

Plan for the Prevention of Risks of Corruption and Related Offences



CALOUSTE GULBENKIAN
FOUNDATION

CONTENTS

| | |
|---|----|
| 1. Background | 02 |
| 2. Concepts and Definitions | 04 |
| 2.1. Concepts of corruption and related offences | 05 |
| 2.2. Risk and risk management concepts | 06 |
| 3. Governance Model of the Foundation and Main Responsibilities | 07 |
| 3.1. Organisational Chart | 08 |
| 3.2. Internal control | 09 |
| 4. Identification of Corruption and Related Offences Risks and Preventive Measures | 10 |
| 4.1. Risk criteria and levels | 11 |
| 4.2. Risk level assessment methodology | 13 |
| 4.3. Activity areas at risk of corruption | 13 |
| 4.4. Main risks | 14 |
| 4.5. Preventive measures | 14 |
| 5. Corruption Prevention Mechanisms | 16 |
| 5.1. Regulatory Compliance Officer | 17 |
| 5.2. Plan for the Prevention of Risks of Corruption and Related Offences | 17 |
| 5.3. Code of Conduct | 18 |
| 5.4. Whistleblowing Channel | 18 |
| 5.5. Training and Communication | 18 |
| 5.6. Assessment System | 19 |
| 6. Annexes | 20 |
| 6.1. Annex I – Corruption and Related Offences Risk Identification Tables | 21 |
| 6.2. Annex II – Legal Definitions of Corruption and Related Offences | 30 |

Version Control **Plan for the Prevention of Risks of Corruption and Related Offences**

Date of approval

OCTOBER 2022

Amendments

MAY 2023

Organisational Chart Update

AUGUST 2025

Organisational Chart Update

DECEMBER 2025

Triennial Review

1. Background

Decree-Law No. 109-E/2021 of 9 December approved the General Regime for the Prevention of Corruption ("GRPC"), which makes it mandatory for all entities with 50 or more employees to implement a regulatory compliance programme aimed at preventing, detecting and sanctioning acts of corruption and related offences carried out against or through the entity.

Under the terms of the aforementioned Decree-Law, the **regulatory compliance programme** requires the adoption and implementation of six corruption prevention mechanisms:

- (i) the appointment of a regulatory compliance officer,
- (ii) the preparation of a Plan for the Prevention of Risks of Corruption and Related Offences (PPRCRO),
- (iii) the adoption of a Code of Conduct,
- (iv) the provision of Whistleblowing Channels,
- (v) raising awareness among all employees through Training and Communication
- (vi) and, finally, the implementation of an Assessment System.

This Plan for the Prevention of Risks of Corruption and Related Offences fulfils the obligations laid down in the GRPC, whilst also reflecting the prevention work previously undertaken by the Calouste Gulbenkian Foundation in this area. As such, this document is the result of an analysis of the Foundation's activity areas, presenting the risks that may expose those activities to acts of corruption and related offences, as well as the existing control mechanisms to mitigate the identified risks.

2. Concepts and Definitions

2.1.

Concepts of corruption and related offences

For the purposes of the risk analysis to be carried out within the scope of the PPRCRO, the following is considered:

- **Corruption**, regardless of the legal types of crime set out in the Criminal Code and other applicable legislation (Annex II), as a broad concept involving the combination of four elements¹:
 - An action or omission involving an employee of the Foundation;
 - The performance of a lawful or unlawful act;
 - The obtaining, offering or promise of an undue advantage;
 - For oneself, for the Foundation or for a third party.
- **Employee**, any person with an employment relationship, service provision or other connection to the Foundation, even if temporary, whether remunerated or not.
- **Acts of corruption or related offences**, namely:
 - a) The direct or indirect **promise, offer or delivery** of undue advantages of a pecuniary nature to an employee, for the benefit of the employee, the Foundation or a third party, so that the employee performs or refrains from performing an act that goes beyond the exercise of his or her duties (active bribery);
 - b) The direct or indirect **solicitation or acceptance** of undue advantages of a pecuniary or non-pecuniary nature, by an employee, for the benefit of the employee, the Foundation or a third party, so that the employee performs or refrains from performing an act that goes beyond the exercise of his or her duties (passive bribery);
 - c) Any payment intended to **incentivise or expedite** the performance of an improper act, to obtain an omission or refusal, or to obtain undue favourable or privileged treatment, even in attempted form, whether contrary or not to the duties of the respective positions or functions (that is, in a normal or routine situation, there would never be any payment for the performance of the task or for obtaining the result in question);

For a better understanding of the concepts, and purely as an illustration of situations potentially relevant to the purpose of this PPRCRO, the following examples of acts of corruption and related offences have been identified:

- a) Offering, accepting, soliciting or promising professional courtesies of considerable value within the scope of contract negotiation or review or in tender procedures;
- b) Professional courtesies offered or promised to civil servants, holders of political office or holders of senior public positions;
- c) Granting of sponsorships or donations as a means of exercising undue influence or pressure;

¹ From a more social and less legal perspective, the non-governmental organisation [Transparency International](#) defines corruption as "the abuse of entrusted power for private gain".

