

Whistleblowing policy

Report a violation in Toremar SpA

Version No. 1 of July 15, 2023

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Part 1 – Introduction

The Company invites all its employees, collaborators, business partners and stakeholders in general to make their voices heard in the event of situations of illegality they may witness or may have become aware of. In this sense, it has set up a series of reporting channels to allow Whistleblowers to express themselves in the ways deemed most protective or effective: the Company will listen and respond appropriately, regardless of the channel chosen.

You will certainly be able to talk to your superior or office manager or contact one of the company's administrators. If you do not feel comfortable making your voice heard towards the Company's management, you can contact the Supervisory Body directly at the Company's headquarters for all violations of the Organizational Model pursuant to Legislative Decree 231/01 or the Code of Ethics.

In addition, the Company has set up a dedicated platform for sending Reports, suitable for guaranteeing the confidentiality and – where deemed useful – the anonymity of the Whistleblower, which can be reached at the following website <https://toremar.whistlelink.com/> and allows timely reports to be sent without the need to create an account.

The Report will be managed by **the Chairman of the Company's Supervisory Body**, a criminal lawyer, external to the company, to ensure the utmost confidentiality of the Report itself, as Reporting Manager. This Policy refers in particular to the use of this reporting channel, in accordance with the provisions of Legislative Decree 24/2023.

1. What is whistleblowing?

Whistleblowing is a way to report misconduct or illegality that could harm our company. Such conduct may include violations of our Code of Ethics, our internal procedures, or any other applicable law. Reports must be fact-based and must be submitted in good faith: if you do not have all the information for a fact-based Report, please be clear in the wording of its content.

2. What can be reported and what does this Policy regulate?

This Policy governs Reports of policy violations or misconduct that you have encountered in our company. The Policy also regulates how we receive, analyse and manage reports, all of which are handled respecting the confidentiality of the whistleblower.

You can also make anonymous reports, although we'd prefer you to say who you are. This would allow us to better verify what you are signaling and protect you more effectively.

3. Definitions

Work context	Employment or professional activities, present or past, through which, regardless of the nature of such activities, a person acquires information about Violations and in the context of which he or she may risk suffering Retaliation in the event of a Reporting or public disclosure or complaint to the judicial or accounting authority
Facilitator	The person assisting a Whistleblower in the Whistleblowing process, whose identity is protected as well as that of the Whistleblower
Referral Manager	The Chairman of the Supervisory Body established pursuant to Legislative Decree 231/01 and subsequent amendments
Violation Information	Information or suspicion based on Violations that have been committed or may be committed in our organization
Person Involved	The person named in the Report, or public disclosure, as the person to whom the violation is attributed or the person otherwise implicated in the Reported or publicly disclosed Violation
Reply	Notice to the Whistleblower on how the report has been or will be handled
Retaliation	Any conduct, act or omission, even if only attempted or threatened, carried out by reason of the report, the complaint to the judicial or accounting authority, or the public disclosure, which causes or may cause the Whistleblower, directly or indirectly, unjust damage
Signaling	The person who makes the Reporting or public disclosure of information about violations acquired as part of his or her Work Context
Signalling	Written or oral communication of information about Violations

Society	Toremars Toscana Regionale Marittima SpA con socio unico, P.le dei Marmi 12 57123 Livorno, CF PIVA 00274620491
Private sector entities	Entities, other than those falling within the definition of public sector entities, who: (i) have employed, in the last year, an average of at least 50 (fifty) employees with fixed-term or permanent employment contracts; (ii) fall within the scope of European Union acts, even if they have not reached an average of 50 (fifty) employees in the last year; (iii) adopt Organisational, Management and Control Models provided for by Legislative Decree 231/2001
Public Sector Entities	The public administrations referred to in Article 1, paragraph 2, of Legislative Decree 165/2001, independent administrative guarantee, supervisory or regulatory authorities, public economic entities, bodies governed by public law, public service concessionaires, publicly controlled companies and <i>in-house companies</i>
Violations	Actions or behaviors that are contrary to our internal policies and the law, as better identified in point 4 read more
Whistleblowing	The process of reporting offences involving Violations pursuant to Legislative Decree 24/2023

