

FOLLOW-UP STATEMENT

Specific instance submitted by former employees of the joint venture, Douala International Terminal S.A. in Cameroon vs A.P. Moeller - Maersk A/S

August 29, 2025

ABOUT NCP DENMARK AND SPECIFIC INSTANCES

NCP Denmark is the Danish National Contact Point to the [OECD Guidelines for Multinational Enterprises on Responsible Business Conduct](#) (hereafter the OECD Guidelines). NCP Denmark is an independent non-judicial grievance mechanism established by law¹. NCP Denmark is mandated to inform about the OECD Guidelines and handle specific instances (complaints) concerning whether Danish companies, public authorities, and public and private organisations observe the OECD Guidelines.

As specific instances are not legal cases and NCPs are not judicial bodies, NCP Denmark cannot directly order compensation nor compel parties to participate in a conciliation or mediation process. NCP Denmark can determine whether a corporate or public entity has observed the OECD Guidelines and publish statements, which may contain recommendations to the companies when appropriate.

¹ The Danish Act no 546 of 18 June 2012 on a Mediation and Complaints-Handling Institution for Responsible Business Conduct (the NCP Act)

Summary

NCP Denmark has carried out a follow-up assessment of the recommendations made in the final statement from 6 May 2024 regarding a complaint filed by former employees of the joint venture (JV), Douala International Terminal in Cameroon, against A.P. Moeller - Maersk A/S (APMM).

In its follow-up assessment, NCP Denmark acknowledges that APMM has made significant progress in responsible business conduct by enhancing JV governance through baseline standards, digital labour risk monitoring tools, and JV board and management training. APMM has also improved the communication about due diligence in its 2024 Annual Report.

NCP Denmark concludes that the recommendations have been satisfactorily implemented and encourages APMM to continue its risk-based approach, expand the scope of human rights issues within its JV Framework, and broaden the range of rights holders and stakeholders to gain valuable perspectives that could further refine and enhance its risk-based due diligence processes.

Final statement – findings and recommendations

On 6 May 2024, NCP Denmark published a final statement regarding the specific instance submitted by former employees of the JV, Douala International Terminal S.A. in Cameroon. The complaint concerned the operation of a port terminal during the period 2004-2019 by the JV between A.P. Moeller - Maersk A/S (APMM) and the French company Bolloré. From APMM's side, the JV was operated by the subsidiary, APM Terminals.

NCP Denmark carried out an investigation and concluded the following:

- 1) A parent company has a responsibility to ensure that responsible business conduct is promoted, and that risk-based due diligence is carried out in relation to both its own activities and those of its subsidiaries.
- 2) APMM had not sufficiently carried out risk-based due diligence in accordance with the OECD Guidelines during the period from 2011 up until the end of the concession agreement in 2019.

- 3) APMM had not sufficiently used its leverage in its JV, Douala International Terminal S.A. in Cameroon, and had therefore not adequately fulfilled its obligations under the OECD Guidelines to prevent adverse impacts.
- 4) The allegation that APMM violated the OECD Guidelines regarding workers' rights and working conditions was not sufficiently substantiated.

The final statement included recommendations on how to better align with the OECD Guidelines. These included integrating Human Rights and Labour Rights in the JV Framework, assessing and enhancing APMM's use of leverage, including training key personnel, as well as strengthening APMM's risk mitigation and communication on its due diligence processes.

Follow up assessment

In accordance with Section 7 of the NCP Act, NCP Denmark conducts a follow-up one year after publishing the final statement to evaluate whether and how APMM has implemented NCP Denmark's recommendations.

On 16 June 2025, NCP Denmark received APMM's follow-up response containing accounts and documentation on how APMM has approached the recommendations made by NCP Denmark. This information was presented and discussed with APMM at a meeting on 23 June 2025.

In this assessment, NCP Denmark reviews the progress on the recommendations:

1. Update of JV Framework

APMM explains that while the overall Global JV Framework has not been fundamentally changed, it has been supplemented with formalized JV Baselines and guidance from senior management on how to handle JVs in APM Terminals. APMM has codified certain minimum requirements into JV Baselines, which includes labour standards, codes of conduct, compliance setup, sustainability and Human Rights, and HSSE (Health, Safety, Security, and Environment).

For JVs under APMM's control, APMM's Corporate Governance Framework typically applies to ensure that controlled JVs adhere to APMM's standards. In non-controlled JVs, APMM

has neither majority shareholding nor decisive control over the board and thus cannot impose actions on the JV partners. However, APMM still aims to secure the baseline standards where possible. In new non-controlled JVs, the Baselines are integrated into negotiations to secure contractual commitment to the minimum standards. For existing non-controlled JVs, APMM leverages the Baselines to guide shareholder and board focus, engage partners and investors, and, where feasible, drive gradual improvement and alignment with the standards.

APMM observes that the most salient human rights risks involving third parties often relate to HSSE and Labour Rights, which is the reason why these aspects are given priority in the JV Baselines.

