

## **INFORMATION NOTICE ON WHISTLEBLOWING PROCESS**

### **Material Scope**

The whistleblowing channel is intended for reporting information on acts or omissions which are unlawful, or which would conflict with the object or the purpose of applicable laws, including human rights violations as well as material violations of the ethical principles set out in Encevo Group's Code of Business Conduct<sup>1</sup> (hereafter "violation(s)")<sup>2</sup>.

Harassment is excluded as it is subject to specific legislations.

Grievances about an employee's personal employment situation are in principle excluded unless there would be acts or omissions which would otherwise fall in the scope of the whistleblowing channel.

General business complaints or product/service issues are in principle excluded as well unless there would be acts or omissions which would otherwise fall in the scope of the whistleblowing channel.

Areas which fall in the scope of the Whistleblowing Process cover for example the following topics:

- health & safety issues,
- irregularities on financial, accounting, auditing matters or reporting,
- money laundering,
- corruption or bribery activities,
- violation of antitrust rules,
- violation of personal data protection rules,
- violation of unbundling law,
- violation of tax laws,
- criminal offenses.

### **Personal scope**

The whistleblowing channel can be used by employees including trainees (remunerated or not), former employees and by persons involved in a recruitment process or other pre-contractual negotiations. It is also open to self-employed persons, employees of contractors, subcontractors, or suppliers as well as shareholders and Board members.

### **Reporting channel**

A secured electronic channel which guarantees the confidentiality of the whistle-blower and of any third party mentioned in the whistleblowing report is made available through a link which gives access to a reporting platform, and which can be accessed afterwards for communication purposes using a password. Reports can also be made anonymously on this platform (hereafter "secured platform").

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<sup>1</sup> Encevo Group's ethical principles are set out in an Appendix to this notice

<sup>2</sup>Information includes reasonable suspicions concerning actual or potential violations, which have occurred or are very likely to occur in the organisation where the whistleblower works or has worked or in another organization with which he/she is or has been in contact in the context of his/her work, and regarding attempts to dissimulate such violations

The whistleblower is given the possibility to request for a physical meeting with responsible representatives of the Encevo Group to make the report or share complementary information. Such a request should for confidentiality reasons be made using the secured platform.

### **Protection of whistleblowers against reprisals**

Whistleblowers who report in good faith shall not suffer from harassment, retaliation, adverse employment consequences or from any other direct or indirect act or omission in a professional context that causes or may cause unjustified harm to him/her, including threats and attempts to retaliate.

Whistleblowers are in addition protected under applicable law to the extent that the whistleblowing report falls within its scope.

An employee who retaliates or initiates abusive proceedings against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment and can incur penalties under applicable law.

### **Reporting in good faith**

In order to benefit from the protection described above, whistleblowers must have reasonable grounds for believing the information disclosed is true at the time when the report is made.

Whistleblowers who have knowingly reported false information are subject to disciplinary sanctions and are punishable under applicable law.

### **Follow-up on whistleblowing reports**

Whistleblowers will receive an acknowledgement of receipt within seven (7) days after the receipt of the whistleblowing report.

In addition, feedback will also be provided to the whistleblower about the measures contemplated or taken as a follow-up and about the reasons for this follow-up within a reasonable timeframe not exceeding three (3) months as from the acknowledgement of receipt<sup>3</sup>. Where the appropriate follow-up is still being determined, the whistleblower should be informed about this and about any further feedback to expect.

The Head of Group Internal Audit and the Group Compliance Officer have full access to whistleblowing reports. Other authorized personnel have a limited access as described under section "Confidentiality" below. The Group CEO, who has no access to the reporting platform, receives generic information, which does not include any personal data, on the type of violation reported and under investigation.

