

PRINSEN  BERNING

*Active Nutrition*

WHISTLEBLOWER POLICY

# Inhoud

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# Introduction

Prinsen Berning values honest, reliable and principled conduct and an open and safe working culture. Based on our code of conduct and our core values, we at Prinsen Berning hold each other accountable for this. Should there nevertheless be (suspected) misconduct or irregularities within our organisation, it can be brought to Prinsen Berning's attention in accordance with this whistleblower policy.

This policy concerns work-related abuses within Prinsen Berning and falls under the Dutch Whistleblowers Protection Act (2023). It covers misconduct where the public interest is at stake and reports of breaches of Union law. The regulation does not apply to personal complaints.

The regulation reflects that reporters of (suspected) misconduct enjoy protection if the report was made in good faith and properly reported. Confidential treatment of the identity of the reporter and those who assist them will be guaranteed.

Management Prinsen Berning  
1 October 2023

# Definitions

Definities	
Employee	not only workers who have an employment contract with the employer, but also others who perform work in a subordinate relationship for remuneration (agency workers, self-employed workers, paid trainees).
Reporter	anyone who has a current, former or future working relationship with employer. This includes at least employees, former employees, unpaid trainees, job applicants and other persons whose working relationship has yet to commence. But also (persons working under the responsibility of) suppliers, contractors and subcontractors and persons in leading bodies, such as members of a supervisory board. Shareholders can also file a report. Wherever 'he' is mentioned, 'she' is also meant.
Employer	Prinsen Berning Nederland (Prinsen BV en EPF Group BV)
Misconduct	a violation or risk of violation of Union law, or an act or omission involving the social interest in: (a) a breach or risk of breach of a legal provision or internal rules of the employer, or (b) a danger to public health, to the safety of persons, to damage to the environment or to the proper functioning of the public service or an undertaking as a result of improper conduct or omission;
External confidant	The person appointed by the employer to act as such for the employer's organisation (for contact details see page ) and acts independently of the employer.
Board Prinsen Berning	CEO en CFO.
Report	A work-related report of suspected misconduct or breach of Union law under these regulations.
Internal assessment team	Team at employer assessing the report and deciding whether or not to conduct an (external) investigation.
(External) researchers	Those who conduct an independent investigation and report to the most senior executive (CEO) or, if suspected of involvement in the wrongdoing, the internal supervisory body (supervisory board).
External responsible authorities	Authority that takes care of the receipt and follow-up of a report, to the extent authorised, e.g. 'Huis voor klokkenluiders (HvK), de Autoriteit Consument en Markt (ACM), Autoriteit Financiële markten (AFM) en Autoriteit persoonsgegevens (AP)'.

# The whistleblower policy

## What can be reported?

A report must be about a suspicion of work-related misconduct at the employer. Misconduct can be divided into two categories, namely a violation of a European Union regulation or directive (Union law) and social misconduct.

### When is there a breach of Union law?

Union law is enshrined in a European regulation or directive. A breach of Union law is an act or omission that is unlawful or undermines the purpose and is detrimental to the public interest. Examples include product safety and product conformity, transport safety, public health, consumer protection and personal data protection.

### What is social misconduct?

You speak of social misconduct when there is something wrong at work that has serious consequences. For a situation to qualify as social misconduct within the meaning of the Whistleblowers Protection Act, the issue (act or omission) must not only affect personal interests. So it must not be an individual dispute. Social misconduct usually involves either a pattern or structural character. Or the (one-off) act or omission is serious or extensive. So usually a social misconduct affects several people, the situation occurs regularly or lasts for some time, and it can - or does - have serious consequences. There must also be one or more of the following characteristics:

- (a) a violation or risk of violation of a legal requirement or internal rules of an employer, and/or
- (b) a danger to public health, to the safety of persons, to damage to the environment or to the proper functioning of the public service or an enterprise as a result of improper conduct or omission.

It is important that the reporter does not just have 'hearsay' knowledge of the situation. A suspicion of misconduct must be based on 'reasonable grounds'. This means that the reporter must have seen or experienced things himself, and can show documents (papers, emails, photos or other evidence), for example, on which you base your suspicion.

### What cannot be reported?

Misconduct that cannot be reported under the whistleblowing rules are personal complaints. Think of a personal conflict with a manager, a decision taken by the management within the work with which the reporter does not agree or the relationship with colleagues. If undesirable behaviour occurs, an employee can contact the external confidential advisor.

