

## DECREE NO. 9 874 OF 27 JUNE 2019

Creates an inter-ministerial working group known as the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises.

**THE VICE-PRESIDENT OF THE REPUBLIC**, exercising the duties of the PRESIDENT OF THE REPUBLIC, exercising the powers conferred upon him by article 84, heading, item IV, line "a", of the Constitution,

### DECREES:

Article 1. An inter-ministerial working group known as the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises is hereby established.

Article 2. the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises is an advisory body intended to:

I – act as a governance and guidance body for the promotion and implementation of the Guidelines of the Organisation for Economic Co-operation and Development (OECD) for Multinational Enterprises;

II – promote awareness and encourage implementation of the OECD Guidelines for Multinational Enterprises through activities involving representatives of the business community and workers' organisations as well as civil society and non-governmental organisations;

III – monitor the practical application of the OECD Guidelines for Multinational Enterprises by bringing together representatives of the business community and civil society to identify potential and emerging risks related to responsible business conduct and discuss actions and guidance aligned with the OECD Guidelines;

IV – analyse the complaints received of non-observance of the OECD Guidelines for Multinational Enterprises and issue an opinion on whether or not to accept the complaints:

a) if the complaint is accepted, the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises will nominate the rapporteurs, ensuring, whenever possible, their connection with the topic in question; and

b) offer mediation to find a non-judicial solution between the parties, when complaints are made against the operations of a multinational;

V – co-operate with the National Contact Points of other countries regarding matters covered in the OECD Guidelines for Multinational Enterprises; and

VI – keep abreast of OECD discussions on the implementation of the Guidelines and any complementary negotiations and adopt the instruments accepted by the Federative Republic of Brazil, as appropriate.

Sole paragraph – For the purpose of this Decree, the OECD Guidelines for Multinational Enterprises:

I – reaffirm compliance with national legislation;

II – are not binding upon the Brazilian government;

III – do not create obligations or rights for individuals and private legal entities governed by national legislation; and

IV – establish voluntary principles and standards, consistent with national legislation, that seek to promote the adoption of responsible business conduct by multinational enterprises.

Article 3. The National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises is composed of representatives of the following bodies:

I – three representatives of the Ministry of Economy, of which:

a) one representative of the Special Secretariat for Foreign Trade and International Affairs, who will act as co-ordinator;

b) one representative of the Special Secretariat for Social Security and Labour; and

c) one representative of the Special Secretariat for Productivity, Employment and Competitiveness;

II – a representative of the Ministry of Justice and Public Security;

III – a representative of the Ministry of Foreign Affairs;

IV – a representative of the Ministry of Mines and Energy;

V – a representative of the Ministry of Environment;

VI – a representative of the Office of the Comptroller General;

VII – a representative of the Ministry of Women, Family and Human Rights; and

VIII – a representative of the Central Bank of Brazil.

Paragraph 1. Each member of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises will have a substitute, who will replace them in the event of absence or impediment.

Paragraph 2. The Co-ordinator of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises will be the Undersecretary for Foreign Investments of the Executive Secretariat of the Chamber of Foreign Trade of the Special Secretariat for Foreign Trade and International Affairs of the Ministry of Economy.

Paragraph 3. The members of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises and their respective substitutes will be nominated by the heads of the bodies they represent and appointed by the Special Secretary of Foreign Trade and International Affairs of the Ministry of Economy.

Paragraph 4. Full members must be public servants occupying a commissioned post or trusted function equivalent to or higher than level 4 of the Senior Management and Advisory Group – DAS, and the substitutes will be their respective substitutes in these positions.

Paragraph 5. Representatives from other agencies, public and private entities and experts in the subjects under examination may be invited to participate in meetings of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises.

Article 4. The Co-ordinator of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises will have the following responsibilities:

I – call and chair meetings;

II – respond to requests for information on the OECD Guidelines for Multinational Enterprises and their implementation mechanisms;

III – co-ordinate and, when necessary, act as mediator in meetings offered to individuals or legal entities that feel aggrieved by an action or omission of a multinational enterprise, due to alleged non-observance of the OECD Guidelines for Multinational Enterprises provided for by this Decree;

IV – represent the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises in the promotion of the OECD Guidelines for Multinational Enterprises and in dialogue with national and international institutions and entities, whose objectives and activities may contribute to the issues for which it is responsible;

V – submit to the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises the acts that require its approval; and

VI – provide the information requested by the National Investment Committee of the Chamber of Foreign Trade of the Ministry of Economy.

Article 5. The National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises will meet ordinarily twice every six months and extraordinarily whenever requested by one of its members.

Paragraph 1. The quorum for meetings of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises is an absolute majority and the quorum for approval is a simple majority.

Paragraph 2. In addition to an ordinary vote, the Co-ordinator of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises will have the casting vote in the event of a tie.

Paragraph 3. Members of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises who are located in the Federal District will meet in person, and members who are located in other federal states will participate in the meeting via videoconference.

Paragraph 4. Participation in the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises will be considered a service of public importance, without remuneration.

Paragraph 5. The creation of subgroups is not permitted.

Article 6. The tasks of the Executive Secretariat of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises will be carried out by the Undersecretariat for Foreign Investments of the Executive Secretariat of the Chamber of Foreign Trade of the Special Secretariat for Foreign Trade and International Affairs of the Ministry of the Economy.

Sole paragraph – The Executive Secretariat of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises, due to the range of topics under the OECD Guidelines for Multinational Enterprises, and to support the performance of its activities, without prejudice to consulting other competent bodies, may request specific statements:

I – from the Brazilian Secretariat of Federal Revenue of the Ministry of Economy;

II – from the Ministry of Environment;

III – from the Office of the Attorney General;

IV – from the Brazilian Institute of the Environment and Renewable Natural Resources – IBAMA; and

V – from the Chico Mendes Institute for Biodiversity Conservation.

Article 7. The National Investment Committee of the Chamber of Foreign Trade of the Ministry of Economy will be responsible for supervising the

activities of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises.

Sole paragraph – The National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises will prepare semi-annual reports on the activities carried out, which will be sent to the National Investment Committee of the Chamber of Foreign Trade of the Ministry of Economy.

Article 8. The National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises will operate for an indefinite term.

Article 9. The National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises will express itself through resolutions and recommendations published through the Special Secretariat for Foreign Trade and International Affairs of the Ministry of Economy.

Sole paragraph – An act from the Special Secretariat for Foreign Trade and International Affairs of the Ministry of Economy will set forth the activities of the National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises.

Article 10. The National Contact Point for the Implementation of the Guidelines of the Organisation for Economic Co-operation and Development for Multinational Enterprises will publish the final reports on the treatment of the issues referred to in item IV of the heading of article 2, subject to any secrecy or confidentiality aspects indicated by the parties.

Article 11. Inter-ministerial Order no. 37 of 19 February 2013 is hereby repealed.

Article 12. This Decree enters into effect on the date of its publication.

Brasília, 27 June 2019; the 198th year of Independence and the 131st year of the Republic.

**ANTÔNIO HAMILTON MARTINS  
MOURÃO**

**PAULO GUEDES**