




ANTICORRUPTION COMPLIANCE IN THE MANUFACTURING INDUSTRY

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Today, the manufacturing industry is fueled by extensive supply networks and highly dynamic global operations, especially those operating in the USMCA area. The manufacturing companies, within the entire chain value must have robust and efficient compliance programs, with an emphasis on identification, prevention, detection and reaction to potential bribery, corruption and fraud events; We can't ignore the notable influence and momentum provided by the anti-corruption practice carried out through the Foreign Corrupt Practices Act (FPCA) with its interpretation guidelines given by the United States Department of Justice (DOJ), where there is a model of corporate criminal responsibility with the potential for transnational prosecution.

Anti-corruption compliance arises in particular for the automotive industry, with a marked preponderance within corporate or regulatory compliance, since crimes against corruption are those that are surely incorporated, within the first line of any catalog of crimes of the criminal responsibility of the legal person in the Penal Codes or special criminal legislation; either national or transnational public and/or private bribery, corruption, influence peddling, illicit enrichment, among others, that cannot be absent.

This trend represents an important boundary line for companies to conduct ethical business which requires being active participants in the fight against corruption.

Therefore, the companies are constantly implementing prevention, detection, reaction and control mechanisms in the face of corruption risks faced or generated by their activities, promoting the creation and maintenance of an organizational culture of corporate integrity where acts of corruption carried out on behalf of companies are not tolerated or promoted directly or through

their representatives and/or intermediaries, on their own, or through the means provided, thus demonstrating that they have due organizational control for their personal benefit.

In addition to the structure and strengthening of Compliance programs especially designed for the Mexican and Latin American market, compliance must have the vital mechanisms of every organization, transparency, non-retaliation for complaints and commitment to investigate the root cause of the allegations presented. Therefore, now there are many elements to prevent and remedy risks of corruption and fraud within the organization, and these elements can be focused on the particular risks of the automotive industry and its chain value, which continues to be one of the main economic engines of the USMCA area.

Avoiding corruption in its entirety or ending all risks is materially impossible, it is intended that through the implementation of an adequate Anti Bribery Management System, companies cannot be held, fundamentally, criminally liable by proving that they have due to the organizational control and have affirmative defenses in case of a governmental investigation.



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