

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
INVESTMENT COMMITTEE**

Working Party on Responsible Business Conduct

SWITZERLAND

**NATIONAL CONTACT POINT FOR THE OECD GUIDELINES FOR MULTINATIONAL
ENTERPRISES 2016 REPORT TO THE OECD**

This document is available in pdf format only.

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**SWITZERLAND NATIONAL CONTACT POINT
FOR THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES**

2016 REPORT TO THE OECD

COMMON FRAMEWORK FOR ANNUAL REPORTING BY NATIONAL CONTACT POINTS FOR THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES

1 January - 31 December 2016

The role of National Contact Points is to further the effectiveness of the OECD Guidelines for Multinational Enterprises (the Guidelines) by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that arise from the alleged non-observance of the Guidelines in specific instances by individual companies. NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability to further the objective of functional equivalence.

National Contact Points must regularly report to the OECD Investment Committee on the nature and results of their activities to further the effectiveness of the Guidelines including implementation activities in specific instances.

This Common Reporting Framework, based on the Implementation Procedures of the Guidelines, assists NCPs in the preparation of these reports. The information provided by NCPs is the basis for the Annual Report to the OECD Council on the Guidelines for Multinational Enterprises. It is also used to produce Annual reports of individual NCPs (NCP Annual reports).

COMMON REPORTING FRAMEWORK

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NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2016)

A. CONTACT INFORMATION

Please provide the contact information of the person filling in the questionnaire.

Name:	Alex Kunze
Job title:	NCP Secretariat staff
Email:	alex.kunze@seco.admin.ch
Telephone number:	+ 41 58 465 3063

B. INSTITUTIONAL ARRANGEMENTS

(a) Location of the NCP

1. Is the NCP located in a Ministry?	Yes
If yes, in which Ministry is the NCP located?	Federal Department of Economic Affairs, Education and Research EAER
If yes, in which department of the Ministry?	State Secretariat for Economic Affairs
2. Is the NCP located in an investment promotion agency?	No
3. Is the NCP an independent NCP?	No
4. Has the NCP been established through a legal, regulatory or administrative instrument (e.g. a decree)?	Yes
If yes, please provide the name and date of this instrument	Ordinance on the Organisation of the National Contact Point for the OECD Guidelines for Multinational Enterprises and on its Advisory Board of 1 May 2013 (SR 946.15), see: https://www.admin.ch/opc/fr/classified-compilation/20130820/index.html

*Additional comments on **Location of the NCP**:*
The location mentioned in B (a) concerns the Secretariat of the NCP

(b) Composition of the NCP

5. Who are the members of the NCP?
Please describe the functions of the members of the NCP (e.g. President, Secretariat, Independent expert, etc.). No names are required.

NCP Secretariat located at the State Secretariat for Economic Affairs (SECO): 3 persons.
 Advisory Board (AB): The AB has 14 members including the Director of the State Secretariat of Economic Affairs and 3 further members of the Federal Administration, 2 representatives from employers' federations, trade unions, business associations, non governmental organisations and academia. The AB advises the NCP on its strategic orientation and specific questions such as the procedural guidance, the applicability of the OECD Guidelines to non classical organisations (e.g. sports associations), the selection criteria of professional mediators. The AB also promotes the dialogue between stakeholder groups and contributes to the effective implementation of the

