



SISTEMAS
DE MISILES
DE ESPAÑA

General Protocol for Crime Prevention

Sistemas de Misiles de España

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1 PURPOSE

This Protocol describes the Crime Prevention Model of **SISTEMAS DE MISILES DE ESPAÑA, S.L.** ("**SMS**" or the "**Organisation**").

The purpose for implementing the Crime Prevention Model (the "**Model**") in **SMS** is to prevent and to raise awareness of the commission of any crime within **the Organization** or on its behalf, particularly those that could give rise to any type of criminal liability for the legal entity.

This document provides details of the elements that make up that Model and its operating procedures. A more detailed description of some of them is included in supplementary documents that are part of **the Organisation's** internal regulations and compliance system.

2 SISTEMAS DE MISILES DE ESPAÑA

Sistemas de Misiles de España S.L. is a company incorporated in 2021, established with the aim of gathering the capabilities that the main Spanish companies had in the missile sector, but independently. The four shareholders of **SMS** are currently SENER AEROESPACIAL S.A. ("SENER"), ESCRIBANO MECHANICAL AND ENGINEERING S.L. ("ESCRIBANO"), GMV AEROSPACE & DEFENCE, S.A.U. ("GMV") and INSTALAZA, S.A. ("INSTALAZA").

SMS was established for the purpose of implementing a working framework among shareholders, to collaborate in the identification, commercial development, achievement of opportunities and implementation of new programmes in the area of missile systems in Spain. The missile system programmes of the Spanish Ministry of Defence, which require technological and industrial capacity that the shareholders do not have individually but do have collectively, are particularly relevant.

3 THE PROTOCOL'S SCOPE OF APPLICATION

3.1 Objective scope

This **Protocol** applies to the entire **Organisation** and, in a general, transversal and extensive way, to all the activities carried out by **SMS**.

3.2 Subjective scope

All levels of the **Organisation** are the immediate recipients of the Protocol, including Board members, General Management and all other employees or consultants (the "**collaborators**").

It may also be extended to third parties with which **SMS** is related.

3.3 Territorial scope

It must be respected by all these persons in any territory or jurisdiction where they operate in the exercise of their professional activity, and in the fullest respect, always, of the corresponding local legislation.

4 CRIMINAL LIABILITY REGIME OF LEGAL ENTITIES

The entry into force of Spanish Organic Law 5/2010, of 22 June, introduced a substantial change in Spanish criminal law by **considering legal entities criminally liable for certain offences** (since, up to now, they were only civilly liable for the offences committed by their employees; this civil liability was secondary to that of individuals).

After the entry into force of Organic Law 5/2010, legal entities became criminally liable for certain offences committed by their executives or employees in the exercise of their duties.

Spanish Organic Law 1/2015, of 30 March, in force since 1 July 2015, establishes the Criminal Risk Prevention Models, which enables legal entities to be exempt from criminal liability (or lessen their penalty) if they specify and effectively implement reasonable and proportionate prevention, surveillance and control measures.

Article 31 bis of the Spanish Criminal Code currently regulates, under its point 1, the liability of legal entities regarding:

- a) Crimes committed for or on behalf of the entities, and with direct or indirect benefit to them, incurred by their legal representatives or by those who, acting individually or as members of a body of the legal entity, are authorised to make decisions on behalf of the legal entity or hold **powers of organisation and control within this entity**.
- b) Crimes committed in the exercise of corporate activities, on behalf of and in direct or indirect benefit of the entities, by those who, **subject to the authority of the individuals mentioned in the preceding paragraph**, have been able to carry out these actions due to serious non-compliance by those with the duties of supervision, monitoring and control of their activity, taking into consideration the specific circumstances of the case.

Therefore, it is different whether the criminal act has been committed by a person with **organisation and control authority**, which we will call "a", or by a **person subject to the indications of the other person**, which we will call "b".

Both in the case of offences committed by person "a" and by person "b", the Criminal Code establishes that the legal entity may be **exempt from liability** (or mitigate its sentence), if before the offence is committed, the legal entity has effectively adopted and enforced an **Organisation and Management Model** that meets the following requirements:

1. **Identify those activities** in which offences can be committed that must be prevented.