- d) Improper exploitation of personal relationships with civil servants, holders of political office and holders of senior public positions;
- e) Receipt of an undue pecuniary advantage or one exceeding the amount due by an employee in the exercise of his or her duties through inducing error or taking advantage of the victim's error;
- f) Abuse of powers entrusted to an employee to unduly benefit or harm someone;
- g) Abuse of influence with any public or private entity in exchange for the solicitation or obtaining of a pecuniary or non-pecuniary advantage for the employee, for a third party or for the Foundation;
- h) An employee who obtains advantages or facilitates the concealment of advantages arising from the commission of unlawful acts with a view to concealing their origin;
- i) An employee who unlawfully appropriates, for his or her own benefit or that of a third party, money or movable property, for purposes other than those for which they were intended;
- j) An employee who performs intentional acts or omissions relating to the use of false information or documentation, the non-disclosure of information in violation of a specific duty, and the diversion of funds for purposes other than those for which they were originally granted.

2.2.

Risk and risk management concepts

In this plan, for the purposes of risk analysis, various concepts are referred to, the definitions of which are as follows:

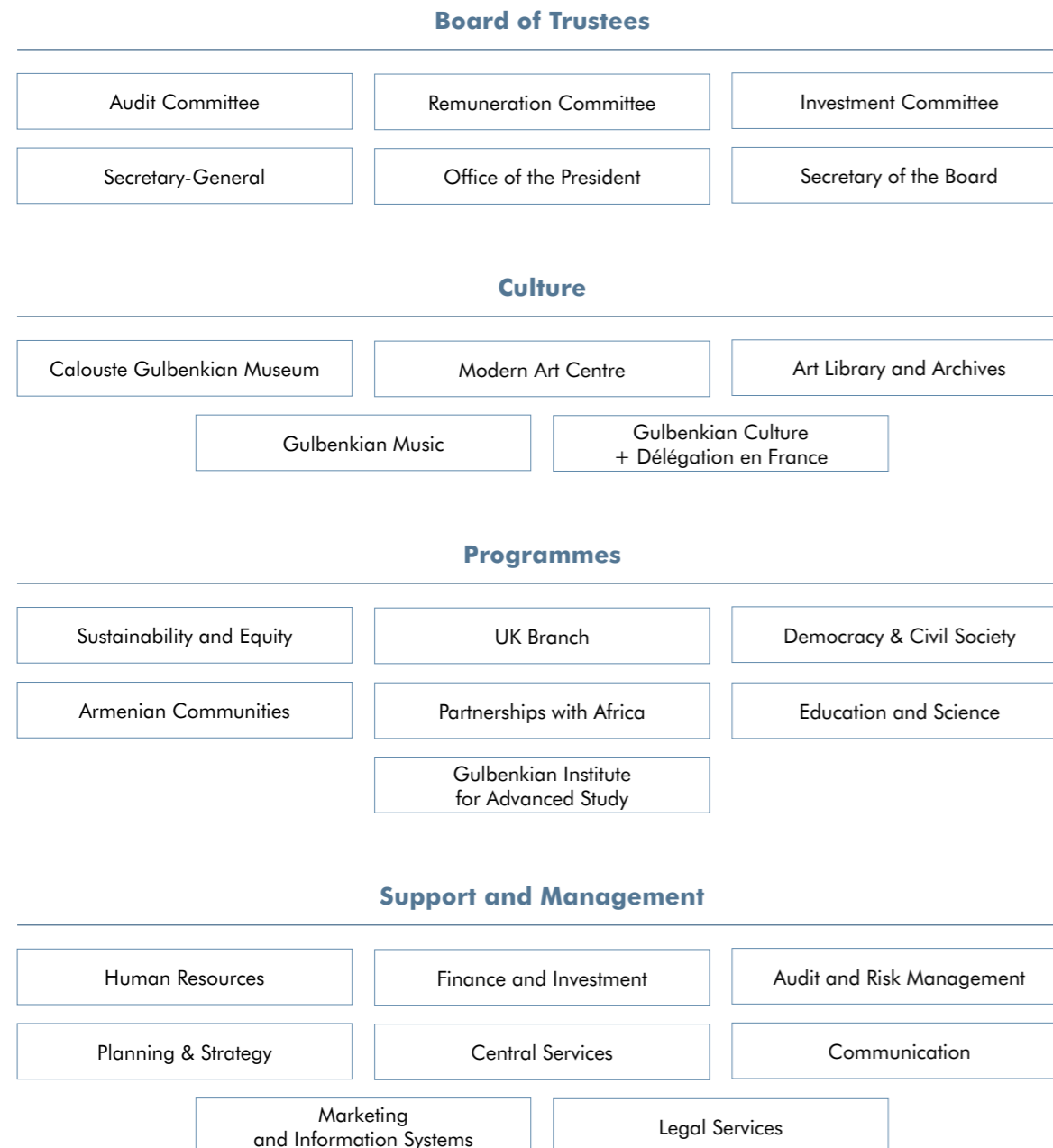
- a) **Control:** refers to the procedure or set of procedures aimed at reducing or mitigating the gross risks associated with a given process or activity;
- b) **Tolerance threshold:** refers to defined limits for risk, in order to monitor its evolution and take resolution/corrective action in the event of a breach;
- c) **Materiality:** refers to the severity of the risk taking into account the impact of the event on programmes/activities, financial impact and reputational impact;
- d) **Mitigation/corrective action plan:** refers to the set of activities and their scheduling, to be carried out by the Organisational Units, aimed at mitigating the risk of acts of corruption and related offences or correcting situations involving breaches of tolerance thresholds (corrective measures);
- e) **Risk:** refers to the probability of an act of corruption or a related offence occurring with a negative impact on the programmes/activities, reputation or financial standing of the Foundation;
- f) **Gross risk:** refers to the risk measure without considering the control activities (preventive measures) that the Foundation has implemented;
- g) **Net risk:** refers to the risk that remains after the effectiveness of the control activities (preventive measures) implemented to mitigate the gross risk;
- h) **Target risk:** refers to the risk measure considered as acceptable for a given activity or process, which may be framed by pre-defined limits.