## Preparing the report

The advice is to contact the advisory department of the House for Whistleblowers (see page 9) even before reporting to the employer (internal reporting) or authorised authority.

They can advise whether or not it is social wrongdoing, which follow-up steps are best to take, how the law offers protection after making a report, but also what risks there may be. The advisers give advice, but do not act as advocates. For that, they may refer to other bodies. Contact with the adviser is strictly confidential. The advice and everything else discussed is not shared with third parties, unless the reporter gives written consent.

Employees can also seek advice from the external confidential adviser prior to reporting (see page 9).

## Who can be reported to?

When a reporter suspects wrongdoing at the employer, the basic principle is that a reporter first makes a report internally. However, this is not mandatory; the reporter may immediately report to authorised external bodies.

The reporter can make an internal report to any manager who is hierarchically higher in the organisation than the reporter or to HR. A reporter can also make an external report directly to the most appropriate competent authority (see definitions).

An employee can make a report himself, but can also report via the external confidential advisor. The confidential advisor forwards the report to a manager after consultation with the employee. The confidential advisor is there for the employee and is therefore not involved in dealing with the report himself.

## How to report?

Reports can be made in writing or verbally. Verbal by phone or voice messaging system, and by on-site conversation. If the supervisor or HR wants to record the report, the reporter must give demonstrable consent. The report is recorded by the recipient of the report as completely and accurately as possible in writing on a report form (see AFAS). The following information is displayed:

- Date signature
- Name of notifier
- Name of the recipient
- Description of the suspected wrongdoing
- Reason(s) why the employee suspects wrongdoing
- Which person(s) the report concerns

The reporter is given the opportunity to check the written record of an interview, correct it and sign it for approval.

## What happens after internal reporting?

A copy of the signed report form is forwarded to (one of the persons within) the board immediately after signing. If it is suspected that the board is involved in the abuse, the copy can be sent to the HR Manager or Site Director. In that case, instead of 'management' in these regulations, the 'HR Manager' or 'Site Director' should be read.

The management sends an acknowledgement of receipt of the report form to the reporter and recipient of the report no later than 7 days after the reporting date.

## Internal assessment team

The board and the recipient of the report (possibly in consultation with the external confidential adviser) put together an internal assessment team that assesses whether there is actually a suspicion of social wrongdoing and whether the report should be investigated by an (external) independent investigation team. The reporter is informed of this. The internal assessment team consists of at least one of the members of the management, the HR Manager, the QESH Manager if it concerns a product-related report and a member of the works council. If one or more of the aforementioned persons are involved in the facts or circumstances described in the report, they may not participate in the assessment team.

If the assessment team decides not to have the report investigated, the reporter and the recipient of the report will be informed of this in writing within 2 weeks and the reasons will be stated.

## What happens if an investigation is opened?

If the report actually concerns a suspicion of wrongdoing and is also based on reasonable grounds, an (external) independent investigation will be launched. The reporter is immediately informed of this by the board. The board also informs the persons to whom a report relates and the recipient of the report in writing about the report and about possibly informing a competent authority.

If an investigation into the suspected wrongdoing is launched, then:

- the investigators shall give the reporting person an opportunity to be heard;
- the investigators may also hear others;
- the investigators may inspect and request any documents within the organisation that they deem reasonable;
- employees may provide the investigators with any documents they deem reasonable.

Business confidential information and documents received as part of the report must not be used for any purpose other than to follow up the report. The investigators shall provide a written record and submit it to those heard for approval. The investigators draw up a draft investigation report and give the reporter the opportunity to comment on it/have it recorded (unless there are serious objections to this). The report is then sent to the management and the internal review team. The board informs the reporter when the investigation has been completed and sends the reporter a copy of the final investigation report. No later than 8 weeks after the confirmation of receipt has been sent to the reporter, the board informs the reporter in writing of the content of the report. The latter also indicates the steps that the report has led to. If necessary, this period may be extended by 4 weeks, provided this is indicated in writing to the reporter. The board also assesses, together with the internal assessment team, whether an external authority should be informed of the internal report once the investigation has been completed.

The board gives the reporter the opportunity to respond to the investigation and the employer's position within two weeks. If, according to the reporter, the wrongdoing is not sufficiently resolved, the reporter may consider making an external report. Information can

be obtained from the House for Whistleblowers about reporting to appropriate external authority.

