

point of view
Bribery ['braɪb
offering someone
money or some
something



ISO 37001:2016

*Anti-bribery management systems –
Requirements with guidance for use*

*Tassos Naoum
Senior Auditor
Lead Tutor*



...Making our world safer



- **RELIABILITY, RECOGNITION**
 - **VALUE FOR MONEY**



TUV NORD International
market region



TUV HELLAS
TUV NORD GROUP

ISO 37001:2016

Quality

- ISO 9001:2015
- ISO 37001:2016
- ISO 19600:2014
- AS /EN 9100,9110,9120
- ISO 17100:2015
- ISO 29990 : 2010
- ELOT 1433
- EN 15733 :2009
- ISO / TS 16949:2009

Environment

- ISO 14001: 2015,
- ISO 50001:2011
- EMAS III
- CO2 FOOTPRINT
- MRV Verification

Health and Safety

- OHSAS 18001:2007
- ELOT 1801:2008
- ISO 39001:2012

Management Capability

- ELOT 1429
- ELOT 1435

Corporate Responsibility / Sustainability

- SA 8000,
- GRI – G4, GRI STANDARDS
- AA1000
- SMETA / SEDEX
- FSC CoC

Medical Devices – Cosmetics

- ISO 13485:2003,
- FEK 32B/2004
- ISO 22716:2008
- EN 15224:2012

IT services

- ISO 27001 : 2013
- ISO / IEC 20000-1:2011
- ISO 22301:2012

TUV HELLAS S.A., Services

Management Systems

TUV NORD GROUP

Excellence for your Business



ISO 37001:2016

Primary Sector	Food Safety	Organic products / Sustainability
Private Protocols Traceability through the food industry Production and Delivery of GMO free Feed products Second Party Inspection		

GlobalGap
 Aquaculture
 Agro 2.1, 2.2
 Agro 3.1, 3.2, 3.3, 3.4)

ISO 22000:2005
 HACCP
 FSCC 22000
 IFS
 BRC
 BRC – IOP
 FAMI – QS
 QS

Organic Certification
 MSC CoC
 ASC CoC
 RSPO

Food and Agriculture Sector

TÜV HELLAS S.A., Services

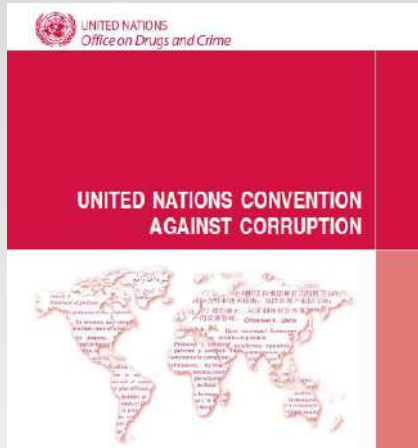


ISO 37001:2016

Constructions - Installations	Products - Certification	Energy – Chemical Industries	Elevators - Escalators
Welding	PED 2014/68/EC	Refineries – Chemical Industries	2014/33/ EC
Steel Structure	Shop inspection	Gas – Fuels Pipelines	EN 81.1
Material Evaluation – Failure Analysis	Raw Materials	Power Plants	EN 81.2
Civil Engineering Works	Manufacturers Qualification	Performance and Acceptance Test in Production Units and Power Plants	EN 115
Mechanical & Electrical Installation	Simple Pressure Vessels TPED (99/36/EC)	Wind Farms	
Heating – Ventilation – Air Conditioning	ADR	Photovoltaic Parks	
Fire Protection	Rotating Equipment	Hydroelectric Power Stations	
	Railway Equipment	Safe Operation of Production Units	
	Lifting Equipment	Inspection of Equipment or installation according to ATEX	
	Playgrounds – Amusement Rides – Water Parks	Measurements of Energy & Environmental Parameters	
		Verification of Greenhouse Gases (Directive 2003/87/EK)	
		Energy Verificaion of Efficiency in Buildings	
Construction Products Regulation 305/11			

TÜV HELLAS S.A., Services

Bribery, an international problem



Group of States against Corruption

TÜV NORD GROUP

Excellence for your Business

Introduction

Over USD 1 trillion is paid in bribes each year, World Bank estimation

\$1,000,000,000,000

Disastrous impacts:

eroding political stability

increasing the cost of business

contributing to poverty

significant barrier to international trade, on a global level

highly negative impact on employee morale, within an organization

penalties

Many governments have taken measures to address bribery through national laws as well as international agreements



Many governments have taken measures to address bribery through national laws as well as international agreements such as the United Nations Convention against Corruption, but more can be done. Institutional change and an anti-bribery culture within organizations can contribute significantly to the fight against bribery and complement national and international measures.