3.

Governance Model of the Foundation and Main Responsibilities

3.1.

Organisational Chart



3.2.

Internal control

The management of corruption and related offences risks, embedded within the Foundation's internal control system², is based on the three lines of defence model:

- a) **1st line of defence** – direct, distributive and support functions performed by Organisational Units, which are primarily responsible for developing and maintaining effective controls within the scope of the activities carried out. They are also responsible for identifying, managing and mitigating the risks arising therefrom, as well as for operating within an appropriate control environment;
- b) **2nd line of defence** – control functions in cross-cutting areas throughout the organisation, which have the responsibility of translating the Foundation's and activities' risk acceptance level into methodologies and policies that support risk monitoring and control in the management of the Foundation's aforementioned activities;
- c) **3rd line of defence** – the internal audit function, which provides management with independent assurance and consultancy services regarding the adequacy of the internal control levels ensured by the 1st and 2nd Lines of Defence.

The management of corruption and related offences risk is the responsibility of all stakeholders, and is supported by the Audit and Risk Management Service ("SAGR") through a systematic and structured approach to risk identification and management.

² As set out in the "New Internal Audit Model" published in September 2020.

4. Identification of Corruption and Related Offences Risks and Preventive Measures

4.1. Risk criteria and levels

The risk associated with the different situations identified may be assessed in terms of the probability of occurrence and the foreseeable magnitude or severity of its consequences.

Regarding the **Magnitude** of the corruption and related offences risk event, the following levels apply:

| Level | Classification criteria |
|-------------|--|
| Low | Situation with no impact on activities or programmes/projects, no serious breaches of standards of conduct or ethical principles, no impact on the Foundation's image or reputation and no financial losses or costs of any significance. |
| Moderate | Situation with a slight impact on activities or programmes/projects (e.g. occasional delay), minor breaches of standards of conduct or ethical principles exist, with insignificant impact on the Foundation's image or reputation and minor financial losses or costs. |
| Significant | Situation with an impact on activities or programmes/projects (e.g. temporary interruption), with serious breaches of standards of conduct or ethical principles, with significant impact on the Foundation's image or reputation, with the possibility of legal proceedings and significant financial costs. |
| High | Situation with a significant impact on activities or programmes/projects (e.g. prolonged interruption or suspension), with very serious breaches of standards of conduct or ethical principles, with significant impact on the Foundation's image or reputation, with the existence of legal proceedings and very significant financial costs. |

Regarding the **Probability** of occurrence of the risk event, the following levels apply:

| Level | Classification criteria |
|-------------|--|
| Remote | Situation associated with or arising from an exceptional activity or process that has never occurred. |
| Unlikely | Situation associated with or arising from a sporadic activity or process that occurs up to once a year. |
| Likely | Situation associated with or arising from a regular activity or process that occurs up to once every six months. |
| Very likely | Situation associated with or arising from a current activity or process that occurs once or more per month. |

The corruption risk classification thus results from the combination of the probability of occurrence with the severity of the magnitude, in accordance with the risk framework presented below:

| | | | | |
|-----------------|-------------|--------------|-----------------|-----------------|
| 4 – High | Medium 4 | High 8 | Very High 12 | Very High 16 |
| 3 – Significant | Medium 3 | Medium 6 | High 9 | Very High 12 |
| 2 – Moderate | Low 2 | Medium 4 | Medium | High 8 |
| 1 – Low | Low 1 | Low 2 | Medium 3 | Medium 4 |
| | 1 – Remote | 2 – Unlikely | 3 – Likely | 4 – Very likely |

The profiles associated with the risk levels in the framework have the following interpretation:

| Level | Description of risk exposure |
|-----------|---|
| Low | Risk level with a low or moderate probability of occurrence and with minor consequences and insignificant costs. As a rule, risks are effectively managed and the controls implemented are adequate (risk acceptance and monitoring). |
| Medium | Risk level with a low to moderate probability of occurrence, with consequences reversible in the short and medium term and with minor costs. Requires action to reduce the probability and/or magnitude of occurrence (corrective action plan). |
| High | Risk level with a moderate to high probability of occurrence, with consequences reversible in the short and medium term and/or with significant costs. Requires priority action to mitigate the probability and/or magnitude of occurrence (corrective action plan). |
| Very high | Risk level with a material or high probability of occurrence and with irreversible consequences and/or very significant costs. Requires immediate and priority action to mitigate the effects of its occurrence and enhance risk control and monitoring (corrective action plan). |

4.2.

