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**RESPONSIBLE
BUSINESS
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NEWSLETTER

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DIREÇÃO-GERAL DAS
ATIVIDADES ECONÓMICAS

The Newsletter of the Portuguese National Contact Point for Responsible Business Conduct (NCP PT) is a biannual online publication, developed by the Directorate-General for Economic Activities (DGAE), which aims to communicate relevant news in the national and international context regarding the activity of the Network of National Contact Points and the OECD Working Party on Responsible Business Conduct (WPRBC). You can access the Newsletter via the NCP PT website, which is also available in Portuguese.

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Navigating and Transposing the CSDDD: Legal, Policy and Implementation Insights

In the context of the recent adoption of the EU Corporate Sustainability Due Diligence Directive (CS3D), this article by Professor Claire Bright offers a comprehensive analysis of the key legal and institutional challenges associated with its transposition at national level.

The text draws on the outcomes of an international workshop organised by the NOVA Centre on Business, Human Rights and the Environment, in partnership with the British Institute of International and Comparative Law and KU Leuven, which brought together policymakers and experts from over 15 countries. By comparing national experiences (France, Germany, and Norway), the article identifies good practices and puts forward concrete recommendations for effective implementation aligned with international human rights and environmental standards.

Claire Bright is an Associate Professor in Private Law and the Founder and Director of the NOVA Centre on Business, Human Rights and the Environment at NOVA School of Law in Lisbon. She is also an Associate Research Fellow at the British Institute of International and Comparative Law. Her areas of expertise include Sustainable Corporate Governance, Private International Law, International Commercial Law, Comparative Private Law, and Business and Human Rights. Holding a PhD in International Law from the European University Institute in Florence, Claire Bright is an active voice in the European debate on corporate due diligence.



On the 28th of May 2025, the NOVA Centre on Business, Human Rights and the Environment, together with the British Institute of International and Comparative Law and the University of KU Leuven, hosted a workshop entitled 'Transposing the CSDDD – Navigating Legal Uncertainties amidst the Omnibus proposal and Implementation Challenges'.

The event brought together 20 policymakers from 9 European countries and over 30 experts from 15 countries across 5 continents from governments, academia, civil society, legal practice and business gathered to discuss how to effectively transpose the CSDDD into national law. The participants examined best practices, existing legislation (France, Germany, Norway), institutional design, and policy recommendations for ensuring meaningful human rights and environmental due diligence (HREDD).

Introduction

Our 2020 study for the European Commission had revealed limited and superficial adoption of human rights and environmental due diligence (HREDD) by companies, reinforcing the need for harmonized EU legislation. The study found strong stakeholder support for a mandatory framework grounded in international standards such as the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, emphasizing legal certainty, a level playing field, and minimal costs to business.



However, recent developments, including the Omnibus Proposal released in February 2025, have raised significant concerns due to its lack of impact assessment, weakened risk-based approach, and potential rollback of key accountability provisions. This shift toward competitiveness over sustainability has created uncertainty among businesses and regulators. As EU Member States move toward transposing the CSDDD, drawing on lessons from national HREDD laws—while safeguarding the directive’s original ambition—remains essential to ensuring effective and enforceable human rights and environmental due diligence across global value chains.

Key Insights from Panel I:

Comparative Experiences in Implementing HREDD laws



France – Duty of Vigilance Law (DVL)

- **Strengths:** significant positive impact on corporate practices, strengthened corporate risk mapping, increased competitiveness of French companies, improved access to sustainable finance and clear civil liability provisions in the law and specialized judges.
- **Gaps:** Lack of enforcement body; SMEs receive little support; initial implementation guidance was limited. These gaps are addressed in the CSDDD.
- **Lessons:** Need for practical guidance, dedicated oversight by a supervisory body, and support for suppliers.



Germany – Supply Chain Act (LkSG)

- **Strengths:** Triggered meaningful changes in corporate behaviour, HREDD integration into core operations; strong enforcement authority (BAFA) having adopted a supportive and dialogue-based approach and fostered collaborative learning process.
- **Challenges:** Tier 1 focus ignoring that many risks occurring deeper in the supply chain; misunderstanding of the law led to over-reliance on checklists and SMEs overwhelmed by trickle-down demands. These challenges are addressed in the CSDDD but the Omnibus proposal was seen as a backslide, replicating some of the weaknesses of the LkSG.
- **Lessons:** CSDDD must address deeper supply chain risks, avoid formalistic compliance, and introduce civil liability.



