

Compliance i nabava

17. konferencija o nabavi
AGILNA NABAVA - ZAŠTITNIK
POSLOVANJA

03. 11. 2022.

dr.sc. Silvija Vig, CCEP-I



CODUPO
COMPLIANCE



Dr.sc. Silvija Vig



Savjetnik, predavač, trener i autor

- Vlasnica tvrtke CODUPO Compliance
- Doktorat iz poslovne etike, Ekonomski fakultet Zagreb
- Predavač “Business Ethics and CSR” na R.I.T Croatia
- CCEP-I – Certified Compliance & Ethics Professional - International
- LPEC – Leading Professional in Ethics & Compliance
- Certified ISO 37301 Compliance Management Systems – Lead Implementer
- Certified ISO 37001 Anti-bribery Management System - Lead Implementer & Auditor
- Certified ISO 31000 Lead Risk Manager
- Certified CTT – Cultural Transformation Consultant
- Certified Executive Coach, Certified NLP Master Practitioner & NLP Master Practitioner Coach
- Članica odbora Komisije za društveno odgovorno poslovanje i borbu protiv korupcije ICC Hrvatska
- Expert of the Regional Anti-corruption Initiative - RAI
- Autorica knjige „Poslovna etika”



2022 procurement priorities

1 REDUCE SUPPLY RISK TO ENSURE SUPPLY CONTINUITY
Enhancing business resilience and minimizing the impact of supply disruption to protect revenue and profitability have become the top priority for the first time in our annual Key Issues Study. We expect procurement organizations will continue to enhance visibility, agility and capability.

2 REDUCE SPEND COST
Reducing the cost of supplier spend remains a core priority, though the focus has shifted to mitigating the cost effects of the current inflationary environment, whether through supplier relationships, contract terms or even hedging.

3 ACT AS A STRATEGIC ADVISOR TO THE BUSINESS
Procurement organizations continue to view becoming a strategic advisor to the business as a key enabler to achieving performance goals and delivering on an expanding list of enterprise and functional objectives.

4 ENABLE CORPORATE SUSTAINABILITY
The expectations and demands of procurement's stakeholders (e.g., employees, customers, governments) around supplier sustainability (e.g., environment, social, governance) have elevated this priority more than any other on procurement's agenda – from No. 8 in 2021 to No. 4 in 2022.

5 ACCELERATE PROCUREMENT'S DIGITAL TRANSFORMATION
Digital transformation has become an essential enabler of procurement organizations' ability to deliver new services amid constrained budgets, with better intelligence and increased speed, customer-centricity, and competitive advantage.

6 IMPROVE ANALYTICAL, MODELING AND REPORTING CAPABILITIES
Procurement now recognizes that success increasingly requires a data and insight-driven approach to value identification. A critical enabler is making ever-expanding sources of reliable, up-to-date and forward-looking data and intelligence available to end users. 2022 will require specific focus on modeling and projecting the impact of inflation.

7 ALIGN SKILLS AND TALENT WITH CHANGING BUSINESS NEEDS
The modern vision of procurement requires strengthening skills and competencies, whether to improve stakeholder engagement, meet raised business expectations, or develop new capabilities in areas like sustainability, supply risk, and data intelligence. The Great Resignation has exacerbated this challenge, requiring specific focus on retention.

8 MODERNIZE PROCUREMENT APPLICATION PLATFORMS
Procurement continues its shift from on-premises legacy systems to cloud-based suites, while filling functionality gaps in the suite and/or substituting some suite modules with cloud-based point solutions.

9 IMPROVE PROCUREMENT AGILITY
Agility is about more than being flexible and change-ready; it also includes the ability to anticipate, predict and rapidly react to shifts in the external marketplace. This in turn is critical to rapidly changing business priorities, supply markets and a robust supply risk management capability.

10 IMPROVE STAKEHOLDER-CENTRICITY
Study respondents understand that being a modern, strategic, business-enabling function requires a focus on the needs and expectations of stakeholders (e.g., customer, internal business, supplier), as well as procurement itself. The function's operating model must be designed through the lens of these groups.

