



## Recipients and Projects Protocol

Reference	2_Protocolo of DP_7_2025
Title of the <i>Standard</i>	Recipients and Projects Protocol
Geographical scope	National
Category	Procedure
Date of approval	27 March 2025
Approval Body	Board
Current version	V7

Important information about this document	
Document identification	Recipients and Projects Protocol
Reference	2_Protocolo of DP_7_2025
Geographical scope of application	National
Section of other Regulations that it develops	Code of Conduct
Rules it replaces	No
Rules that it repeals	Previous version of 17 March 2023
Primary responsible for your surveillance	<i>Compliance Committee</i>
Body or Department proposing it	<i>Compliance Committee</i>
Author	<i>Compliance Committee</i>
Approval Body	<i>Board</i>
Date of approval of the current text	27 March 2025
Date of application	27 March 2025
Published and accessible in	Extra-Network

## Modification Control

Version	Date	Approval Body	Author	Summary of changes
1	12 December 2019	Board	Compliance Committee	
2	25 May 2020	Compliance Committee	Compliance Committee	Adaptation to Law 10/2010, of 28 April, on the prevention of money laundering and terrorist financing.

3	24 July 2020	Compliance Committee <u>Note:</u> Pending ratification by the Board of Trustees of the FUNDACIÓN ACS.	Compliance Committee	Corrections after internal audit July 2020
4	17 December 2020	Board	Compliance Committee	Corrections following internal audit in July-September 2020 and findings made by the Compliance Committee during the monitoring of external due diligence processes in October and November 2020, conducted by Deloitte.
5	20 October 2021 (Committee) and 16 December 2021 (Board of Trustees)	Board	Compliance Committee	Modification of the ACS Group's Ethical Channel. Adaptation to Directive (EU) 1937/2019 of 23 October 2019 on the protection of persons who report breaches of Union law.  Compliance with Observation No. 1 of those made by AENOR in its certification report of October 2020 "Regarding the CE3.4 control associated with the Recipients and Projects Protocol, clarify the time when the search must be carried out through the World-Check One tool": modification of Section 3.1.2.  Modification Section 4: exception of small donations to religious entities.
6	March 17, 2023	Compliance Committee	Compliance Committee	Improvements in the model agreements at the proposal of the Director of the Foundation
7	March 27, 2025	Board	Compliance Committee	Improvements proposed by the Director of the Foundation and PwC

## DEFINITIONS

The definitions of those concepts that will be used frequently in this document (cited in *italics*) are listed below:

- ***FUNDACIÓN ACS/Organization:*** FUNDACIÓN ACS
- ***Board of Trustees:*** The governing body of the FUNDACIÓN ACS, to the extent that it is assigned the fundamental responsibility and authority for activities, governance and policies and to which the *FUNDACIÓN ACS's* Senior Management reports and is accountable.
- ***Senior management:*** General Director of FUNDACIÓN ACS.
- ***Criminal Compliance Body:*** an internal body of *the FUNDACIÓN ACS*, endowed with autonomous powers of initiative and control, which is entrusted, among other tasks, with the responsibility of supervising the operation and observance of the *Organisation's* Criminal Compliance Management System . The existence of *the Criminal Compliance Body* complies with the requirements established in Spanish criminal law (Article 31 bis of the Spanish Criminal Code) regarding the supervision of the *Criminal Compliance Management System*.
- ***Members of the Organisation:*** the members of the *Board* of Trustees, managers, employees, workers or temporary employees or under a collaboration agreement, and volunteers of an organisation and the rest of the people under hierarchical subordination of any of the above.
- ***Business partners:*** any legal or INDIVIDUAL, except *Members of the Organization, recipient of donations made by the Organization* or with whom the *Organization* maintains or plans to establish some type of business relationship. By way of example, but not limited to, intermediaries such as agents or commission agents, external advisors, *joint-ventures* or natural or legal persons hired by FUNDACIÓN ACS for the delivery of goods or services are included.
- ***Subjects affected by this document:*** all *Members of the Organization* as well as the *Business Partners* that are determined, when it is advisable or necessary to transfer all or part of their contents of this document.
- ***Third party:*** natural or legal person or body independent of the *Organization*.
- ***Interested parties:*** Natural or legal persons who, not being Business Partners or Members of the Organization, may be affected by a decision or activity of the Organization. In the case of the FUNDACIÓN ACS, the interested parties are mainly the shareholders and institutional investors of the listed company, parent company of the ACS Group, ACS, Actividades de Construcción y Servicios, S.A., the Protectorate of Foundations (attached to the Ministry of Education, Culture and Vocational Training) and the General Directorate of Registries and Notaries (attached to the Ministry of Justice).

