

Final Statement on a Specific Instance between
The Nitta Gelatin India Limited Action Council & Jananeethi
and
Nitta Gelatin Inc. & Nitta Gelatin India Limited

29 June 2026
Japanese National Contact Point (NCP)
for the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

1. The OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

- (1) The OECD Guidelines for Multinational Enterprises (2011 edition, hereinafter referred to as the “Guidelines”), adopted by the Organisation for Economic Co-operation and Development (OECD) in 1976, are recommendations addressed by governments to multinational enterprises operating in or from their territories. The Guidelines provide the voluntary principles and standards for responsible business conduct in a wide range of fields, including disclosure, human rights, employment and industrial relations, the environment, combating bribery and other forms of corruption, consumer interests, science, technology and innovation, competition, and taxation.
- (2) Governments adhering to the Guidelines establish the National Contact Points for responsible Business Conduct (hereinafter referred to as the “NCP”). In Japan, the Ministry of Foreign Affairs, the Ministry of Health, Labour and Welfare and the Ministry of Economy, Trade and Industry jointly constitute the Japanese NCP (hereinafter referred to as the “Japanese NCP”), which promotes awareness and uptake of the Guidelines and contributes to the resolution of issues that arise in relation to the implementation of the Guidelines in specific instances.
- (3) While the Guidelines are not legally binding, the Japanese NCP encourages enterprises to observe the Guidelines.
- (4) The Japanese NCP does not determine whether the enterprises’ activities are consistent with the Guidelines. Moreover, regarding the assertions by each party on the issues raised, the Japanese NCP does not make factual findings or judgements on its legitimacy.
- (5) The Japanese NCP may make recommendations on the implementation of the Guidelines and any observations the Japanese NCP deems appropriate to include on the reasons why the proceedings did not produce an agreement, if relevant.

2. Parties Concerned

(1) Complainants

The complainants of this specific instance are the Nitta Gelatin India Limited Action Council (hereinafter referred to as the “Action Council”) and Jananeethi (collectively referred to as the “Complainants”). The Action Council is an NGO organised by individuals who claim to be victims of water and soil pollution caused by the operations of Nitta Gelatin India Limited (hereinafter referred to as “NGIL”), and Jananeethi is an NGO that engages in social activities including legal assistance.

(2) Enterprises Involved

The enterprises involved in this specific instance are Nitta Gelatin Inc. (hereinafter referred to as “Nitta Gelatin”) and NGIL (collectively referred to as the “Enterprises Involved”). Nitta Gelatin is an enterprise headquartered in Osaka Prefecture, Japan. NGIL was established under domestic laws of India as a joint venture between Nitta Gelatin and the Kerala State Industrial Development Corporation (hereinafter referred to as “KSIDC”), and began its operations in the area of Kadukutty Grama Panchayat¹, Kerala, India (hereinafter referred to as the “Local Panchayat”). The shareholding structure of NGIL is as follows: Nitta Gelatin holds 42.96%, KSIDC holds 31.52%, and the remaining shares are held by general shareholders. NGIL primarily manufactures gelatin for use in medical and food products, and the majority of its products are exported to foreign countries, including Japan.

3. Complaint

(1) Overview of the Complaint

Over the past 40 years, NGIL has caused severe harm to the surrounding environment, as well as the human rights, health and social and economic well-being of the local communities due to the lack of a waste management system. Such NGIL’s corporate activities fail to observe the following provisions in the Guidelines.

Chapter II. General Policies	
Paragraph A.1	Contribution to economic, environmental and social progress
Paragraph A.2	Respect for human rights
Paragraph A.5	Refraining from seeking or accepting exemptions not contemplated in the statutory or regulatory framework
Paragraph A.10	Carrying out due diligence
Paragraph A.11	Avoiding and addressing adverse impacts
Chapter IV. Human Rights	
Paragraph 2	Addressing adverse human rights impacts
Paragraph 5	Carrying out human rights due diligence
Paragraph 6	Remediation
Chapter VI. Environment	
Paragraph 2	Communication with stakeholders on the enterprise’s environmental, health, and safety policies
Paragraph 3	Assessment of impact on the environment, etc.
Paragraph 4	Damage prevention measures
Paragraph 5	Contingency plans for accidents and emergencies
Paragraph 6	Seeking improved performance
Paragraph 8	Contribution to the development of public policy

(2) Background

On 29 March 2008, the Kerala State Pollution Control Board (hereinafter referred to as the

¹ Panchayat means a village assembly in India.

