



# CODE OF ETHICS AND CONDUCT



## Corporate Commitment

**ConstruGomes, Engenharia S.A.** has as one of its principles the compliance with legal requirements, thus ensuring that its business is conducted with the highest ethical standards and in full compliance with them.

This Code of Conduct aims to comply, among others, with the provisions of Law 109-E/2021, of December 9, establishing the principles, values and rules of action of all managers and employees of **ConstruGomes, Engenharia S.A.** in matters of professional ethics, with special consideration for the criminal norms referring to corruption and related offences and the risks of the company's exposure to these crimes.

Giving and/or gifting, a person or persons, with anything of value for improper purposes is in contradiction with the applicable legislation and with the values and principles of **ConstruGomes, Engenharia S.A.** The company's basic principle is to conduct its activity successfully without incurring in corrupt practices.

This Code of Conduct is for all **ConstruGomes, Engenharia S.A.** employees who may be affected by situations involving corruption and bribery, to familiarize themselves with the basic principles of anti-corruption and anti-bribery laws and to remind themselves of the steps that should be followed in order to comply with such principles, but also to any intermediaries who may act on behalf of the company.

As many countries are placing renewed emphasis on anti-corruption and anti-bribery laws, and as the company has clients in many countries around the world, we have chosen this moment to reaffirm these important and enduring principles in this Code of Conduct.

Non-compliance with this Code of Conduct may lead to important legal and financial consequences, and it is extremely important to comply with the recommendations contained in this Code.

Questions or concerns related to any aspect of this Code of Conduct may be directed to the People Management Department.

The Administration is grateful for the commitment of all **ConstruGomes, Engenharia S.A.** employees in internalising and full implementation of this Code of Conduct.

#CONSTRUGOMESCUMPLIES



## // 1. Advertising and review

This Code of Conduct is revised every three years or whenever it is justified, taking into account, namely, the evaluation of risks of exposure of **ConstruGomes, Engenharia S.A.** to corruption crimes and related infractions or changes in the organic or corporate structure.

The publication of this Code is ensured through the intranet and the official website, [www.construgomes.com](http://www.construgomes.com), since its implementation and respective revisions.

## // 2. Scope of application

This Code of Conduct is applicable to all **ConstruGomes, Engenharia S.A.** employees and managers.

Interns are also covered as well as any service providers or any other persons acting under the guidance or direction of **ConstruGomes, Engenharia S.A.** that may bind and represent it.

Those who fail to comply with this Code, or who are responsible for such failure, may incur in a disciplinary offence, with the corresponding disciplinary, administrative and criminal consequences, under the terms of the applicable legislation.

The reputation and good name of **ConstruGomes, Engenharia S.A.** depends on the behaviour of each and every one of the people who have dealings with it, and therefore its performance and conduct should be guided by compliance with the best parameters of professional ethics, particularly with regard to preventing and combating corruption and related infractions.

## // 3. Our ethical principles

### 3.1 Responsibility

**ConstruGomes, Engenharia S.A.** develops its activity in a socially responsible way, encouraging and watching over the best practices, namely regarding the environment, economy and working conditions.

### 3.2 Impartiality

**ConstruGomes, Engenharia S.A.** assumes and puts into practice the principle of equality among all, and rejects any discriminatory or favouritism within the company or through its representatives.

### 3.3 Transparency

**ConstruGomes, Engenharia S.A.** sees transparency as a pillar of credibility and dedication in complying with the law and respect before society.

### 3.4 Rigour

**ConstruGomes, Engenharia S.A.** develops its activity with rigour, demanding the best behaviour from all those involved in the exercise of their obligations and duties, in order to build a reference image of credibility and quality.

## 3.5 Fight against harassment

**ConstruGomes, Engenharia S.A.**, in compliance with Law no. 73/2017 (rectified by Rectification Statement no. 28/2017), has adopted through this document a set of practices to Prevent and Combat Harassment in the Workplace, thus intending it to be a guiding basis for all those who work here, through an employment contract, internship or otherwise.

Harassment is prohibited.

“Harassment” means unwanted conduct, in particular that which is based on discrimination, whether occurring on the occasion of access to or at the place of employment, occupation or training, with the purpose or effect of disturbing or putting a person under duress, affecting his or her dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Unwelcome verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect referred to in the preceding paragraph constitutes “sexual harassment”.

“Harassment” is characterised by intentionality and repetition.

**ConstruGomes, Engenharia S.A.** has a “zero tolerance” policy towards work-related harassment, including employees, clients and suppliers, whatever the means used and even if it occurs outside the workplace.

