

# Rules of procedure

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for the complaints mechanism of the EnBW Group

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Status 2023

## Rules of procedure

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## Rules of procedure

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# 1 Purpose of the complaints mechanism

As an energy provider, EnBW bears a high level of responsibility for the economy and society. EnBW aims to conduct all of its business activities responsibly and to create economic, ecological and social added value. The basis for this, in addition to acting in accordance with the rules, is also respect for human rights and the environment.

EnBW is aware that negative effects on human rights and the environment can occur in its supply chain and in its own business operations. As a group with international operations, EnBW attaches great importance to assuming social responsibility by taking rule-compliant and ethically correct conduct very seriously in its own business activities and along the supply chain of EnBW.

As an integral part of this responsibility, EnBW has a group-wide complaints system along which potential breaches of rules and violations of human rights and the environment related obligations can be reported.

The complaints procedure enables people to point out potential grievances that may arise from the economic activities of the EnBW or along the supply chain and to contribute to remedial measures and the prevention of potential damage.

The knowledge gained from processing the complaints received (for reasons of readability, the term "complaints" is used below; the terms "notifications" and "reports" are to be understood as synonymous) ensures continuous further development and improvement of the established due diligence obligations and makes a major contribution to preventing potential damage and minimizing risks.

EnBW encourages all internal and external persons providing information to contact the EnBW Group's complaints procedure in the event of corresponding observations or other occasions that give rise to concrete suspicion of breaches of rules or abuses, such as in particular human rights or environmental related risks or violations.

These procedural rules describe the principles and the reporting process for complaints about potential grievances at EnBW and in its supply chains. In addition to the procedural rules, EnBW employees are also governed by internal regulations which describe in detail the rights and obligations relating to the complaints procedure and are in line with these procedural rules.

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## 2 Scope of the complaints mechanism

### 2.1 What complaints can be lodged via the complaints procedure?

The EnBW Group's complaints procedure can be used to report any potential grievances within EnBW AG as well as its subsidiaries over which EnBW AG exercises a determining influence (hereinafter: EnBW) or along the supply chain. The complaints channels are used to receive:

- Suspected instances of potential violations of applicable law or internal company regulations by employees of the EnBW that can be attributed to them or to the EnBW (in particular pursuant to Section 2 (1) of the Whistleblower Protection Act (so called: Hinweisgeberschutzgesetz (HinSchG))), such as fraud, embezzlement, violations of competition law regulations),
- Suspected incidents of discrimination for reasons of race or ethnic origin, gender, religion or belief, disability, age or sexual identity (pursuant to the General Equal Treatment Act (so called: Allgemeines Gleichbehandlungsgesetz (AGG))),
- Suspected instances of potential violations of applicable law or EnBW regulations by business partners of the EnBW in connection with the business relationship with the EnBW,
- potential human rights or environmental related risks attributable to EnBW or its direct or indirect suppliers, as well as violations of human rights and environmental related obligations under the Act on Corporate Due Diligence Obligations in Supply Chains (so called: Lieferkettensorgfaltspflichtengesetz - LkSG).
  - **Violations of human rights** related obligations include among other things discrimination, child labor, slavery, disregard of applicable labor and health protections, unlawful eviction, or unlawful deprivation of land and livelihoods.
  - **Environmental breaches of duty** include among other things the production and use of prohibited mercury or chemicals, non-environmentally friendly handling or disposal of waste.

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### Ability to submit complaints related to the following:

- › EnBW AG
- › Subsidiaries of EnBW AG over which a controlling influence is exercised
- › direct or indirect suppliers of EnBW
- › Business partners of EnBW

## 2.2 Who can submit a complaint?

The EnBW's complaints office is open to any person who wishes to submit complaints about potential grievances or violations within EnBW or along the supply chain.

Both persons  
who are directly or indirectly affected by the activities of the EnBW Group or by its  
direct or indirect suppliers  
and persons who have knowledge of any grievances can lodge corresponding  
complaints.

Accordingly, the issuance of a complaint does not require personal concern.

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### 3 Channels of the complaints procedure

The person providing the information has various reporting channels at which a complaint can be lodged:



The “**EnBW complaints tool**” includes an online reporting channel and a telephone hotline. You can submit your complaint in via an online template or by telephone in various languages. The content of the complaint is processed exclusively by EnBW. **The Compliance department is the first point of contact here. You also have the option of submitting your complaint anonymously.**



**By e-mail to EnBW’s Compliance department:**

E-Mail: [verdachtsfallmeldungen@enbw.com](mailto:verdachtsfallmeldungen@enbw.com)



**External Ombudsman:**

Attorney at Law Thomas C. Knierim  
Knierim & Colleagues Attorneys at Law  
Phone: +49 6131 906 55 00  
Fax: +49 6131 906 55 99  
E-Mail: [ombudsmann@klb-recht.de](mailto:ombudsmann@klb-recht.de)  
Gutenbergplatz 12  
55116 Mainz

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### 4 Contents of a complaint

The complaint may be lodged anonymously.

