

Additional disqualification requests for NCP Members

To **Ms. Linda Piirto, Finnish OECD National Contact Point;**
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Cc: Ms. Christine Kaufmann, Chair, OECD Working Party on Responsible Business Conduct christine.kaufmann@uzh.ch

Mr. Nicolas Hachez, NCP Coordinator, OECD RBC Unit,
Nicolas.HACHEZ@oecd.org

Mr. Joseph Wilde, OECD Watch, J.wilde@somo.nl;

Ms. Marian Ingrams, OECD Watch; M.Ingrams@somo.nl.

Matter: Complaint concerning alleged non-observance of the OECD Guidelines for Multinational Enterprises

Complainants: Diego Becker, Argentina
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Company: Nokia Corporation, Finland

Counsel for the Company and contact information: Attorney-at-law Petri Taivalkoski
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October 5th, 2020

Dear Sirs,

1. In the following chapters you will find two additional disqualification requests of two NCP members based on the lack of impartiality they have or may have as a consequence of their work during the period in which many of the denounced events took place.

2. As you will see, they both had a relationship with Nokia from which they -or their companies- benefited from, or publicly awarded prizes to Nokia for its compliance performance during the period in which the fraud occurred, in matters directly related to our denounce.

A. Merja Saarnilehto Ministerial Adviser, Ministry of the Environment

3. On July the 11th, 2018, Merja Saarnilehto, Ministerial Adviser at the Ministry of the Environment was also a member of the jury at the Sustainability Reporting Competition with FIBS, the institution chaired Nokia and financed by Nokiar, as it was detailed in our previous filing (see *“Disqualification Requests for NCP Members and Comments to Final Statement Draft”*, in which we explained that Mrs. Linda Piirto (head of Finland’s NCP) and Mr. Timo Kolehmainen (Director, CR, Strategy & Governance from Nokia) integrated the board of directors, while Mr. Mikko Routti was FIBS CEO). We also explained how FIBS provides paid compliance services to Nokia and also awarded prizes to Nokia related to the facts of the case.

4. The above-referred competition is an evaluation process on the reporting compliance of Finnish companies, with the aim of promoting compliance of Finnish companies *“to visibly reward those who have invested in reporting compliance, encouraging others and giving examples of success. The competition does not evaluate the company’s performance from the perspective of, for example, economic, social or environmental responsibility”*.

5. Nokia won the competition after being awarded for *“Best Responsibility Reporter”*, the *“UN Sustainable Development Goals Series”* and the *“Investor Selection Series”*. The period considered for granting these awards is the same in which the events denounced in this proceeding took place (i.e. Nokia’s reporting breaches concerning 2017 events).

⁴<https://www.suomentilintarkastajat.fi/toimintamme/ajankohtaista/uutisia/vastuullisuusraportointikilpailun-voitto-nokialle>

NOKIA WINS SUSTAINABILITY REPORT COMPETITION

11/07/2018

Nokia was awarded Best Responsibility Reporter in 2018. In addition to the overall competition, Nokia won the UN Sustainable Development Goals Series and the Investor Selection Series. The wins in the other competition series went to the K-Group, Neste, Stora Enso and UPM-Kymmene. Elisa, Fortum, Metso Corporation, Tieto and Valmet were also among the top ten reporters. The 2018 responsibility reporting competition culminated in the award ceremony at the Helsinki Stock Exchange on 6 November.

According to the competition jury, Nokia's [People & Planet Report 2017](#) was balanced and, despite its length, clear and easy to read. The boundaries of the reporting were clearly stated and its accounting principles were of high quality and detailed. The company also boldly reports on those responsibility issues that it has not yet achieved. As a whole, Nokia had achieved its sustainability reporting objectives excellently.

Nokia is also an investor favorite

Nokia best met the investor selection criteria in its [People & Planet 2017](#) report. The balance of the report and Nokia's way of reporting on progress on corporate responsibility issues were praised. It was easy for the investor to understand which goals had been achieved and where they were still in the development stage. From the point of view of comparability, the report found qualitative and quantitative indicators as well as calculation method information. The winner of the investor was chosen by Anna Varpula from the State Pension Fund (VER).



Nokia is also the best in the SDG series, an honorable mention for UPM-Kymmene

Nokia also won the SDG series, which assesses how companies deal with the UN Sustainable Development Goals (SDGs). Nokia's report had described in a balanced and comprehensive way the most important UN sustainable development goals for the company's operations.

