



## Criminal Compliance as a requisite for receiving EU funding (requirements for obtaining European Next Generation funding)

The Ministry of Finance has approved Order HFP/1030/2021, of September 29<sup>th</sup>, which establishes the procedure and conditions for the Recovery, Transformation and Resilience Plan (hereinafter, PRTR).

The aforementioned Order disposes that in order to be eligible for the European Next Generation funding, companies shall have implemented an Anti-Corruption Plan.

Anti-Corruption plans, in most or almost all cases, emanate from Criminal Compliance programmes.

**Companies are being increasingly required to have an implemented regulatory compliance management system so as to be eligible for grants, tenders, etc.**

The Recovery, Transformation and Resilience Plan is a tool promoted by the European Union to mitigate the impacts of COVID-19, as well as to transform society, with the objectives of modernising the productive fabric, fostering "decarbonisation" and respect for the environment, supporting digitalisation, and improving the structures and resources allocated to research and training.

As established in Article 1.2 of the Order, these regulations apply to public sector entities and to any other agents involved in the implementation of the PRTR as **recipients** of funds (i.e., private sector companies).

In this sense, Article 8.1.e) of the Order establishes that a "Declaration of commitment to comply with the cross-cutting principles established in the PRTR and which may affect the area under management (Model Annex IV.C)" must be filled out.

This declaration of commitment provides, for all funding recipients, the "(...) commitment of the person/entity it/he/she represents to the highest **standards of compliance with legal, ethical and moral rules**, adopting the necessary measures to prevent and detect fraud, corruption and conflict of interest, and reporting, if any, the perceived non-compliance to the authorities".

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It should be noted that any non-compliance by a beneficiary entity may result in the obligation to return the EU funding. Therefore, ESCURA recommends any company which may want to benefit from Next Generation funding developing a Criminal Compliance System focused on fraud, corruption, and conflict of interest prevention.

For further information, please find attached the link to the Order HFP/1030/2021, of September 29<sup>th</sup>, which establishes the procedure and conditions for the Recovery, Transformation and Resilience Plan:

[https://www.boe.es/diario\\_boe/txt.php?id=BOE-A-2021-15860](https://www.boe.es/diario_boe/txt.php?id=BOE-A-2021-15860)



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