2. Establish **protocols or procedures** to complete the process of formation of the will of the legal entity, adopting decisions and implementing them in relation to them.
3. Have adequate **financial resources** management models to prevent the commission of offences that must be duly avoided.
4. Impose the **obligation to inform on possible risks and non-compliances** to the body responsible for monitoring the operation and observance of the prevention model.
5. Set up a **disciplinary system** which appropriately punishes non-compliances with the measures established by the model.
6. Carry out **periodic verifications of the model** and its eventual modification in cases in which relevant infringements of its provisions are detected, or if there are changes in the organisation, in the control structure or in the activity developed that make them necessary.

In the case of offences committed by persons "a", it will be required that:

1. Supervision of the operation and compliance with the implemented prevention model has been entrusted to a **body of the legal entity with autonomous powers of initiative and control**, or it is legally entrusted to supervise the effectiveness of the internal controls of the legal entity;
2. Individual perpetrators have committed the offence by **fraudulently evading the organisation and prevention models**; and
3. **There has been no omission or insufficient exercise of the oversight, monitoring and control functions by the body** of the legal entity referred to in point 1.

If these requirements can only be **proven partially**, they may be assessed for the purpose of applying a **mitigation of the penalty**.

In turn, article 31 quater of the Spanish Criminal Code, states that the mitigating circumstance of the criminal liability of legal entities may be considered in cases where, after the offence has been committed and through the company's legal representatives, any or several of the following actions have been carried out:

1. **Confession of the offence** to the authorities before knowing that the court proceedings are addressed against the legal entity.
2. **Collaborate in the investigation** of the act, providing new or decisive evidence.
3. **Repair or decrease the damage caused** by the offence, before the oral trial.
4. Establish, also before the start of the oral trial, **effective measures** to prevent and discover any future offences that may be committed.

Finally, the following laws have expanded the list of offences that may give rise to criminal liability for legal persons or modified some of the conduct of these groups:

- **Spanish Organic Law 1/2019**, of 20 February, which amends the Spanish Criminal Code, and aims to transpose a series of European Directives on market abuse, countering terrorism, combating fraud and protecting against counterfeiting.
- **Spanish Organic Law 10/2022**, of 6 September, on the full guarantee of sexual freedom.
- **Spanish Organic Law 14/2022**, of 22 December, transposing European directives and other provisions for the adaptation of criminal legislation to the European Union legal system, and reforming offences against moral integrity, public disorder and smuggling of dual-use weapons.
- **Spanish Organic Law 3/2023**, of 28 March, amending Organic Law 10/1995, of 23 November, on the Criminal Code, in relation to animal abuse.

5 DESCRIPTION OF THE CRIME PREVENTION MODEL

5.1 Responsibility

The Board is ultimately responsible for ensuring compliance with the Model, enacting to this end the necessary corporate protocols and procedures and promoting the ongoing improvement of the Model.

To ensure its effective implementation and its proper and efficient operation, in accordance with article 31 bis, 2(2) of the Spanish Criminal Code, the **SMS** Board has made the decision to create a single-member Compliance Body, appointing a Compliance Officer for this purpose.

The Compliance Officer is responsible for ensuring the correct operation and performance of **the Organisation's Crime Prevention Model**.

5.2 Roles and responsibilities

Compliance is **team work**, since for the Crime Prevention Model to be fully operational and effective, the commitment and cooperation of all collaborators is required.

Specifically, the main roles and responsibilities of each group are the following:

5.2.1 Board of Directors

1. Define the Compliance policy and objectives.
2. Establish and/or approve the strategy and/or guidelines proposed based on legislative and/or organisational changes.
3. Promote the compliance culture.

4. Appoint a Compliance Officer with the powers of initiative and control, expressly entrusting this person with the function of supervising the correct operation and fulfilment of the Crime Prevention Model.
5. Provide the Compliance Officer, and the other areas, with the means and resources necessary to design, develop, implement, assess and continuously improve the Crime Prevention Model.
6. Monitor the effectiveness of the Compliance Officer's work.
7. Approve the General Protocol for Crime Prevention, Annual Compliance Plan, Code of Ethics, and the main compliance policies and procedures.
8. Periodically review that the implemented Model is complete, effective and duly updated.
9. Approve, where applicable, the sanctions to be applied, in accordance with the disciplinary system in effect in **SMS**, in the event of breaches of codes, policies and other internal procedures.