	<p>OECD Guidelines.</p> <p>Ad hoc working groups: Whenever a specific instance is raised with the NCP, an ad hoc working group with representatives of the Federal Administration is formed. The members are selected for their expertise based on the issues raised in the submission. The ad hoc working groups meet generally 1-2 times during the phase of the initial assessment, 2-3 times during the mediation phase and once before closing a specific instance. The ad hoc working groups take decisions with respect to all important procedural steps of the specific instance, such as the decision during the Initial Assessment whether to accept a specific instance for further examination and the decision on the wording of the Final Statement.</p>	
<p>6. Does the NCP have dedicated full-time staff? <i>If yes, please indicate the number.</i></p>	Yes	1
<p>7. Does the NCP have dedicated part-time staff? <i>If yes, please indicate the number.</i></p>	Yes	2
<p>8. Have any full-time or part-time staff members joined the NCP during the year? <i>If yes, please indicate how many.</i></p>	No	Click here to enter text.
<p>9. Have any full-time or part-time staff members left the NCP during the year? <i>If yes, please indicate how many.</i></p>	No	Click here to enter text.
<p>10. Are other Ministries part of the institutional arrangements of the NCP? <i>(e.g. represented on advisory or oversight bodies, participate in specific instances, etc.)</i></p>	Yes	
<p>If yes, please list the Ministries (e.g. Social Affairs, Labour, Trade, Environment, Foreign Affairs, Justice, Finance, etc.)</p>	<p>Advisory Board: Federal Department of Economic Affairs, Education and Research; Federal Department of Foreign Affairs;</p> <p>Ad-hoc working groups: according to the topics raised in the submission, the following ministries can be involved: Federal Department of Economic Affairs, Education and Research; Federal Department of Foreign Affairs; Federal Department of Environment, Transport, Energy and Communications; Federal Department of Finance ; Federal Department of Justice and Police.</p>	
<p>11. Are social partners and other stakeholders (trade unions, business community, civil society and other non-governmental organisations) part of the institutional arrangements of the NCP? <i>(e.g. represented on advisory or oversight bodies, represented on the NCP, take part in specific instances)</i></p>		
NGOs	Yes	
Representatives of the business community	Yes	
Trade unions	Yes	
12. Does the NCP have an advisory body?	Yes	
<p>If yes, please describe its functions</p>	<p>Advisory Board (AB): The AB has 14 members including the Director of the State Secretariat of Economic Affairs and 3 further members of the Federal Administration, 2 representatives each</p>	

	<p>from employers' federations, trade unions, business associations, non governmental organisations and academia.</p> <p>Functions: The AB board advises the NCP on its strategic orientation and specific questions such as the procedural guidance, the applicability of the OECD Guidelines to non classical organisations (e.g. sports associations), the selection criteria of professional mediators. The AB also promotes the dialogue between stakeholder groups and contributes to the effective implementation of the OECD Guidelines.</p>
<p>If yes, please list the names of organisations that are represented on the advisory body and the type of organisation, or provide a link to the list on the NCP website. (e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)</p>	https://www.admin.ch/ch/f/cf/ko/gremium_1043_1.html
<p>If yes, please indicate how often the NCP meets with the advisory body</p>	Twice a year
13. Does the NCP have an oversight body?	No
<p>If yes, please describe its functions</p>	Click here to enter text.
<p>If yes, please list the names of organisations that are represented on the oversight body and the type of organisation, or please provide a link to the list on the NCP website. (e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)</p>	See question 12
<p>If yes, please indicate how often the oversight body meets</p>	N/A
14. Does the NCP have a body for both advice and oversight?	Yes
<p>If yes, please describe its functions</p>	<p>See question 12. Some activities of the Advisory Board (AB) have characteristics of the functions of an oversight body. E.g. the AB was closely involved in the update of the NCP's written procedural guidance and requested specific amendments. Furthermore, the AB approved guidance to the NCP Secretariat concerning the applicability of the OECD Guidelines to sports associations and similar institutions. Therefore, to a certain extent we consider the AB to be both, an advisory and an oversight body.</p>
<p>If yes, please list the names of organisations that are represented on the oversight body and the type of organisation, or provide a link to the list on the NCP website. (e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)</p>	See question 12
<p>If yes, please indicate how often this body meets</p>	Twice a year
<p>Additional comments on <i>Composition of the NCP</i>: Click here to enter text.</p>	

(c) Financial resources	
15. Did the NCP have a dedicated budget this year?	Yes
16. Did the NCP have a dedicated budget to conduct its promotional activities during the year?	No
If no, were financial resources for promotional activities allocated on an ad hoc basis when requested by the NCP?	Yes
17. Did the NCP have a dedicated budget to conduct its activities related to specific instances during the year?	Yes
If no, were financial resources for specific instances allocated on an ad hoc basis when requested by the NCP?	Choose an item.
18. During the year, was the NCP able to access funds for the following activities:	
Organising promotional events	Yes
Attending NCP meetings at the OECD	Yes
Attending events organised by other NCPs	Yes
Attending events organised by other stakeholders	Yes
Professional mediator fees or in-house mediator fees	Yes
Fact-finding research into specific instances	No
<p><i>Additional comments on Financial resources:</i> In depth fact finding is not foreseen in the procedural guidance. But Swiss Embassies abroad contribute to general appreciation of data received by the NCP.</p>	
(d) Reporting	
19. Does the NCP report to the government on its activities?	Yes
If yes, how often?	Once a year
20. Does the NCP report to parliament on its activities?	Yes
If yes, how often?	Once a year
<p><i>Additional comments on Reporting:</i> The NCP provides an overview on its activities to the Parliament in a specific chapter of the annual Foreign Economic Report. The full report is available in French, German and Italian, the executive summary in English.</p> <p>The NCP reports on an annual basis to the OECD Investment Committee in accordance with the Procedural Guidance. These reports are also published on the NCP website which includes annual reports from the year 2007 onwards.</p> <p>Additionally, activities included in the CSR Position Paper and Action Plan 2015–2019 of the Federal Council, which includes awareness raising activities by the NCP, will be reported to the Federal Council in 2017.</p> <p>The NCP Secretariat reports on NCP activities (e.g. specific instance procedures, meetings of the OECD Secretariat) at the bi-annual meetings of the NCP Advisory Board. According to the Ordinance the NCP Advisory Board is mandated to publish summary statements from these meetings and additionally to report its activities in the NCP annual reports. These summary statements from meetings of the NCP Advisory Board are available on the</p>	