Risk level assessment methodology

The assessment of corruption and related offences risks, as well as preventive measures, was carried out based on the following methodology:

- Identification of risks associated with critical processes and activities most exposed to acts of corruption and related offences. This identification was carried out using practices aimed at processing information from the various areas;
- Assessment of risks in terms of their magnitude and probability of occurrence;
- Identification of controls (preventive or detective measures) in place to mitigate gross risk, and subsequent positioning of net risk in the risk framework and assessment against the tolerance threshold – that is, the limit up to which the Foundation considers the risk level acceptable;
- Monitoring and control of risks, with the definition of corrective action plans when they are above the tolerance threshold. Additionally, in order to ensure that information regarding the risks incurred is adequately disclosed by the Executive Board, Organisational Units and all interested parties, the reporting phase in the risk management cycle may encompass two types of information provision that need to be carried out: internal reporting and external reporting, whenever applicable.

4.3.

Activity areas at risk of corruption

The methodology followed in preparing this plan is based on the identification of the Foundation's main activity areas that could be more susceptible to corruption and related offences. The Foundation's activity areas considered to be of potential risk are the following:

- Governance model;
- Analysis and distribution of subsidies, grants and prizes;
- Application for and obtaining of external funding for projects and activities;
- Collections and archive management;
- Cultural and artistic programming management;
- Patronage management;
- Procurement of goods and services;
- Communication and dissemination of activities;
- Portfolio, programme and project management;
- Financial, asset and digital resource management;
- Human resources management;

- Security of the Museum, Modern Art Centre and Art Library and Archives;
- Legal support and advisory services;
- Internal control and organisation.

4.4.

Main risks

Following the review of corruption and related offences risks, the following potential behaviours or practices were identified:

- Undisclosed conflicts of interest, or situations of influence peddling;
- Misuse of confidential/privileged information or manipulation of information to obtain undue advantages;
- Improper acceptance of gifts or advantages (passive bribery);
- Improper granting of gifts or benefits (active bribery);
- Misuse of Foundation assets or assets in its custody (embezzlement);
- Obtaining or diversion of benefits/funds intended for third parties.

4.5.

Preventive measures

In addition to identifying the main corruption risks, it is incumbent upon the Foundation, within the scope of this plan, to identify the measures already in place and to be implemented within the Foundation that contribute to reducing and mitigating the occurrence and impact of the identified risks. In this regard, the following should be highlighted:

- The Foundation promotes a culture of exemplary honesty and professional ethics, which takes into account and contributes to protecting the Foundation's reputation, considered an inalienable asset. The awareness-raising, continuous remembrance and celebration of the Founder's and the Foundation's philanthropic legacy serve as guarantors of a culture that discourages and suppresses any situation that may foster corruption and related offences risks;
- Since its establishment, the Foundation has continuously adopted and revisited documents containing regulatory standards for conduct and procedures that apply across the entire organisation, namely:
 - Foundation Employees' Code of Conduct
 - Board of Trustees' Duties of Conduct
 - General Supplier Purchasing Terms
 - Suppliers' Code of Conduct

- Internal Audit Code of Ethics
- Procurement Policy
- BA Collections Development Policy
- Internal Management Standards and Procedures within the Management Standards
- Regulation for the Use of Service Vehicles
- Calouste Gulbenkian Foundation Credit Policy

- The Foundation strengthens prevention through the adoption of a Code of Conduct that establishes the ethical principles and standards of behaviour applicable to all employees, promoting transparency, integrity and impartiality as fundamental principles of conduct;
- In addition, training and communication activities are carried out to raise awareness of corruption and related offences risks, and a secure channel is made available for the submission and handling of potential reports related to corruption and related offences.

5.

Corruption Prevention Mechanisms

Under the terms of the GRPC, approved by Decree-Law No. 109-E/2021, of 9 December, the Calouste Gulbenkian Foundation ensures the implementation of the six mandatory corruption prevention mechanisms:

5.1.

Regulatory Compliance Officer

The Foundation's Executive Board freely appoints and dismisses the Regulatory Compliance Officer, assigning him or her the responsibility and delegating the necessary authority to ensure the effective functioning of the corruption prevention system, namely:

- Executing, controlling and preparing the periodic review of this PPRCRO;
- Supervising the design and implementation of the corruption prevention system in the Foundation;
- Providing advice and guidance on matters related to corruption;
- Ensuring that the corruption prevention system complies with the applicable legislation;
- Reporting to the Executive Board on the performance of the corruption prevention system.

5.2.

Plan for the Prevention of Risks of Corruption and Related Offences (PPRCRO)

The Plan for the Prevention of Risks of Corruption and Related Offences constitutes the central instrument for the identification, assessment and mitigation of risks associated with the Foundation's activities, resulting from a comprehensive risk assessment exercise involving all of the Foundation's Organisational Units.

