

## LEGAL ALERT

# SETTING UP MENAC AND THE START OF A NEW ADMINISTRATIVE OFFENCE REGIME

On 6 June 2023, [Ministerial Order no. 155-B/2023](#) was published, announcing the **installation of the National Mechanism to Prevent Corruption** (*Mecanismo Nacional Anticorrupção* - MENAC), which is responsible for monitoring and sanctioning offences against the **General Regime for the Prevention of Corruption** (*Regime Geral da Prevenção de Corrupção* - RGPC) and the **General Regime for the Protection of Whistleblowers** (*Regime Geral de Proteção de Denunciantes de Infrações* - RGPDI). According to the order, more than half of the posts on the staff map are expected to be filled **by September**.

MENAC is an **independent administrative body**, with legal personality under public law and powers of authority, endowed with autonomy, created with the aim of promoting transparency and integrity in public action and ensuring the effectiveness of policies to prevent corruption and related offences. [Decree-Law 109-E/2021](#) gives MENAC investigative and sanctioning powers, and it is competent to, among other things, **initiate administrative offence proceedings and report criminal suspicions**.

For companies, **administrative offences for violating the RGPC** can lead to fines of up to EUR 45,000, while **administrative offences for violating the RGPDI** can lead MENAC to penalise entities with a fine of up to EUR 250,000. As for individuals, the fines can reach EUR 3,740.98 and EUR 25,000, respectively.

It should be remembered that the legal provisions on administrative offence liability are already in force and taking effect. For now, only medium-sized companies - i.e. companies employing fewer

than 250 people and whose annual turnover does not exceed EUR 50 million or whose annual balance sheet total does not exceed EUR 43 million - are not subject to administrative liability for non-compliance with the RGPC, since for them the regime will only take effect from 7 June 2024.

In view of the definitive installation of MENAC, it is now essential to implement or review and optimise the internal plans and mechanisms for the prevention of corruption and the protection of whistleblowers, and it is expected that the first enforcement actions and the opening of the first administrative offence proceedings under the aegis of this new administrative authority will be announced very soon.

Morais Leitão team is at your disposal for any clarification regarding the RGPC, RGPDI and the future impact of the definitive installation of MENAC.

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