Part 2 – Scope

4. Violations

"Violations" are defined as all conducts, acts or omissions that harm the public interest or the integrity of the Company, and which consist of:

- relevant unlawful conduct pursuant to Legislative Decree 231/2001;
- offences falling within the scope of European Union or national acts in the following areas:
 - a. Procurement
 - b. financial services, products and markets and the prevention of money laundering and terrorist financing,
 - c. product safety and compliance,
 - d. transport safety,
 - e. environmental protection,
 - f. radiation protection and nuclear safety,
 - g. food and feed safety and animal health and welfare,
 - h. public health, consumer protection, privacy and protection of personal data, security of network and information systems;
- acts or omissions affecting the financial interests of the European Union;
- acts or omissions concerning the internal market, including infringements of EU competition and State aid rules.

The following may not be the subject of Reports, Public Disclosure, or Complaint:

- situations **related to a personal interest**, i.e. those that relate exclusively to your individual employment or public employment relationship, or to relations with hierarchically superior figures

For example, reports concerning labour disputes, discrimination between colleagues, interpersonal conflicts between the reporting person and another worker are excluded

- reports of infringements that are already covered by European Union or national acts, or by national acts indicated in Part II of the Annex to Directive (EU) 2019/1937
- reports of breaches relating to national security, procurement of defence or national security aspects, unless these aspects fall within the scope of secondary EU law.

5. The Whistleblower and protection from retaliation

The Whistleblower is the natural person who makes the Report or the public disclosure of information about the Violations acquired in the context of his/her work context.

The Report can be made by any of the following parties:

- Employees with an employment relationship
- Self-employed
- Freelancers & Consultants, Suppliers
- Volunteers & Trainees
- shareholders or owners of company shares
- persons with administrative, managerial, control, supervisory or representative functions.

All of these individuals are covered by legal protection against retaliatory acts.

Part 3 – Reports

6. Signalling

6.1. Features of the Whistleblowing Channel

The management channel is configured to ensure its specificity and independence

Whistleblowing systems have alternative channels available to you to ensure that:

- the person in charge of receiving, examining and evaluating the report is not hierarchically and/or functionally subordinate to the reported party, being in particular the Chairman of the SB an external subject to the company;
- is not the alleged perpetrator of the infringement, and
- does not have a potential interest in the report that could compromise its impartiality and independent judgment.

The persons in charge of receiving, examining and evaluating reports do not participate in the adoption of any decision-making measures, which are left to the competent corporate functions or bodies.

Only the Referral Manager is allowed access to the reports, related information and documents contained in the Platform. However, depending on the content of the Report, it is possible that the Manager deems it necessary to involve the other actors in the Company's internal control system, who, consequently, may be involved in the investigation, in full compliance with the confidentiality of the identity of the Whistleblower, of the person possibly involved and of the person reported, as well as the content of the Report and the related documentation.

Once the data has been uploaded, after sending, the Platform generates a code that becomes the ID of the file, i.e. the unique key with which the Whistleblower can communicate, even anonymously, if he has not previously identified himself, with the Reporting Manager.

As specified above, in the event that the Whistleblower has accessed the Platform anonymously, he/she is required to remember the unique key in order to continue to interact on the same file through the Platform.

Otherwise, he/she will be able to access and interact on the same file using the username and password that he/she may have generated at the time of access.

The process of the practice, with related information and attached documents and the related feedback, is tracked on the Platform.

For further information on the functioning of the Platform, the Whistleblower can always consult the appropriate section on the "home page" of the Platform itself.

6.2. Elements of the report

You must provide all the useful and necessary elements to allow the Referral Manager who will receive the Report to conduct an investigation, to proceed with the necessary checks and investigations, and to assess the admissibility and validity of the Report.

To make the Report, you do not need to have evidence of the infringement; However, you must have sufficiently detailed information to make it reasonable to submit.

