



Ajuntament de
Barcelona



Barcelona
Activa



POLICY ON
GIFTS
AND OTHER
BENEFITS
BARCELONA ACTIVA



INDEX

Introduction	3
Scope of application	4
Goals of the policy	5
General prohibition	6
Requirements for gifts and other benefits	8
Limits on gifts and other benefits	9
Procedure to follow if presented with gifts or other unacceptable benefits	10
Register of gifts and other benefits	11
Notification of gifts and other benefits	11
Notification and investigation of breaches	12
Disciplinary system	13
Monitoring and review	13
Approval and entry into force	13
Appendix 1. Notification form for gifts and other benefits	14
Appendix 2. Registration form for gifts and other benefits	15

INTRODUCTION

On 22 March 2022, the Board of Directors of Barcelona Activa, SAU SPM (hereinafter, Barcelona Activa) approved the implementation of a criminal compliance management system. The documents in this criminal compliance management system include a plan with anti-fraud measures to assess the risk of fraud and conflicts of interest and establish processes to address them. This plan, in turn, incorporates the [Anti-Fraud Policy](#) and the [Conflict of Interest Procedure](#), in order to comply with Directive (EU) 2017/1371 on the fight against fraud to the Union's financial interests, and Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, as well as Act 11/2021, of 9 July, on measures for preventing and combating tax fraud in the management of projects linked to the Recovery, Transformation and Resilience Plan (PRTR) funded through the Next Generation EU scheme, and Order HFP/1030/2021, of 29 September.

Barcelona Activa participates in the implementation of PRTR measures and is therefore required to have an anti-fraud plan and to establish reinforcement measures to prevent, detect and remedy fraud, corruption and conflicts of interest, in order to guarantee that the corresponding funds have been used in accordance with the applicable regulations.

Furthermore, although Barcelona Activa has its own anti-fraud plan, in order to reinforce compliance and the fight against fraud, on 3 February 2022 it expressed its commitment to the highest standards of compliance with legal, ethical and moral standards and adherence to the strictest principles of integrity, objectivity, impartiality, transparency and honesty, by [signing on to the Institutional Statement of Integrity](#), passed by Barcelona City Council's Government Commission, showing a firm commitment to rejecting, combating and reporting fraud and any form of corruption or conflicts of interest that violate the principles of integrity, impartiality, objectivity and transparency.

As such, the [Barcelona Activa Ethical Code](#), approved by the Board of Directors on 7 March 2023, reflects the commitment to developing a policy on gifts and other benefits in order to prevent and avoid cases that could lead to conflicts of interest regarding any person linked to the company, and in order to establish additional anti-fraud measures.

Gifts or benefits may lead to a conflict of interest because gratitude associated with accepting the gift may influence future independence and impartiality. As such, these kinds of gifts or other benefits may become private interests that influence professional judgement and therefore create conflicts of interest, or indirectly give rise to activity potentially linked to fraud or corruption.

INTRODUCTION

Barcelona Activa has drawn up this Policy on Gifts and Other Benefits so that, if presented with a gift or other monetary or non-monetary benefits, the individuals who are part of this institution have a clear understanding of their obligations as public policy agents and are aware of the procedures they must follow to guarantee impartiality and independence, which are crucial for public service.

Given the above, Barcelona Activa, as an organisation committed to compliance with the law and to promoting a work culture based on the highest ethical standards, in order to establish control measures and additional monitoring mechanisms to fight fraud and avoid situations that may lead to conflicts of interest, has drawn up this Policy on Gifts and Other Benefits, and commits to ensuring that it is applied and to implementing any necessary improvements and updates to guarantee its effectiveness.

SCOPE OF APPLICATION

This policy applies to all individuals affiliated with Barcelona Activa, as well as members and partners of the company, without exception. In this regard, all employees are subject to this policy, regardless of their position or post within the company, and especially managers and executives, who must show ethical leadership and a commitment to this leadership.

This policy is likewise applicable to Barcelona Activa's relationships with all third parties, such as suppliers, clients and any other third party with which it has a working relationship. All interested parties are subject to the principles set out in this policy as far as it applies to them.

Notwithstanding the fact that Barcelona Activa's business activity is limited to the Barcelona metropolitan area, this policy applies to activities and operations undertaken by Barcelona Activa, regardless of geographic area.