- ***Personnel occupying particularly exposed positions:*** A member of the Organization whose position involves exposure to a criminal risk greater than low according to the *Criminal Risk Assessment*.
- ***Criminal Compliance and Anti-Bribery Policy,*** a set of provisions that define the Organization's criminal and anti-bribery compliance framework.
- ***The Gifts and Hospitality Policy,*** together with the Donations and Sponsorships Policy, establishes the basic framework for compliance in anti-bribery matters in accordance with the provisions of the ISO-UNE 37001 international standard on Anti-Bribery Management Systems.
- ***Policy on Relations with Public Officials and Equivalents,*** a set of provisions that, together with the Donations and Sponsorships Policy and the Gifts and Hospitality Policy, establish a basic framework for compliance in anti-bribery matters in accordance with the provisions of the international standard ISO-UNE 37001, on Anti-Bribery Management Systems.
- ***Catalogue of prohibited conduct and expected parameters of conduct:*** document that reflects the list of crimes applicable to legal persons in the terms provided for by Spanish criminal legislation, as well as a brief description (not verbatim) of each of them and the behaviors that are expected of their recipients for their prevention, detection or early management.
- ***Backbone document of the Criminal Compliance and Anti-Bribery Management System:*** document that is supported by the *Criminal Compliance and Anti-Bribery Policy* and includes the existing rules and organizational documents within the FUNDACIÓN ACS in the field of *Criminal Compliance* and *Anti-Bribery*, which include the measures designed to evaluate, prevent, detect and manage criminal risks at an early stage.
- ***Criminal Compliance and Anti-Bribery Management System:*** An organisation and management system for the prevention of crime, whose objective is the prevention, detection and management of *criminal risks* through their integration into business processes, as well as measurement for their continuous improvement, and whose essential basis is represented in the *Criminal Compliance and Anti-Bribery Policy* and in the *Backbone document of the Criminal Compliance and Anti-Bribery System*. Hereinafter, also referred to as the "***System***".
- ***Criminal risk:*** risk related to the development of conduct that could constitute a crime attributable to FUNDACIÓN ACS, according to the criminal liability regime of legal persons established in the Spanish Criminal Code.
- ***Requirement:*** Requirement foreseen and mandatory. The *requirements* may come from criminal laws and complementary regulations or be set by the FUNDACIÓN ACS through the *Criminal Compliance and Anti-Bribery Policy* or any of the documents of the *Criminal Compliance and Anti-Bribery Management System* that support it.

## **Purpose**

The purpose of this Protocol is to describe the due diligence processes for the selection of Recipients and projects receiving funds or resources from the FUNDACIÓN ACS, in the development of the principles contained in its Criminal Compliance and Anti-Bribery Policy and the other Compliance Policies and Procedures that constitute the Organization's Criminal Compliance and Anti-Bribery Management System.

This Protocol is aligned with the culture of Compliance and respect for the rules of the FUNDACIÓN ACS, and takes into consideration not only the interests of the Organization, but also the needs and expectations of its Members, as well as its Business Partners and Stakeholders.

FUNDACIÓN ACS strongly condemns any corrupt practice that, in addition to contravening the legal provisions that may be applicable, is contrary to its ethical principles and values, reflected in the previous texts, which are key to achieving its objectives in society.

In this regard, this Protocol establishes a basic framework for compliance with anti-bribery in accordance with the provisions of the international standard ISO-UNE 37001, on Anti-Bribery Management Systems and Law 10/2010, of 28 April, on the prevention of money laundering and terrorist financing.

## **Scope of application**

This Protocol is mandatory and of global and direct application for FUNDACIÓN ACS and binds all Members of the Organization, regardless of the position or position they hold, as well as those persons or entities that wish to be Recipients of the foundation.

For this reason, this Protocol will be publicly available through the Foundation's website. [www.fundacionacs.com](http://www.fundacionacs.com) being mandatory for all Members of the Organization and their Business Partners.

## DEVELOPMENT OF THE PROTOCOL

### 1. TYPES OF DONATIONS

- **Finalists:**

These are donations intended for a specific project, programme, activity or action (hereinafter project), whose objectives and time planning have been defined and agreed upon.

- **Generalists:**

These are donations intended to contribute to the general fulfillment of the foundational purposes and activities of a recipient.

They can be participatory, when FUNDACIÓN ACS is a member of its Board of Trustees or governing body, or non-participatory.

They are usually continuous over time.

Generalist donations can only be made to non-profit entities.

### 2. TYPES OF RECIPIENTS

#### 2.1. Large Entities.

Large entities are considered to be those legal entities linked to the highest national or international public institutions, whose compliance culture is aligned with the best standards in terms of transparency of information and criminal and anti-bribery compliance.

It will be the responsibility of the Board of Trustees, at the proposal of the Senior Management, to include a new recipient within this category, in which the following Foundations are located:

Princess of Asturias Foundation

Princess of Girona Foundation

Carolina Foundation

COTEC Foundation for Innovation

Large entities will be recipients of generalist donations and will not be subject to the normal due diligence measures required of other recipients as they are considered to entail a reduced risk for the Organization.

All the information relating to these entities will be updated annually for the purposes of controlling the simplified due diligence processes in relation to them.

The Board of Trustees will approve the annual allocation of each large entity, at the proposal of the Director General of the Foundation.

## **2.2. Common Entities.**

Common entities are all those not included in the previous category.

Common entities are subject to the normal due diligence measures developed by this Protocol.

## **2.3. INDIVIDUALS.**

INDIVIDUALS are subject to the normal due diligence measures developed by this Protocol.

## **3. STANDARD DUE DILIGENCE MEASURES**

In those cases in which the corresponding Project entails contributions of funds free of charge by the Foundation, and in accordance with Law 10/2010, of 28 April, on the Prevention of Money Laundering and the Financing of Terrorism and its implementing regulations, the Foundation must apply procedures to ensure the knowledge of its counterparts.

To this end, prior to the signing of any Agreement with a natural or legal person, the identity of the parties involved and the beneficial owners will be verified, collecting, at least, all the documentation provided for in this section, contrasting it with the information available at the Foundation.

This evidence must be filed and kept in the Foundation for a minimum period of 10 years from the decision to provide funds.