“KSPCB”) issued a notice to NGIL that it treated the compost made from sludge unlawfully. However, on 2 July of the same year, KSPCB issued another notice expressing satisfaction with the remedial measures taken by NGIL. In November 2011, a biogas tank of NGIL exploded, resulting in nearby residents being hospitalised due to the foul smell. On 28 November of the same year, the Kerala Water Authority pointed out that NGIL’s wastewater discharged into Chalakudy River was treated improperly, causing exceeded permissible acidity levels and a severe foul smell. In 2013, a campaign was launched to claim that effluent from the pipe discharged into Chalakudy River was the cause of the pollution and should be removed, leading to massive protests in July 2013.

On 29 September 2016, the National Green Tribunal (hereinafter referred to as the ‘NGT’), a special adjudicatory body for environmental civil cases, identified NGIL as a “habitual violator of the environmental principles” in its interim order prior to the 2017 NGT Judgement described below.

In November of the same year, following NGT’s directive on the merits, the Central Pollution Control Board (hereinafter referred to as the “CPCB”) submitted a report to the NGT, pointing out the environmental impact of sludge and proposing a series of measures to improve the surrounding environment.

(3) Parallel Proceedings

A. NGT Judgement dated 27 February 2017, etc.

The NGT Judgement on the merits dated 27 February 2017 (hereinafter referred to as the “2017 NGT Judgement”) issued 24 directions to the defendants including NGIL, such as installation of flow meters, proper operation of the Effluent Treatment Plant (hereinafter referred to as the “ETP”), recycling the treated effluent, and making efforts to achieve Zero Liquid Discharge (hereinafter referred to as “ZLD”) as a target, based on reports by the National Environmental Engineering Research Institute (hereinafter referred to as the “NEERI”), the KSPCB, and the CPCB, as well as the precautionary principle concerning air and water pollution.

The second report issued by CPCB in accordance with instructions from the Kerala High Court dated 24 January 2020 pointed out the impact on the ecosystem and water quality, the need for investigation by a third-party institution, and the necessity of implementing a ZLD system to address NGIL’s discharge of Total Dissolved Solids (hereinafter referred to as “TDS”).

B. D&O License, etc.

Under the Kerala Panchayat Raj Act of 1994, NGIL is required to obtain license from the Local Panchayat for manufacturing activities and taking of water from Chalakudy River (“Dangerous and Offensive Trades and Factories License,” hereinafter referred to as “D&O License”) for factory operations, but the Local Panchayat has not granted D&O License. NGIL has continued its operations by obtaining permission from the Kerala High Court.

(4) Main requests by the Complainants

A. The Enterprises Involved acknowledge the impact of its operations on the local community

and environment and issue a statement recognising their responsibility for the consequences of the violations;

- B. NGIL compensates for damages (including financial and mental damages) caused by its operations carried out in the manner violating the directions of the 2017 NGT Judgement;
- C. The Enterprises Involved take an effective step by step action plan to:
 - (a) ensure that NGIL will comply with the directions of the 2017 NGT Judgement;
 - (b) establish a committee composed of the regional members, including the Complainants, to determine the best measures to curb the impact of the violations;
 - (c) develop all the remedial measures (compensation, clean up and improvements to human rights due diligence);
- D. NGIL issues a statement, under the supervision of Nitta Gelatin, that it participates in community discussions involving the Complainants; and
- E. NGIL withdraws the petition to the Kerala High Court regarding paragraphs (xii), (xvi), (xviii), (xx) and (xxi) of the 2017 NGT Judgement and complies with these directions.

4. Views of the Enterprises Involved

(1) Overviews

- A. The allegations by the Complainants regarding adverse impacts on human rights and the environment caused by NGIL completely lack factual basis, as they have already been denied in the 2017 NGT Judgement, and the prerequisite facts for the non-observance of the Guidelines do not exist.
- B. Pollution issues should be assessed and determined from a professional and scientific standpoint in accordance with the Indian domestic laws and regulations.
- C. The Complainants have named not only NGIL but also the Government of Kerala and other public institutions as co-defendants in the Indian judicial proceedings, and these lawsuits are still pending before courts of India. Environmental issues fall under the jurisdiction of public institutions which are co-defendants, and the NCP process without their involvement would not only cause confusion but also be harmful. The Enterprises Involved have sought and intend to continue seeking a resolution of the case through the judicial procedures in India under the Indian laws and regulations.

