

# INVESTIGATIONS & WHITE COLLAR

GENERAL CORRUPTION PREVENTION  
FRAMEWORK AND NATIONAL ANTI-  
CORRUPTION MECHANISM

VdA EXPERTISE



January 2022

**Decree-Law 109-E/2021 enacting the Regime Geral de Prevenção da Corrupção [General Corruption Prevention Framework] (“RGPC”) and setting up the Mecanismo Nacional Anticorrupção [National Anti-Corruption Mechanism] (“MENAC”) was published December 10, 2021.**

The RGPC applies to entities employing 50 or more workers, which are required to establish and implement corruption prevention measures, including:

- i. a Corruption Risks and predicate or related offenses Prevention Plan (“PPR”);
- ii. a conduct code;
- iii. training programs; and
- iv. whistleblowing channels.

The RGPC further requires entities to **appoint a compliance officer** that:

- i. performs his/her duties independently, on a continued basis and with decision autonomy; and
- ii. has access to internal information and the necessary human and technical resources.

**MENAC** will be an independent administrative entity whose remit includes promoting, monitoring and supervising the RGPC’s implementation, as well as **launching, processing and deciding on administrative offense proceedings** as set forth in the RGPC.

**Failure** to perform the obligations established in the act can entail potential **reputational damages** and **liability for administrative offenses** for the entities involved, who can be applied administrative fines and **ancillary penalties**, including the publication of their conviction on any newspaper and on MENAC’s official website.

The decree-law comes into force 180 days following its publication, i.e., **June 8, 2022**. The act’s chapter on penalties, however, will only become effective:

- i. one year following the act’s entry into force; or
- ii. two years after the act’s entry into force in the case of medium-sized enterprises.

The **obligation to adopt measures to mitigate** any risks of corruption and of predicate or related offenses is not new and was already a staple of certain areas of the law, notably public procurement. The RGPC only clarifies the legislator’s intention in this respect.

**Entities** operating in Portugal can still be held **criminally liable** for corruption and/or predicate or related offenses. The new criminal framework of corruption and predicate or related offenses, which will soon be published in the *Diário da República* [Official Gazette], allows for criminal proceedings to be dismissed if the relevant entity adopts and/or implements the measures set forth in the RGPC.

VdA’s Crimes and Misdemeanors team is **highly experienced in creating and implementing anti-corruption compliance programs** for various economic sectors, often in conjunction with foreign jurisdictions, and supports companies in this transition process.

# Contacts



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