webpage. In 2023, the NCP indicated promoting the Recommendation on the Role of government among relevant government officials, particularly those involved in the OECD accession process. However, in general, awareness of the recommendation across government remains low.

⁴⁴ Available: https://www.oecd-ilibrary.org/governance/oecd-review-of-the-corporate-governance-of-state-owned-enterprises-in-romania_fabf20a8-en

⁴⁵ See: <http://investromania.gov.ro/web/wp-content/uploads/2024/01/Declaration-on-Promoting-and-Enabling-Responsible-Business-Conduct-in-the-Global-Economy.OECD-LEGAL-0489-en.pdf>

⁴⁶ See: <https://mneguidelines.oecd.org/oecd-recommendation-on-the-role-of-government-in-promoting-rbc.htm>

	Finding	Recommendation
4.1	Government actors working in RBC-related areas have shown an interest in engaging further with the NCP. The NCP has not engaged with other government actors previously.	The NCP secretariat should actively maintain dialogue with other government actors, building on the momentum started during the peer review.
4.2	Given the existing RBC-related policies and initiatives in Romania, and the willingness to cooperate of the government actors working in RBC-related areas, there is opportunity for policy coordination. The NCP has not established itself as a focal point or relevant actor in such coordination.	The NCP secretariat should seek to establish itself as a focal point for policy initiatives relating to RBC, acting as a resource to relevant government ministries and agencies, and strive to enhance the coherence of such policies and initiatives with the Guidelines.

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. Government policies to promote RBC discussed during the NCP peer review

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

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

Business
Concordia Employers Confederation
Exim Banca Romaneasca
Trade unions
The National Trade Union Bloc
TUAC
Civil society
Sustainability Embassy in Romania (SER) – Ambasada Sustenabilitatii in Romania
OECD Watch

Source: Romanian NCP peer review preparatory phase (2024)

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

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

Government
Department for Sustainable Development
EXIM – Banca Romaneasca
Ministry of Economy, Entrepreneurship and Tourism
Ministry of Education
Ministry of Environment
Ministry of Finance
Ministry of Foreign Affairs
Ministry of Investment and European Projects
Ministry of Justice
Ministry of Labour and Social Solidarity
Ministry of Transport and Infrastructure
Romanian Agency for Investment and Foreign Trade
Business
AmCham
Concordia Employers Organisation
Export Council
Romanian Business Leaders Summit
Romanian Chamber of Commerce and Industry
Trade Unions
MERIDIAN National Trade Union Confederation
National Trade Union Bloc
Civil Society
Centura Verde Platform
Sustainable Business Embassy
OECD Watch
Academia
Bucharest Business University

Annex C. Promotional events

Table A C.1. Promotional activities in 2023 organised or co-organised by the NCP

Title	Date	Location	Size of Audience	Organised or Co-organised	Targeted Audience
Sustainable Finance	17-Mar-2023	Bucharest, Romania	50-100	Co-organised	Business, Government
Romania-Finland Business Forum	10-May-2023	Bucharest, Romania	50-100	Co-organised	Business
Automotive R&D Power Breakfast	13-Jun-2023	Bucharest, Romania	10-50	Co-organised	Business
"OECD Guidelines for Multinational Enterprises on Responsible Business Conduct and the National Contact Point Network	07-Oct-2023	Bucharest, Romania	10-50	Co-organised	NGOs

Source: NCP Annual Report (2023)

Table A C.2. Promotional activities in 2023 participated in by the NCP

Title	Date	Location	Size of Audience	Organiser	Targeted Audience
Romania – Poland Business Forum	28-Mar-2023	Bucharest, Romania	10-50	Romanian Chamber of Commerce and Industry	Business
Romania – Tunisia Business Forum	13-Jun-2023	Bucharest, Romania	10-50	Romanian Chamber of Commerce and Industry & Embassy of Tunisia in Romania	Business

Source: NCP Annual Report (2023)

Table A C.3. Promotional activities in 2022 organised or co-organised by the NCP

Title	Date	Location	Size of Audience	Organised or Co-organised	Targeted Audience
Bucharest Auto Show & Accessories 2022	06-Oct-2022	Bucharest, Romania	>100	Co-organised	Business, Government
Kazakhstan – Romania Economic Forum	07-Oct-2022	Kazakhstan	10-50	Co-organised	Business, Government
Guidebook for Investors in Romania 2022	27-Oct-2022	Bucharest, Romania	>100	Co-organised	Business, Academia, Government
New Horizons for UK – Romania Trade and Investment - 2 nd edition	17-Nov-2022	Online	50-100	Co-organised	Business, Government

Source: NCP Annual Report (2022)