The Report must contain the following elements:

- your personal details, with an indication of the position held and/or the function/activity carried out within the Company (personal details that will be kept confidential). You can also choose to communicate your identity at a later date, although it may be easier to manage the Report with your immediate identification, as well as to make the report in a totally anonymous way;
- a clear and complete description of facts, as precise and consistent as possible, that are the subject of the Report, which constitute or may constitute a material Violation
- if known, the circumstances of time and place in which the acts subject to the Report were committed;
- if known, the personal details or other elements that allow the identification of the person and/or subjects who carried out the reported facts (e.g. position held and area in which the activity is carried out)
- the indication of any other subjects who may report on the facts covered by the Report
- the indication of any documents that may confirm the validity of the facts subject to the Report
- any other information that may provide useful feedback on the existence of the facts subject to the Report and in general any other information or document that may be useful to understand the facts reported.

6.3. Types of Reporting

Incomplete reports

If the Report is not substantiated, and does not allow sufficient elements to be identified to initiate an investigation (for example, in the absence of the offence committed, the reference period, the causes and purposes of the offence, the persons/functions involved, etc.), the Reporting Manager responsible for receiving the Report, will ask you for additions, in order to follow up on the Report itself.

Reporting not relevant

The Report is not relevant to the scope of this Policy, because it refers to external parties or to facts, actions or conduct that are not reported under applicable law.

If the Whistleblowing Manager deems such a Report well-founded and substantiated, even if not relevant for its purposes, it may proceed to submit the report to the attention of the competent internal function, always taking care to maintain confidentiality on the identity of the whistleblower.

If your protection cannot be guaranteed, the Report will only be sent with your express consent.

Relevant but non-negotiable reporting

The Report is relevant to the scope of this Policy, but, at the end of the preliminary examination phase and any request for further information, it has not been possible to collect sufficient information and elements regarding the subject matter of the Report, in order to be able to proceed with further investigations.

Relevant and negotiable reporting

The Report is relevant to the scope of this Policy, and you can gather sufficient information and elements regarding the subject matter of the Report. Further investigations will be carried out if the information and elements collected are sufficient for the closure of the Report.

Reporting prohibited

The Whistleblower will communicate this circumstance to the competent department for the possible initiation of disciplinary proceedings and the evaluation of the possible communication of the Report to the Whistleblower, to allow him/her to exercise his/her rights of defence.

In the event that the relevant department decides not to involve the Reported Person, the Report received will be archived.

The involvement of other functions may also be required at a later date, if the defamatory, slanderous or discriminatory nature should only emerge during the subsequent investigation phase.

It is prohibited, in any case:

- the use of insulting expressions
- the sending of Reports for purely defamatory or slanderous purposes
- the sending of Reports that relate exclusively to aspects of private life, without any direct or indirect connection with the business/professional activity of the reported person
- the sending of Reports of a discriminatory nature, as they refer to sexual, religious and political orientations or to the racial or ethnic origin of the reported subject
- the sending of Reports made with the sole purpose of harming the reported subject.

Such conduct, together with the sending of prohibited Reports or in any case made with intent or gross negligence or considered manifestly unfounded, will be punishable in accordance with the disciplinary system adopted.

Possible sanctions are provided for in the case of Reports made with intent or gross negligence, or that prove to be false, unfounded, with defamatory content or in any case made for the sole purpose of damaging the Company, the reported or other subjects affected by the report.

It should be noted that in cases of sending prohibited Reports, the confidentiality of the whistleblower's identity as well as the other measures to protect the whistleblower provided by the Company will not be guaranteed

6.4. Report sent to a channel other than the one competent to receive it

Your confidentiality as a Whistleblower is protected even if the Report is made through methods other than those established in accordance with the decree, or is received by personnel other than those authorized and competent to manage the Reports, to whom, in any case, the same must be transmitted without delay.

If the Internal Report is submitted to a person other than the one identified and authorised, the Report must be transmitted, **within 7 (seven) days of its receipt**, to the competent party. You will be notified at the same time that the Report has been transmitted. The Report can be submitted to the hierarchical superior, but this Report cannot be considered whistleblowing, and therefore, in this case, you will not be able to benefit from the protections provided.

6.5. Reporting in person

If a Report is made in person, directly to the Referral Manager, the Referral manager will be able to open the Referral form on your behalf, entering all the information necessary to proceed with the Report.