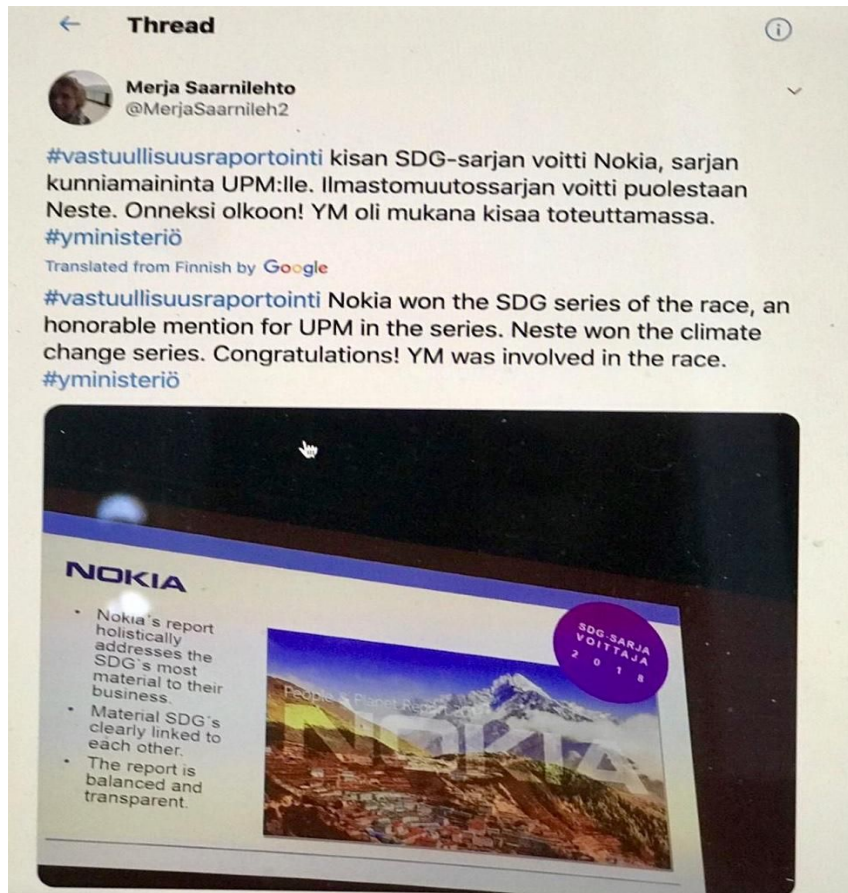
UPM-Kymmene received an honorable mention in the SDG series with its report [Aiming higher with Biofore - Annual Report 2017](#). The company had successfully positioned the UN's sustainability goals directly between its business strategy and its corporate responsibility programs. In addition, the company unprejudicedly reports on both positive and negative issues related to SDG targets.

Finnish Association of Accountants one of the organizers

The competition is organized by a group of organizers representing various social actors, who define the competition's objectives and evaluation criteria each year. This year the jury included Hanna Silvola (Aalto University School of Economics), Siru Sihvonen (FIBS), Olli Etelälahti (Finsif ry), Erja Retzén (Nasdaq Helsinki), Jani Alenius (Finnish Accountants Association), Hanna Liappis (Environmental Management Association YIY ry) and Merja Saarnilehto (Ministry of the Environment). The chairman of the competition jury was Pertti Korhonen (Board professional, Chairman of the Board of Business Finland and DNA Oyj, among others). The competition's organizing group also included Mika Kuisma (Aalto University School of Business), Maarit Bystedt (Nasdaq Helsinki) and Emmy Simons and Minttu Sallinen (Finnish Accountants Association).

6. Mrs. Merja Saarnilehto not only was a member of the jury, but also congratulated Nokia for this achievement via *Twitter* on November 6th, 2018.²

² <https://twitter.com/MerjaSaarnileh2/status/1059799800214970368>



7. The Final Statement Draft concluded that Nokia had not violated its reporting obligations during the same period covered by the award.

8. **As a result, it seems clear in this case that the lack of independence is beyond any reasonable doubt. The same person that granted an award for compliance in reporting and publicly congratulated Nokia is asked to decide whether Nokia, during the same period, has violated its reporting obligations.**

9. According to Section 28 of Finland's Administrative Procedure Act, a public official is disqualified if: ;

7) confidence in his or her impartiality is endangered for another particular reason [...].

10. For the reasons explained above, is that the Complainants ask for Mrs. Merja Saarnilehto's disqualification.

B. Esko Pyykkönen, member of Finavia's board, carried out significant business deals with Nokia while the facts of the case were taking place and even during the process at the NCP

11. Esko Pyykkönen, Senior Financial Counsellor at the Prime Minister's Office, and also member of the NCP, closed a significant business deal with Nokia during the period in which our compliance denounces took place and while conducting this procedure.

12. We are not against Mr. Pyykkönen doing business with Nokia, but we would rather have someone deciding the case who is not profiting from a current relationship with Nokia.

13. Mr. Pyykkönen has been on the board of directors of Finavia since 19th March, 2018³. Finavia is one of the most important Finnish airport operators that enables international flight connections through its national airport network, and has worked together with Telia and Nokia in a project developing a 5G robot⁴.

