

# SGCP04 – CRIMINAL COMPLIANCE POLICY



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## **1. Scope.**

### **A. Subjective.**

The subjective scope of the Criminal Compliance Policy covers those natural or legal persons, differentiated into internal and external factors of the Foundation on which the elements of the Criminal Compliance Management System (CCMS) are applicable, all of them defined and included in the Scope of the CCMS.

### **B. Objective.**

This Compliance Policy applies to all processes defined by the Foundation in the Scope of the CCMS defined below, as activities likely to generate a risk of non-compliance. In this way, it is integrated into the management system to meet compliance objectives.

Management and application of the processes and controls linked to the Criminal Compliance Management System defined for the prevention, mitigation and treatment of criminal risks identified by the organization in the provision of the following activities:

- The promotion and/or financing and dissemination of business projects of research, technological development and innovation, in the following productive sectors:
  - Aerospace and Production Processes.
  - Agri-food.
  - Biotechnology.
  - Building and Civil Works.
  - Energy and Environment.
  - Leisure and Tourism.
  - ICT.
- The provision of support and advisory services to the innovation processes of companies, public administrations and universities,
- Design and development of consulting services in R&D+i.

- Participation in international projects through technology transfer, collaboration in the design of calls for grants, mobilisation of value chains and dissemination and communication of projects.

The geographical scope of application of the Criminal Compliance Management System is as follows:

C/ Albert Einstein, s/n, INSUR Building, 4th Floor. 41092 Seville, Spain  
C/ Severo Ochoa, 9, Campanillas – 29590 Málaga.

## **2. Purpose.**

The purpose of this Policy is to inform the members of the Foundation, as well as third parties who relate to it, of a resounding message of opposition to the commission of any illegal, criminal or any other type of act.

In no case is the commission of a crime by the members of the Foundation justified, even if such action apparently produced a benefit of any kind. Likewise, the Foundation is ready to combat these acts and to prevent a possible deterioration of its image and its reputational value.

This Compliance Policy constitutes the frame of reference of the Existing Compliance Model in the Foundation, which is known to all members of the Foundation and promoted by the Executive Committee and Management Committee.

## **3. Commitment**

The Executive Committee, the foundation's highest management body, is responsible for developing and implementing a CCMS based on the application of appropriate policies and procedures that ensure compliance with all applicable laws and regulations whose failure to comply with is of criminal significance.

On the other hand, the Executive Committee and Management Committee have communicated their clear commitment to criminal compliance ("higher hierarchy, greater demand") and comply with the requirements of this Compliance Policy and the CCMS implemented.

The Foundation is committed to the continuous improvement of the CCMS. To this end, it plans periodic audits and assessments of the system, without ruling out additional assessments when necessary due to significant changes in the current legislation or the materialisation of a risk that was or was not detected.

Criminal compliance is therefore a matter that is dealt with at least once a year by the Steering Committee at its meetings and whenever the development of activity requires an analysis oriented to criminal risks.

## 4. Objectives

The objective pursued by the Foundation is to guarantee the strictest compliance with current legislation as a hallmark of a work carried out efficiently, loyally and committed to legality, transmitting satisfaction and tranquillity to the people who come to this Foundation to develop their projects in the various sectors in which we advise and provide services.

The objectives of criminal compliance are consistent with the provisions of this Criminal Compliance Policy and with the results of the identification and assessment of criminal risks and are monitored according to the established plan once the criminal risk assessment process has been carried out. Likewise, the objectives are communicated, measurable whenever possible and updated as appropriate.

To meet the objectives of criminal compliance, the Foundation retains all documented information regarding this matter.

## 5. Criminal Compliance Body

To achieve the objectives of Criminal Compliance and the implementation, monitoring and improvement of the CCMS, the Foundation has appointed a Criminal Compliance Body composed of the following members:

- Compliance Office, responsible for the internal information system.
- An external person with knowledge on the subject who provides advice and support to the Criminal Compliance Body and the Foundation.

The Criminal Compliance Body, which has a legal and economic understanding of regulatory compliance issues, is reliable and trustworthy, and performs the following main functions:

- o Ensure the implementation of appropriate policies and procedures.
- o To be the point of contact if the members of the Foundation wish to raise questions on matters related to regulatory compliance.
- o Organise appropriate training for Foundation members on the Foundation's Code of Ethics and Business Conduct and other essential compliance matters.
- o Review the Code of Ethics and Business Conduct and the rest of the Foundation's guidelines and compliance policies on a fixed annual basis and propose modifications or additional guidelines or policies if necessary.
- o Inform the Foundation of important legal developments which may cause problems of non-compliance.