The normal due diligence measures applicable to common entities and INDIVIDUALS shall be as follows:

### **3.1.- Common entities.**

**3.1.1.** Common entities must meet the following requirements:

- a) That it is a non-profit organisation, although two exceptions are established for finalist projects (not for generalist donations):
  - Companies that, among others, carry out R+D+i work in the field of human health, provided that the result of the same does not lead to a patent closed to society
  - Societies that are agents of cultural action (such as a theatre company or an agency for the coordination of major sporting events)
- b) That it is a legally constituted entity registered in the corresponding Registry. For this purpose, certification accrediting its existence and validity, company name, legal form, registration data in said register, address, the identity of the members

of its administrative body, statutes and tax identification number must be provided. The certification will be a maximum of 1 year old from its issuance.

A copy of the latest annual accounts deposited in the corresponding registry shall also be provided.

- c) In the case of a public entity, they must provide the necessary documentation to demonstrate the public nature of the same, as well as the validity of the body in question and the publication of the corresponding official gazette where it endorses the corresponding person to sign the Agreement.
- d) The representatives shall be sufficiently empowered for this purpose and with their powers duly registered in the corresponding Registers. A copy of the powers of attorney of the persons acting on behalf of said entity must be provided, or a certification issued by the corresponding public registry accrediting the capacity of the representative for these purposes.
- e) Both the entity and its representatives should not have been convicted in the criminal field or severely sanctioned in the administrative sphere.
- f) The aims and activities must be aligned with the aims of the FUNDACIÓN ACS.

**3.1.2.** . Once all the documentation related to the identification of the applicant for recipient has been reviewed, in the event of any suspicion arising about the identity, honorability, professional career, and/or delays or omissions in the sending of the documentation, the Foundation's staff will paralyze the process of signing the agreement and will proceed to apply and validate additional identification measures (search in the media, on official lists, etc.).

If, despite the measures indicated above, such suspicions or doubts persist, the Agreement will not be signed.

### **3.2.- Individuals**

Individuals must meet the following requirements:

- a) The INDIVIDUAL should not have been convicted in the criminal sphere or severely sanctioned in the administrative sphere.
- b) They may only receive donations for finalist projects, except as provided for in section 5 of this Protocol.
- c) The finalist projects must be evaluated and approved following the procedure established in section 6 of this Protocol

For Individuals, at least the following documentation must be obtained:

Copy of the National Identity Document, residence permit issued by the Ministry of Justice and Interior (in the case of foreigners residing in Spain) or passport that includes a photograph of its holder and, where applicable, a tax identification number (NIF) or the foreigners' identification number (NIE).

#### **4. SIMPLIFIED DUE DILIGENCE MEASURES**

When the counterparty is a Large Entity or an Administration or Public Entity, it will only be necessary to request the powers of attorney of the persons acting on its behalf, and the rest of the data can be checked on the website of the corresponding entity, without the need to collect further documentation.

Likewise, it will not be necessary to request the documentation included in Section 3 of this Protocol in those cases in which the FUNDACIÓN ACS is a Trustee of the entity receiving the funds and, therefore, already has such information.

Exceptionally, in the case of religious entities that carry out a social work and request a finalist donation that does not exceed €3000 per year, they will only be required to issue the corresponding receipt of the contribution made by FUNDACIÓN ACS in accordance with the provisions of Law 49/2002 of December 23, on the tax regime of non-profit entities and tax incentives for patronage and that they send a report Proof of the destination of the funds received.

Finally, and exceptionally, in the event that the FUNDACIÓN ACS makes payments for "Fila Cero Charity Dinner", the entity receiving said payment must issue to the FUNDACIÓN ACS, a certificate of bank ownership in the name of the receiving entity and once they have received the amount in question, They must send the donation certificate (according to the model provided).

#### **5. ENHANCED DUE DILIGENCE MEASURES FOR DONATIONS FOR A GENERAL PURPOSE**

Common entities or individuals who wish to obtain a donation for a general purpose must formally request it from the Director General of the FUNDACIÓN ACS. To this end, they must submit the signed **Declaration of Compliance**, which is attached as Annex IV to this Protocol.

The information will be studied by the Director General of the FUNDACIÓN ACS who will verify the suitability of the candidate, as well as the endowment of the donation. In this process, the Director-General may request further information from the candidate.

The Director-General is not obliged to inform the Board of Trustees of rejected applications.

All recipients of approved generalist donations must send to the FUNDACIÓN ACS, before the corresponding payment of the donation, a **bank certificate of ownership of the account**.

## 6. EVALUATION, SELECTION AND AWARD OF DONATIONS FOR SPECIFIC PURPOSES.

### 6.1. Selection of Recipients

The recipients must be approved as suitable by the Director General of the FUNDACIÓN ACS following the procedure described in section 3 of this Protocol.

### 6.2. Project selection

Candidates will submit their project in digital format at the same time as the application for approval as Recipients.

The application for approval of the project will comprise an **Executive Summary** of 500 words (maximum) included in the **Declaration of Compliance**.

The information will be studied by the Director General of the FUNDACIÓN ACS who will verify the suitability of the candidate and his or her project. In this process, the Director-General may request further information on the candidate or project.

The Director-General is not obliged to inform the Board of Trustees or the interested parties of rejected applications.

## 7. AGREEMENTS

In all cases, the common entities and individuals will sign an agreement with the FUNDACIÓN ACS, according to the models annexed to this protocol.