Employees who feel they are the target of harassment in the workplace or by people with whom they have a professional relationship should report the situation to the People Management Department, which will deal with it confidentially, impartially, efficiently and swiftly and safeguard the principle of innocence.

The complainant and the witnesses indicated by him/her may not be disciplinary sanctioned, unless they act maliciously, on the basis of statements or facts contained in the records of judicial or administrative proceedings instituted for harassment until a final and unappealable decision has been taken, without prejudice to the exercise of the right to adversarial proceedings by the person accused of the harassment.

**ConstruGomes, Engenharia S.A.** promotes the existence of the “Code of Good Conduct to Prevent and Combat Workplace Harassment” amongst its employees, clients and suppliers by posting this Code in visible places in the workplace, as well as on the company’s website.

It is up to the People Management Department to implement concrete actions with a view to identifying the potential and risk factors for the occurrence of harassment in the workplace, forms that may include:

- a) Regular consultation with employees, ensuring anonymity of responses, assessing or identifying factors that increase the risk of harassment.
- b) Regular consultation with employees, guaranteeing the anonymity of their responses, to ascertain the occurrence of potential cases of harassment.
- c) Regular consultation with managers and direct supervisors.
- d) Instituting the practice of exit interviews for employees in the process of voluntary departure.

**ConstruGomes, Engenharia S.A.** shall initiate disciplinary proceedings whenever it becomes aware of alleged situations of harassment at work.

## 4. Corruption and bribery

In a generic way, it can be stated that a crime of active corruption will exist when a person, directly or through others, for his benefit or for the benefit of another person, makes an offer, promise or proposes a benefit of any nature, in exchange for a favour.

On the other hand, a crime of passive corruption will exist when a person agrees to receive money or another benefit of any nature in order to comply with or omit certain acts.

Using the summary prepared by the Directorate-General for Justice Policy (DGPI), «*corruption exists, even if the act (or its absence), whether or not it is legitimate within the framework of the duties performed by the interested party, has not taken place. The unilateral act of offering, giving, requesting or receiving an advantage is sufficient for corruption to exist*».

Anti-corruption and anti-bribery laws are designed to prohibit payments for improper business purposes.

Since bribery and corruption are illegal, local laws provide sanctions against persons or entities that engage in such prohibited activities. Companies can be held liable for such conduct, but it is also important to note that individuals who pay or receive bribes, or engage in corrupt behaviour, can also be held personally liable under the law.

Therefore, the first step in complying with this Code is to determine what type of payment is prohibited. This requires determining what is an improper business purpose, and then considering which persons or entities are covered by anti-bribery and corruption laws.

### 4.1 Which payments are prohibited by law?

Typically, any improper payment involves cash or kind. However, depending on each case, applicable laws stipulate that improper payments also include anything with some value to the party receiving it, such as gifts, travel, meals, etc. that are excessive.

Additionally, simply proposing or promising anything of value may prove to be inappropriate. Laws can be broken even when the bribe was not actually paid.

In carrying out this activity, workers and managers may be faced with situations of potential exposure of **ConstruGomes, Engenharia S.A.** to risks of corruption and related infractions.

## 5. Prohibition of corruption in all its forms

Any act of corruption is expressly forbidden and no one covered by this regulation shall directly or indirectly give or receive any undue advantage of any kind or for any reason whatsoever, in particular with a view to obtaining or maintaining favourable treatment.

Given the diversity of situations in which corruption and related infractions may occur, it is not possible to list exhaustively all behaviours that are permitted or prohibited. Everyone covered by this Code must act with common sense and, in case of doubt, must act with absolute transparency, exposing the situations and questions to their superiors, responsible for the People Management Department or the Administration.

## // 6. Relations with clients

The acts of negotiation and execution of contracts with **ConstruGomes, Engenharia S.A.** clients cannot result in conduct that could be considered as corruption or influence peddling or favouritism.

Those covered by this Code of Conduct shall under no circumstances make any illegal payment, or grant any other form of advantage, directly or indirectly, to representatives of public or private clients.

## // 7. Facilitation payments

Facilitation payment is the «*small bribe made with intent to secure or speed up the performance of a routine or necessary action to which the party making the payment is entitled*».

Those covered by this Code may be faced with requests for facilitation payments, which they should refuse. If faced with such (illegal) requests, the potential corruptor can be discouraged by requiring that such a request be made in writing on the official letterhead of the entity they represent, duly signed.

When faced with such situations, employees should inform their superiors of what has happened.

## // 8. Invitations and gifts

The offering or receiving of gifts and/or invitations shall only be permitted if they consist merely of an act of professional courtesy towards business partners and cannot raise doubts as to the honesty of the giver or the impartiality of the recipient and their value is symbolic.

