



OECD Guidelines for Multinational Enterprises
National Contact Point Peer Reviews
MOROCCO



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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 Morocco 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 Morocco NCP. This report was prepared by a peer review team consisting of reviewers from the NCPs of France, Poland, and Türkiye with the support of the OECD Secretariat. The NCP of France was represented by Maylis Souque. The NCP of Poland was represented by Jacqueline Kacprzak. The NCP of Türkiye was represented by Nilay Camci. The OECD Centre for Responsible Business Conduct was represented by Nicolas Hachez and Maria Xernou. The report was informed by dialogue between the peer review team, the NCP of Morocco and relevant stakeholders during an in-person fact-finding mission on 18-20 October 2022. The peer review team wishes to acknowledge the NCP for the quality of the preparation of the peer review, the availability of documentation in both French and English, and the high quality of discussions during the on-site visit. The NCP of Morocco was represented by Assia Bensaad. 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 19-20 June 2023 meeting and declassified by the Investment Committee on 1 August 2023.

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Key findings and recommendations

Institutional arrangements

The Moroccan NCP has an interagency structure. It is composed of three entities: the interagency body, the NCP Chair and the NCP Secretariat. The interagency body currently consists of ten representatives from one investment promotion agency, six Ministries and three independent public authorities. The NCP Secretariat is hosted by the Moroccan Agency of Investment Development (AMDIE). The NCP Chair is the AMDIE General Director. The Secretariat is currently composed of one part-time member (40%). The staff decreased in the past three years. A Circular of the Head of the Government established the NCP in its current form in September 2014. An Internal Regulation further describes the role, organisation, and functioning of the NCP. However, the duties of the interagency body and the NCP Chair and changes in the NCP's membership since 2014 are not reflected in these documents.

The interagency structure and links to other governmental authorities provide ample access to expertise. Stakeholders in this regard also recognise the added value of the location and interagency structure of the NCP in terms of accessibility and visibility. They welcome the NCP Secretariat's strong leadership and multiple initiatives in fulfilling the NCP's double mandate, although the interagency body could play a more active role in some NCP activities, notably in NCP meetings and promotional events.

Stakeholders also requested more public information on the decision-making process of the NCP and guarantees of its impartiality. Even though the practice of taking decisions by consensus ensures that views of all interagency body members are taken into consideration, the measures put in place by the NCP to guarantee its impartiality should be further developed and publicised. For example, legislation does not cover potential conflicts of interest of all interagency group members and the NCP Chair.

Stakeholders agree on the need for more structured engagement with representatives of all stakeholder groups, including civil society organizations (CSO). In this regard, the NCP recently took initial steps to establish an advisory body. The NCP Chair invited trade union and business organisation representatives in May 2022 to join the NCP structure. The NCP also plans to organise a plenary meeting with the invited representatives. Official documentation will establish the structure and mandate of the advisory body following consultations with its prospective members.

	Finding	Recommendation
1.1	The NCP Secretariat has operated with the same lead staff member since its establishment, which ensures continuity and strong institutional memory. Several interagency body members have also participated in the NCP's activities since its establishment. However, the NCP Secretariat's staff resources decreased significantly in the past five years. The current lead staff member's other duties also increased in the same period.	The human resources of the NCP Secretariat should be reinforced, notably through additional staff with expertise on responsible business conduct. The NCP should also take measures to ensure continuity in case of staff changes in the future, notably through a handover strategy involving the interagency body. The interagency body and the NCP Chair should also better support the NCP Secretariat in achieving the NCP's double mandate.
1.2	The interagency structure of the NCP and its high level Chair are important opportunities for the NCP's authority, visibility and access to expertise. Government representatives and stakeholders overall agree on the need to elevate the profile of the NCP within government, in view of the current sustainable development agenda, and to improve processes for guaranteeing the impartiality of the NCP, and communication around those processes.	Morocco should consider ways to upgrade the level of institutionalisation, and bolster the authority, transparency and perception of impartiality of the NCP, notably by reflecting in updated official documentation the current membership of the interagency body, specific missions and duties for the NCP Chair and the interagency body, decision-making by consensus, rules and procedures on conflicts of interests, and guarantees of the NCP's impartiality.
1.3	Initial steps taken to broaden the NCP structure by setting up an advisory body with trade union and business representatives offer an opportunity to further strengthen the visibility, access to expertise, and perception of impartiality of the NCP. The NCP plans to consult prospective members on draft documentation establishing the advisory body and its mandate.	The NCP should continue with the steps taken to establish an advisory body with stakeholder representatives. In doing so, the NCP should ensure representative diversity in the advisory body, as well as structured engagement with all stakeholder groups, including CSOs.

Promotional activities

The NCP has made strong promotional efforts. It maintains a dedicated website since 2019 and previously had a webpage in the AMDIE website. The NCP has also developed and disseminated promotional material on the Guidelines and the NCP itself since 2017. Although these initiatives have allowed to gain visibility, overall awareness of the existence and mandate of the NCP, the specific instance process, and sectoral due diligence guidance could be further strengthened. Stakeholders recognised these efforts and noted the need to strengthen relations among all stakeholder groups and provide additional resources on the implementation of RBC standards in practice.

The NCP has adopted a promotional plan every year since 2012. The promotional plans consist of a list of actions under the annual action plan, stakeholder groups and representatives to engage, and an indicative time period for each action. The plans are not publicly available.

Further opportunities to increase promotion could be explored through the NCP's structure, in particular by leveraging the interagency body and the NCP Chair. Likewise, collaboration with 'multiplier actors', including stakeholders maintaining regional antennas could increase the reach of the NCP to new target

audiences without requiring significant additional resources. Stakeholders also indicated a need for more resources to strengthen the NCP's visibility.

On policy coherence, the NCP operates in a context whereby several initiatives involving different governmental agencies feed into a national strategy for sustainable development. The NCP is able to engage actively with other authorities thanks to its location and structure. The NCP was notably consulted in legislative initiatives and contributed to the elaboration of the 2018-2021 National Action Plan for Democracy and Human Rights (PANDDH). The adoption of a national action plan on business and human rights is currently pending. There are opportunities to further promote the NCP and RBC across government given interest from other government agencies for increased coordination.

	Finding	Recommendation
2.1	In addition to several promotional events, the NCP maintains a modern, dedicated website in Arabic, French and English. In addition, the NCP translated and disseminates key materials on OECD RBC standards, including the due diligence guidances in Arabic. However, despite these efforts, the visibility of the NCP is relatively low. Stakeholders noted a need for more dissemination of information on the NCP, the specific instance process, and due diligence guidances.	The NCP should further increase its promotional activities, building on its experience so far, in particular by continuing to organise promotional events and developing targeted information and promotional materials with a view to promoting itself and informing the public about its role, its functions, and the specific instance process.
2.2	The NCP maintains strong links with business organisations and trade unions active beyond the capital, but there is a need for more promotion in key sectors and regions at regional level. The NCP also plans to leverage its future advisory body for promotion. The interagency body and the NCP Chair do not engage proactively in the NCP's promotion.	To reach out to stakeholders located outside of the capital, the NCP's promotional plan should more strategically leverage key actors and relationships, including in particular <ul style="list-style-type: none"> • the interagency body, the NCP Chair, and their networks; • other stakeholder networks; • regional antennas of business organisations, trade unions, and CSOs active in Morocco; • in the future, and following its establishment, its advisory body.
2.3.	The NCP operates in a context whereby several initiatives involving different governmental authorities feed into a national strategy for sustainable development. The NCP is able to engage actively with other authorities thanks to its location and structure. There are opportunities to further promote the NCP and RBC across government given interest from other government agencies for increased coordination, and continuous cooperation with the NCP in ongoing initiatives.	The NCP should enhance its contribution to policy coherence by strengthening coordination across the government on the Guidelines and due diligence. For example, the NCP could engage in the potential elaboration in the future of a national action plan on business and human rights in line with its mandate and in coordination with other authorities.

Specific instances

Since its establishment in 2010, the NCP has received five specific instances. At the time of the on-site visit, two of those were concluded by the NCP, two were not accepted, and one was ongoing. Among the concluded specific instances, one resulted in agreement outside the NCP process. No case has led to agreement within the NCP process.

The final section of the Internal Regulation of the NCP describes the specific instance process. An overview of the process is also available on the NCP's website. The relevant section of the Internal Regulation presents some inconsistencies with the Procedural Guidance and does not define the role of NCP entities in the process.

Stakeholders and parties to concluded specific instances welcomed the clear communications, proactivity of the NCP Secretariat, and efforts to align with the indicative timelines, although they also requested more clarity regarding applicable rules of procedures. Parties expressed strong trust in the NCP Secretariat and welcomed the accessibility, transparency, and impartiality of the process.

To further build trust with potential submitters, the NCP could provide additional detail in statements on the issues and rationale of its decisions in specific instances. The NCP should also follow-up on its recommendations and specify relevant timeframes in official documentation and in practice. This would further strengthen predictability of the process and the NCP's visibility.

	Finding	Recommendation
3.1	The final section of the Internal Regulation describes the specific instance process. An overview of the process is also available on the NCP's website. However, stakeholders noted the need for more public information on the process. Certain aspects of the Internal Regulation could also be revised to further align with the Procedural Guidance.	<p>The Moroccan NCP should consider updating the specific instance process in its Internal Regulation regarding notably the following aspects:</p> <ul style="list-style-type: none"> • clear definition of the interagency body, Chair, and Secretariat roles as well of the advisory body when established; • early notification of the concerned company; • sharing the draft statements, including initial assessment statements, with the parties for comments; • coordination with other NCPs in the initial assessment phase; • possibility to issue recommendations irrespective of agreement between the parties; • possibility for the NCP to launch follow-up at its own initiative, follow-up for recommendations, follow-up timeframes and statement where appropriate; • criteria regarding confidentiality of documentation and/or anonymity of the parties in statements; • conflicts of interest policy. <p>The NCP should also publicise and disseminate a short version of the updated specific instance process (e.g. through a flowchart).</p>
3.2	The NCP's final statements in accepted cases do not generally include details on the issues raised and rationale behind the NCP's decision. The NCP also does not follow-up on its recommendations in practice.	The NCP's final statements should, in the future, contain the following elements: a description of the issues, an analysis of the issues, and provisions for follow-up with specific timeframe in case of recommendations and/or agreement between the parties.

1 Introduction

The Moroccan NCP at a glance

Established: 2010

Structure: Inter-ministerial with a secretariat located in the Moroccan Investment and Export Development Agency (AMDIE) and no stakeholder advisory body.

Location: AMDIE.

Staffing: one part-time staff.

Website: <https://pcnmaroc.ma/fr/> [French]; <https://pcnmaroc.ma/ar/> [Arabic]; <https://pcnmaroc.ma/en/> [English]

Specific instances received at the time of the on-site visit: four concluded and one ongoing

The implementation procedures of the Guidelines require NCPs to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability. In addition, the guiding principles for specific instances recommend that NCPs deal with specific instances in a manner that is impartial, predictable, equitable and compatible with the Guidelines. This report assesses conformity of the Moroccan NCP with the core criteria and with the Procedural Guidance contained in the implementation procedures.

Morocco adhered to the OECD Declaration on International Investment and Multinational Enterprises (Investment Declaration) on 23 November 2009. The OECD Guidelines for Multinational Enterprises (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 five times since 1976; the most recent revision took place in 2011.

Countries that adhere to the Investment Declaration are required to establish National Contact Points (NCPs). NCPs are set up to further the effectiveness of the Guidelines and adhering countries are required to make human and financial resources available to their NCPs so they can effectively fulfil their responsibilities, taking into account internal budget priorities and practices.¹

NCPs are “agencies established by adhering governments to promote and implement the Guidelines. The NCPs assist enterprises and their stakeholders to take appropriate measures to further the implementation of the Guidelines. They also provide a mediation and conciliation platform for resolving practical issues that may arise.”²

The Procedural Guidance covers the role and functions of NCPs in four parts: institutional arrangements, information and promotion, implementation in specific instances and reporting. In 2011, the Procedural Guidance was strengthened. In particular, a new provision was added to invite the OECD Investment

¹ Amendment of the Decision of the Council on the OECD Guidelines for Multinational Enterprises, para I(4).

