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Industry Program for the Development of the System of Internal Compliance with Anti- Corruption Legislation Requirements and Business Ethics Principles in Moscow Transport Organizations

Revised and Updated Edition





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(as of 08/01/2024)

Moscow
2024

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Ошибка! Закладка не определена.

Introduction

The Department of Transport and Road Infrastructure Development of Moscow (hereinafter referred to as the Department of Transport) has defined a system for ensuring internal compliance with anti-corruption legislation requirements in Moscow Transport Organizations¹.

To ensure uniformity in law enforcement, the Competence and Anti-Corruption Center of the Moscow Directorate of Transport Services Autonomous Non-Profit Organization has developed and updated the Industry Program for the Development of the System of Internal Compliance with Anti-Corruption Legislation Requirements and Business Ethics Principles in Moscow Transport Organizations (hereinafter referred to as the Industry Program).

The Industry Program is a fundamental document that defines the key areas of activities for Moscow Transport Organizations (hereinafter referred to as MTOs) regarding the comprehensive implementation of anti-corruption policy and business ethics principles.

The goals outlined in the Industry Program are achieved through the implementation of specific measures, including the use of modern digital technologies, aimed at ensuring MTOs' compliance with legal requirements, applicable international standards, and national recommendations in the field of corruption prevention, and adherence to ethical standards of business conduct.

This edition of the Industry Program has been supplemented, amended, and updated to reflect the state of legislation as of July 2024. It also considers accumulated law enforcement experience to form a unified approach to developing and adopting anti-corruption measures in MTOs, and to provide additional methodological assistance and adaptation of procedures for the practical implementation of the Industry Program's main directions.

¹ Order of the Department of Transport and Road Infrastructure Development of Moscow dated 02/17/2022 No. 61-02-47/22 "On the Approval of the Regulation on the System of Internal Compliance with Anti-Corruption Legislation Requirements" (see appendix).

Terms and Definitions

The following terms are used for the purposes of the Industry Program:

Hotline – an independent system for receiving and processing information from MTO's employees and other persons regarding anti-corruption efforts, ethics, and business conduct.

MTOs' Business Partners – legal entities and individuals, and individual entrepreneurs, who have contractual relations with MTOs.

Code of Ethics and Business Conduct – an internal regulation adopted to foster a corporate ethical culture and a culture of compliance with anti-corruption legislation requirements within MTOs.

Due Diligence of MTOs' Business Partners – a procedure for identifying financial, legal, tax, corruption, and other risks when interacting with business partners.

Corruption Risk – the risk of corrupt practices and/or the occurrence of corrupt situations.

Moscow Transport Organizations (MTOs) – legal entities established by the Government of Moscow and subordinate to the Department of Transport and Road Infrastructure Development of Moscow².

MTO's Designated Person – an MTO's employee functionally responsible for fulfilling the requirements of Article 13.3 of Federal Law No. 273-FZ dated 12/25/2008 "On Combating Corruption" regarding the development and adoption of measures to prevent corruption in MTOs, including through the implementation of the Industry Program.

MTO's Designated Subdivision – an MTO's subdivision functionally responsible for fulfilling the requirements of Article 13.3 of Federal Law No. 273-FZ dated 12/25/2008 "On Combating Corruption" regarding the development and adoption of measures to prevent corruption in MTOs, including through the implementation of the Industry Program.

Industry Program – the Industry Program for the Development of the System of Internal Compliance with Anti-Corruption Legislation Requirements and Business Ethics Principles in Moscow Transport Organizations.

Due Diligence of MTOs' Business Partners for Compliance with Anti-Corruption Legislation Requirements – a procedure for MTOs to identify corruption risks when interacting with business partners.

MTO's Management – a senior executive of an MTO, their deputies, senior executives of MTO's subdivisions, and other MTO's employees performing management functions.

² A list of Moscow Transport Organizations is published on the official website of the Department of Transport at: <https://www.mos.ru/dt/organizations/>.

Standard Anti-Corruption Clause – a wording developed by the Competence and Anti-Corruption Center regarding a business partner's obligations to the MTO in the area of ensuring compliance with anti-corruption legislation requirements and business ethics principles, which must be included in all contracts with business partners and may vary in content for business partners with low, medium, and high risk.

