

Translated with AI

Reporting/whistleblower system and Complaints procedure of the duisport Group

Whistleblower process

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1 Overview

As part of its compliance management system, the duisport Group has been operating a whistleblower system since 18 August 2021, which employees¹ of the Group companies can use - anonymously if they wish - to report information on misconduct, in particular conduct relevant under criminal law, within the duisport Group (suspected cases of compliance) to the duisport Group's external compliance advisor.

The whistleblower system supplements the internal reporting channels within the Group companies and is intended to enable the critical potential of employees to be used as an operational resource and early warning system. In addition, the whistleblower system is also open as one of the communication channels through which further information and questions about the Group's compliance can be submitted. The findings from the whistleblower system are used to support the compliance risk analysis and to continuously improve the duisport Group's compliance management.

Since January 1, 2024, the compliance hotline also serves in particular as a reporting office for the complaints procedure in accordance with the The Act on Corporate Due Diligence Obligations in Supply Chains (*Lieferkettensorgfaltspflichtengesetz, LkSG*) and enables business partners and third parties to report human rights and environmental risks and violations of human rights or environmental obligations in the business area of the duisport Group or a direct or indirect supplier (supply chain).

We provide individuals and groups of individuals affected by potential violations caused by business activities in our business area or in the supply chain (target group of potentially affected persons) with barrier-free access to appropriate remediation and link incoming complaints to our risk analysis, our preventive measures and remedial measures and, if necessary, redress. We will review the effectiveness of the procedure on an annual and ad hoc basis and make adjustments to the procedure or measures as necessary. Our grievance procedure is synchronized with our risk analysis; the more human rights and environmental risks we identify and prioritize for target groups, the more effort we invest in the grievance procedure and in ensuring the accessibility of the procedure for the affected target groups. At the same time, we receive feedback on the effectiveness of our risk management and due diligence processes via our complaints procedures.

We will document complaints and the implementation and effectiveness of preventive measures and remedial action on an ongoing basis and report publicly in accordance with legal requirements.

We will provide appropriate financial and personal resources for the establishment and implementation of the complaints procedure, carefully select and train the relevant persons and enable them to deal with complaints. In particular, we will ensure that the relevant persons

¹ For ease of reading, only the masculine form is used. In the following, the term employee is used uniformly for all employees of any gender of the duisport Group, which also includes managers.

offer a guarantee of impartial action, are independent and not bound by instructions, and are obliged to maintain confidentiality.

Information on how to contact the reporting office, the complaints procedure and the rules of procedure is publicly accessible on the duisport Group website.

All of the companies and holdings of Duisburger Hafen AG (together: duisport Group) listed in **Appendix A** participate in the whistleblower system/complaints procedure.

2 Implementation of the reporting systems

2.1 Internal reporting options:

The Compliance Officer is available to answer questions on human rights and environmental risks and on dealing with legal violations under the LkSG as follows:

- personally
- in writing (by post or e-mail)
- by telephone

Compliance Officer

Mr. Christian Negele, attorney at law

duisport - Duisburger Hafen AG

Port number 3650

Old Ruhrorter Str. 42-52

47119 Duisburg

Tel: +49 (0) 203 803 4231

Fax: +49 (0) 203 578989 356

Mobile: + 49 (0) 160 74 20 200

For the submission of written/electronic reports, the e-mail address of the internal Compliance Officer is available at

compliance@duisport.de

available.

2.2 Possibility of reporting to the external compliance advisor

Every employee of the duisport Group has the opportunity to use the whistleblower system ("Compliance Hotline") to provide information on misconduct, in particular conduct relevant under criminal law within the duisport Group, and to report violations of Union law.

In addition, employees, business partners and third parties have the opportunity to point out human rights and environmental risks as well as violations of human rights or environmental due diligence obligations in the business area of the duisport Group or a direct or indirect supplier.

The possibility of informing the external compliance consultant of the duisport Group - anonymously if desired - about any irregularities is publicly announced by the duisport Group on the

intranet, in training documents and at training events as well as on the duisport Group's homepage. The external compliance advisor can be contacted at

0800 589 3833²

Availability: Mondays to Fridays from 10:00 to 12:00 and 15:00 to 19:00
- CET - (excluding German public holidays)

When calling the free compliance hotline, the caller is first informed of the legal requirements, in particular the option of complete anonymity, and must confirm that they have taken note before being put through.

