

Legal Alert - Installation of the National Anti-Corruption Mechanism

On June 9th 2022, VCA published a Legal Alert regarding the new obligations in Compliance and Prevention and Repression of Corruption following the implementation of two legislative diplomas of the utmost importance, the Decree-Law n. 9109-E/2021, of December 9th and Law n. 993/2021, of 20/12.

Because of the implementation of this legislation, the Ministerial Order no. 164/2022 of June 23rd and the Resolution of the Council of Ministers no. 56/2022 of July 5th 2022 were published in the Diário da República, with the aim of regulating and concretely implementing the measures foreseen in the National Anti-Corruption Strategy, approved by the Resolution of the Council of Ministers no. 37/2021 of April 6th.

Ministerial Order no. 164/2022, of June 23rd 2022

- Ministerial Order 164/2022 of June 23rd regulated the establishment of the National Anti-Corruption Mechanism (MENAC), an independent administrative body whose mission is to promote transparency and integrity in public action and to ensure the effectiveness of policies to prevent corruption and related infractions;
- Until its definitive location, MENAC will work in installations allocated to the Ministry of Justice, and will have the support of human resources from Senior Technicians from the General Secretariat of the Ministry of Justice and the General Secretariat of the Ministry of Finance, who will prepare the project of MENAC's Internal Regulation, as well as providing the other support considered necessary by its President;
- The MENAC's operating costs will be covered by the General Secretariat of the Ministry of Justice until it has its own budget, to be included in the State budget for general expenditure;
- The definitive location of MENAC will be declared by joint decree of the Ministers of Justice and Finance, on the proposal of its President, as soon as MENAC has a budget allocation that covers its operating expenses, its governing bodies¹ have been set up and at least half of the posts on the monitoring commission and its staff map have been filled, which should be before **June 2023**².

¹ Lines a) to c) of Decree-Law no. 109-E, of December 9th.

² Article 28 n.º of Decree-Law n.º109-E, of December 9th.

Resolution of the Council of Ministers no. 56/2022 of July 5th 2022

- Appointment, upon the proposal of the Court of Auditors and the Attorney General of the Republic, of Mr. António Pires Henriques da Graça, retired counsellor judge of the Supreme Court of Justice, to the position of President of the National Anti-Corruption Mechanism