² OECD Guidelines for Multinational Enterprises (2011), Foreword.

Committee to facilitate voluntary peer evaluations. In the commentary to the Procedural Guidance, NCPs are encouraged to engage in such evaluations.

The objectives of peer reviews as set out in the “Revised core template for voluntary peer reviews of NCPs”³ are to assess that the NCP is functioning and operating in accordance with the core 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 template⁴ as well as responses to requests for additional information. The report also draws on responses to the stakeholder questionnaire which was completed by 13 organisations representing government agencies, enterprises, trade unions, civil society and academic institutions (see Annex A for a complete list of stakeholders who submitted written feedback) and information provided during the on-site visit.

The peer review of the NCP was conducted by a peer review team made up of reviewers from the NCPs of France, Poland, and Türkiye, along with representatives of the OECD Secretariat. The peer review included an on-site fact-finding mission which took place on 18-20 October 2022. 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 availability of documentation in both French and English, and the high quality of discussions during the on-site visit.

The basis for this peer review is the 2011 version of the Guidelines. The specific instances considered during the peer review date back to 2003. The methodology for the peer review is that set out in the core template.⁵

Economic context

Morocco’s economy is dominated by the service sector, representing 82% of its gross domestic product (GDP).⁶ Foreign direct investment (FDI) net inflows to Morocco increased by 43.6% to USD 1.9 billion in 2021. In addition, exports amounted, at the end of 2021, to USD 32.2 billion, up 25% year-on-year and 15.6% compared to the pre-pandemic level of 2019, while imports stood to USD 51.8 billion, up 24.7% year-on-year and 7.4% compared to 2019.

Among the sectors that benefited the most from FDI in 2021 are real estate activities (USD 511 million or 27% of total FDI in Morocco), manufacturing industries (USD 324.4 million or 17.3%) and financial and insurance activities (216.3 million or 11.3%). The share of these three sectors in total net FDI flows stands at 55.6% in 2021.⁷

³ OECD, Core Template For Voluntary Peer Reviews Of National Contact Points (2019), [DAF/INV/RBC(2019)4/FINAL]

⁴ *Ibid.*

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

⁶ Morocco notes that the service sector represents 50% of its GDP followed by the industrial sector (26.13% of the GDP).

⁷ Kingdom of Morocco, Foreign Exchange Office, [Morocco's balance of payments and international investment position, Annual report 2021](#).

According to data consulted by the OECD,⁸ in terms of stocks the main investors in Morocco are the United Arab Emirates, France, Spain, Switzerland, and Kuwait, and the main inward investment sectors are manufacturing, real estate activities and telecommunications. Main destinations for outward investment from Morocco are Côte d'Ivoire, France, Luxembourg, Mauritius and Cameroun and the most important sectors are banking and finance activities, followed by real estate activities. The most important partner countries for exports of goods are Spain, France, Brazil, India and Italy while the most important source countries for imports of goods are Spain, the People's Republic of China (hereafter 'China'), France, the United States and Türkiye.

Morocco notes that the net FDI flows from the United Arab Emirates amounts to USD 394 billion in 2021 against USD 168 billion in 2020, followed by the FDI flows from the United Kingdom, then the Netherlands, then the United States. These countries account for 78.4% of the total net FDI flows in Morocco in 2021.⁹

⁸ International Monetary Fund, Coordinated Direct Investment Survey (CDIS), <https://www.imf.org/en/Data>.

⁹ Royaume du Maroc, [Office des Changes](#).

2 Institutional arrangements

Under the Procedural Guidance of the Guidelines, Section I (A): “Since governments are according flexibility in the way they organise NCPs, NCPs should function in a visible, accessible, transparent and accountable manner.”

Legal basis

Morocco adhered to the OECD Investment Declaration in November 2009. The Moroccan NCP was established in 2010 and restructured in 2013.

The NCP was established in its current structure by Circular No. 9/2014 of the Head of Government of 5 September 2014 (the Circular). The Circular outlines the missions of the NCP, its interagency structure and functioning. An Internal Regulation further describes the role, organisation, and functioning of the NCP. The Circular is available on the NCP website in French and Arabic.¹⁰ At the time of the on-site visit, the Internal Regulation was not publicly available.¹¹ Changes in the NCP’s membership since 2014 are not reflected in the official documentation (see also below).

NCP Structure

The NCP has an interagency structure composed of representatives of ten public agencies. During the peer review, the NCP noted its plans and first steps towards establishing an advisory body. The NCP does not have an oversight body. The Chair and Secretariat of the NCP are located in the Moroccan Investment and Export Development Agency (AMDIE). The NCP had a single-agency structure during the first three years of its establishment (2010-2013). The NCP indicates that the restructure in 2013 contributed to its access to expertise, and visibility. It also strengthened its promotional activities (see also below).

Composition

The NCP is composed of three entities: the interagency body, the Chair and the Secretariat. The NCP also recently took initial steps to establish an advisory body (see also below).

The interagency body (‘NCP’ and ‘interagency body’ are used interchangeably): Since 2013, the NCP has an interagency structure formally established through the Circular. Until 2019, the interagency body included an additional representative of the Ministry of General Affairs. The government no longer comprises this Ministry since 2019. However, it is still listed in the Circular (Article 2.3 of the Circular, Internal Regulation ‘Organisation’ section). The NCP currently consists of ten representatives from one investment promotion agency, six Ministries and three independent bodies:

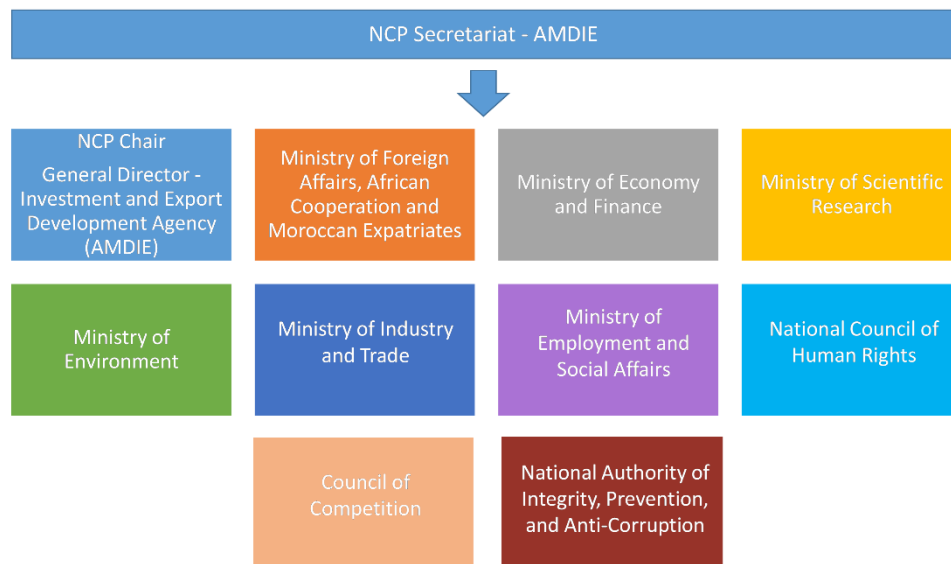
- one investment promotion agency: the Investment and Export Development Agency (AMDIE);
- six Ministries:

¹⁰ <https://pcnmaroc.ma/fr/qui-sommes-nous/>

¹¹ The Internal Regulation became available on the [NCP website](#) since then.

- the Ministry of Foreign Affairs, African Cooperation and Moroccan Expatriates;
- the Ministry of Economy and Finance;
- the Ministry of Scientific Research;
- the Ministry of Energy Transition and Sustainable Development;
- Ministry of Industry and Trade;
- the Ministry of Employment and Social Affairs;
- three independent authorities:
 - the National Council of Human Rights;
 - the Council of Competition;
 - the National Authority of Integrity, Prevention, and Anti-Corruption;

Figure 1. Moroccan NCP structure



Note: the questionnaire is provided by the NCP under review during the peer review preparatory phase.

The NCP Secretariat has been hosted by the Moroccan Agency of Investment Development (AMDIE) since the NCP's establishment in 2010 (Article 2.2), which became the AMDIE in 2017. However, the Circular and Internal Regulation still refer to AMDI. Since at least 2015, the NCP Secretariat is located in the Legal Department of AMDIE. It has been composed of one part-time member since 2021. The staff decreased in the past three years (see also below). The current NCP Secretariat staff has been in charge of the NCP Secretariat since its establishment. Overall stakeholders agree on the professionalism and proactivity of the Secretariat. They further recognise its expertise and credibility.

The NCP Chair is the AMDIE representative in the interagency body (Article 2.2). Since 2016, the position is held by the AMDI and then AMDIE General Director. Seven NCP Chairs have served overall since the NCP's establishment. The current NCP Chair took office in July 2022. He allocates 10% of his time to

NCP-related duties. The NCP Chair's other duties are extensive and cover supervision of all areas of AMDIE's activity.

The interagency body member representatives are appointed by the agency to which they report (Internal Regulation, 'Organisation' section). There is no official rotation system for interagency body members, and turnover has been limited so far. Representatives have served as interagency body members for one to eight years. Two representatives joined the NCP at the time of its establishment. The newest representative joined the NCP in 2022 from the Ministry of Economy and Finance.

Functions and operations

The missions of the NCP consist in contributing to the effective implementation of the Guidelines and encouraging companies to implement them (Circular Articles 1.1.-1.2), including:

- promoting and disseminating the Guidelines;
- conducting awareness-raising activities on the Guidelines;
- responding to inquiries about the Guidelines;
- contributing to the resolution of issues arising from the implementation of the Guidelines in specific instances, by providing a platform for mediation and conciliation;
- issuing an annual report of its activities to be shared with the OECD Investment Committee.

NCP members have an absolute duty of confidentiality regarding all data and information that is not already public, and to which they have access under their NCP duties (Internal Regulation, 'Functioning' Section).

The missions and duties of the Secretariat are not specified in official documentation. In practice, the Secretariat ensures the operations of the NCP by:

- organising and following up on the interagency body's meetings, notably by drafting minutes;
- coordinating the NCP's activities;
- implementing the interagency body's decisions;
- preparing meeting agendas and draft annual reports of activity, and sharing the drafts with the interagency body members for their opinion;
- drafting the annual action plan in consultation with the interagency body;
- organising the supervision of the NCP's work in direct cooperation with the NCP Chair and in consultation with the interagency body;
- organising meetings, conferences, and the participation of the NCP in events;
- liaising with the OECD and stakeholders;
- managing the NCP website and social media.

The role of the NCP Chair is not specified in official documentation. In practice, the NCP Chair i) approves the annual action plan and dedicated budget of the NCP; ii) signs exchanges with the parties to specific instances and administrative documents linked to the NCP's promotional activities; iii) sends invitation letters to meetings and public events of the NCP and iv) oversees the delivery of the NCP's activities. The NCP Chair also occasionally attends interagency body meetings and gives opening remarks in events with government or private sector representatives. The NCP Chair is kept informed on the daily work of the NCP by the Secretariat.

The Circular and Internal Regulation provide details on the NCP's meeting and decision-making processes. The NCP meets at the request and initiative of the Chair. Regular meetings of the NCP take place once a year (Internal Regulation, 'Functioning' Section). Additional meetings may take place when needed. Meetings take place at the AMDIE headquarters, or any other location designated by the Chair. The agenda for each meeting is prepared by the Secretariat and shared with all interagency body members.

The meeting quorum is half of the members, and the voting majority is half of the present members, with the Chair having the casting vote in case of a tied vote. In practice, the NCP meets twice per year. The large majority of interagency body members attends all meetings. The interagency body decides by consensus. Interagency body members indicated that decision-making by consensus ensures that all views are taken into consideration.

