

Annex I – Considerations in relation to the proper transposition of the Integrity Code of the MB.io into the Portuguese legal system

Our commitment to ethics and integrity requires that all violations of this Integrity Code be monitored in detail. In this way, each act that does not comply with the provisions of this document will be accompanied by a complete report, which will include the identification of the rules infringed, the application of the respective sanction and a detailed record of the actions that have been and will be taken to remedy the situation.

Compliance with this Integrity Code must remain current and adapted to the evolution and needs of our organisation, so it will be reviewed every three years or more frequently if there are significant changes in our functions, organisational or corporate structure. This process will include the analysis of criminal rules related to corruption and related offences, as well as the monitoring of the risks to which we are exposed in these criminal areas.

The Portuguese Criminal Code provides for crimes of corruption committed in the exercise of public functions and influence peddling and Law No. 20/2008, of 21 April, created the criminal regime for corruption in international trade and the private sector, in compliance with Council Framework Decision No. 2003/568/JHA, of 22 July. Additionally, the Resolution of the Council of Ministers No. 37/2021, of April 6th, 2021, approved the National Anti-Corruption Strategy 2020-2024, which followed with the publication of Decree-Law No. 109-E/2021, of December 9th. These legal diplomas determine the implementation of measures aimed at combating corruption, such as, for example, the establishment of the National Anti-Corruption Mechanism (MENAC) and the approval of the General Regime for the Protection of Whistleblowers (GDPR), Law No. 93/2021, of 20 December, which introduces Directive (EU) 2019/1937 of the European Parliament and of the Council into a national context, of 23 October 2019.

The General Regime for the Prevention of Corruption establishes that corruption and related offences are understood to be the crimes of corruption, undue receipt and offer of advantage, embezzlement, economic participation in business, concussion, abuse of power, prevarication, influence peddling, laundering or fraud in obtaining or embezzling a subsidy, subsidy or credit. The above-mentioned crimes are provided for in the criminal Code, approved in annex to Decree-Law No. 48/95, of 15 March, in its current wording, in Law No. 34/87, of 16 July, in its current wording, in the Code of Military Justice, approved in annex to Law No. 100/2003, of 15 November, in Law No. 50/2007, of 31 August, in its current wording, in Law No. 20/2008, of 21 April, in its current wording, and in Decree-Law No. 28/84, of 20 January, in its current wording.

This Annex I should be read and understood in conjunction with our organisation's Integrity Code as part of our continued commitment to preventing and combating corruption. We have identified the sanctioning regime applicable to the cases of non-compliance provided for in this Code, as presented below.

Framework of criminal penalties for natural persons

Crimes	Applicable Infringements
Money laundering (Article 368-A of the Portuguese Criminal Code)	Anyone who converts, transfers, assists or facilitates any conversion or transfer of advantages, obtained by himself or by a third party, directly or indirectly, in order to conceal their illicit origin, or to prevent the perpetrator or participant of such offences from being criminally prosecuted or subjected to criminal action; who conceals or conceals the true nature, origin, location, disposition, movement or ownership of the advantages, or the rights relating thereto; Whoever, not being the perpetrator of the typical unlawful act from which the advantages derive, acquires, holds or uses, knowingly, at the time of acquisition or at the initial moment of possession or use, of that status. Imprisonment of up to 12 years.