NCP website.

C. INFORMATION AND PROMOTION		
(a) NCP website ¹		
21. Was a new NCP website created this year? If yes, please provide the link.	No	Click here to enter text.
22. Are the following items available on the NCP website:		
Information about the Guidelines and the role of the NCP		
The text of the Guidelines	Yes	
A description of the Guidelines	Yes	
Information on the NCP and its mandate	Yes	
The 2015 NCP Annual Report submitted to the OECD	Yes	
The NCP's own 2015 Annual Report	Yes	
Information about specific instances		
Information on how to submit a specific instance	Yes	
The NCP's rules of procedures	Yes	
All final statements since 2011	Yes	
Information on promotional activities		
Information on upcoming events promoting the Guidelines	No	
Information on past events promoting the Guidelines	No	
Contact information		
Information on how to make an enquiry to the NCP	Yes	
A phone number to reach the NCP directly	Yes	
An email address to reach the NCP directly	Yes	
<i>Additional comments on NCP website:</i> NCP website in 4 languages (German, French, Italian and English): www.seco.admin.ch/ncp		
(b) Promotional activities ²		
23. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? <i>If yes, please provide details in table 1 in Annex 1.</i>	Yes	
24. Did the NCP make a presentation to promote the Guidelines and/or the NCP in events organised by others? <i>If yes, please provide details in table 2 in Annex 1.</i>	Yes	

¹ This includes dedicated NCP webpages as part of the Ministry's website.

² Attendance of NCP meetings held at the OECD and other OECD events such as the Global Forum on Responsible Business Conduct are not considered to be promotional activities.

25. Did the NCP make use of social media to communicate on NCP promotional activities during the year?	No
26. Did the NCP hold a stakeholder meeting during the year?	Yes
27. Did the NCP promote the Guidelines among the business community during the year?	Yes
28. Did the NCP carry out any training on the Guidelines aimed at businesses during the year?	No
29. Did the NCP promote the Guidelines among NGOs during the year?	Yes
30. Did the NCP promote the Guidelines among trade unions during the year?	Yes
31. Did the NCP promote the Guidelines among government agencies during the year?	Yes
32. Did the NCP promote the Guidelines among embassies abroad during the year?	Yes
33. Did the NCP promote the Guidelines to investment promotion agencies during the year?	No
34. Did the NCP refer to the following sector guidance reports in promotional activities during the year:	
OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas	Yes
OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector	Yes
OECD-FAO Guidance for Responsible Agricultural Supply Chains	Yes
<i>Additional comments on the section Promotional activities:</i> Click here to enter text.	

D. SPECIFIC INSTANCES		
(a) NCP rules of procedure for handling specific instances		
35. Does the NCP have rules of procedure describing the handling of specific instances?	Yes	
36. Are the rules of procedure available online? <i>If yes, please provide link. If no, please attach a copy of the rules of procedure to this questionnaire</i>	Yes	www.seco.admin.ch/ncp
37. Were the NCP's rules of procedure modified this year?	No	
<i>Additional comments on the section Rules of procedure:</i> Click here to enter text.		