The circumstances in which they occur will be important in weighing up their acceptability and the following guidelines will apply:

// Under no circumstances may gifts and invitations be offered/received with the intention of obtaining an undue advantage or exercising any unjustified influence over an official decision. Thus, accepting an offer, for example, from a company with which **ConstruGomes, Engenharia S.A.** is about to enter into a contract is expressly forbidden.

// Any gift or invitation that is not of very low value may only be made or accepted with the prior authorisation of the employee's hierarchical superior. The management of these situations should be done with common sense, knowing that the higher the value of the gift or invitation, the greater the suspicion that may eventually arise.

// Invitations of client representatives to meals should be limited to strictly professional activities. The value of the meal should be considered normal in light of local custom and no guests should be included who are not strictly and directly related to the professional activity.

In case of doubt, employees should obtain prior authorisation from their direct superior.

// Invitations to events must be of a professional nature. Invitations to visit trade fairs, seminars, conferences or professional premises may be accepted if they involve reasonable travel and accommodation costs.

// All gifts or invitations, received or offered, should be of low value, and the direct superior should be informed of their existence and value.



## 9. Reporting Channels

**ConstruGomes, Engenharia S.A.** has internal reporting channels for acts of corruption and related infractions, in accordance with the applicable legislation, which allow complaints to be lodged and followed up securely, guaranteeing the confidentiality of the identity or anonymity of the complainant.

No tratamento das denúncias é garantida a independência, imparcialidade, confidencialidade, a proteção de dados, o sigilo e a ausência de conflitos de interesses.

The identity of the complainant, as well as any information which might allow their identity to be deduced, is confidential and access is restricted to those responsible for receiving or following up complaints.

The identity of the complainant shall only be disclosed as a result of a legal obligation or a court order.

If any circumstance leads us to believe that there are violations of the Law or of this Code of Conduct, this concern must be communicated through the mechanisms established for this purpose, namely through the company's internal reporting channels.

The reporting channels can be used as follows:

### **1. In person (not anonymous by nature, although confidentiality is guaranteed)**

Make an appointment through the telephone +351 253 893 322 (Call to the national fixed network), with express indication that it is intended to file a complaint. In person communications will be recorded, and consent must also be recorded. If there is no possibility of recording, a reliable minute will be drawn up and a Consent Form signed. The presentation meeting will be held at the company's headquarters, on the scheduled date and time.

### **2. Telephone (can be anonymous)**

Make an appointment through the telephone +351 253 893 322 (Call to the national fixed network), with express indication that it is intended to present a complaint. Telephone communications will be recorded and consent is required.

### **3. Registered mail (guarantee that can be anonymous)**

Send correspondence to:  
ConstruGomes, Engenharia S.A.  
Rua dos Carvalhos, 46  
4750-626 Perelhal (marked CONFIDENTIAL).

### **4. Email (can be anonymous)**

To the email: denuncia@construgomes.pt



## 10. Non-compliance

Non-compliance with the rules established in this Code of Conduct may be sanctioned under the terms and conditions established by law.

Thus, the verification of situations contrary to the values and rules set out in this Code will determine the opening of disciplinary proceedings, under the terms foreseen in the Labour Code. As a result, the following sanctions may be applied, which are proven to be proportional to the seriousness of the infraction and to the offender's culpability, without prejudice to others provided for in collective bargaining agreements:

- a) Reprimand;
- b) Recorded reprimand;
- c) Financial penalty;
- d) Loss of vacation days;
- e) Suspension from work with loss of pay and seniority;
- f) Dismissal without indemnity or compensation.

Notwithstanding the above, when non-compliance results in the commission of a crime, the perpetrator may incur criminal liability, the sanctions for which are set out in the annex to this Code of Conduct.

#CONSTRUGOMESFIGHTS



# ANNEX TO THE CODE OF CONDUCT

Legal classification of crimes and related offences and corresponding criminal sanctions, in accordance with Articles 3 and 7 of the General Regime for the Prevention of Corruption (RGPC), Decree-Law No 109-E/2021 of 9 December.

## 1. Corruption

### Penal Code

Article 373

#### // Passive corruption

**1** - An official who, by himself or through an intermediary, with his consent or ratification, requests or accepts, for himself or a third party, a patrimonial or non-pecuniary advantage, or the promise thereof, for the practice of any act or omission contrary to the duties of the office, even if prior to that request or acceptance, shall be punished by imprisonment of between one and eight years.

**2** - If the act or omission is not contrary to the duties of the office and the advantage is not due to him/her, the agent shall be punished with imprisonment of one to five years.