Source: iso.org

Requirements of the standard

Why?

However, the law alone is not sufficient to solve this problem. *Organizations have a responsibility to proactively contribute to combating bribery. This can be achieved by an anti-bribery management system, which this document is intended to provide, and through **leadership commitment** to establishing a culture of integrity, transparency, openness and compliance.* The nature of an organization's culture is critical to the success or failure of an anti-bribery management system

BUT....

Conformity with this document *cannot provide assurance that no bribery has occurred or will occur in relation to the organization*, as it is not possible to completely eliminate the risk of bribery. However, this document can help the organization implement reasonable and proportionate measures designed to prevent, detect and respond to bribery.

The International Standard applies to:

This document reflects international good practice and can be used in all jurisdictions.

It is applicable to small, medium and large organizations in all sectors, including public, private and not-for-profit sectors.

Why go for ISO 37001:16?



- **Understand, evaluate and manage the risks of bribery**
- **Decrease the likelihood of a fine, prosecution or contract termination**
- **Mitigate the consequences**
- **Increase the level of involvement and awareness of personnel**
- **Increase the trust level of key interested parties (e.g. clients, business associates)**

Anti- bribery management systems – Requirements with guidance for use

Contents:

1. Scope
2. Normative references
3. Terms and Definitions
 4. Context of the Organization
 5. Leadership
 6. Planning
 7. Support
 8. Operation
 9. Performance evaluation
 10. Improvement



Annex A Guidance on the use of the standard – important yet INFORMATIVE

TÜV NORD GROUP

Excellence for your Business

Anti-bribery management systems – Requirements with guidance for use

Contents:

1. Scope

2. Normative references

3. Terms and Definitions

4. Context of the Organization

5. Leadership

6. Planning

7. Support

8. Operation

9. Performance evaluation

10. Improvement



Annex A Guidance on the use of the standard – important yet INFORMATIVE

TÜV NORD GROUP

Excellence for your Business

1. Scope of the Standard (cont.)

Applicable **only to bribery**

Does not address:

 Fraud

 Money laundering

 Cartels / anti-trust – competition offences

 Corrupt practices

Anti- bribery management systems – Requirements with guidance for use

Contents:

1. Scope
2. Normative references
- 3. Terms and Definitions**
4. Context of the Organization
5. Leadership
6. Planning
7. Support
8. Operation
9. Performance evaluation
10. Improvement



Annex A Guidance on the use of the standard – important yet INFORMATIVE

TÜV NORD GROUP

Excellence for your Business

Anti- bribery management systems – Requirements with guidance for use

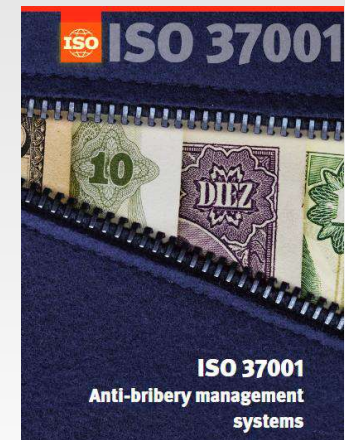
Contents:

1. Scope
2. Normative references
3. Terms and Definitions

4.Context of the Organization

5. Leadership
6. Planning
7. Support
8. Operation
9. Performance evaluation
10. Improvement

Annex A Guidance on the use of the standard – important yet **INFORMATIVE**



Anti- bribery management systems – Requirements with guidance for use

4 Context of the organization

4.5 Bribery risk assessment (4.5.1 – 4.5.3)

The organization shall undertake regular bribery risk assessment(s) (BRA), which shall:

- identify the bribery risks the organization might reasonably anticipate, given the factors listed in 4.1;
- analyze, assess and prioritize the identified bribery risks;
- evaluate the suitability and effectiveness of the organization’s existing controls to mitigate the assessed bribery risks.