Društveno odgovorno poslovanje

Corporate social responsibility – CSR - bilježi **najveći porast** od svih prioriteta nabave od 2019. - **porast za 22%**.

Procurement priorities are changing (and increasing) for CPOs

Over the next 12 months, how much of a priority are each of the following business strategies?

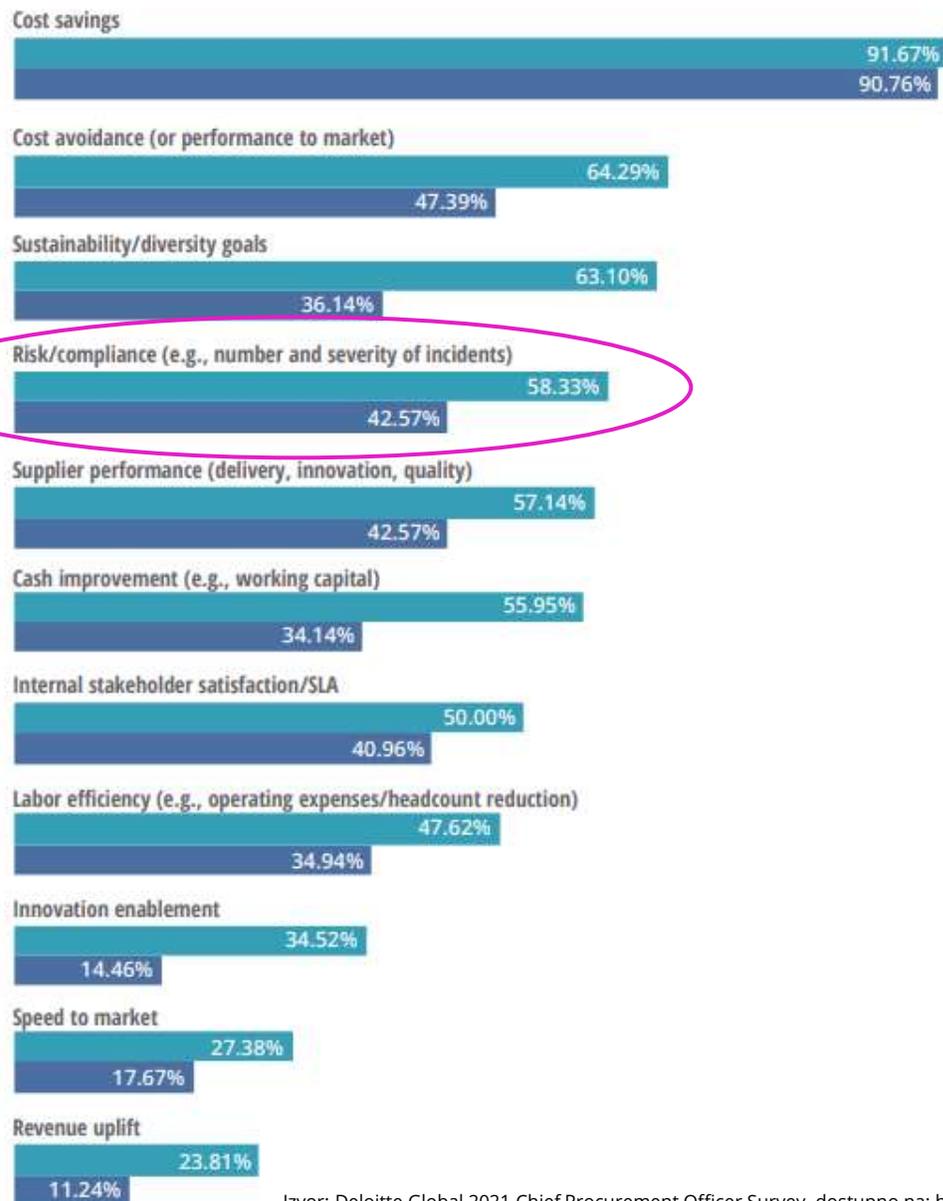
■ 2021 ■ 2019



High performers more commonly get formally measured on a greater breadth of KPIs

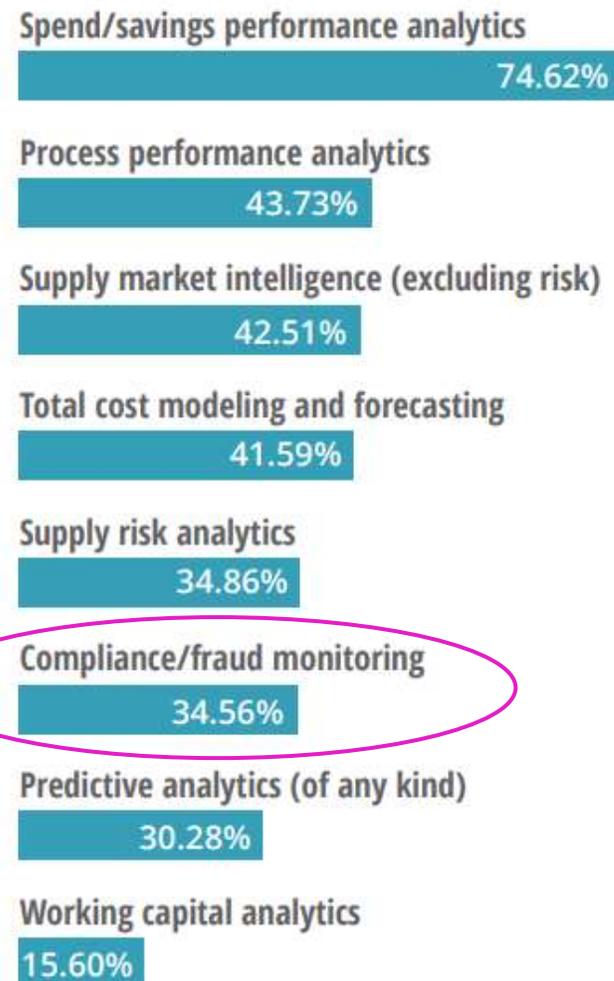
Which of the following do you get formally measured on? (Select all that apply)

■ High performers ■ Others (Non-high performers)



The value of analytics to drive savings and spend management performance

Which of the following types of analytics have you found most valuable?



Što je Compliance u nabavi?

Usklađenost znači raditi ono **što biste trebali učiniti**.

- Usklađenost znači da **slijedite pravila** - da se sva nabava odvija **u skladu s politikama** koje je **tvrtka propisala i odobrila**.

Osigurava da se dobavljači, kupci i zaposlenici **pridržavaju uvjeta navedenih u svojim ugovorima**, štiteći vašu organizaciju od **prijevare, korupcije** i **lažnog trošenja**.



Transparentnost i vidljivost

- Moramo imati **uvid u klijente s kojima poslujemo**, što je dublje moguće u lancu opskrbe – poddobavljači **mogu biti uključeni u neetičke prakse nabave** koje bi mogle dovesti do reputacijskog rizika.
-



Korupcija i nabava

- Nabava je jedna od **korupcijski** najosjetljivijih aktivnosti.
 - Može se **dogoditi u svim fazama nabava** od odluke do ugovor, utvrđivanja potreba, specifikacije ugovora, postupaka nadmetanja, implementacije ugovora do evaluacije.
-



Regulativa i Compliance

1. Zakonski okvir na pojedinim tržištima (npr. **The U.S, Federal Sentencing Guidelines for Organization, Chapter Eight**)

Effective Compliance and Ethics Program

- (a) To have an effective compliance and ethics program, for purposes of subsection (f) of §8C2.5 (Culpability Score) and subsection (b)(1) of §8D1.4 (Recommended Conditions of Probation - Organizations), an organization shall—
- (1) **exercise due diligence to prevent and detect criminal conduct;** and
 - (2) **otherwise promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law.**
-

