



DECISION  
22 December 2021

VN/26919/2021

## COMPLAINT IN A MATTER REGARDING COMPLIANCE WITH OECD GUIDELINES

### INITIAL ASSESSMENT

#### Parties

Complainant  
Guliyev Jabir Gurban oglu

Company involved  
Telia Company AB

#### Key substance of the Complaint

Demands  
The Complainant demands punishment for and compensation from the State of Finland and Telia Company AB, hereinafter *Telia*.

Justification  
The Complaint concerns Telia's activities in Azerbaijan. The Complaint refers to the destruction of private homes, violence and corruption. The Complaint concerns the construction of the premises of Azercell Telecom, hereinafter *Azercell*, and the sale of the company later.  
The first events took place in 1999 and the allegations of corruption related to the sale of the company's shares in 2018.  
The Complaint does not specify which paragraphs of the OECD Guidelines for Multinational Enterprises, hereinafter *the OECD Guidelines* or *the Guidelines*<sup>1</sup>, the Complaint concerns. However, the Complaint refers to the section on the General Policies of the Guidelines. In accordance with its procedural guidelines, the National Contact Point would apply the OECD Guidelines in force at that time, in connection with the processing of the Complaint. The 1997 Guidelines would apply to events in 1999.

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<sup>1</sup> OECD Guidelines for Multinational Enterprises (2011), <https://www.oecd.org/daf/inv/mne/48004323.pdf>.

The Complainant presented the following evidence in support of the Complaint:

- Video about the demolition of our house by the force of democratic Finnish state, Telia Sonera - current Telia company in 1999: [https://youtu.be/-bxH2E-z\\_tA](https://youtu.be/-bxH2E-z_tA)
- Protest action against corruption, money laundering and discrimination against our family by European countries Sweden, the Netherlands, Finland's Telia, Fintur Holdings BV and its subsidiary Azercell in Baku, Azerbaijan on 10.08.2021: <https://youtu.be/omMSj7VgGIU>
- Protest on Children's Day in front of subsidiary Azercell (On June 1, 2021). <https://www.youtube.com/watch?v=KoMpbKWupLI&t=1s>
- Links related to corruption:
  - <https://sverigesradio.se/artikel/6174707>
  - <https://www.reuters.com/article/teliasonera-azerbaijan-idUSL5N0YI34S20150527>
  - <https://www.occrp.org/en/daily/5197-telia-and-azerbaijan-closed-investigation-not-a-green-light-for-future-transacties>
  - <https://www.eff.org/deeplinks/2012/05/swedish-telcom-giant-telia-sonera-caught-helping-authoritarian-regimes-spy-its>

## Processing complaints on violation of OECD Guidelines

The OECD Guidelines for Multinational Enterprises are recommendations addressed by governments to multinational enterprises. They provide non-binding principles and standards for responsible business conduct in a global context consistent with applicable laws and internationally recognised standards. Finland is committed to promoting compliance with the OECD Guidelines. The Guidelines are supported by National Contact Points (NCPs), established by the governments of the OECD Member States. The NCPs promote and apply the Guidelines. They also serve as a forum for mediation and settlement of disputes regarding the application of the Guidelines.

A party may submit a complaint (known as a 'specific instance') regarding the Guidelines when it wants to establish whether a multinational company has adhered to the Guidelines. Such a complaint will be processed by the Ministry of Economic Affairs and Employment as the Finnish NCP, together with the Committee on Corporate Social Responsibility (Government Decree 591/2008). At the Ministry's request, the Committee will provide a statement on whether the company has adhered to the Guidelines or not.

When the Ministry has received a complaint, the NCP will carry out a so-called initial assessment to determine whether the complaint merits further consideration.

## Decision regarding the initial assessment

### Considerations to be examined

In accordance with the Commentary on the Procedural Guidance to the OECD Guidance (p. 82) and the national description of the procedure for submitting and processing complaints regarding the OECD Guidelines, the initial assessment should examine the following:

- Is the Finnish NCP the appropriate party to process the complaint;

- Who are the parties involved and what are their interests in the matter in question;
- Whether there are real grounds for the complaint;
- Whether there appears to be a connection between the company's activities and the matter raised;
- Whether the applicable legislation and procedures, including court decisions, are related to the matter;
- How similar matters are being or have been handled in other Finnish or international bodies; and
- Whether the processing of an individual case would serve the purpose and effective implementation of the OECD Guidelines.

