

# Whistleblower System and Rules of Procedure of the Fuchs Gruppe

## Compliance and whistleblower system of the Fuchs Gruppe

As part of the Fuchs Gruppe, Bart Ingredients is committed to effective compliance. Compliance means observing legislation, the law and the Fuchs Gruppe's internal rules, and creating structures to ensure that the Fuchs Gruppe, its management and all its employees can behave lawfully. The compliance ombudsperson and the ISO 27001-certified whistleblower system [www.safewhistle.info](http://www.safewhistle.info) are part of the Fuchs Gruppe's compliance system and compliance culture.

### Why has the Fuchs Gruppe appointed a compliance ombudsperson?

Your information helps us to counteract violations of applicable law or internal Fuchs Gruppe guidelines at an early stage and to avert damage to our employees, business partners, third parties and also to the Fuchs Gruppe. For this reason, the Fuchs Gruppe has appointed a Compliance Ombudsperson, Dr Johannes Dilling, a lawyer, to whom employees, business partners and third parties can turn as an external, independent and impartial contact person if they have any indications that violations of applicable law or internal Fuchs Gruppe regulations have occurred.

The contact data are as follows:

Attorney Dr. Johannes Dilling

Landgrafenstrasse 49

50931 Cologne, Germany

Tel.: +49 (0) 221 933 107 40

Mobile: +49 (0) 163 347 6111

Fax: +49 (0) 221 933 107 42

[www.ra-dilling.de](http://www.ra-dilling.de)

[www.safewhistle.info](http://www.safewhistle.info)

Threema-ID: 3PX6278J

E-mail: [info@ra-dilling.de](mailto:info@ra-dilling.de); [RADilling@protonmail.com](mailto:RADilling@protonmail.com)

### Which whistleblowers are protected?

Any whistleblower acting in good faith is entitled to provide information. Whistleblowers acting in good faith fall within the scope of protection of these Rules of Procedure. Good faith is deemed to exist if the whistleblower assumes at the time of reporting that the information they have provided is true.

## **Which offences are relevant?**

All violations of applicable law are relevant, in particular in the area of white-collar crime or violations of human-rights-related and environment-related obligations, in particular those pursuant to Sections 2, Para. 2 and 3 of the Supply Chain Due Diligence Act. However, violations of the Fuchs Gruppe's internal regulations can also be reported.

On the other hand, if you have a question about your order, want to complain about a product, are dissatisfied with our performances or our service, or have any other concerns, then please use our usual **contact options**: [hello@bart-ingredients.co.uk](mailto:hello@bart-ingredients.co.uk)

## **How do I provide information?**

Please report to the Compliance Ombudsperson

- in which company or part of a company
- what happened
- when
- where
- and with which participants.

The Compliance Ombudsperson is also interested in being told which other persons - who may not be involved in the specific processes - have knowledge of this and whether there are any documents (e.g. e-mails, photos) relating to this.

Before providing the information, please check carefully whether the statements you are making are accurate with regard to their content. In particular, you must not provide any information that you know to be false.

Please also let the Compliance Ombudsperson know how they can contact you in the event of queries.

## **What costs are associated with the provision of information?**

No costs for the whistleblower are associated with the provision of the information.

## **What do I do if I am not sure whether a relevant offence has been committed?**

If you are not sure, please use phrases such as *"I believe..."* or *"I think it is possible..."*

If there are uncertainties about the presentation, assessment and/or procedure, you can talk to the Compliance Ombudsperson about the case beforehand – even anonymously - and free of charge.

## **Do I have to reveal my identity when I supply information?**

Whistleblowers remain anonymous if they wish. Whistleblowers can agree with the Compliance Ombudsperson as to how they can be contacted in the event of queries if the whistleblower wishes to remain anonymous. No false information may be communicated,

even in the case of an anonymous report. Whistleblowers can ask the lawyer Dr Dilling not to disclose to the Fuchs Gruppe an identity that is known to him.

### **How is the whistleblower's identity protected?**

Whistleblowers can ask the Compliance Ombudsperson to protect their identity, and not to disclose to the Fuchs Gruppe their identity or any other information that allow conclusions to be drawn about their identity.

As a lawyer, Dr Johannes Dilling is bound by professional secrecy and may not disclose the identity of a whistleblower known to him to third parties without incurring criminal liability. Dr Dilling has taken suitable technical and organisational measures to protect the information he receives in such a way that third parties cannot access it.