³ <https://www.finavia.fi/en/about-finavia/organisation/management-and-governance/board-directors>

⁴ <https://www.finavia.fi/en/newsroom/2018/finavia-and-telia-bring-5g-robot-helsinki-airport>



Esko Pyykkönen

Member of the Board of Directors 19
March 2018

B. 1962, M.Sc. Econ

Main work experience

Prime Minister's Office Finland,
Government ownership steering unit,
Financial Counsellor 2019–, Ministerial
adviser 2016–, Ministry of Education and
Culture, Ministerial adviser 2013–2016,
Managing Director, Prime Soil Ltd. 2010–
2013, Senior Vice President, Destia Oy
2007–2010, Ministry of Transport and
Communications, Ministerial adviser
1999–2007, Ministry of the Environment,
Senior Officer 1991–1999

Finavia and Telia bring a 5G robot to Helsinki Airport

Article published: 3.12.2018 at 12:00



Telia has launched a 5G network at the Helsinki Airport. Today, Finavia and Telia start a project that explores the possibilities of using 5G in airport operations and bringing new kinds of experiences to passengers. The project means that Finavia will be Telia's first customer using the pre-commercial 5G network in Finland.

The 5G robot operates in the non-Schengen area of T2 terminal. Telia and Finavia will study, how the passengers and the airport personnel react and interact with an autonomous robot carrying out service tasks.

”The robot can deliver real-time video stream from the terminal and enable for example monitoring the terminal area through remote or autonomous control and see that everything is running as it should. The robot can also guiden passengers in the terminal, and we aim to try different use cases during the project”, says Heikki Koski, Chief Digital Officer, Finavia.

The data transmission and control of the robot is carried over a 5G base station at the airport. The network, based on technology by Nokia, utilizes the 28 GHz frequency band, the higher frequency band allocated for 5G. This is the first time in Finland that so called millimeter waves are used for 5G in a public use case.

14. Nokia was so proud of the results of the project that on December 4th, 2018, after we filed our claim with the NCP, posted on Instagram that the launching of Telia’s robot was a result of the work between Telia, Nokia and Finavia⁵.

⁵ <https://www.instagram.com/nokia/p/Bq-MyK5gBNA/?hl=es-la>



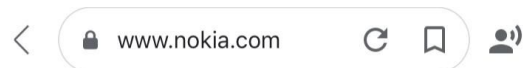
5.651 Me gusta

nokia @teliafinland just launched a 5G network at Helsinki Airport with us and Finavia. This 5G enabled robot services passengers and personnel (and likely inspires some Star Wars references). #5G #innovation

15. The network used for the data transmission and control of the Telia's robot is based on technology by Nokia. Further, in September, 2017, Finavia engaged Ukkoverkot, a company that operates its own LTE-based mobile data network and a number of local private LTE networks, in order to develop Finavia's airport infrastructure on Nokia's technology. According to Nokia's official website, the agreement highlighted *"Nokia's growing momentum around the delivery of critical communications networks for customers outside of the traditional communications service provider market. Large industrial and public sector organizations are seeking robust, reliable and highly resilient networks to support services on which - in some cases - lives depend, and Nokia's solutions are ideally suited to addressing this challenge"*.⁶

19 September, 2017

Espoo, Finland - Nokia is to completely modernize the nationwide LTE network for Ukkoverkot, the Finnish private network operator offering wireless data communications services for infrastructure operators, the industrial IoT market, public safety authorities, the maritime industry and both residents and enterprises in remote areas. The new network will be powered by Nokia's leading LTE solution, which provides superior network quality, capacity, security and reliability required for such specialized use cases.



This agreement highlights Nokia's growing momentum around the delivery of critical communications networks for customers outside of the traditional communications service provider market. Large industrial and public sector organizations are seeking robust, reliable and highly resilient networks to support services on which - in some cases - lives depend, and Nokia's solutions are ideally suited to addressing this challenge.

Harri Karjalainen, CIO of Finnish airport operator Finavia, said: "We are delighted to be among the first using a private LTE network in Finland, supporting our current and future connectivity needs and strategy at the Helsinki airport - the largest in the country. Ukkoverkot and the Nokia solution currently being rolled out is unique; we expect it to provide unprecedented capacity and resilience for our critical airport services."

16. As a result of the above, it is beyond reasonable doubt that Mr.Pyykkönen, who conducts a company that developed a 5G robot and state-of-the-art technology with Nokia, which significantly contributed to the public image of its company, will not be impartial when deciding about denounces against Nokia during the same period.

17. Therefore, Mr. Pyykkönen shall be disqualified under Section 28 of the Administrative Procedures Act:

3) he or she or a person close to him or her as referred to in subsection 2, paragraph 1 can be expected to experience a particular gain or loss from the decision on the matter;

4) he or she is employed by, or, in relation to the matter under consideration, works on the commission of, a party or a person who can be expected to experience a particular gain or loss from the decision on the matter;

5) he or she or a person close to him or her as referred to in subsection 2, paragraph 1 is a member of the board of directors, board of administration or a comparable body, or is the managing director or holds an equivalent position, in a corporation, foundation, unincorporated state enterprise or public body which is a party or can be expected to experience a particular gain or loss from the decision on the matter;

6) he or she or a person close to him or her as referred to in subsection 2, paragraph 1 is a member of the board of management or a comparable body of an agency or public body and the matter in question relates to the guidance or supervision of the agency or public body; or

7) confidence in his or her impartiality is endangered for another particular reason [...].