Competence and Anti-Corruption Center – an independent structural subdivision of the Moscow Directorate of Transport Services Autonomous Non-Profit Organization, responsible for the methodological support of the introduction and implementation of the Industry Program in MTOs.

About the Industry Program

The Industry Program includes a number of areas, each fully described in its respective sections, and contains elements mandatory for implementation in MTOs.

The combination of the Industry Program's areas represents a set of tools applied in the "detection – response – prevention" cycle.

The Industry Program is universal in nature and can be used by organizations and companies engaged in any sector of the economy, product manufacturing, work performance, and service provision after necessary adaptation.

The integration of MTOs into the unified operating system of the Industry Program shall be carried out under the guidance of the Department of Transport and with the methodological support of the Competence and Anti-Corruption Center, taking into account the organizational structure, types of activities, nature and volume of interaction with government bodies and MTO's business partners.

The purpose of integrating MTOs into the unified operating system of the Industry Program is to create a comprehensive system for preventing corruption offenses, mitigating corruption risks, and implementing business ethics principles.

Leadership Commitment

Leadership commitment in MTO's anti-corruption activities is formulated as "tone from the top" – a term used to denote the organization's management's aspiration to prevent corruption and commitment to ethical standards of operation.

Goals and objectives of MTO's managers implemented on an ongoing basis:

- allocation of necessary (human, technical, administrative) resources for the implementation of the Industry Program in the organization;
- ensuring coordination in periodic corruption risk assessment; approval of a mandatory set of internal regulations in the field of corruption prevention, including in accordance with standard internal regulations approved by the Department of Transport;
- forming a positive image of the organization in the media regarding corruption prevention and business ethics, including through publications on behalf of the manager showcasing examples of employee involvement in anti-corruption work;
- participation in events conducted by the Department of Transport regarding compliance with anti-corruption legislation requirements and business ethics principles in MTOs, and ensuring that necessary measures are taken for identified violations of anti-corruption legislation;
- application of disciplinary measures to all employees without exception who have committed a violation of the established rules, ensuring proportionality between the violation and the severity of the punishment;
- implementation in MTOs of all elements of the Industry Program, adapted to the specific conditions and activities of the organization;
- use of results of monitoring and testing of the elements of the Industry Program in MTOs, and external reports and assessments of the level of compliance with anti-corruption legislation requirements and business ethics principles.

Organization of the Activities of the Competence and Anti-Corruption Center and MTO's Designated Subdivisions (Designated Persons)

The Competence and Anti-Corruption Center implements a centralized function to develop the mechanism for introducing the Industry Program and providing methodological support for the activities of MTO's designated subdivisions (designated persons) in all MTOs.

Depending on the size and specifics of MTO activities, an MTO's designated subdivision shall be established or an MTO's designated person shall be appointed within the organization's structure. An MTO's designated subdivision (designated person) shall ensure the fulfillment of the requirements of Article 13.3 of Federal Law No. 273-FZ dated 12/25/2008 "On Combating Corruption" regarding the development and adoption of measures to prevent corruption in MTOs, including through the implementation of the Industry Program in the relevant MTO.

Tasks of the Competence and Anti-Corruption Center:

- implementing projects for anti-corruption legal education, organizing training in business ethics and corruption prevention for MTO's employees, including members of youth councils;
- providing consultative and methodological assistance to MTO's employees on the issues of introducing the Industry Program and fulfilling the anti-corruption legislation compliance requirements;
- ensuring that a unified digital anti-corruption compliance platform for managing processes and procedures of the system for ensuring compliance with anti-corruption legislation requirements and business ethics principles is introduced into practical activities of MTOs;
- developing standard internal regulations, methodological materials, policies, and procedures to mitigate corruption risks, conflict of interest situations, and unethical business conduct in MTOs;
- organizing the work and performance of functions as the operator of the Anti-Corruption Hotline of the Department of Transport (hereinafter referred to as the Hotline);
- participating in conducting a due diligence of MTO's business partners, and checks of business partners' activities for compliance with the anti-corruption legislation requirements.