Policies and objectives shall be taken into consideration for establishing criteria and evaluating risks

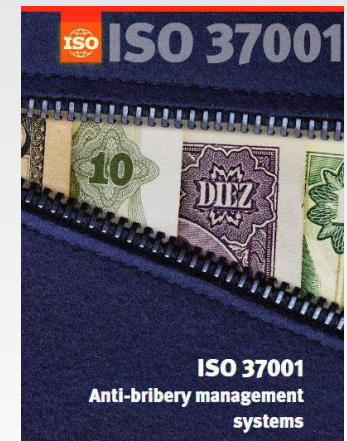
BRA must be reviewed regularly at defined intervals, when significant changes occur and following possible incidents

Anti- bribery management systems – Requirements with guidance for use

Contents:

1. Scope
2. Normative references
3. Terms and Definitions
4. Context of the Organization
- 5. Leadership**
6. Planning
7. Support
8. Operation
9. Performance evaluation
10. Improvement

Annex A Guidance on the use of the standard – important yet **INFORMATIVE**



Anti- bribery management systems – Requirements with guidance for use

5 Leadership

5.1.1 Governing body

- approves the organization’s anti-bribery policy
- alignment of strategy and anti-bribery policy
- reviews the organization’s anti-bribery management system (planned intervals)
- requires allocation and assignment of resources
- oversight over the implementation of the organization’s anti-bribery management system by top management and its effectiveness

These activities shall be carried out by top management if the organization does not have a governing body.

Anti- bribery management systems – Requirements with guidance for use

5 Leadership

5.3 Organizational roles, responsibilities and authorities

5.3.2 Anti-bribery compliance function

- Authority and responsibility (by the top management) - independency
- overseeing the design and implementation of the A-BMS
- providing advice and guidance to personnel on A-BMS and bribery issues
- ensuring that the A-BMS conforms to the requirements of the standard
- reporting on the performance of the A-BMS to the governing body and/or top management

Anti- bribery management systems – Requirements with guidance for use

5 Leadership

5.3 Organizational roles, responsibilities and authorities

5.3.3 Delegated decision making

For decisions with low (or higher) risk, a decision-making process or set of controls which requires that the decision process and the level of authority of the decision-maker(s) *are appropriate and free of actual or potential conflicts of interest* shall be established and maintained

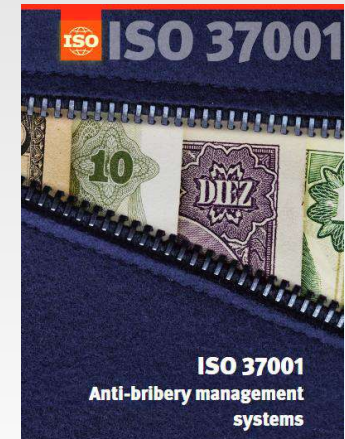
- Periodical review by top management
- Responsibility (legal) remains with the top management

Anti- bribery management systems – Requirements with guidance for use

Contents:

1. Scope
2. Normative references
3. Terms and Definitions
4. Context of the Organization
5. Leadership
- 6. Planning**
7. Support
8. Operation
9. Performance evaluation
10. Improvement

Annex A Guidance on the use of the standard – important yet **INFORMATIVE**



TÜV NORD GROUP

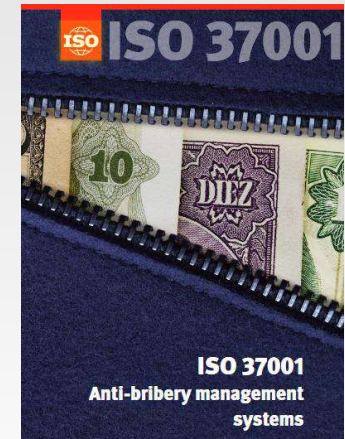
Excellence for your Business

Anti- bribery management systems – Requirements with guidance for use

Contents:

1. Scope
2. Normative references
3. Terms and Definitions
4. Context of the Organization
5. Leadership
6. Planning
- 7.Support**
8. Operation
9. Performance evaluation
10. Improvement

Annex A Guidance on the use of the standard – important yet **INFORMATIVE**



Anti- bribery management systems – Requirements with guidance for use

7 Support / 7.2 Competence

7.2.2 Employment process

Procedures (7.2.2.1)), *all personnel* :

- employment conditions
- access to & training on the A-BMS, upon employment
- enable disciplinary measures against violators
- not allowing retaliation, discrimination or disciplinary actions:
 - not participating in activities (\geq low risk) not mitigated
 - reporting concerns or possible incidents