This plan:

- Defines the activity areas most susceptible to the occurrence of acts of corruption and related offences;
- Identifies the inherent risks and the respective preventive and corrective controls;
- Establishes appropriate mitigation measures, ensuring compliance with the GRPC and the continuous improvement of the prevention system.

5.3.

Code of Conduct

Under the terms of Article 7 of the GRPC, the Foundation's Code of Conduct establishes a set of principles, standards and values that serve as an ethical framework for all employees in their relationships with one another and with the Foundation's various internal and external stakeholders. In addition to ensuring, as general principles, good governance, transparency, impartiality, probity, integrity, honesty, civility, institutional respect and the guarantee of confidentiality, the Code of Conduct also provides the means for resolving conflicts and dilemmas, as well as identifying the sanctions to be applied in the event of non-compliance.

5.4.

Whistleblowing Channel

The Foundation provides a secure and confidential channel for the reporting of situations that may constitute acts of corruption or related offences, in compliance with the GRPC. This channel ensures:

- The possibility of submitting reports anonymously, ensuring the protection of the whistleblower's identity whenever so desired;
- The confidentiality of the information transmitted and the prevention of acts of retaliation against whistleblowers;
- The prompt receipt, analysis and handling of reports, in accordance with internal procedures and applicable legislation.

The whistleblowing channel is accessible through the Foundation's intranet and website, enabling the active participation of employees and other interested parties.

5.5.

Training and Communication

The Foundation promotes regular training and communication activities with the aim of strengthening the culture of integrity and preventing corruption and related offences risks. These activities include:

- A mandatory e-learning training programme for all employees, covering concepts, risks and preventive measures;

- Dissemination of the PPRCRO and implementation reports through the intranet and institutional website;
- Involvement of Organisational Units in the risk assessment process, ensuring a participatory and cross-cutting approach.

5.6.

Assessment System

The Foundation's Plan for the Prevention of Risks of Corruption and Related Offences is subject to a triennial review, without prejudice to interim reviews whenever significant changes in the Foundation's functions or organisational structure so warrant, in order to assess the effectiveness of the plan and the controls implemented, ensuring its continuous improvement.

Additionally, the implementation of the PPRCRO is subject to control, carried out in the following terms:

- Preparation, in the month of October, of an interim assessment report on the situations identified as high or maximum risk;
- Preparation, in the month of April of the year following the implementation period, of an annual assessment report containing, in particular, the quantification of the degree of implementation of the preventive and corrective measures identified, as well as the forecast for their full implementation.

All questions regarding the interpretation of the provisions of this plan must be brought to the attention of the Regulatory Compliance Officer and the Legal Service, who shall clarify them based at all times on the provisions contained in the GRPC.

All amendments and updates to this plan shall be formally approved by the Executive Board.

6. Annexes

Annex I

Corruption and related offences risk identification tables

The tables below present the identification of activity areas, risks, net magnitude (M), net probability (P), net risk level (RL – after discounting the controls applied) and controls/preventive measures within the scope of corruption and related offences risks:

| Activity Area: Governance model | | | | |
|--|-----|----------|-----|---|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Undisclosed conflicts of interest, or situations of influence peddling Misuse of confidential/privileged information or manipulation of information to obtain undue advantages Improper acceptance of gifts or advantages (passive bribery) Improper granting of gifts or benefits (active bribery) | Low | Unlikely | Low | <ul style="list-style-type: none"> Board of Trustees' duties of conduct Preparation/Updating of the list of institutions or companies of which the Board Members are members or in which they hold any position (Declaration of Interests) Code of conduct Segregation of duties Digitisation of the process and IT control Compliance with internal regulations Control and decision-making process centralised in a body different from the initiative's promoter Updated record of minutes and resolutions |

| Activity Area: Analysis and distribution of subsidies, grants and prizes | | | | |
|--|-----|--------|-----|--|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Undisclosed conflicts of interest, or situations of influence peddling Misuse of confidential/privileged information or manipulation of information to obtain undue advantages Improper acceptance of gifts or advantages (passive bribery) Obtaining or diversion of benefits/funds intended for third parties | Low | Remote | Low | <ul style="list-style-type: none"> Application and selection criteria defined and published on the website Prior analysis of counterparties Conflict of interest policy Signing of a declaration of commitment to ethical and conduct principles Whistleblowing channel Compliance with internal regulations Limit for acceptance of gifts and refusal of fee offers Signing of receipt acknowledgement Candidate assessment by panels Segregation of duties Execution of contract/protocol or letter of commitment between the parties Formalisation of national/international applications based on specific requirements Declaration of conflict of interest signed by the panel Conduct of national or international competitions Analysis of physical and financial implementation reports Validation of expenditure from the first tranche for release of subsequent tranches Digitisation of the process and IT control Code of conduct External audit promoted by public and/or funding entities Payment notice sent to beneficiaries Validation of IBAN and payment recipient Conduct of external audit and preparation of implementation reports |

