

Code of Conduct

(“Grundsätze integren Verhaltens“)

I. Scope of application

This „Code of Conduct“ applies to all staff, trainees, interns, visiting interns, legal trainees and the members of the Management Board. For ease of readability, these individuals will hereinafter be referred to collectively as the ‘workforce’. These regulations also apply to members of the workforce on leave of absence from their employment with GIZ.

It also applies mutatis mutandis to development workers and integrated experts, meaning that it is incorporated into individual contractual agreements in a form specifically adapted to this group.

II. General principles

GIZ complies with the legislation and regulations of the Federal Republic of Germany and the partner countries in which it operates. It also requires its workforce and partners to do the same.

The workforce meets all **contractual obligations** towards third parties and observes **voluntary commitments** and **policies** of the company.

It acts in accordance with the **GIZ Code of Ethics** and is guided in its thinking and actions by the **GIZ Corporate Principles**.

III. Regulations on corruption and conflicts of interest

All forms of **active and passive bribery** are prohibited. It is not permissible to offer or grant **improper advantages** or to arrange for such advantages to be granted, either directly or indirectly. In business contexts it is likewise prohibited to request or accept improper personal advantages, whether directly or indirectly. All members of the workforce are required to familiarise themselves with and comply with the applicable national legislation regarding anti-corruption (e.g. advantages for public officials, limits on the value of gifts, etc.). Care must be taken to avoid giving even the slightest impression of the improper exertion of influence.

The workforce must ensure that **conflicts of interest** are dealt with appropriately. In particular, business and private matters need to be kept separate.

If a conflict of interest exists already or if a potential conflict becomes apparent, the members of the workforce concerned must be **transparent** in informing their manager accordingly. The manager must ensure that the conflict of interest does not impact upon business decisions.

1. Prohibition of active corruption - Gifts and advantages to third parties

It is prohibited to bribe others, to offer or grant **improper advantages** or to arrange for such advantages to be granted, directly or indirectly. Members of the workforce must ensure that they avoid giving even the slightest impression of the improper exertion of influence.

Bribery and the improper granting of advantages **by third parties** (e.g. agents, suppliers, other contractors) is also prohibited. Steps must be taken to ensure that remuneration levels for contractual partners are appropriate and correspond to the services they have agreed and performed. If an agreement is to be concluded for the purpose of forming a business relationship (e.g. via an acquisition agent), then the Procurement and Contracting Division must be notified of this in advance. The division ensures that remuneration is appropriate and countersigns the service provision.

Members of GIZ's workforce **do not make facilitation payments** nor do they arrange for third parties to make such payments.

The following applies to the giving of gifts and granting of other advantages to third parties in business contexts:

- Such gifts and advantages are only permitted as an act of courtesy.
- Gifts and other advantages must not give the appearance of dishonesty, impropriety or a binding obligation.
- The acceptance of small gifts amounting to a maximum of EUR 35.00 per annum and giver is permitted
- It may be appropriate to set the upper limit lower than EUR 35.00 in the field, depending on the situation of the partner country. This will be decided by the country director in accordance with national law.
- It is not permitted to gift cash or vouchers, regardless of the amount.
- Entertainment and hospitality are not subject to the EUR 35.00 limit; however, care must also be taken to ensure that any such entertainment and hospitality remains reasonable and does not give the impression of undue influence.
- Special sensitivity is required in dealings with public officials. The local legal situation often prohibits the granting of any advantages to such officials. Therefore the local legal situation must be clarified in advance and the relevant legislation observed.
- When granting sponsorship to government authorities in particular, care should be taken to ensure that there is no hidden and improper granting of advantages.
- If the relevant national legal situation or special requirements of subsidy donors and/or cooperation partners are more stringent than this rule, then the more stringent rule is to be used.
- If there is any doubt, gifts and advantages should not be given or granted.

Authorised exceptions

If it is necessary to make a facilitation payment to protect an object of protection that is of a higher legal value, in particular people's life or health, members of the workforce must obtain approval from the line-managing director of division. If this is not possible (imminent danger), then the payment must be reported retrospectively to the director of division without delay.



