

The purpose of this procedure is to define the procedures for the collection of reports within the HOWA TRAMICO Europe Group, in accordance with the provisions of French Law No. 2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernization of economic life (known as the SAPIN II Law in France) and its implementing decree n ° 2017-564 of 19 April 2017 in France, establishing a general framework for the protection of whistleblowers.

Article 1 - Presentation of the system for collecting reports

This procedure is intended for any natural person who wishes to make a report for facts of which he has had personal knowledge, under the following conditions:

- **Being a whistleblower within the meaning of the law**, that is to say a natural person:
 - who reveals or reports, selflessly and in good faith :
 - ❖ a crime (against property, ...) or a crime ;
 - ❖ a serious and manifest violation of an international commitment duly ratified or approved by France, a unilateral act of an international organization taken on the basis of such an undertaking, the law or the regulation ;
 - ❖ or a threat or serious harm to the public interest ;
 - which she or he has personally known.
- **And respect the graded legal reporting procedure:**
 - The whistleblower must, first and foremost, use the internal procedure for the collection of alerts as explained in Article 5 of this note.
 - It is only in the absence of due diligence of the person receiving the alert (see article 5 of this note) within a reasonable time that the whistleblower can address his report to the judicial authority, administrative or ordinal.
 - It is only as a last resort, in the absence of treatment by the judicial, administrative or ordinal authority within a period of three months, that the report may be made public.

Exceptionally, in case of serious and imminent danger or in the presence of a risk of irreversible damage only, the report may be brought directly to the attention of the judicial, administrative or ordinal authority. It can be made public.

Finally, it must be emphasized that any person can send his or her report to the Defender of Rights in order to be referred to the appropriate organization to collect the alert.

The use of this procedure for the collection of reports is optional. However, its use in good faith makes it possible to benefit from the protection attached to it.

Article 2 - The whistleblower

➤ *Definition of the whistleblower*

In order to benefit from whistleblower protection, the following conditions, as defined in Article 6 of the SAPIN II Law, must be met:

The whistleblower is necessarily a natural person. It can be:

- an employee ;
- an external or occasional collaborator (temporary worker, trainee, worker made available by an external company ...).

The whistleblower must have had **personal knowledge of the facts** that he deems necessary to report. He can't therefore act as an intermediary for a person who has ascertained facts.

In addition, the whistleblower must act selflessly and can't derive any benefit from his revelation or report.

The whistleblower must act in good faith, that is to say that he must have reasonable grounds to believe in the veracity of the malfunctions reported.

➤ *Protection of the whistleblower*

The bona fide use of the present procedure for the collection of reports guarantees that the author is protected against any negative consequences or legal proceedings.

The whistleblower having disclosed in good faith the information necessary and proportionate to the safeguarding of the interests in question in the context of the present proceedings benefits from the system of criminal irresponsibility.

In addition, the whistleblower in good faith can't be sanctioned, dismissed or discriminated against, directly or indirectly, in particular as regards recruitment, remuneration, training, reclassification, assignment, qualification, classification, professional promotion, transfer or renewal of contract.

Misuse of this procedure for the collection of reports may expose the perpetrator to disciplinary sanctions as well as to legal proceedings as required by the legal texts (for example criminal prosecution for false accusation).

Article 3 - Failure to do so

This procedure for the collection of reports, defined by the texts, can be used only to indicate:

- a crime or offense ;
- a serious and manifest violation of an international commitment duly ratified or approved by France, of a unilateral act of an international organization taken on the basis of such an undertaking ;
- a serious and manifest violation of the law or regulation ;
- a threat or serious prejudice to the public interest.

For example, there may be problems relating to financial, accounting, banking and anti-corruption, anti-competitive practices, discrimination and harassment at work, health, hygiene and safety. at work and protecting the environment.

Note: Facts, information or documents, whatever their form or medium, covered by national defense secrecy, medical confidentiality or the secrecy of relations between a lawyer and his client can't be the subject of a report.

Article 4 - Confidentiality

All persons concerned by the present procedure for the collection of reports must respect the confidentiality of the identity of the person making the report, the persons targeted by him and the information collected by all the recipients of the report or brought to know.

The elements identifying the whistleblower may only be disclosed with the consent of the whistleblower, except to the judicial authority.