The information passed on by Dr Dilling to the Fuchs Gruppe is also treated confidentially and protected there. The persons in the Fuchs Gruppe who are responsible for processing the information are obliged by law to maintain secrecy insofar as the violation of human rights and environment-related breaches of duty are reported. They are also contractually obliged to treat incoming reports and in particular the identity of the person providing the information as confidential. Furthermore, the persons responsible for processing the reports in the Fuchs Gruppe are independent and not bound by instructions. In particular, they receive no instructions from either the company management or the Works Council regarding the content or procedure for conducting a procedure, for example regarding the type and scope of the procedure or its termination. The Fuchs Gruppe ensures organisationally that only those persons who are responsible for processing the reports can access the reports and the documents submitted with them.

Without the consent of the person providing the information, the identity of the person providing the information and circumstances that allow conclusions to be drawn about the identity of the person providing the information may not be passed on, even during internal processing of the information within the Fuchs Gruppe.

### **Is the protection of identity confidentiality absolute?**

No, it is not.

Firstly, Section 9, Para. 2 of the Whistleblower Protection Act provides for exceptions to confidentiality which, for example, allow the identity of a whistleblower to be passed on to a law enforcement authority if the latter requests it. Section 9, Para. 2 of the Whistleblower Protection Act is expressly referred to.

Secondly, confidentiality protection is enjoyed only by those persons who act in good faith, i.e. who do not intentionally or grossly negligently transmit false information. A whistleblower who intentionally or grossly negligently transmits false information must expect that their identity will become known via a request for information from the data subject in accordance with Article 15, Para. 1 of the GDPR, and that the data subject will assert claims for damages.

Finally, neither Dr Dilling nor the Fuchs Gruppe are protected against seizure, i.e. in the event of an official investigation, the authorities may seize documents that reveal the identity of the person providing the information.

Whistleblowers who fear that their identity will become known are therefore advised to submit a report anonymously. Even in the case of an anonymous report, no false information may be transmitted.

Here again, if you are not sure, please use phrases such as “*I believe...*”, “*I think it is possible...*” or “*It could be that...*”

### **Do I need to fear professional disadvantages if I give information?**

No, professional discrimination and reprisals against whistleblowers are strictly prohibited. The Fuchs Gruppe Supplier Code of Conduct also contains regulations that prohibit Fuchs Gruppe suppliers from taking reprisals if whistleblowers provide information. This also applies to the threat of and attempt to impose reprisals. Retaliatory measures on the basis of tip-offs will not be tolerated. Whistleblowers are encouraged to report the fact if they are subjected to any retaliation or reprisals by employees of the Fuchs Gruppe or by suppliers of the Fuchs Gruppe because they have provided information in good faith. The Fuchs Gruppe will respond to these employees or suppliers in an appropriate manner (e.g. issuing a warning, organising a workshop, demanding compensation).

As part of the reporting procedure and also at the end of the reporting procedure, the Compliance Ombudsperson will enquire of the whistleblowers if they have been subjected to reprisals by Fuchs Gruppe employees or Fuchs Gruppe suppliers as a result of the information provided.

Even after the proceedings have been concluded, whistleblowers can report to the Compliance Ombudsperson if they are subjected to reprisals by Fuchs Gruppe employees or Fuchs Gruppe suppliers as a result of the information provided.

### **What is the position of the Compliance Ombudsperson?**

The Compliance Ombudsperson is not an arbitration body for disputes. The client relationship exists only between the company and the Compliance Ombudsperson. Nevertheless, the Compliance Ombudsperson acts impartially and is not bound by instructions from the Fuchs Gruppe. As a lawyer, the Compliance Ombudsperson is obliged by law to maintain confidentiality.

### **What happens to the information?**

The Compliance Ombudsperson will report back to you within 24 hours that the information has been received. The Compliance Ombudsperson clarifies with the whistleblower the facts of the case and what expectations the whistleblower has with regard to possible preventive or remedial measures, and checks whether the information falls within the scope of the complaints procedure, in particular whether there could be a human rights or environmentally-related breach of duty within the meaning of Section 2, Para. 2 and 3 of the German Supply Chain Duty of Care Act (Lieferkettensorgfaltspflichtengesetz). If, in the opinion of the Compliance Ombudsperson, there is no relevant violation, he or she will

substantiate this to the whistleblower. On the other hand, if a relevant violation appears possible, the Compliance Ombudsperson processes the information and passes it on confidentially to the Fuchs Gruppe Compliance Officer. The Compliance Officer of the Fuchs Gruppe decides, together with the company management if necessary, how to deal with this information. If there are sufficiently concrete grounds for suspicion of legal or policy violations, these are investigated internally in order to clarify and remedy possible misconduct. As a rule, this is also done confidentially and discreetly in order to protect the interests of the whistleblower and the persons affected by the reports. The whistleblower will receive feedback from the Compliance Ombudsperson no later than three months after the report has been made as to whether the reported violation has been identified. If this is the case, the violation will be remedied. The expectations of the whistleblower are taken into account. If, in their opinion, the remedial measures taken are not sufficient, the whistleblower is encouraged to report this fact.