Useful knowledge:

Members of the workforce and managers can seek advice from the Integrity Advisor if they are in any doubt. The Integrity Advisor also gives advice on whether or not facilitation payments may be justified in individual cases.

Advantages are all benefits to which no entitlement exists and which constitute a better economic, legal or personal position for the recipient or someone close to the recipient (e.g. spouse or business partner, child, friend). These include free or reduced-price (private) travel, the use of vehicles, admission tickets, individual discounts, entertainment or hospitality of significant value, entry into consultancy agreements, etc.).

Facilitation payments: Facilitation payments refer to illegal payments made to public officials (usually in relatively subordinate positions) in order to speed up an official procedure. The term is used in the context of official actions to which the giver (of the facilitation payment) is legally entitled (e.g. customs clearance).

Public officials: The term 'public official' originates in criminal law. It includes civil servants, judges and other office holders under public law (e.g. ministers) or persons entrusted with tasks in public administration (e.g. election supervisors and also employees of limited companies insofar as they perform public administration tasks).

2. Prohibition of passive corruption - Gifts and advantages from third parties

In business contexts it is prohibited to request or accept improper personal gifts or advantages, whether directly or indirectly. The same applies to gifts and advantages for closely connected persons.

The following regulations apply to the acceptance of gifts and other advantages:

- Gifts and other advantages may only be accepted as an act of courtesy.
- The appearance of dishonesty, impropriety or indebtedness must not arise.
- Gifts and advantages must not exceed a current market value of EUR 35.00 per annum and giver. The acceptance of cash or vouchers – regardless of the amount – is not permitted.
- It may be appropriate to set the upper limit lower than EUR 35.00 in the field, depending on the situation of the partner country. This will be decided by the country director in accordance with national law.
- An improper gift or advantage must be declined or returned, provided that to do so would not be overly discourteous or disrespectful of typical local customs.
- If it is not possible to decline the gift/advantage, then it should be used by GIZ (for example, as an exhibit). Private use is generally prohibited, as is entering it into a prize draw for workforce members. However, please see the list of authorised exceptions below.

- If workforce members are offered or granted a gift or advantage worth more than EUR 35.00, then they must inform the next highest line manager accordingly in writing. This also applies even if the gift/advantage has been declined.
- Care must be taken when accepting entertainment/hospitality or invitations to ensure that this remains reasonable and does not give the impression of undue influence.
- One-off acts of entertainment/hospitality up to a value of EUR 35.00 for food and drink are considered appropriate. Repeated or higher-value invitations could give rise to the impression of undue influence, which is why workforce members must inform the next highest line manager (in advance where possible, otherwise retrospectively) accordingly in writing. The manager will decide whether the invitation or potential future invitations can be accepted.
- The granting of “staff discounts” by third parties is only permissible if these discounts are offered to the same extent to the entire workforce in a given location or at particular business premises. Discounts that have the potential to influence business decisions are not permissible. In case of any doubt, the country director will take the decision in the field and the Director General of the Human Resources Department in Germany.
- Travel expenses and/or costs for attending events as part of business trips by members of the workforce may only be covered by third parties in accordance with the stipulations set out under the GIZ regulations governing the reimbursement of travel expenses.
- If the relevant national legal situation or special requirements of subsidy donors and/or cooperation partners are more stringent than this rule, then the more stringent rule is to be observed.
- If in doubt, members of the workforce should refrain from accepting gifts and advantages.

Authorised exceptions

However, if, in special circumstances, a gift or advantage is to be used privately, then this must first be approved by the integrity advisors and responsible manager (at divisional or corporate unit level or higher). In the case of private use, the value of the gift/advantage exceeding EUR 35.00 must be taxed as a benefit in kind. The workforce member must report the acceptance of the gift and the approval obtained to the unit responsible for salary payments. The integrity advisors keep a list of all gifts/advantages with a value in excess of EUR 35.00, as well as their recipients.