The signing of the agreement will automatically imply the acceptance by the future Recipients of the "CODE OF CONDUCT FOR BUSINESS PARTNERS" and the "CRIMINAL COMPLIANCE AND ANTI-BRIBERY POLICY" available on the FUNDACIÓN ACS website [www.fundacionacs.com](http://www.fundacionacs.com).

### NOTE

*In order to facilitate the implementation of the system, the agreements currently in force are considered validated, which will be replaced by the new models as the former expire.*

*All current recipients will be informed that the FUNDACIÓN ACS understands that they accept the "CODE OF CONDUCT FOR BUSINESS PARTNERS" and the "CRIMINAL COMPLIANCE AND ANTI-BRIBERY POLICY" available on the FUNDACIÓN ACS website [www.fundacionacs.com](http://www.fundacionacs.com)., unless they wish to cease to be Recipients of the Foundation*

*In any case, all the agreements should be adapted to the models approved in this Protocol by the end of 2022.*

## **8. PAYMENT MONITORING.**

The General Director of the FUNDACIÓN ACS will carry out the appropriate procedures to execute the payments stipulated in the Agreement.

All recipients of paid donations must send the corresponding receipt of the contribution to the FUNDACIÓN ACS.

## **9. MONITORING OF RECIPIENTS AND PROJECTS**

It is the obligation of the Recipients to comply with the agreements signed in the agreements, as well as with the Compliance Policies and Procedures that are applicable to them.

Among these obligations is that of regularly informing the FUNDACIÓN ACS in relation to the use of the donated funds, as well as exceptionally in the event of major changes or problems of a reputational and/or compliance nature.

In the event of serious breaches, the recipient will lose this status and the Foundation will adopt measures to prevent relations with said entity from being re-established.

### **9.1. Information and monitoring of donations for a general purpose**

Entities or individuals who receive generalist donations will undertake to:

- Send a Report, before January 31, with a summary of the activities to which the amount of donations received during the previous year has been allocated.
- Send their Annual Report to the Director General of the FUNDACIÓN ACS, before July 15 of each year.

The Director General will check whether there have been substantial modifications that make it necessary to rethink the relationship with the recipient or to maintain it.

The following may be cause for the suspension of the relationship with the recipient, at any time:

- Failure to send the Annual Report within the established deadline.
- Failure to send the Annual Report justifying the destination of the funds within the established deadline.
- Changing the objectives or procedures of the recipient, in such a way that there is a serious divergence with the objectives and programs of the FUNDACIÓN ACS
- The materialisation of a risk of a non-financial nature (among others, operational, technological, legal, social, environmental, political, reputational or related to corruption) in the management of the recipient, which directly or indirectly affects FUNDACIÓN ACS.

The date and signature (of the person signing the Agreement and the Declaration of Compliance) of the monitoring report and the report (if applicable) is recommended.

### **9.2. Information and monitoring of projects for a specific purpose**

At the end of the project, the recipient will deliver a **Justification Report** of the Project developed.

The Recipient shall submit a **Follow-up Report** before January 31 of each year, corresponding to the activities carried out during the previous year.

The Director-General will analyse the information submitted, requesting the necessary extensions. If everything is correct, it will propose the archiving of the project and, if not, it will propose to the Board of Trustees the appropriate legal measures.

The date and signature (of the person signing the Agreement and the Declaration of Compliance) of the monitoring report and the report (if applicable) is recommended.

### **9.3 . Retention of information.**

All documentation accrediting the implementation of activities and the application of funds for all donations and projects will be archived for 10 years.

## **10. ANNEXES TO THE PROTOCOL**

- I) Template agreement for generalist donations when the FUNDACIÓN ACS is a Trustee.
- II) Template agreement for generalist donations when the FUNDACIÓN ACS is not a Trustee.
- III) Template agreement for finalist donations.
- IV) Recipient's statement of compliance.

**GENERALIST COLLABORATION AGREEMENT FOR A GENERAL-  
PURPOSE PROJECT BETWEEN XXXRECIPIENT AND FUNDACIÓN  
ACS WHERE IT IS A TRUSTEE IN THE RECIPIENT**

In Madrid on dd de mm yyyy

**BY AND BETWEEN**

On the one hand, Mr. XXXX ZZZZ YYYY, with DNI 1.234.567-& on behalf of XXXRECIPIENT (CIF nº XXXXXXXXXX) in his capacity as ATTORNEY-in-FACT and with address for the purposes of this document at CALLE, Nº Nº, 280TT CITY – SPAIN

And on the other hand, Mr. JOSÉ MAYOR OREJA, with DNI 15914715A, as General Director of the FUNDACIÓN ACS with CIF: G-83129668 and with address for the purposes of this document at Avenida de Pío XII Nº 102, in MADRID 28036 – SPAIN.

**RECITALS**

- I) That XXXRECIPIENT is a non-profit entity whose purposes are the following: fin-1, fin-2 and fin-3
- II) That FUNDACIÓN ACS is a non-profit institution whose aims include the promotion of cultural and artistic activities, as well as the promotion and development of programmes and activities related to training, education, teaching, research and technological dissemination.
- III) That in order to achieve its goals, FUNDACIÓN ACS is supported by eight different programs: General Interest, Disability, Culture, Medical Research, Environment, Innovation (and engineering, science, economics and law), Developing Countries and Social Collaboration.
- IV) That the purposes of XXXDONATARIO are aligned with those of FUNDACIÓN ACS
- V) That the parties, mutually acknowledging the necessary capacity to be bound by this act, agree to sign this Collaboration Agreement, in accordance with the following clauses.

