

Economic Development Board (National Contact Point) Regulations 2023

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THE ECONOMIC DEVELOPMENT BOARD ACT

Regulations made by the Minister under section 40 of the Economic Development Board Act

PART I - PRELIMINARY

1. These regulations may be cited as the **Economic Development Board (National Contact Point) Regulations 2023**.

2. In these regulations -

"Act" means the Economic Development Board Act;

"Guidelines" means the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, as may be amended or replaced from time to time;

"NCP" means the National Contact Point for Responsible Business Conduct under the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct established under section 27J of the Act;

"OECD" means the Organisation for Economic Co-operation and Development;

"QECD Due Diligence Guidance" means the OECD Due Diligence Guidance for Responsible Business Conduct as may be amended or replaced from time to time, as well as such other relevant sector-specific Guidance on due diligence, as may be issued by the OECD;

"specific instance" means issues that arise in relation to the implementation of the Guidelines.

PART II— NATIONAL CONTACT POINT FOR RESPONSIBLE BUSINESS CONDUCT

3. The NCP shall consist of—

(a) a NCP Secretariat;

(b) an Expert Panel; and

(c) an Advisory Panel.

4. Subject to the Act and these regulations, the NCP -

- (a) shall regulate its affairs in a manner that is visible, accessible, transparent, accountable, impartial, equitable, predictable, and compatible with the principles and standards of the Guidelines;
- (b) shall, where required, undertake periodic peer reviews, share experiences and co-operate with other NCPs; and
- (c) may, in the exercise of its functions, do such things as are incidental, or conducive, to the attainment of any of its objects under the Act.

PART III - NCP SECRETARIAT

- 5.** The Economic Development Board shall ensure that the NCP Secretariat has the necessary resources and, is adequately staffed to enable the NCP Secretariat to perform its functions under the Act and these regulations.
- 6.** The NCP Secretariat shall consist of at least one senior officer and such additional officers as may be required.
- 7.** The NCP Secretariat may co-opt such other persons as may assist it in fulfilling its functions.
- 8.** The NCP Secretariat shall -
 - (a) promote awareness of the Guidelines;
 - (b) receive and respond to enquiries about the NCP, the Guidelines and the OECD Due Diligence Guidance;
 - (c) where required, report to the OECD Investment Committee and the OECD Working Party on Responsible Business Conduct;
 - (d) issue such policies and procedures as may be required under these regulations, including the case-handling procedures for specific instances;
 - (e) receive specific instances and transmit same to the Expert Panel;
 - (f) provide such administrative assistance to the Expert Panel and the Advisory Panel, as may be required;
 - (g) not be involved in decision making on the substance and outcome of specific instances handled by the Expert Panel; and
 - (h) generally do all such things as may be required in the exercise of its functions.
- 9.** The NCP Secretariat may, where appropriate, and in coordination with relevant government agencies, provide support to develop, implement and foster coherence of policies to promote responsible business conduct.

10. The NCP Secretariat may, in the exercise of its functions, set up such committees as may be necessary.

PART IV - EXPERT PANEL

11. The Expert Panel shall, within the meaning of the Guidelines, be a non-judicial ad hoc panel responsible for handling specific instances received in accordance with these regulations and the case-handling procedures established by the NCP Secretariat.

12. The Expert Panel shall be set up upon receipt of a specific instance.

13. The Expert Panel shall be appointed by the Minister and consist of at least 3 members.

14. The members of the Expert Panel shall include -

- (a) a chairperson having wide knowledge or experience in law or dispute resolution;
- (b) a person, other than the chairperson, having wide knowledge or experience in law or dispute resolution; and
- (c) a person having wide knowledge or experience in the subject matter of the specific instance.

15. The Expert Panel shall, in the discharge of its functions -

- (a) exercise its functions independently and impartially;
- (b) not be subject to the control or direction of any other person or authority;
- (c) adhere to a conflict-of-interest policy; and
- (d) reach a decision by consensus, and, where not possible, by majority voting.

16. The Expert Panel shall submit its decision on the specific instances received to the NCP Secretariat for such administrative follow-up, including record keeping, reporting, and publication, as may be required by the Guidelines.

PART V - ADVISORY PANEL

17. There shall be an Advisory Panel, which shall consist of—

- (a) a representative of the Prime Minister's Office;
- (b) a representative of the Ministry responsible for the subject of consumer protection;
- (c) a representative of the Ministry responsible for the subject of employment and industrial relations;
- (d) a representative of the Ministry responsible for the subject of environment;
- (e) a chairperson who shall be a representative of the Ministry responsible for the subjects of finance, economic planning and development;

- (f) a representative of the Ministry responsible for the subject of gender;
- (g) a representative of the Ministry responsible for the subject of science and technology;
- (h) a representative of the NCP Secretariat;
- (i) a representative of the Competition Commission;
- (j) a representative of the Mauritius Revenue Authority;
- (k) a representative of the National Human Rights Commission;
- (l) a representative of the Independent Commission Against Corruption;
- (m) a representative of academia, to be appointed by the Minister;
- (n) a representative of the business community, to be appointed by the Minister;
- (o) a representative of a trade union, to be appointed by the Minister;
- (p) a representative of civil society, to be appointed by the Minister; and
- (q) such other persons that the Minister may deem necessary.

18. The Advisory Panel shall -

- (a) regulate its own proceedings;
- (b) meet as and when required, and at least once a year.

19. The meetings of the Advisory Panel shall be convened by the NCP Secretariat.

20. The Advisory Panel shall -

- (a) issue such policies and procedures as may be required to carry out its functions under these regulations, including policies to regulate its meetings;
- (b) provide recommendations on any policies and procedures issued by the NCP Secretariat under these regulations.

21. The Advisory Panel may provide recommendations on -

- (a) strategies aimed at contributing to the effectiveness of the Guidelines;
- (b) strategies to improve the administration of the NCP;
- (c) where required, any amendments required to these regulations.

22. The Advisory Panel shall not advise on the handling of individual specific instances.

PART VI— MISCELLANEOUS

23. No person shall, during or after the tenure of his office under these regulations, directly or indirectly, use or disclose any information which has come to his knowledge in the performance of his duties under these regulations, except for the purpose of administering the Act and these regulations.

24. These regulations shall come into operation on 22 November 2023.

Made by the Minister on 22 November 2023.