Key Conditions for the Effective Functioning of the Competence and Anti-Corruption Center

The financing of the Competence and Anti-Corruption Center's activities shall be carried out in accordance with the financial plan of the Moscow Directorate of Transport Services Autonomous Non-Profit Organization (MDTS ANPO) approved by the Department of Transport in accordance with clause 3.6.3 of the Charter of MDTS ANPO.

The Competence and Anti-Corruption Center shall be staffed with trained specialists who have professional experience in the specified field, determined by the qualification requirements to positions.

Tasks of the MTO's designated subdivision (designated person):

- fulfilling the requirements of Article 13.3 of Federal Law No. 273-FZ dated 12/25/2008 "On Combating Corruption" regarding the development and adoption of measures to prevent corruption in MTOs, including through the implementation of the Industry Program in the relevant MTO;
- conducting periodic corruption risk assessments in MTOs;
- ensuring the adoption of mandatory internal regulations in the field of corruption prevention and adherence to business ethics principles, including in accordance with the standard internal regulations approved by the Department of Transport, and control over the fulfillment of mandatory internal regulations of MTOs;
- conducting training for MTO's employees and carrying out internal communications in the field of corruption prevention and business ethics in MTOs;
- participating in MTO's internal audits based on inquiries received via the Hotline;
- conducting due diligence of MTO's business partners for compliance with the anti-corruption legislation requirements;
- monitoring of anti-corruption compliance and testing of the Industry Program's procedures;
- organizing external independent assessment of MTO's compliance with anti-corruption legislation requirements and business ethics;
- taking measures to prevent and resolve conflicts of interest;
- cooperating with law enforcement authorities upon detection of signs of violations of anti-corruption legislation;
- prompt informing of MTO's management and the Competence and Anti-Corruption Center about any facts indicating signs of corruption violations, and violations of the Code of Ethics and Business Conduct that may affect the MTO's reputation and its activities.

Periodic Risk Assessment

Corruption risk assessment is an important area of the Industry Program, influencing the reliability of the system for ensuring compliance with anti-corruption legislation as a whole, as it contributes to the prevention of corruption offenses and also ensures rational resource allocation in planning and implementing the anti-corruption measures in MTOs.

Corruption risk assessment and reassessment shall be conducted periodically (at least once a year), and in the event of organizational changes or changes in the MTO's activities, including the launch of key or strategic projects, and must include the following processes:

- identification of corruption risks;
- analysis and assessment of identified corruption risks;
- assessment of compliance and effectiveness of the internal control aimed at mitigating the corruption risks.

The results of the corruption risk assessment must be taken into account when deciding on cooperation during the due diligence of MTO's business partners for their compliance with anti-corruption requirements.

MTO's corruption risk assessment criteria shall be established by the MTO independently.

The conduct of corruption risk assessment shall be assigned to the MTO's designated subdivision (designated person).

The goals, stages of assessment, necessary factors, principles for ranking risks, and other necessary criteria shall be established by MTO's internal regulations in accordance with the provisions of the Industry Program.

Corruption risk assessment consists of the following stages:

Identification of corruption risks – determining corruption offenses that may be committed by MTO's employees, and identifying those processes and their constituent sub-processes (critical points) during which such unlawful acts may occur.

The main objective of corruption risk identification is to identify critical points in each document, process, and/or area of activities, and the owners of such risks.

Corruption risks shall be identified based on the following data:

- analysis of internal regulations;
- analysis of materials dedicated to project implementation (presentations, process diagrams, correspondence, etc.);
- analysis of processes considering the sequence of actions and their interrelation with other processes;
- analysis of internal controls implemented in documents, processes, and contracts;
- level of authority and positions of employees involved in the relevant processes;
- data from MTO's IT systems and databases;
- data on holding MTO or MTO's employees accountable for the committed corruption offenses during the previous period;
- other necessary data.

The result of this stage shall be a generated list of corruption risks.

Periodic Annual Corruption Risk Assessment

The main objective of the periodic annual corruption risk assessment is to determine, for each critical point identified during the corruption risk identification stage, the probable method of committing a corruption offense by MTO's employees, broken down by their positions and authorities necessary for the potential commission of the corruption offense.

