

DECLARATION

**by the German National Contact Point for the
OECD Guidelines for Multinational Enterprises**

regarding a complaint filed by

- Greenpeace e.V.

against

- TotalFinalElf

SUMMARY

In a complaint filed on 16 December 2002, Greenpeace alleged that the German headquarters of TotalFinalElf participated in environmental crimes in connection with the extraction and transport of oil from Russian oil fields. The complainants argued that the German management board – despite its business relations with Russian oil companies and despite long-term supply contracts – was closing its eyes to the conditions under which oil was being extracted in western Siberia. The NCP had doubts as to whether the Guidelines applied to this case, because the allegations involved trade relations only. The NCP submitted this question to the OECD Investment Committee, which is competent for such matters; it also attempted simultaneously to obtain support with regard to the questions raised in the complaint and arranged talks. The Investment Committee's deliberations on the issues of 'investment nexus' and 'supply chain' gave the NCP no cause to affirm that the Guidelines were applicable to this case, which the NCP pointed out in its letter of 16 July 2004.