<p>Active corruption in the private sector (Article 9 of Law No. 20/2008 of 21 April)</p>	<p>Whoever, by himself or, by his consent or ratification, by an intermediary, gives or promises to an employee of the private sector, or to a third party with knowledge of that material or non-material advantage, which is not due to him, to pursue the purpose indicated therein. Imprisonment of up to 5 years or a fine of up to 600 days.</p>
<p>Active corruption (Article 374 of the Portuguese Criminal Code)</p>	<p>Whoever, by himself or through an intermediary, with his consent or ratification, gives or promises to an official, or to a third party by indication or with the knowledge of the former, a material or non-material advantage for the purpose of performing any act or omission contrary to the duties of the office, even if prior to such request or acceptance. Prison sentence of 1 to 5 years.</p>
<p>Corruption to the detriment of international trade (Article 7 of Law No. 20/2008 of 21 April)</p>	<p>Whoever, by himself or, with his consent or ratification, through an intermediary, gives or promises to an official, national, foreign or international organisation, or to a holder of political office, national or foreign, or to a third party with knowledge thereof, a material or non-material advantage, which is not due to him, to obtain or maintain a business, a contract or other undue advantage in international trade. Prison sentence of 1 to 5 years.</p>
<p>Passive corruption in the private sector (Article 8 of the Portuguese Criminal Code)</p>	<p>Whoever, by himself or, with his consent or ratification, by an intermediary, solicits or accepts, for himself or for a third party, without being due, a material or non-patrimonial advantage, or his promise, for any act or omission that constitutes a violation of his functional duties. Imprisonment from 1 to 8 years and a fine of up to 600 days.</p>
<p>Fraud in obtaining credit (Article 38 of Decree-Law no. 28/84 , of 20 January)</p>	<p>Whoever, when submitting a proposal for the granting, maintenance or modification of the conditions of a credit intended for an establishment or undertaking: (a) provide inaccurate or incomplete written information intended to give the credit or is important for the decision on the application; b) Use inaccurate or incomplete documents relating to the economic situation, such as balance sheets, profit and loss accounts, general descriptions of assets or expert reports; (c) conceal any deterioration in the economic situation which has occurred in the meantime in relation to the situation described at the time of the application for credit and which is important for the decision on the application; Imprisonment of up to 3 years and up to 150 days of fine.</p>
<p>Embezzlement of grant, subsidy, or credit (Article 37 of Decree-Law no. 28/84, of 20 January)</p>	<p>1 - Any person who uses benefits obtained as a grant or subsidy for purposes other than those for which they are legally intended shall be punished with imprisonment of up to 2 years or a fine of not less than 100 days. 2 - Any person who uses a service obtained as subsidised credit for a purpose other than that provided for in the credit line determined by the legally competent body shall be punished with the same penalty. 3 - The penalty shall be imprisonment from 6 months to 6 years and a fine of up to 200 days when the amounts or damages caused are considerably high. 4 - If the acts referred to in this article are repeatedly committed in the name and in the interest of a legal person or company and the damage has not been spontaneously repaired, the court shall order its dissolution.</p>
<p>Fraud in obtaining a subsidy or grant (Article 36 of Decree-Law no. 28/84 , of 20 January)</p>	<p>Anyone who obtains a subsidy or grant: a) Providing the competent authorities or entities with inaccurate or incomplete information about themselves or third parties and relating to facts relevant to the granting of the subsidy or grant; b) Omitting, contrary to the provisions of the legal regime of the subsidy or grant, information on facts important to the granting of the subsidy; c) Using a document justifying the entitlement to the grant or subsidy or facts important to its grant, obtained through inaccurate or incomplete information; Imprisonment of 1 to 5 years and a fine of 50 to 150 days. In particularly serious cases, the penalty will be imprisonment of 2 to 8 years.</p>
<p>Improper receipt or offer of an advantage (Article 372 of the Portuguese Criminal Code)</p>	<p>Whoever, in the exercise of his functions or because of them, by himself, or by an intermediary, with his consent or ratification, solicits or accepts, for himself or for a third party, a material or non-material advantage, which is not due to him; Whoever, by himself or through an intermediary, with his consent or ratification, gives or promises to an official, or to a third party by indication or knowledge of the official, a material or non-material advantage, which is not due to him, in the performance of his duties or because of them. Imprisonment of up to 3 years or a fine of up to 360 days.</p>
<p>Influence peddling (Article 335 of the Portuguese Criminal Code)</p>	<p>Whoever, by himself or through an intermediary, with his consent or ratification, solicits or accepts, for himself or for a third party, a patrimonial or non-patrimonial advantage, or his promise, to abuse his influence, real or supposed, with any public entity, national or foreign. Prison sentence of 1 to 5 years.</p>

Framework of disciplinary sanctions provided by law for breach of duties

Under Article 328 of the Labour Code, in the exercise of disciplinary power, the employer may apply the following sanctions in the event of a breach of duties:

- a) Reprimand;
- b) Recorded reprimand;

- c) Financial penalty;
- d) Loss of holiday days;
- e) Suspension of work with loss of remuneration and seniority;
- f) Dismissal without severance or compensation.