Corruption risk assessment shall be conducted based on the list of corruption risks.

The ranking of corruption risks shall be carried out according to a specially developed methodology, which specifies the criteria for assigning a corruption risk to one of the risk levels:

- high risk;
- medium risk;
- low risk.

Corruption risk assessment shall be conducted considering the following criteria:

- assessment of potential harm (harm);
- assessment of likelihood of corruption risk materialization (frequency);
- assessment of impact of corruption risk (severity);
- assessment of factors increasing corruption risks (aggravating factors);
- assessment of response measures stipulated by, or implemented in accordance with, the MTO's corruption risk reduction action plan (risk minimization measures).

Based on the results of the corruption risk assessment, a list of positions whose occupancy is associated with corruption risks shall be formed annually.

An MTO's corruption risk map is compiled based on the completed corruption risk assessment. The corruption risk map is a tool for monitoring corruption risks. It forms the basis of the strategy for managing corruption risks.

Various categories of MTO's employees, from top management to ordinary employees, shall participate in compiling the corruption risk map.

Specific participants in the MTO process must be indicated in MTO's internal regulations subject to the organizational structure and job titles.

The results of this stage shall be:

- a corruption risk map broken down by respective MTOs, subdivisions, projects, and areas of activities, indicating the rank and owner of each risk;
- a list of positions whose occupancy is associated with corruption risks;
- analysis and reassessment of corruption risks on an annual basis.

MTOs shall annually monitor the external and internal environment and analyze the need to change the level of corruption risks to promptly respond to emerging threats and implement preventive anti-corruption response measures.

The result of this stage shall be the reassessment (if necessary) of the level of corruption risks, the introduction of necessary changes to the corruption risk map, and to the corruption risk mitigation action plan.

Assessment of new corruption risks shall be conducted by the MTO upon receiving information about the commencement of a new type or form of activities or the entry into force of a regulation governing the MTO's area of activities.

If necessary, the MTO shall supplement or correct the corruption risk register after receiving and analyzing the information.

The results of this stage shall be:

- an updated corruption risk register;
- an updated corruption risk map;
- development of measures to minimize corruption risks;
- an updated action plan for minimizing corruption risks.

The Competence and Anti-Corruption Center shall prepare recommendations for reducing the level of corruption risk for high and medium corruption risks.

The MTO's designated subdivision (designated person) shall develop action plans for reducing the level of corruption risks based on such recommendations. Action plans for reducing the level of corruption risks shall be approved by the MTO's senior executive simultaneously with the corruption risk maps.

Plans for minimizing corruption risks must contain specific deadlines and persons responsible for their implementation, and must also take into account the financial, human, and other resources necessary for their implementation.

The result of this stage shall be an action plan for minimizing corruption risks in relation to identified corruption risks.

The approval of corruption risk assessment results shall be carried out by the MTO's senior executive.

The results of the corruption risk assessment shall include:

- a corruption risk register indicating risk owners;
- a corruption risk map indicating the magnitude of the risk;
- a list of positions whose occupancy is associated with corruption risks;
- an action plan for reducing the level of corruption risks in relation to identified corruption risks.

The procedures approved by the corruption risk minimization plan must be fulfilled by all MTO's employees.

Additional measures and controls may be applied to MTO's employees holding positions whose occupancy is associated with corruption risks.

Internal Regulations of MTOs

The system of internal compliance with anti-corruption legislation requirements and business ethics principles in MTOs shall be regulated based on the adopted mandatory internal regulations in the sphere of corruption prevention and adherence to business ethics principles, including in accordance with the standard internal regulations approved by the Department of Transport.