Article 374

#### // Active corruption

**1** - Whoever, by himself or through an intermediary, with his consent or ratification, gives or promises to a civil servant or a third party, by indication or with his knowledge, a material or non-material advantage for the purposes referred to in Article 373, paragraph 1, shall be punished by imprisonment of between one and five years.

**2** - If the purpose is that indicated in Article 373, no. 2, the agent shall be punished with a prison sentence of up to three years or with a fine of up to 360 days.

**3** - Attempt is punishable.

### Code of Military Justice

Article 37

#### // Active corruption

**1** - Whoever, by himself or through an intermediary, with his or her consent or ratification, gives or promises to any person integrated or serving in the Armed Forces or other military forces, or to a third party with his or her knowledge, a patrimonial or non-patrimonial advantage that is not due to him or her, for the purposes referred to in the preceding article and resulting in danger to national security, shall be punished by imprisonment of between 1 and 6 years.

**2** - If the perpetrator of the crimes referred to in the previous item is an officer of a higher rank than the military staff member whom he or she seeks to corrupt or exercises command or leadership functions over, the minimum limit of the applicable penalty shall be doubled.

Law 50/2007, of 31 August, criminal liability regime for behaviours susceptible of affecting the truth, loyalty and correction of the competition and its results in sports activities

Article 8

#### // Passive corruption

A sports agent who, by himself or through an intermediary, with his consent or ratification, requests or accepts for himself or a third party, without being owed, a patrimonial or non-pecuniary advantage, or the promise thereof, for any act or omission intended to alter or distort the result of a sporting competition, even if prior to that request or acceptance, is punished with a prison sentence of between 1 and 8 years.

Article 9

## // Active corruption

1 - Whoever, by himself or through an intermediary, with his consent or ratification, gives or promises a sports agent, or a third party with his knowledge, a material or non-material advantage that is not due to him, for the purposes set out in the previous article, shall be punished by imprisonment of between 1 and 5 years.

2 - Attempt is punishable.

Law 20/2008 of 21 April, new criminal law regime of corruption in international trade and the private sector

Article 7

## // Active corruption undermining international trade

Whoever, by himself or through his consent or ratification, through an intermediary, gives or promises to a national, foreign or international official, or to a national or foreign political officeholder, or to a third party with their knowledge, a material or non-material advantage that is not due to him, in order to obtain or retain a business, a contract or another undue advantage in international trade, shall be punished by imprisonment of one to eight years.

Article 8

## // Passive corruption in the private sector

1 - A private sector employee who, either by himself or through his consent or ratification by an intermediary, requests or accepts for himself or a third party, without being owed, a patrimonial or non-pecuniary advantage, or the promise thereof, for any act or omission that constitutes a violation of his functional duties, shall be punished with a prison sentence of up to five years or with a fine of up to 600 days.

2 - If the act or omission foreseen in the preceding number is capable of causing a distortion of competition or damage to the patrimony of third parties, the agent will be punished with a prison sentence of between one and eight years.

Article 9

## // Active corruption in the private sector

1 - Whoever, by himself or through his consent or ratification, through an intermediary, gives or promises to the person referred to in the preceding article, or to a third party with his knowledge, a patrimonial or non-patrimonial advantage that is not due to him or her, in order to pursue the purpose indicated therein, shall be punished by a maximum imprisonment of three years or a fine.

2 - If the conduct provided for in the preceding paragraph aims at obtaining or is capable of causing a distortion of competition or damage to the patrimony of third parties, the agent shall be punished with a prison sentence of up to five years or with a fine of up to 600 days.

3 - Attempt is punishable.

## 2. Undue receiving and offering of advantage

### Penal Code

Article 372

## // Undue receiving and offering of advantage

1 - An official who, in the performance of his functions or because of them, by himself or through an intermediary, with his consent or ratification, requests or accepts for himself or a third party a patrimonial or non-patrimonial advantage that is not due to him or her, shall be punished with a prison sentence of up to five years or with a fine of up to 600 days.

2 - Whoever, by him/herself or through an intermediary, with his/her consent or ratification, gives or promises to a civil servant, or to a third party indicated or known by him/her, a material or non-material advantage that is not due to him/her, in the perfor-

mance of his/her functions or because of them, shall be punished by a maximum imprisonment of three years or a maximum fine of 360 days.