Norway – Transparency Act

- **Strengths:** two recent surveys demonstrated the broadly positive impact that the law has had on corporate practices. The law applies to around 9,000 companies, including SMEs, promotes risk-based due diligence, phased enforcement, and is aligned with international standards (the UNGPs and the OECD Guidelines).
- **Challenges:** Early compliance is surface-level; more practical guidance needed; CSOs lead grievance activity.
- **Lessons:** Clear expectations and collaborative oversight lead to real change.



Key Insights from Panel II:

Overcoming Transposition Challenges

1. Diverse National Approaches

- Member States are progressing unevenly. Most paused drafting due to the Omnibus proposal's uncertainties.
- Ministries involved vary widely; the Netherlands is the only country to publish a draft law so far.

2. Principles for Effective Transposition

- Anchor in international standards: UNGPs, OECD Guidelines.
- Emphasize a risk-based, proactive, and preventive approach.
- Ensure meaningful stakeholder engagement across all HRDD phases.
- Guarantee access to remedy through both grievance mechanisms and civil liability.

3. Grievance Mechanisms

- Must be designed for effectiveness, trust, and accessibility, or risk harming rightsholders.
- Require strong design principles and local contextual sensitivity.

4. Supervisory Authorities

- Must be independent, well-resourced, and capable of dialogue-based yet enforceable oversight.
- BAFA (Germany) and the Norwegian Consumer Authority offer strong models; France's reliance on litigation alone is insufficient.



5. Policy and Political Realities

- Political momentum is fragile; Omnibus uncertainty stalls national action.
- Support is needed for SMEs, civil society, and regulators to ensure implementation matches ambition.

Key Insights from Panel III:

Accompanying Measures for Effective Implementation

Effective transposition also depends on robust accompanying measures, including:

Support tools for SMEs: Portugal's national strategy to support SMEs was showcased as a promising example: a three-pillar approach (training, digital reporting tools, and mentoring by large corporations) proved effective in promoting ESG alignment. This initiative was grounded in broad stakeholder consultation and political consensus, demonstrating that inclusive dialogue.

Guidance, notably on:

- Risk-based due diligence;
- Responsible contracting practices which can play a key role in implementing due diligence obligations—if designed modularly and used collaboratively. In particular, they must ensure a “shared responsibility” approach between the parties, ensuring buyers remain accountable for their own practices. The European Model Clauses can serve as a model in that respect;
- Gender-responsive due diligence, which remains under-implemented despite emerging legal obligations.



Additional focus was given to, and to trade unions, whose inclusion and support in due diligence processes—via research, training, and collective mechanisms—was seen as essential for credible stakeholder participation.

Conclusions and key Recommendations

1. Establish independent, well-resourced supervisory authorities.
2. Ground national laws in a risk-based, internationally aligned framework.
3. Ensure stakeholder engagement and access to remedy throughout the due diligence process.
4. Design effective civil liability provisions and grievance mechanisms.
5. Promote transparent reporting and data use for accountability.
6. Invest in SME support, and capacity building,
7. Provide implementation guidance notably on risk-based due diligence, responsible contracting practices and gender-responsible due diligence.

The author of this article will moderate the panel of the upcoming international workshop organised by the Portuguese NCP, dedicated to the role of NCPs in promoting human rights. To learn more about the event and register, see the article [“International Workshop of the NCP PT on Human Rights”](#) in this newsletter.



National Contact Points as Pathways to Remedy

With the aim of deepening the reflection on the effectiveness of National Contact Points (NCPs) as mechanisms for access to remedy in cases of corporate human rights violations, the Portuguese NCP invited Dr. Kari Irwin Otteburn, postdoctoral researcher at the Leuven Centre for Global Governance Studies (KU Leuven), to develop an article based on her recent doctoral research.

Her analysis, published in the International Journal of Human Rights under the title "Pathways to Remedy for Corporate Human Rights Abuse: A Qualitative Comparative Analysis of the Institutional Design of the OECD National Contact Points", examines the impact of NCP institutional design on their ability to deliver effective remedy outcomes.

Through a qualitative comparative analysis of 81 specific instances closed between 2012 and 2020 involving human rights-related issues, the author identifies the combinations of institutional features that best support access to meaningful remedy. Among the most decisive factors is the mandate of NCPs to issue public findings (referred to as determinations in the OECD Guidelines' implementation procedures), particularly when combined with the involvement of external expertise and multistakeholder governance structures.

This research provides a valuable contribution to the ongoing debate on strengthening the effectiveness of the NCP network, at a time when institutional design criteria remain largely non-binding and vary significantly between countries.

