

DECLARATION

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

regarding a complaint filed by

- Scientific, Industrial & Environmental Consultants GmbH

against

- Daimler Chrysler

SUMMARY

This complaint, which was submitted to the Austrian NCP on 1 February 2005 by a competitor of Daimler Chrysler, accuses the latter – in cooperation with IPC Motors Turkmenistan and other companies belonging to the IP Group – of numerous violations of the Guidelines in connection with the awarding of a contract.

The Austrian NCP asked the German NCP, as the competent agency, to conduct the initial assessment. The German NCP rejected the complaint in July 2005 for various reasons. First, it stated that IPC Motors is an independent company and, further, that as a representative of DaimlerChrysler AG, IPC Motors was required by DaimlerChrysler as a rule to conduct its business on the basis of the OECD Guidelines. It pointed out in addition that DaimlerChrysler was not involved in the court dispute between Scientific, Industrial & Environmental Consultants GmbH and IPC Motors, and opined that the existing court structures were appropriate for clarifying the legal questions at hand. Finally, it said that the issues raised in the complaint involved sales and trade activity; as a result, they did not fall within the OECD Guidelines' scope of application, because the Guidelines apply only where there is an investment nexus, i.e. an actual investment or something bearing clear resemblance to an investment. The NCP also stated that the Guidelines were not applicable to this complaint from the point of view of supply chains, because such relationships did not exist in this case.

