

German Whistleblower Protection Act (Hinweisgeberschutzgesetz/HinSchG) process description

Created by: Compliance Germany, JTI – JT International Germany GmbH

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German guideline on the German Whistleblower Protection Act process

1. Objective

The objective of this process description is to create a clear and transparent framework for reporting breaches of European Union law, German law and other legal regulations as well as internal regulations – in particular the JTI Code of Conduct – that relate to the activities of JT International Germany GmbH (hereinafter referred to as JTI Germany). We advocate open and trust-based communication and protect whistleblowers against discrimination or disadvantaging.

2. Responsibility

The Compliance Management unit at JTI Germany is responsible for this process and processing the reports using the Web-based 'Your Voice' whistleblower portal valid for the Group, which is centrally managed by the Group Compliance unit of the parent company. We also offer you the option of contacting our telephone switchboard and asking to speak to members of the Compliance department using the following telephone number:

Cologne +49 (0)2211646-0. E-mail contact can be made via the following e-mail address: one-behavior@jti.com.

3. Objective scope

This process description is valid for all employees within our company and for external persons in contact with our company, such as customers, suppliers, business partners, contractors and stakeholders, among others. It applies to all forms of reporting in conjunction with breaches of European Union law and other legal regulations that relate to our activities. These include, for example, breaches of the JTI Code of Conduct, penal law, in part non-compliance, environmental legislation, antitrust legislation, tax legislation, labour legislation and data protection legislation and many further legal regulations. In the event of any doubt, the whistleblower is informed that their report is not attributable to this group and, if necessary, will be forwarded to the responsible body, insofar as this is possible.

4. Territorial scope

This process description relates to JTI Germany's work and, in particular, to all whistleblowers within Germany. If the report relates to one of JTI Germany's areas of responsibility, we also offer persons who either work outside Germany or do not speak German the possibility to submit their report in English. If a person is unsure where they should send their report to within the Group, we will forward it to the correct Group unit.



5. Processing steps for reports

Reporting breaches is possible using various channels. The preferred channel is internal reporting through direct superiors or using the Compliance department's 'Your Voice' portal. Reporting can be carried out verbally or in writing. Reporting should be as concrete as possible and include all relevant information, such as the facts, the disadvantaged persons or departments, the time or the place the breach took place or possible evidence or witnesses, for example. Reports can also be submitted anonymously, insofar as this is technically possible. The responsibility for receiving, checking and forwarding reports lies with our company's whistleblowing unit. The whistleblowing unit comprises independent, qualified persons, who will check the report in an impartial manner. The whistleblower must be sent confirmation of receipt for their report within seven days. According to legislation, there are no formal requirements for the confirmation of receipt. However, for the sake of transparency and for documentation purposes, it is recommended that the confirmation of receipt is provided in writing insofar as an address is known. Otherwise, a documented verbal message suffices. The confirmation of receipt must include at least the following:

- Confirmation that the report has been received and is being processed;
- Name of the contact partner within the company;
- Information on when the whistleblower can expect further information or feedback;
- Insofar as already foreseeable, what the further procedure is. Otherwise, this general process description is feasible.

A further report on the status of the process will be sent to the whistleblower after no more than 3 months and/or final feedback insofar as an address is available for this.

6. Confidentiality

The whistleblowing unit is legally obliged to handle the identity of the whistleblower confidentially. It shall also handle the personal data of all other named persons confidentially, particularly those of the affected person. For this reason, only a very limited number of trained personnel has access to the reports for the purpose of processing them.

7. External reporting to a relevant authority by the whistleblower

The whistleblower is also entitled to contact external bodies such as a supervisory authority, for example. However, we would advise whistleblowers to initially submit a direct message to our internal whistleblower portal, as we handle all reports in the strictest confidence and in an impartial manner. We can generally deal with grievances/issues more swiftly than would be possible via external bodies. The whistleblower reserves the right to nevertheless submit a report to an authority at a later date in the event of an unsatisfactory response from us.



8. Documentation

All reports submitted are collated and documented in a secure and encoded system by the whistleblowing unit. The documentation includes all relevant information relating to the facts, the whistleblower, the recipient, the checking process for ascertaining the plausibility of the report, the potential forwarding of the report and the feedback for the whistleblower. The documentation shall be stored for a period of three years or also longer – i.e. until the conclusion of any potential court proceedings. The documentation is subject to data protection legislation and must be viewed exclusively by authorised persons.

9. Rights of affected persons

Persons who are the subject of a report or disclosure or are otherwise affected by this (i.e. as a named witness) have certain rights in accordance with data protection legislation. These include, for example, the right to information on personal data relating to them, the right to the correction of incorrect data, the right to the deletion or restriction of processing under specific circumstances and the right to object to processing for reasons relating to their special situation. However, these rights may be restricted within the context of the whistleblower protection if deemed necessary to ensure the effectiveness of the overall procedure (i.e. due to the risk of destroying evidence in the case of criminal offences) or to protect the rights and freedoms of other persons.

In particular, information relating to the identity of the whistleblower can be held back if this – as it is usually the case – is deemed necessary to safeguard confidentiality. If necessary, the affected persons will be informed of their rights and potential restrictions.

10. Prohibition on discrimination or disadvantaging

Discriminating against or disadvantaging a person because of their report or disclosure is prohibited. This also applies to persons who helped the whistleblowers with securing information relating to any breaches. Discrimination or disadvantaging are given when a person experiences, due to their report or disclosure, less favourable treatment than a comparable person in a comparable situation. These include, for example, termination, transfer/reassignment, demotion, pay cut and bullying/harassment. A person submitting a report can contact the whistleblowing unit if they are subject to, or fear, discrimination or disadvantaging. The whistleblowing unit must immediately initiate appropriate measures to end or prevent discrimination or disadvantaging.

If this is not possible or insufficient, the reporting person can contact the relevant authority. The relevant authority can, for example, initiate interim measures or introduce sanctions. If a reporting person suffers damages as a result of discrimination or disadvantaging, they are entitled to compensation from the employer for any material damages. Here, the reversal of the burden of proof applies, for example within the context of labour court proceedings: the employer must be able to prove that it did not introduce any form of discrimination/disadvantaging or that this is not connected to the report or disclosure.