**CLAUSES**

1. FUNDACIÓN ACS will make a contribution to bank account No. \_\_\_\_\_, located in the European Union in the name of XXXRECIPIENT in the amount of ZZZZZZZ euros, which will be paid after the signing of this agreement, in order to support one or more of the foundational purposes of the aforementioned recipient.

2. This Agreement will remain in force for 12 months from the date of signing the Agreement.
3. In any case, both parties acknowledge that FUNDACIÓN ACS may suspend its collaboration at any time, without the need to justify its decision.
4. FUNDACIÓN ACS will be part of the board of trustees of XXXRECIPIENT, faithfully fulfilling the obligations arising from it.
5. The person who will represent FUNDACIÓN ACS on the board of trustees of XXXDONATOR will be D. NAME SURNAME SURNAME SURNAME who may delegate attendance to the calls to another member of the board of trustees of FUNDACIÓN ACS.
6. XXXDONATARIO commits to FUNDACIÓN ACS to
  - 6.1. To maintain an ethical attitude in all its actions, as well as to structure an environment of prevention, detection and early management of criminal and reputational risks, contributing to generate an ethical culture and respect for the Law among all the Subjects affected by this document in what is applicable to them, so that all of them can reflect it in their daily conduct.
  - 6.2. In particular, it is committed to scrupulous management of everything related to the treatment of people (personally and professionally), strict compliance with tax obligations, respect for the environment, safeguarding intellectual and industrial property, fraud and bribery.
  - 6.3. In the case of operations carried out in countries in situations of underdevelopment, war or catastrophe, it is also committed to scrupulous management in relation to child exploitation, discrimination or mistreatment of women, collaboration with terrorism and corruption in business and in relation to public administrations and their officials.
  - 6.4. Provide a bank certificate of ownership of the current account to which the FUNDACIÓN ACS will transfer its financial contribution (bank ownership certificate).
  - 6.5. Issue the corresponding receipt of the contribution of the FUNDACIÓN ACS in accordance with the provisions of Law 49/2002 of 23 December, on the tax regime for non-profit organisations and tax incentives for patronage, expressly including that the amount donated has been correctly received in the current account indicated in clause 6.4 (donation certificate).
  - 6.6. To summon FUNDACIÓN ACS to all those meetings of the board of trustees that are held as well as to significant events in the life of XXXRECIPIENT
  - 6.7. Send to FUNDACIÓN ACS:
    - A Monitoring Report, before 31 January, with a summary of the activities to which the amount of donations received during the previous year has been allocated (according to the model attached).
    - Its Annual Report of Activities for the previous year before 15 July.
    - In addition, the entity must provide the following documents:
      - a) Certification issued by the Registry where the entity is registered
        - The certification will be a maximum of 1 year old from its issuance
        - This certification must prove its existence and validity, company name, legal form, registration data in said registry, address, the

identity of the members of its administrative body, statutes and tax identification number.

- b) Copy of the powers of attorney of the person or persons acting on behalf of said entity or certification issued by the corresponding public registry accrediting the capacity of the representative for these purposes.
- c) Copy of the latest annual accounts deposited in the corresponding registry.

6.8. Promptly inform FUNDACIÓN ACS of any incident that affects or may affect the reputation of XXXRECIPIENT.

6.9. Inform FUNDACIÓN ACS of any criminal and/or tax sanction that may fall on XXXDONATOR or its managers.

6.10. Respond promptly to requests for information related to the agreement that FUNDACIÓN ACS may make to XXXRECIPIENT.

6.11. To use the confidential communication channel, in the event of detecting intolerable attitudes or actions in Members or other Business Partners of FUNDACIÓN ACS, using any of the following channels:

I. Postal mail: Attn: Canal Ético FUNDACIÓN ACS, Avda. Pío XII 102, 28036 Madrid, Spain.

Ii. Telematic channel accessible at the following link:  
<https://www.fundacionacs.com/compliance/canal-etico>

6.12. Inform FUNDACIÓN ACS of possible conflicts of interest that may arise due to the activities of the organisation itself or its representatives or managers,

6.13. By signing this agreement, you accept the documents of the FUNDACIÓN ACS "Code of Conduct for Business Partners" and "CRIMINAL COMPLIANCE AND ANTI-BRIBERY POLICY" available on the FUNDACIÓN ACS website [www.fundacionacs.com](http://www.fundacionacs.com).

6.14. To keep as confidential information the amount of money that XXXDONATARIO receives from FUNDACIÓN ACS, reducing its exposure to tax and accounting documentation.

7. For any litigious issue that may arise in order to interpret or comply with this Collaboration Agreement, both parties submit to the courts and tribunals of Madrid Capital.

And as proof of conformity they sign this agreement in duplicate at the place and date indicated above.

FUNDACIÓN ACS

XXXRECIPIENT

## **COLLABORATION AGREEMENT FOR GENERAL-PURPOSE PROJECT BETWEEN XXXRECIPIENT AND FUNDACIÓN ACS**

In Madrid a dd de mm yyyy

### **BY AND BETWEEN**

On the one hand, Mr. XXXX ZZZZZ YYYYY, with DNI 1.234.567-& on behalf of XXXRECIPIENT (CIF nº XXXXXXXXXX) in his capacity as ATTORNEY-in-FACT and with address for the purposes of this document at CALLE, Nº Nº, 280TT CITY – SPAIN

And on the other hand, Mr. JOSÉ MAYOR OREJA, with DNI 15914715A, as General Director of the FUNDACIÓN ACS with CIF: G-83129668 and with address for the purposes of this document at Avenida de Pío XII Nº 102, in MADRID 28036 – SPAIN.

