

National Contact Point of Switzerland

Specific Instance regarding Syngenta submitted by Maharashtra Association of Pesticide Poisoned Persons, Pesticide Action Network India, Public Eye, European Center for Constitutional and Human Rights, Pesticides Action Network Asia Pacific

Follow-Up Statement

Berne, 15 June 2023

1. Context

On 17 September 2020, five organizations namely Public Eye, Maharashtra Association of Pesticide Poisoned Persons, Pesticide Action Network India, European Center for Constitutional and Human Rights and the Pesticides Action Network Asia Pacific (hereafter “submitting Parties”) handed in a written submission to the Swiss NCP to consider a specific instance under the OECD Guidelines for Multinational Enterprises regarding Syngenta AG (hereafter “Syngenta”). The submission concerned alleged health and socio-economic impacts for a group of 51 farmers and farm workers in India, potential end users of a pesticide sold by Syngenta.

Despite mediation, no joint outcome of the dialogue could be achieved as there were differing views on the impact of ongoing judicial proceedings at the Civil Court of Basel on the mediation process. On 16 June 2022, the Swiss NCP published its [Final Statement](#) in which it announced a follow-up to the recommendations of the NCP directed at the Parties nine months after the closure of the specific instance.

2. Implementation of the recommendations of the NCP

As requested by the NCP, both parties have submitted follow-up reports on the implementation of the recommendations of the NCP set out in the Final Statement. In its assessment the Swiss NCP focused on the following two recommendations:

2.1. Review of Syngenta’s complaint mechanism in India

Syngenta asked a local branch of an international audit company and a local law firm to carry out an independent review of its complaint mechanism in India considering relevant legislation and the OECD *Due Diligence Guidance on Responsible Business Conduct*. The review focused on the criteria of accessibility, predictability and transparency. Therefore, they checked whether the information about the customer care helpline is disseminated in adequate detail on product labels, the company website and in training materials. They further conducted test calls to assess whether product quality and medical complaints are processed and registered properly. Finally, when comparing the customer care process with the process of other companies they came to the conclusion that only Syngenta’s mechanism offers medical advice. Based on their recommendations, Syngenta decided to share details of all customer care toll free numbers and email ID on the website of Syngenta India. It now also clearly states the details of the extended operating hours of the customer care helpline. Moreover, it appointed new employees to support the customer care manager. Finally, Syngenta implemented an interactive voice response facility to address medical complaints after operating hours of the customer care helpline.

The NCP welcomes that Syngenta has reviewed and in particular improved the accessibility and transparency of its complaint mechanism in India. However, the NCP notes that relevant stakeholders on the ground (incl. distributors, retailers, farmers) have not been consulted by Syngenta on the review.

2.2 Review of Syngenta's training programs for farmers in India

In its Follow-up report, the submitting Parties pointed out again that in their view the usefulness and effectiveness of trainings as a tool to prevent poisoning incidents of farmers is contested. Accordingly, they did not provide comments to Syngenta about the review of their training programs within the framework of its professionalization of spraying services nor have they been approached by Syngenta for that matter.

While the NCP takes note that the submitting Parties do not share the view that Syngenta's training programs for farmers in India are useful, it nevertheless encourages them to engage in dialogue to foster mutual understanding on this matter.

3. Conclusions

The NCP welcomes the review of Syngenta's complaint mechanism which led to recommendations which have been implemented by the company. However, it regrets that the Parties did not continue their dialogue neither at the international level nor at the national level in India in order to foster mutual understanding.

The NCP takes note that Syngenta expressed its disappointment that the submitting Parties focused during mediation on elements which were the subject of ongoing judicial proceedings. At the same time, it notes that the submitting Parties regretted that the mediation did neither lead to any compensation for the farmers nor to an adaptation of Syngenta's manufacturing and distribution process.

With this Statement, the Swiss NCP concludes the follow-up to the specific instance.