Table A C.4. Promotional activities in 2022 participated in by the NCP

Title	Date	Location	Size of Audience	Organiser	Targeted Audience
Romania-Estonia Business Forum	05-Apr-2022	Bucharest, Romania	50-100	Chamber of Commerce and Industry of Romania and the Estonian Embassy in Bucharest, in partnership with Enterprise Estonia	Business, Government
BRCC New Horizons for UKRomania Trade and Investment Forum	07-Apr-2022	Bucharest, Romania	50-100	British Romanian Chamber of Commerce	Business, Government
Romania in the spotlight	28-Apr-2022	Online	50-100	the Embassy of Romania to the United Kingdom of Great Britain and Northern Ireland and Thames Valley Chamber of Commerce	Business, Government
Kongres590 - We Bring Everyone Together	21-Jun-2022	Warsaw, Poland	>100	Romania - Poland Economic Forum in Warsaw, Poland organized under the patronage of Andrzej Duda, the President of the Republic of Poland	Business, Government
Meeting with the Federation of Austrian Industrialists	14-Jun-2022	Vienna, Austria	10-50	The Federation of Austrian Industries	Business
Cyprus-Romania Forum: Exploring business opportunities in ICT and services	14-Sep-2022	Bucharest, Romania	50-100	The Chamber of Commerce and Industry of Romania in partnership with the Chamber of Commerce and Industry of Cyprus and the Ministry of Energy, Commerce and Industry of the Republic of Cyprus	Business, Government
Romanian Chamber of Commerce (Singapore) & SgTECH Singapore Economic and Cultural Mission to Romania	19-Sep-2022	Bucharest, Romania	10-50	the Romanian Chamber of Commerce, Singapore (RoCham Singapore) together with Enterprise Singapore, SgTech Singapore and Singapore Global Network	Business
Indo-Romanian Investment and Trade Forum	30-Sep-2022	Bucharest, Romania	10-50	The Embassy of India and the Federation of Indian Export Organization (FIEO)	Business
Meeting with Business Sweden	30-Sep-2022	Bucharest, Romania	<10	our team attended a meeting with H. E. Therese Hyden, the Swedish Ambassador Extraordinary and Plenipotentiary in Romania and Mattias Lindgren, Market Area Director Eurasia, Business Sweden	Business, Government

Source: NCP Annual Report (2022)

Table A C.5. Promotional activities in 2021 organised or co-organised by the NCP

Title	Date	Location	Size of Audience	Organised or Co-organised	Targeted Audience
Romania, Your Passport for Successful Business (TN)	04-Feb-2021	Online	50-100	Co-organised	Tunisian business community and international companies
Invest in Romania (FR)	23-April-2021	Online	50-100	Co-organised	French business community and international companies
"IT outsourcing (ITO) industry in Romania (JP)	28-July-2021	Online	10-50	Co-organised	Japanese business community and international companies

Source: NCP Annual Report (2021)

Annex D. Government policies to promote RBC discussed during the NCP peer review

Table A D.1. Main government policies/activities discussed during the NCP peer review

Name of policy/act/initiative	Competent authority	Role of the NCP	Contains reference to the NCP and/or the Guidelines?	Link (if available)
Strategy for investment and a strategy for business and human rights	ARICE	None articulated	Drafted in accordance with the Guidelines	Not available
National Strategy for Exports	The Export Council	None articulated	Unknown	Not available
National Sustainable Development Strategy 2030	Department of Sustainable Development	None articulated	No	https://dezvoltaredurabila.gov.ro/files/public/10000001/Romania-Sustainable-Development-Strategy-2030-en.pdf
The Romanian Sustainability Code	Department of Sustainable Development	None articulated	Drafted in consideration of the Guidelines	http://codsustenabilitate.gov.ro/
National Strategy on Circular Economy	Department of Sustainable Development	Possibility for role of the NCP in implementation	No	https://dezvoltaredurabila.gov.ro/strategia-nationala-privind-economia-circulara-13409762
Interministerial Committee on Climate Change	Prime Minister	Possibility for promotional engagement with the NCP	No	Not available
Corporate Sustainability Reporting Directive (CSRD), transposed into Romanian law through Ministry of Finance Order no. 85/2024	Ministry of Finance	None articulated	N/A	https://legislatie.just.ro/Public/DetaliuDocument/278502
Draft Corporate Sustainability Due Diligence Directive (CSDDD)	Ministry of Economy with input from the Ministry of Justice	Possible role in transposition	N/A	Not available
The New Law on Social Dialogue	Ministry of Labour and Social Solidarity	None articulated	No	Law No. 367/2022

National Contact Point on Responsible Business Conduct Peer Reviews: Romania

This document is the peer review report of the National Contact Point (NCP) of Romania. The objectives of NCP peer reviews are to assess to what extent 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 Romania was conducted by a team of reviewers from the NCPs of Kazakhstan, Portugal, and Spain, along with representatives of the OECD Secretariat.