### **RECITALS**

- I) That XXXRECIPIENT is a non-profit entity whose purposes are the following: fin-1, fin-2 and fin-3
- II) That FUNDACIÓN ACS is a non-profit institution whose aims include the promotion of cultural and artistic activities, as well as the promotion and development of programmes and activities related to training, education, teaching, research and technological dissemination.
- III) That in order to achieve its goals, FUNDACIÓN ACS is supported by eight different programs: General Interest, Disability, Culture, Medical Research, Environment, Innovation (and engineering, science, economics and law), Developing Countries and Social Collaboration.
- IV) That the purposes of XXXDONATARIO are aligned with those of FUNDACIÓN ACS
- V) That the parties, mutually acknowledging the necessary capacity to be bound by this act, agree to sign this Collaboration Agreement, in accordance with the following clauses.

### **CLAUSES**

1. FUNDACIÓN ACS will make a contribution to bank account No. \_\_\_\_\_, located in the European Union in the name of XXXRECIPIENT in the amount of ZZZZZZ euros, which will be paid after the signing of this agreement, in order to support one or more of the foundational purposes of the aforementioned recipient.
2. This Agreement will remain in force for 12 months from the date of signing the Agreement.
3. In any case, both parties acknowledge that FUNDACIÓN ACS may suspend its collaboration at any time, without the need to justify its decision.

4. XXXDONATARIO commits to FUNDACIÓN ACS to
- 4.1. To maintain an ethical attitude in all its actions, as well as to structure an environment of prevention, detection and early management of criminal and reputational risks, contributing to generate an ethical culture and respect for the Law among all the Subjects affected by this document in what is applicable to them, so that all of them can reflect it in their daily conduct.
  - 4.2. In particular, it is committed to scrupulous management of everything related to the treatment of people (personally and professionally), strict compliance with tax obligations, respect for the environment, safeguarding intellectual and industrial property, fraud and bribery.
  - 4.3. In the case of operations carried out in countries in situations of underdevelopment, war or catastrophe, it is also committed to scrupulous management in relation to child exploitation, discrimination or mistreatment of women, collaboration with terrorism and corruption in business and in relation to public administrations and their officials.
  - 4.4. Provide a bank certificate of ownership of the current account to which the FUNDACIÓN ACS will transfer its financial contribution (bank ownership certificate).
  - 4.5. Issue the corresponding receipt of the contribution of the FUNDACIÓN ACS in accordance with the provisions of Law 49/2002 of 23 December, on the tax regime for non-profit organisations and tax incentives for patronage, expressly including that the amount donated has been correctly received in the current account indicated in clause 4.4 (donation certificate).
  - 4.6. Send to FUNDACIÓN ACS:
    - A Monitoring Report, before 31 January, with a summary of the activities to which the amount of donations received during the previous year has been allocated (according to the model attached).
    - Its Annual Report of Activities for the previous year before 15 July.
    - In addition, the entity must provide the following documents:
      - a) Certification issued by the Registry where the entity is registered
        - The certification will be a maximum of 1 year old from its issuance
        - This certification must prove its existence and validity, company name, legal form, registration data in said registry, address, the identity of the members of its administrative body, statutes and tax identification number.
      - b) Copy of the powers of attorney of the person or persons acting on behalf of said entity or certification issued by the corresponding public registry accrediting the capacity of the representative for these purposes.
      - c) Copy of the latest annual accounts deposited in the corresponding registry.
  - 4.7. Promptly inform FUNDACIÓN ACS of any incident that affects or may affect the reputation of XXXRECIPIENT.
  - 4.8. Inform FUNDACIÓN ACS of any criminal and/or tax sanction that may fall on XXXDONATOR or its managers.

- 4.9. Respond promptly to requests for information related to the agreement that FUNDACIÓN ACS may make to XXXRECIPIENT.
  - 4.10. To use the confidential communication channel, in the event of detecting intolerable attitudes or actions in Members or other Business Partners of FUNDACIÓN ACS, using any of the following channels:
    - I. Postal mail: Attn: Canal Ético FUNDACIÓN ACS, Avda. Pío XII 102, 28036 Madrid, Spain.
    - Ii. Telematic channel accessible at the following link:  
<https://www.fundacionacs.com/compliance/canal-etico>
  - 4.11. Inform FUNDACIÓN ACS of possible conflicts of interest that may arise due to the activities of the organisation itself or its representatives or managers,
  - 4.12. By signing this agreement, you accept the documents of the FUNDACIÓN ACS "Code of Conduct for Business Partners" and "CRIMINAL COMPLIANCE AND ANTI-BRIBERY POLICY" available on the FUNDACIÓN ACS website [www.fundacionacs.com](http://www.fundacionacs.com).
  - 4.13. To keep as confidential information the amount of money that XXXDONATARIO receives from FUNDACIÓN ACS, reducing its exposure to tax and accounting documentation.
5. For any litigious issue that may arise in order to interpret or comply with this Collaboration Agreement, both parties submit to the courts and tribunals of Madrid Capital.

NOTE: In the case of a public entity or body, it will be governed by point 3.1.1 C) of the Recipients and Projects Protocol.

