

FINAL ASSESSMENT REPORT

Specific Instance regarding the operations of DOE RUN PERÚ S.R.L. and THE RENCO GROUP INC.

This Final Assessment Report is prepared with respect to the Specific Instance submitted by COOPERACION, MOVIMIENTO POR LA SALUD DE LA OROYA, FORUM SOLIDARIDAD, RED UNIENDO MANOS PERÚ, OXFAM AMERICA/PERU and OXFAM AMERICA/WASHINGTON, for the alleged breach of the Organization for Economic Co-operation and Development - OECD Guidelines for Multinational Enterprises, by the companies DOE RUN PERÚ SRL and THE RENCO GROUP INC.

I. BACKGROUND

1. Since July 26, 2008, Peru is a signatory of the OECD Declaration on International Investment and Multinational Enterprises and participates in the activities of the OECD Investment Committee. Also, in accordance with the Agreement of the Steering Council of the Private Investment Promotion Agency - PROINVERSIÓN, dated July 1, 2009, this entity has been designated as the National Contact Point of the OECD in Peru (NCP Peru), to promote and implement the OECD Guidelines for Multinational Enterprises (Guidelines).
2. On February 24, 2011, the NCP Peru received the Specific Instance raised by COOPERACION, MOVIMIENTO POR LA SALUD DE LA OROYA, FORUM SOLIDARIDAD, RED UNIENDO MANOS PERÚ, OXFAM AMERICA/PERU y OXFAM AMERICA/WASHINGTON, for the alleged breach of the Guidelines by the companies DOE RUN PERÚ SRL and THE RENCO GROUP INC., as a result of the operations carried out in La Oroya Metallurgical Complex, Peru.
3. On June 7, 2011, NCP Peru met with the **representatives of the claimants** in order to have them explain their claim in greater detail and learn about the procedures to be followed by NCP Peru. Likewise, on July 11, 2011, the claimants submitted complementary information to the Specific Instance.
4. On July 22, 2011, by Official Document N° 274-2011-DSI/PROINVERSIÓN, the NCP Peru informed DOE RUN PERÚ S.R.L. on the Specific Instance submitted by COOPERACION, MOVIMIENTO POR LA SALUD DE LA OROYA, FORUM SOLIDARIDAD, RED UNIENDO MANOS PERÚ, OXFAM AMERICA/PERU and OXFAM AMERICA/WASHINGTON. Also, NCP Peru invited DOE RUN PERÚ S.R.L. to a meeting in order to discuss the specific instance raised.
5. On September 21, 2011, NCP Peru held a meeting with the representatives of DOE RUN PERÚ S.R.L. to explain the procedure to follow and listen to their position in relation to the specific instance raised.



6. On October 7, 2011, DOE RUN PERÚ S.R.L. sent to the NCP Peru a document containing details of the arguments stated in the document of the Specific Instance.
7. On November 15, 2011, the NCP Peru contacted the NCP USA to keep it informed on the procedure. In this regard, the NCP USA stated that the competence of this case corresponded to NCP Peru.
8. On December 4, 2015, through Resolution of the Executive Directive N° 161-2015, PROINVERSIÓN approved Directive N° 003-2015-PROINVERSIÓN, for the "Attention of Specific Instances Relating to the Implementation of the OECD Guidelines" (Directive). It should be noted that, although the communications received by the parties involved in this Specific Instance, as well as the actions carried out by the NCP Peru, are dated prior to the issuance of the Directive, it was considered appropriate that this Specific Instance has a Final Assessment Report in accordance with the procedures established in the Directive.

II. The Specific Instance - arguments and facts stated by COOPERACION, MOVIMIENTO POR LA SALUD DE LA OROYA, FORUM SOLIDARIDAD, RED UNIENDO MANOS PERÚ, OXFAM AMERICA/PERU and OXFAM AMERICA/WASHINGTON

1. Claimants COOPERACION¹, MOVIMIENTO POR LA SALUD DE LA OROYA², FORUM SOLIDARIDAD³, RED UNIENDO MANOS PERÚ⁴, OXFAM AMERICA/PERU⁵ y OXFAM AMERICA/WASHINGTON (hereinafter THE CLAIMANTS) filed on February 24, 2011, the Specific Instance against DOE RUN PERÚ SRL (hereinafter DOE RUN PERÚ) and THE RENCO GROUP INC. (hereinafter THE RENCO GROUP) about the alleged violation of the OECD Guidelines and requesting the assistance of the NCPs to resolve disputes arising

¹ COOPERACIÓN is a Peruvian non-profit civil association, which since 1997 promotes the knowledge and exercise of social, environmental, political, cultural and economic rights; as well as the sustainable management of the territory with gender and intercultural approaches.

Source: <http://cooperacion.org.pe/acerca-de-nosotros/que-hacemos/>

² MOSAO is an organization formed by those affected by pollution in La Oroya.

Source: <https://www.ohchr.org/Documents/Issues/Business/ForumSession1/.../RosaAmaro.ppt>

³ FORUM SOLIDARIDAD PERÚ is recognized as a promoting organization for change and for the empowerment of local actors. Their analysis and studies have been or are inputs for the lobbying and advocacy of these stakeholders.

Source: <http://www.psf.org.pe/institucional/presentacion-2018/>

⁴ RED UNIENDO MANOS PERÚ is a network made up of different nonprofit civil society organizations that is registered in the Register of National Non-Governmental Development Organizations (NGDOs) Receiving International Technical Cooperation

Source: <http://www.apci.gob.pe/proyecto/ReporteServlet?accion=>

⁵ OXFAM is an international confederation of 19 organizations that work alongside partner organizations and local communities in more than 90 countries.

Source: <https://peru.oxfam.org/qui%C3%A9nes-somos>