The interagency structure of the NCP adds value in terms of *accessibility and visibility*. The NCP relies on its interagency structure for its promotional activities and engagement within government, with stakeholders, and in international fora. In practice, the interagency body members invite the NCP in events they organise to participate as speaker or attend. They also offer to co-organise events with the NCP. Indicatively, the National Council of Human Rights promotes the work of the NCP and the Guidelines in its engagement with companies, at the United Nations Human Rights Council, and as Chair and Vice-Chair of the Global Alliance of National Human Rights Institutions. The Ministry of Foreign Affairs, African Cooperation, and Moroccan Expatriates ensures the link with embassies and diplomatic staff posted abroad. Stakeholders overall agree that the interagency structure of the NCP is one of its major achievements. The majority of stakeholders have a clear understanding of the NCP structure and agree on its strong accessibility. Stakeholders overall recognise the proactivity of the NCP and ask for further representation at regional level. The NCP however aims to further strengthen its visibility among companies in view of growing interest on RBC among Moroccan companies. Government representatives noted opportunities to elevate the profile of the NCP within government considering the high priority of the sustainable development agenda in Morocco. They further noted that official documentation of higher status than a Circular could raise the NCP's visibility within the government.

In terms of *access to expertise*, the NCP relies on its interagency structure and strong links to other governmental authorities. The interagency group membership was designed to leverage expertise in the public sector on the different areas covered by the Guidelines (Circular Article 2.1). Representatives of interagency body members are selected based on their expertise in substantive areas covered under the Guidelines. The National Council of Human Rights notably contributes expertise on business and human rights. Other interagency group members cover environment- (Ministry of Environment), science and innovation- (Ministry of Scientific Research), labour- (Ministry of Employment and Social Affairs) and anti-corruption- (National Office for Integrity, Prevention, and Anti-Corruption) related issues. Beyond the interagency group membership, the NCP can seek the assistance of any public institution, local authority or stakeholder necessary for a specific file or topic (Circular Article 2.3) (for recent consultations across government, see section on Promotion of policy coherence below).

The interagency body and the NCP Chair could be further leveraged in terms of visibility and access to expertise. Interagency body members recognise the NCP Secretariat's strong sense of initiative and leadership on fulfilling the NCP's double mandate. The NCP notes effective teamwork among the three NCP entities and regular informal communication. However, the duties of the interagency body are not specified in official documentation. In practice, its members have not proactively proposed events to be co-organised by the NCP. The NCP also recognises opportunities to further disseminate its work through the interagency group members' networks (e.g. embassies and diplomats posted abroad). Stakeholders also noted that the NCP Chair was little active in supporting the NCP's mandate. The NCP Chair's duties are delegated to the NCP Secretariat, which takes the initiative to organise NCP meetings.

The *transparency* of the NCP is ensured through publication of information on its structure and activities. The NCP notably reports that under the national legal framework on access to documents (Law no 31-13 on the right of access to information), any individual can request access to documents held by a public institution (Art. 14, Law no 31-13). For access to information submitted by a third party as confidential, the public institution decides after requesting the third party's consent (Art. 9). Restrictions may apply notably for reasons of national security or protection of personal data and private life (Art. 7, Law no 31-13; Law no 09-08 on personal data processing). The NCP leverages its website as a strong tool for public updates. Stakeholders welcome the availability of information on the NCP's updated website. They also express

satisfaction at the NCP's availability to respond to requests for information. Some stakeholders indicated a desire for more targeted exchanges. Business representatives noted a need for more public information on the specific instance process. One trade union representative would notably welcome an exchange of ideas with the NCP on trade union rights in view of issues raised in a concluded specific instance (see also Chapter below on Specific Instances).

The NCP reports that its interagency structure also offers guarantees of *impartiality*. Although the NCP has not faced specific concerns so far, some stakeholders raised questions regarding impartiality due to the location of the NCP and the NCP Secretariat in AMDIE. While not disputing the impartiality of individual members, stakeholders note risks linked to AMDIE's focus on promoting investment and exports and close links to the business community.¹² AMDIE's mission covers leading on the research of potential investors and exporters, and promoting the exportable offer of Morocco and the internationalisation of Moroccan companies. Stakeholders were however reassured in this regard by AMDIE's policy to promote sustainable business and investment as well as by the interagency structure, even though they overall indicated a desire for more information on guarantees of impartiality. Official documentation does not address potential conflicts of interest of all interagency group members and the NCP Chair. More specifically, conflicts of interest of interagency group members representing Ministries are not covered by national legislation. Internal regulations apply to representatives of independent authorities.¹³ The NCP further notes that full time public officials may not accumulate other functions or positions in the public sector or wages covered by the State budget, thereby reducing the risk of conflicts in the public sector (Art. 26*bis*, General Statute of the Public Service). The NCP intends to address conflicts of interest in the context of the upcoming establishment of an advisory body. Stakeholders also requested more public information on the decision-making process of the NCP; notably as decision-making processes followed in practice (consensus) diverge from the official documentation.

In this regard, it may be useful for the NCP to integrate in official documentation and publicise details on its structure, functions, and guarantees of impartiality. Updated official documentation could include in particular i) the current membership of the interagency body; ii) specific duties and responsibilities for NCP entities, including a proactive role for the interagency body and the NCP Chair; iii) updated information on organisation and frequency of meetings; and iv) guarantees of impartiality (e.g. applicable regulations on conflicts of interests, decision-making by consensus). The NCP maintains constructive *relations with stakeholders* through its location, structure, formalised partnerships and promotional activities. The interagency structure of the NCP ensures solid basis for access to diverse and broad groups of stakeholders in promotional activities, through the stakeholder networks of interagency group members. At regional level, interagency body members engage with ministerial delegations, public institutions, and sectoral professional associations. Indicatively, the National Council of Human Rights maintains strong links with trade union and civil society organisation (CSO) representatives. The Ministry of Employment and Social Affairs maintains links with the three trade unions currently represented in the Council of Advisors of the Parliament.¹⁴ Structured dialogue also takes place through tripartite advisory bodies, including the Council of collective bargaining, the tripartite Commission on the effective implementation of requirements for dispatch businesses, and the tripartite Commission on consultations for the implementation of international labour standards, since 2007, 2015, and 2018 respectively. Stakeholders appreciate the expertise of the NCP on RBC issues and note opportunities for further engagement. They further ask for regular awareness-raising activities on the work of the NCP and synergies at regional level.

¹² See notably OECD Watch – NCP Morocco; <https://www.oecdwatch.org/ncp/ncp-morocco/>

¹³ e.g. for the Council of Competition, Article 16 of the [Internal Regulation](#).

¹⁴ See website of Parliament of Morocco;

<https://www.parlement.ma/ar/%D8%A8%D8%AE%D8%B5%D9%88%D8%B5-%D8%A7%D9%84%D8%A8%D8%B1%D9%84%D9%85%D8%A7%D9%86-%D8%A7%D9%84%D9%85%D8%BA%D8%B1%D8%A8%D9%8A>

Stakeholders however agree on the need for more structured engagement with representatives of stakeholder groups. They note that efforts to strengthen trust need to go beyond the interagency structure of the NCP. They highlight opportunities to ensure further access to expertise, sectoral approaches, and stronger visibility for the NCP through inclusion of stakeholders in the NCP structure. In order to further strengthen stakeholder engagement and visibility, the NCP recently launched initial steps to establish an advisory body. Following discussions within the NCP and planning since 2021, the NCP Chair invited the three trade unions represented in the Parliament and one business organisation in May 2022 to join the NCP structure. The invited trade unions and business organisation are highly representative of workers and business in Morocco. Official documentation will establish the structure and mandate of the advisory body following consultations with its prospective members.

Stakeholder representatives overall agree on the need to involve representatives of all three stakeholder groups in the NCP's activities, including CSOs. The NCP notes its willingness to ensure a structured engagement with CSOs. Indicatively, the NCP consulted other parts of the government to identify CSOs active on business and human rights and environment issues. Interagency body members also have strong links with CSOs active in the respective thematic areas, including on consumer rights, science and innovation. The Ministry of Environment notably has a structured dialogue with CSOs, including through their participation in the National Council for the Environment.¹⁵ During the on-site visit, CSO representatives with experience in areas covered by the Guidelines were open to further engaging with the NCP.

Resources

The NCP Secretariat's lead staff member has been in place since 2012. This continuity ensures strong institutional memory for the NCP. In order to further minimise the impacts of potential turnover in the interagency group, the NCP Secretariat maintains annual archives of documents, including minutes of meetings, annual action plans, annual reviews, documents shared with the interagency group for input, documents related to specific instances, letters and emails. The NCP is currently drafting a document formalising the NCP Secretariat's work. Interagency body members also contribute to ensuring the NCP's institutional memory. In practice, new members coordinate with their predecessors to ensure transmission of information and continuity.

The NCP Secretariat's staff decreased significantly in the past five years. It currently consists of one part-time member. In particular, one former staff who left recently worked on the NCP since 2012. The staff was not replaced. Between 2018 and 2021, the NCP Secretariat staff decreased from three to one part-time members. The percentage allocated to NCP-related work for the current staff also decreased from 50% in 2019 to 40% in 2020. The workload of the NCP Secretariat on other duties has also increased lately. In response, the NCP recently employed an external consulting firm with expertise on RBC-related issues on ongoing activities for the preparation and participation of the NCP in promotional events. In 2021, the NCP reported challenges linked to organising virtual events and mobilising companies in virtual format. These may be linked to limited human resources. The NCP notes that limited human resources also impact the timeliness of the specific instance process. Interagency group members and stakeholders highlight the need to allocate rapidly additional human resources to the NCP Secretariat, notably to raise the NCP's visibility and strengthen its mediation expertise.

The NCP has a dedicated budget since 2018 provided by AMDIE's general budget. NCP Secretariat staff costs are covered separately under AMDIE's general budget. The dedicated budget is defined based on the activities planned on an annual basis. The NCP previously received resources *ad hoc* for promotional activities and costs related to specific instances. The NCP reports receiving consistently the necessary

¹⁵ See notably Ministry of Energy Transition and Sustainable Development, [Representation of the National Council for the Environment](#).

financial resources for its activities, including on training. However, the NCP's dedicated budget decreased by 30% since its establishment. In 2020 and 2021, it decreased to 20% of its previous budget due to the sanitary situation and related budgetary restrictions. Stakeholders overall consider the NCP not to have enough human resources in light of its mandate and activities. They call for more resources and full-time staff to strengthen the NCP's visibility and allow it to fulfil its mandate.

Reporting

The NCP has regularly submitted its annual report to the Investment Committee since 2012 and makes its reports publicly available. All interagency group members receive the draft annual report before submission for their input on promotional activities, legal and regulatory developments, and any other update related to the Guidelines. Stakeholders welcome the publication of annual reports on the NCP's website. The NCP does not report to Parliament. The National Council of Human Rights updates the Parliament on business and human rights-related issues, including NCP-related updates, when reporting to Parliament as an independent authority.

The NCP's practice on reporting to government has evolved in the previous years. In 2021, the NCP reported on an ongoing basis to the interagency group. The interagency group members then reported to their hierarchy on the annual report to the OECD Investment Committee. The NCP also reports on its budget to the Board of Directors of the AMDIE. The official documentation does not specify a reporting process and frequency. The NCP previously noted reporting to the government (i) more than three times a year (2019), (ii) once a year (2016), (iii) on *ad hoc* basis (2015). According to its annual report to the OECD in 2018 and 2020, the NCP did not report to government. In 2016, the NCP reported to the head of government.

The NCP does not have an oversight body. The interagency group members receive regular updates on the NCP's activities by the NCP Secretariat. They are bound by professional secrecy for the facts, acts and information of which they may become aware during the performance of their duties. This obligation also applies after the end of their mandate (Article 3.4 of the Circular). In practice, interagency body members report to their respective hierarchies the receipt of specific instances and when cases are ongoing and concluded. They do not provide updates to their hierarchies during the process. They have not received requests from their superiors for further information on ongoing specific instances. Even though in practice the autonomy of the NCP is respected, the absence of clear rules may create confusion as to reporting lines to hierarchies and guarantees of impartiality.