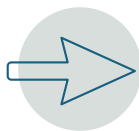
SCOPE OF APPLICATION

Failure to comply with this policy or any associated regulations shall be subject to the corresponding disciplinary system, which shall be applicable without prejudice to any other applicable proceedings, including criminal, civil or administrative action.

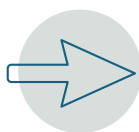
Finally, insofar as Barcelona Activa is an organisation fully owned by Barcelona City Council, it also undertakes to comply with the content of [Barcelona City Council's Code of Ethics and Conduct](#), wherever applicable.

GOALS OF THE POLICY

The main goals of this Policy on Gifts and Other Benefits are as follows:



Implement the provisions of Section 4 of [Barcelona Activa's Ethical Code](#), which states that members must turn down gifts or other benefits from any person or organisation when this is outside standard professional practice, as well as any benefits offered in a personal context. Similarly, Barcelona Activa members may not give gifts or goods of any kind to third parties or organisations.



Ensure that members of Barcelona Activa, as well as any third parties, such as supplier companies, partners, users and anyone else with a professional relationship or partnership with the company, comply with the organisation's main rules of regulatory compliance.

GENERAL PROHIBITION

All Barcelona Activa members must turn down any gifts or benefits from any person or organisation when this is outside standard professional practice or the offer is made in a personal context. In this regard, Barcelona Activa members may not give any gifts or goods of any kind to third parties or organisations.

As a general rule, staff subject to this policy may not accept or offer gifts, presents, commissions, compensation, assistance, perks or any other kind of benefits or favours, whether in cash or in kind, from any natural or legal person with whom they have or seek to have a professional relationship or partnership. The purpose of this policy is to avoid such gifts or benefits directly or indirectly affecting or influencing the objectivity and integrity of these relationships.

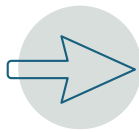
As such, they cannot give or receive benefits or commissions of any kind, including offers or promises or any kind of advantage, from any public servant, staff from other companies, political parties, authorities, client or supplier companies or any other third-party individuals or organisations.

Specifically, there will be no tolerance for gifts or benefits that violate laws, regulations or rules, whether external or internal, or gifts or benefits that are accepted or offered with the following goals:



GENERAL PROHIBITION

Influence decision-making to gain any kind of advantage, differential treatment, business expectations, influence or direct or indirect procurement obligations.

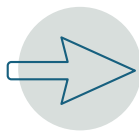


Influencing decision-making to obtain advantages of any kind, difference in treatment, business expectations, ability to influence or obligation, direct or indirect, of contracting.

Influence the professional activities of Barcelona Activa employees in any way with the intent of interfering with their ability to perform their work objectively and independently and in the best interests of Barcelona Activa.

Likewise, those subject to this policy may not solicit gifts for themselves or for others from third parties, whether public or private, with which they have a professional relationship or partnership of any kind.

In this regard, for the purposes of this policy, forbidden actions include, but are not limited to, the following:



Offering or accepting cash gifts, or any gift cards, cheques or equivalent items for the purchase of goods or services at any establishment.

Offering gifts, presents or any other kind of assistance or favour to public servants, politicians or employees from any national or international public organisation. This prohibition does not include items involved in attending or participating in events organised by Barcelona Activa.

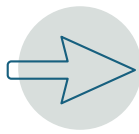
Offering or accepting invitations that are legally or socially unacceptable in nature.

Offering or accepting travel or hotel invitations unless they are part of attendance at an event to which the employee has been invited as a Barcelona Activa representative and solely including travel and accommodation for this participation. In any case, there must be compliance with Barcelona Activa's Representation Expenses Policy.

All of the above refers to gifts and benefits regardless of where they are received, there being no difference between whether they are received at Barcelona Activa or at an individual's private home.

REQUIREMENTS FOR GIFTS AND OTHER BENEFITS

As an exception, the following is permitted, as far as it is presumed such activity does not seek to unduly influence decisions and does not condition professional duties:



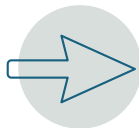
Accepting gifts or other benefits if all of the following requirements are met:

Their value must be reasonable, symbolic or financially negligible. Gifts are defined as having a reasonable value if, individually or taken together, they do not exceed the limits established in Section 6 of this policy within a one-year period.