Useful knowledge:

Whether or not a gift/advantage or entertainment/hospitality is appropriate or should be accepted as an act of courtesy is open to interpretation. If there is any doubt, these matters should be discussed in order to seek clarification. The integrity advisors also provide advice on this matter.

The reporting of gifts and other advantages with a value of more than EUR 35 to the line manager has the purpose to make him/her aware that a bribery attempt may have been made and that this could be repeated to other employees.

“**Staff discounts**” are all discounts granted to members of the workforce on the basis of their employment with GIZ, that is, not on a purely private basis. These may include discounts on private hotel bookings, flight bookings or purchases.

3. Dealing with personal conflicts of interest and financial connections

The workforce must ensure that conflicts of interest are dealt with appropriately. Specifically, this means that:

- If a conflict of interest already exists or if a potential conflict becomes apparent, the members of the workforce concerned must be transparent in informing their manager accordingly.
- If a conflict of interest arises due to financial interests in or personal connections with project or business partners, competitors (including their official bodies or employees) or target groups, then workforce members must inform their manager and the Integrity Advisor accordingly in writing.
- The same applies if there is such a connection with persons close to workforce members.
- The manager and the Integrity Advisor must be notified without delay if there is knowledge of attempts to establish business contacts or of a potential conflict of interest.
- Workforce members and managers ensure that individuals who are caught up in such a conflict of interest do not have any influence on related business decisions. For instance, these individuals must not be involved in decisions regarding contract award procedures, in negotiating and drawing up contracts and in approving work that has been carried out.
- In so doing, the workforce member and their manager take steps to avoid giving any impression of the improper exertion of influence.
- Individuals or organisations who have personal or financial connections with GIZ workforce members can only be employed and/or awarded contracts if a conflict of interest can be ruled out or risk-reduction measures make this conflict unproblematic.
- The manager decides whether a conflict of interest exists and whether the employment/contract award is permissible as it is or only through compliance with specific risk-reduction measures.
- Employing/commissioning a person close to a workforce member is prohibited if this would result in a business relationship between the two individuals which would enable them to make decisions on the exchange of services affecting the other one (e.g. terms of reference and approval of work, performance assessments, etc.). Under normal circumstances, this means, for instance, that closely connected individuals cannot line manage each other.

The manager documents the conflict and its handling and informs the Integrity Advisor accordingly in writing.

Authorised exceptions

Exceptions to this rule can be authorised by the Director General of the Human Resources Department in cases of employment.

Exceptions to this rule can be authorised by the Director General of ELVIS when a contract is awarded.



Useful knowledge:

A conflict of interest arises when a person or institution is no longer able to act impartially in situations involving mutually exclusive obligations, ties or objectives. It is not always possible to prevent conflicts of interest from arising.

It is necessary when dealing with conflicts of interest to take account not just of the situation itself, but also of its external impact.

If necessary, the member of the workforce and his/her manager can consult the integrity advisors concerning the existence of a conflict of interest and how to deal with it.

Extracontractual activities can give rise to a conflict of interest. Their admissibility depends on the provisions of the relevant collective agreement (MTV or TVöD), the employment contract, if applicable, and the specifications of the Human Resources Department. Before approving an extracontractual activity, the manager ensures that this activity does not have any detrimental impact on the interests of GIZ.

Closely connected persons are: spouses, lifetime partners, relatives (of the member of the workforce or of the spouse or lifetime partner) and persons living in a joint household with the member of the workforce.

4. Gifts from GIZ funds for members of GIZ's workforce

Members of GIZ's workforce do not receive any entertainment or gifts from GIZ funds for private occasions.

5. Calling in the Integrity Advisor and using the whistleblower system

All members of the workforce are required to call in the Integrity Advisor or the external ombudsperson or report their suspicions via the [whistleblower portal](#) if they receive any information regarding potential violations of the „Code of Conduct“ or if they suspect that a criminal offence has been committed in a business context (e.g. fraud, breach of trust, embezzlement, forgery). GIZ deems managers and members of the workforce employed in the area of corruption prevention as having a particular responsibility in this regard.