	Finding	Recommendation
1.1	The NCP Secretariat has operated with the same lead staff member since its establishment, which ensures continuity and strong institutional memory. Several interagency body members have also participated in the NCP's activities since its establishment. However, the NCP Secretariat's staff resources decreased significantly in the past five years. The current lead staff member's other duties also increased in the same period.	The human resources of the NCP Secretariat should be reinforced, notably through additional staff with expertise on responsible business conduct. The NCP should also take measures to ensure continuity in case of staff changes in the future, notably through a handover strategy involving the interagency body. The interagency body and the NCP Chair should also better support the NCP Secretariat in achieving the NCP's double mandate.
1.2	The interagency structure of the NCP and its high level Chair are important opportunities for the NCP's authority, visibility and access to expertise. Government representatives and stakeholders overall agree on the need to elevate the profile of the NCP within government, in view of the current sustainable development agenda, and to improve processes for guaranteeing the impartiality of the NCP, and communication around those processes.	Morocco should consider ways to upgrade the level of institutionalisation, and bolster the authority, transparency and perception of impartiality of the NCP, notably by reflecting in updated official documentation the current membership of the interagency body, specific missions and duties for the NCP Chair and the interagency body, decision-making by consensus, rules and procedures on conflicts of interests, and guarantees of the NCP's impartiality.
1.3	Initial steps taken to broaden the NCP structure by setting up an advisory body with trade union and business representatives offer an opportunity to further strengthen the visibility, access to expertise, and perception of impartiality of the NCP. The NCP plans to consult prospective members on draft documentation establishing the advisory body and its mandate.	The NCP should continue with the steps taken to establish an advisory body with stakeholder representatives. In doing so, the NCP should ensure representative diversity in the advisory body, as well as structured engagement with all stakeholder groups, including CSOs.

3 Promotion of the Guidelines

Promotional plan

The NCP adopts a promotional plan every year since 2012. The promotional plans consist of a list of actions under the annual action plan, stakeholder groups and representatives to engage, and an indicative time period for each action. It is not publicly available. For 2022, actions cover

- monthly newsletter with updates on RBC and due diligence;
- establishment of a partnership with a CSO promoting RBC among companies;
- engagement with two academic representatives through promotional activities;
- co-organising thematic promotional activities in person and online with a business partner;
- cooperating with trade union representatives in promotional activities.

Overall, the NCP and stakeholders recognise the need to further raise the NCP's visibility. The NCP has not monitored the level of awareness regarding the Guidelines in Morocco. Stakeholders overall agreed that the level of awareness of the Guidelines and due diligence standards among companies in Morocco is high, in particular among large multinational enterprises based abroad and their subsidiaries. However, companies need additional resources and knowledge on the implementation of RBC standards. There is also a need to raise awareness among small and medium sized enterprises in key areas at regional level, notably in the agricultural, manufacturing or mining global value chains.

The NCP maintains a contact database from previous activities. Stakeholders ask for more promotional activities involving stakeholder groups, including CSOs, and trade unions in particular. They note the need for links with potential submitters at regional level, and promotional activities focusing on key themes per sector, the NCP itself and the specific instance process. They further request more information on the functioning of the NCP, the specific instance process, the criteria applied by the NCP for the acceptance of cases, and the added value of mediation.

Stakeholders also noted the need for the NCP to further reach out to different stakeholder groups beyond government. Several stakeholders notably asked for more promotional activities with academia and CSOs. Business and academia representatives noted opportunities to further raise the visibility of the NCP in view of ongoing developments on mandatory due diligence at the European Union and in European countries.

The NCP already has prospects for increasing stakeholder engagement and reaching out to new audiences beyond the capital. These include i) the interagency body members, which maintain strong networks of stakeholders active at regional level; ii) formalised cooperation with key stakeholders who can act as 'multiplier actors' (e.g. Morocco Global Compact Network), and iii) stakeholders with regional antennas (e.g. General Association of Moroccan Enterprises (CGEM)) (see also Promotional events below). The NCP could be more strategic in leveraging these links for promotional purposes. Interagency group members note opportunities to further reach out to their networks after a period of limited interaction due to the Covid-19 pandemic. Stakeholders also note the need for additional human resources to strengthen the NCP's outreach and increase its visibility.

Information and promotional materials

The NCP disseminates information on its mandate and the Guidelines through a flyer, a monthly newsletter, press releases and translated material. More specifically:

- the NCP issued a flyer in paper and online format in 2018.¹⁶ The flyer provides an overview of the legal nature and Chapters of the Guidelines, the role of the NCP, and the specific instance process (based on the Internal Regulation). The flyer also includes the contact details (phone, email, and address) of the NCP and describes the NCP's structure and location.
- in 2021, the NCP launched a newsletter focused on RBC updates in Morocco and abroad. The newsletter provides stakeholders with monthly updates, including on sectoral due diligence guidance. The March 2022 newsletter notably presented (i) RBC initiatives in the private sector; (ii) environmental, social and governance (ESG) developments in Morocco, Africa, and at global level, and (iii) the due diligence guidance in the agriculture sector.¹⁷ The NCP shares the newsletter with its contact database;
- in addition to its dedicated newsletter, the NCP shares updates on its activities through monthly AMDIE newsletters;
- the NCP also publishes press releases in printed and electronic format. Press releases present the events and activities organised and/or co-organised by the NCP and events where the NCP participated. The NCP website notably includes a press release in French from a thematic event on corporate social responsibility under the Guidelines;¹⁸
- the NCP also translated into Arabic (i) the Guidelines,¹⁹ (ii) the Due Diligence Guidance for Responsible Business Conduct,²⁰ and (iii) the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector;²¹
- since 2017, the NCP has been distributing USB sticks with a promotional brochure on the NCP, the Guidelines, sectoral due diligence guidance.

Stakeholders indicated being aware of the translated material and welcomed its dissemination. They welcomed in particular the translation of sectoral due diligence guidance.

Promotional events

The NCP organised and co-organised several promotional events on a regular basis in the past few years (see Annex C Promotional Events). The NCP is very active at national and regional level with six to nine events organised or co-organised per year prior to the Covid-19 pandemic. The NCP organises both events for broad and diverse audiences and targeted activities for government and stakeholder representatives. Targeted events often focus on key sectors, including the garment and footwear, and agriculture sectors. Participants in broad events include (i) government, including diplomatic and consular staff and sectoral agencies, (ii) companies and business organisations, (iii) business and legal professionals active in Morocco and Africa, (iv) trade unions, (v) CSO representatives, and (vi) other NCPs. In terms of covered topics, broad events notably (i) introduce the Guidelines and due diligence, in particular on key themes of interest for participants (e.g. focus on Environment Chapter VI) present sectoral due diligence guidance; (ii) examine initiatives and good practices on sustainable development and business and human rights in

¹⁶ [Dépliant PCN 2018](#).

¹⁷ [NCP Newsletter](#), March 2022.

¹⁸ [Communiqué de presse](#), 10 April 2020.

¹⁹ [NCP website \(Arabic\)](#).

²⁰ NCP website (Arabic), [Due Diligence Guidance](#).

²¹ NCP website, [Qui sommes nous](#).

the national and regional context. The NCP also organised training for trade unions and NCPs (see also below).

In 2022, the NCP intensified its promotional activities following reduced activity during the pandemic. The NCP reported challenges linked to organising virtual events and mobilising companies in virtual format. These are challenges experienced by most NCPs during the Covid-19 pandemic. Despite challenges, the NCP managed to maintain a certain level of activities. More specifically, the NCP organised three virtual events in 2021 and one event in person in 2020. In 2022, the NCP seized opportunities to organise in-person events to re-establish links with stakeholders. By September 2022, the NCP had organised (i) a side session of the OECD Forum on Due Diligence in the Garment and Footwear Sector (see also Box 4.1); (ii) training for trade unions on the Guidelines;²² (iii) a webinar on sustainable and responsible agro-industrial sectors.²³

Box 1. Parallel session of the OECD Garment Forum co-organised by the NCP and IndustriALL Global Union

On 23-24 February 2022, the NCP and the trade union IndustriALL Global Union co-organised a parallel session in the context of the OECD Forum on Due Diligence in the Garment and Footwear Sector on “Promoting social dialogue in the textile, garment, footwear and leather sector in Morocco”.

The session

- outlined the impact of the pandemic on supply chains and the consequent challenges for business and workers in the sector;
- allowed participants to exchange good practices in addressing these impacts;
- examined tools, policies, and global initiatives promoting social dialogue beyond the pandemic which could support the efforts of Moroccan social partners.

Speakers included the NCP, IndustriALL in the Middle East and North Africa (MENA) region, the Moroccan Workers’ Union (UMT), IndustriALL’s Moroccan affiliate Syndicat National de Textile Habillements et Cuir (SNTHC-CDT), General Association of Moroccan Enterprises (CGEM), the Moroccan Association of Textile and Apparel Industries (AMITH), Cluster textile denim fast fashion, and the Ministry of Industry and Trade. During its intervention, the NCP presented itself, its role in Morocco, and the OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector.

The conference took place on a hybrid format. Approximately 60 individuals attended the event in Casablanca. Participants included representatives of business associations active in the sector and subsectors (e.g. leather industry), members of the interagency body (e.g. National Council of Human Rights, the National Authority of Integrity, Prevention, and Anti-Corruption), and government representatives with links in the sector (e.g. Moroccan Agency for the promotion of small and medium-sized enterprises). Speakers participated in person and participants could join at the event venue in Casablanca or virtually. The event was interpreted in both Arabic and English.

Source: [NCP Website](#); [IndustriALL website](#)

In May 2018, the NCP also financed and organised a training for its members and members of other NCPs, with the OECD Secretariat. The NCP mobilised experts of the Judicial Training Academy (ERSUMA) under

²² See [Formation au profit des membres de la Confédération Démocratique du Travail](#) (4 June 2022).

²³ See [Le Point de Contact National Marocain organise un webinaire autour du thème : Pour les filières agro-industrielles durables et responsables](#) (2 June 2022).

the Organisation for the harmonisation of business law in Africa (OHADA) on “Mediation: tools and techniques for more effective dispute resolution” and provided tailored support to NCPs on handling specific instances. The moderator and speakers of the event included the General Director of ERSUMA, and lawyers experienced in mediation. The two-day event covered, among other topics, (i) terms of reference related to confidentiality, transparency, and impartiality, (ii) the interplay between mediation and judicial proceedings or arbitration; and (iii) an overview of the three stages of mediation. The NCP took the initiative for this event following its experience on a then ongoing specific instance.

Other landmark events organised or co-organised by the NCP since its establishment include the following:

- in September 2016, the NCP organised a conference entitled “Responsible company: environment and climate change”. In the context of the event, the NCP presented (i) the legal and institutional framework on RBC in Morocco; (ii) its mandate; (iii) business risks, corporate initiatives and the role of stakeholders in addressing climate change;
- in November 2014, the NCP co-organised a capacity-building workshop for NCPs in the MENA region with the International Coordinating Committee of National Human Rights Institutions, Shift, a non-profit centre for business and human rights practice, and the OECD Secretariat. The two-day event focused on (i) strengthening the performance and efficiency of NCPs; (ii) reinforcing their learning capacities and mediation expertise; and (iii) sharing mediation tools and techniques. The workshop was tailored to NCPs in the region. It notably covered topics related to the 2011 revision of the Guidelines, the double mandate of NCPs, and examples of specific instances.