**3 - Excluded from the preceding numbers shall be conduct that is socially appropriate and in accordance with custom and usage.**

Law 34/87, of 16 July, crimes of responsibility of holders of political offices

Article 16

### **// Undue receiving and offering of advantage**

**1 - The holder of political office who, in the exercise of his functions or because of them, by himself or through an intermediary, with his consent or ratification, requests or accepts, for himself or a third party, a patrimonial or non-patrimonial advantage that is not due to him, shall be punished by imprisonment of between 1 and 5 years.**

**2 - Whoever, by himself or through an intermediary, with his consent or ratification, gives or promises to a holder of political office, or to a third party by indication or knowledge of the latter, a patrimonial or non-patrimonial advantage that is not due to him, in the exercise of his functions or because of them, shall be punished with a prison sentence of up to 5 years or with a fine of up to 600 days.**

**3 - The holder of political office who, by himself or through an intermediary, with his consent or ratification, gives or promises to another holder of political office, holder of high public office or civil servant, or to a third party with his knowledge, a patrimonial or non-pecuniary advantage, or the promise thereof, which is not due to him or her, in the exercise of his or her functions or because of them, shall be punished by the penalties provided for in the preceding subsection.**

**4 - Excluded from the preceding numbers shall be conduct that is socially appropriate and in accordance with custom and usage.**

Law 50/2007, of 31 August, on criminal liability for behaviour susceptible of affecting the truth, loyalty and correction of competition and its results in sporting activity

Article 10-A

### **// Undue receiving and offering of advantage**

**1 - A sports agent who, by himself or through an intermediary, with his consent or ratification by an intermediary, requests or accepts, for himself or a third party, directly or indirectly, in the exercise of his functions or because of them, without being due to him, a patrimonial or non-pecuniary advantage, or the promise thereof, from an agent who has had, has or may come to have a claim against him depending on the exercise of his functions, shall be punished by a prison sentence of up to 5 years or a fine of up to 600 days.**

**2 - Whoever, by himself or through an intermediary, with his consent or ratification, gives or promises to a sports agent, or to a third party indicated or known by him, a material or non-material advantage that is not due to him, in the performance of his functions or because of them, shall be punished by a prison sentence of up to three years or a fine of up to 360 days.**

**3 - Excluded from the preceding numbers shall be conduct that is socially appropriate and in accordance with custom and usage.**

## **3. Embezzlement**

### **Penal Code**

Article 375

#### **// Embezzlement**

**1 - An official who illegitimately appropriates, for his or her own benefit or for that of another person, money or any public or private movable or immovable item or animal that has been handed over, is in his or her possession or is accessible to him or her as a result of his or her functions, shall be punished with a prison sentence of between one and eight years, if a more serious penalty is not applicable under any other legal provision.**

**2 - If the valuables or objects referred to in the preceding paragraph**

are of negligible value, under the terms of paragraph (c) of Article 202, the perpetrator shall be punished with a prison sentence of up to three years or with a fine.

**3** - If an official lends, pawns or in any way encumbers values or objects referred to in paragraph 1, he or she shall be punished with a penalty of imprisonment of up to three years or with a fine, if a more serious penalty is not applicable under any other legal provision.

Article 376

#### // Use embezzlement

**1** - An official who uses, or allows another person to use, for purposes other than those for which they were intended, immovable property, vehicles, other movable things or animals of appreciable value, whether public or private, that are delivered to him/her, are in his/her possession or are accessible to him/her as a result of his/her functions, shall be punished by a maximum imprisonment of one year or a maximum fine of 120 days.

**2** - If the civil servant, without special reasons of public interest justifying it, uses public money for public purposes other than those for which it is legally intended, he or she shall be punished with a penalty of imprisonment of up to one year or with a fine of up to 120 days.

Law 34/87, of 16 July, crimes of responsibility of holders of political offices

Article 20

#### // Embezzlement

**1** - A holder of political office who, in the exercise of his functions, unlawfully appropriates, for his own benefit or for the benefit of another person, money or any movable or immovable, public or private item that has been handed over, is in his possession or is accessible to him by virtue of his functions, shall be punished with imprisonment of between three and eight years and a fine of up to 150 days, if a more serious penalty is not applicable under any other legal provision.

**2** - If the offender loans, pledges or in any way encumbers any objects referred to in the preceding paragraph, with the awareness of harming or being able to harm the State or its owner, he or she shall be punished with imprisonment of between one and four years and a fine of up to 80 days.

## 4. Economic participation in business

### Penal Code

Article 377

#### // Economic participation in business

**1** - An employee who, with the intention of obtaining, for himself or herself or for a third party, illicit economic participation, harms in a legal transaction the patrimonial interests that, in whole or in part, he or she has the duty, by reason of his or her function, to administer, supervise, defend or realize, shall be punished with a prison sentence of up to 5 years.

**2** - An official who, in any manner whatsoever, receives, for himself or a third party, a patrimonial advantage as a result of a juridical-civil act related to interests which, by virtue of his functions, he had, at the time of the act, total or partial disposal, administration or supervision, even if he did not harm them, shall be punished with a prison sentence of up to six months or with a fine of up to 60 days.

