

ALTKÄEMAKSUVASTASED JUHTIMISSÜSTEEMID
Nõuded koos kasutusjuhistega

Anti-bribery management systems
Requirements with guidance for use
(ISO 37001:2016, identical)

EESTI STANDARDI EESSÕNA**NATIONAL FOREWORD**

See Eesti standard EVS-ISO 37001:2018 „Altkäemaksuvastased juhtimissüsteemid. Nõuded koos kasutusjuhistega“ sisaldab rahvusvahelise standardi ISO 37001:2016 „Anti-bribery management systems - Requirements with guidance for use“ identset ingliskeelset teksti.	This Estonian Standard EVS-ISO 37001:2018 consists of the identical English text of the International Standard ISO 37001:2016 „Anti-bribery management systems - Requirements with guidance for use“.
Ettepaneku rahvusvahelise standardi ümbertrüki meetodil ülevõtuks on esitanud Justiitsministeerium, standardi avaldamist on korraldanud Eesti Standardikeskus.	Proposal to adopt the International Standard by reprint method has been presented by Ministry of Justice, the Estonian Standard has been published by the Estonian Centre for Standardisation.
Standard EVS-ISO 37001:2018 on jõustunud sellekohase teate avaldamisega EVS Teataja 2018. aasta maikuu numbris.	Standard EVS-ISO 37001:2018 has been endorsed with a notification published in the May 2018 issue of the official bulletin of the Estonian Centre for Standardisation.
Standard on kättesaadav Eesti Standardikeskusest.	The standard is available from the Estonian Centre for Standardisation.

Käsitlusala

See dokument täpsustab nõudeid ja juhendab altkäemaksuvastase juhtimissüsteemi sisseseadmist, elluviimist, toimivana hoidmist ja järjepidevat parendamist. Süsteem võib olla eraldiseisev või loimitud üldisesse juhtimissüsteemi. Selles dokumendis käsitletakse organisatsiooni tegevust järgmistes aspektides:

- altkäemaks avalikes, era- ja mittetulundussektorites;
- organisatsioonipoolne altkäemaks;
- altkäemaks organisatsiooni töötajate poolt, kes tegutsevad organisatsiooni nimel või selle kasuks;
- altkäemaks organisatsiooni äripartnerite poolt, kes tegutsevad organisatsiooni nimel või selle kasuks;
- organisatsiooni altkäemaks;
- organisatsiooni tegevusega seotud altkäemaks organisatsiooni töötajatelt;
- organisatsiooni tegevusega seotud altkäemaks organisatsiooni äripartneritelt;
- otsene ja kaudne altkäemaks (nt altkäemaks, mida pakutakse või aktsepteeritakse kolmanda osapoole kaudu või mida pakub/aktsepteerib kolmas osapool).

See dokument kehtib ainult altkäemaksu kohta. See esitab juhtimissüsteemi nõuded ja annab juhised, mille eesmärk on aidata organisatsioonil altkäemaksu ennetada, tuvastada ja juhtumitele reageerida ning olla vastavuses altkäemaksuvastaste seadustega ja vabatahtlike kohustuste võtmisega nende tegevuste suhtes.

See dokument ei käsitle pettusi, kartelle ja muid konkurentsivastaseid rikkumisi, rahapesu või muid tegevusi, mis on seotud korruptiivsete tegevustega, kuigi organisatsioon võib valida juhtimissüsteemi käsitlusala laiendamise, et hõlmata ka selliseid tegevusi.

Selle dokumendi nõuded on üldised ja mõeldud kasutamiseks kõikidele organisatsioonidele (või organisatsiooni osadele), olenemata tegevuse tüübist, suurusest ja olemusest ning sellest, kas tegemist on avaliku, era- või mittetulundussektoriga. Nende nõuete kohaldamisala sõltub jaotistes 4.1, 4.2 ja 4.5 määratletud teguritest.

MÄRKUS 1 Juhiste saamiseks vt jaotis A.2.

MÄRKUS 2 Altkäemaksuriski ennetamiseks, tuvastamiseks ja vähendamiseks vajalikud meetmed võivad olla erinevad meetmetest, mida organisatsioonid on kasutanud altkäemaksu ärahoidmiseks, tuvastamiseks ja juhtumitele reageerimiseks organisatsiooni (või selle nimel tegutsevate töötajate või äripartnerite) poolt. Juhiste saamiseks vt A.8.4.

Tagasisidet standardi sisu kohta on võimalik edastada, kasutades EVS-i veebilehel asuvat tagasiside vormi või saates e-kirja meiliaadressile standardiosakond@evs.ee.

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Foreword

ISO (the International Organization for Standardization) is a worldwide federation of national standards bodies (ISO member bodies). The work of preparing International Standards is normally carried out through ISO technical committees. Each member body interested in a subject for which a technical committee has been established has the right to be represented on that committee. International organizations, governmental and non-governmental, in liaison with ISO, also take part in the work. ISO collaborates closely with the International Electrotechnical Commission (IEC) on all matters of electrotechnical standardization.

The procedures used to develop this document and those intended for its further maintenance are described in the ISO/IEC Directives, Part 1. In particular the different approval criteria needed for the different types of ISO documents should be noted. This document was drafted in accordance with the editorial rules of the ISO/IEC Directives, Part 2 (see www.iso.org/directives).