The Head of Group Internal Audit and his/her department members shall assist Group Compliance in the investigation of all whistleblowing reports which have been considered in scope<sup>4</sup>. The investigation including the interviews of the persons relevant for the investigation will be supported by the Group Compliance Officer and his/her department members as well as by other internal stakeholders or third parties (including forensic firms and legal advisers) to the extent needed. The

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<sup>3</sup> The relevant legal entity will be promptly informed about the fact that the receipt of a whistleblowing report has been acknowledged and that feedback has been given to the whistleblower as well as about the measures to be taken to stop any possible violation to the extent legally required

<sup>4</sup> The whistleblower may also be contacted in order to obtain more information to be able to determine if the whistleblowing report is in scope.

Head of Group Internal Audit and/or the Group Compliance Officer may also contact the Chairman of the Group Audit Committee to seek support or advice in the interest of the investigation.

Investigation reports, which include proposed corrective actions to the extent needed, especially when the allegations contained in the whistleblowing report are found to be substantiated, will be submitted to the Group Executive Board promptly after they have been finalized, in principle at the latest three months after the afore-mentioned acknowledgement of receipt. They will be presented to the Group Audit Committee promptly thereafter. When conservatory measures need to be urgently taken, information should be shared with the management before the investigation report is finalized. The management of the Encevo Group subsidiary, the whistleblowing report relates to, will in any case be informed as well at the latest after the investigation report has been presented to the Group Executive Board, especially with the aim to decide on, and implement, corrective actions. Corrective actions may include notifying competent authorities if legally required or considered appropriate. The investigation report may be shared with other functions such as human resources and legal for follow-up purposes to the extent needed.

To the extent required under applicable law or agreed upon with employee representatives, anonymous and/or statistical information on whistleblowing cases will be periodically provided to the works council of the relevant subsidiary.

Notwithstanding the foregoing, complementary derogatory rules apply with a view to avoiding or properly managing conflicts of interest in the process. In the event that the Group Compliance Officer or his/her department members are the target of a whistleblowing report, they will not be involved in the investigation. Similarly, when the Head of Group Internal Audit or one of his/her department members are the target of a whistleblowing report, they will not be involved in the investigation and the Group Compliance Officer will lead the investigation. In case a member of the Executive Board member is targeted by a whistleblowing report, the investigation report will not be submitted to the Executive Board but directly to the Group Audit Committee.

### **Right to consult employee representatives and trade unions**

All employees are entitled to consult with the employee representatives of the Group company they work for or their trade union and to be protected against any unjustified harmful measure which would be triggered as a result in accordance with applicable law.

### **Confidentiality**

The identity of the whistleblower will not be disclosed to non-authorized personnel except upon his/her express consent or when and to the extent it is compulsory to do so by law, for example to comply with the requirements of court or regulatory proceedings. The same confidentiality rule applies to any information based on which the identity of the whistleblower could be directly or indirectly deduced.

The whistleblowing reports including the identity of the whistleblower and other personal data contained therein will be disclosed to the Group Head of Internal Audit and the Group Compliance Officer and, only on a “need to know” basis, to employees from the internal audit function, who have been assigned the whistleblowing report for investigation purposes, and, to the extent needed, to professional forensic consultants or employees from the compliance function, who would be specifically requested to support the investigation (hereafter globally referred to as “authorized personnel”).

## Protection of personal data

The whistleblowing process may entail the processing of personal identification information. This may generally include information about the whistleblower and/or about a person suspected of a violation (hereafter “data subjects”).

Encevo S.A., which is responsible for the processing of the information, will do so in accordance with applicable laws, especially the legislation relating to the protection of whistleblowers (in particular the laws adopted to implement EU Directive 2019/1937 on the protection of persons who report breaches of Union law, hereafter generally referred to as “whistleblowing legislation”) and with data protection law (in particular the General Data Protection Regulation, EU Regulation 2016/679, hereafter “GDPR”, globally referred to as “data protection legislation”). The processing will take place only for the purpose of the whistleblowing process described herein. Encevo S.A. is the data controller and may process some personal data in the course of the whistleblowing process with its fully consolidated subsidiaries (hereafter “subsidiary” or “subsidiaries”) to the extent that the whistleblowing report would relate to a violation which has or could have occurred in one of these subsidiaries<sup>5</sup>. In such a case, Encevo S.A. and the relevant subsidiary are joint controllers. The aim is to ensure that violations are investigated and remedied according to uniform standards within the Encevo Group.