APMM presented developments within the areas of labour standards, highlighting the development and implementation of a new digital tool. This tool supports alignment, monitoring, and follow-up with the APMM labour standards and policies for third-party labour. The tool is applied across all suppliers and controlled JVs. In non-controlled JVs, APMM encourages the same standards being deployed and monitored albeit using different tools, but the decision ultimately lies with the JV board and/or controlling shareholders.

In 2024, APMM recruited a full-time staff-member dedicated to applying the JV Framework and Baselines to APMM's Ocean and Landside JVs.

Going forward, according to APMM, this will ensure that there is more awareness on these areas in all JVs and more effective enforcement and monitoring.

2. Degree of leverage in business relationships

APMM has sought to increase its leverage in non-controlled JVs by ensuring a stronger presence of board members and senior management. Historically, boards were regionally based, and board members often served on multiple boards simultaneously. APMM has now adopted a more rigorous selection process based on competencies and experience, limiting board memberships to a maximum of 3-5 boards. According to APMM, this ensures that board members can adequately follow up on risks, actions and responsibilities.

APMM has also presented a training program for JV board members and management. It includes two and a half days of training on key topics such as corporate governance, the

legal and regulatory framework of organizations, directors' roles, responsibilities and liabilities, effective board practices, risk governance, ethics, and corporate culture. APMM asserts that considerable efforts are made to train APMM personnel in JVs to enhance their awareness of risk identification, mitigation, and management. According to APMM, when risks are known to be particularly prominent in certain regions, it is a non-formalised practice that those specific risk-related questions are prioritized.

In certain cases, the training is also requested by and offered to other JV partners, including their board members or management.

According to APMM, future plans for JV management include adapting and introducing equivalent JV Baselines to all APMM's non-controlled JVs, developing an annual governance calendar to ensure APMM nominated board members systematically address introduction, improvements, and enforcement of the JV Baselines. Additionally, APMM aims to further systematize the follow-up process to ensure consistent progress in advancing the standards.

APMM expects that these actions, including the advancement of the JV Baselines will increase JV shareholders' and boards' focus on these topics and indirectly increase APMM's leverage.

3. Risk mitigation and communication on due diligence

Regarding APMM's communication on due diligence, this is primarily done through the annual report. APMM's annual report from 2024 is aligned with the ESRS (European Sustainability Reporting Standards) as legally required under the Corporate Sustainability Reporting Directive (CSRD).

In the annual report from 2024, APMM outlines its approach to due diligence and its assessment of impacts, risks, and opportunities using the double materiality assessment. APMM has identified five salient human rights issues, including health and safety in the supply chain, violence and harassment at work, impacts of climate change and decarbonization (just transition), access to remedy and working conditions in the supply chain.

For each identified salient human rights issue – established through corporate human rights risk assessments and related processes – APMM provides updates through dedicated sections of its Sustainability Statement. Progress on addressing risks related to

third-party labor, including specific targets, is communicated within the context of employee relations and labor rights.

APMM further explains in the Sustainability Statement how they monitor potential negative impacts and risks on an ongoing basis through joint business reviews, site audits, and biannual self-assessments to ensure compliance with the Code of Conduct. These measures enable the company to identify emerging risks within its operations and to develop targeted action plans to mitigate them effectively.

Additionally, APMM notes that, communication also includes regular bilateral dialogues with for example investors and customers, where due diligence efforts are shared.

NCP Denmark's conclusion

NCP Denmark recognises that companies often face dilemmas in balancing internal and external risks, geopolitical as well as economic interests, and the needs of the communities they operate in, alongside opportunities to create value and explore market opportunities. A core aim of the OECD Guidelines is to provide standards that help companies minimise the adverse impacts their operations may cause or contribute to, or with which they are directly involved through their operations, products or services through business relationships, while also recognizing the positive contributions companies can make. Effective implementation of risk-based due diligence is key to addressing these challenges. NCP Denmark emphasizes that risk-based due diligence is a dynamic and ongoing process that should evolve based on lessons learned and past practices.

Overall, NCP Denmark acknowledges the significant progress made by APMM on responsible business conduct since the initial complaint was submitted. It is particularly encouraging that these developments have continued after the publication of NCP Denmark's final statement in May 2024.

NCP Denmark commends APMM's efforts to supplement its JV Framework, through guidance and the adoption of JV Baselines, with improved integration of labour standards into the framework. Moving forward, NCP Denmark encourages APMM to continually evaluate the need to broaden the scope of human rights issues addressed within the JV Framework and Baselines, and in this context pay attention to risks and impacts on all affected stakeholders and rights-holders, including but not limited to workers.

NCP Denmark also notes significant improvements in APMM's communication on due diligence, particularly in its 2024 Annual Report. Looking ahead, NCP Denmark invites APMM to explore ways to incorporate deeper insights from human rights impact assessments into its public communication on due diligence.

Furthermore, APMM is encouraged to ensure meaningful engagement with a broader range of affected stakeholders to gain valuable perspectives that could enhance its risk-based due diligence processes.

In conclusion, NCP Denmark assesses that APMM has implemented the recommendations from NCP Denmark satisfactorily. This follow-up statement will replace the final statement of the original investigation on NCP Denmark's website.

Finally, NCP Denmark extends its appreciation to APMM for their constructive participation in this process.