The pre-announcement can be found in **Appendix B**.

At the express request of the whistleblower, a personal meeting with the external compliance advisor can also be arranged.

2.3 Registration of the report with the external compliance advisor

The external compliance advisor records the reported facts, scrutinizes them, attempts to clarify them further by interviewing the whistleblower and documents the report.

If expressly requested, the external compliance advisor will give the whistleblower the opportunity to review the recorded facts, correct them if necessary and confirm them by signature or in electronic form.

If the whistleblower submits their compliance report completely anonymously, the compliance report is immediately assigned a project number, which is communicated to the whistleblower during the telephone call with the external compliance advisor so that the whistleblower can contact the external compliance advisor again if there are any additions to the reported facts or to receive feedback while maintaining their anonymity.

If the whistleblower contacts the external compliance advisor by e-mail, the receipt of the report is confirmed, a project number is assigned and the whistleblower is informed about the next steps, the timeline of the procedure and their rights with regard to protection against discrimination or retaliation.

2.4 Reporting

2.4.1 Report to the duisport Group

Within 24 hours, a "compliance report" is sent to the responsible internal reporting office: the internal compliance officer of the duisport Group and, at the request of the whistleblower, also or exclusively to the respective internal reporting office of the duisport Group company affected by the compliance report. The report contains not only a description of the facts of the case and the persons involved (unless anonymized), but also an initial (criminal, regulatory or supply chain compliance) legal and strategic assessment of the relevance of the reported facts.

² Service number free of charge for the caller (forwarding to the lawyer's mobile number).

The individual compliance report is prepared on the (sample) form shown in **Appendix C** and contains the following components in particular as part of the assessment by the external compliance consultant:

- Description of the facts
- Nature of the allegation
- Criminal or other (regulatory) legal relevance/suspicion check
- Compliance relevance
- LkSG relevance
- Comments/recommendation of follow-up or remedial measures by the external compliance consultant.

In principle, the external compliance consultant reports to the internal compliance officer or his representative of the duisport Group.

At the request of the whistleblower, the report will also or exclusively be sent to the responsible office of the respective duisport Group company concerned.

If the report contains a legally relevant allegation that concerns the internal compliance officer or their representative, the external compliance advisor reports directly to the following office:

- Executive Board of Duisburger Hafen AG

In order not to jeopardize any investigations, the persons concerned are not initially informed in the event of a report, but only after consultation with the higher-level decision-maker.

2.4.2 Internal reporting

When processing a report, the reporting offices must maintain the confidentiality of the identity of the whistleblower and the persons named in the report.

The identity of the above-mentioned persons may only be disclosed to the persons responsible for receiving the report, the persons responsible for taking follow-up measures and the persons assisting them in these measures. If the whistleblower gives his/her consent, his/her identity may of course be disclosed.

Taking these requirements and the requirements of data protection law into account, the internal compliance officer reports to the following bodies when a compliance report is received, insofar as follow-up or corrective measures are required:

- Executive Board of Duisburger Hafen AG
- Management of the potentially affected (subsidiary) company (unless a member of the respective management is accused themselves)
- Personnel department (insofar as measures under labor law are to be examined - two-week period of § 626 para. 2 BGB)
- In the event of violations of the LkSG, the Human Rights Officer and responsible employees of the Legal and Purchasing departments

If a member of the Executive Board of Duisburger Hafen AG is affected by the report, the Compliance Officer reports to the Chairman of the Supervisory Board of Duisburger Hafen AG without informing the person concerned.

2.4.3 Information of the person concerned

Whether the person concerned is informed at the investigation stage depends on the specific circumstances of the individual case. As a rule, however, in order not to jeopardize any investigations, the person concerned is not informed initially, but only after consultation with the higher-level decision-maker.

Once the investigation has been completed, the person concerned should generally be informed of the suspicion and its subject matter. However, this may be waived in individual cases if this conflicts with the overriding legal interests of the whistleblower or a third party.

If a report leads to an audit, the person concerned will in any case have to be questioned at a later date as part of the required right to be heard, whereby the accusation is revealed to him.