And as proof of conformity they sign this agreement in duplicate at the place and date indicated above.

FUNDACIÓN ACS

XXXRECIPIENT

# **COLLABORATION AGREEMENT FOR A SPECIFIC-PURPOSE PROJECT BETWEEN XXXRECIPIENT AND FUNDACIÓN ACS**

In Madrid on dd de mm/yyyy

## **BY AND BETWEEN**

On the one hand, Mr. XXXX ZZZZ YYYY, with DNI XXXXXXXX-&, on behalf of XXXRECIPIENT with CIF XXXXXXXXX, in his capacity as ATTORNEY-in-FACT and with address for the purposes of this document at CALLE XXXXX, N° XXX, 28XXX CITY – SPAIN

And on the other hand, Mr. JOSÉ MAYOR OREJA, with DNI 15914715A, as General Director of the FUNDACIÓN ACS with CIF: G-83129668 and with address for the purposes of this document at Avenida de Pío XII N° 102, in MADRID 28036 – SPAIN.

## **RECITALS**

- I) That XXXRECIPIENT is a non-profit entity whose purposes are the following: fin-1, fin-2 and fin-3.
- II) That FUNDACIÓN ACS is a non-profit institution whose aims include the promotion of cultural and artistic activities, as well as the promotion and development of programmes and activities related to training, education, teaching, research and technological dissemination.
- III) That in order to achieve its goals, FUNDACIÓN ACS is supported by eight different programs: General Interest, Disability, Culture, Medical Research, Environment, Innovation (and engineering, science, economics and law), Developing Countries and Social Collaboration.
- IV) That the purposes of XXXDONATARIO are aligned with those of FUNDACIÓN ACS
- V) That the parties, mutually acknowledging the necessary capacity to be bound by this act, agree to sign this Collaboration Agreement, in accordance with the following clauses.

## **CLAUSES**

1. FUNDACIÓN ACS will make a contribution to bank account No. \_\_\_\_\_, located in the European Union, in the name of XXXRECIPIENT for the value of XXXXXX euros, which will be paid after the signing of this agreement, intended exclusively to support the project of XXXRECIPIENT called "**Project Name**" (hereinafter project).
2. This agreement will remain in force for 12 months from the date of signing the Agreement.
3. Both parties acknowledge that FUNDACIÓN ACS may suspend its collaboration at any time, without the need to justify its decision.
4. The objective of the project is "XXXXXXXXXX" and the technical manager of the project is Mr. NAME SURNAME in his capacity as PROJECT MANAGER / TECHNICAL DIRECTOR / PRINCIPAL INVESTIGATOR / CHIEF ENGINEER / PROGRAM MANAGER (choose a single thistle or title).
5. XXXDONATARIO undertakes with FUNDACIÓN ACS to:
  - 5.1. To maintain an ethical attitude in all its actions, as well as to structure an environment of prevention, detection and early management of criminal and reputational risks, contributing to generate an ethical culture and respect for the Law among all the Subjects affected by this document in what is applicable to them, so that all of them can reflect it in their daily conduct.
  - 5.2. In particular, it is committed to scrupulous management of everything related to the treatment of people (personally and professionally), strict compliance with tax obligations, respect for the environment, safeguarding intellectual and industrial property, fraud and bribery.
  - 5.3. In the case of operations carried out in countries in a situation of underdevelopment, war or catastrophe, it is also committed to scrupulous management in relation to child exploitation, discrimination or mistreatment of women and corruption in business and in relation to public administrations and their officials.
  - 5.4. Provide a bank certificate of ownership of the current account to which the FUNDACIÓN ACS will transfer its financial contribution (bank ownership certificate).
  - 5.5. Issue the corresponding receipt for the contribution of the FUNDACIÓN ACS in accordance with the provisions of Law 49/2002, of 23 December, on the tax regime for non-profit organisations and tax incentives for patronage, expressly including that the amount donated has been correctly received in the current account indicated in clause 5.4 (donation certificate).
  - 5.6. Promptly inform FUNDACIÓN ACS of any incident that affects or may affect the reputation of XXXRECIPIENT.
  - 5.7. Inform FUNDACIÓN ACS of any criminal and/or tax sanction that may fall on XXXDONATOR or its managers.
  - 5.8. Respond promptly to requests for information related to the agreement that FUNDACIÓN ACS may make to XXXRECIPIENT.

5.9. To use the confidential communication channel, in the event of detecting intolerable attitudes or actions in Members or other Business Partners of FUNDACIÓN ACS, using any of the following channels:

- Postal mail: Attn: Canal Ético FUNDACIÓN ACS, Avda. Pío XII 102, 28036 Madrid, Spain.
- Telematic channel accessible at the following link:

<https://www.fundacionacs.com/compliance/canal-etico>

5.10. Inform FUNDACIÓN ACS of possible conflicts of interest that may arise due to the activities of the organisation itself or its representatives or managers.

5.11. By signing this agreement, accept the clauses that affect XXXRECIPIENT, of the documents of the FUNDACIÓN ACS "CODE OF CONDUCT FOR BUSINESS PARTNERS" and "CRIMINAL COMPLIANCE AND ANTI-BRIBERY POLICY" available on the website of the FUNDACIÓN ACS [www.fundacionacs.com](http://www.fundacionacs.com).

5.12. To keep as confidential information the amount of money that XXXDONATARIO receives from FUNDACIÓN ACS, reducing its exposure to tax and accounting documentation.

