

FIFA Compliance Pocket Guide

ANTI-BRIBERY AND CORRUPTION

WHAT?

At FIFA, we have zero tolerance for corruption and bribery.

A bribe is the giving or receiving of anything of value with the intent to obtain or retain an improper business advantage for FIFA or another organisation. Corruption is the abuse of entrusted power for private gain.

This means you must never receive, offer, promise to pay, pay or authorise anything of value to obtain or retain a business advantage or influence. You must never abuse the power we place in you for personal or business gain.

Duress payments

These refer to payments that put an employee's health or safety at risk. Your safety is our main concern. If you are in danger and the only way to stay safe is to make some sort of payment, you are authorised to do so, but you must report it to FIFA Compliance as soon as you are safe.

Facilitation payments

These are unauthorised payments made to government officials to expedite or facilitate routine government activities from which the payer is legally entitled to benefit, often referred to as "grease payments". These type of payments are strictly prohibited.



If you are offered or asked for any type of unauthorised payment when you work at FIFA, tell your manager or FIFA Compliance right away.



SWISS LEGISLATION

Compliance Pocket Guide – Raising Concerns

Compliance Pocket Guide – Gifts and Hospitality



WHY?

As we are an international organisation with employees of many nationalities and work with confederations and member associations in a wide variety of countries, we all share a responsibility to be good role models for the communities we serve.

We play fair, working together to create a culture of respect by following the rules. We're also governed by the laws and regulations of the countries in which we work. This includes (but is not limited to) the Swiss Criminal Code, the US Foreign Corrupt Practices Act and the UK Bribery Act.

WHO?

FIFA team members – the exchange of gifts and hospitality is an acceptable part of any business. For certain occasions, such as weddings, baptisms, funerals or holidays, giving gifts can be standard cultural practice, but we at FIFA never use gifts or hospitality to influence a decision or gain a business advantage, particularly when dealing with government officials.

Political contributions – FIFA is politically neutral. Making political contributions could lead to corruption, or the perception of corruption, and so we do not favour any political party or candidate with our time, money or assets. If you are involved in politics in your own time, you must make it clear that your activity reflects your own beliefs, not FIFA's.

Business partners – the way our business partners and third-party intermediaries act reflects on us at FIFA – in fact, we could also be prosecuted if they break the law. We therefore screen potential partners carefully. Relationship managers are responsible for making sure that our partners understand our rules and know they're expected to follow them.

HOW?



These guidelines apply to the whole FIFA team, as well as to any third-party intermediaries or business partners acting on FIFA's behalf. Breaches of these guidelines could lead to disciplinary action, including termination of employment.

ANTI-BRIBERY AND CORRUPTION

SWISS LEGAL REQUIREMENTS

INTRODUCTION

The giving and taking of bribes in the private sector is included in articles 322^{octies} and 322^{novies} of the Swiss Criminal Code (SCC). It is also governed by art. 4a of the Federal Law on Unfair Competition (UCA). The giving and taking of bribes in the private sector is, with the exception of *de minimis* cases, pursued *ex officio*. In other words, the law enforcement authorities may open investigation proceedings without regard to whether or not a criminal complaint was filed. In addition, it is not a prerequisite that bribery in the private sector results in a market distortion.

Active and passive bribery of FIFA team members while performing their duties for FIFA can therefore lead to criminal prosecution and have financial consequences.

The giving and taking of bribes can additionally still be classified as an "unfair act", giving the person whose economic interests are damaged the opportunity to, in particular, commence legal action for rectification of the violation and for compensation of damages (art. 4a UCA).

Furthermore, in the event of active corruption pursuant to art. 322^{octies} SCC, sanctions can also be imposed on the entity that has not taken every necessary and reasonable precaution (for example, by information and control of its employees) to prevent acts of bribery. In the event that the entity fails to take all such reasonable organisational measures, it can be sanctioned with an amount of up to CHF 5 million.

OBLIGATION

All FIFA team members are requested to take note of and strictly comply with these legal provisions.

"Art. 322^{octies} SCC: Bribery

Any person who offers, promises or gives an employee, partner, agent or any other auxiliary of a third party in the private sector an undue advantage for that person or a third party in order that the person carries out or fails to carry out an act in

connection with his official activities which is contrary to his duties or dependent on his discretion is liable to a custodial sentence not exceeding three years or to a monetary penalty."

"Art. 322^{novies} SCC: Accepting bribes

Any person who as an employee, partner, agent or any other auxiliary of a third party in the private sector demands, secures the promise of, or accepts an undue advantage for himself or for a third party in order that the person carries out or fails to carry out an act in connection with his official activities which is contrary to his duties or dependent on his discretion is liable to a custodial sentence not exceeding three years or to a monetary penalty."

"Art. 322^{decies} SCC: General provisions

1. The following are not undue advantages:
 - a. advantages permitted under public employment law or contractually approved by a third party;
 - b. negligible advantages that are common social practice.
2. Private individuals who fulfil official duties are subject to the same provisions as public officials."

"Art. 4a UCA: Giving and taking of bribes

1. A person is guilty of unfair competition if he:
 - a. offers, promises or grants an undue advantage to an employee, shareholder, agent or other auxiliary person of a third party in the private sector in connection with the latter's official or business activity for an act or omission contrary to his obligations or at his discretion in his favour or in that of a third party;
 - b. demands, promises or accepts an improper advantage for himself or a third party as an employee, shareholder, agent or other aide to a third party in the private sector in connection with his official or business activity for an act or omission in breach of duty or discretion.
2. An advantage that is not undue is one that has been contractually approved by the third party or one that counts as a minor, socially acceptable advantage."

DEFINITIONS

FIFA team members

The Secretary General

The Deputy Secretaries General

The Chief Officers

All other employees of FIFA

All freelancers and volunteers (to the extent permitted by law)

All employees and members of executive bodies of FIFA's consolidated subsidiaries

Government officials

Any director, officer or employee of a foreign or local government or any department, agency, instrumentality thereof, or entity owned or controlled by a government;

Any person acting in an official capacity for or on behalf of any such foreign or local government, department, agency, instrumentality, or entity;

Any director, officer, or employee of any public international organisation;

Any officer or employee of any political party or affiliation; and

Any candidate for political office.

Third-party intermediary (TPI)

TPIs are third parties that interact with government officials or business partners on FIFA's behalf.