

## Notification of the National Anti-Corruption Commission

On Guidelines on Appropriate Internal Control Measures for Juristic Persons to Prevent the Grant of Property or Other Benefits to State Officials, Foreign Public Officials or Agents of Public International Organisations

---

Whereas, the Organic Act on Counter Corruption B.E. 2542 (1999), as amended by the Organic Act on Counter Corruption (No. 3) B.E. 2558 (2015), provides that the juristic person, that does not have in place appropriate internal control measures to prevent the commission of the offence; in the case that any person grants, offers to grant, or promises to grant any property or other benefits to any state official, foreign public official or agent of a public international organisation with intent to persuade such person to wrongfully perform, not perform or delay the performance of any duty in his office, and the offence is committed by a person who is related to the juristic person and takes action for the benefit of such juristic person; shall be liable and subject to a fine of one to two times of the damages caused or benefits received. Moreover, the National Legislative Assembly had approved the observations annexed to the report of the *ad hoc* Committee on the Draft Organic Act on Counter Corruption (No. 3) B.E. 2558 (2015), which recommended the National Anti-Corruption Commission to prescribe internal control measures for juristic persons to prevent bribery.

By virtue of Sections 5 and 19(13) of the Organic Act on Counter Corruption B.E. 2542 (1999), and its amendments, President of the National Anti-Corruption Commission, as approved by the National Anti-Corruption Commission, therefore, issues the notification as guidelines for juristic persons to prescribe the appropriate internal control measures to prevent the grant of property or other benefits to state officials, foreign public officials, or agents of public international organisations as follows:

Clause 1 This notification shall be called “the Notification of the National Anti-Corruption Commission on Guidelines on Appropriate Internal Control Measures for Juristic Persons to Prevent the Grant of Property or Other Benefits to State Officials, Foreign Public Officials or Agents of Public International Organisations”.

Clause 2 This notification shall come into force on the date after its publication in the Royal Government Gazette.

Clause 3 Each juristic person shall establish internal control measures to prevent any person who is related to such juristic person and takes action for the benefit of such juristic person from granting, offering to grant, or promising to grant any property or other benefits to any state official, foreign state official, agent of a public international organisation with intent to persuade such person to wrongfully perform, not perform or delay the

performance of any duty in his office, provided that such measures shall at least include the following elements:

- (1) Strong, visible policy and support from top-level management to fight bribery;
- (2) Risk assessment to effectively identify and evaluate exposure to bribery;
- (3) Enhanced and detailed measures for high-risk and vulnerable areas;
- (4) Application of anti-bribery measures to business partners;
- (5) Accurate books and accounting records;
- (6) Human resource management policies complementary to anti-bribery measures;
- (7) Communication mechanisms that encourage reporting of suspicion of bribery; and
- (8) Periodic review and evaluation of anti-bribery prevention measures and their effectiveness.

However, the mere existence of internal control measures is not an absolute guarantee against liability of the juristic person. The actual implementation of such measures shall also be taken into consideration.

Clause 4 The Office of the National Anti-Corruption Commission shall issue a manual of guidelines in prescribing appropriate internal control measures for juristic persons to prevent bribery of state officials, foreign state officials, or agents of a public international organisations.

Clause 5 The National Anti-Corruption Commission is entitled to take actions to monitor and evaluate the internal control measures in order to give advice, recommendation, or propose any amendment or collect information as regards juristic persons' internal control measures so as to be used as guidelines for other juristic persons or other organisations.

Clause 6 The Office of the National Anti-Corruption Commission shall establish an advisory centre for juristic persons in order to give information and advice relating to rules, international standards and good practices of foreign countries on juristic persons' measures to prevent bribery of state officials, foreign state officials, agents of a public international organisations.

Given on 30 November B.E. 2560 (2017)

Police General Watcharapol Prasarnrajkit

President of the National Anti-Corruption Commission