The processing is based on applicable whistleblowing legislation and whenever this law would not be applicable, on the legitimate interest of Encevo S.A. and the relevant subsidiary.

The secured platform is hosted within the EU with a service provider with which Encevo S.A. has entered into a data processing agreement in accordance with the GDPR.

Data subjects have personal rights regarding their own data which can be exercised in accordance with applicable law. The rights include a right of access, right to correct, right to erasure, a right to restrict a processing, right to oppose (right to be forgotten), and a portability right. If more explanations are needed or in order to exercise these rights, Encevo’s Data Protection Officer should be contacted at the following address: [dpo@encevo.eu](mailto:dpo@encevo.eu). Alternatively, the whistleblower can make a request to authorised personnel using the secured platform. Requests will be answered within a reasonable delay, not exceeding one month as from the date of your request, it being understood that in the case of complex requests, this period may be extended up to three months.

Such rights can be exercised to the extent their exercise does not adversely affect the rights and freedoms of others and/or be in contravention with applicable laws, in particular the whistleblowing legislation.

Data subjects also have the right to lodge a complaint with the Luxembourg supervisory authority for data protection, namely the “Commission nationale pour la protection des données”, or, as the case may be, any other competent data protection authority in another country in which a subsidiary would be located.

The personal data collected in the context of the whistleblowing process are retained and deleted/anonymised in accordance with applicable data protection and whistleblowing legislations. The retention period will be defined in each individual case based on the following criteria: legal

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<sup>5</sup> This may in particular be the case when findings are shared with the subsidiary for follow-up purposes. It may also be the case when Encevo S.A. and the subsidiary mutually cooperate for the sake of the investigation and may transfer personal data in this context.

storage regulations, periods defined under statutes of limitation and seriousness of the alleged violation.

### **Information on external channels**

In accordance with applicable law, information will also be made available to potential whistleblowers on external channels made available by authorities.

## **APPENDIX – Code of Business Conduct Principles**

### **1. Compliance with Law and Ethics**

We fully comply with all laws and regulations as well as with the ethical standards of the Code of Conduct.

### **2. Safe Working Conditions**

We promote a healthy and safe working environment, behave responsibly and report any unsafe conditions.

### **3. Disclosure of Conflicts of Interest**

We act with loyalty towards our Company and fully disclose any conflict of interests.

### **4. Protection of Company Assets and Information**

We protect the assets of our Company, including confidential information, and will use them in principle only in connection with our Company's business.

### **5. Fair Dealings with our Business Partners**

We treat our business partners fairly and with integrity. We expect our business partners to also respect high integrity standards and undertake due diligence accordingly.

### **6. Compliance with Anti-Corruption Laws**

We do neither offer nor accept bribes and we fully abide by anti-corruption laws. We respect the rules which apply to gifts and entertainment.

### **7. Compliance with Personal Data Protection Laws**

We comply with all laws which aim at protecting the personal data of data subjects and we are in particular committed to protect the personal data of our employees, our customers, and our suppliers.

### **8. Compliance with Anti-Trust & Unbundling Laws**

We believe in fair and open competition. We will not engage in any activity that would unlawfully restrict competition and break anti-trust laws.

As for our regulated activities, we respect the principle of independence of all grid operators, protect commercially sensitive information and comply with the principle of non-discrimination of all market players.

### **9. Compliance with Market Abuse and Insider Dealing Regulations**

As for our activities in trading, origination, portfolio management and energy sourcing, we will not engage neither in market abuse nor in insider dealing.

### **10. Diversity and Inclusion**

We seek to create a workplace where each of our employees and all those we interact with as part of our work are treated with fairness, dignity and respect. We do not tolerate any harassment or discrimination.