**3** - The penalty provided for in the previous number is also applicable to the civil servant who receives, for himself or herself or for a third party, in any form, a patrimonial advantage by virtue of collection, collection, settlement or payment that, by virtue of his or her functions, in whole or in part, he or she is in charge of ordering or making, provided that there is no damage to the Public Treasury or to the interests entrusted to him or her.

Law 34/87, of 16 July, crimes of responsibility of holders of political offices

Article 23

**// Economic participation in business**

**1** - The holder of political office who, with the intention of obtaining, for himself or for a third party, illicit economic participation, harms in a legal transaction the patrimonial interests that, in whole or in part, he or she has the duty, by reason of his or her functions, to administer, supervise, defend or realize, shall be punished by imprisonment of up to 5 years.

**2** - The holder of political office who, in any manner whatsoever, receives a patrimonial advantage as a result of a juridical civil act relative to interests which, by virtue of his functions at the time of the act, he has, totally or partially, the disposition, administration or supervision of, even if without injuring them, shall be punished with a prison sentence of up to six months or with a fine of up to 150 days.

**3** - The penalty provided for in the preceding paragraph shall also be applicable to the holder of political office who receives, in any manner whatsoever, a financial advantage as a result of the collection, collection, settlement or payment that, by reason of his functions, in whole or in part, he is charged with ordering or making, provided that there is no economic loss to the Public Treasury or to the interests that he is effecting.

## 5. Concussion

### Penal Code

Article 379

**// Concussion**

**1** - An official who, while performing his functions or exercising de facto powers arising from them, by himself or through an intermediary with his consent or ratification, receives for himself, for the State or for a third party, by inducing into error or by taking advantage of an error made by the victim, a patrimonial advantage that is not due to him or her, or is greater than due, namely a contribution, fee, emolument, fine or fine, shall be punished with a prison sentence of up to two years or with a penalty fine of up to 240 days, if a more serious penalty is not applicable under any other legal provision.

**2** - If the fact is committed by means of violence or threat with significant harm, the perpetrator is punished with a prison sentence of 1 to 8 years, if a more serious penalty is not applicable due to another legal provision.

## 6. Abuse of power

### Penal Code

Article 382

**// Abuse of power**

An official who, outside the cases provided for in the preceding articles, abuses powers or violates duties inherent to his or her functions, with the intention of obtaining, for himself or herself or for a third party, an illegitimate benefit or causing damage to another person, shall be punished by a penalty of imprisonment of up to three years or by a fine, if a more serious penalty is not applicable under any other legal provision.

Law 34/87, of 16 July, crimes of responsibility of holders of political offices

Article 26

**// Abuse of powers**

**1** - The holder of political office who abuses the powers or violates the duties inherent to his functions, with the intention of obtaining, for himself or a third party, an illegitimate benefit or causing damage to another person, shall be punished with impi-

sonment of six months to three years or a fine of 50 to 100 days, if a more serious penalty is not applicable under any other legal provision.

**2** - Any holder of political office who fraudulently grants concessions or enters into contracts for the benefit of a third party or to the detriment of the State shall be liable to the penalties provided for in the preceding subsection.

## 7. Prevarication

### Penal Code

Article 369

#### // Denial of justice and prevarication

**1** - The civil servant who, within the scope of procedural enquiry, jurisdictional, administrative or disciplinary proceedings, knowingly and against his or her right, promotes or does not promote, conducts, decides or does not decide, or performs an act in the exercise of powers arising from the office he or she holds, shall be punished with a prison sentence of up to 2 years or with a fine of up to 120 days.

**2** - If the fact is committed with the intention of harming or benefiting someone, the official is punished with a prison sentence of up to 5 years.

**3** - If, in the case of paragraph 2, the deprivation of liberty of a person results, the perpetrator shall be punished by imprisonment of between one and eight years.

**4** - The official who, being competent to do so, orders or executes a measure depriving liberty in an illegal manner, or omits to order or execute it in accordance with the law, shall incur the penalty provided for in the preceding paragraph.

**5** - In the case referred to in the preceding paragraph, if the fact is committed with gross negligence, the perpetrator shall be punished with imprisonment of up to two years or with a fine.

Article 370

#### // Misrepresentation of a lawyer or solicitor

**1** - A lawyer or solicitor who intentionally prejudices a cause entrusted to his or her representation shall be punished with a prison sentence of up to 3 years or with a fine.

**2** - The lawyer or solicitor who, in the same cause, advocates or acts as a solicitor in relation to persons whose interests are in conflict, with the intention of acting for the benefit or to the detriment of any of them, shall incur an equal penalty.

