

# Rules for the Complaints Procedure under Section 8 of the Supply Chain Due Diligence Act of Vattenfall GmbH

## Introduction

The Supply Chain Due Diligence Act (LkSG) will come into force on 1 January 2023. Vattenfall GmbH, as a company based in Germany with more than 3,000 employees in Germany, the majority of whom are employed by group companies, is subject to this law. Vattenfall GmbH has therefore established an internal complaints procedure in accordance with Section 8 of the LkSG to enable persons to point out human rights and environmental risks as well as violations of human rights-related or environmental obligations that have arisen as a result of Vattenfall GmbH's economic activities in its own business area or those of a direct or indirect supplier.

The management of Vattenfall GmbH has established these rules of procedure for this complaints procedure.

The complaints procedure serves as an early warning system through which problems are to be identified before people or the environment are actually harmed, so that preventive measures can be anchored in accordance with § 6 of the LkSG, and as a trigger for appropriate remedial action in accordance with § 7 of the LkSG when complaints are received about imminent or actual breaches of duty.

The Group Works Council of Vattenfall GmbH was consulted when the online tool for recording complaints was introduced (§3 of these Rules of Procedure).

The law also refers to the complaint as and to the complainant as whistleblower. These Rules of Procedure use the terms complaint and complainant.

## § 1 Entitlement to complain, Target groups

The complaints procedure is open to anyone, regardless of whether they are a natural or legal person or an association of persons without legal capacity.

The most important target groups of our complaints procedure include people who are potentially affected by human rights or environmental violations in our own business operations and in our supply chain, including in particular our own employees, employees of direct and indirect suppliers or local residents around the respective sites. However, we would like to clarify that persons who are not directly affected by risks or violations themselves also have the opportunity to submit information on risks and violations of obligations.

## § 2 Scope

The complaints procedure can be used for all human rights and environmental risks or breaches of duty covered by § 2 para. 2 - 4 LkSG as amended. The wording of the version of § 2 para. 2 - 4 LkSG valid at the time of the establishment of the rules of procedure is reproduced in Annex 1 for information purposes.

## § 3 Accessibility information

The complaint procedure can be accessed via the following reporting channels:

- An online tool for recording the complaint can be accessed via the Internet at the address: <https://report.whistleb.com/de/vattenfallksg>. The landing is translated into several languages, whereby the selection of languages is based on the target groups identified in the risk analysis. It can be reached without any restrictions in terms of time. Under certain circumstances, the complainant incurs telecommunication costs for the use of the Internet.

Insofar as the person making the complaint uses the online tool mentioned in § 3 to raise the complaint, he or she will receive access data to the online tool when using the system for the first time, which will support further communication with him or her - anonymously if desired.

- You can submit complaints by post using the following address:

Vattenfall GmbH  
LkSG Beschwerdestelle  
c/o Country Office  
11511 Berlin

In this case, you will incur costs for sending the complaint by post.

- Furthermore, the person making the complaint can send their complaint by e-mail to [lksg-beschwerde@vattenfall.de](mailto:lksg-beschwerde@vattenfall.de)

The person making the complaint may incur telecommunication costs for the use of the Internet.

- Our employees who are responsible for the implementation of the complaints procedure can be reached by telephone at 0049 30 267-12267 on weekdays during normal office hours in Germany. Outside these hours, an answering machine with a voice recording function is available to the person making the complaint at the above number. The complainant may incur telecommunication costs for the use of his/her telephone.

## § 4 Process of the complaints procedure

- (1) The complaint procedure shall be initiated by the person lodging the complaint or his or her representative via a reporting channel (cf. § 3).
- (2) Irrespective of the chosen communication channel, complainants shall receive an acknowledgement of receipt immediately after receipt of their complaint, usually on the same day as receipt. This can be in writing, by e-mail or electronically via the digital whistleblowing system, depending on which communication channel was chosen.
- (3) The employees entrusted with the implementation of the complaints procedure shall first check the plausibility of the facts communicated in the complaint. If the assessment shows, assuming the truth of the facts reported, that the facts do not result in a risk or a breach of duty within the meaning of Article 2 (2-4) LkSG, the complaint shall be rejected. A negative decision shall be accompanied by a statement of reasons and communicated to the complainant in text form.
- (4) The employees entrusted with the implementation of the complaints procedure shall, if necessary, further clarify the facts by taking appropriate measures and shall promptly discuss the matter with the person lodging the complaint, provided that contact details

have been left. The grievance procedure shall be conducted expeditiously and without major interruptions.

In simple cases, the discussion shall take place within one month of receipt of the complaint. In complex cases, where the clarification of the facts takes a longer time, the complainant will receive an interim notification of the expected further duration of the clarification of the facts no later than one month after receipt of the complaint.

If possible, the discussion shall take place within the framework of a conversation (e.g. within the framework of a video conference).