5.2.2 Compliance Officer

1. Monitor the effective operation of the Model implemented in **SMS** and its effective performance, carrying out the following tasks:
 - a. Know and make known the criminal offences that may determine the criminal liability of legal entities.
 - b. Promote the identification of the activities in which the offences that must be prevented may be committed by areas of **the Organization**.
 - c. Periodically review the processes of formation of the will of the legal entity, and the decision-making processes so that their design contributes to compliance with the regulations in force at any time.
 - d. Provide **SMS** with the necessary information on the existing risks of committing offences and regulatory breaches, promoting the diligence and prevention measures to be taken to avoid them.
 - e. Regularly assess the knowledge that **SMS** employees have of the risks of committing offences and the measures for their prevention.
2. Encourage knowledge of the Code of Ethics and other internal regulations and the legislation in force to which **SMS** is subject.
3. Keep the Code of Ethics and other internal regulations up to date, taking into account both internal changes (e.g., changes in the Organisation, lines of business, activities, etc.) and changes arising from the applicable regulatory framework, proposing the appropriate changes to the Board.
4. Request the necessary and adequate financial, human and material resources to take and implement reasonable and proportionate measures to prevent offences from being committed.
5. Manage and ensure the proper operation of the Whistleblower Channel.
6. Ensure that reports and queries received through the Whistleblower Channel are processed, investigated and resolved with due guarantees.

7. Propose the initiation of sanctioning proceedings in the event of breaches of legislation or of internal regulations.
8. Periodically verify the Model and its possible modification when there are significant infringements of its provisions, or when there are changes in **SMS**, in the control structure or in the activity carried out that make such modification necessary.
9. Report regularly to the Board on the status of the Model, the reports received through the Whistleblower Channel and the actions carried out and planned regarding compliance.

5.2.3 Other collaborators.

1. Know and comply with the legislation applicable to them for exercising their professional activity.
2. Know and comply with internal regulations and the **SMS** culture of compliance.
3. Collaborate with the Compliance Officer in the performance of his /her duties.
4. Implement the controls planned.
5. Maintain evidence of its proper implementation.
6. Report the agreed information.
7. Report any new risk scenario they identify.
8. Inform the Compliance Officer of any defects found in the Model.
9. Consult regarding any questions.
10. Report the risks and breaches of which they become aware.

5.3 Elements and structure of the Crime Prevention Model

SMS Crime Prevention Model is inspired by the principles of good **governance, integrity and transparency** and is based on the main national and international standards, including applicable regulations (particularly that indicated in **ANNEX I**).

Although its main objective is to prevent and raise awareness of the commission of any offence within or on behalf of **the Organisation** (especially those that may give rise to criminal liability for legal entities), the implementation of this Model contributes, in turn, to the prevention and mitigation of other criminal risks that, even if they do not give rise to criminal liability for **SMS**, they may affect related individuals, such as its directors or executives.

The Model also promotes and encourages the development of an **ethical business culture**, which influences decision-making and the behaviour of the professionals who are part of **SMS**.

The Model established in **SMS** is composed of **7 elements**:

1. **Criminal risk assessment**: identification, analysis and assessment of each of the criminal risks (offences) that could entail criminal liability for the legal entity, or any of the ancillary consequences contained in article 129 of the Spanish Criminal Code.
2. **Policies and procedures**: they are part of the controls implemented by **SMS** for crime prevention.

3. **Resources:** they are intended for the implementation and maintenance of the Model.
4. **Whistleblower Channel:** this is the confidential reporting tool provided by **SMS** to receive queries and reports on risks or breaches of the applicable law and the internal regulations of **SMS**.
5. **Disciplinary system:** used to sanction cases of non-compliance with the rules and principles of action established by **SMS**.
6. **Regular verification:** continuous monitoring to ensure adequate compliance with the Model and to verify that its design is in line with the **SMS** requirements and the law in force and applicable at any given time.
7. **Training and communication:** meant to inform of the elements of the Model and the activities to be carried out for its implementation and effective performance to all the areas of **SMS**.