They must reflect typical, well-established business courtesy, as part of ordinary marketing strategies, such as promotional advertising items, products commonly used at marketing events and official gifts.

They may not violate the values and ethics and transparency principles adopted by Barcelona Activa or the principles of its ethical code and Barcelona City Council's ethical code.

They must be permissible under applicable legislation.



Making gifts or donating other benefits to partner organisations and individuals if all of the following requirements are met:

They must be made in a corporate capacity, never in a personal capacity.

They must reflect well-established Barcelona Activa promotional or official purposes.

They must first be reported and justified to the Compliance Committee, and this committee must authorise them.

LIMITS ON GIFTS AND OTHER BENEFITS

Gifts or other benefits that meet the requirements to qualify as an exception and are worth 50 euros or less in local currency may be accepted without the need to notify the Compliance Committee, as they are considered financially negligible under Article 8 of [Barcelona City Council's Code of Ethics and Conduct](#).

To calculate these values, all gifts and other benefits offered by a single third party over the course of a year are considered.

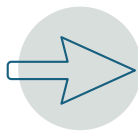
In order to monitor the cumulative limit of 50 euros, each Barcelona Activa directorate must draw up a register of gifts and other benefits in accordance with Appendix 2 of this policy, regardless of the financial value of the gift or benefit offered or made.

If it is difficult or impossible to determine whether or not the value of the gift or any other benefit exceeds the limit established in this section, the rule is to err on the side of assuming it is an unacceptable gift or benefit, in accordance with the procedure established in the following section of the policy.



PROCEDURE TO FOLLOW IF PRESENTED WITH GIFTS OR OTHER UNACCEPTABLE BENEFITS

If presented with gifts or other benefits that exceed the limit of 50 euros and do not fall under the aforementioned exceptions, Barcelona Activa members must act as follows:



Immediately reject the gift or benefit and return it to the offering person or organisation and leave sufficient evidence for at least a year in each directorate's register.

Immediately notify the Compliance Committee using the form in Appendix 1 of this policy through the established channels, in no more than five working days.

In the event that the receptor intends to comply with this policy and reject the gift or benefit, but it is impossible to return it or, due to the circumstances, context or culture of the giver, turning it down would be uncomfortable or disrespectful, the gift or benefit shall be temporarily accepted. The Compliance Committee will then be notified within five working days and the gift or benefit shall be turned over to the Legal Services Directorate, the custodian of the gift during the Compliance Committee's deliberation process.

Once the notification has been received, the Compliance Committee will reply as soon as possible in order to comply with the goals of this policy.

Furthermore, if the gift or any other benefit cannot be returned, the Compliance Committee will decide on its final destination.

Finally, the committee will record this notification in the Register of Gifts and Other Benefits.

REGISTER OF GIFTS AND OTHER BENEFITS

Each Barcelona Activa directorate must draw up a register of gifts and other benefits in accordance with Appendix 2 of this policy in order to have a record of all gifts or other benefits received or offered, regardless of financial value.

The Compliance Committee must have access to the Register of Gifts and Other Benefits at all times. It may also serve as proof in the event of audits or financial controls.

Barcelona Activa, through the information on record in each directorate's register of gifts and other benefits, and through the notifications to the Compliance Committee, must draw up a register of gifts and other benefits every year, including the date of receipt, a description of the gift or other benefit, the approximate financial value and the identity of the recipient and the giver, as well as their position and company or organisation. Finally, it must also indicate the final destination of the gifts or other benefits that couldn't be returned.

This register must be published annually on Barcelona Activa's [Transparency Portal](#).

NOTIFICATION OF GIFTS AND OTHER BENEFITS

In accordance with the procedures specified in Section 7 of this policy, on how to act when presented with gifts or other benefits that exceed the limits established in Section 6, with the only exceptions being those specified in Section 5, Barcelona Activa staff must immediately notify this through the form in Appendix 1 of this policy, within five days, regardless of whether or not it was possible to return the gift or benefit.