- (5) If, after clarification of the facts and discussion, the employees entrusted with the implementation of the complaint procedure are convinced that there is actually no risk or breach of duty within the meaning of § 2 paras. 2 - 4 LkSG, they shall reject the complaint as unfounded. A negative decision shall be accompanied by a statement of reasons and communicated to the complainant in text form.
- (6) If, after clarification of the facts and discussion, the employees entrusted with the implementation of the complaint procedure are convinced that a risk or a breach of duty within the meaning of § 2 paras. 2 - 4 LkSG actually exists, they shall initiate the processes of Vattenfall GmbH to take the follow-up measures (preventive and/or remedial measures) provided for in §§ 6 and 7 or § 9 para. 3 LkSG.

The complainant shall be informed by the employees entrusted with the implementation of the complaint procedure about the progress of the follow-up measures taken by Vattenfall GmbH.

- (7) The complainant may request information on the current status of the complaint procedure.

## § 5 Consensual dispute resolution

The employees entrusted with the implementation of the grievance procedure may also offer a procedure for the amicable settlement of disputes (for example, by concluding a settlement or involving a mediator) at any stage of the grievance procedure.

## § 6 The persons entrusted with the implementation of the procedure shall

The persons entrusted by Vattenfall GmbH with the implementation of the complaints procedure are:

- a. the LkSG representative of Vattenfall GmbH
- b. the supporting employees.

These are employees of Vattenfall GmbH. In organisational terms, they are assigned to the management office of Vattenfall GmbH.

For the processing of a specific complaint, the LkSG officer appoints a person responsible for the processing.

The persons are appropriately trained and have sufficient time resources to be able to assess the facts and process the procedure.

In selecting the persons, Vattenfall GmbH has paid particular attention to ensuring that they have a personality structure that guarantees their impartiality. Their impartiality is further ensured by internal guidelines according to which they may not be directly or indirectly influenced in the performance of their duties.

The persons are not bound by instructions with regard to the handling of the complaints assigned to them. In particular, it is ensured by employment contract and internal guidelines that they cannot be instructed not to pursue a complaint or to close the case in a certain way. Furthermore, it is assured that they will not suffer any disadvantages of any kind from the handling of complaints.

The duty of confidentiality, to which the persons are already subject according to § 8 para. 3, sentence 2 LkSG, is additionally secured by employment contract.

## § 7 Protection of the complainant

The complaint procedure shall be designed in such a way that the confidentiality of the complainant's identity is preserved by the following measures:

- The person making the complaint may make the complaint anonymously or through a person or association appointed by him or her.
- The persons entrusted with the implementation of the complaints procedure are obliged to maintain confidentiality.
- Insofar as other persons and departments as well as the supplier must be involved in order to clarify the facts or take follow-up measures (need-to-know principle) and the facts communicated with the complaint are shared in the process, the identity of the person making the complaint is protected by using a pseudonym.
- The current data protection regulations are complied with.

In analogous application of Section 9 (3) of the Whistleblower Protection Act, information about the identity of the person making the complaint or about other circumstances that allow conclusions to be drawn about the identity of this person may be disclosed if

1. the disclosure is necessary for follow-up measures and
2. the person providing the information has previously consented to the disclosure.

Consent must be given separately and in text form for each individual disclosure of information on identity. The provision of Section 26(2) of the Federal Data Protection Act remains unaffected.

The complaints procedure ensures effective protection against disadvantage or punishment (retaliation) beyond the above measures, in particular by prohibiting the exposure of complainants to retaliation through internal guidelines. Accordingly, in the case of a complainant employed in our business area, transfers, warnings and dismissals or other disciplinary downgrading as well as other disadvantages due to the complaint are prohibited.

Insofar as complainants are affected who are employees of a direct supplier, we shall endeavour to make corresponding contractual arrangements.

However, all complainants are obliged to only point out risks and breaches of duty that they may consider to be true to the best of their knowledge and belief. Knowingly disclosing false or misleading information may result in disciplinary action, disclosure of the complainant's identity, or even civil or criminal prosecution.

## § 8 Review of the effectiveness of the complaints procedure

The effectiveness of the complaints procedure is reviewed by Vattenfall GmbH at least once a year in accordance with Section 8 (5) LkSG in connection with the preparation of the report pursuant to Section 10 LkSG and on an ad hoc basis.

In particular, comments from complainants on their satisfaction with the procedure as well as suggestions for improving the complaints procedure, especially from the target groups, are taken into account.

## § 9 Documentation and reporting obligation

Within the framework of the documentation obligation according to § 10 LkSG, complaints received and their handling are continuously documented.

The documentation on a complaint procedure is kept for 10 years. The retention period begins at the end of the calendar year in which the last entry is made in the documentation for a complaint procedure.

Vattenfall's annual report on the fulfilment of its due diligence obligations under Section 10 of the LkSG shall outline the measures taken by Vattenfall as a result of a complaint.

## Revision history

Version	Changes	Approved by
1.0	Initial Version	Geschäftsführung der Vattenfall GmbH