

## Whistleblowing system and rules of procedure of the Fuchs Gruppe

Date: January 2024

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

### Why did Fuchs Gruppe appoint a compliance ombudsman?

Your information helps us to counteract violations of applicable law or internal Fuchs Gruppe guidelines at an early stage and to prevent harm to our employees, business partners, third parties and also to Fuchs Gruppe. For this reason, Fuchs Gruppe has appointed a Compliance Ombudsman, Mr. Lutz Kühne, to whom employees, business partners and third parties can turn as an external, independent and impartial contact person if they have any indication that violations of applicable law or internal regulations of Fuchs Gruppe have occurred.

### The contact details are as follows:

Rödl & Partner BR  
Lutz Kühne  
Rödl & Partner Consultores Ltda.  
Rua Verbo Divino 1488, 3rd floor room 3a  
04719-904 São Paulo – SP  
Telefone: +55 11 504 6060 Ramal 1290  
lutz.kuehne@roedl.com

### Which whistleblowers are protected?

Any whistleblower acting in good faith has the right to provide information. Whistleblowers who act in good faith fall within the scope of protection of these Internal Regulations. Good faith is considered to exist if the whistleblower presumes at the time of reporting that the information he or she has provided is true.

### Which crimes are relevant?

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

On the other hand, if you have any questions about your order, want to complain about a product, are dissatisfied with our performance or our service, or have any other questions, please use our usual contact options.

### How can I provide information?

Please report to the Compliance Ombudsman

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

The Compliance Provider is also interested to know what other people – who may not be involved in the specific processes – are aware of this and whether there are any documents (e.g. emails, photos) related to this.

Before providing the information, please carefully check that the statements you make are accurate with respect to their content. In particular, you should not provide any information that you know to be false.

Please also inform the Compliance Provider about how they can contact you if you have any questions.

### **What are the costs associated with providing information?**

There are no costs to the whistleblower associated with providing the information.

### **What should I do if I am unsure whether a material offence has been committed?**

If you're not sure, use phrases like "I *believe* ..." or "I *think it's possible* ..."

If there are any questions about the presentation, evaluation and/or procedure, you can talk to the Compliance Ombudsman about the case in advance – even if anonymously – and free of charge.

### **Should I disclose my identity when I provide information?**

Whistleblowers remain anonymous if they so choose. Whistleblowers can agree with the Compliance Provider on how they can be contacted in case of queries should the whistleblower wish to remain anonymous. No false information may be communicated, even in the case of an anonymous report. Whistleblowers can ask Mr. Lutz Kühne not to reveal to Fuchs Gruppe an identity that he knows.

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

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

Mr. Lutz Kühne is bound by professional secrecy and may not disclose to third parties the identity of a whistleblower known to him without incurring criminal liability. Mr. Lutz Kühne has taken appropriate technical and organizational measures to protect the information he receives in such a way that third parties cannot access it.

The information passed on by Mr. Lutz Kühne to the Fuchs Gruppe is also treated confidentially and protected there. The persons of the Fuchs Gruppe responsible for the processing of the information are obliged by law to maintain confidentiality to the extent that violations of human rights and violations of duties relating to the environment are reported. They are also contractually obliged to treat as confidential the reports received and, in particular, the identity of the person providing the information. In addition, the

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persons responsible for processing the reports at Fuchs Gruppe are independent and are not bound by instructions. In particular, they do not receive instructions either from the management of the company or from the works council on the content or procedure for the conduct of a procedure, for example as regards the type and scope of the procedure or its termination. Fuchs Gruppe organizationally ensures that only the persons responsible for processing the reports can access the reports and the documents presented with them.

Without the consent of the person providing the information, the identity of the person providing the information and the circumstances that allow conclusions to be drawn about the identity of the person providing the information cannot be transmitted, even during the internal processing of the information within the Fuchs Group.

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

No, it's not.

First, Section 9, Para. Article 2 of the Whistleblower Protection Act provides for exceptions to confidentiality which, for example, allow a whistleblower's identity to be transmitted to a law enforcement authority if the latter so requests. Section 9, Para. Article 2 of the Whistleblower Protection Act is expressly referred to.

Secondly, the protection of confidentiality is enjoyed only by persons who act in good faith, i.e. who do not intentionally or grossly neglect false information. A whistleblower who, intentionally or through gross negligence, transmits false information must wait for his or her identity to become known through a request for information from the data subject, in accordance with Article 15, Para. 1 of the GDPR, and that the data subject will claim damages.

Finally, neither Mr Lutz Kühne nor Fuchs Gruppe are protected against seizure, i.e. in the event of an official investigation, the authorities may seize documents revealing the identity of the person providing the information.

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

Here again, if you're not sure, use phrases like "I believe ...", "I think it's possible ..." or "It may 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 prohibiting Fuchs Gruppe suppliers from suffering reprisals if whistleblowers provide information. This also applies to the threat and the attempt to impose reprisals. Retaliatory measures based on whistleblowing will not be tolerated. Whistleblowers are encouraged to report the fact if they are subjected to any retaliation or reprisal by employees of Fuchs Gruppe or suppliers of Fuchs Gruppe for having provided information in good faith. Fuchs Gruppe will respond to these employees or suppliers appropriately (e.g. by issuing a warning, organising a workshop, demanding compensation).