The NCP also participates regularly in several promotional events organised by others. The NCP participated in six (2021, 2018), to nine (2017) events organised by others per year (see also Annex C). The number of events decreased in 2021 due to the pandemic. The interagency body members invite regularly the NCP Secretariat to events. Indicatively, the NCP participated in events organised by the National Council of Human Rights and AMDIE. In its 2021 Annual Report to the OECD, the NCP reported participating in:

- a virtual conference focusing on new NCPs;
- a series of webinars on environment and biodiversity for business, organised by the CSO ‘RSE et PED’. The NCP’s presentation covered its mandate, the Environment Chapter of the Guidelines, the international legal framework on protection of the environment applicable in Morocco, the national legislative framework, and the national strategy on the topic;
- a conference organised by the trade union Democratic Confederation of Labour (CDT) in December. During the event, the NCP distributed the material translated in Arabic mentioned above.

The NCP has been reaching out to different stakeholder groups to build relationships and partnerships. The annual action plans of the NCP notably include (i) academic institutions; (ii) sectoral business organisations; (iii) foreign chambers of commerce in Morocco; and (iv) trade unions. Since 2019, the NCP has launched three communication campaigns through its website, involving 26 000 trade union, business, and government representatives. Within government, the NCP engages through its interagency structure at central and regional level. The NCP reports promoting the Guidelines among parts of the government and stakeholder groups. The NCP further disseminates information to stakeholders in line with its action plan. The NCP has not organised stakeholder meetings since the break-out of the pandemic. Although the NCP organises and participates in events organised by all stakeholder groups, CSOs and embassies abroad received less targeted promotion from the NCP in the past few years.

Website

The NCP has a dedicated website since May 2019. The NCP previously maintained a dedicated webpage on the AMDIE website since 2010. The website is available in Arabic, French, and English.²⁴ It is easily identified through online search engines, well-designed and comprehensive. Stakeholders shared overall positive experiences from access, navigation, and availability of information in the NCP's website. They noted that recent updates to the website make it more user friendly and well designed. In practice, the website plays an important part in the NCP's promotional efforts and its accessibility. The NCP updated its website in 2019 and notes that this has strengthened its visibility and accessibility. The NCP also recently took steps to improve the natural referencing of its website, including its positioning in the ten first search results on the main search engines.

Information available on the website of the NCP is extensive. It covers:

- a main page with links to (i) recent activities; (ii) an overview of the NCP; (iii) an introduction to the Guidelines; (iv) an introduction to the NCP Network; (v) NCP News; (vi) an FAQ; (vii) the submission form for specific instances; (viii), subscription to the NCP newsletter. The link to the submission form is available under all website sections;
- an overview of the NCP, including links to the Circular establishing the NCP in Arabic and French (see above), a description of its mandate, structure, and membership of the interagency body, and reference to its functioning reflecting the Internal Regulation;
- a section on the missions of the NCP, including tabs on (i) the promotion of the Guidelines; (ii) response to enquiries; (iii) the specific instance process; (iv) the publication of an annual report to the OECD Investment Committee;
- a section on the Guiding Principles, including a short description of their legal nature, a short description of the Chapters, and a link to the OECD sectoral due diligence guidance;
- a section on the specific instance process, including (i) a broad description of potential submitters and an overview of the three steps of the process in line with the Internal Regulation; (ii) description and, where applicable, statements in the concluded and ongoing specific instances (see also below); (iii) a link to the OECD;
- a section on publications covering (i) the annual reports of the NCP to the OECD Investment Committee since 2012; (ii) a tab on publications to which the NCP contributed. The tab provides the link to a press release published in April 2020 (see also above on Information and promotional material);
- a section on latest updates covering updates on (i) the NCP's work and recent activities; (ii) RBC in Morocco; and (iii) RBC events and developments at regional and global level;
- a calendar with an overview of recent and upcoming events.

The NCP monitors regularly in the past few years use of its website as a means of identifying interest in its work. During the past one year, the website was most frequently visited in January, followed by May and September 2022. Overall, the number of visits is stable throughout the year.

The NCP also promotes its work and the Guidelines through an active LinkedIn account since 2021.

Stakeholders agree that the NCP makes excellent use of communication tools and social media. They note opportunities to further leverage existing tools for promotion among different groups of stakeholders. One trade union representative noted that the NCP can be more active on social media. One stakeholder representative noted opportunities to strengthen accessibility of the specific instance process through a

²⁴ <https://pcnmaroc.ma/fr/> [French]; <https://pcnmaroc.ma/ar/> [Arabic]; <https://pcnmaroc.ma/en/> [English]

more comprehensive submission form (e.g. reference to multiple Chapters of the Guidelines and more than one company).

Promotion of policy coherence

Several policy initiatives on RBC involving governmental agencies in Morocco during the past few years feed into a national strategy for sustainable development. Relevant measures are taken at national, bilateral, and multilateral level. For example, Morocco includes clauses referencing RBC in its bilateral investment treaties (BITs), including a provision on the social and environmental responsibility of the investors.²⁵ The BIT with Brazil, concluded in 2019, notably references AMDIE as the National Focal Point (“Ombudsman”).²⁶ This role is attributed in practice to the NCP. The NCP is notably responsible to facilitate resolution of disputes in coordination with the competent governmental authorities and the pertinent private organisation. In addition, regulation in force since 2013 establishes sanctions linked to the protection of the environment and sustainability under trade legislation.²⁷ In 2020, Morocco adopted a law providing for the establishment of an environmental impact assessment mechanism for public policies, development plans and programmes. The law notably established an environmental audit process for industrial units and activities, and measures to support environmental compliance in the private sector (Law 49-17 on Environmental Assessment, 13 August 2020). During the same year, Morocco issued administrative guidance on the environmental impact of public infrastructure and a methodological guide on its implementation. The documents note the applicability of sustainable development principles in the private sector and refer to due diligence. In 2021, framework legislation for state-owned enterprises aimed, among others, to strengthen their social efficiency.²⁸ The National Human Rights Council has also been working consistently to raise awareness about business and human rights issues across the government, and among business and CSOs.

Morocco does not have a separate national action plan (NAP) on business and human rights. A chapter on business and human rights was integrated to the 2018-2021 National Action Plan for Democracy and Human Rights (PANDDH).²⁹ The PANDDH was adopted in December 2017.³⁰ The NCP participated in the relevant consultations through coordination with the National Council of Human Rights on the thematic Chapter regarding business and human rights, which forms sub-section VII of the PANDDH. The first planned measure under the PANDDH is the elaboration and adoption of a national action plan on business and human rights, through engagement with all stakeholders.

The NCP engages actively with other governmental authorities on RBC issues through the interagency group membership, location, and proactivity of the NCP Secretariat. According to the NCP, its interagency structure allows for high visibility within the government and with different groups of stakeholders. The NCP has notably coordinated with other authorities on these initiatives, including the draft BITs. Its role in policy coherence is notably achieved through common activities. The interagency group members disseminate actively information on the NCP’s activities to other ministries. Moreover, they invite the NCP to participate in their RBC-related activities (see also above). The NCP notably reports cooperation in promotional activities organised by the National Council of Human Rights and AMDIE. These activities could be

²⁵ Art. 20, [Model Morocco BIT](#).

²⁶ Art. 15, [Morocco-Brazil BIT](#).

²⁷ [Law no 13-03 on combatting air pollution](#), Art. 13-21 ; [Law no 12-03 on environmental impact assessments](#); Decree n° 2-04-564 du 5 kaada 1429 (4 novembre 2008) on the procedures for the organisation and conduct of the public inquiry relating to projects subject to environmental impact assessments.

²⁸ Framework legislation no 50-21 on the reform of public institutions and enterprises.

²⁹ [Le plan d’action national en matière de démocratie et des droits de l’Homme \(2018-2021\)](#).

³⁰ National Action Plans on Business and Human Rights, [Morocco](#).

intensified and become more regular. Moreover, additional opportunities could be further leveraged, e.g. through embassies and diplomats posted abroad.

The NCP also disseminates updates, including questionnaires and surveys on OECD initiatives, among competent governmental authorities. Indicatively, the NCP has shared (i) OECD documents on RBC in public procurement with the competent ministerial departments for their input; and (ii) sectoral due diligence guidance with ministries competent on the relevant sectors. The NCP seizes this opportunity to also present the Guidelines, due diligence standards, and its sectoral work to the involved public officials. Indicatively, the NCP organised two meetings to collect responses across the government on the OECD draft legal instrument on policy coherence for RBC. Participants notably included the Ministry of Agriculture and the Ministry of Energy and Mines. Government representatives welcome the regular dissemination of material from the NCP. They would welcome more material on sectoral due diligence guidance and tools.

Requests for information

The NCP has the contact details listed on the website (email, telephone, and address). It invites users to contact for any enquiries through the dedicated section and link on its website (see above).

Cooperation amongst NCPs

The NCP participates in events organised by other NCPs, organises events and trainings targeted or involving NCPs (see above), and engages with other NCPs through multilateral and bilateral meetings (see also Chapter on Specific Instances below).

	Finding	Recommendation
2.1	In addition to several promotional events, the NCP maintains a modern, dedicated website in Arabic, French and English. In addition, the NCP translated and disseminates key materials on OECD RBC standards, including the due diligence guidances in Arabic. However, despite these efforts, the visibility of the NCP is relatively low. Stakeholders noted a need for more dissemination of information on the NCP, the specific instance process, and due diligence guidances.	The NCP should further increase its promotional activities, building on its experience so far, in particular by continuing to organise promotional events and developing targeted information and promotional materials with a view to promoting itself and informing the public about its role, its functions, and the specific instance process.
2.2	The NCP maintains strong links with business organisations and trade unions active beyond the capital, but there is a need for more promotion in key sectors and regions at regional level. The NCP also plans to leverage its future advisory body for promotion. The interagency body and the NCP Chair do not engage proactively in the NCP's promotion.	To reach out to stakeholders located outside of the capital, the NCP's promotional plan should more strategically leverage key actors and relationships, including in particular <ul style="list-style-type: none"> • the interagency body, the NCP Chair, and their networks; • other stakeholder networks; • regional antennas of business organisations, trade unions, and CSOs active in Morocco; • in the future, and following its establishment, its advisory body.
2.3.	The NCP operates in a context whereby several initiatives involving different governmental authorities feed into a national strategy for sustainable development. The NCP is able to engage actively with other authorities thanks to its location and structure. There are opportunities to further promote the NCP and RBC across government given interest from other government agencies for increased coordination, and continuous cooperation with the NCP in ongoing initiatives.	The NCP should enhance its contribution to policy coherence by strengthening coordination across the government on the Guidelines and due diligence. For example, the NCP could engage in the potential elaboration in the future of a national action plan on business and human rights in line with its mandate and in coordination with other authorities.

4 Specific instances

Overview

As of the date of the on-site visit, the NCP had received five specific instances in total (all after 2011). Two specific instances had been concluded by the NCP, two were not accepted, and one was ongoing.

1. Among the closed cases:

- one specific instance was concluded with agreement outside the NCP process;³¹
- one specific instance was concluded without agreement;³²
- one specific instance was not accepted because the NCP found that the issues were not material and substantiated and they did not fall under its mandate;³³
- one specific instance was not accepted because the NCP found that the issues were not material and substantiated and that no links could be made between the allegations and the Guidelines.³⁴

In both concluded cases, the NCP made recommendations. At the time of the on-site visit, the ongoing specific instance was entering the good offices phase.

Specific instances handled by the NCP concern activities in the offshoring, administrative and support service, financial and insurance, transport, and automotive technology sectors. In terms of submitters, individuals have submitted three out of five cases (60%). The other two cases were submitted by trade unions (40%). In terms of involved companies in concluded cases, two cases concerned companies based abroad and two cases concerned companies based in Morocco, including a state-owned enterprise.

The cases handled by the NCP concerned issues under the chapters on Employment and Industrial Relations (Chapter V) (three cases), Disclosure (Chapter III) (two cases), Human Rights (Chapter IV) (two cases), and Consumer Interests (Chapter VIII) (two cases).

An overview of all cases handled by the NCP is available in Annex D.

Rules of Procedure

Overview

The final section of the Internal Regulation of the NCP describes the specific instance process. An overview of the process is also available on the NCP's website.³⁵ The NCP notes that it further disseminates information on the specific instance process through its promotional activities. However, stakeholders asked for more public information on the applicable Rules of Procedure, including in particular a short

³¹ Specific instance 4 involving an aviation company.