Mandatory Internal Regulations

MTOs shall approve mandatory internal regulations, define responsible persons, and establish control over the deadlines for their fulfillment in the following areas:

- anti-corruption policy;
- business ethics and business conduct;
- corruption risk management;
- prevention, identification, and resolution of conflicts of interest;
- inspection of separate subdivisions (branches) for compliance with anti-corruption requirements;
- due diligence of business partners and potential counterparties for compliance with anti-corruption legislation requirements;
- relations with political parties, foundations, and public organizations;
- entertainment expenses and business gifts;
- charity, donations and sponsorship;
- ongoing control over the implementation of the Industry Program in MTOs;
- internal audit and evaluation of the effectiveness of the Industry Program measures;
- consideration of complaints about violations of anti-corruption legislation, ethical standards, and business conduct;
- internal investigations;
- monitoring and testing;
- screening of candidates for positions whose occupancy is associated with corruption risks;
- periodic self-assessment of the state of the system for ensuring compliance with anti-corruption legislation requirements and business ethics principles;
- rules of conduct for MTO's suppliers;
- activities of the MTO's anti-corruption and business ethics compliance commission;
- protection of employees who report corruption offenses in the organization's activities from formal and informal sanctions;

- implementation of the system of internal compliance with anti-corruption legislation requirements and business ethics principles in MTOs.

Standard Industry Internal Regulations

MTOs shall adopt internal regulations in the area of implementing the system of internal compliance with anti-corruption legislation requirements and business ethics principles based on standard industry internal regulations approved by the Department of Transport³.

Standard industry documents shall establish rules in the following areas:

- prevention of corruption, compliance with anti-corruption legislation (anti-corruption policy);
- adherence to ethics and business conduct principles (Code of Ethics and Business Conduct);
- consideration of complaints about violations of anti-corruption legislation, ethical standards, and business conduct (Regulations for Considering Complaints about Violations of Anti-Corruption Legislation, Ethical Standards, and Business Conduct).

Liabilities

Employment contracts with MTO's senior executives and employees should stipulate the obligation to comply with the requirements of the Code of Ethics and Business Conduct, MTO's internal regulations in the sphere of corruption prevention, and the employer's right to impose disciplinary sanctions for violating this obligation.

Code of Conduct of an MTO's Business Partner

The Business Partner's Code of Conduct shall contain the following groups of rules, which MTOs expect to be complied with by the business partners:

- commitment to the principles set out in the Industry Program;
- implementation and use of effective controls to prevent and detect unlawful acts;
- fulfillment of contract provisions requiring compliance with anti-corruption legislation.

³ Orders of the Department of Transport No. 61-02-48/22 dated 02/17/2022 "On the Approval of Standard Internal Regulations in the Field of Combating Corruption" (see appendix); No. 61-02-456/23 dated 08/23/2023 "On the Procedure for Considering Complaints about Violations of Anti-Corruption Legislation, Ethical Standards, and Business Conduct" (see appendix).

Business partners' obligations to comply with the Business Partner's Code of Conduct shall be included in all contracts with MTOs. A link to an open resource where the Code is published may be included in the contract text. MTOs must draw the attention of business partners to the fact that they are obliged to adhere in their activities to the same business ethics principles contained in the MTO's Code of Ethics and Business Conduct.

Improving Legal Literacy, Anti-Corruption Legal Education, Communications

The Competence and Anti-Corruption Center shall form a unified approach to improving the legal literacy of various categories of MTOs' employees and define the content of such education.

MTO's designated subdivisions (designated persons) shall independently determine:

- group of employees who must undergo training (including mandatory training for new employees);
- styles and approaches to employee training depending on the position level and risks across various areas of activities;
- frequency and sequence of such training.

Defining the Group of Employees

Requirements to training, and its form and frequency, must correspond to the corruption risk profile of MTO's activities falling within the scope of employees' duties.

Using Various Styles and Approaches to Training Depending on Position Level and Risks across Various Areas of Activities

MTO's employees, taking into account a risk-oriented approach, must undergo training in the main areas of anti-corruption legislation, and MTO's internal regulations on corruption prevention and adherence to business ethics principles.

Training Frequency

Training shall be conducted on a systematic basis, the frequency of training shall be determined by the MTO independently.

Communications

In addition to conducting training to ensure the effectiveness of mechanisms for raising awareness among MTO's employees about existing principles, rules, and documents in the system of compliance with anti-corruption legislation requirements and business ethics principles, the MTO's designated subdivision (designated person) shall engage in communications with employees.

Communications shall include reminders and visual reference materials on anti-corruption topics.