If it is unclear – where appropriate after consultation with a manager – whether a (planned) action is compatible with the „Code of Conduct“, members of the workforce are obliged to obtain advice from the Integrity Advisor. This is especially applicable when it comes to giving or accepting gifts and other advantages with a value in excess of EUR 35.00 and also in the case of conflicts of interest which have not been resolved and documented in the line management structure.

GIZ will examine all information carefully and confidentially. The principle that all allegations must be provable and based on solid evidence shall apply in all cases.

Members of the workforce must notify their manager of any compliance-related weaknesses they identify. In the event of any infringements of criminal law, serious breaches of P+R or any

other compliance-related matters posing significant structural compliance risks to GIZ, the Compliance and Integrity Unit must also be notified, even if there is no identifiable link to individual misconduct.



Useful knowledge:

GIZ has a **whistleblower and integrity advisor system** for its workforce and external parties.

The **integrity advisors** serve as a point of contact for advice on the „Code of Conduct“ and for information regarding violations of this code. They provide independent advice. The integrity adviser is obliged to maintain anonymity, unless he/she is released from anonymity by the whistleblower. For the investigation of criminal offences, anonymity is handled within the framework of the usual procedures in legal disputes. GIZ ensures that whistleblowers who provide information in justified cases do not suffer any disadvantages, provided that the whistleblower themselves has not violated the „Code of Conduct“ or other regulations.

The integrity advisors organise the internal investigation within GIZ of all plausible information regarding misconduct. The units involved in the investigation actively inform the integrity advisors of the results of their fact-finding work and about any planned measures/consequences. The integrity advisors also have the right to be notified of the current state of the investigation at any time. If the integrity advisors deem the investigation and/or consequences to be insufficient, then they can call for remediation and speak to the Management Board.



The **ombudsperson** is an external lawyer. They are committed to secrecy, accept information – anonymous or otherwise – regarding violations of the “Code of Conduct”, especially on matters relating to corruption, and forward this information to the integrity advisors for investigation purposes.

External parties can also contact the integrity advisors and the ombudsperson with information regarding violations of the “Code of Conduct”.



Contact details of the integrity advisors and GIZ ombudsperson:

Carola-Kerstin Faller: integrity-mailbox@giz.de or carola-kerstin.faller@giz.de or by phone on +49 6196-79-3529

Hans-Joachim Gante: integrity-mailbox@giz.de or hans-joachim.gante@giz.de or by phone on: +49 228-4460-1557

External ombudsman, Dr Edgar Jousen: ombudsmann@ra-js.de or by phone on +49 30-3151870.



The **whistleblower portal** serves as a communication channel for information regarding serious violations of GIZ’s “Code of Conduct”, internal company regulations or applicable laws. All information will be carefully examined and treated confidentially. [[GIZ whistleblower portal](#)].

**Useful knowledge:**

Prosecuting cases of misconduct: GIZ will systematically prosecute violations of this “Code of Conduct” (zero tolerance approach).

Any plausible report of this kind of misconduct will be followed up and the matter investigated as far as possible.

Each incident is carefully examined in order to be able to determine the severity of the misconduct in each individual case and to be able to derive an appropriate need for action under labour or criminal law.

6. Requirement to participate in compliance and integrity training

All members of the workforce are required to complete the online compliance and integrity training course within the first 100 days of joining the company.¹ For national staff, this requirement applies from salary band 3 upwards. The course must be repeated at least every three years.

Country directors ensure that national staff below salary band 3 are informed about the „Code of Conduct“ in a suitable manner.

Members of GIZ’s workforce are obliged to participate actively in other compliance and integrity training courses where GIZ or their manager deem this necessary.

Managers also complete the web-based compliance and integrity training for managers after assuming a management function for the first time [from 2020]. The training must be repeated every three years at the latest.

Managers keep a written record to ensure that the members of the workforce for whom they are responsible have completed the online compliance and integrity training course at the specified points in time/intervals..

¹ The new training course will begin during 2020. Until then, [the e-training course on the “Code of Conduct”](#) remains mandatory.