Moreover, the elements likely to identify the person implicated by an alert can't be disclosed, except to the judicial authority, once the merits of the alert have been established.

The report recipient processes reports with maximum confidentiality at each step of the alert verification and processing. Data security is ensured both when collecting data and when it is communicated or stored.

Disclosing confidential information about the procedures used to collect the reports is punishable by two years' imprisonment and a 30.000 euro fine.

➤ *Second step : the processing of the report*

▪ *Acknowledgment of receipt of the report*

Upon receipt of the alert, the Alert Referent acknowledges receipt by registered letter with acknowledgment of receipt addressed to the whistleblower.

On this occasion, the Alert Referent states:

- the reasonable and foreseeable time required for the examination of the admissibility of its report, namely in principle 2 months from the receipt of the report, unless longer period in case of need for a thorough investigation ;
- the date on which the whistleblower is summoned to a first interview in order to provide additional information, if necessary. This date must, as far as possible, intervene within 15 days of receiving the alert ;
- the procedures under which the whistleblower will be informed of the follow-up that will be given, in principle by registered letter with acknowledgment of receipt, at the close of the investigation operations.

- *Organization of an interview with the whistleblower*

The interview with the whistleblower takes place under conditions and in a place that guarantees strict confidentiality.

The purpose of the interview is to seek clarification as to the facts relied upon and possibly to retrieve evidentiary documents.

The Alert Referent reports on the maintenance he sends to the whistleblower by registered letter with acknowledgment of receipt in order to maintain traceability of the exchanges.

If necessary, several interviews can be organized according to the same procedure.

- *Organization of an interview with the person or persons implicated*

The Alert Referent summons the employee or employees implicated in order to gather their explanations. As such, it is specified that the organized interview is outside the disciplinary field.

The purpose of the interview is to solicit the offending person's version in light of the facts reported.

At the beginning of the interview, the Alert Referent reminds the defendant of the principle of strict respect for confidentiality.

At the end of the interview, the Alert Referent establishes a report recalling the communication of this information, which it sends to the person implicated in order to maintain a traceability of the exchanges.

If necessary, several interviews may be organized according to the same procedure.

- *Verification of the admissibility of the report*

The Alert Referent verifies the admissibility of the report within a period of in principle 2 months from the receipt of the report, unless longer period in case of need for a thorough investigation. He thus conducts an internal investigation.

The Alert Referent may, if it appears necessary to him, to be assisted by a lawyer whose guarantee of confidentiality is reinforced by the obligation of professional secrecy inherent in this profession.

As part of the internal investigation, the Alert Referent may also be assisted by / exchange with any person necessary for the proper conduct of the procedure, if such communication is necessary for the sole purpose of verifying or processing the report.

It is the responsibility of the Alert Referent, prior to each transmission of data relating to the alert, to make a sorting among these persons to ensure that the recipient accesses the only strictly necessary and proportionate data with regard to the justification of the communication.

The persons called to know of the report are subject to an obligation of confidentiality reinforced. In this context, they have signed a contractual document on the obligation of confidentiality and have been duly trained in the matter.

At the end of the investigation operations (in principle within a period of 2 months from the date of receipt of the report, unless longer period in case of need for a thorough investigation), the Reference Alert sends a written report to the Directorate, in which he indicates:

- the conditions and the date of its referral ;
- the facts revealed and the analysis of their gravity ;
- its conclusions ;
- the consequences he suggests to give to the alert.

The Alert Referent will simultaneously send a registered letter with acknowledgment of receipt to the author of the report, as well as to the person or persons implicated, to inform them of the closure of the investigation operations.

Following the report, in the event of particularly serious events, the Alert Referent may, if it appears necessary to him, inform the Direction of the reportement to enable him to take any precautionary measure that would be necessary pending the the outcome of all verification operations.

➤ *Third step: the follow-up given to the report*

The author of the report is informed of the follow-up given to his report by registered letter with acknowledgment of receipt.

▪ *If the report is outside the scope of the procedure*

If the report appears, as soon as it is collected, as not falling within the scope of this procedure for the collection of reports (see article 3 of this note) and no follow-up is given to the report, the elements of the report file are destroyed without delay.