(b) Specific instance practicalities	
38. Does the NCP confirm receipt of a specific instance submission?	Yes
39. Who has the final sign-off on accepting a specific instance? <i>Please provide the function of the relevant staff within the NCP. No names are required.</i>	Ad hoc working group, see question 12
40. Who has the final sign-off on final statements? <i>Please provide the function of the relevant staff within the NCP. No names are required.</i>	Ad hoc working group, see question 12
41. Does the NCP request feedback from the parties on the procedure following the conclusion of a specific instance?	Yes
42. Has the NCP staff undergone training in dispute resolution or problem-solving (e.g. mediation)?	Yes
43. Did the NCP engage professional mediators during the year?	Yes
<p><i>Additional comments on the section Specific instance practicalities:</i></p> <p>Click here to enter text.</p>	
(c) Reporting specific instances	
44. Did the NCP receive new specific instance submissions during the year? <i>If yes, please also provide details in Annex 2</i>	Yes
45. Of the specific instances that were already in progress at the start of the year, are there any that are still ongoing at the end of the calendar year? <i>If yes, please also provide details in Annex 2</i>	Yes
<p><i>Additional comments on the section Reporting specific instances:</i></p> <p>Click here to enter text.</p>	

E. PEER LEARNING	
46. Did the NCP take part in the following activities with other NCPs during the year:	
NCP-hosted peer learning activities	Yes
Co-operation with other NCPs in handling specific instances	Yes
Mentoring/capacity building of another NCP	No
47. Is the NCP interested in hosting an NCP learning/experience-sharing event in 2017?	No
48. Which topic would the NCP consider to be a priority to cover in a peer learning event?	Experiences with involvement of embassies abroad for treatment of specific instances Follow up activities after the closure of a specific

	instance.
49. Is the NCP interested in participating in developing tools for use by NCPs?	Yes
<p><i>Additional comments on the section Peer-learning activities:</i> Click here to enter text.</p>	

F. POLICY COHERENCE ³		
50. Have the Guidelines been referred to in relevant national legislation adopted during the year? (e.g. on responsible business conduct; non-financial reporting, export credits regulation, public procurement)	No	
If yes, please provide a link to the legislation. <i>If a link is not available, please attach a copy of the legislation to this questionnaire.</i>	Click here to enter text.	
51. Did the NCP communicate public statements on specific instances to public procurement officials?	No	
52. Did the NCP communicate public statements on specific instances to officials responsible for trade missions?	Yes	
53. Did the NCP communicate public statements on specific instances to officials responsible for foreign trade and investment incentives?	Yes	
54. Did your country adopt a National Action Plan (NAP) this year? <i>If yes, please indicate which type of NAP</i>	Yes	NAP on Business and Human Rights
If yes, does the NAP make reference to the Guidelines?	Yes	
If yes, does the NAP make reference to the NCP?	Yes	
55. Was a NAP in development this year? <i>If yes, please indicate which NAP.</i>	Yes	NAP on Business and Human Rights
If yes, did the NCP participate in the development of the National Action Plan?	Yes	
56. Please indicate any other examples of policy coherence activities:	The Guidelines are mentioned during trade missions, visits of foreign delegations. The Guidelines are part of a new training module on CSR for future diplomats.	
<p><i>Additional comments on Policy Coherence:</i> Click here to enter text.</p>		

³ Paragraph 37 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises: "Statements and reports on the results of the proceedings made publicly available by the NCPs could be relevant to the administration of government programmes and policies. In order to foster policy coherence, NCPs are encouraged to inform these government agencies of their statements and reports when they are known by the NCP to be relevant to a specific agency's policies and programmes [...]."

G. IMPACT AND FUTURE WORK	
57. Does the NCP have a promotional plan for the coming year (2017)?	No
58. Is the NCP interested in being a <u>reviewer</u> in a peer review planned in 2017 or 2018?	Yes
59. Is the NCP interested in being an <u>observer</u> of a peer review planned in 2017 or 2018?	No
60. Has the NCP faced any particular challenge(s) it would like to highlight this year?	Submission of an NGO against another NGO (question whether OECD Guidelines apply to NGOs).
<p><i>Additional comments on the section Impact and future work:</i></p> <p>Click here to enter text.</p>	

Annex 1: NCP PROMOTIONAL ACTIVITIES

Please provide information on the events organised or co-organised by the NCP (Table 1), and events in which the NCP has participated to promote the Guidelines (Table 2).
Please select the event type, size and type of audience as well as the theme from the dropdown menus for each event.
Please add additional lines if needed.

Table 1

NCP-organised and co-organised events to promote the Guidelines and/or the NCP							
Title	Date <i>(dd/mm/yyyy)</i>	Location	Type of event	Size of audience	Organised or co-organised?	Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc.</i>	Theme <i>e.g. the OECD Guidelines, the NCP activities on sector due diligence guidance documents, etc.</i>
Implementa- tion of the CSR Action- Plan	28.1.2016	Berne	Conference	10-50	Organised	Multistakeholder	CSR action plan, OECD Guidelines, UN Global Compact
Brown Bag Lunch at SECO	16.2.2016	Berne	Conference	>100	Organised	Public servants of State Secretariat for Economic Affairs	NCP, specific instance procedures, FIFA case
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.