| Activity Area: Application for and obtaining of external funding for projects and activities | | | | |
|---|-----|--------|-----|--|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Undisclosed conflicts of interest, or situations of influence peddling Misuse of confidential/privileged information or manipulation of information to obtain undue advantages | Low | Remote | Low | <ul style="list-style-type: none"> Prior analysis of external programmes Conduct of external assessment and preparation of implementation reports Candidate assessment by panels Execution of contract/protocol or letter of commitment between the parties Formalisation of application in compliance with specific requirements Segregation of duties External audit promoted by public and/or funding entities Internal assessment by the OU following completion of the initiative Analysis of physical and financial implementation reports Validation of expenditure from the first tranche for release of subsequent tranches Digitisation of the process and IT control |

| Activity Area: Collections and archive management | | | | |
|--|-----|--------|-----|--|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Undisclosed conflicts of interest, or situations of influence peddling Misuse of confidential/privileged information or manipulation of information to obtain undue advantages Improper acceptance of gifts or advantages (passive bribery) Misuse of Foundation assets or assets in its custody (embezzlement) | Low | Remote | Low | <ul style="list-style-type: none"> Prior study of works to be acquired Management of book and works quotas in the collections Access control to premises Digital access control to documentation Execution of contract/protocol or letter of commitment between the parties Digitisation of the process and IT control Signing of consultation terms by researchers Code of ethics for archivists and librarians Control of IT profiles and access Code of conduct Segregation of duties Prior study of works to be acquired and CAM opinion (above a certain value) Declaration of conflict of interest signed by the panel Policy for acquisitions and donations of works of art |

| Activity Area: Cultural and artistic programming management | | | | |
|--|-----|--------|-----|---|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Undisclosed conflicts of interest, or situations of influence peddling Misuse of confidential/privileged information or manipulation of information to obtain undue advantages Improper acceptance of gifts or advantages (passive bribery) Misuse of Foundation assets or assets in its custody (embezzlement) | Low | Remote | Low | <ul style="list-style-type: none"> Candidate assessment by panels Conduct of national or international competitions Execution of contract/protocol or letter of commitment between the parties Participation in external or internal forums Segregation of duties Established criteria for artistic programming and partnerships Code of conduct Compliance with the programming regarding artist contracting Contracting of artists through agencies Payments made only to the artist's IBAN Compliance with internal regulations Digitisation of the process and IT control |

| Activity Area: Patronage management | | | | |
|---|-----|----------|-----|--|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Undisclosed conflicts of interest, or situations of influence peddling Misuse of confidential/privileged information or manipulation of information to obtain undue advantages Improper acceptance of gifts or advantages (passive bribery) | Low | Unlikely | Low | <ul style="list-style-type: none"> Execution of contract/protocol or letter of commitment between the parties Compliance with internal regulations Digitisation of the process and IT control Control and decision-making process centralised in a body different from the initiative's promoter Code of conduct Segregation of duties |

| Activity Area: Procurement of goods and services | | | | |
|--|-----|--------|-----|---|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Undisclosed conflicts of interest, or situations of influence peddling Misuse of confidential/privileged information or manipulation of information to obtain undue advantages Improper acceptance of gifts or advantages (passive bribery) Obtaining or diversion of benefits/funds intended for third parties | Low | Remote | Low | <ul style="list-style-type: none"> Procurement policy and central purchasing Prior analysis of counterparties Supplier code of conduct and general supplier purchasing terms Cross-referencing of supplier data Completion of licensing processes before commencing works (whenever applicable) Delegation of powers for procurement of goods and services Quarterly presentation of expenditure to the responsible board member Limit for acceptance of gifts and acceptance record Compliance with internal regulations Annual audit planning Functional reporting to the Audit Committee Segregation of duties Consultation of 3 suppliers (with or without terms of reference), request for quotation or prior estimate Request for the RCBE Declaration from suppliers Control and decision-making process centralised in a body different from the initiative's promoter Execution of contract/protocol or letter of commitment between the parties Rotation of suppliers used Conduct of national or international competitions Digitisation of the process and IT control External audit promoted by public and/or funding entities Code of conduct Control of IT profiles and access |

| Activity Area: Communication and dissemination of activities | | | | |
|---|-----|----------|-----|--|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Undisclosed conflicts of interest, or situations of influence peddling Improper granting of gifts or benefits (active bribery) | Low | Unlikely | Low | <ul style="list-style-type: none"> Employee code of conduct Criteria for offering tickets to events Defined practices for responding to news Execution of contract/protocol or letter of commitment between the parties Segregation of duties |

| Activity Area: Portfolio, programme and project management | | | | |
|---|-----|--------|-----|---|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Undisclosed conflicts of interest, or situations of influence peddling Improper acceptance of gifts or advantages (passive bribery) Obtaining or diversion of benefits/funds intended for third parties | Low | Remote | Low | <ul style="list-style-type: none"> Project assessment by external committees Record of acceptance of gifts Validation of expenditure from the first tranche for release of subsequent tranches Candidate assessment by panels Execution of contract/protocol or letter of commitment between the parties Formalisation of application in compliance with specific requirements Declaration of conflict of interest signed by the panel Code of conduct Segregation of duties Analysis of physical and financial implementation reports Conduct of external audit and preparation of implementation reports |

