

**ALTKÄEMAKSUVASTASED JUHTIMISSÜSTEEMID.
NÕUDED KOOS KASUTUSJUHISTEGA**

**Anti-bribery management
systems — Requirements with
guidance for use (ISO 37001:2016, identical +
ISO 37001:2016/Amd 1:2024, identical)**

EESTI STANDARDI EESSÕNA**NATIONAL FOREWORD**

<p>See Eesti standard EVS-ISO 37001:2018+A1:2024 „Altkäemaksuvastased juhtimissüsteemid. Nõuded koos kasutusjuhiste“ sisaldab rahvusvahelise standardi ISO 37001:2016 „Anti-bribery management systems - Requirements with guidance for use“ ja selle muudatuse A1:2024 identset ingliskeelset teksti.</p> <p>Ettepaneku rahvusvahelise standardi ümbertrüki meetodil ülevõtuks on esitanud Justiitsministeerium, standardi avaldamist on korraldanud Eesti Standardikeskus.</p> <p>Standard EVS-ISO 37001:2018+A1:2024 on jõustunud sellekohase teate avaldamisega EVS Teatajas.</p>	<p>This Estonian Standard EVS-ISO 37001:2018+A1:2024 consists of the identical English text of the International Standard ISO 37001:2016 „Antibribery management systems - Requirements with guidance for use“ and its amendment A1:2024.</p> <p>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.</p> <p>Standard EVS-ISO 37001:2018+A1:2024 has been endorsed with a notification published in the official bulletin of the Estonian Centre for Standardisation.</p>
<p>Muudatusega A1 lisatud või muudetud teksti algus ja lõpp on tekstis tähistatud sümbolitega A1 A1.</p> <p>Standard on kättesaadav Eesti Standardimis-ja Akrediteerimiskeskusest.</p>	<p>The start and finish of text introduced or altered by amendment A1 is indicated in the text by tags A1 A1.</p> <p>The standard is available from the Estonian Centre for Standardisation and Accreditation.</p>

Käsitlusala

See dokument täpsustab nõudeid ja juhendab altkäemaksuvastase juhtimissüsteemi sisseseadmist, elluviimist, toimivana hoidmist ja järjepidevat parendamist. Süsteem võib olla eraldiseisev või lõimitud 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 käsitusala 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.

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ICS 03.100.01

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Foreword

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

A1 Amendment A1 Foreword

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This document was prepared by Technical Committee ISO/TC 309, *Governance of organizations*, in accordance with Technical Management Board Resolution 75/2023.

Any feedback or questions on this document should be directed to the user's national standards body. A complete listing of these bodies can be found at www.iso.org/members.html. **A1**

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).

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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.