5.13. Submit before 31 January of the year following the signing of the Agreement, a Monitoring Report of the finalist Project to which the donation has been allocated, which responds to the following aspects:

- Abstract of 750 words (in Word format, do not include photos or tables, in any case include this type of information in a separate annex).
- Degree of progress of the project in relation to planning.
- Incidents that may occur in the development of the project.

5.14. In the event that the project monitoring report, included in section 5.13 above, has indicated that the project had not been completed, it must submit a Report (maximum 50 pages) of the status of the project on the date of completion of the project or on the date of expiry of this agreement.

In addition, the entity must provide the following documents:

- a) Certification issued by the Registry where the entity is registered
  - The certification will be a maximum of 1 year old from its issuance
  - This certification must prove its existence and validity, company name, legal form, registration data in said registry, address, the identity of the members of its administrative body, statutes and tax identification number.

- b) Copy of the powers of attorney of the person or persons acting on behalf of said entity or certification issued by the corresponding public registry accrediting the capacity of the representative for these purposes.
  - c) Copy of the latest annual accounts deposited in the corresponding registry.
6. For any litigious issue that may arise in order to interpret or comply with this Collaboration Agreement, both parties submit to the courts and tribunals of Madrid Capital.

NOTE: In the case of a public entity or body, it will be governed by point 3.1.1 C) of the Recipients and Projects Protocol.

And as proof of conformity they sign this agreement in duplicate at the place and date indicated above.

FUNDACIÓN ACS  
José Mayor Oreja

XXXRECIPIENT  
Xxxxxx Name of the person signing

## RECIPIENT'S COMPLIANCE STATEMENT

Mr/Mrs. \_\_\_\_\_, with DNI \_\_\_\_\_ on behalf of \_\_\_\_\_, with CIF No. \_\_\_\_\_, in his capacity as \_\_\_\_\_ and domiciled for the purposes of this document at calle \_\_\_\_\_, CP, city, province de \_\_\_\_\_, applicant for a donation from the FUNDACIÓN ACS, DECLARES under his responsibility the following:

1. That the signatory holds the due representation of the company that submits this declaration.
2. That \_\_\_\_\_ is legally constituted.
3. That \_\_\_\_\_ has the necessary authorizations to carry out its activity.
4. The entity or its representatives have been convicted in the criminal field or severely sanctioned in the administrative field YES NO
5. That \_\_\_\_\_ is a non-profit entity: YES NO
6. That \_\_\_\_\_ is up to date with compliance with the tax and Social Security obligations imposed by the provisions in force and undertakes to present the justification or accreditation of this requirement within a maximum period of ten (10) working days, counting from its request by the Foundation.
7. Indicate whether the entity has implemented a Criminal Compliance management system that complies with the requirements of the Criminal Code in its article 31 bis and/or the ISO 37001 and/or UNE 19601 standards.                      OTHERWISE
8. Declaration of membership of the Business Group:
  - The entity belongs to Grupo Empresarial: YES NO
  - If you answered "YES", please indicate below the name/company name of the Business Group:
9. **Statement of the purposes and activities of the entity**

<u>Fines / Corporate Purpose</u>          
--

<u>Budget of the Entity for the current financial year</u>
<u>Activities of the entity</u>

**The Entity must provide, together with this declaration, the following documents:**

**Certification issued by the Registry where the entity is registered**

- The certification will be a maximum of 1 year old from its issuance
  - This certification must prove its existence and validity, company name, legal form, registration data in said registry, address, the identity of the members of its administrative body, statutes and tax identification number.
- a) Copy of the powers of attorney of the person or persons acting on behalf of said entity or certification issued by the corresponding public registry accrediting the capacity of the representative for these purposes.**
- b) Copy of the latest annual accounts deposited in the corresponding registry**

**10. Statement of destination of donation**

**Executive Summary of the Finalist Project** (It is requested to include below as detailed information as possible regarding: Objective and purposes of the Project, Description of the Project, Overall budget of the project, Risks that, if any, could hinder or prevent the realization or successful completion of the project)

PROJECT NAME (coinciding with the name that appears in the agreement):

\_\_\_\_\_

**11. DECLARES compliance with the 10 principles of the United Nations Global Compact on human rights, labor and the environment.**

- It supports and respects the protection of internationally recognized human rights within its sphere of influence.
- It ensures that it does not act as accomplices to human rights violations.
- It supports freedom of association and the effective recognition of the right to collective bargaining.
- It promotes the elimination of all forms of forced and compulsory labour.
- It promotes the effective abolition of child labour.
- Promotes the elimination of discrimination in relation to employment and occupation
- Supports a precautionary approach to environmental problems

- Adopt initiatives to promote greater environmental responsibility
- Encourages the development and diffusion of environmentally sound technologies
- It works against corruption in all its forms, including extortion and bribery

**Contact person details:**

Name and Surname	
Email address	
Mobile phone	
Mailing address	
Fax	

In Madrid, \_\_\_\_\_ of, \_\_\_\_\_,

**Company & Label:**

**IMPORTANT** - It is reported that in the event that, after assessing all the information sent by the entity, the FUNDACIÓN ACS decides to grant the requested donation, before making the corresponding payment, the entity must:

- Sign a specific agreement
- Submit a certificate of bank ownership of the bank account
- Accept in writing the Code of Conduct for Business Partners and the Criminal Compliance and Anti-Bribery Policy of the FUNDACIÓN ACS.
- Send the corresponding receipt of the contribution from the FUNDACIÓN ACS