Anti- bribery management systems – Requirements with guidance for use

7 Support / 7.2 Competence

7.2.2 Employment process (cont.)

Procedures (7.2.2.2), *positions with \geq low risk* :

- due diligence before employment or transfer / promotion
- periodically review of remuneration / bonuses / targets as safeguards
- declaration of confirmation with the A-B policy

Anti- bribery management systems – Requirements with guidance for use

7 Support

7.3 Awareness and training

Provision of A-B awareness & training, taking into account the bribery risk assessment:

- A-B Policy - MS – responsibilities /duties
- A-B risks and possible damages / consequences
- recognize and act in possible attempts
- preventing / avoiding bribery
- understanding the importance of participating in the A-BMS
- communication channels for incidents / concerns
- planned intervals

documented information

8 Operation

8.2 Due diligence

8.3 Financial controls

8.4 Non-financial controls

8.5 Implementation of A-B controls (controlled organizations & business associates)

8.6 Anti-bribery commitments

8.7 Gifts, hospitality, donations and similar benefits

8.8 Managing inadequacy of anti-bribery controls

8.9 Raising concerns

8.10 Investigating and dealing with bribery

Anti- bribery management systems – Requirements with guidance for use

Contents:

1. Scope
2. Normative references
3. Terms and Definitions
4. Context of the Organization
5. Leadership
6. Planning
7. Support
8. Operation
- 9. Performance evaluation**
10. Improvement

Annex A Guidance on the use of the standard – important yet **INFORMATIVE**

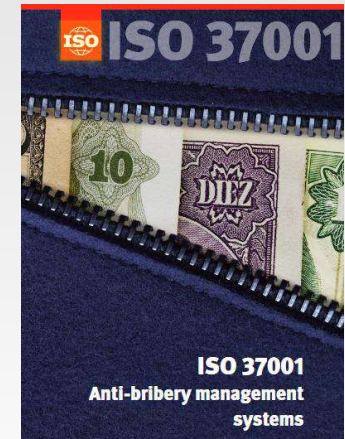


Anti- bribery management systems – Requirements with guidance for use

Contents:

1. Scope
2. Normative references
3. Terms and Definitions
4. Context of the Organization
5. Leadership
6. Planning
7. Support
8. Operation
9. Performance evaluation
10. **Improvement**

Annex A Guidance on the use of the standard – important yet **INFORMATIVE**



Useful links:

Standard:

<https://www.iso.org/iso-37001-anti-bribery-management.html>

Anti-bribery Convention:

<http://www.oecd.org/corruption/oecdantibriberyconvention.htm>

European Union:

https://ec.europa.eu/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/corruption_en

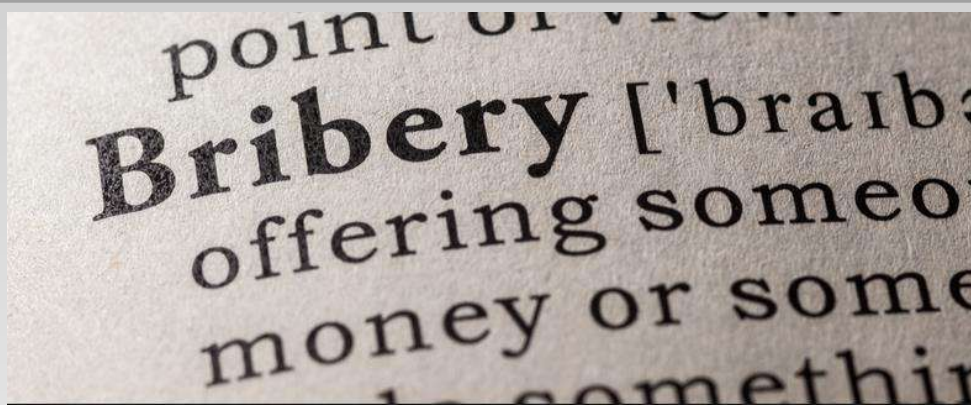
<http://www.coe.int/en/web/greco>

Anti-bribery Act 2010, UK:

<http://www.legislation.gov.uk/ukpga/2010/23/contents>

Foreign Corrupt Practices Act (FCPA), US Department of Justice:

<https://www.justice.gov/criminal-fraud/foreign-corrupt-practices-act>



ISO 37001:2016

*Anti-bribery management systems –
Requirements with guidance for use*



Thank you

...Making our world safer