6.6. Internal and external signalling

Internal Signaling

As part of the management of the Internal Whistleblowing channel, the Whistleblowing Manager who is entrusted with the management of the Internal Whistleblowing channel carries out the following activities:

- communicates to the Whistleblower an acknowledgment of receipt of the Report within 7 (seven) days from the date of receipt
- maintains dialogue with the Whistleblower and requests, if necessary, additions
- follows up on the Reports received
- provides feedback to the Whistleblower on how the Report has been handled or is being handled, within 3 (three) months from the date of the acknowledgement of receipt or, in the absence of such notice, within 3 (three) months from the expiry of the term of 7 (seven) days from the submission of the Report. If the time required for the investigation should be prolonged, at most every three months, feedback must be provided to the Whistleblower, justifying the circumstances that required the postponement of the timeframe.

Once the case has been ascertained and all the necessary measures have been implemented, the SB closes the Report by giving feedback to the Whistleblower through the Platform.

External Signaling

In addition to the internal report, you – as the Whistleblower – can make an external report to ANAC if the following conditions are met:

- you have already made an Internal Report, which has not been responded to
- you have reasonable grounds to believe that if you make an Internal Report, it will not be effectively followed up or that the report may result in the risk of retaliation
- you have reasonable grounds to believe that the breach may constitute an imminent or obvious danger to the public interest

ANAC, having provided any interested person with information on the use of the External Reporting Channel:

- proceed to notify you of the receipt of the External Report within 7 (seven) days from the date of its receipt, unless explicitly requested otherwise, or unless ANAC considers that the notice would jeopardize the protection of the confidentiality of your identity
- maintains dialogue with you and may request additions if necessary
- diligently follows up on the Reports received
- carries out the investigation necessary to follow up on the Report, including through hearings and the acquisition of documents
- responds to you within 3 (three) months or, if there are justified and justified reasons, 6 (six) months from the date of acknowledgment of receipt of the external report, or, in the absence of such notice, from the expiry of 7 (seven) days from receipt
- informs you of the final outcome, which may consist of archiving, forwarding to the competent authorities, a recommendation or an administrative sanction

7. Whistleblowing management

7.1. Receipt of the report

Upon receipt of a Report, regardless of the channel used, the Referral Manager will assign a progressive identification number that will allow it to be uniquely identified.

7.2. Analysis and preliminary evaluation

The Whistleblower promptly takes charge of and analyses the Report received, in order to make a preliminary assessment.

Following this analysis, the Referral Manager will classify the Referral into one of the categories indicated in point 6.3 above, which will imply a different and specific flow.

7.3. Investigations

At the end of the preliminary assessment phase, if the Report received is classified as "material and negotiable", the Whistleblowing Manager will proceed with the start of internal checks and investigations in order to collect further detailed information to verify the validity of the reported facts and collect adequate evidence.

As part of the investigation, the Whistleblowing Manager may avail itself of the support of suitably qualified internal corporate structures and/or functions and/or through the use of external consultants. In such circumstances, the subjects involved in the investigation also become recipients of this Policy and are consequently required to comply with, among other things, confidentiality obligations. In the event of violations by such persons of the principles defined in this Policy, the Company may apply the measures indicated in the sanctioning system of Model 231.

7.4. Audit Activity Report

The verification phase concludes with the drafting of a report to formalize the reference context of the Report, the verification activities carried out, the methods followed and the related results obtained. The report will also propose the actions to be taken in relation to each finding that emerged.

7.5. Conclusions

At the end of the investigation, if the Reporting Manager does not find that the unlawful conduct described in the Report is justified or that such conduct does not constitute a Violation as defined in this Policy, it will archive the Report.

If, on the other hand, it finds that it is justified and the Report concerns the Company's employees, it will promptly send the final report of the investigations to the Chief Executive Officer and to another function deemed suitable for the assessment of any disciplinary measures to be taken and/or for any communications to the competent Authorities.

At the same time, the Whistleblower will evaluate the possibility of informing the Board of Directors and the Board of Statutory Auditors.

Part 4 – Safeguards

8. Confidentiality and Prohibition of Retaliation

No retaliation or discrimination, direct or indirect, may arise if you have made a Report in good faith. In addition, there are sanctions against those who violate the measures to protect you as a Whistleblower.