2.4.4 Information of the whistleblower

The Compliance Hotline does not provide the whistleblower with general legal advice. The whistleblower will be informed of this fact upon request. Rather, the Compliance Hotline is used to report misconduct, in particular conduct relevant under criminal law, within the duisport Group (suspected compliance cases) and to report human rights and environmental risks and breaches of duty within the duisport Group or in the duisport Group supply chain to the external compliance advisor.
Group or in the supply chain of the duisport Group to the external compliance advisor.

The duisport Group takes the allegations very seriously and will clarify them within the framework of the measures required in the individual case and initiate further follow-up and remedial measures. The result of the investigation will be the subject of a final report to be prepared internally.

If the whistleblower so wishes, he or she will be given the opportunity to discuss the matter in person with the external compliance advisor, the Compliance Officer of the duisport Group or the responsible office of the company affected by the compliance report.

2.4.5 Statistics

Once a month, the external compliance consultant prepares a **monthly report** containing an overview of calls and compliance cases (see **Appendix D**).

The monthly report is sent to the Compliance Officer of the duisport Group.

3 Determination of the facts

3.1 Internal clarification by the duisport Group

The commissioning of an external third party with the tasks of the internal reporting office does not release the responsible duisport company from the obligation to take appropriate measures itself to remedy a possible violation.

If the reports have no relevance under criminal law, regulatory law, human rights law or environmental law, but either only relevance under labor law or no legal relevance at all, the duisport Group decides internally which follow-up or remedial measures appear appropriate and necessary.

3.2 Implementation of a compliance audit

If the matter contains a criminal law component that is associated with further risks for the company (such as corruption issues or tax law issues), further clarification is carried out, if necessary, with the involvement of the findings and the expertise in commercial criminal law of the external compliance consultant.

If the matter contains a human rights or environmental component, the company will further clarify the matter and, if necessary, take appropriate remedial action and preventive measures to minimize future risks.

After clarification (in an initial phase without external impact) and legal assessment, a legal and strategic decision will then be made as to which further steps are necessary and required to avert any risks from the duisport Group as far as possible.

3.3 Examination of the need to involve external bodies (investigating authorities)

If an internal clarification through a compliance audit does not lead to sufficient clarification of the facts and further suspicions remain, a decision must be made as to which further investigative measures by external bodies (public prosecutor's office/police/supervisory authorities) are appropriate and necessary. In particular, the potential external impact of such a step must be taken into account when weighing up the options:

- Press coverage
- Effect on employees
- Impairment of work processes
- Costs

3.4 Documentation and reporting obligations

If a report relates to human rights or environmental risks or breaches of duty, the identified risks or breaches of duty and the measures taken by the company in response to the complaint(s) are included in the company's annual report on the fulfillment of its due diligence obligations.

4 Final report/recommendation for action

A factual and legal assessment of the facts is carried out, which forms the basis for further decisions. The supporting considerations for the decisions made must be documented by the responsible bodies; the report must be kept on file.

In particular, the following consequences should be considered:

- Employment law consequences for the person concerned
- Criminal consequences (filing a criminal complaint)

- Adjustment of risk management
- Assertion of claims for damages
- Tax correction reports (Section 153 AO)
- Notification to supervisory authorities/product recalls
- Taking remedial measures (§ 7 LkSG)
- Inclusion in the LkSG reporting
- Optimization of supply chain due diligence management
- Adaptation of compliance structures

5 Feedback/ information obligations

The following bodies must be informed of the results of the investigation and involved in the decision on any follow-up or remedial measures:

- Personnel department, if applicable
- Legal department, if applicable
- Finance and risk department, if applicable
- Purchasing department, if applicable

5.1 Transcript of the final report

You will receive a copy of the final report in any case:

- Compliance Officer of the duisport Group (insofar as the internal clarification was not carried out by him/her)
- External compliance consultant

and insofar as this is necessary for the follow-up or remedial measures:

- Executive Board of Duisburger Hafen AG (insofar as not affected itself)
- Management of the potentially affected (subsidiary) company (if not affected itself)
- Personnel department (insofar as measures under labor law are to be examined - two-week period of § 626 para. 2 BGB)
- Legal department
- Human Rights Officer
- Supervisory Board of Duisburger Hafen AG

When reporting, the confidentiality of the identity of the whistleblower and the persons named must be taken into account. The identity may only be disclosed to the persons responsible for receiving the report and for taking follow-up action, as well as to the persons assisting them in this process.