Dr. Kari Irwin Otteburn is a postdoctoral research fellow at the Leuven Centre for Global Governance Studies (KU Leuven), where she specialises in responsible business conduct, human rights, corporate accountability, and access to remedy. Her research focuses on the interplay between Europe, South Asia, and the United States, with a particular emphasis on sustainable value chains and due diligence. She co-leads the Jean Monnet project EU-RENEW and is part of the research team of MEDIATE, an FWO-funded project on the role of intermediaries in moderating due diligence. Dr. Otteburn holds a PhD in Social Sciences from KU Leuven and regularly lectures on global environmental politics, human rights, and international trade.



Pathways to remedy for corporate human rights abuse through the OECD National Contact Points

When multinational corporations cause harm—whether through labour exploitation, land appropriation, hazardous working conditions, or environmental destruction—legal accountability is often out of reach for victims, especially across borders. In this context, nonjudicial mechanisms like the OECD National Contact Points (NCPs) have emerged as one of the few formal routes for remedy. Yet the system’s effectiveness has been hampered by stark differences in how NCPs are structured and function across countries. The NCPs vary widely in terms of structure, governance, and procedure, which raises important questions about how the institutional design of the OECD National Contact Points (NCPs) affects their capacity to provide effective remedy in cases of corporate human rights abuse.

My recent article in the International Journal of Human Rights, '[Pathways to Remedy for Corporate Human Rights Abuse: A Qualitative Comparative Analysis of the Institutional Design of the OECD National Contact Points](#)', seeks to uncover which institutional configurations best support access to substantive remedy outcomes. This method is well-suited to analyzing how different combinations of institutional features influence the likelihood that a complaint will result in effective remedy.

I analysed 81 human rights-related cases closed between 2012 and 2020 using Qualitative Comparative Analysis (QCA), focusing on six aspects of institutional design:

1. the mandate to make a determination,
2. multistakeholder governance,
3. multistakeholder advisory body,
4. engagement of external expertise,
5. provision of access support to claimants,
6. and the location of the NCP within or outside a ministry related to export promotion or economic affairs.

Importantly, in line with international human rights law, whether a remedy is effective is evaluated based on the proportionality of the remedy relative to the harm suffered.

The results show that the most critical factor in achieving effective remedy is the presence of a mandate for the NCP to 'make a determination'—that is, to publicly assess whether a company's conduct aligned with the OECD Guidelines. This mandate not only offers a form of public accountability or 'naming and shaming,' but also strengthens incentives for companies to participate in good faith.

Importantly, the engagement of external expertise and a multistakeholder governance structure also contribute positively to effective remedy outcomes, but only when combined with the determination mandate. Access support, although present in only a small subset of cases, also emerges as a powerful enabler of remedy when available.

Conversely, several features that have often been assumed to enhance impartiality—such as locating NCPs outside of ministries focused on trade or economy—were found to have no positive effect or even a negative association with effective remedy. This result suggests that the perceived authority and influence of an NCP embedded within a powerful ministry may, in fact, encourage corporate participation and enhance outcomes. Similarly, multistakeholder advisory bodies appear to have limited independent effect unless combined with other governance mechanisms.

The findings support the argument that institutional design features must be assessed in combination rather than isolation. Certain configurations – particularly those combining the determination mandate with external expertise and either multistakeholder governance or an authoritative institutional seat – are significantly more likely to result in effective remedy. On the other hand, the absence of a determination mandate consistently frequently leads to the failure to achieve substantive outcomes, even when other supportive features are in place.

In light of these findings, is the 2023 update to the OECD Guidelines likely to improve remedy outcomes through the specific instance process? While the update introduces useful clarifications and encourages the development of institutional features such as expertise and multistakeholder participation, most changes remain nonbinding recommendations rather than enforceable requirements. Notably, the update does not mandate the power to make a determination, despite its demonstrated importance. Instead, it merely allows for this option at the discretion of the NCP, perpetuating variability across jurisdictions.

Ultimately, the analysis highlights a structural tension within the NCP system: its voluntary, nonjudicial nature necessitates both legitimacy in the eyes of claimants and authority in the eyes of businesses. Certain features that bolster institutional authority, like the mandate to make a determination and an association with a ministry that is relevant for business, play a critical role in bridging this gap and facilitating engagement. However, the analysis also cautions that even the most well-designed NCPs may struggle to deliver effective remedy in cases involving grave or irreversible harm, suggesting that certain types of violations may fall outside the practical scope of NCPs' capacity. Therefore, in addition to ensuring getting the institutional design right, NCPs may also consider establishing thresholds for case severity and establishing referral pathways to judicial mechanisms in order to ensure that victims of corporate human rights abuse are not left without redress.

