

## **THE NEW PORTUGUESE REGIME FOR THE PROMOTION OF INTEGRITY AND PREVENTION OF FRAUD AND CORRUPTION**

### **Summary**

As a result of government's political program for 2020/2021, it was possible to identify, with the collaboration of civil society entities, including the Observatory of Economics and Fraud Management ([OBEGEF](#)), and the various criminal and judicial instances, a new [National Anti-Corruption Strategy](#).

Following these works, by the end of 2021, the new regulatory framework for the promotion of integrity and prevention of risks of fraud and corruption in public and private organizations was adopted.

This new regulatory framework – [Decree-Law n.º 109-E/2021, of 9 of December](#) and [Law n.º 93/2021, of 20 of December](#) – establishes the so-called General Regime for the Prevention of Corruption (RGPC), which includes the General Regime for the Protection of Whistleblowers (RGPD), and which creates the National Anti-Corruption Mechanism (MENAC), a new entity with powers to monitor the instruments for the promotion of ethics, for risk prevention and also for the detection of fraud and corruption incidents.

It is a set of innovative measures of great scope. Innovative because, for the first time, we have regulations of this nature aimed at entities in the public and private sectors. And broad, insofar as they comprise several instruments potentially capable of promoting and deepening cultures of integrity in organizations. Under the terms of the aforementioned regulations, entities (both, public and private) with 50 or more workers are obliged (by means of sanctions that can be applied by MENAC in situations of non-compliance) to have a Regulatory Compliance Program that includes, at least, the following instruments:

- Instruments for the prevention of Corruption and Related Infractions, which identifies, analyzes and classifies the risks associated with the functions of all organic units, as well as preventive measures that are

potentially capable of reducing the probability of occurrence and the impacts that may arise the realization of such risks.

- Code of Ethics and Conduct, which identifies the values and principles that the organization assumes as the most appropriate references for the ethical framework of its action, with an indication of the corresponding rules of action that all managers and workers must assume in terms of professional integrity.
- Internal Training Programmes, involving all managers and workers, with a view to knowledge and understanding of policies and procedures for the prevention of fraud and corruption and for the promotion of an internal culture of integrity
- Internal Denunciation Channel (Whistleblowing channels), which allows internal follow-up to complaints that are presented regarding the persistence of fraud and corruption practices in the organization. The Denunciation or Whistleblowing Channels must guarantee the whistleblower the option of anonymity, as well as secrecy regarding the matter reported and the identities of all those involved.
- Responsible for Regulatory Compliance, with a function of coordination, guarantee and control over the effective execution of the instruments that make up the Regulatory Compliance Program.

In any case, we consider that these instruments will only be truly useful if they are effectively put into practice and properly promoted by the managers of entities, including the commitment of all workers.

Otherwise, if they remain “only” on paper, they comply with the legal requirement solely to avoid the application of sanctions.

The presence of a strong and robust culture of integrity in an organization is a very important factor. It strengthens the feeling of belonging and confidence in the future of all those who work for it. It strengthens the quality of your action. It strengthens trust and credibility in the eyes of its customers, “partners, competitors and citizens.