5.2 Information of the person concerned

If the person concerned can be personally identified and the accusation proves to be unfounded, he or she will be informed (at the latest) after the investigation has been completed that a suspicion has been raised against him or her and what suspicion has been raised.

If the suspicion has been confirmed by the investigation, the person concerned must be heard, insofar as possible without the risk of loss of rights, before a decision is made on (labor) law consequences.

5.3 Information from the whistleblower

The whistleblower has the right to be informed of any consequences of their report within three months of submitting it.

- If the whistleblower has submitted the compliance report to the external compliance consultant, stating his or her name, and has agreed to his or her name being passed on to the duisport Group, feedback will be provided via the responsible internal department of the duisport Group.
- If the whistleblower has submitted the compliance report to the external compliance advisor stating their name and has not agreed to their name being passed on to the duisport Group, feedback will be provided via the external compliance advisor of the duisport Group.
- If the whistleblower has submitted the compliance report anonymously, the whistleblower is asked to contact the external compliance advisor again by telephone after the three-month period has expired in order to obtain information on the progress of the investigation, stating the project number assigned to the compliance report.

The whistleblower will not be informed if this would compromise further investigations or the rights of affected persons.

6 Whistleblower protection/data protection

6.1 Whistleblower protection

No employee has to fear any disadvantages from the duisport Group as a result of contacting the Compliance Officer or the external Compliance Advisor - subject to sanctions due to their own violation of the company constitution or the guidelines that substantiate it. duisport Group. In addition, the duisport Group protects the whistleblower, as far as possible, from retaliatory measures or other disadvantages from the Group. The right to protection does not apply if the subject of the report is intentionally and knowingly false or misleading information or if the report was otherwise made improperly.

6.2 Data protection/deletion routine

The external compliance consultant and the departments within the companies of the duisport Group responsible for processing the compliance report (see above) are authorized to process personal data insofar as this is necessary for the purposes of processing the compliance report.

Due to the far-reaching processing authorization, the personal data contained in the reports may be both received and evaluated. In addition, new personal data may be collected and further processed when carrying out the follow-up measures. The reporting offices must also

comply with the applicable provisions of the GDPR and the BDSG. The transmission of personal data by the reporting offices is subject to the confidentiality guaranteed to the whistleblower (see Section 8 HinSchG). If an investigation has been carried out, the processed data will be deleted after the statutory retention period of three years after completion of the investigation (Section 11 (5) HinSchG). Any further storage will only take place if it is necessary and proportionate for the examination or implementation of further legal steps, such as civil actions, labor court proceedings or criminal proceedings.

The documentation of the fulfillment of human rights and environmental due diligence obligations must be kept for seven years (§ 10 para. 1 LkSG).

7 Evaluation

To check the acceptance and effectiveness of the whistleblower system and the effectiveness of its operational implementation, communication regarding the existence of the system, its use and the processing of any reports are regularly evaluated.


8 Entry into force

These procedural instructions enter into force upon signature and are valid until revoked.

Place, date



Signature of the Head of Compliance



Deputy Head of Compliance

Appendix A

List of participating companies

- Duisburger Hafen AG
- Bohnen Logistik GmbH
- BREEZE Industrial Packing GmbH
- BVG Verwaltungs-GmbH
- dfl duisport facility logistics GmbH
- DIG Duisburger Infrastrukturgesellschaft mbH
- duisport industrial solutions SüdOst GmbH
- duisport industrial solutions Belgium NV, Antwerp/Belgium
- Duisburg Gateway Terminal GmbH
- duisport agency GmbH
- duisport Agency Polska Sp.z o.o., Warsaw/Poland
- duisport consult GmbH
- duisport industrial packing service (Wuxi) Co, Ltd, Wuxi/China
- duisport industrial solutions West GmbH
- duisport packing logistics India Pvt. Ltd, Pune/India
- duisport rail GmbH
- Port of Duisburg/Amsterdam Beteiligungsgesellschaft mbH
- Port of Duisburg-Rheinhausen GmbH
- duisport packaging solutions Süd GmbH & Co. KG
- LOGPORT Logistic Center Duisburg GmbH
- Multimodal Terminal Duisburg GmbH
- duisport customs GmbH
- POLO KNOW-HOW Industrie-Engineering GmbH
- startport GmbH
- duisport packaging solutions Management GmbH
- SendSally GmbH

Appendix B

"Good afternoon. You have reached the Compliance Hotline of Duisburger Hafen AG.