(2) Complainants

The Action Council, one of the Complainants, was founded in 2008 by several external labour union leaders and former NGIL employees and was officially registered as an organisation in 2011. The former employees, who were dismissed for disciplinary reasons in 2006, contested their dismissal in court, which was eventually resolved through an out-of-court settlement. However, several years after the settlement, these former employees joined forces with external labour union leaders who had formed the Action Council and planned to shut down NGIL's

factory operations.

(3) Background

- A. Members of the Action Council started filing cases before various forums and courts against NGIL. But all the allegations raised against NGIL have been consistently dismissed by competent courts and authorities. Among all, the most relevant, crucial and comprehensive case is the 2017 NGT Judgement. After thorough consideration, the NGT came to a clear finding that no pollution was caused by NGIL, as discussed below.
- B. Between 2013 and 2016, NEERI submitted multiple reports and recommendations to the Kerala High Court and KSPCB regarding NGIL's waste management and compliance with environmental regulations. NEERI found that the Primary and Secondary ETP sludge and the dump material do not contain any hazardous constituent and therefore, classified as non-hazardous waste. Pursuant to the recommendations suggested by NEERI based on the above findings, KSPCB issued directions against NGIL. NEERI also concluded that the final treated effluent being discharged into Chalakudy River was found conforming to the discharge standards stipulated by the KSPCB. In October 2015, NEERI further confirmed satisfaction with the functioning of NGIL in respect of compliance with the environmental regulations and confirmed that all directions issued by the KSPCB were implemented. In implementing these directions, NGIL has installed a biological filter to prevent odors and a secondary anaerobic reactor for biogas.
- C. In the report submitted by the CPCB to the NGT in November 2016 as per the NGT's order dated 29 September of the same year, it was inferred that the river water quality at all points was meeting Indian Standard Drinking Water Standards except for iron for which NGIL was not responsible or has not contributed.

(4) 2017 NGT Judgement

- A. In the 2017 NGT Judgement, the NGT rendered a judgement on the following seven points: (a) whether NGIL's operations violate the siting criteria established by KSPCB, (b) whether NGIL's ETP is effectively and fully functioning to prevent pollution, (c) whether the discharge of effluent into Chalakudy River meets the set criteria, (d) whether the sludge generated by the factory is discharged into Chalakudy River along with business effluent, (e) whether the sludge generated by the factory is toxic, (f) whether the discharge of effluent from the factory has an adverse effect on the water quality of Chalakudy River or groundwater, and (g) what measures (if any) NGIL should take to ensure that there is no pollution. Regarding (a), the functioning of NGIL is not in violation of the siting criteria as contested by the applicants (Action Council). Regarding (b) to (f), there is no evidence that NGIL discharged sludge into Chalakudy River with the treated liquid effluent; the sludge generated by NGIL is non-hazardous and non-toxic; the ETP is functioning efficiently; and at present, the discharge of the treated effluent from the ETP has no adverse impact on Chalakudy River and the ground water. Regarding (g), the NGT issued 24 directions in light of the precautionary principle to prevent any potential future air and water pollution. Accordingly, the NGT came to a clear finding that no pollution was caused by NGIL. NGIL has complied with all directions except paragraphs (xii) and (xviii).
- B. Accordingly, the interim order issued by the NGT dated 29 September 2016 was no longer

relevant in the light of the 2017 NGT Judgement.