³² Specific instance 3 involving an automotive technology company.

³³ Specific instance 1 involving a Swiss-based insurance company.

³⁴ Specific instance 2 involving a US-based audit company.

³⁵ <https://pcnmaroc.ma/en/specific-instances/>

public version covering the main steps of the process. Parties in concluded specific instances would notably welcome more detail on the role of the NCP entities throughout the process, criteria considered by the NCP in the initial assessment phase and the guiding principles followed by the NCP throughout the process. However, parties to concluded specific instances noted clear and proactive communications with the NCP Secretariat on the process.

The Internal Regulation section on Specific Instances is short and divided into three sections:

- Step 1: Examination of the admissibility of the request by the NCP (Initial assessment and decision on whether to offer its good offices to the parties)
- Step 2: Good offices
- Step 3: Drafting of the statement or report.

Filing a complaint

The Internal Regulation section on Specific Instances opens by stating that any person or organisation that considers that the Guidelines have not been observed by a multinational company operating in Morocco, or by a Moroccan multinational company operating in any country, may submit a case to the NCP.

Specific instances can be submitted online through a form available in French on the NCP's website,³⁶ in person or by mail addressed to the NCP Chair. One government representative also noted the possibility to submit a case on the phone number available on the NCP website. The form requires to submit three types of information:

- personal contact details of the submitter,
- information on the concerned company, *i.e.*
 - name of the company,
 - head office,
 - sector of activity,
 - legal representative,
 - contact details, and
- details on the alleged non-observance of the Guidelines:
 - applicable Chapter of the Guidelines;
 - location of the events;
 - short description of the facts attributed to the company;
 - whether the submitter has already been in contact with the company;
 - record and outcome of potential exchanges;
 - information on parallel proceedings, including the seized authority, stage of the ongoing process, decision, and potential submissions to other NCPs;
 - expectations from the submission;
 - list of supporting documentation;
 - language of the documentation; the form specifies that the NCP handles specific instances in French, Arabic, and English;
 - any additional information.

The Internal Regulation and submission form do not specify

³⁶ <https://pcnmaroc.ma/fr/saisir-pcn/>

- whether support is provided to submitters in submitting their case, in particular when the submission is incomplete;
- whether the NCP acknowledges receipt of a submission;
- at what stage the NCP informs the concerned company about the receipt of the specific instance;
- the respective roles of the NCP Secretariat and the NCP interagency body in handling the case.

Overall, stakeholders agree that the submission process is clear and easily accessible online. They note clear and helpful communications with the NCP Secretariat on their application.

The NCP Secretariat informs the interagency body of the receipt of specific instances upon submission.

Initial assessment

The Internal Regulation specifies the elements taken into consideration by the NCP to decide whether the specific instance merits further examination (Specific Instances Section, Step 1). In assessing the admissibility of the submission, the NCP determines whether the issue is raised in good faith and relevant to the Guidelines, based on the following elements:

- the identity of the party concerned and its interest in the matter;
- the significance of the issue and the evidence provided in support of it;
- the apparent link between the company's activities and the issue raised in the specific instance;
- the relevance of applicable laws and procedures, including court decisions;
- the manner in which similar issues are (or have been) dealt with at the national or international level;
- the relevance of the issue in view of the objectives of the Guidelines and the effectiveness of their implementation.

If a specific instance is accepted, the NCP has the discretion to issue an initial assessment statement. The draft statements are prepared by the NCP Secretariat, and then shared with the interagency body members for input. The NCP does not share the initial assessment with the parties for comments or corrections.

The NCP should share draft initial assessment statements with the parties for comments in line with Commentary para. 36 to the Procedural Guidance. The NCP could also further strengthen the transparency of handling specific instances by providing for the possibility to make publicly available the initial assessment statements in accepted specific instances as made possible under Commentary para. 33 to the Procedural Guidance.

If a specific instance is not accepted, the NCP publishes a statement setting out the issues raised and the reasons for its decision, after consulting the parties concerned and taking into account the need to respect the confidentiality of data deemed confidential.

Good offices

Step 2 under the Internal Regulation describes briefly the nature and process of the good offices phase. To help the parties resolve the issues, the NCP consults with them and, as appropriate:

- seeks advice from the competent authorities and/or representatives of the business community, labour organizations, other non-governmental organizations and experts;
- consults the NCP of the other country (or countries) concerned;
- seeks the advice of the Investment Committee if it has doubts about the interpretation of the Guidelines in the case;
- proposes and, with the agreement of the parties involved, facilitates access to consensual means to assist the parties in resolving the issue.

The Internal Regulation does not specify whether mediation is conducted by the NCP itself or if parties may designate an external mediator.

Conclusion of the specific instance

Step 3 under the Internal Regulation addresses the stage of the drafting of a statement or report. At the end of the process, the NCP publishes:

- a report if the parties reach agreement. In this report, the NCP outlines the issues raised, the procedures followed, and indicates when the agreement was reached. Information about the content of the agreement is included only if the parties concerned give their approval;
- a statement if agreement is not reached or one of the parties does not wish to engage in the procedure. In this statement, the NCP specifies the issues raised, the reasons why it decided to accept the case, the procedures followed to facilitate agreement, and recommendations on the implementation of the Guidelines as deemed appropriate. The statement may also indicate the reasons why it was not possible to reach an agreement.

The NCP Secretariat prepares the draft report or statement and shares it with the interagency body members and parties for comments or corrections. The NCP Secretariat informs the interagency body members of any comments received and consequently prepares and shares a revised draft with the interagency body for comments or corrections. The interagency body decides at its discretion to reflect comments in the final version.

The Internal Regulation only provides the possibility of issuing recommendations in accepted cases which do not result in agreement. In practice, the NCP has also issued recommendations in cases resulting in agreement outside the NCP process. The NCP could consider aligning the Internal Regulation with its practice by extending the possibility of issuing recommendations in all specific instances.

The Internal Regulation does not refer to the possibility for the NCP to make determinations. The NCP has not made determinations in practice.

The NCP Secretariat reports to the OECD Investment Committee on the outcome of the specific instance process.

Case follow-up

Step 3 mentions the possibility for the NCP to monitor the implementation of an agreement following request of the parties. The NCP agrees with the parties on the follow-up modalities.

The Internal Regulation

- does not provide the possibility for the NCP to launch follow-up at its own initiative;
- does not mention follow-up timeframes;
- does not require publishing a follow-up statement;
- does not mention the possibility of follow-up for cases concluded without agreement or generally on recommendations issued by the NCP.

The NCP could consider aligning its Internal Regulation with para. 36 of the Commentary, notably by providing the possibility for the NCP to launch follow-up at its own initiative, including the possibility of follow-up for recommendations, and by mentioning the follow-up timeframe and issuance of a follow-up statement.

Analysis of NCP statements

Non-accepted cases

Half of the closed specific instances have not been accepted by the NCP (two out of four). As mentioned above, the NCP decided in both cases that the issues were not material and substantiated.

In one case involving an insurance company regarding compensation linked to a work accident,³⁷ the NCP did not accept the case based on, among others, (i) insufficient evidence and documentation by the submitter on allegedly false information published by the company about its services, corporate governance, social responsibility and financial reporting measures; and (ii) absence of link between the information publicised by the company and the principle of disclosure of information by the company.

In one case concerning alleged unfair dismissal by an audit firm,³⁸ and consequent physical assault and threats, the NCP did not accept the case due to, among others, (i) lack of link between the evidence provided by the submitter and alleged non-observance of human rights, labour, and rule of law standards; and (ii) payment of compensation by the company based on a judicial decision on the case. In the same case, the NCP was of the opinion that the company did not proceed in non-observance of Chapter V on Employment and Industrial Relations regarding the submitter's dismissal.

At the time of the on-site visit, the final statements in non-accepted specific instances were not publicly available, which is not in line with the Procedural Guidance (Section I.C.3.(a)). The NCP notes that the final statements were available in the previous version of the website. One CSO representative requested consistent publication of initial assessments. The current NCP website however provides a description of the cases. The public information for both non-accepted specific instances covers the submitter's nationality (Franco-Moroccan in both cases), the sectors and home countries of the concerned companies (Swiss-based insurance company and US-based audit company respectively), the relevant Chapters of the Guidelines (Disclosure (III), Human Rights (IV), Consumer Interests (VIII); Disclosure (III), Employment and Industrial Relations (V), Human Rights (IV)) and the reasons for the NCP's decision to not accept the case. The public information does not cover the issues raised. The description is available in French, English, and Arabic.

The NCP should publish consistently the final statements in non-accepted specific instances in line with section I.C.3.(a) of the Procedural Guidance. The NCP would thus also further strengthen the transparency of the process and its visibility.

None of the four parties in the two non-accepted specific instances are identified on the NCP's website.

Accepted cases

Out of five cases received, three have been accepted³⁹ with two concluded. One case is ongoing.⁴⁰ Outcomes in cases in concluded specific instances are the following:

- one case was concluded with agreement outside the NCP process during the initial assessment phase.⁴¹ The parties agreed on a financial compensation during the initial assessment phase.

³⁷ Specific instance 1 involving a Swiss-based insurance company.

³⁸ Specific instance 2 involving a US-based audit company.

³⁹ Specific Instances 3, 4 and 5

⁴⁰ Specific instance 5 involving an offshoring company.

⁴¹ Specific instance 4 involving an aviation company.

- one case was concluded without agreement.⁴² The NCP decided to conclude the case following the company's refusal to enter good offices (see Box below).

Box 2. Specific instance 3 involving an automotive technology company

On 21 November 2018, the Moroccan NCP received a specific instance from the regional branch in Tangier of trade union Democratic Confederation of Labour (CDT) alleging that the conduct of the US-based automotive technology company Aptiv (at the time known as Delphi Automotive Systems) in Morocco did not align with Chapter V (Employment and Industrial Relations). The submitter alleged in particular that the company did not respect the freedom of association, trade union rights and dismissed employees for trade union membership. CDT requested respect of trade union practices within Aptiv and reinstatement of dismissed trade union members. CDT also launched parallel proceedings with the Regional Direction of Employment and Professional Insertion of Tangier, followed by the Provincial Commission for Research and Conciliation.

In its initial assessment on 26 March 2019, the NCP decided to accept the case and offer good offices to the parties. The NCP coordinated with the US NCP where Aptiv was based. The NCP collected information, held exchanges by email and phone, and several meetings with the submitter and the company separately in person and by phone. On 23 December 2021, the NCP decided to close the case following the company's refusal to enter good offices based on (i) non-recognition of the submitter trade union's establishment and (ii) a judicial decision on the same facts. In its final statement, the NCP recommended that the company (i) respect the rights of its employees to establish trade unions and representative organisations of their choice or to become members; (ii) publicise information on its policies, and corporate governance provisions subject to restrictions linked to confidentiality; (iii) pursue its efforts to observe the Guidelines. The NCP also highlighted the importance of collective agreement within a company, as a governance tool and an effective way of building relationships and improving corporate performance. The NCP did not conduct follow-up.

Parties welcomed the swift and efficient communication and exchanges with the NCP, impartiality, timeliness, and clarity of the process handled by the NCP Secretariat. Another positive experience concerned the accessibility of the process, notably through in person meetings and transmission of documents by mail. The parties further welcomed transparency through exchange of documents, and questionnaires provided by the NCP. Although they welcomed the possibility to engage in dialogue, they noted the limits of the process compared to proceedings available for labour rights' disputes with national and regional commissions.

Both final statements provide a detailed description of exchanges with the parties. They notably cover clarifications to the parties on the role of the NCP and the interplay of the specific instance process with parallel ongoing or concluded proceedings. The statements also clarify that acceptance of the specific instance by the NCP does not entail a finding on non-observance of the Guidelines by the company.

