

OFFICIAL GAZETTE OF THE UNION

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Agency: Office of the Comptroller General / Minister's Cabinet

Ordinance n°. 57, of January 4th, 2019

Amends CGU Ordinance n° 1.089 of April 27th, 2018, which establishes guidelines for agencies and entities of the direct federal public administration, as well as autonomous government agencies and foundations to adopt procedures for structuring, execution and monitoring of their integrity programs, and provides other provisions.

THE MINISTER OF STATE FOR THE OFFICE OF THE COMPTROLLER GENERAL, in the exercise of the powers conferred upon him by item I of the sole paragraph of Article 87 of Federal Constitution, Article 1 of Annex of Decree n° 8.910 of November 22th, 2016, and Articles 19 and 20 of Decree n° 9.203 of November 22th, 2017, hereby resolves:

Art. 1 Federal public administration agencies and entities – including direct, autonomous, and foundational administration – shall establish an Integrity Program that demonstrates the commitment of senior management and is compatible with the organization's nature, size, complexity, structure, and area of operation.

§ 1 The commitment of senior management must be reflected in high standards of governance, ethics and conduct, as well as in strategic actions aimed at promoting a culture of integrity within the agency or entity.

§ 2 The establishment of the Integrity Program shall occur in phases and will be formalized through an Integrity Plan.

Art. 2 For the purposes of this Ordinance, the following definitions apply:

I – Integrity Program: A structured set of institutional measures aimed at prevention, detection, punishment and remediation of corruption, fraud, irregularities and ethical or conduct violations;

II – Integrity Risk: A vulnerability that may enable or facilitate the occurrence of corruption, fraud, irregularities, and/or ethical or conduct violations, potentially compromising the institution's objectives;

III – Integrity Plan: A document, approved by senior management, that organizes the integrity measures to be adopted over a specific period of time and must be reviewed periodically.

First Phase

Art. 4 In the first phase of establishing the Integrity Program, agencies and entities shall create Integrity Management Unit, which will be assigned the following responsibilities:

I – Coordinating the structuring, implementation and monitoring of the Integrity Program

II – Providing guidance and training to public servants on topics related to the Integrity Program; and

III – Promoting other actions related to the implementation of the Integrity Program, in collaboration with other unit of the agency or entity;

§ 1 The Integrity Management Unit must have autonomy and the necessary material and human resources to carry out its responsibilities, as well as access to other units and to highest hierarchical level of the agency or entity.

§ 2 Agencies and entities shall establish the Integrity Management Unit within fifteen days from the publication of this ordinance.

Second Phase

Art. 5 In the second phase, agencies and entities must approve their Integrity Plans, which shall include:

I – A description of the agency or entity;

II – Actions for establishing the units referred to in Articles 4 and 6 of this Ordinance

III – An assessment of integrity risks and corresponding mitigation measures; and

IV – A plan for monitoring and regularly updating the Integrity Plan

Sole paragraph: Agencies and entities must approve their Integrity Plans by March 29th, 2019.

Art. 6 In order to comply with item II of Article 5 of this Ordinance, agencies and entities shall assign to new or existing units the responsibilities related to the following processes and functions:

I – Promotion of ethics and rules of conduct for public servants, observing at minimum the provisions of Decree nº 1.171 of June 22th, 1994, Decree nº 6.029 of February 1st, 2007 and Resolution nº 10 of September 29th, 2008 of the Public Ethics Commission (CEP)

II – Promoting of active transparency and access to information, observing at minimum the provisions of Law No. 12,527 of November 18, 2011, Decree No. 7,724 of May 16, 2012, and Resolution No. 11 of December 11, 2017, of the CEP;

III – Handling of conflicts of interest and nepotism, observing at minimum the provisions of Law No. 12,813 of May 16, 2013, Decree No. 7,203 of June 4, 2010, and Interministerial Ordinance No. 333, issued by the Ministry of Planning, Development and Management and the Ministry of Transparency and Office of the Comptroller General, on September 19, 2013;

IV – Handling of reports and complaints, observing at minimum the provisions of Decree No. 9,492 of September 5, 2018, Law No. 13,460 of June 26, 2017, Joint Normative Instruction No. 1 from the Office of the Inspector General and the Office of the Ombudsman General, dated June 24, 2014, and Normative Instruction No. 1 from the Ombudsman General's Office, dated November 5, 2014;

V – Verification of internal control functioning and compliance with audit recommendations, observing at minimum the provisions of CGU Normative Instruction No. 03 of June 9, 2017, and CGU Normative Instruction No. 08 of December 6, 2017;

VI – Implementation of accountability procedures, observing at minimum the provisions of Decree No. 5,480 of June 30, 2005, CGU Ordinance No. 335 of May 30, 2006, CGU Ordinance No. 1,043 of July 24, 2007, and CGU Ordinance No. 1,196 of May 23, 2017.

Third Phase

Art. 7 In the third phase, agencies and entities shall implement and monitor their Integrity Program, based on the measures established in their Integrity Plan.

Sole Paragraph. Agencies and entities shall seek to expand the scope of their Integrity Program to include the public policies they implement and oversee, as well as their suppliers and other public or private organizations with which they maintain relationships.

Art. 8 The Office of the Comptroller General (CGU) shall monitor compliance with the provisions of this Ordinance by the agencies and entities and shall periodically publish the results.

Art. 9 This Ordinance enters into force on the date of its publication.