Confidentiality is also guaranteed:

- any other information or element of the report from the disclosure of which your identity as a Whistleblower can be inferred, directly or indirectly.
- in the case of reports - internal or external - made orally through phone calls, voice messages, or through a direct meeting with the person handling the report.

The protection of confidentiality is also guaranteed with regard to:

- of the reported person;
- of the Facilitator both in terms of identity and with reference to the activity in which the assistance takes place;
- of persons other than the reported but still implicated as they are mentioned in the Report (think, for example, of persons indicated as witnesses).

The Company may also take appropriate steps in court.

8.1. Judicial protection of the whistleblower

Your confidentiality as a Whistleblower is also guaranteed in the jurisdictional field, and in particular:

- in the context of criminal proceedings, the identity of the Whistleblower is covered by secrecy in the manner and within the limits provided for in Article 329 of the Code of Criminal Procedure.
- in the context of the proceedings before the Court of Auditors, the identity of the Whistleblower cannot be revealed until the conclusion of the investigation phase.
- in the context of disciplinary proceedings, the identity of the Whistleblower cannot be revealed, if the objection to the disciplinary charge is based on investigations other than the Report, even if consequent to the same. If the dispute is based, in whole or in part, on the Report, and it is essential for the defense of the accused to know the identity of the Whistleblower, the Report will be used for the purposes of disciplinary proceedings only in the presence of the express consent of the Whistleblower himself.

8.2. Express consent of the Whistleblower

As stated above, in order to disclose your identity as a Whistleblower, the following must exist:

- written communication of the reasons for the need to disclose the identity of the Whistleblower, and
- the express consent of the Whistleblower.

The first hypothesis occurs when, in the context of disciplinary proceedings initiated against the alleged perpetrator of the reported conduct, your identity as a Whistleblower is indispensable to the defense of the person who has been charged with the disciplinary charge.

In this case, in addition to your prior consent, the legislation also requires you to communicate, in advance and in writing, the reasons that justify the disclosure of your identity.

The second hypothesis occurs, however, in the event that the disclosure of your identity as a Whistleblower is also indispensable for the purposes of defending the person involved.

Also in this case, in order to reveal your identity as a Whistleblower, it is necessary to obtain your consent in advance and notify you in writing of the reasons behind the need to disclose your identity.

8.3. The prohibition of retaliation

All Whistleblowers, as also identified in paragraph 5 above, are protected from any form of retaliation. The protection applies not only if the Report, denunciation or public disclosure takes place during the existence of the employment relationship, but also during the probationary period and before, or after the termination of the employment relationship.

Examples of prohibited Retaliation (see definition above) include:

- dismissal, suspension or equivalent measures;
- relegation or non-promotion;

- change of duties, change of place of work, reduction of salary, modification of working hours;
- suspension of training or any restriction of access to it;
- negative merit notes or negative references;
- the adoption of disciplinary measures or other sanctions, including financial sanctions;
- coercion, intimidation, harassment or ostracism;
- discrimination or unfavourable treatment;
- the failure to convert a fixed-term employment contract into an employment contract of indefinite duration, where the worker had a legitimate expectation of such conversion;
- non-renewal or early termination of a fixed-term employment contract;
- damage, including to the person's reputation, in particular on social media, or economic or financial harm, including loss of economic opportunities and loss of income;
- improper listing on the basis of a formal or informal sectoral or industry agreement, which may result in the person not being able to find employment in the sector or industry in the future;
- the early termination or cancellation of the contract for the supply of goods or services;
- the cancellation of a licence or permit;
- the request to undergo psychiatric or medical examinations.

Protection from Retaliation is also guaranteed:

- the facilitator (a natural person who assists the whistleblower in the reporting process and operates within the same work context);
- to persons in the same working context as the Whistleblower, the person who filed a complaint or the person who made a public disclosure and who are linked to them by a stable emotional or family bond within the fourth degree;
- to the Whistleblower's or the Whistleblower's or the person who has filed a complaint or made a public disclosure, who work in the same work context as the Whistleblower and who have a habitual and current relationship;
- entities owned by the Whistleblower or for which the same persons work, as well as entities operating in the same working context as such persons.

The protection also extends to maintaining the confidentiality of such individuals.