Review of the NCP PT Procedural Guidance

Following the previous edition of this Newsletter, which addressed, among other topics, the revision of the Procedural Guidance for handling specific instances, it is worth noting that the restricted consultation period with stakeholders has recently come to an end. The selection of consulted entities was based on contacts established during the Peer Review of the Portuguese NCP, which took place in 2023, as well as on subsequent interactions developed through events organised by the NCP PT itself or by third parties in which the NCP participated, among other contexts.

It is worth highlighting that, for the revision of this Procedural Guidance, the Portuguese NCP carried out a benchmarking exercise, analysing the procedural guidelines of other NCPs that had already been updated in light of the 2023 version of the OECD Guidelines. The aim was to identify best practices. Those deemed most suitable to the context of the NCP PT underwent an adaptation process and were subsequently incorporated, taking into account the European Union framework, of which Portugal is a member, as well as the relevant legislation, particularly in the areas of data protection, transparency, and conflict of interest.



As for the main updates to the NCP PT’s Procedural Guidance, compared to the previous version—developed several years ago and prior to the 2023 update of the OECD Guidelines—beyond those already mentioned and aimed at aligning with EU regulations, the following innovations are included:

- A glossary, intended to clarify the terminology used, demystify key concepts, and support the interpretation of the document
- An introductory section on the process of “Submitting a Complaint” and the role of “Independent Mediators”
- A chapter on the 1st Stage of the procedure: “Initial Assessment”
- A chapter on the 2nd Stage of the procedure: “Good Offices”
 - Including a subchapter on the “Examination” phase
- A chapter on the 3rd Stage of the procedure: the “Final Statement”
- A chapter on the 4th Stage of the procedure: “Follow-up”
- A final section outlining the timeframes applicable to the NCP PT’s complaint-handling procedures, as well as additional sections on “Reconsideration” and “Removal of Complaints,” accompanied by a comprehensive procedural flowchart

Once the stakeholder feedback has been fully analysed and any necessary adjustments to the Procedural Guidance have been made, the final version will be made publicly available through the official channels of the NCP PT, including the websites of DGAE and AICEP.

The Role of NCPs in 2024 A Year in Review of Promoting RBC

The 2024 Annual Report of the Network of National Contact Points (NCPs) for Responsible Business Conduct, recently published by the OECD, provides a comprehensive overview of these mechanisms' activities over the past year. The report highlights not only the diversity and scope of action of the 52 currently active NCPs, but also their growing impact in implementing the OECD Guidelines for Multinational Enterprises.

A Tool in Global Expansion

NCPs are national structures established by countries adhering to the OECD Guidelines, tasked with promoting their implementation and serving as non-judicial grievance mechanisms. In 2024, the network registered 56 new complaints (specific instances), the second highest number since 2011, reflecting a growing awareness among stakeholders of their rights and of NCPs as accessible and effective mechanisms.



In parallel, more than 470 promotional initiatives were carried out — ranging from training and awareness-raising activities to international collaborations and support for public policies — reaching over 45,000 participants worldwide.

Trends and Emerging Challenges

The report identifies several significant trends, including:

1. The strengthening of links between NCPs and national public policies on human rights, sustainability, and due diligence;
2. The increasing complexity of specific instances, with challenges such as the existence of parallel proceedings and the negotiation of terms of reference for mediation;
3. The ongoing need for capacity building within NCPs to meet the demands of the evolving international legal framework, particularly in light of the EU Corporate Sustainability Due Diligence Directive (CS3D).

The OECD also highlights ongoing efforts to develop practical guidance on mediation, handling parallel processes, and supporting the effective implementation of the Guidelines, in collaboration with relevant stakeholders.

The Contribution of NCP Portugal

In 2024, the NCP PT played an especially active role in promotion and awareness-raising. Key initiatives included:

- Hosting 12 awareness-raising sessions for various target audiences;
- Organising 1 thematic webinar;
- Participating in 3 public events;
- Developing 4 strategic collaborations with public entities and international organisations;
- Publishing 5 informative pieces across its communication platforms;
- Producing 1 explanatory brochure on the OECD Guidelines;
- Releasing 2 informational video tutorials.

