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Anti-bribery management systems — Requirements with guidance for use

Systèmes de management anti-corruption — Exigences et recommandations de mise en œuvre

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This document was prepared by Technical Committee ISO/TC 309, *Governance of organizations*.

This second edition cancels and replaces the first edition (ISO 37001:2016), which has been technically revised. It also incorporates the Amendment ISO 37001:2016/Amd 1:2024.

The main changes are as follows:

— subclauses were added on climate change and stressing the importance of the compliance culture;

— conflicts of interest were addressed;

— the concept of the anti-bribery function was clarified;

— the wording was harmonized with other standards where appropriate and reasonable;

— the latest harmonized structure was introduced.

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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[19] and the United Nations Convention against Corruption[18] 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 help 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.

This document can be used in conjunction with other management system standards (e.g. ISO 9001, ISO 14001, ISO/IEC 27001, ISO 37301 and ISO 37002) and management standards (e.g. ISO 26000 and ISO 31000).

Guidance for the governance of organizations is specified in ISO 37000 and requirements for a general compliance management system are specified in ISO 37301.

国际标准

ISO 37001

反贿赂管理体系 要求及使用指南

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前言

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ISO/IEC指令第1部分描述了用于开发本文件和进一步维护本文件的程序。特别是，应注意不同类型的ISO文件所需的不同批准标准。本文件是根据ISO/IEC指令第2部分的编辑规则起草的（见www.iso.org/directives）。

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本文件由ISO/TC 309组织治理技术委员会编写。

第二版取消并取代了第一版（ISO 37001:2016），第一版在技术上进行了修订。它还包含修订ISO 37001:2016/Amd 1:2024。

主要变化如下：

——增加了关于气候变化的条款，并强调了合规文化的重要性；

——解决了利益冲突；

——明确了反贿赂职能的概念；

——措词在适当和合理的情况下与其他标准协调一致；

——引入了最新的高阶结构。

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引言

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各国政府通过《经济合作与发展组织关于在国际商业交易中打击贿赂外国公职人员行为的公约》[10]和《联合国反腐败公约》[18]等国际协定以及通过本国法律，在打击贿赂方面取得了进展。在大多数司法管辖区，个人从事贿赂是一种犯罪行为，而且越来越多的趋势是使组织和个人对贿赂承担责任。

然而，仅靠法律是不足以解决这个问题的。组织有责任主动参与打击贿赂。这可以通过本文件旨在提供的反贿赂管理体系，以及通过领导承诺建立廉洁、透明、开放和合规的文化来实现。组织文化的性质对反贿赂管理体系的成败至关重要。

一个管理良好的组织应该有一个合规政策，由适当的管理体系支持，以帮助它遵守其法律义务和对诚信的承诺。反贿赂政策是整体合规政策的一个组成部分。反贿赂政策及配套的管理制度有助机构避免或减低涉及贿赂的成本、风险和损害，在商业交易中增进信任和信心，并提高机构的声誉。

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符合本文件并不能保证组织没有发生或将发生贿赂，因为不可能完全消除贿赂的风险。然而，本文件可以帮助组织实施合理和相称的措施，以预防、发现和应对贿赂。

本文件可与其他管理体系标准（例如ISO 9001、ISO 14001、ISO/IEC 27001、ISO 37301和ISO 37002）和管理标准（例如ISO 26000和ISO 31000）结合使用。

ISO 37000中规定了组织治理指南，ISO 37301中规定了一般合规管理体系的要求。

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