To benefit from protection, you must:

- the Whistleblower has reported based on a reasonable belief that the information on the violations reported, disclosed or reported, is truthful and falls within the objective scope of application of the Whistleblowing Decree;
- the Report is made in accordance with the provisions of the Whistleblowing Decree and this Policy;
- there is a consequential relationship between the Report and the retaliatory measures suffered.

In any case, the protection provided in the event of retaliation is not guaranteed when the criminal liability of the Whistleblower for the crimes of defamation or slander or in any case for the same crimes committed with the complaint to the judicial or accounting authority or his civil liability, for the same reason, is ascertained, even with a first instance judgment, in cases of wilful misconduct or gross negligence. In the event of a finding of liability, a disciplinary sanction is also imposed on the Whistleblower.

Alleged retaliation, even if only attempted or threatened, must be communicated exclusively to ANAC.

The Company prohibits any form of retaliation against those who make reports in good faith. Employees who make reports will not be subject to dismissal, threats, bullying, discrimination, or any other form of retaliation. Any individual who engages in retaliation against a whistleblower will be subject to disciplinary action, including the possibility of termination.

Support measures are provided in the form of information, assistance and advice free of charge on how to report and on the protection from retaliation offered by national and EU legal provisions, on the rights of the person concerned, as well as on the terms and conditions of access to legal aid. More information can be found at <https://www.anticorruzione.it/-/whistleblowing>.

8.4. Responsibilities of the Whistleblower

The criminal and disciplinary liability of the Whistleblower remains valid in the event of a false, slanderous or defamatory report pursuant to the Criminal Code.

Any forms of abuse of this procedure, such as reports that are manifestly opportunistic and/or made for the sole purpose of harming the complainant or other subjects, and any other hypothesis of improper use or intentional instrumentalization of the institution covered by this Policy, are also a source of responsibility, in disciplinary proceedings and in other competent bodies.

9. Processing of personal data

The whistleblowing channel operates in compliance with the provisions of the GDPR and the Privacy Code. Therefore, the protection of personal data is ensured for all subjects for whom the protection of confidentiality is guaranteed, since they are "data subjects", according to the definitions of the GDPR.

To this end, the Company, as the data controller, guarantees:

- to process the data in a lawful, correct and transparent manner;
- to collect data only for the purpose of managing and following up on reports in compliance with the principle of purpose limitation;
- the adequacy, relevance, accuracy and limitation of the data processed in compliance with the principles of minimisation and accuracy;
- to store the data in a form that allows the identification of the data subjects for the time necessary for the processing of the specific Report and in any case no longer than five years from the date of communication of the final outcome of the Reporting procedure;
- to carry out the processing in a manner that ensures adequate security of the personal data, including protection, by means of appropriate technical and organisational measures, against unauthorised or unlawful processing and against accidental loss, destruction or damage. For these reasons, the platform uses encryption tools. In any case, the security measures adopted are periodically reviewed and updated;
- to have updated the register of treatments;
- to comply with the prohibition of tracking the Reporting channel, even if mediated by firewall or proxy devices, both on the Platform and in the network equipment that may be involved in the transmission or monitoring of communications;
- to track the activity of authorized personnel in compliance with the safeguards to protect the Whistleblower, in order to avoid the improper use of data relating to the Report.
- In addition, the company that provides the Platform has been appointed as data processor, pursuant to art. 28 of the GDPR.

10. Traceability and retention of documents

To ensure the management and traceability of reports, attached documentation and activities carried out, the Reporting Manager ensures the archiving of all related supporting documentation on the Platform for a period of five years from the date of communication of the final outcome of the Reporting procedure.

The Platform traces all the steps of the Reporting management process and the reference notes.

Part 5 – Penalties

11. Disciplinary measures

The Company sanctions violations of this Policy in accordance with local regulations.

Failure to comply with this Policy may result in the application of disciplinary measures against employees in accordance with applicable local legislation, with all legal consequences including with regard to the maintenance of the employment relationship and any compensation for damages resulting from the violation itself.

Compliance with the provisions of this Policy shall be considered an essential part of the contractual obligations assumed by any person who has business relations with the Company. Therefore, any violation of the Policy may constitute a breach of contract, with all legal consequences regarding the termination of the contract and the consequent compensation for the resulting damages.