Program usklađenosti i etike

USSC Guidelines Manual 2018, Chapter 8 – Sentencing of organizations	ISO 37301
1. Standards and procedures	Requirements presented on clauses 4-10
2. Oversight by high-level personnel	Clause 5.1 <i>Leadership and commitment</i> Clause 5.3.2 <i>Compliance function</i>
3. Due care in delegating substantial discretionary authority	Clause 4.6 <i>Compliance risk assessment</i>
4. Effective communication with all levels within the organization	Clause 7.4 <i>Communication</i> Clause 9.1.4 <i>Compliance reporting</i>
5. Reasonable steps to achieve compliance	Clause 8.3 <i>Raising concerns</i> Clause 9 <i>Performance evaluation</i>
6. Consistent enforcement of compliance	Clause 7.2 <i>Competence</i> Clause 7.3 <i>Awareness</i> Clause 8.2 <i>Establishing controls and procedures</i> Clause 10.2 <i>Nonconformity and corrective action</i>
7. Reasonable steps to respond to and prevent noncompliance once detected	Clause 8.4 <i>Investigation process</i> Clause 10.1 <i>Continual improvement</i> Clause 10.2 <i>Nonconformity and corrective action</i>



Regulativa i Compliance

1. Zakonski okvir na pojedinim tržištima

2. Uvrštavanje dionica na pojedinim burzama (npr. **New York Stock Exchange (NYSE) Corporate Governance Standards**)

“It goes on to explore a range of topics that a board must address if it is to enable the company to achieve its full potential including strategy, risk management, communicating with shareholders, and overseeing an **effective ethics and compliance program.**”