The following tools and channels can be used for communication:

- sending informational messages via e-mail (about changes in legislation, MTO's internal regulations; about the results of internal audits; reminders, etc.);
- publishing an internal corporate newspaper, a bulletin on corruption prevention and adherence to business ethics principles;
- internal corporate network and the Internet (for example, a separate website dedicated to the implementation of anti-corruption requirements or a corresponding page on the MTO's internal portal);
- a folder on the MTO's network drive with a collection of MTO's internal regulations, regulations in the field of corruption prevention, brochures, recommendations, presentation materials, accessible to all employees;
- posters, bulletins, brochures, leaflets, memos, guides, etc.;
- thematic souvenir products;
- other.

All communications for employees shall be prepared in a format as clear, convenient and accessible for understanding as possible, and must contain contact information for the MTO's subdivision (designated person) responsible for developing and adopting measures to prevent corruption in MTOs, and information about the Hotline.

It is recommended to post an address from the organization's senior executive to employees on the MTO's website regarding the importance of complying with federal legislation and MTO's internal regulations in the field of corruption prevention and adherence to business ethics principles.

A welcome letter from the MTO's senior executive, transmitting the main anti-corruption values of the MTO, shall be sent via e-mail to newly hired employees.

Hotline and Internal Audits

Hotline

The Department of Transport has approved the Regulations for Considering Complaints about Violations of Anti-Corruption Legislation, Ethical Standard, and Business Conduct within the Department of Transport, which defines the procedure for the Hotline operation⁴.

The Competence and Anti-Corruption Center shall perform the functions of the Hotline operator.

Information about the Hotline, its usage rules, and channels for submitting messages shall be made available for employees' information in all MTOs, on MTO's websites, and through all internal communication channels.

Internal Audits

Internal audits shall be conducted in MTOs based on messages received via the Hotline, the procedure for which shall be determined by the MTO's internal regulation.

The Regulations on Conducting Internal Audits Based on Messages Received via the Hotline must provide for:

- a procedure for interaction with complainants and employees who are interviewed;
- a procedure and deadlines for notifying the complainant about the receipt of their message via the Hotline and the commencement of the internal audit. However, to maintain confidentiality regarding the progress and results of the internal audit, the complainant shall only be informed whether the facts they reported were confirmed or not;
- a provision that the internal audit must be completed within the deadlines established by internal regulations;
- a standard form for the completed internal audit report;
- rules for familiarizing the involved employees with the results of internal audits and other matters.

Introduction of Procedures for Protecting Employees Who Report Corruption Offenses in the Organization's Activities from Formal and Informal Sanctions

MTOs must guarantee that none of their employees will be subjected to sanctions or persecution (including dismissal, demotion, or deprivation of incentive payments) if they report alleged or known acts

⁴ Order of the Department of Transport No. 61-02-456/23 dated 08/23/2023 "On the Procedure for Considering Complaints about Violations of Anti-Corruption Legislation, Ethical Standards, and Business Conduct" (see appendix).

(omission) of any MTO's employees or other persons interacting with the MTO that contradict anti-corruption legislation, including cases where such an employee refused to commit a corruption offense.

The procedure for protecting employees who report corruption offenses in the organization's activities from formal and informal sanctions shall be determined by the MTO's internal regulation.

MTO Employees' Trust in the Hotline

One of the tasks of the Competence and Anti-Corruption Center and MTO's designated subdivisions (designated persons) is to popularize the Hotline as the main and accessible source of information about potentially corrupt and unethical behavior of MTO's employees, and violations of MTO's internal regulations in the sphere of corruption prevention and adherence to business ethics principles.

MTOs must post information about the Hotline, copies of the Code of Ethics and Business Conduct, printed brochures, and handouts with information about the Hotline in a publicly accessible place.

Analytics

The Competence and Anti-Corruption Center shall prepare periodic analytical reviews of Hotline operations and internal audits, and inform the Department of Transport about them.

Measures of Responsibility for Committing Corruption Offenses

Criminal, Administrative, Civil, and Disciplinary Liability Measures for Corruption Offenses

The legislation of the Russian Federation distinguishes four types of liability for individuals who commit corruption offenses – criminal, administrative, civil, and disciplinary.