- C. Of the remaining directions issued by the NGT, paragraph (xii) cannot be implemented because it lacks a basis in Indian domestic laws and regulations, and paragraph (xviii) is contrary to Indian domestic laws and regulations. The Kerala High Court issued, on 29 November 2019, an interim stay order with respect to both directions of the NGT. This matter remains pending before the Kerala High Court.
 - D. The Action Council filed similar petitions before the NGT and the Kerala High Court, which were dismissed on the grounds that they were identical to the matters addressed in the 2017 NGT Judgement. In addition, in 2016, the Action Council requested compensation from NGIL before the NGT for the alleged deaths and injuries caused by pollution, as well as for farmland alleged to be rendered uncultivable, but the request was dismissed as it was not substantiated.
- (5) D&O License, etc.
- A. Regarding D&O License under the jurisdiction of the Local Panchayat, the renewal of license required every two years has been refused by Local Panchayat since 2009. This is because the Local Panchayat takes a position of supporting the activities of the Action Council. The President of the Local Panchayat was one of the leaders of the external labour union that was a party to the riot at the NGIL's plant, and the Action Council, established formally in 2011 by the group of members who joined the riot, receives support from the Local Panchayat. For this reason, each time renewal is refused, NGIL takes legal steps by filing a writ petition for permission to operate before the Kerala High Court, which issued directions, permitting the NGIL's factory to function. With regard to the 2019-2024 D&O License, which has been issued to NGIL in accordance with the judgement of the Tribunal for Regional Court of appeal, several cases are pending concerning the issuance before the Kerala High Court. (At the time of issuance of this Final Statement, 2025-2028 D&O License was renewed by the Local Panchayat, and consequently, all three related legal proceedings concerning the 2019-2024 D&O License were disposed.)
 - B. The Local Panchayat has been obstructing NGIL's operations by ordering the demolition of factory buildings and machinery (23 August 2013) and by alleging installation of unauthorised machinery (28 June 2014). NGIL challenged their validity in the tribunal for the local self-government institutions and the Kerala High Court, respectively and won all cases.
 - C. Obstructions by the Action Council include obstruction of the ETP's discharge of the treated water into the river, interference with water intake from the river, obstruction of goods transport into and from the factory, and threats against employees. Since 2013, the Kerala High Court has granted police protection to NGIL to ensure its smooth operations.
 - D. NGIL has obtained licenses/permissions from all relevant authorities and is issued consent under the Water (Prevention and Control of Pollution) Act (1974), the Air (Prevention and Control of Pollution) Act (1981), the Environment (Protection) Act (1986) and the Hazardous Wastes (Management, Handling & Transboundary Movement) Rules (2016). KSPCB has issued its integrated consent for operation, and the Kerala Health Department has issued sanitary certificates to the company for the period of 2020-21.

- E. NGIL also holds certifications based on high international standards, such as Certificate of Suitability from European Directorate of Quality Medicines (EDQMCOS) and Hazard Analysis Critical Control Point (HACCP). NGIL was also inspected by US Food and Drug Administration (USFDA), European Directorate of Quality Medicine (EDQM) and European Food and Veterinary Office (FVO) who have also issued certificates.

(6) Sustainability Initiatives

NGIL has prepared and published a sustainability report, in which it outlines its efforts regarding the environment and local communities. Specifically, as part of its Corporate Social Responsibilities (CSR), NGIL has been involved in social welfare measures such as construction of major healthcare centers, provision of drinking water facilities for local communities, installation of toilets in nearby schools, implementation of vegetable cultivation programs, financial support for women in the community to create self-employment opportunities, establishment of libraries and reading facilities, and educational support for children and others. Through these activities, NGIL has received several awards, including ‘Best Corporate Citizen Award by National Institute of Personnel Management, Kerala Chapter’, ‘Kerala Management Association Award for Best CSR Project’, and ‘National CSR leadership congress and Award for Best Environmental Sustainability Project’.

5. Initial Assessment

The Japanese NCP, in line with the Guidelines and the Procedural Guidance for the Japanese National Contact Point (NCP) under the Guidelines, conducted an initial assessment as described below on 12 June 2024.

(1) Whether the Japanese NCP is the Correct Entity to Assess the Complaint

- A. Nitta Gelatin, one of the Enterprises Involved in this instance, is an affiliated company that owns 46.43% of the shares of NGIL, a locally operating Enterprise Involved. Nitta Gelatin is considered to have significant influence over NGIL as at least the major shareholder of NGIL and as a distributor of NGIL’s products having close business relationships with NGIL. Nitta Gelatin qualifies as a multinational enterprise, and the Guidelines apply to this specific instance.
- B. Generally, issues will be dealt with by the NCP of the country in which the issues have arisen (paragraph 23 of “Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises” in the Guidelines), but India is a non-adhering country of the Guidelines and has no NCP. Therefore, it is considered appropriate for the Japanese NCP, located in the country where Nitta Gelatin’s headquarters is based, to handle this instance.

(2) The Identity of the Parties Concerned and Their Interests in the Matter

All Complainants in this instance are NGOs legally registered in India. The Action Council is an NGO organised by the parties who claim to be affected by water and soil damage caused by NGIL’s operations. Jananeethi provides legal support and other activities regarding the impact of NGIL’s operations on nearby residents. Although the Japanese NCP does not carry out a fact-finding investigation, it considers that the Complainants are relevant parties based on their claims.

(3) Whether the Issue is Material and Substantiated

This initial assessment does not decide whether the matters stated in the Specific Instance Form and the claims and explanations of the parties are correct. However, the issues raised by the Complainants in this instance are the impact on the environment and the human rights of local residents caused by NGIL's operations, which are individual and concrete. Therefore, the issues raised are considered material and substantiated.

