

MANY COMPANIES 'UNCONVINCED' OF NEED FOR COMPLIANCE PROGRAMMES - CCA ONTIER

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Many Portuguese companies remain unconvinced of the need for compliance programmes due to the fact it is not mandatory under Portuguese law, says Henrique Salinas, partner at CCA Ontier in Lisbon.

"We have many clients which work in Spain and decide to come to Portugal," Salinas says. "One of the first things they do is ask us for a compliance programme." This is partly because, in legislation adopted in 2015, Spain passed legislation that meant businesses that have implemented procedures aimed at preventing criminal behaviour within the organisation will be exempt from criminal liability if any cases are brought.

However, it is more difficult to convince "exclusively Portuguese companies" of the need for a compliance programme without it being a mandatory requirement under Portuguese law, says Salinas. He adds that a legislative change would be "very important as it could change their

[Portuguese companies'] minds". That said, a large number of Portuguese companies have limited financial resources to invest in compliance. "We are just moving out of a large crisis in Portugal and many companies do not have a lot of money to spend on compliance programmes," Salinas says. Yet international companies operating in Portugal are driving an increase in demand for compliance-related legal advice and this has led to law firms recruiting more lawyers to cope with the extra workload. "We needed more people just doing compliance programmes, a specific team," Salinas says. Many Portuguese law firms are bolstering their compliance teams, Salinas adds. "This is an activity that allows a very close relationship with the client – it allows you to really understand your client's business."