### **Protection against detriment**

If the report of misconduct is made in accordance with the appropriate steps in these guidelines, on reasonable grounds and in good faith, then the reporter is protected from harm. The employer will not disadvantage the reporter in any way, or threaten or attempt to do so. For example, the reporter may not be dismissed, placed in a lower position, harassed or intimidated because of the report. This prohibition of approach applies during and after the handling of the report or disclosure. If the reporter still feels he or she has been disadvantaged, this can be reported to the House for Whistleblowers.

Not only the reporter himself is protected against harm, but also the persons who help the reporter, such as colleagues, family members or the confidential adviser. Investigators and those handling an internal report are also protected. The burden of proof for prejudice lies with the employer. The law states that reporters, those who assist them (such as confidential advisers) and concerned third parties are indemnified in legal proceedings. These include proceedings for breach of confidentiality, defamation, copyright infringement, disclosure of trade secrets, breach of confidentiality or loyalty or protection of personal data. If the legal conditions are met, they cannot be held liable for these. One condition includes that the reporter had reasonable grounds to believe that the report or disclosure was necessary to disclose wrongdoing. The reporter must also have reasonable grounds to believe that the reported information was accurate. The burden of proof lies with the person who held the reporter liable. This means that the person taking legal action against the reporter must prove that the challenged acts were not necessary to disclose the breach.

### **Confidential treatment of the reporter's identity**

Confidential treatment of the identity of the reporter and those assisting the reporter will be ensured. All those involved in dealing with a report will not disclose the identity of the reporter and others involved without the reporter's express written consent and will treat information about the report confidentially. This information about the report is kept in such a way that it is physically and digitally accessible only to the person(s) involved in handling the report. All data relating to the report will be destroyed when no longer necessary to comply with the law.

### **Publication and review of the scheme**

The employer shall ensure that these regulations are published on the intranet (AFAS) and made public on the employer's website.

The management shall draw up an annual report on the policy regarding the handling of reports of suspected wrongdoing or violations of EU law and the implementation of this regulation. This report shall in any case contain information on the number of reports and an indication of the nature of the reports, the results of the investigations and the employer's views. The report will be sent to the works council, after which the works council will be given the opportunity to express its views. This will be documented in the minutes of the consultation meeting.



## Commencement of whistleblower policy

Prinsen BV and EPF Group BV's whistleblower scheme will come into effect from 1 October 2023.

# Who can I turn to for advice?

## External confidential advisor

The employer has appointed an external confidential adviser. This person is there for all employees who wish to report suspected wrongdoing as described in these regulations. The confidant offers a listening ear, gives advice and supports in finding possible approaches and solutions. In addition, an employee may choose not to report the misconduct himself but to have it done by the external confidential advisor. The confidential advisor can be called or emailed directly for an appointment. This appointment usually takes place within office hours at the Arbo Unie Eindhoven location. Naturally, all information remains confidential, unless the employee decides it may be shared with others.

Confidential advisor undesirable behaviour & integrity:

Eugenie Kemperman (Arbo Unie)  
Telephone: 06-52500073 (office hours)  
Email: [Eugenie.Kemperman@arbounie.nl](mailto:Eugenie.Kemperman@arbounie.nl)

If Eugenie Kemperman is not available, contact can be made via the central national telephone number 088-272 60 26 or via mail address: [vertrouwenspersoon@arbounie.nl](mailto:vertrouwenspersoon@arbounie.nl). A replacement confidant will then be appointed.

Misconduct that cannot be reported on the basis of these whistleblower policy are personal complaints. For personal complaints relating to undesirable behaviour (relationship with colleagues or supervisor), the employee can contact the above-mentioned confidential adviser (for more information, see the Terms of Employment & Company Regulations). Employees who experience health complaints in relation to their work can contact the company doctor (Jeroen van Hooff - Arbo Unie, phone number 088-2726501).

## Advice department House for Whistleblowers ('Huis voor Klokkeluiders')

For free advice and independent information on reporting malpractice, the reporter can contact the Advice Department of the House for Whistleblowers <https://www.huisvoorklokkeluiders.nl/ik-vermoed-een-misstand> or by phone 088 – 1331 000 (working days tussen 9.00 uur en 12.30 uur). The reporter's data will be treated confidentially. No legal assistance is provided and no advocacy is undertaken.

## For ASDA products

If it concerns a report regarding ASDA products of can also contact [Ethics@asda.co.uk](mailto:Ethics@asda.co.uk) , telephone number: 0800-9638442.

**P R I N S E N  B E R N I N G**

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