The NCP has offered its good offices in two⁴³ out of three accepted specific instances including in the ongoing specific instance.⁴⁴ In the third specific instance⁴⁵, the NCP did not offer good offices in view of agreement reached between the parties during the initial assessment phase. The NCP has not facilitated

⁴² Specific instance 3 involving automotive technology company.

⁴³ Specific instance 3 involving automotive technology company; Specific instance 5 involving an offshoring company.

⁴⁴ Specific instance 5 involving an offshoring company.

⁴⁵ Specific instance 4 involving an aviation company

mediation so far. In one case,⁴⁶ parties reached agreement outside of the NCP's process. In one case,⁴⁷ the company refused the offer of good offices.

The NCP considers refusal of companies to participate in discussions as a major challenge in the specific instance process. The NCP notably reported difficulties in communication with one party to a specific instance. Given the company's lack of response, the NCP Secretariat reached out through an officer of the regional administration, which allowed to re-establish contact. Trade union representatives welcome proactive efforts of the NCP to engage with the companies concerned. Civil society stakeholders would welcome more clarity on consequences for parties that do not participate in good faith during the process. One business representative noted opportunities to engage with companies involved in specific instances through business organisations.

Although the NCP has not facilitated mediation and conciliation in practice, it ensures access to expertise through its structure and promotional activities. The NCP relies on the interagency body members for access to expertise in their thematic areas, and may call upon any other part of the government on a specific issue. The NCP does not report requesting assistance in practice beyond the interagency body. In 2018-2019, the NCP organised two training and peer learning sessions involving other NCPs to build expertise on mediation in specific instances.

The NCP has made recommendations in both accepted specific instances. The NCP has not made determinations. So far, the NCP made recommendations in both concluded specific instances⁴⁸ (see also Boxes). The NCP also encouraged the parties in both specific instances to continue engaging in dialogue.

The NCP has published final statements in both accepted cases. Final statements are available on the NCP's website for the two concluded cases. These statements (i) summarise the initial assessment of the NCP; and (ii) specify the identity of the parties, the issues raised, the procedure followed by the NCP to facilitate agreement between the parties, the outcome of the process, and recommendations. The statements are available in French only.

The NCP's final statements in accepted cases do not generally include details on the issues raised in the specific instance and substantive analysis, as required by Section I.C.3(b-c) of the Procedural Guidance. They provide a detailed overview of exchanges and positions of the parties, and clarifications by the NCP on the process. The NCP's statements should, in the future, contain a description of the issues, and the rationale behind the NCP's decision.

The NCP recently published its first initial assessment for an accepted specific instance. The statement is available on the NCP website in French.⁴⁹

⁴⁶ Specific instance 4 involving an aviation company.

⁴⁷ Specific instance 3 involving automotive technology company.

⁴⁸ Specific instance 3 involving automotive technology company, Specific instance 4 involving an aviation company.

⁴⁹ Specific instance 5 involving an offshoring company.

Box 3. Specific instance 4 involving an aviation company

On 12 March 2019, the Moroccan NCP received a specific instance from an individual, Mr Edouard Teumagnie, alleging that the decisions and communications on behalf of the multinational aviation company Royal Air Maroc (RAM) regarding the status of his flight from Paris (France) to Douala (Cameroon) through Casablanca amounted to non-observance of Chapter VIII of the Guidelines (Consumer Interests). In particular, the submitter alleged that RAM did not provide sufficient, timely, and clear information on the status and changes on the departure timing of the second flight. As a result, the submitter could not make an informed decision about his trip and remained in the transit airport in Casablanca without departure option for 24 hours. The submission was transferred by the French NCP upon its receipt on 4 March 2019. The submitter has also submitted other specific instances on other facts and claims to the French and Belgian NCPs.

In its initial assessment on 5 October 2019, the NCP decided to accept the case. The NCP coordinated with the French and Belgian NCPs. The NCP did not offer its good offices, since the parties had already reached agreement on a financial compensation through voucher during the initial assessment phase. On 23 December 2020, the NCP decided to close the case based on the agreement. The NCP invited the company through recommendations to pursue its efforts to (i) improve its customer communication policy in line with international standards, in particular the Guidelines, to ensure effective, clear and accessible communication for users; (ii) ensure compliance of its rules with these standards, in particular the Guidelines. The NCP did not conduct follow-up. At the time of the on-site visit, the submitter had not received nor further pursued receipt of the agreed voucher.

The parties shared positive experiences in the accessibility and impartiality of the NCP, as well as the clarity of the process. They welcomed the NCP's efforts to provide a swift dialogue platform as an alternative to corporate and other reporting channels. They also welcomed the transparency of the process, including in facilitating exchanges between the parties and providing the draft final statement for comments.

Follow-up

The NCP has not committed to or conducted follow-up in practice. Academia and CSO representatives note the need for the NCP to follow up consistently on its recommendations. The NCP notes the need for additional human resources to facilitate follow-up.

Timeliness

The Internal Regulation sets indicative timelines for the different steps in the process in line with para. 44 of the Commentary to the Procedural Guidance:

- three months from the date of receipt of the request until conclusion of the initial assessment phase (Step 1);
- six months for the good offices phase (Step 2); and
- three months for the conclusion of the case, including the drafting of the statement or report (Step 3).

The Internal Regulation also provides that:

- the initial assessment period may be exceptionally extended for the purpose of information collection;
- the NCP will define a reasonable timeline for the good offices phase following consultation with the parties.

The NCP has exceeded the indicative timelines in the two accepted specific instances. The average overall duration of cases concluded by the NCP is approximately 423 days, *i.e.* one year and two months. The average duration of accepted cases is 708 days, *i.e.* almost two years. The NCP shared the following reasons for delays in practice: limited human resources, lack of response or delays created by the parties.

The average duration of the initial assessment phase aligns more closely with the indicative timelines: 150 days for accepted and 138 days for non-accepted specific instances, *i.e.* four to five months.

Stakeholders welcome the NCP's efforts to align with the indicative timelines. They overall note clear understanding of the timelines on the NCP website and agree that the NCP generally ensures efficient and fast procedures. Several parties noted delays linked to difficulties in identifying contacts and ensuring engagement of companies in the process. One trade union representative notes that delays in one accepted specific instance led the submitter to appeal to the courts. One business representative cites complexity of the issues and information collection as reasons contributing to potential delays.

Confidentiality and transparency

The Internal Regulation deals briefly with confidentiality and transparency in the different steps of the process. It provides that:

- the identity of a party may remain confidential in the final statement for non-accepted specific instances, if the NCP considers that it would be unfair to publicly disclose the identity of the party (Step 1). In practice, the NCP has not published final statements in non-accepted cases, and its summaries do not include the identity of the parties. No justification as to this is provided. The NCP notes that this information was available in the previous version of the website;
- confidentiality is ensured in the good offices phase (Step 2);
- the publication of information on outcomes of the process depends on the need to protect information and confidentiality where necessary (Step 3). In practice, the NCP has published information on the identity of the parties in final statements to both concluded cases;
- in case of agreement, information about the content of the agreement is reflected in the final statement only following approval of the parties (Step 3).

The Internal Regulation does not specify

- at which stage of the process the NCP informs the concerned company about the specific instance. In practice, the NCP notifies the company as soon as the submitter provides all necessary documents;
- how the NCP ensures balance between confidentiality and transparency throughout the process, and in particular in the good offices phase (e.g. through non-disclosure agreements);
- criteria regarding the decision on confidentiality of documentation and/or anonymity of the parties in statements.

The NCP has not experienced a breach of its confidentiality policy by a party so far. The NCP notes that in practice it ensures transparency of the process and access to information for both parties through its website and regular communications at each stage. The NCP further notes that the party requesting that information be treated confidentially needs to provide good reasons. The issue has not come up in practice. However, it is unclear whether in practice a non-confidential version of information deemed confidential is provided to the other party.

The NCP has not reported particular issues linked to campaigning and does not have a procedure in place to deal with such issues.

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

As noted above, the Internal Regulation and the Circular do not explicitly address impartiality, conflict of interest or the appearance of conflict of interest that interagency group members may face in specific cases. The NCP reports that specific concerns regarding its impartiality have not been raised so far. The NCP has discussed proactively how a case involving a company supported by AMDIE in the context of investment projects would be handled.

The NCP notes that its interagency structure fosters its impartiality by balancing points of view. However, the NCP Chair has the casting vote in case of a tied vote. The NCP further reports that it engages with parties in specific instances in a fair and equitable manner, notably through information sharing with both parties at each stage of the process. Stakeholders welcome unanimously the impartiality and openness of the NCP Secretariat in taking into consideration evidence provided by the parties. However, they note that the NCP's location and close links of AMDIE with the business community may impact the handling of specific instances. One representative of an international trade union platform was of the opinion in this regard that the views of the company involved in a case had carried much weight in the NCP's final decision. Stakeholders would overall welcome more structured engagement to strengthen the perception of impartiality of the NCP. In view of requests for more public information (see Section above on Institutional Arrangements), the official documentation could cover in particular potential conflicts of interest arising in relation to specific instances.

Parallel proceedings

The NCP requires information from the submitter about parallel proceedings as part of the submission form. Parallel proceedings are not an obstacle to submitting a specific instance with the NCP. In its decision to accept a specific instance, the NCP considers the relevance of applicable laws and procedures, including court decisions (Internal Regulation, Specific Instances Section, Step 1).

In practice, parallel proceedings have impacted three out of four closed specific instances. The NCP considered parallel proceedings in relation to the acceptance of two and conclusion of one specific instance:

- both non-accepted specific instances involved two parallel proceedings each: a final judicial decision granting the submitters' request for compensation against the concerned company and a subsequent complaint filed by the company against the submitter to law enforcement authorities;
- one non-accepted specific instance involved parallel proceedings launched by the submitter trade union before the Regional Direction of Employment and Professional Insertion of Tangier and by the dismissed employees against the concerned company before the courts. The NCP decided to conclude the case following a judicial decision on the same facts and consequent steps taken by the company. One trade union representative notes that the trade union appealed to the courts in view of the long and unclear timeline of the NCP process.

The NCP addresses parallel proceedings by providing clarifications to the parties on the scope and added value of the specific instance process. Stakeholders expressed satisfaction at the explanations provided by the NCP. However, one trade union representative notes that the variety of non-judicial grievance mechanisms available, notably for labour disputes, may contribute to limited number of specific instances received by the NCP.

Cooperation among NCPs

Under the Internal Regulation, the NCP consults the NCP of other country (ies) concerned during the good offices phase (Internal Regulation, Specific Instances Section, Step 2). The NCP requires the submitter to provide information about submissions to other NCPs through the submission form. In practice, the NCP coordinates with other NCPs in the initial assessment phase as soon as it identifies the countries concerned (e.g. based on the company's headquarters). The NCP also contacts other NCPs to identify contact details of involved companies.

One NCP provided feedback on its cooperation with the Moroccan NCP. Cooperation took place in the context of one specific instance and capacity-building activities involving other NCPs. The NCP noted fruitful discussions and willingness of the Moroccan NCP to exchange on the specific instance. The NCP also welcomed the quality, relevance, and active participation of the Moroccan NCP in peer learning events organised by the Moroccan NCP.

To date the NCP has cooperated in at least three cases with other NCPs (see Table 5.1). The NCP has also requested the assistance of the Chair of the Investment Committee in the context of one specific instance. The NCP consequently joined a meeting with the other NCP under the initiative of the Chair of the Working Party on Responsible Business Conduct. The two NCPs did not reach agreement on the lead NCP. The other NCP recently concluded the specific instance.

The NCP participates regularly in the meetings of the NCP network.

Table 1. Specific instances where the Morocco NCP has coordinated with other NCPs

Specific instance	Lead NCP	Supporting NCPs
Edouard Teumagnie & ASCOMA International	France	Belgium, Morocco
Specific instance 3 involving automotive technology company	Morocco	US
Specific instance 4 involving an aviation company	Morocco	France

Source: OECD NCP Database (2022)

Request for clarification

To date, the NCP has not submitted any requests for clarification from the Investment Committee or the Working Party on Responsible Business Conduct.

