General Regime for the Prevention of Corruption

Decree-Law no. 109-E/2021, of 9 December, which creates the National Anti-Corruption Mechanism (MNAC) and establishes the General Regime for the Prevention of Corruption, which came into force on the 7th of June.

Companies with 50 or more employees, headquartered in Portugal, or branches of foreign companies, independent administrative entities responsible for regulating economic activity in the private, public and cooperative sectors and the Bank of Portugal, are required to apply anti-corruption compliance programs, which should include:

- A Regulatory Compliance Plan;
- A Code of Conduct;
- An Internal Training Plan;
- A Whistleblower Channel;
- The appointment of a person responsible for Regulatory Compliance.

Non-compliance is punishable by a fine of up to €44,891.81

MORE ABOUT THE GENERAL REGIME OF THE PREVENTION OF CORRUPTION

Whistleblowing

Law n.º 93/2021, of 20 December, which aims to protect whistleblowers from infringements concerning the protection of persons reporting violations of Union law – Whistleblowing – created new obligations for legal persons (private and public).

The addressees of the new obligations in this matter are legal persons, including the State and other legal persons governed by public law, which employ 50 or more workers, and entities that are included in the scope of application of European Union acts. The new obligations arising from law n.º 93/2021, of 20 December are as follows:

- Creation of internal reporting channels that allow the presentation and follow-up of complaints;
- Reports must be kept secure and confidential;
- Protection of whistleblowers, prohibiting the practice of retaliation.

MORE ON THE WHISTLEBLOWER PROTECTION REGIME

A 360º approach to RGPC and Whistleblowing topics

We accompany clients from different economic sectors on a daily basis in identifying, understanding and mitigating the risks they face.

Each organisational reality requires a specific plan adapted to the mitigation of its specific risks. A personalised and closely-monitored service, from analysis to implementation.

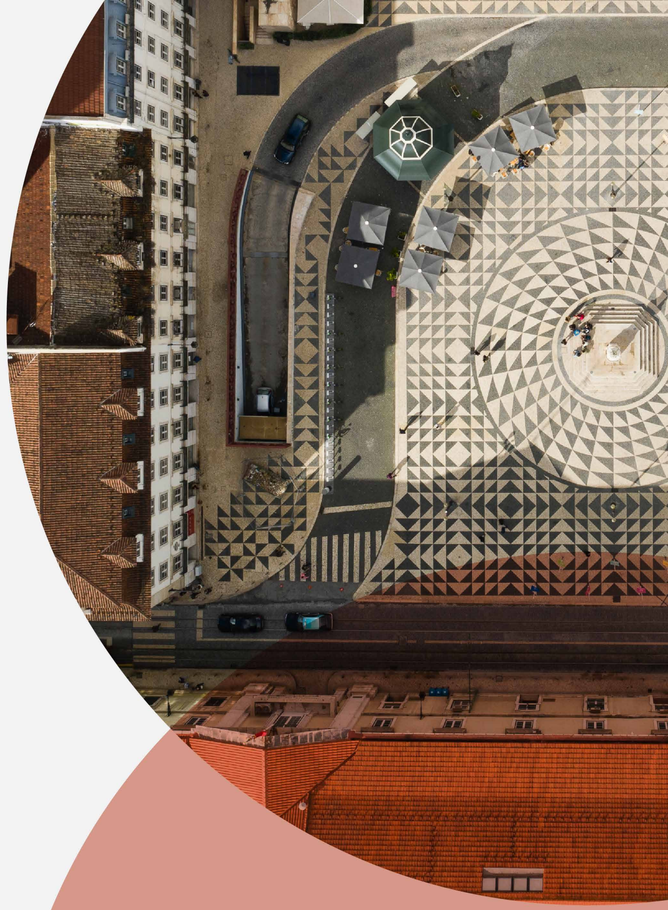
- Risk identification and mitigation reports;
- Plan for the prevention of risks of corruption and related infractions (PPR);
- Creation or Review of the Code of Conduct, in compliance with the provisions of the RGPC;
- Creation or Review of the existing whistleblower channel;
- Internal control procedures that cover the main corruption risks identified in the PPR and procedures for prior risk assessment in relation to third parties acting on behalf of the entity, suppliers and customers;
- Training Plans Certified by DGERT - Directorate-General for Employment and Labour Relations within the scope of the RGPC and Whistleblowing Channel, by qualified trainers and aimed at managers and workers on policies and procedures to prevent corruption and related offenses implemented by the company.

Preventive and nimble measures in accordance with the General Data Protection Regime

- Preparation/review of registration of personal data processing activities (RAT);
- Data Protection Impact Assessment (AIPD);
- Agreement for processing personal data in subcontracting;
- Privacy Notice;
- Consent collection forms;
- International transfers of personal data

Thinking about tomorrow?
Let’s talk today.

A multidisciplinary team, with a cross-sector knowledge of the topic of corruption prevention.
Discover our service focused on the General Regime for the Prevention of Corruption and Whistleblowing.



Criminal, Sanctions and Compliance

Ana Rita Duarte Campos
Professional Partner
ana.d.campos@abreuadvogados.com

RGPD

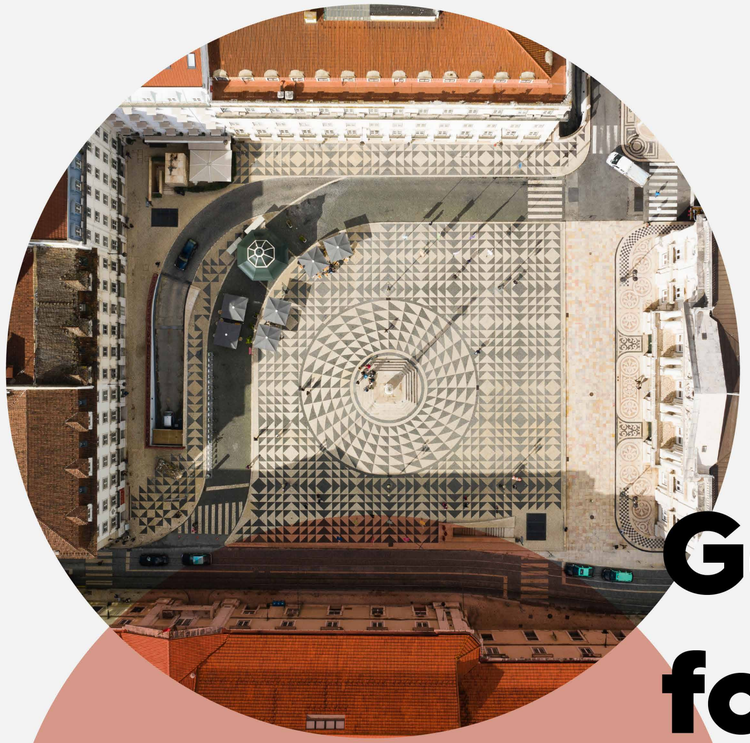
Ricardo Henriques
Partner
ricardo.henriques@abreuadvogados.com

Labour

Simão de Sant´Ana
Professional Partner
simao.santana@abreuadvogados.com

Abreu advogados

ABREUADVOGADOS.COM



Abreu advogados

General Regime for the Prevention of Corruption & Whistleblowing

A 360º APPROACH

START HERE