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CRIMINAL COMPLIANCE

It is a program to implement in companies and corporations to prevent and detect crimes.

Criminal Compliance fulfills four fundamental aims:

1. CRIME PREVENTION

- Drawing up a risk map.
- Creating and implementing a Code of Conduct.
- Defining policies of fraud prevention.
- Setting up and activating a channel for complaints.
- Setting a disciplinary regime for breaches of the program.
- Providing training and communication plans for employees.
- Introducing a position of monitoring and control (Compliance Officer).
- Drawing up the documents, agreements and contracts that will cover possible risks.

2. CRIME DETECTION AND RISK MANAGEMENT

- Enabling the investigation of possible criminal conducts.
- Helping to check the risks associated with the company on a regular basis.
- Setting up tools for monitoring systems.
- Setting response protocols to possible incidents.
- Allowing periodic assesment of the risk management and facilitating its continuous improvement.

3. INFORMING AND REPORTING

- The controls put in place and their effectiveness and feasibility.
- Complaints/queries received.
- Supervision, vigilance, and control functions.

4. SHOWING IT TO THIRD PARTIES

- The existence of a manual that reflects this program before the authorities will be highly valued.
- The capture, withdrawal, and custody of tests.

CRIMINAL COMPLIANCE: WHY? IS IT COMPULSORY?

The Spanish “Código Penal” (Criminal Code) has recognized the criminal liability of companies and corporations for the crimes committed by their administrators and employees when due control has not been exercised.

- The company can remain exempt, totally or partially, from this liability if it implements a model of management and crime prevention (criminal compliance).
- It is not compulsory to implement a criminal compliance program, but it is highly advisable:
  - It exempts the company from crimes.
  - It provides transparency, credibility and reputation.
  - There are clients who require it to award contracts.
  - It is becoming an obligation in certain operations of financing, and it has not been ruled out that Administrations will require and value it in public tenders.

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BENEFITS OF IMPLEMENTING OF PREVENTION AND CRIME DETECTION

Risk and control environment management

- Review of the internal control enviroment.
- Identification of existing risks.
- Analysis of the effectiveness in potential contingencies managed by the company.

Global vision

- Visibility for the contractual and commercial company's relations.

Efficiency with operations

- To ensure the operation¡s efficiency in the management of relations with third parties.

Permanent control

- Knowing the real situation of contract management and the enforcement of the system at all times.

Internal communication

- Ensuring that the correct channels exist to draw attention to any incident that might happen and to guarantee that a correct, fast and efficient answer is given.

CRIMINAL SANCTIONS FOR LEGAL INDIVIDUALS

- Fines in quotas or proportional fines.
- Prohibition to carry out those activities in the future if the individual has been involved in the realization of the crime or has favored or covered it up.
- Suspension of activities.
- Dissolution of the legal person.
- Prohibition to obtain grants.
- Judicial intervention to safeguard the rights of the workers/creditors.
- Temporary clousure of premises / establishments.
- Disqualifications from contractual relations with the Public Sector.
- Disqualifications to enjoy fiscal incentives or Social Security.

> ***"Our Compliance department provides legal services that allow our clients to implement a prevention and crime detection program, to ensure that the activity they develop fulfills their ethical principles and good governance, under an efficient system of criminal prevention."***

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