(4) Whether There Seems to be a Link between the Activities of the Enterprise(s) Involved and the Issue Raised in the Specific Instance

- A. As described in (1) above, the Guidelines apply not only to a multinational enterprise itself but also to all entities belonging to the business group of that multinational enterprise. Therefore, the activities of local entities are naturally included in the considerations under this item.
- B. This specific instance submitted by the Complainants concerns the local operations in India of a company (NGIL) which is affiliated with a multinational enterprise (Nitta Gelatin). Therefore, there is a link between the activities of the Enterprises Involved and the submitted specific instance.

(5) Relations with Applicable Law and Procedures, Including Court Rulings

As described in (6) below, the Japanese NCP recognises that, in connection with the facts mentioned in this instance, the proceedings related to the 2017 NGT Judgement in the Kerala High Court and to the 2019-2024 D&O License are concurrently pending in India. (As noted above, it has been reported by the Enterprises Involved that, as of the date of issuance of this Final Statement, the 2025-2028 D&O License was renewed by the Local Panchayat, and consequently, all three related legal proceedings concerning the 2019-2024 D&O License were disposed.)

(6) How Similar Issues Have Been, or Are Being, Treated in Other Domestic or International Proceedings

- A. In 2016, the Action Council requested compensation from NGIL before NGT for the alleged deaths and injuries caused by pollution, as well as for farmland alleged to be rendered uncultivable. However, no remedy was granted as it was not substantiated.
- B. Of the 24 directions based on the 2017 NGT Judgement, only two remain pending before the Kerala High Court: paragraph (xii) (to gradually phase-out the use of wood fuel in the boilers and use only alternative eco-friendly fuels) and paragraph (xviii) (to align the standards for TDS and Chlorides in treated effluent discharged into Chalakudy River with drinking water standards, and to make it a condition of permits granted by KSPCB to NGIL). NGIL is contesting paragraph (xii) on the ground that it cannot be implemented as it has no basis in Indian domestic laws and regulations, and paragraph (xviii) on the ground that the direction is contrary to Indian domestic laws and regulations. The Kerala High Court issued, on 29 November 2019, an interim stay order with respect to both directions of the NGT. This matter remains pending before the Kerala High Court.
- C. Judicial proceedings related to the 2019-2024 D&O License, etc. are also pending before

domestic courts in India. (As noted above, as of the time of issuance of the Final Statement, all legal proceedings concerning the 2019-2024 D&O License have been disposed.)

- D. Regarding the directions under the 2017 NGT Judgement, the Enterprises Involved maintain that they have completed the implementation except paragraphs (xii) and (xviii) above, while the Complainants insist that all of them should be implemented. NGIL filed the Statement of Objection dated 25 February 2020 to the Kerala High Court, which is currently before the Court, stating that the report submitted by the CPCB to the Kerala High Court dated 24 January 2020 contains more circumstantial connections and assumptions than conclusions derived from scientific investigation. This report remains under review by the Kerala High Court.
- E. As described in (6) A. to D. above, the Japanese NCP recognises that, in connection with the facts mentioned in this instance, the proceedings in the Kerala High Court related to two directions under the 2017 NGT Judgement and the 2019-2024 D&O License are concurrently pending as well as the other proceedings (while, as noted above, as of the time of issuance of the Final Statement, all legal proceedings concerning the 2019-2024 D&O License have been disposed), but provision of a forum for dialogue including mediation by the Japanese NCP would be meaningful in a certain way. However, among the above, as the judicial proceedings related to two directions under the NGT Judgement are pending in Indian domestic courts, the Japanese NCP determines that, among the Complainants' requests, the parts premised on the finalisation of the contents of the directions issued by the 2017 NGT Judgement, as well as NGIL's compliance with those directions are issues that should be resolved through Indian domestic judicial proceedings and are outside the scope of mediation by the Japanese NCP. Nonetheless, if both parties agree to include the above part in the scope of mediation, it may be the subject matter of the mediation.
- F. The Complainants criticise that the courts and government in India lack neutrality while the Japanese NCP is a neutral forum, but the Japanese NCP is unable to express an opinion on such discussions. The Japanese NCP takes a position that these two procedures are not mutually exclusive, while respecting domestic procedures in India.

(7) Whether Consideration of Specific Instance Would Contribute to the Purposes and Effectiveness of the Guidelines

As stated in section 4 above, the Enterprises Involved in this instance are seeking a resolution through domestic judicial procedures in India and consider involvement by the Japanese NCP unnecessary. However, as this case involves multiple provisions of the Guidelines, the Japanese NCP could contribute to the purposes and effectiveness of the Guidelines by examining the aspects of the case excluding those premised on the finalisation of the contents of the directions issued by the 2017 NGT Judgement and NGIL's compliance with those directions, and by facilitating dialogue between the parties.