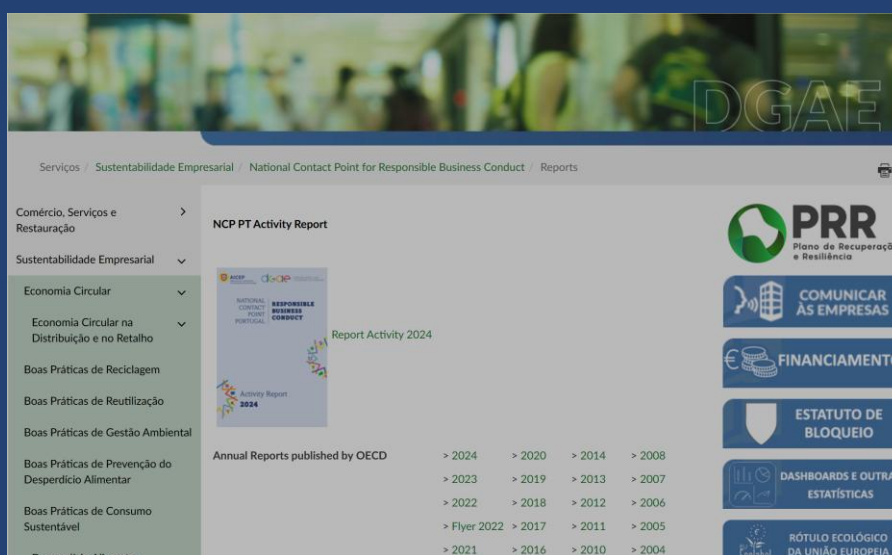
These actions reflect the commitment of the Portuguese NCP to promoting a more ethical, transparent, and internationally aligned approach to responsible business conduct, in line with human rights and sustainability principles.

Looking Ahead

As challenges related to responsible business conduct grow increasingly complex, NCPs are playing an ever more prominent role in the global landscape of responsible governance. Their ability to facilitate dialogue, resolve disputes impartially, and support companies in adopting practices aligned with the Guidelines will be essential in a context of ecological, digital, and socially just transitions.

The NCP PT remains committed to strengthening its engagement and proximity with all stakeholders, contributing to the development of a fairer, more inclusive, and sustainable business environment.

You can access the 2024 Annual Report and all previous publications in the [Reports section of the Portuguese NCP webpage](#).



International Workshop of NCP Portugal on Human Rights

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The Role of NCPs in Upholding Human Rights
A Focus on Chapter IV of the OECD Guidelines

July 10th, 14H30
Microsoft Teams

**NATIONAL CONTACT POINT PORTUGAL
FOR RESPONSIBLE BUSINESS CONDUCT**

On 10 July 2025, the Portuguese NCP will host an online workshop entitled “The Role of NCPs in Promoting Human Rights: A Focus on Chapter IV of the OECD Guidelines”. The event aims to encourage reflection and dialogue among diverse stakeholders on the role that National Contact Points can play in the protection and promotion of human rights in the business context.

The workshop will take place from 14:30 to 16:00 (Lisbon time), will be held in English, and will feature a panel discussion moderated by Professor Dr. Claire Bright, from NOVA School of Law. Confirmed speakers include:

- Marian G. Ingrams, Director of the international network OECD Watch
- Jacqueline Kacprzak, Ministerial Adviser and representative of the Polish NCP
- Elsa Dias, Coordinator of the Unit for Economic Rights and Taxation at the Ombudsperson’s Office
- Sara Ágoas, Head of the Human Rights Division at the Directorate-General for Foreign Policy and representative of the Executive Secretariat of the Portuguese National Human Rights Committee

Participation is free of charge, but subject to registration by 9 July 2025 via the following form: <https://forms.gle/WR2pbp6urbmLP8s6A>

Talk to us



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NEWSLETTER PCN PT

A Newsletter do Ponto de Contacto Nacional Português (PCN PT) para a Conduta Empresarial Responsável é uma publicação online produzida pela Direção-Geral das Atividades Económicas (DGAE). Esta publicação terá uma periodicidade semestral e pretende comunicar as principais novidades no contexto nacional e internacional sobre a atividade da Rede de Pontos de Contacto Nacionais e do Grupo de Trabalho de Conduta Empresarial Responsável da OCDE. A Newsletter será disponibilizada em língua portuguesa e inglesa. Poderá aceder a esta publicação através da página do PCN PT na DGAE e ser notificado quando uma nova publicação estiver disponível. Para tal, basta preencher este formulário.

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*** Indica uma pergunta obrigatória**

Nome *

A sua resposta

Organização *

Caso se esteja a registar a título pessoal, preencha com "".

A sua resposta