



FIZ Karlsruhe

Leibniz-Institut für Informationsinfrastruktur

ADVANCING SCIENCE



OUR

ANTI-CORRUPTION POLICY

May 2023

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1 INTRODUCTION

Corruption can cause considerable financial and intangible damage in companies and public institutions alike. This is hardly measurable and has a major impact, as it has a significant influence on trust in transparency and integrity and thus on the reputation of all parties involved. Therefore, preventing and combating corruption has high priority. The federal government's "Public Corporate Governance Code" (PCGC) emphasizes the prevention of corruption as a central task of management.¹ The PCGC is addressed to companies and their governing bodies and supplements the statutory provisions on the management and supervision of companies with federal involvement with additional standards of good and responsible corporate governance.

The application of the PCGC is stipulated in the articles of association of FIZ Karlsruhe.² Every year, the management and supervisory board publish the corporate governance report on the company's homepage and confirm that the recommendations of the PCGC of the Federal Government have been complied with, or explain why they deviate in some points ("comply or explain" principle). This declaration of conformity is certified in advance by the auditor.

Measures for the appropriate protection of the company are of central importance for corruption prevention. This primarily involves taking organizational precautions to ensure compliance with both statutory and internal company guidelines.

Anti-corruption officer (AKB, see also chapter 3)

Thus, the appointment of an anti-corruption officer is an important preventive measure, which complements and strengthens the existing regulations on corruption prevention, which are contained, for example, in the risk manual and in the signing regulations (four-eyes principle) of FIZ Karlsruhe. The first priority is damage prevention, the second priority is damage mitigation, and the third priority is damage repair. The anti-corruption officer reports directly to the management. The first appointment was made in 2012.

In addition to this guideline, FIZ Karlsruhe has other internal guidelines and regulations that must be observed in the context of corruption prevention:

- Annual public corporate governance reports since 2010
- Procurement Regulations, as of September 2022
- General Terms and Conditions of FIZ Karlsruhe, as of October 2018
- Guideline for entertaining guests, as of March 2019
- Guideline Good Scientific Practice, as of September 2022.

1 www.bundesfinanzministerium.de/Content/DE/Standardartikel/Themen/Bundesvermoegen/grundsuetze-beteiligunsfuehrung-2020.pdf?__blob=publicationFile&v=7. p. Chapter 5, p. 17. retrieved 11/05/23.

2 Articles of association of FIZ Karlsruhe, version of 28.07.2017, § 22.

2 CORRUPTION - DEFINITION AND PRACTICAL RELEVANCE

The term "corruption" is rooted in the Latin "corrumpere," which can be translated as: to corrupt, undermine, bribe, seduce or even falsify. In common parlance, corruption is used synonymously with corruptibility in the broader sense. Specifically, it refers to behavior in which public officials exploit their position and the powers vested in them to obtain material or immaterial advantages for themselves or third parties.

Corruption is a criminal offense involving the acceptance or granting of an advantage. Advantages can consist of money, material resources or services. However, there is no generally binding definition of corruption, nor is there a legal definition in criminal law.

The best-known corruption offenses are bribery, corruptibility, granting and accepting benefits. They also constitute serious breaches of official duty. Corrupt practices are characterized above all by the abuse of a function or a special professional position and the obtaining or seeking of (personal) advantages by dishonest means while at the same time concealing these actions.

The boundaries between punishable and unpunishable conduct are fluid. For this reason, regulations on the acceptance and use of gifts, rewards and other benefits are extremely important (e.g. "zero rule," maximum limit for individual cases or cumulatively, notification, etc.).

WHICH AREAS ARE PARTICULARLY VULNERABLE?

Corruption can occur in all areas and in all organizational units. Functional areas whose actions could lead outsiders to expect monetary benefits are particularly vulnerable. The risk of corruption is particularly high at interface units, e.g. purchasing and contracting.

HOW DOES CORRUPTION DEVELOP?

Corruption at a large scale does not manifest itself out of the blue. In most cases, corruption is a process that gradually develops over a longer period of time and in which you may get involved without really wanting to.

A common method is to first of all establish a relationship beyond mere business dealings ("feeding"). In this stage, business aspects are completely irrelevant, and there are no expectations connected with the yet innocuous favors granted.

In principle, however, one should be aware that invitations to cultural or sporting events, for example, can already represent the preliminary stage of an attempt at bribery.

ASK YOURSELF:

- Will I probably have to return a favor?
- Could this service be regarded as an illicit courtesy or favor?
- If I accept this favor – can I justify it to my superior/the public/a court?
- What may be the consequences for me?

HOW CAN I FIGHT CORRUPTION?

Each employee must develop an awareness of this issue and, when necessary, act in a way that clearly signals that corruption is a no-go and not supported in any way.

Decisively refuse all gifts and promises to grant you an advantage (gratuities and services) and refer to the relevant legal and company regulations.