In cases where a legal entity organizes, prepares, or commits corruption offenses or offenses that create conditions for committing corruption offenses on behalf of or in the interests of the legal entity, measures of responsibility provided for by the Code of Administrative Offenses of the Russian Federation may be applied to the legal entity.

The application of liability measures to a legal entity for a corruption offense does not relieve the guilty individual from liability for that corruption offense, just as bringing an individual to criminal or other liability for a corruption offense does not relieve the legal entity from liability for that corruption offense.

Disciplinary Liability

MTO's employees who fail to comply with the requirements of internal regulations prescribing adherence to corruption prevention measures and defining the algorithm of actions in case of a threat of anti-corruption legislation violation, may be brought to disciplinary liability by the employer in the general manner.

One of the main principles of disciplinary policy is the principle of inevitability of punishment for violations of MTO's internal regulations in the sphere of anti-corruption activities, regardless of position, work experience, past achievements, or other conditions.

Disciplinary sanctions must be proportionate to the severity of the disciplinary misconduct committed.

Due Diligence of Business Partners

Due Diligence of MTO's Business Partners

MTOs must conduct due diligence of their business partners with whom MTOs have contractual relations or plan to enter into contractual relations.

MTOs must adopt an internal regulation on due diligence of business partners.

Due diligence of business partners must be carried out in the areas that influence the diligent and timely fulfillment of the business partner's obligations under the contract with the MTO.

The following criteria shall be analyzed:

- current legal status;
- availability of necessary licenses and permits;
- provision with resources for fulfilling obligations to the MTO;
- current financial condition;
- amount of accounts payable and receivable;
- any litigations involving the business partner;
- any tax disputes involving the business partner;
- assessment of business reputation;
- facts of being brought to legal responsibility and other relevant aspects.

Due Diligence of MTO's Business Partners for Compliance with Anti-Corruption Legislation Requirements

MTO's designated subdivision (designated person) shall conduct due diligence of MTO's business partners for compliance with anti-corruption legislation requirements.

The following criteria shall be analyzed:

- absence of conflict of interests;
- no administrative offense conviction under Article 19.28 of the Code of Administrative Offenses of the Russian Federation within two years;
- implementation by the business partner of an internal system for compliance with anti-corruption legislation requirements;
- absence of cases of conviction for corruption-related crimes;
- availability of direct or indirect connections of the business partner with an MTO's employee and/or with a public official that could create a threat of corruption offenses.

Due Diligence of MTO's Business Partners

The Competence and Anti-Corruption Center shall conduct due diligence of MTO's business partners whenever instructed by the Department of Transport.

Monitoring and Testing

Monitoring and testing allow for periodic confirmation that the Industry Program has been implemented, and that the implemented procedures and internal controls are effective and conform to the identified corruption risks and their levels.

Goals of monitoring and testing:

- confirming the implementation of measures for preventing and detecting corruption offenses, their effectiveness and efficiency;
- conducting checks for any identified deficiencies in the implementation of the Industry Program processes and procedures;
- preparing recommendations and other corrective instructions to enhance the effectiveness of the Industry Program measures;
- identifying corruption offenses during monitoring and testing.

Monitoring and testing shall be conducted annually by the MTO's designated subdivision (designated person) independently across all areas of the Industry Program.

The results of monitoring and testing shall be periodically provided by the MTO's designated subdivision (designated person) to the MTO's senior executive, and to the Competence and Anti-Corruption Center.

Based on the review of monitoring and testing results, the MTO's senior executive may make necessary management decisions.

External Independent Assessment

Periodic external assessment of the Industry Program serves the goals of maintaining a continuous improvement process for the program, determining its effectiveness, and also ensuring the identification of deficiencies in anti-corruption procedures and the introduction of necessary changes.

The Competence and Anti-Corruption Center may organize periodic external assessments of the Industry Program's implementation in MTOs by employees of the Competence and Anti-Corruption Center, and by engaged specialists.

Thematic verification of compliance with anti-corruption legislation requirements in MTOs shall be organized by the Department of Transport or the Department of Regional Security and Anti-Corruption of Moscow in the accordance with the established procedure.

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