This hotline allows you to submit complaints or findings about misconduct or criminal behavior by employees of a Duisburger Hafen AG company.

You also have the opportunity to draw attention to human rights and environmental risks or violations within the duisport Group's supply chain.

You will shortly be connected to the external Compliance Officer of Duisburger Hafen AG, Dr. Matthias Brockhaus or his legal representative. You can reach him personally at Monday through Friday from 10:00 a.m. to 12:00 p.m. and 3:00 p.m. to 7:00 p.m. (excluding public holidays). You also have the option of leaving a message on the mailbox and being called back if you provide the telephone number.

First of all, however, we would like to briefly inform you about the further course of the telephone call and the possible consequences:

You can submit your report anonymously via the internal compliance reporting system. Anonymous reports will also be reviewed by Duisburger Hafen AG with the necessary seriousness. Your call will not be recorded unless you leave a voicemail.

The person you are talking to has a client relationship with Duisburger Hafen AG and will therefore not enter into an independent client relationship with you. Your information is therefore not subject to attorney-client privilege.

However, Duisburger Hafen AG has irrevocably waived its right to learn the name of the caller if the caller does not wish to do so. Such a request must therefore be expressly expressed.

Nevertheless, constellations remain conceivable in which the compliance officer would be obliged to disclose your identity, for example in the event of legal proceedings.

If you wish to remain anonymous, you have the option of not giving your name.

If expressly requested, your message will be recorded anonymously, otherwise by name. In the case of recording by name, your personal data will be processed in accordance with the legal requirements of the EU General Data Protection Regulation and the Federal Data Protection Act on the basis of your consent. The data will be processed solely for the purpose of processing your message. You can revoke your consent to data processing - with effect for the future - at any time.

The report will then be discussed with the Compliance Office of Duisburger Hafen AG. The external compliance officer will check your report for legal relevance, use it as a reason for further investigations if necessary and clarify the facts of the case within the scope of the existing possibilities.

Duisburger Hafen AG undertakes to protect you as the authorized notifier, as far as reasonably possible, from disadvantages resulting from the notification.

To confirm that you have taken note of this information and consent to any processing of your personal data, please press the hash key now.

[You will now be connected.]

Appendix C

CONFIDENTIAL MEMORANDUM

duisport Group - Compliance Hotline

Compliance message

General information

Message no:		Date:	
Processor			
Source	<input type="checkbox"/> Telephone	<input type="checkbox"/> e-mail	
Duration			
Priority	<input type="checkbox"/> High	<input type="checkbox"/> Medium	<input type="checkbox"/> Low

Involved persons

	Name	Position/Company
Caller/reporting party		
Phone number		
Consent to name disclosure	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Defendant		
Witness/s		

Company (-ies) concerned

Name	
Department	
Reference to the supply chain	

Description of the facts

Relevance under criminal law

Yes

No

Relevance under regulatory law

Yes

No

Compliance relevance

Yes

No

LkSG relevance

Yes

No

Nature of the accusation:

Comment/recommendation by the Compliance Officer:

Appendix D

Report month/year		
	Previous month	Reporting period
I. Compliance hotline calls (announcement)	0	0
II Calls put through	0	0
1. number of anonymous callers	0	0
2. number of callers who have objected to their name being passed on	0	0
3. number of callers known by name	0	0
III E-mails	0	0
IV. Overview of facts	0	0
1. matters with possible criminal or significant regulatory relevance	0	0
2. matters with possible relevance under labor law (violations of the company constitution)	0	0
3. matters with human rights or environmental relevance	0	0
4. matters with no or obviously little legal relevance	0	0