Attention is drawn to the possibility that some of the elements of this document may be the subject of patent rights. ISO shall not be held responsible for identifying any or all such patent rights. Details of any patent rights identified during the development of the document will be in the Introduction and/or on the ISO list of patent declarations received (see www.iso.org/patents).

Any trade name used in this document is information given for the convenience of users and does not constitute an endorsement.

For an explanation on the meaning of ISO specific terms and expressions related to conformity assessment, as well as information about ISO's adherence to the World Trade Organization (WTO) principles in the Technical Barriers to Trade (TBT) see the following URL: www.iso.org/iso/foreword.html.

The committee responsible for this document is Project Committee ISO/PC 278, *Anti-bribery management systems*.

Introduction

Bribery is a widespread phenomenon. It raises serious social, moral, economic and political concerns, undermines good governance, hinders development and distorts competition. It erodes justice, undermines human rights and is an obstacle to the relief of poverty. It also increases the cost of doing business, introduces uncertainties into commercial transactions, increases the cost of goods and services, diminishes the quality of products and services, which can lead to loss of life and property, destroys trust in institutions and interferes with the fair and efficient operation of markets.

Governments have made progress in addressing bribery through international agreements such as the Organization for Economic Co-operation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions^[15] and the United Nations Convention against Corruption^[14] and through their national laws. In most jurisdictions, it is an offence for individuals to engage in bribery and there is a growing trend to make organizations, as well as individuals, liable for bribery.

However, the law alone is not sufficient to solve this problem. Organizations have a responsibility to proactively contribute to combating bribery. This can be achieved by an anti-bribery management system, which this document is intended to provide, and through leadership commitment to establishing a culture of integrity, transparency, openness and compliance. The nature of an organization's culture is critical to the success or failure of an anti-bribery management system.

A well-managed organization is expected to have a compliance policy supported by appropriate management systems to assist it in complying with its legal obligations and commitment to integrity. An anti-bribery policy is a component of an overall compliance policy. The anti-bribery policy and supporting management system helps an organization to avoid or mitigate the costs, risks and damage of involvement in bribery, to promote trust and confidence in business dealings and to enhance its reputation.

This document reflects international good practice and can be used in all jurisdictions. It is applicable to small, medium and large organizations in all sectors, including public, private and not-for-profit sectors. The bribery risks facing an organization vary according to factors such as the size of the organization, the locations and sectors in which the organization operates, and the nature, scale and complexity of the organization's activities. This document specifies the implementation by the organization of policies, procedures and controls which are reasonable and proportionate according to the bribery risks the organization faces. [Annex A](#) provides guidance on implementing the requirements of this document.

Conformity with this document cannot provide assurance that no bribery has occurred or will occur in relation to the organization, as it is not possible to completely eliminate the risk of bribery. However, this document can help the organization implement reasonable and proportionate measures designed to prevent, detect and respond to bribery.

In this document, the following verbal forms are used:

- “shall” indicates a requirement;
- “should” indicates a recommendation;
- “may” indicates a permission;
- “can” indicates a possibility or a capability.

Information marked as “NOTE” is for guidance in understanding or clarifying the associated requirement.

This document conforms to ISO's requirements for management system standards. These requirements include a high level structure, identical core text, and common terms with core definitions, designed to benefit users implementing multiple ISO management system standards. This document can be used in conjunction with other management system standards (e.g. ISO 9001, ISO 14001, ISO/IEC 27001 and ISO 19600) and management standards (e.g. ISO 26000 and ISO 31000).

Anti-bribery management systems — Requirements with guidance for use

1 Scope

This document specifies requirements and provides guidance for establishing, implementing, maintaining, reviewing and improving an anti-bribery management system. The system can be stand-alone or can be integrated into an overall management system. This document addresses the following in relation to the organization's activities:

- bribery in the public, private and not-for-profit sectors;
- bribery by the organization;
- bribery by the organization's personnel acting on the organization's behalf or for its benefit;
- bribery by the organization's business associates acting on the organization's behalf or for its benefit;
- bribery of the organization;
- bribery of the organization's personnel in relation to the organization's activities;
- bribery of the organization's business associates in relation to the organization's activities;
- direct and indirect bribery (e.g. a bribe offered or accepted through or by a third party).

This document is applicable only to bribery. It sets out requirements and provides guidance for a management system designed to help an organization to prevent, detect and respond to bribery and comply with anti-bribery laws and voluntary commitments applicable to its activities.

This document does not specifically address fraud, cartels and other anti-trust/competition offences, money-laundering or other activities related to corrupt practices, although an organization can choose to extend the scope of the management system to include such activities.

The requirements of this document are generic and are intended to be applicable to all organizations (or parts of an organization), regardless of type, size and nature of activity, and whether in the public, private or not-for-profit sectors. The extent of application of these requirements depends on the factors specified in [4.1](#), [4.2](#) and [4.5](#).

NOTE 1 See [Clause A.2](#) for guidance.

NOTE 2 The measures necessary to prevent, detect and mitigate the risk of bribery by the organization can be different from the measures used to prevent, detect and respond to bribery of the organization (or its personnel or business associates acting on the organization's behalf). See [A.8.4](#) for guidance.

2 Normative references

There are no normative references in this document.

3 Terms and definitions

For the purposes of this document, the following terms and definitions apply.