| Activity Area: Financial, asset and digital resource management | | | | |
|--|-----|--------|-----|--|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Misuse of confidential/ privileged information or manipulation of information to obtain undue advantages Improper acceptance of gifts or advantages (passive bribery) Misuse of Foundation assets or assets in its custody (embezzlement) Obtaining or diversion of benefits/funds intended for third parties | Low | Remote | Low | <ul style="list-style-type: none"> Completion of licensing processes before commencing works (whenever applicable) Contracting of an inspection company Accounting registration of assets in the Foundation's custody Rules for the operation of the Foundation's accounts Validation of shop petty cash funds by an external entity Digitisation of the process and IT control Analysis of physical and financial implementation reports Code of conduct Segregation of duties Consultation of 3 suppliers (with or without terms of reference), request for quotation or prior estimate Control and decision-making process centralised in a body different from the initiative's promoter Compliance with internal regulations Audiovisual warehouse, with tracking of items removed |

| Activity Area: Human resources management | | | | |
|--|-----|--------|-----|---|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Undisclosed conflicts of interest, or situations of influence peddling Improper acceptance of gifts or advantages (passive bribery) | Low | Remote | Low | <ul style="list-style-type: none"> Execution of contract/protocol or letter of commitment between the parties Attendance control Performance appraisal review by third parties Conduct of national or international competitions Segregation of duties Compliance with internal regulations |

| Activity Area: Security of the Museum, Modern Art Centre and Art Library and Archives | | | | |
|---|-----|--------|-----|---|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Misuse of confidential/ privileged information or manipulation of information to obtain undue advantages Misuse of Foundation assets or assets in its custody (embezzlement) | Low | Remote | Low | <ul style="list-style-type: none"> Access control to premises Control and audits of the works inventory Digitisation of the process and IT control Segregation of duties Compliance with internal regulations Control of IT profiles and access |

| Activity Area: Legal support and advisory services | | | | |
|--|-----|--------|-----|--|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Undisclosed conflicts of interest, or situations of influence peddling Misuse of confidential/ privileged information or manipulation of information to obtain undue advantages Improper acceptance of gifts or advantages (passive bribery) | Low | Remote | Low | <ul style="list-style-type: none"> Consultation of 3 suppliers (with or without terms of reference), request for quotation or prior estimate Segregation of duties Compliance with internal regulations |

| Activity Area: Internal control and organisation | | | | |
|--|-----|--------|-----|--|
| Risk | M | P | RL | Controls/Preventive measures |
| <ul style="list-style-type: none"> Undisclosed conflicts of interest, or situations of influence peddling Misuse of confidential/ privileged information or manipulation of information to obtain undue advantages | Low | Remote | Low | <ul style="list-style-type: none"> Annual audit planning Internal audit code of ethics Analysis of physical and financial implementation reports Digitisation of the process and IT control Segregation of duties Compliance with internal regulations Presence of two team members at meetings Functional reporting to the Audit Committee Annual audit planning Presence of two team members at meetings |

Annex II

Legal definitions of corruption and related offences

| Crimes/Offences applicable in the context of the FCG | Legal Instrument/Type | Legal Provision |
|--|--|--|
| Corruption and related offences in the public sector | Active bribery (Art. 374 of the Criminal Code) | "1 – Whoever, personally or through an intermediary, with their consent or ratification, gives or promises to a public official, or to a third party at the indication or with the knowledge of such official, a pecuniary or non-pecuniary advantage for the purpose indicated in paragraph 1 of Article 373, shall be punished with a prison sentence of one to five years. 2 – If the purpose is that indicated in paragraph 2 of Article 373, the offender shall be punished with a prison sentence of up to three years or a fine of up to 360 days. 3 – Attempted offences are punishable." |
| | Influence peddling (Art. 335 of the Criminal Code) | "1 – Whoever, personally or through an intermediary, with their consent or ratification, solicits or accepts, for themselves or for a third party, a pecuniary or non-pecuniary advantage, or the promise thereof, in order to abuse their influence, real or supposed, with any public entity, shall be punished: a) With a prison sentence of 1 to 5 years, if a more severe penalty does not apply under another legal provision, if the purpose is to obtain any favourable unlawful decision; b) With a prison sentence of up to 3 years or a fine, if a more severe penalty does not apply under another legal provision, if the purpose is to obtain any favourable lawful decision. 2 – Whoever, personally or through an intermediary, with their consent or ratification, gives or promises a pecuniary or non-pecuniary advantage to the persons referred to in the preceding paragraph for the purposes provided for in subparagraph a) shall be punished with a prison sentence of up to 3 years or a fine." |
| | Undue receipt or offer of advantage (Art. 372 of the Criminal Code) | "2 – Whoever, personally or through an intermediary, with their consent or ratification, gives or promises to a public official, or to a third party at the indication or with the knowledge of such official, a pecuniary or non-pecuniary advantage that is not due to them, in the exercise of their duties or because of them, shall be punished with a prison sentence of up to three years or a fine of up to 360 days." |
| Corruption and related offences in the private sector | Active bribery detrimental to international trade (Art. 7 of Law No. 20/2008, of 21 April) | "Whoever, personally or through an intermediary, with their consent or ratification, gives or promises to a public official, whether national, foreign or of an international organisation, or to a holder of political office, whether national or foreign, or to a third party with the knowledge of such persons, a pecuniary or non-pecuniary advantage that is not due to them, in order to obtain or retain a business deal, a contract or other undue advantage in international trade, shall be punished with a prison sentence of one to eight years." |

