

## **FOLLOW-UP REPORT CASE E-00009**

1. On May 25, 2022, the Spanish NCP, meeting in plenary session and after deliberation with its members and its Advisory Council, adopted a Final Report in relation to a specific request filed by the complainant, CSCA, regarding allegations of incorrect application by the Spanish company complained of certain chapters of the Guidelines in the execution of an international project (for further information, see the Final Report of the case).
2. In order to prepare the Final Report, the NCP assessed the complaint contained in the specific instance and maintained contact with the parties. After deliberation in plenary session with its members and its Advisory Council, it finally accepted the submission of the specific instance.
3. During the process, the NCP held meetings with both parties, which provided information on the purpose of the process. In the context of this process, the NCP offered its good offices and proposed mediation, which was not accepted. After which the NCP, meeting in plenary session and after deliberation with its members and its Advisory Council, unanimously decided to close the case.
4. As a result of all of the above, the Final Report adopted, which confirmed the closure of the same, included in its final part a series of recommendations addressed to the Spanish company complained of.
5. Although the mediation offered by the NCP was not accepted, the Spanish respondent company decided to participate in a follow-up of these recommendations outside of the proceedings.
6. Consequently, the Spanish company complained about provided timely information regarding the recommendations. With respect to recommendation N°3, it should be noted that this was discussed in plenary session by the members of the NCP and its Advisory Council, recognizing that the company has made efforts to implement the actions prescribed in this regard, although areas for improvement were also identified. This debate and the consequent decision taken at the plenary session were also an exercise in reflection with a view to better managing expectations in terms of case follow-up.
7. The current process of reforming the OECD Guidelines and the procedure for their implementation opens a window of opportunity in this area, as it allows for a more detailed outline of how to follow up on cases closed by NCPs, as this is not a phase of the procedure for resolving specific cases.

In view of the above, the NCP has closed the follow-up of this specific case.

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Spanish National Contact Point  
pnacional.scc@mincotur.es