Likewise, if a directorate intends to offer promotional or official gifts to partner organisations or individuals, as long as the conditions of Section 5 are met, it must notify and justify this to the Compliance Committee, which must authorise it.

The channel established for notifying the Compliance Committee is compliance@barcelonactiva.cat.

NOTIFICATION AND INVESTIGATION OF BREACHES

Notifications of regulatory and ethical breaches regarding the subject matter of this policy should preferably be made through the [Barcelona Activa Reporting Channel](#), which is available for all organisation members, as well as external partners and users, to access at any time.

Without prejudice to the above, notifications can also be made verbally to the relevant head or manager, who must immediately notify the Compliance Committee, or to the Compliance Committee directly through compliance@barcelonactiva.cat.

Similarly, these incidents may also be reported through [Barcelona City Council's Reporting Channel](#) or through the [channel set up by the Catalan Anti-Fraud Office](#), as it is an organisation wholly owned by Barcelona City Council.

All the guarantees established in [Barcelona Activa's Internal Information System Policy](#) apply to notifications of possible breaches.

Furthermore, the investigation of possible breaches or suspected irregularities shall be governed by the provisions of [Barcelona Activa's Internal Information System Policy](#). The procedure covers the analysis, investigation, decision, response and remedying stages.

In any case, Barcelona Activa must at all times guarantee the confidentiality of the circumstances notified, as well as the anonymity of the whistleblower, if needed, and the indemnity and protection of both the whistleblower and third parties that may be affected, except in cases where knowingly false information is provided, pursuant to Act 2/2023, of 20 February, governing the fight against corruption and protection of whistleblowers reporting regulatory breaches.

DISCIPLINARY SYSTEM

If, following the corresponding investigation, it is proven that an act or omission that constitutes a breach of any applicable regulations has taken place, Barcelona Activa may apply the corresponding disciplinary measures or penalties to the person guilty of the breach and, where applicable, must report the incident to the competent authorities.

MONITORING AND REVIEW

Barcelona Activa's Compliance Department, which is part of the Legal Services Directorate, is in charge of regularly reviewing implementation of and compliance with this policy. Monitoring this policy includes the procedures for notifying about gifts and other benefits, as well as breaches of procedure, periodic reviews of the effectiveness of staff training, reports and registers of incidents, and reviews of the adaptation of regulatory compliance to current legislation.

APPROVAL AND ENTRY INTO FORCE

This policy shall be applicable the day after it is approved by the Barcelona Activa Board of Directors and shall be in effect until it is amended or repealed.

POLICY ON GIFTS AND OTHER BENEFITS

APPENDIX 1. NOTIFICATION FORM FOR GIFTS AND OTHER BENEFITS

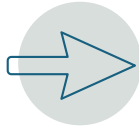
GIFT RECEIVED BY BARCELONA ACTIVA
Full name of recipient:
Job title and directorate:
Date of receipt of the gift or other benefit:
Description of the gift or other benefit:
Justification for receiving the gift or other benefit:
Approximate financial value:
Organisation giving the gift:
Date Compliance Committee notified:
Signature:

GIFT MADE BY BARCELONA ACTIVA
Directorate seeking to make the gift:
Justification for offering the gift or other benefit:
Description of the gift or other benefit:
Approximate financial value:
Receiving organisation:
Date Compliance Committee notified:
Signature:

POLICY ON GIFTS AND OTHER BENEFITS

**APPENDIX 2. REGISTRATION FORM
FOR GIFTS AND OTHER BENEFITS**

Date received or made	
Item constituting the gift or other benefit	
Approximate financial value	
Justification for the gift or other benefit	
Given by	
Offered to	
Job title and directorate	
Returned or sent to	
Signature:	



Contact







compliance@barcelonactiva.cat





Barcelona Activa Headquarters

Carrer de la Llacuna, 162-164
08018 Barcelona
+34 934 01 97 77

-  barcelonactiva.cat
-  [barcelonactiva](https://www.instagram.com/barcelonactiva)
-  [barcelonactiva](https://twitter.com/barcelonactiva)
-  [company/barcelona-activa](https://www.linkedin.com/company/barcelona-activa)
-  [barcelonactiva](https://www.facebook.com/barcelonactiva)
-  [barcelonactiva](https://www.tiktok.com/@barcelonactiva)