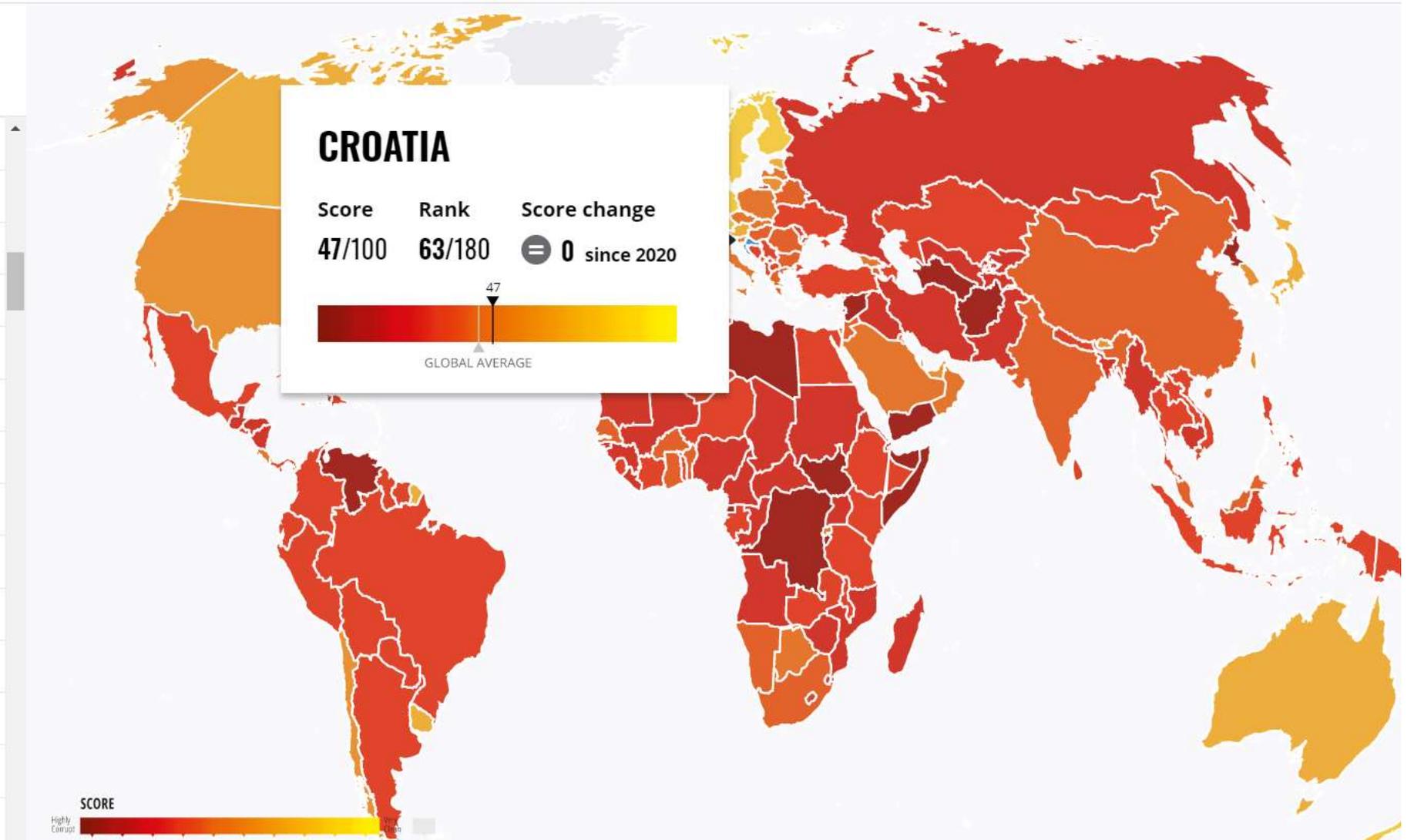
Regulativa i Compliance

1. Zakonski okvir na pojedinim tržištima
 2. Uvrštavanje dionica na pojedinim burzama (npr. NYSE, NASDAQ, LSE)
 3. Dobavljači ili distributeri multinacionalnih kompanija (FCPA, UKBA) – SME
-

CORRUPTION PERCEPTIONS INDEX 2021 – TRANSPARENCY INTERNATIONAL

Search

Score		Country	Rank
64	↑	Bahamas	30
63	⊖	Qatar	31
62	↑	Korea, South	32
62	↑	Portugal	32
61	↓	Spain	34
61	↑	Lithuania	34
59	↓	Israel	36
59	↑	Latvia	36
59	⊖	Saint Vincent and the...	36
58	⊖	Cabo Verde	39
58	↑	Costa Rica	39
57	↓	Slovenia	41
56	↑	Italy	42
56	⊖	Saint Lucia	42



Regulativa i Compliance

Industrije koje se smatraju visokorizičnim

Industries which are considered high risk are as follows⁸:

- Public works/construction
- Utilities
- Real estate, property, legal and business services
- Oil and gas
- Mining
- Power generation and transmission
- Pharmaceuticals and health care
- Heavy manufacturing
- Fisheries
- Arms, defence and military
- Transportation and storage
- Telecommunications
- Consumer services
- Forestry
- Banking/finance
- Information Technology
- Civilian aerospace
- Light manufacturing
- Agriculture

EXAMPLE OF SIMPLE RISK ASSESSMENT TOOL:

High risk industry	High	High
Low risk industry	High/Low	Low
High value contract	High	High/Low
Low value contract	High/Low	Low
Any contract involving public officials (or connected – for definition of public official see section 1)	High	High
RESULTS		
High = due diligence is required		
Low = due diligence is not required		
Mix of High and Low = due diligence is required and the extent is to be determined by the Enterprise (see section 2)		



Regulativa i Compliance

1. Zakonski okvir na pojedinim tržištima (npr. FCPA, UKBA)
 2. Uvrštavanje dionica na pojedinim burzama (npr. NYSE, NASDAQ)
 3. Dobavljači ili distributeri multinacionalnih kompanija (FCPA, UKBA)
 4. Dobivanje kredita/potpore od pojedinih institucija (npr. EBRD, WB)
 5. Plaćanje velikih kazni zbog neetičnog ponašanja u prošlosti (E&C Program)
-

Zašto je dubinska analiza potrebna?

...da tvrtka **ne posluje** s onima koji su uključeni u **koruptivne** aktivnosti.

Šest stupova due diligence-a:

1. Stvarno vlasništvo
2. Financijska pozadina i plaćanje ugovora
3. Kompetentnost treće strane
4. Izvori iz javnih baza: Povijest korupcije i štetne vijesti
5. Reputacija – komercijalne reference
6. Pristup etici i usklađenosti



Compliance nabave još uključuje...

- Neovisni nadzor
 - Ugovor – antikorupcijske klauzule
 - Due diligence lanca opskrbe
 - Praćenje
-



HVALA!

dr.sc. Silvija Vig, CCEP-I, Certified ISO 37001 ABMS Lead Implementer & Auditor, ISO 37301 CMS Lead Implementer

Kontakt: info@codupo.hr

Web: www.codupo.hr

