

Topic	OECD procedure at NCP	Liability suit according to rejected RBI
Type of proceeding	Arbitration procedure; mediation by the NCP (no arbitration procedure according to Swiss Code of Civil Procedure)	<i>Civil proceeding before cantonal civil courts in accordance with Swiss civil procedure</i>
Costs	Low; NCP procedure is free of charge; no obligation to consult an attorney no obligation to compensate the other party	<i>Expensive; plaintiff must pre-finance civil proceeding (cost contribution; ensuring the compensation of the parties) and bears the lawyer's fees</i>
Character of the proceedings	Dialog; mediation; informal; creative; voluntary	<i>Confrontation; procedural; juridical; mandatory</i>
Scope	Open; solution-oriented; future-oriented; focused on system errors	<i>Limited to the claims in the application; focused on the past; focused on breaches of duties by the defendant company (e.g. supervision of supply chain and affiliates)</i>
Result	Agreement with behavioural obligations for the company; no guilty parties; NCP recommendations on the implementation of the OECD guidelines	<i>Judgement: approval or rejection of claims; e.g., order to pay damages; declaratory judgment</i>
Confidentiality	Confidentiality of the dialogue of the parties; opening of procedures (NCP report on the initial assessment) and the final result (NCP final declaration) are public	<i>Procedure is public according to the Swiss Code of Civil Procedure</i>
Internationality	International legal basis (OECD guidelines)	<i>Swiss law is applied to international matters</i>

Enforcement	Self-commitment of the companies	<i>Judgment can be enforced in Switzerland (e.g. payment obligation); foreign matters must be enforced in the foreign state concerned (enforcement procedure)</i>
Language	English, German, French, Italian	<i>No English; Official language(s) of the canton in which the defendant company has its seat</i>
Time required	Initial assessment by the NCP within 3-4 months (decision to intervene). It is not possible to give any time frame for the dialogue phase.	<i>A civil case takes 1-2 years (first instance). Appeals on cantonal and federal level.</i>