(8) Conclusion of the Initial Assessment

Accordingly, the parts of the Complaint's requests that are not premised on the finalisation of the content of the directions issued by the 2017 NGT Judgement or NGIL's compliance with those directions merit further examination.

6. The Japanese NCP's Assistance in Dealing with the Issues

Date	Japanese NCP's Assistance
13 January 2021	The Complainants raised issues before the Japanese NCP.
26 February 2021	The Japanese NCP sent the letter of receipt.
9 April 2021	The Japanese NCP notified the Enterprises Involved of the issues raised.
26 April 2021	An online meeting was held between the Enterprises Involved and the Japanese NCP.
30 July 2021	The Japanese NCP received a statement of opinion (English) from the Enterprises Involved.
13 October 2021	The Japanese NCP received the Japanese translation of the statement of opinion from the Enterprises Involved, prepared at the request of the Japanese NCP.
25 February 2022	The Japanese NCP received a document responding to the Enterprises Involved's statement of opinion from the Complainants.
27 December 2023	The Japanese NCP notified the Initial Assessment to both parties with request for confirmation on whether or not they were willing to participate in mediation by the Japanese NCP. (The scope of the dialogue offered by the Japanese NCP excluded the parts of the Complaint's requests that premised on the finalisation of the content of the directions issued by the 2017 NGT Judgement or NGIL's compliance with those directions.)
18 January 2024	The Complainants responded that (i) they are willing to participate in dialogue on condition that the part relating to the 2017 NGT Judgement and the CPCB directions will be discussed in the mediation, and that (ii) if the Enterprises Involved are accepting to include such parts in the mediation process, they would like to consider the next steps.
27 February 2024	A statement of opinion was submitted by the Enterprises Involved to the Japanese NCP that one of the documents submitted by the Complainants to the Japanese NCP on 13 January 2021 was not shared with the Enterprises Involved and that the Enterprises Involved prepared their opinions without access to the document, while the Complainants and the Japanese NCP had access to them during the initial assessment. The Enterprises Involved requested appropriate corrective measures, including at least revising the initial assessment dated 27 December 2023 to amend any references that rely solely on the unshared document as it raised serious doubts about procedural fairness under the Guidelines.
12 June 2024	The Japanese NCP notified the Revised Initial Assessment to the parties concerned. Based on the conclusion that the case merits further examination, the Japanese NCP asked the Enterprises Involved to re-confirm whether they were willing to participate in the mediation procedure, including whether they could agree to discuss the 2017 NGT Judgement and the CPCB directions in the mediation.
27 June 2024	A statement of opinion was submitted by the Enterprises Involved to the Japanese NCP stating that the Revised Initial Assessment improperly indicated numerous points not mentioned in the specific instance submission form as if they were the Complainants' complaints and was

	therefore inappropriate from the standpoint of procedural fairness and equality of the parties. (*The initial assessment conducted by the Japanese NCP was based on the materials submitted by the Complainants.)
12 August 2024	The Enterprises Involved submitted a response that they will decline the offer of the Japanese NCP since with the involvement of the relevant authorities, they intend to pursue an appropriate resolution of the specific instance in good faith through judicial procedures in India under the Indian laws and regulations, which makes it difficult to resolve the specific instance through mediation of the Japanese NCP.
27 February 26	In the preparation of the final statement, the Japanese NCP provided a draft of the final statement to both parties and requested their comments on the draft.

7. Conclusion

- (1) The Japanese NCP concluded in its initial assessment that this case merits further examination and confirmed whether the parties were willing to participate in mediation proceedings.
- (2) The assistance of NCPs in resolving issues is based on an agreement of the parties involved, and since the Japanese NCP was unable to confirm the willingness of both parties to this specific instance to participate in mediation under the conditions proposed by the Japanese NCP, the Japanese NCP will regrettably terminate the proceedings in this specific instance in line with paragraph 35 of “Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises” in the Guidelines.
- (3) The Japanese NCP recommends that, the Enterprises Involved continue to ensure observance of the Guidelines and implementation of due diligence, taking into account the impact on the environment and local communities, and, whilst noting that there is a difference of opinion between the Complainants and the Enterprises Involved, to make efforts to engage with the local community, including the Complainants.

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