	Finding	Recommendation
3.1	<p>The final section of the Internal Regulation describes the specific instance process. An overview of the process is also available on the NCP's website. However, stakeholders noted the need for more public information on the process. Certain aspects of the Internal Regulation could also be revised to further align with the Procedural Guidance.</p>	<p>The Moroccan NCP should consider updating the specific instance process in its Internal Regulation regarding notably the following aspects:</p> <ul style="list-style-type: none"> • clear definition of the interagency body, Chair, and Secretariat roles as well of the advisory body when established; • early notification of the concerned company; • sharing the draft statements, including initial assessment statements, with the parties for comments; • coordination with other NCPs in the initial assessment phase; • possibility to issue recommendations irrespective of agreement between the parties; • possibility for the NCP to launch follow-up at its own initiative, follow-up for recommendations, follow-up timeframes and statement where appropriate; • criteria regarding confidentiality of documentation and/or anonymity of the parties in statements; • conflicts of interest policy. <p>The NCP should also publicise and disseminate a short version of the updated specific instance process (e.g. through a flowchart).</p>
3.2	<p>The NCP's final statements in accepted cases do not generally include details on the issues raised and rationale behind the NCP's decision. The NCP also does not follow-up on its recommendations in practice.</p>	<p>The NCP's final statements should, in the future, contain the following elements: a description of the issues, an analysis of the issues, and provisions for follow-up with specific timeframe in case of recommendations and/or agreement between the parties.</p>

Annex Documents

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

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

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

Government
Regional Investment Centre of Tanger Tétouan Al Hoceima
Academia
Université Mohamed V des sciences sociales et juridiques
Université de kénitra
Business
Aptiv
BMCI (Banque marocaine pour le commerce et l'industrie)
CGEM (General Confederation of Moroccan Enterprises)
DECLIC RSE
Global Compact
CSOs
OECD Watch
RSE PED
RSSI-ASF (Rabat Social Studies Institute, Avocats Sans Frontières)
Trade Unions
CDT (Democratic Confederation of Labour)
Trade Union Advisory Committee (TUAC)
UGTM (General Union of Moroccan Workers)
UMT (Moroccan Workers' Union)
NCP
France

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

Table A 2. Participants of the Moroccan NCP peer review by stakeholder group

Organisation	Sector
Moroccan Investment and Export Development Agency (AMDIE)	NCP Secretariat
AMDIE Director	Government, NCP Chair
Ministry of Foreign Affairs, African Cooperation and Moroccan Expatriates	Government, interagency body
Ministry of Scientific Research	Government, interagency body
Ministry of Energy Transition and Sustainable Development	Government, interagency body
Ministry of Industry and Trade	Government, interagency body
Ministry of Employment and Social Affairs	Government, interagency body
National Council of Human Rights	Government, interagency body
Council of Competition	Government, interagency body
Ministry of Economy and Finance	Government, interagency body
National Authority of Integrity, Prevention, and Anti-Corruption	Government, interagency body
Presidence of the Government	Government
Ministry of Investment	Government
Maroc PME	Government
AMDIE	Government
Declic RSE	Business
Royal Air Maroc (RAM)	Business
Aptiv	Business
AMITH (Moroccan Association of Textile and garment Industries)	Business Association
CGEM (General Confederation of Moroccan Enterprises)	Business Association
AMCDD (Alliance Marocaine pour le Climat et le Développement Durable)	CSO
UN Global Compact	CSO
RSE PED	CSO
Université de kénitra	Academia
Université Mohamed V des sciences sociales et juridiques	Academia
CDT (Democratic Confederation of Labour)	Trade Union
UMT (Moroccan Workers' Union)	Trade Union
Edouard Teumagnie	Individual

Annex C. Promotional events

Table A 3. Promotional activities in 2021 organised by the NCP

Title	Date	Location	Size of audience	Organised or co-organised	Targeted audience
L'éthique des affaires, maillon fort de résilience pour une entreprise durable	15 December 2021	virtual	>100	Co-organised	Government, business, CSOs, trade unions
La conduite responsable des entreprises, outil de performance et de résilience	24 November 2021	virtual	50-100	organised	Business, academia, government, trade unions
Réunion sur la Cohérence des politiques	25 February 2021	virtual	10-50	organised	Ministries and sectoral agencies

Source: National Contact Point Reporting Questionnaire (2021)

Table A 4. Events in 2021 participated in by the NCP

Title	Date	Location	Size of Audience	Targeted Audience
Conversations with the National Contact Points for RBC: NCPs for Beginners	16 June 2021	virtual	50-100	NCPs
Cadres législatifs africains et impacts des activités des entreprises	7 October 2021	virtual	50-100	CSO 'SER et PED'
Acteurs de développement durable	22 November 2021	virtual	>100	Business organisation Declic RSE

Source: National Contact Point Reporting Questionnaire (2021)

Table A 5. Promotional activities in 2020 organised by the NCP

Title	Date	Location	Size of audience	Organised or co-organised	Targeted audience
Séminaire de sensibilisation au profit des entreprises et professionnels opérant dans le secteur du textile et de la chaussure sur le concept du devoir de diligence dans le cadre des principes directeurs de l'OCDE	26 February 2020	Casablanca	10-50	Organised	Experts, consultants and enterprises in the garment and footwear sector

Source: National Contact Point Reporting Questionnaire (2020)

Table A 6. Events in 2020 participated in by the NCP

Title	Date	Location	Size of Audience	Targeted Audience
Table ronde des décideurs politiques sur le devoir de diligence dans le secteur du textile et la chaussure	11 February 2020	Paris	>100	Policymakers roundtable: government, business, trade union and CSO representatives
Forum de l'OCDE sur le devoir de diligence dans le secteur du textile et de la chaussure	12-13 February 2020	Paris	>100	Government, business, trade union and CSO representatives
Séminaire régional OCDE-EU sur « renforcer l'intégrité à l'appui de l'investissement durable »	18-19 February 2020	Barcelona	10-50	Government and business
6ème édition du Forum International du Risk Management	27 February 2020	Casablanca	>100	Public and private sector
Atelier de travail sur les Standards de performance de la SFI	30 November – 3 December 2020	Tanger	10-50	Business, consultants, and experts
2ème édition du Casa Business Law Forum	14 – 17 December 2020	Virtual	>100	Various business and legal professionals from Morocco and Africa

Source: National Contact Point Reporting Questionnaire (2020)

Table A 7. Promotional activities in 2019 organised by the NCP

Title	Date	Location	Size of audience	Organised or co-organised	Targeted audience
Atelier de sensibilisation sur la responsabilité sociale des entreprises dans le cadre des principes directeurs de l'OCDE	19 January 2019	Casablanca	10-50	Co-organised	CDT and sectoral trade unions and confederate regional offices
Réunion avec global compact Maroc	29 April 2019	Rabat	<10	Organised	Global Compact Maroc
Meeting with lexis Nexis	10 May 2019	Rabat	10-50	Organised	Lexis Nexis
Séminaire dans le cadre du cycle de formation organisé par l'Académie marocaine des études diplomatiques	10 June 2019	Rabat	10-50	Co-organised	Diplomatic and consular staff
Réunion au ministère des affaires étrangères et de la coopération	22 July 2019	Rabat	10-50	Organised	Ministère des affaires étrangères et de la coopération/ direction juridique
Séminaire de formation sur le traitement des circonstances spécifiques	17-18 October 2019	Rabat	10-50	Organised	Membres du PCN marocains PCN Allemagne, Belgique, Danemark, Egypte, France, Tunisie Secrétariat OCDE
Conférence "Casa Business Law Forum"	21-22 October 2019	Casablanca	>100	Co-organised	Legal professions
Global Compact Maroc	5 December 2019	Rabat	10-50	Organised	Global Compact Maroc
AMDIE	17 December 2019	Rabat	10-50	Organised	AMDIE - Textile

Source: National Contact Point Reporting Questionnaire (2019)

Table A 8. Events in 2019 participated in by the NCP

Title	Date	Location	Size of Audience	Targeted Audience
8ème édition des journées nationales du consommateur	13 March 2019	Marrakech	50-100	Ministry, business and professional associations, business, trade unions, NGOs

Title	Date	Location	Size of Audience	Targeted Audience
Table ronde sous le thème « Climat des affaires au Maroc : quelle stratégie pour améliorer l'attractivité des IDE et favoriser l'investissement national ? »	25 May 2019	Rabat	10-50	Public, private sectors, and experts
Conférence sur la dynamisation de l'écosystème concurrentiel dans un Maroc ouvert	26 June 2019	Rabat	>100	Public, private sectors
Atelier dans le cadre du programme « Le Royaume du Maroc: renforcer la compétitivité à l'exportation du secteur du textile et de l'habillement »	26 September 2019	Casablanca	10-50	Initiative for Compliance and Sustainability (ICS), l'International Trade Center (ITC), in the context of the programme GTEX / MENATEX
Consultation mondiale sur « le rôle des institutions nationales des droits de l'Homme (INDH) dans la facilitation de l'accès aux recours en cas de violation des droits de l'Homme par les entreprises »	10-11 October 2019	Geneva	50-100	NHRIs and other stakeholders
Cinquième session du groupe de travail intergouvernemental pour l'élaboration d'un instrument international juridiquement contraignant sur les sociétés transnationales et autres entreprises et les droits de l'Homme	14-19 October 2019	Geneva	>100	Government, companies, NHRI and other stakeholders
Forum international des NU sur les entreprises et les droits de l'Homme	25-27 November 2019	Geneva	>100	Public, multipartite

Source: National Contact Point Reporting Questionnaire (2019)

Annex D. Overview of specific instances handled by the Moroccan NCP as the leading NCP

Enterprise	Submitter	Host Country	Chapter (s) of the Guidelines	Date of Submission	Date of Acceptance	Date of Conclusion	Outcome	Description	Follow-up	Review
1 - Swiss-based insurance company	Individual	Morocco	Disclosure (III), Human Rights (IV), Consumer Interests (VIII)	18/03/2016	21/07/2016	-	Not accepted	The NCP found that the submission was not material and substantiated and that the issues did not fall under its mandate.	N/A	N/A
2 - US-based audit company	Individual	Morocco	Disclosure (III), Employment and Industrial Relations (V), Human Rights (IV)	02/06/2016	31/10/2016	-	Not accepted	The NCP found that the submission was not material and substantiated and that no links between the allegations and the Guidelines could be made. With regards to issues related to	N/A	N/A

Enterprise	Submitter	Host Country	Chapter (s) of the Guidelines	Date of Submission	Date of Acceptance	Date of Conclusion	Outcome	Description	Follow-up	Review
								Chapter VI, the NCP was of the opinion that the corporate conduct did not amount to non-observance of the Guidelines.		
3 - Aptiv (formerly Delphi Automotive Systems)	Democratic Confederation of Labour (CDT)	Morocco	Employment and Industrial Relations (V)	21/11/2018	26/03/2019	23/12/2020	Concluded Without agreement With recommendations	The NCP decided to conclude the case following a judicial decision on the same facts and consequent steps taken by the company.	-	-
4 - Royal Air Maroc (RAM)	Mr Edouard Teumagnie (Individual)	France-Morocco	Consumer Interests (VIII)	12/03/2019	5/10/2019	23/12/2020	Concluded With agreement With recommendations	The parties reached agreement on a financial compensation during the initial assessment phase.	-	-
5 - Business Casablanca 2S Comdata Group	M. Ayoub Saoud, Secretary General of the Moroccan Workers' Union (UMT)	Morocco	Employment and Industrial Relations (V)	12/05/2022	07/09/2022	N/A	Ongoing	N/A	N/A	N/A

National Contact Point Peer Reviews: Morocco

Governments adhering to the OECD Guidelines for Multinational Enterprises are required to set up a National Contact Point (NCP) that functions in a visible, accessible, transparent and accountable manner.

This report contains a peer review of the Moroccan NCP, mapping its strengths and accomplishments and also identifying opportunities for improvement.