Total number= 2

Table 2

Presentations by the NCP to promote the Guidelines and/or the NCP in events organised by others								
Title	Date (dd/mm/yyyy)	Location	Type of event	Size of audience	Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc</i>	Organiser(s)	Type of intervention	Theme of the intervention
How new soft and hard law requirements challenge the financial sector	22.3.2016	Zürich	Conference	>100	Financial sector	Swiss Sustainable Finance	Speech, panel participation	OECD Guidelines, NCP, DD financial sector
NCPs work and construction sector	15.4.2016	London	Conference	10-50	Multistakeholder	UK NCP	Speech	NCP, specific instance
OECD Guidelines and NCP	28.6.2016	Berne	Conference	10-50	Business Members of Swiss Holdings and Economiesuisse	CSR Group of Swiss Holdings and Economiesuisse	Speech, discussion	OECD Guidelines, NCP, Sector guidelines
OECD Guidelines and NCP	18.8.2016	Schaffhausen	Conference	50-100	Directors of different sectoral and regional associations	Swiss Employers Federation	Speech	OECD Guidelines, NCP
Workers and human rights in	24.8.2016	Zürich	Conference	10-50	Multistakeholder	University of Zürich	Panel discussion	OECD Guidelines, NCP

the constructi on sector								
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

Total number=	5
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Annex 2: SPECIFIC INSTANCES

Please provide details of the following in the table below:

1. Specific instances **in progress** during the year (specific instances received and found to merit further examination after the initial assessment, and under consideration by the NCP).
2. Specific instances **concluded** during the year (specific instances that the NCP found to merit further examination after the initial assessment and that have subsequently been closed).
3. Specific instances **not accepted** during the year (specific instances that the NCP found not to merit further examination).

Please add additional lines if needed.

We encourage all NCPs to inform the Secretariat on received specific instances and to provide a final statement as soon as it becomes available, in order to keep the OECD database updated at all times. For all specific instances that have not yet been reported to the Secretariat, please complete and send this [form](#) to Alison.holm@oecd.org and Kathryn.dovey@oecd.org⁴.

For all specific instances that are currently IN PROGRESS:

Names of parties	Date received (dd/mm/yyyy)	Is the initial assessment publicly available?	Link to OECD database if available	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Survival International Charitable Trust - World Wide Fund for Nature (WWF)	19.2.2016	Yes	http://mneguidelines.oecd.org/database/instances/ch0014.htm	Click here to enter text.
Building and Wood Workers' International (BWI) - FIFA	28.5.2015	Yes	http://mneguidelines.oecd.org/database/instances/ch0013.htm	Click here to enter text.
Institute for Policy Research and Advocacy (ELSAM) together with	19.3.2015	Yes	http://mneguidelines.oecd.org/database/instances/ch0011.htm	Click here to enter text.

⁴ According to paragraph 42 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, "[...] NCPs will report to the Investment Committee in order to include in the Annual Report on the OECD Guidelines information on all specific instances that have been initiated by parties, including those that are in the process of an initial assessment, those for which offers of good offices have been extended and discussions are in progress, and those in which the NCP has decided not to extend an offer of good offices after an initial assessment".

Solidarity of Blitar Villagers (SITAS-Desa), Aryo Blitar Farmers Association, Consortium of Agrarian Reform (KPA), Transformation for Justice (TuK Indonesia), AURIGA and Fransiscans International (FI Swiss) - Holcim Indonesia Tbk				
Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.	Click here to enter text.

Total number=	3
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For all specific instances that were CONCLUDED during the year:						
Title	Date received (dd/mm/yyyy)	Date concluded (dd/mm/yyyy)	Link to OECD database if available	Outcomes achieved	Follow-up by the NCP	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Choose an item.	Click here to enter text.

Total number=	0
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For all specific instances that were NOT ACCEPTED during the year:				
Title	Date received (dd/mm/yyyy)	Link to OECD database if available	Reasons for not accepting the specific instance	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Americans for Democracy and Human Rights in Bahrain (ADHRB) - FIFA	11.2.2016	http://mneguidelines.oecd.org/database/instances/ch0015.htm	Consideration of the specific issue would not contribute to the purposes and effectiveness of the Guidelines.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Choose an item.	Click here to enter text.

Total number=	1
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END OF QUESTIONNAIRE