Law 34/87, of 16 July, crimes of responsibility of holders of political offices

Article 11

#### // Prevarication

Any holder of political office who knowingly conducts or decides against his or her right to conduct or decide against a process in which he or she intervenes in the exercise of his or her functions, with the intention of thereby harming or benefiting someone, shall be punished by imprisonment of two to eight years.

## 8. Influence peddling

Law 50/2007, of 31 August, criminal liability regime for behaviours susceptible of affecting the truth, loyalty and correction of the competition and its results in sports activities



## Article 10

**// Influence peddling**

**1** - Whoever, by himself or through an intermediary, with his consent or ratification, requests or accepts, for himself or for a third party, a material or non-material advantage, or the promise thereof, in order to abuse his real or supposed influence over any sports agent, with the purpose of obtaining any decision intended to alter or distort the result of a sporting competition, shall be punished by a prison sentence of between 1 and 5 years, if a more serious penalty is not applicable under any other legal provision.

**2** - Whoever, by himself or through an intermediary, with his consent or ratification, gives or promises a pecuniary or nonpecuniary advantage to another person for the purposes referred to in the preceding paragraph, shall be punished by a maximum imprisonment of three years or a fine, if a heavier penalty is not applicable under any other legal provision.

**3** - The provisions of Article 13 shall apply accordingly.

## 9. Laundering or fraud in obtaining or diverting a subsidy, grant or credit

### Penal Coded

## Article 368-A

**// Laundering**

**1** - For the purposes of the provisions in the following numbers, advantages are deemed to be those resulting from the commission, in whatever form of participation, of typical illegal acts punishable by a prison sentence of a minimum of more than six months or a maximum of more than five years or, irrespective of the applicable penalties, of typical illegal acts of:

- a)** Pimping, sexual abuse of children or dependent minors, or child pornography;
- b)** Computer and communications fraud, extortion, misuse of a guarantee card or a payment card, device or data, forgery of currency or similar securities, depreciation in value of currency or similar securities, passing off counterfeit currency in conjunction with the counterfeiter or similar securities, passing off counterfeit currency or similar securities or acquiring counterfeit currency to be put into circulation or similar securities;
- c)** Computer forgery, counterfeiting of cards or other payment devices, use of cards or other payment devices counterfeit payment, acquiring counterfeit cards or other payment devices, preparatory acts for counterfeiting, acquiring cards or other payment devices obtained through computer crime, damage to computer programmes or other computer data, computer sabotage, illegitimate access, illegitimate interception or illegitimate reproduction of a protected programme;
- d)** Criminal association;
- e)** Terrorism;
- f)** Trafficking in narcotic drugs and psychotropic substances;
- g)** Arms trafficking;
- h)** Human trafficking, facilitating illegal immigration or trafficking in human organs or tissue;
- i)** Damage to nature, pollution, activities dangerous to the environment, or danger to animals or plants;
- j)** Tax fraud or social security fraud;
- k)** Trafficking in influence, undue receiving of advantage, corruption, embezzlement, economic participation in business, harmful administration in a public sector economic unit, fraud in obtaining or diverting a subsidy, grant or credit, or corruption with prejudice to international trade or the private sector;
- l)** Insider dealing or market manipulation;
- m)** Infringement of exclusive patent, utility model or semiconductor product topography, infringement of exclusive rights relating to designs, counterfeiting, imitation and illegal use of a trademark, sale or concealment of goods or fraud on goods.

**2** - Assets obtained through the assets referred to in the previous number shall also be considered as advantages.

**3** - Whoever converts, transfers, aids or facilitates any conversion or transfer operation of advantages, obtained by himself or a third party, directly or indirectly, for the purpose of concealing their illicit origin, or to prevent the perpetrator or participant of such offences from being criminally prosecuted or subjected to a criminal reaction, shall be punished by imprisonment of up to 12 years.

**4** - The same penalty applies to anyone who hides or conceals the true nature, origin, location, disposition, movement or owner-

ship of the advantages, or the rights related to them.

**5** - The same penalty is also applied to whoever, not being the author of the illegal act from which the advantages originate, acquires, holds or uses them with knowledge of that fact at the moment of acquisition or at the initial moment of holding or use.

**6** - The punishment for the crimes provided for in paragraphs 3 to 5 shall take place even if the place where the typical illicit acts were committed or the identity of the perpetrators is unknown, or even if such acts were committed outside national territory, except in the case of 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.

**7** - The fact is punishable even if the criminal procedure regarding the typical illicit facts from which the advantages derive depends on a complaint and the complaint has not been filed.

**8** - The penalty provided for in the items 3 to 5 is aggravated by one third if the perpetrator commits the conduct habitually or is one of the entities referred to in Article 3 or Article 4 of Law No. 83/2017, of 18 August, and the offence was committed in the exercise of his professional activities.