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As part of the whistleblowing procedure and also at the end of the whistleblowing procedure, the Compliance Ombudsman will ask whistleblowers whether they have been subjected to reprisals by employees of Fuchs Gruppe or suppliers of Fuchs Gruppe as a result of the information provided.

Even after the process has been concluded, whistleblowers can report to the Compliance Ombudsman if they are subject to reprisals by Fuchs Gruppe employees or Fuchs Gruppe suppliers as a result of the information provided.

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

The Compliance Ombudsman is not a dispute arbitration body. The client relationship exists only between the company and the Compliance Ombudsman. However, the Compliance Ombudsperson acts impartially and is not bound by the instructions of the Fuchs Gruppe. As a lawyer, the Compliance Ombudsman is required by law to maintain confidentiality.

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

The Compliance Ombudsman will inform you within 24 hours of receipt of the information. The Compliance Ombudsman clarifies to the whistleblower the facts of the case and what expectations the whistleblower has regarding possible preventive or corrective measures, and verifies whether the information falls within the scope of the complaint procedure, including whether there may be a violation of human rights or breach of duty related to the environment within the meaning of Section 2, Para. 2 and 3 of the German Duty of Care of Supply Chain Act (Lieferkettensorgfaltspflichtengesetz). If, in the opinion of the Compliance Ombudsman, there is no relevant violation, he will substantiate this to the whistleblower. On the other hand, if a material breach appears possible, the Compliance Ombudsperson processes the information and confidentially passes it on to the Compliance Officer of the Fuchs Gruppe. The Compliance Officer of the Fuchs Gruppe decides, together with the company's management, if necessary, how to process this information. If there are sufficiently concrete grounds for suspicion of legal or policy violations, they are investigated internally in order to clarify and remedy possible misconduct. As a general rule, this is also done in a confidential and discreet manner in order to protect the interests of the whistleblower and the persons affected by the reports. The whistleblower will receive feedback from the Compliance Ombudsman no later than three months after the report was 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 corrective measures taken are not sufficient, the whistleblower is encouraged to report this.

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## How can I contact the Compliance Provider?

You may contact the Compliance Provider in any conceivable way (telephone, email, fax, mail, or through the [www.safewhistle.info](http://www.safewhistle.info) reporting system ). The Compliance Ombudsman's Office is also available for face-to-face meetings with whistleblowers, including through video and audio transmission, upon request. If you wish to communicate in encrypted form, you can also use the Signal and Threema messaging services to contact the Compliance Ombudsperson. It is also possible to send encrypted emails to the Compliance Ombudsman via Protonmail to the following address:

The contact details are as follows:

Rödl & Partner BR  
Lutz Kühne  
Rödl & Partner Consultores Ltda.  
Rua Verbo Divino 1488, 3rd floor room 3rd  
04719-904 São Paulo – SP  
Telefone: +55 11 504 6060 Ext 1290  
[lutz.kuehne@roedl.com](mailto:lutz.kuehne@roedl.com)  
[tropoc.hotline@roedl.com](mailto:tropoc.hotline@roedl.com)  
[www.roedl.de/brasilien](http://www.roedl.de/brasilien)

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

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

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

## External Reporting Centers

Whistleblowers may also choose to report information about violations to external reporting centers.

### 1. Federal Office of Justice

The external reporting office is basically the

Federal Office of Justice  
Adenauerallee 99 – 103  
53113 Bonn, Germany

Information on the notification procedure to the Federal Department of Justice, to which reference is made in accordance with Article 24, Para. 4, sentences 1 and 2 of the Whistleblower Protection Act, can be found here:

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

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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 external whistleblowing centre responsible for whistleblowing under Section 21(1) and (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:

[https://www.bafin.de/DE/DieBaFin/Hinweisgeberstelle/hinweisgeberstelle\\_node.html](https://www.bafin.de/DE/DieBaFin/Hinweisgeberstelle/hinweisgeberstelle_node.html)

[https://www.bafin.de/DE/DieBaFin/Hinweisgeberstelle/2\\_Anonyme\\_Hinweisabgabe/AnonymeHinweiserteilung\\_node.html](https://www.bafin.de/DE/DieBaFin/Hinweisgeberstelle/2_Anonyme_Hinweisabgabe/AnonymeHinweiserteilung_node.html)

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

<https://www.bkms-system.net/bkwebanon/report/clientInfo?cin=2BaF6&c=-1&language=ger>

## 3. German Federal Cartel Office

The external reporting center responsible for reporting in accordance with Section 22, Para. Article 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, through an internal report, regardless of the outcome of the process.

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

<https://www.bkms-system.net/bkwebanon/report/channels?id=bkarta&language=ger>

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

[https://www.bundeskartellamt.de/DE/Kartellverbot/Hinweise\\_auf\\_Verstoesse/Hinweise\\_node.html;jsessionid=6C027096AE96D7C61C42A5EC4BFE49FC.2\\_cid508](https://www.bundeskartellamt.de/DE/Kartellverbot/Hinweise_auf_Verstoesse/Hinweise_node.html;jsessionid=6C027096AE96D7C61C42A5EC4BFE49FC.2_cid508)

## 4. European Anti-Fraud Office

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

[https://anti-fraud.ec.europa.eu/index\\_de](https://anti-fraud.ec.europa.eu/index_de)