#### Assessment of the above considerations

In the initial assessment, it is first necessary to assess whether the Finnish NCP is the appropriate party to investigate the complaint and to examine the matter in more detail.

The OECD Guidelines do not define precisely how the competence of NCPs is determined in specific instances. It is stated on p. 82 of the Guidelines that a matter will be generally addressed by the NCP of the country in which the matter arises. The events described in the Complaint took place in Azerbaijan. Thus far, the Finnish NCP has investigated complaints in which the complaint has had a link to Finland through the company's domicile.

The Complaint is directed at the activities of Telia and its subsidiary Azercell. The State of Sweden is the largest shareholder in Telia. Telia merged with the Finnish company Sonera in 2002 and Sonera no longer exists as an independent company. The Finnish state-owned investment company Solidium sold its entire stake in Telia in February 2018.

The ownership structure of Azercell is as follows:

- Azercell was established by Azertel, a local subsidiary of Turkcell, together with the Government of Azerbaijan in 1996.
- Turkcell was established by Sonera, Ericsson and Çukurova in 1993.
- Telia has previously owned Turkcell shares through Turkcell Holding, but it has sold them.
- Fintur took over a part of the ownership in Azercell in 2000.
- Fintur is a holding company registered in the Netherlands, and once owned by Turkcell, Sonera and Çukurova.
- Telia bought Sonera in 2002 and became an owner of Azercell in this way.
- Telia sold its stake in Azercell in 2018.
- Fintur became wholly-owned by Telia in 2019.

According to the assessment by the NCP, the link between the matter and any Finnish company or any company operating from Finland is tenuous. It is not appropriate for the Finnish NCP to address a matter concerning the Swedish company Telia.

Sonera was involved in the establishment of Azercell through its ownership of Turkcell, a Turkish telecommunications company. However, Sonera ceased all operations as an independent company when it merged with Telia in 2002. If Sonera were still an independent Finnish company, the matter could in principle be addressed by the Finnish NCP as concerns the events of 1999.

As Sonera no longer exists, the matter involves no Finnish companies or companies operating from Finland. The Finnish NCP cannot therefore be considered an appropriate party to process the Complaint.

The assessment of the Complaint is hampered by the fact that it does not indicate which sections of the OECD Guidelines the Complaint would be based on. A more detailed investigation of the matter for an initial assessment would require that the Complaint be supplemented in this respect at least. It should also be noted that the OECD Guidelines in force at that time would apply to events in 1999.

As the Finnish NCP does not appear to be the appropriate party to process the Complaint, no such assessment measures have been undertaken.

The NCP has been in contact with Telia during the processing of the matter. However, Telia has not been requested to give a statement on the matter, as it had to be established first whether the Finnish NCP is the appropriate party to process the Complaint at all. During the processing of the matter, Finnish authorities were in contact with Sweden's NCP.

#### Parties comments on draft Initial Assessment

Before issuing its Initial Assessment, the NCP has, in observance of Paragraph 36 of the OECD Guidelines' Commentary on the Implementation Procedures (p. 85), sent a draft Initial Assessment to the parties for comment.

The complainant has in their comments renewed the content of the complaint and announced the complaint to concern OECD Guidelines [2011] paragraphs I (Concepts and Principles), II (General Policies), III (Disclosure), IV (Human Rights), VII (Combatting Bribery, Bribe Solicitations and Extortion), and XI (Taxation).

Telia has not commented the draft Initial Assessment.

The Initial Assessment has not been changed on the basis of the comments, as the NCP has in its assessment observed that it is not the appropriate body to examine the complaint further.

#### Outcome

The National Contact Point will not investigate the Complaint further.

Tuula Haatainen  
Minister of Employment

Sami Teräväinen  
Senior Legal Officer