5.3.1 Criminal Risk Assessment

The assessment was based on the determination of **Criminal Risk Map**, which is prepared taking into account the activity carried out by **SMS**, the criminal offences that may entail the criminal liability of the legal entity, plus those that allow the application of the ancillary measures contained in article 129 of the Spanish Criminal Code.

Offences that may give rise to criminal liability for the legal person (Criminal Code)	Articles of the Spanish Criminal Code
Illegal trafficking of human organs	156 bis.7
Torture and other crimes against moral integrity	173.1
Human trafficking	177 bis.7
Sexual harassment	184.5
Prostitution/sexual exploitation/corruption of minors	189 ter
Discovery and disclosure of secrets and computer hacking	197 quinquies
Scams	251 bis
Preventing enforcement	258 ter
Insolvencies punishable under law	261 bis
Computer damage	264 quater
Against intellectual and industrial property, the market and consumers	288
Money laundering	302.2
Illegal financing of political parties	304 bis.5
Against Public Treasury and Social Security	310 bis
Against the rights of foreign citizens	318 bis.5
Unauthorised urban development, construction or building	319.4
Against natural resources and the environment	328
Against animals	340 quater
Related to nuclear energy and ionising radiation	343.3
Risks caused by explosives and other agents	348.3

Against public health	366
Against public health (drug trafficking)	369 bis
Counterfeiting of currency	386.5
Counterfeiting credit cards, debit cards and travel cheques	399 bis
Bribery	427 bis
Influence peddling	430
Embezzlement	435
Hate crimes and glorifying violence	510 bis
Financing of terrorism	576
Offences that may give rise to criminal liability for the legal person (Smuggling Law)	Articles of the Spanish Smuggling Law
Smuggling	2.6 and 7
Offences to which the regime of ancillary measures for legal persons under Article 129 of the Criminal Code applies	Articles of the Spanish Criminal Code
Crimes related to genetic manipulation	162
Price-fixing in bidding processes and public auctions	262
Refusal to accept inspection procedures	294
Crimes against workers' rights	318
Currency counterfeiting	386.4
Unlawful association	520
Organisation and criminal groups and terrorist organisations and groups	570 quater

An initial criminal risk assessment was conducted within the Organisation in 2022. This assessment was updated in 2025, as reflected in the Criminal Risk Assessment Update Report.

5.3.2 Methodology used

The first variable analysed to determine the risks was the likelihood of the occurrence of each offence, taking into account both the factors that increase it and those that reduce it, based on **SMS'** activity.

As regards assessing the impact of potential criminal conduct, the penalties established in the Spanish Criminal Code have been taken into account.

As a result of applying the above variables (probability per impact), the criticality of the different conducts identified was obtained.

In addition, based on those groups of offences with the greatest inherent likelihood of occurring, the activities or risky transactions that may result in the commission of criminal offences have been identified (**ANNEX II**). It does not mean that the transaction itself implies the commission of an offence, but that it could arise if it is not properly performed.

Likewise, to obtain the residual risk of the offences analysed, the controls that help to prevent, detect or manage the offences that may be committed were inventoried, and a document entitled "**Controls Catalogue**" was drafted.

This Catalogue gives a description of the control, assigning it a series of attributes (degree of implementation, level, mode, type, frequency and registration) by which its degree of robustness is obtained.

Taking into account the nature and the attributes that define it, the relationship of each control to the risks it mitigates is obtained.

These controls are carried out and documented by area managers as part of their operating processes.

5.3.3 Policies and procedures

SMS has a series of policies and procedures that are part of the controls implemented by the Organisation for crime prevention (Compliance Management System, Quality Management System, Security). Likewise, all the regulations necessary to align the activities of the Organisation with compliance will be developed.

Of all the internal compliance regulations of **SMS**, its **Code of Ethics** is worth noting, which includes the values and commitments of the Organisation and the principles that must guide the actions of employees and other collaborators related to **SMS**.

The internal regulations will be duly **communicated** to the collaborators to whom they apply and will be kept **accessible** for consultation at all times.

5.3.4 Resources

SMS regularly allocates **financial, human and technological** resources for the establishment, development, implementation, maintenance and continuous improvement of the Crime Prevention Model.

These resources include those allocated for the compliance function in which the Compliance Officer's activity is incorporated.