**9** - When full reparation of the damage caused to the victim by the typical illicit fact from the practice of which the advantages derive has been made, without illegitimate damage to a third party, until the beginning of the trial hearing in the first instance, the sentence is specially reduced.

**10** - Once the requirements set out in the previous number have been verified, the penalty may be specially mitigated if the reparation is partial.

**11** - The penalty may be especially mitigated if the agent concretely assists in the collection of decisive evidence for the identification or capture of those responsible for the commission of the typical illegal acts from which the advantages derive.

**12** - The penalty applied under the terms of the preceding numbers may not exceed the maximum limit of the highest penalty among those provided for the typical illicit acts from which the advantages derive.

Decree-Law No. 28/84, of 20 January, modifies the regime in force regarding anti-economic offences and offences against health

Article 36

### **// (Fraud in obtaining a subsidy or grant)**

**1** - Those who obtain a subsidy or grant:

**a)** Providing the competent authorities or entities with inaccurate or incomplete information about themselves or third parties and concerning facts that are important for the awarding of the grant or subsidy;

**b)** Omitting, contrary to the provisions of the legal regime of the subsidy or grant, information on important facts for its concession;

**c)** By using documentary evidence of entitlement to the subsidy or grant or of facts relevant to its award obtained through inaccurate or incomplete information;

**2** - In particularly serious cases, the penalty will be imprisonment for 2 to 8 years.

**3** - Where the facts provided for in this article are committed on behalf and in the interest of a corporate body or a company, exclusively or predominantly constituted for its practice, the court shall, in addition to the pecuniary penalty, order its dissolution.

**4** - The sentence will be published.

**5** - For the purposes of paragraph 2, cases where the perpetrator:

**a)** He obtains for himself or a third party a subsidy or grant of a considerable amount or uses forged documents;

**b)** He commits the fact with abuse of his functions or powers;

**c)** Obtains assistance from the holder of a public office or employment who abuses his or her functions or powers.

**6** - Whoever commits the acts described in paragraphs a) and b) of subsection 1 negligently shall be punished with imprisonment of up to two years or a fine of up to 100 days.

**7** - The agent shall be exempt from punishment if:

**a)** Spontaneously prevent the award of the grant or subsidy;

**b)** In the event that they are not granted without his assistance, he has spontaneously and seriously endeavoured to prevent their grant.

**8** - The facts are considered important for the concession of a subsidy or grant:

**a)** Declared important by the law or entity granting the subsidy or grant;

*b) On which the authorisation, granting, reimbursement, renewal or maintenance of a subsidy, grant or advantage legally depends.*

Article 37

**// (Misappropriation of a subsidy, grant or subsidised loan)**

*1 - Whoever uses benefits obtained as a subsidy or grant for purposes other than those for which they were legally intended shall be punished with imprisonment of up to two years or a fine of not less than 100 days.*

*2 - The same penalty shall be imposed on the person who uses the benefit obtained as a subsidised credit for a purpose other than that foreseen in the credit line determined by the legally competent entity.*

*3 - The penalty will be imprisonment from 6 months to 6 years and a fine of up to 200 days when the value or damage caused is considerably high.*

*4 - Where the facts provided for in this article are committed repeatedly on behalf and in the interest of a corporate body or company and the damage has not been spontaneously remedied, the court shall order its dissolution.*

*5 - The sentence will be published.*

Article 38

**// (Credit fraud)**

*1 - Who, when making a proposal to grant, maintain or modify the conditions of a credit intended for an establishment or company:*

*a) Providing inaccurate or incomplete written information intended to be believed or important for the decision on the application*

*b) Use inaccurate or incomplete documents concerning the economic situation, such as balance sheets, profit and loss accounts, general descriptions of assets or expert opinions;*

*c) conceal the deterioration in the economic situation that has since occurred in relation to the situation described at the time of the application credit and that are important for the decision on the application; will be punished with imprisonment of up to 3 years and a fine of up to 150 days.*

*2 - If the perpetrator, acting in the manner described in the previous number, obtains credit of a considerably high value, the penalty may be increased to up to 5 years in prison and up to 200 days of fine.*

*3 - In the case of the preceding subsection, where the offence has been committed on behalf and in the interest of a corporate body or company, the court may order the dissolution of the latter.*

*4 - The agent will be exempt from punishment:*

*a) If it spontaneously prevents the creditor from delivering the required performance;*

*b) If, in the case where the benefit has not been delivered without his or her assistance, he or she has seriously and spontaneously endeavoured beforehand to prevent delivery.*

*5 - The sentence will be published.*



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