- If a problem of non-compliance is suspected or a complaint of non-compliance is received, the matter will be investigated and ensure that it is resolved, applying the necessary whistleblower protection measures to prevent possible retaliation.
- Be responsible for proposing compliance audits to the Executive Committee and Management Committee.
- Prepare periodic reports or reports in specific situations for the Executive Committee and maintain a line of communication with the Steering Committee.
- Assume responsibility for informing the Executive Committee if the Steering Committee has not been able to resolve a non-compliance issue.

The responsibilities and tasks delegated to the Criminal Compliance Body are well defined and documented, which is done through an agreement of the Executive Committee and endorsed by the Criminal Compliance Body itself.

The Criminal Compliance Body has sufficient resources to fulfil its obligations adequately.

Likewise, the Criminal Compliance Body, in the independent exercise of its functions, works together with the Management Committee and has full collaboration with the other organs of the Foundation.

The appointment of a Criminal Compliance Body does not exempt the Executive Committee from its ultimate responsibility to establish a CCMS nor does it exempt the other members of the Foundation from their collaboration to make the CCMS effective.

## **6. Risk identification and assessment**

The CCMS is based on a documented process in which criminal compliance risks are identified and assessed. The identification and assessment of risks is repeated on a fixed annual basis or as a specific response to an extraordinary event, significant change in the structure or activity of the Foundation, changes in jurisprudence or when relevant legislative changes occur.

## **7. Development of corrective measures**

Once the process of identifying and assessing risks has been completed, measures have been developed to eliminate the cause of non-conformity and prevent them from reoccurring.

The Foundation develops or, as the case may be, reviews the existing documents related to compliance, taking into account the results of the identification and assessments of risks.

## **8. Training**

The members of the Foundation will receive training on the essential aspects of compliance and their attendance will be duly documented.

The contribution of the members of the Foundation to the effectiveness of the CCMS is essential for them to help prevent and detect criminal risks, avoiding their materialization and recognising the risk factors.

## **9. Competence**

The Foundation ensures the competence of compliance personnel, based on education, training or appropriate experience.

Performance targets are periodically reviewed to ensure that reasonable safeguards are in place to prevent them from incentivising criminal risk-taking or promoting inappropriate conduct in relation to criminal compliance.

## **10. Complaints Channel**

For the correct prevention of crimes likely to affect to the Foundation or its members has been implemented through which members of the Foundation and third parties can communicate any information about an alleged breach to the Criminal Compliance Body of the Foundation.

The means that the Foundation makes available to all for the communication of complaints of the alleged commission of crimes are:

- A channel hosted on the Foundation's website.
- A channel hosted on the Foundation's Employee Portal.

## **11. Investigations**

Any suspicion of non-compliance is immediately investigated by the Responsible for the Internal Information System to assess whether it is a materialized compliance risk or not and to propose, where appropriate, corrective measures and modifications to the system.

## **12. Compliance audits**

The Foundation conducts annual internal criminal compliance audits to address and investigate compliance issues. The audit plan is approved by the Management Committee.

Alternatively, external professionals can be hired, for example, a law firm specialising in compliance audits or a reputable audit firm that also performs compliance audits.

The Criminal Compliance Agency submits annually a compliance audit plan to the Management Committee, which will include a description of the selected compliance issues to be examined therein.





The results of the compliance audit are communicated to the Management Committee and included in the Management Review Report.

The person in charge of carrying out the compliance audit has sufficient resources to carry this out.

### **13. Penalties for misconduct**

Breaches that occur require an appropriate sanction regardless of the status of the offending member (including, for example, non-payment of bonuses, legal action or dismissal). The sanction proposal will be presented by the compliance body to the foundation's management committee, which has the authority to decide on disciplinary measures. The management committee will then relay the measures to the human resources department for evaluation, and if necessary, implementation of disciplinary measures in accordance with legal, contractual, or agreed requirements.

### **14. Procedures for delegation of authority**

In cases where the Foundation's Management Committee delegates decision-making in areas where there is a higher than medium criminal risk, the Foundation shall establish and implement a procedure and a control system to ensure that the decision-making process and the level of authority of decision-makers are adequate and free from real or potential conflicts of interest.

### **15. Entry into force**

This Criminal Compliance Policy shall come into force on the same date as its approval by the Executive Committee, at which time all members of the Foundation have the obligation to observe and comply, and the right to require it.

### **16. Diligence in the delivery of the Policy**

All parties involved have access to this document as it is available on the Corporation's website and employee portal enabled for internal communications.