Keep in mind that a benefit is also considered gratuitous if consideration is given but this is not in reasonable proportion to the benefit granted, and that it is irrelevant whether the benefit accrues to a person directly or only indirectly.

Such advantages exist in particular in the case of payment of money, the provision of vouchers or objects (e.g. machines or vehicles) for private use, the granting of special benefits in private transactions or of discounts which are not generally granted, the taking along on private trips, entertainment or the granting of accommodation or other services.

FIZ Karlsruhe has established clear regulations in this regard, which are accessible to all employees at all times on the intranet.

CONDUCT IN THE EVENT OF SUSPECTED CORRUPTION

If you encounter a potential case of corruption, inform your superiors and the AKB immediately.

Protecting corrupt colleagues is misguided solidarity!

Please note: Forward information on potential cases of corruption primarily within the company (as described above). Disclosing internal information to the public, e.g., the press, (“whistleblowing“) may conflict with your obligation of loyalty towards your employer. On December 16, 2019, EU Directive 2019/1937 on the protection of whistleblowers (whistleblowing) came into force. Under this directive, all companies, public and private, with 50 or more employees in a European Union country must develop and establish safe and effective internal reporting channels. The EU Whistleblower Directive is implemented by the German Whistleblower Protection Act - HinSchG, which will come into force on July 2, 2023.

First and foremost, however, the following applies: If you suspect a case of corruption, contact the AKB. He or she will treat your conversation strictly confidential and take the necessary steps (for example, inform the Management).

Important: Please express your concerns only if there are reasonable grounds for doing so.

Equally important: Anti-corruption measures are not to be seen as a means of secretly supervising the employees. They serve the purpose of continuously monitoring internal processes in line with the Management's obligations in the interest of good governance. In this way, they protect all employees from attempts to exert external influence, which might otherwise result in loss or damage to the company and in job losses.

PREVENTIVE MEASURES

Transparency!

Make your work transparent!

Organize your work in such a way that your work and decisions can always be retraced. Keep complete records (also electronically) of what you are doing, especially as to why and how a decision was made. In order to exclude any suspicion of dishonesty right from the start, do not keep any records "apart".

Do not mix private and official matters!

Do not favor relatives, acquaintances or friends within the scope of your official work.

Do not disclose any workplace-related information to third parties.

Never accept a secondary employment (unless this is part of your employment contract) without informing HR and seeking their approval first. (Exceptions are provided for in collective bargaining law.)

3 RIGHTS AND DUTIES OF THE ANTI-CORRUPTION OFFICER(S)

The Management Board has appointed an Anti-Corruption Officer (ACO) for the first time in April 2012. The AKB reports directly to the management and has no disciplinary authority. He/she supports the management in the implementation of anti-corruption measures and regularly informs the management about ongoing activities and any cases of suspected corruption. In addition, he/she annually audits a functional area or an organizational unit operating at the above-mentioned interface (see chapter 2) in consultation with the management and the administrative management. See “Annual risk assessment“ below.

Since June 2013, FIZ Karlsruhe has had its own anti-corruption guideline. It is the basis for the protection and sensitization of all employees and, at the same time, a guide to action and assistance in fighting corruption. Among other things, the guideline addresses the annually recurring topic of gifts and benefits in the context of Christmas and the New Year: “Decisively refuse all gifts and promises to grant you an advantage (gratuities and services) and refer to the relevant regulations at FIZ Karlsruhe.”

The anti-corruption officer oversees the guideline on corruption prevention and updates it on an ongoing basis.

Annual risk assessment

The AKB conducts an annual risk assessment (see above) to identify potential risks and possible misuse. Those potentially at risk are generally Sales and Purchasing, departments with contact to licensing and supervisory authorities as Finance and Accounting. The analysis consists of a survey based on job-related, person-related, situation-related and organizational indicators. In addition, the effectiveness of prevention measures already applied is monitored. A report on the results is submitted to the Management in good time. A corresponding report is submitted to the Supervisory Board. For the purpose of preparing the report, the Supervisory Board receives excerpts from the reports of the internal audit department and the auditors.

Information and advice

The AKB is the contact person for all employees and ensures that all employees of FIZ Karlsruhe are made aware of the issue of corruption prevention through regular information, especially on the intranet.

4 MORE INFORMATION

Principles of good corporate and active participation management in the area of the federal government

- Part I– The Public Corporate Governance Code of the Federal Government (PCGC)
- Part II– Guidelines for Active Participation Management for Companies with Federal Participation (as of 02.02.2023).

Federal Administration (BMI): Regulations on Integrity (as of 2018)

Measures taken by the state government of Baden-Württemberg to protect against bribery

Administrative Regulation of the State Government and Ministries on the Prevention of Unlawful and Unfair Interference with Administrative Activities and the Prosecution of Related Crimes and Official Misconduct (version dated November 30, 2021, valid until December 31, 2024).

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