5.3.5 Whistleblower Channel

All collaborators are required to report any risk or breach of current legislation, the Code of Ethics and any other internal regulations. They must also raise any questions that may arise regarding the interpretation of those rules, whether external or internal, or any ethical matter, through the **Whistleblower Channel** at the following email address: canaldenuncias@sms-defensa.es

The Compliance Officer is responsible for managing and ensuring the proper operation of the **Whistleblower Channel**, in accordance with internal procedures.

Retaliation is prohibited at **SMS**, directly or indirectly, regarding persons who report issues in good faith.

It also guarantees that all communications receive processing in accordance with current data protection legislation, including **confidentiality** of all persons involved in reporting and/or investigations, without prejudice to compliance with any legal obligation or request.

5.3.6 Disciplinary system

For the effectiveness of the Model in relation to the commission of infringements or offences, **SMS** has a disciplinary system that sanctions violations of the enacted rules of conduct, regulating the procedures for imposing the consequences that correspond to the commission of such violations, always in accordance with current employment regulations and the applicable collective bargaining agreement.

Disciplinary measures that **SMS** may apply will not exclude possible court proceedings that may be instituted in relation to the offence or crime committed.

5.3.7 Regular verification

The Crime Prevention Model is **verified and updated** continuously to check whether its design is in line with the requirements of the law in force and applicable at any given time, and to ensure its effectiveness.

This analysis is carried out periodically, as many times as necessary, due to regulatory changes, changes in the Organisation, identification of possible failures, information received through the **Whistleblower Channel**, etc.

5.3.8 Training and communication

For proper operation of the Model, **SMS** considers it essential that both the people responsible for the Model and the other collaborators, know the applicable regulations and how to implement the Model itself. Therefore, it will ensure that the information is adequate, current, timely, accurate and accessible.

In this regard, **SMS** carries out the following activities regarding criminal risks:

1. Reporting the commitment of the Governance and Management Body with ethical behaviour.
2. Ensuring that new additions receive the appropriate information about **criminal risk prevention**.
3. Ensuring that all collaborators **have access to policies and procedures** considered relevant for disseminating criminal risk prevention.
4. Promoting **training actions** necessary to ensure adequate knowledge of criminal risks, procedures and control measures in this area by all collaborators.

6 COMPLIANCE ACTION PLAN

The purpose of the **Compliance Action Plan** is to identify and monitor any improvement or remediation initiative detected, regardless of its origin or source. Various initiatives may arise from the areas, compliance bodies, communications received on the **Whistleblower Channel** or from any other third party (supervisory body, auditor, etc.)

Each action included has assigned a responsible person, planned implementation date, status, etc., so that its implementation can be monitored.

7 EVIDENCE FILE

The Crime Prevention Model consists of both a set of internal documentation and an inventory of evidence of its effective application that allows its development, monitoring and supervision, also providing evidence that it is operational and in a continuous improvement process.

SMS has established a repository that includes all the documentation that may be used in relation to a third party to prove its culture and commitment in compliance matters.

8 APPROVAL AND VALIDITY

This Protocol was approved by the Board on 24 January 2023 and entered into effect on the same day of its publication.

Version 2.0 was approved by the Board of Directors at its meeting on 15 July 2025.

ANNEX I. EXTERNAL REFERENCES OF THE MODEL.

The **SMS** Crime Prevention Model is based on the following rules and best practises regarding Compliance:

- **Existing and applicable domestic and international regulations**, including:
 - Spanish Criminal Code. As last amended by Spanish Organic Law 1/2019, of 20 February, amending Spanish Organic Law 10/1995, of 23 November, on the Spanish Criminal Code.
 - Spanish Organic Law 12/1995, of 12 December, on combating smuggling activities.
 - Spanish Organic Law 10/2022, of 6 September, on full guarantee of sexual freedom.
 - Organic Law 14/2022, of 22 December, transposing European directives and other provisions for the adaptation of criminal legislation to the European Union legal system, and reforming offences against moral integrity, public disorder and smuggling of dual-use weapons.
 - Organic Law 3/2023, of 28 March, amending Organic Law 10/1995, of 23 November, on the Criminal Code, in relation to animal abuse.
- **International and national standardisation**:
 - Asociación Española de Estandarización (Spanish Standardisation Association), Standard UNE-ISO 37001:2017 Sistemas de Gestión Antisoborno. Requisitos con orientación para su uso (Anti-Bribery Management Systems. Requirements including guidance for its use).
 - Asociación Española de Estandarización (Spanish Standardisation Association), Standard UNE-ISO 19602:2019 Sistemas de Gestión de Compliance Tributario. Requisitos con orientación para su uso (Tax Compliance Management Systems. Requirements including guidance for its use).
 - Asociación Española de Estandarización (Spanish Standardisation Association), Standard UNE-ISO 31000 Gestión del Riesgo. Principios y Directrices (Risk Management. Principles and Guidelines).
 - Asociación Española de Estandarización (Spanish Standardisation Association), Standard UNE-ISO 31010 Técnicas de Evaluación del Riesgo (Risk Assessment Techniques).
 - Asociación Española de Estandarización (Spanish Standardisation Association), Standard UNE-ISO 37301:2021 SGC (Sistema de Gestión de Compliance - Compliance Management System).
 - Asociación Española de Estandarización (Spanish Standardisation Association), Standard UNE-ISO 19601:2017 Sistemas de Gestión de Compliance penal. Requisitos con orientación

para su uso (Criminal Compliance Management Systems. Requirements including guidance for its use).

- **Guidelines:**

- Spanish Attorney General's Office. Circular 1/2011 on the criminal liability of legal entities in accordance with the reform of the Spanish Criminal Code enacted by Spanish Organic Law 5/2010.
- Spanish Attorney General's Office. Circular 1/2016 on the criminal liability of legal entities in accordance with the reform of the Spanish Criminal Code enacted by Spanish Organic Law 1/2015.
- Spanish Attorney General's Office. Circular 3/2017 on the reform of the Spanish Criminal Code implemented by Spanish Organic Law 1/2015, of 30 March, in relation to the offences of discovery and disclosure of secrets and computer damage offences.

ANNEX II. GROUP OF OFFENCES WITH THE MOST LIKELIHOOD OF OCCURRING¹

Offence Group	Risky activity
Exploitation of third-party intellectual property	<ul style="list-style-type: none"> • Participation in software development projects • Participation in development projects for designs protected under intellectual property rights
Exploitation of third-party industrial property	<ul style="list-style-type: none"> • Use or development of patents, patented procedures or models subject to industrial property rights in the projects in which it participates.
Disclosure of secret patent inventions	<ul style="list-style-type: none"> • Development of products susceptible to the use of secret patents • Access to classified information
Appropriation, use and disclosure of trade secrets	<ul style="list-style-type: none"> • Development of projects in consortium with other companies in the sector • Access to third-party documentation • Management services and participation in conceptual development and design projects • Development and participation in conceptual development projects.
Corruption	<ul style="list-style-type: none"> • Negotiating and contracting with suppliers. • Coordinating projects and determining the collaboration needs of each member. • Outsourcing to third parties those project tasks or activities that cannot be carried out internally due to a lack of the necessary capabilities. • Commercial action. • Participation as a subcontractor in projects. • Negotiating contracts and participating in international projects.

¹ This includes groups of crimes with a HIGH (4) or VERY HIGH (5) inherent probability, according to the analysis reflected in the latest version of the SMS Criminal Risk Map. The inherent probability indicates the probability of a crime occurring due to the organisation's own activities, in the absence of controls. If a crime (criminal type) covers different possible behaviours, the highest probability of these behaviours is assigned as the probability of the crime. Similarly, to indicate the probability of a group of crimes, the highest probability of these crimes is taken. In accordance with the provisions of Article 31 bis 5.1 of the Criminal Code, these would therefore constitute the activities with the highest criminal risk in SMS (in the absence of controls). The controls implemented in SMS to mitigate criminal risk have been considered in determining the residual probability (see SMS Criminal Risk Map).

Offence Group	Risky activity
Against the Treasury and Social Security	<ul style="list-style-type: none"> Carrying out activities and projects subsidised by the European Union or with public funds
Bribery	<ul style="list-style-type: none"> Provision of services for public administrations Negotiation of contracts and participation in international projects
Trafficking in influence	<ul style="list-style-type: none"> Activity developed for public administrations.
Price fixing in public tenders and auctions	<ul style="list-style-type: none"> Participation in tenders and public contracts



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