### **How to I reach the Compliance Ombudsperson?**

You can contact the Compliance Ombudsperson in any conceivable way (telephone, e-mail, fax, post or via the whistleblowing system [www.safewhistle.info](http://www.safewhistle.info)). The Compliance Ombudsperson is also available for face-to-face meetings with whistleblowers, including via video and audio transmission on request. If you wish to communicate in encrypted form, you can also use the messenger services Signal and Threema to contact the Compliance Ombudsperson. It is also possible to send encrypted e-mails to the Compliance Ombudsperson via Protonmail to the following address:

[RADilling@protonmail.com](mailto:RADilling@protonmail.com)

The contact data are as follows:

Attorney Dr. Johannes Dilling

Landgrafenstrasse 49

50931 Cologne, Germany

Tel.: +49 (0) 221 933 107 40

Mobile: +49 (0) 163 347 6111

Fax: +49 (0) 221 933 107 42

[www.ra-dilling.de](http://www.ra-dilling.de)

[www.safewhistle.info](http://www.safewhistle.info)

Threema-ID: 3PX6278J

E-mail: [info@ra-dilling.de](mailto:info@ra-dilling.de); [RADilling@protonmail.com](mailto:RADilling@protonmail.com)

Whistleblowers can report offences, **in a language of their choice stored there**, via the whistleblower portal [www.safewhistle.info](http://www.safewhistle.info), via the messaging services stored there, by e-mail and by post.

Whistleblowers may also request the Compliance Ombudsperson to arrange for an interpreter who is under a special obligation of confidentiality to attend a personal meeting with the Compliance Ombudsperson at the expense of the Fuchs Gruppe and who can translate from and into the whistleblower's national language.

At the whistleblower's special request, the Fuchs Gruppe will provide a compliance ombudswoman as a contact person at its own expense in individual cases.

## **External reporting centres**

Whistleblowers can also opt to report information about violations to external reporting centres.

### **1. Federal Office of Justice**

The external reporting office is:

Federal Office of Justice

Adenauerallee 99 – 103

53113 Bonn, Germany

Information on the procedure when reporting to the Federal Office of Justice, to which reference is made in accordance with Section 24, Para. 4, Sentence 1 and 2 of the Whistleblower Protection Act, can be found here:

<https://www.bundesjustizamt.de/DE/MeldestelledesBundes/MeldestelledesBundes.html>

You can find the online reporting procedure at the following link:

[https://www.bundesjustizamt.de/DE/MeldestelledesBundes/MeldestelledesBundes\\_node.html](https://www.bundesjustizamt.de/DE/MeldestelledesBundes/MeldestelledesBundes_node.html)

### **2. The German Federal Financial Supervisory Authority (BaFin)**

The responsible external reporting centre for reports in accordance with Section 21, No. 1 and No. 2 of the Whistleblower Protection Act is the

German Federal Financial Supervisory Authority (BaFin)

Graurheindorfer Strasse 108

53117 Bonn, Germany

Information on the notification procedure of the German Federal Financial Supervisory Authority, to which reference is made in accordance with Section 24, Para. 4, Sentences 1 and 2 of the Whistleblower Protection Act, can be found here:

[BaFin - Contact Point for Whistleblowers](#)

[BaFin - Giving information anonymously](#)

You can find the online reporting procedure under the following link:

[Home - BKMS System \(bkms-system.net\)](#)

### **3. German Federal Cartel Office**

The responsible external reporting centre for reports in accordance with Section 22, Para. 1 of the Whistleblower Protection Act is the:

German Federal Cartel Office

Kaiser-Friedrich-Strasse 16

53113 Bonn, Germany

Violations can be reported at any time, via an internal report, regardless of the outcome of proceedings.

Information on the notification procedure of the German Federal Cartel Office, to which reference is made in accordance with Section 24, Para. 4, Sentences 1 and 2 of the Whistleblower Protection Act, can be found here

[Overview \(bkms-system.net\)](#)

#### **4. European Anti-Fraud Office**

In addition, whistleblowers - including anonymously if requested - can report possible cases of fraud or other serious irregularities with a potentially negative impact on EU funds to the European Anti-Fraud Office (OLAF):

European Commission

European Anti-Fraud Office (OLAF)

1049 Brussels, Belgium

Information on the procedure for reporting to the European Anti-Fraud Office, to which reference is made in accordance with Section 24, Para. 4, Sentences 1 and 2 of the Whistleblower Protection Act, and the online reporting procedure, can be found here:

[OLAF home - European Commission \(europa.eu\)](https://ec.europa.eu/olaf/)