▪ *If no follow-up is given to the report (no commitment to any disciplinary or judicial procedure)*

If, at the end of the verification, no further action is taken on the report, the elements of the report file likely to identify the person making the report and the persons referred to in this report are destroyed. The destruction of the data relating to the report must take place within a period of 2 months from the closure of all the admissibility or verification operations.

- *If the report is followed by the initiation of disciplinary proceedings or legal proceedings*

The items collected are kept for a period not exceeding the litigation time limits.

1 Article 6 - Existence of automated processing of alerts

The present device may give rise to an automated processing of personal data whose purpose is the processing of alerts.

➤ *Category of personal data that can be collected*

In the framework of this device, the following data can be collected by the Referral Alert, responsible for the processing:

- the identity, functions and contact details of the whistleblower ;
- the identity, functions and contact details of the persons involved ;
- the identity, functions and contact details of those involved in the collection or processing of the alert ;
- the facts reported ;
- the information gathered as part of the verification of the facts reported ;
- the report of the verification operations ;
- the follow-up given to the alert.

The Alert Referent, responsible for the processing, takes all necessary precautions to preserve the security of the data, as well as during their collection as of their communication or their conservation.

In particular, access to computerized data processing is performed by an individual identifier and password, regularly renewed. These accesses are recorded and their regularity is controlled.

The data subject to archiving measures are kept, as part of a separate information system with restricted access, for a period not exceeding the time limits of litigation procedures.

In addition, the persons identified under this scheme have the right of access, rectification and opposition.

➤ *Information for potential users of the procedure*

Potential users of this procedure should be aware of the following:

- the identity and contact details of the Alert Referent ;
- the legal basis of the procedure for the collection of alerts ;
- the objectives pursued ;
- the areas concerned by the procedure ;
- the steps of the procedure ;
- the potential recipients of the data and the data transfer conditions ;
- the shelf life of the data ;

- the optional nature of the procedure ;
- the absence of consequences for the staff members of the non-use of the procedure ;
- the conditions under which the persons identified in the context of this procedure may exercise their rights (right of access, rectification, etc.).

➤ *Information of the person who is the subject of the report*

In addition to the information mentioned above, the persons concerned by an alert are informed of the report by registered letter with acknowledgment of receipt sent to their personal address.

The following information is sent to them:

- the identity of the person responsible for the system for collecting reports (the Alert Referent) ;
- the facts alleged ;
- the potential recipients of the report ;
- the procedures for exercising his rights (right of access, rectification, etc.).

This written information intervenes as soon as the personal data concerning the person concerned is registered in order to allow him to oppose the processing of this data. However, where precautionary measures are necessary, in particular to prevent the destruction of evidence relating to the report, the persons to whom the report relates may be informed only after the adoption of these precautionary measures.

It is specified that the persons concerned by the report can't in any case obtain information concerning the identity of the author of the report.

2 Article 7 - Effect of the procedure

This procedure for the collection of reports will come into force on June 25th 2018.

It was:

- Submitted, for information and consultation purposes, to the Health and Safety Committee (“CHSCT”) in France;
- Communicated to the Labour Inspector ;
- Filed with the records of the Labor Court concerned (“Conseil de Prud'hommes”) ;
- Annexed to the internal regulations.

This note is posted at workplaces, premises and at the door of the premises where the hiring is taking place. It is also posted on the company's website and intranet.

The Direction

3 APPENDIX 1: SIGNAL FORM

This document must be completed, printed, signed by hand and sent to the Alert Referent at the following address:

Référent Alert – Direction des Ressources Humaines – HOWA TRAMICO - Route d’Authou - 27800 BRIONNE – France

Or by Email: compliance@Howa-Tramico.com

SUBJECT OF THE REPORT	
IDENTITY OF THE AUTHOR OF THE REPORTING	
Name	
First name	
Function	
Society	
Professional mailing address	
Personal mailing address	
Professional e-mail	
Personal e-mail	
professional phone	
Personal phone	
DESCRIPTION OF THE FACTS OBJECTS OF THE REPORT	
Facts	
Attached documents to support the facts reported examples: <i>letters, reports, documents, testimonies ...</i>	
Date	

I certify the accuracy of the facts and have personally known.
Handwritten signature :