

ANTI-BRIBERY & ANTI-CORRUPTION POLICY

Context

- The provisions of the Criminal Justice (Corruption Offences) Bill 2017, as amended, dealing with anti-bribery and corruption are due to enter into force during 2018.
- This legislation will implement Ireland's commitments under international agreements and bring Irish law more into line with the provisions of the UK Bribery Act 2010.
- Bribery is a specific offence which concerns the practice of offering something, usually money, to gain an illicit advantage.
- Corruption is an abuse of a position of trust in order to gain an undue advantage.
- Under the new legislation, a corporate body can be held criminally liable where one of its officers, managers, employees or agents has engaged in bribery or corruption with the intention of obtaining or retaining business or business advantage on its behalf.
- It applies to the Irish activities of all companies, irrespective of where they are incorporated and to bribery or corruption taking place outside Ireland, committed by persons who are Irish citizens or residents or by Irish registered companies.

EBI Policy

- EBI is committed to conducting business in an ethical and honest manner and is committed to implementing and enforcing systems that ensure bribery is prevented.
- EBI has zero-tolerance for bribery and corrupt activities. EBI is committed to acting professionally, fairly and with integrity in all business dealings and relationships, where-ever it operates.
- EBI will constantly uphold all laws relating to anti-bribery and corruption in all jurisdictions in which it operates. EBI will be bound by the laws in the countries in which it operates, in regards to its conduct both in Ireland and outside Ireland.

Implementation of EBI Anti-Bribery & Anti-Corruption Policy

- EBI has a zero-tolerance policy in respect of any officer, manager or employee of EBI participating in the bribery or corrupting or attempting to corrupt a government official.
- EBI requires that any EBI officer, manager or employee who is being offered a bribe or a corrupt payment as a means of a person or company attempting to gain a business advantage to report the matter forthwith to the EBI Director of Compliance.
- Neither EBI nor any of its officers, managers or employees may offer or make or seek or accept gifts, favours or payments to gain a business advantage.
- Neither can EBI enable a third party to offer or make or seek or accept gifts, favours or payments to gain a business advantage.
- EBI cannot make any payments in violation of any Anti-Bribery Law, nor shall EBI make any payments to any Government Official for the purposes of;

- Influencing an act or decision of a Government Official in an official capacity
- Inducing a Government Official to use his/her influence with any governmental agency or organisation;

In the context of the above bullet point:-

Anti-Bribery Law means the Foreign Corrupt Practices Act of 1977 of the United States, the UK Bribery Act 2010 and all applicable national laws adopted pursuant to the OECD Convention that prohibit the bribery of foreign official in international business transactions and all applicable national and local governmental laws and regulations that prohibit the bribery of, or the providing of unlawful gratuities or other benefits to any Governmental Official.

Government Official means any official or employee of any government, or any agency, ministry, department of a government, official or employee of a company wholly or partially controlled by a government, political party and any official of a political party; candidate for political office, officer or employee of a public international organisation, such as the United Nations or World Bank or immediate family member of any of the foregoing.

Procedure in Respect of EBI's Anti-Bribery & Anti-Corruption Policy

- Any EBI officer, manager or employee which suspects that there is an instance of bribery or corrupt activities occurring in relation to EBI, is required to raise his/her concerns at an as early a stage as possible with the EBI Director of Compliance.
- Any EBI officer, manager or employee (EBI person) who is offered a bribe by anyone, or if the EBI person is asked to pay a bribe, or if the EBI person suspects that he/she may be bribed or may be asked to pay a bribe in the near future, or if the EBI person has reason to believe that he/she is a victim of another corrupt activity, must report such incident/event or such potential incident/event forthwith to the EBI Director of Compliance.