| | | |
|--|--|---|
| | Passive bribery (Art. 8 of Law No. 20/2008, of 21 April) | "1 – A private sector worker who, personally or through an intermediary, with their consent or ratification, solicits or accepts, for themselves or for a third party, without being entitled thereto, a pecuniary or non-pecuniary advantage, or the promise thereof, for any act or omission constituting a breach of their functional duties, shall be punished with a prison sentence of up to five years or a fine of up to 600 days. 2 – If the act or omission provided for in the preceding paragraph is liable to cause a distortion of competition or pecuniary damage to third parties, the offender shall be punished with a prison sentence of one to eight years." |
| | Active bribery (Art. 9 of Law No. 20/2008, of 21 April) | "1 – Whoever, personally or through an intermediary, with their consent or ratification, gives or promises to the person referred to in the preceding article, or to a third party with the knowledge of such person, a pecuniary or non-pecuniary advantage that is not due to them, for the purpose indicated therein, shall be punished with a prison sentence of up to three years or a fine. 2 – If the conduct provided for in the preceding paragraph is aimed at obtaining or is liable to cause a distortion of competition or pecuniary damage to third parties, the offender shall be punished with a prison sentence of up to five years or a fine of up to 600 days. 3 – Attempted offences are punishable." |
| Bribery | Bribery (Art. 363 of the Criminal Code) | "Whoever convinces or attempts to convince another person, through a gift or promise of a pecuniary or non-pecuniary advantage, to commit the acts provided for in Articles 359 or 360 (Falsity of testimony or declaration and False testimony, expert opinion, interpretation or translation, respectively), without such acts being committed, shall be punished with a prison sentence of up to 2 years or a fine of up to 240 days." |
| Money laundering or fraud in obtaining or diverting subsidies, grants or credit | Money laundering (Art. 368-A of the Criminal Code) | "3 – Whoever converts, transfers, assists or facilitates any operation of conversion or transfer of advantages, obtained personally or by a third party, directly or indirectly, with the aim of concealing their unlawful origin, or of preventing the perpetrator or participant of such offences from being criminally prosecuted or subjected to a criminal sanction, shall be punished with a prison sentence of up to 12 years. 4 – The same penalty shall apply to whoever conceals or disguises the true nature, origin, location, disposition, movement or ownership of the advantages, or the rights thereto. 5 – The same penalty shall also apply to whoever, not being the perpetrator of the typical unlawful act from which the advantages derive, acquires, holds or uses them, with knowledge, at the time of acquisition or at the initial time of holding or use, of such quality. 6 – Punishment for the crimes provided for in paragraphs 3 to 5 shall take place even if the location of the typical unlawful acts from which the advantages derive or the identity of their perpetrators is unknown, or even if such acts were committed outside the national territory, unless they constitute lawful acts under the law of the place where they were committed and to which Portuguese law is not applicable under the terms of Article 5." |

Fraud in obtaining subsidy or grant
(Art. 36 of DL No. 28/84, of 20 January)

"1 – Whoever obtains a subsidy or grant: a) By providing the competent authorities or entities with inaccurate or incomplete information about themselves or third parties and relating to facts relevant to the granting of the subsidy or grant; b) By omitting, contrary to the legal regime of the grant or subsidy, information about facts relevant to its granting; c) By using a document justifying the right to the grant or subsidy or facts relevant to its granting, obtained through inaccurate or incomplete information; shall be punished with a prison sentence of 1 to 5 years and a fine of 50 to 150 days.

2 – In particularly serious cases, the penalty shall be a prison sentence of 2 to 8 years.

3 – If the acts provided for in this article are committed in the name and interest of a legal person or company, exclusively or predominantly established for the purpose of committing such acts, the court, in addition to the pecuniary penalty, shall order its dissolution."

Diversion of grant, subsidy or subsidised credit
(Art. 37 of DL No. 28/84, of 20 January)

"1 – Whoever uses benefits obtained by way of a grant or subsidy for purposes other than those for which they are legally intended shall be punished with a prison sentence of up to 2 years or a fine of not less than 100 days.

2 – The same penalty shall apply to whoever uses a benefit obtained by way of subsidised credit for a purpose other than that provided for in the credit line determined by the legally competent entity.

3 – The penalty shall be a prison sentence of 6 months to 6 years and a fine of up to 200 days when the amounts or damage caused are considerably high.

4 – If the acts provided for in this article are repeatedly committed in the name and interest of a legal person or company and the damage has not been spontaneously repaired, the court shall order its dissolution."