The complaint does not need to be substantiated. However, the information listed below is helpful for processing the complaint. They only serve to facilitate and accelerate processing and are not a prerequisite for processing of the complaint:

- › Description of the facts, as concrete and chronological as possible
  - › **What** happened?
  - › **How** did it happen?
  - › **Why** did it happen?
  - › **Where** did it happen?
  - › **When** did it happen?
  - › **Who** is affected?
  - › **Who** is responsible?
  - › **What consequences/what damage** has occurred?
- › Connection to the economic activity of the EnBW
- › Evidence, e.g. photos, e-mails, documents, witnesses
- › Information on the method of contact, in particular in the case of anonymous reporting and if requested

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# 5 Responsibilities and course of the complaints procedure

1. The whistleblower may submit a complaint through the channels listed in section 3.
2. If possible, the person providing the information will receive a confirmation of the receipt of the complaint, either verbally or in text form, within seven calendar days. Depending on the selected complaints channel, confirmation of receipt is provided by the ombudsman or by the Compliance department.

### Complaints to the Compliance department

3. If the complaint reaches the Compliance department via the complaints tool, the e-mail address or by other means, the department carries out an initial plausibility check. If the complaint is reported via the telephone hotline, the matter is recorded confidentially in the respective selected language and then forwarded to the Compliance department for processing.

Depending on the issue type concerned, the Compliance department independently checks or involves the technically responsible specialist unit in the necessary assessment of the situation. Complaints in accordance with the Supply Chain Due Diligence Act (LkSG) are discussed confidentially in relation to the underlying facts by the Compliance department itself or together with the specialist units such as the Sustainability unit, the HR department, the environmental coordinators or occupational safety.

If there are no concrete indications that a violation has occurred, the internal contact point sends feedback on the result of the check to the person providing the information. Afterwards, process is documented in writing.

4. In coordination with the Compliance department, the respective specialist department provides support in clarifying and assessing the facts. As part of the investigation, a joint discussion can take place with the whistleblower to clarify the matter, if necessary. If specific indications of a violation have been identified, it is then determined which follow-up measures will be taken to investigate the facts and which decisions will be made on how to deal with the complaint.



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### Possible follow-up measures

- › Discussing the facts of the case with the person providing the information by obtaining further necessary information or asking questions.
- › Conducting necessary follow-up or educational activities, such as discussions with employees, suppliers, or business partners, among others.
- › If necessary, convocation of a competent investigative unit for the strictly confidential assessment of serious suspicions and initiate comprehensive investigative measures.
- › Taking temporary preventive and remedial measures to prevent harm and avoid the intensification of harm, such as suspending a contractual relationship, among other things.
- › Involvement of law enforcement or regulatory authorities to which EnBW is obligated to submit a report on the facts established.

### Possible prevention and remedial measures

If a risk or violation is identified, appropriate preventive or corrective actions will be taken based on the nature and severity of the violation or risk, including but not limited to:

- › Warning
- › Termination of business relationships with suppliers or business partners
- › Intensification of training measures
- › Otherwise taking action to end or eliminate the violation

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5. Following the investigation of the complaint, the referring person receives feedback on the outcome of the procedure.

Depending on the scope and complexity of the complaint content, the complaint process may take different lengths of time. Since the person making the complaint is taken very seriously with their concerns and the complete processing of the complaint is thus attributed great importance, an extensive and longer investigation may be necessary in relation to the respective facts. Within three months of confirmation of receipt of the complaint, the person providing the information will receive feedback. In order to ensure a high degree of transparency, the person submitting the complaint can obtain information about the current status of the complaint process at any time.

### Complaints to the Ombudsman

6. If the complaint has been reported to the external ombudsman, he will immediately forward the information received to EnBW's Compliance department after an initial plausibility check. The ombudsman informs the person providing the tip-off of the purpose for which he records, stores and uses his personal data and to which office it will be forwarded if necessary.

In this regard, the ombudsman points out in particular that the identity of the person providing the information will only be passed on the Compliance department if it has been expressly permitted to do so in advance by the person providing the information. The further procedure shall be governed by sections 2-5.

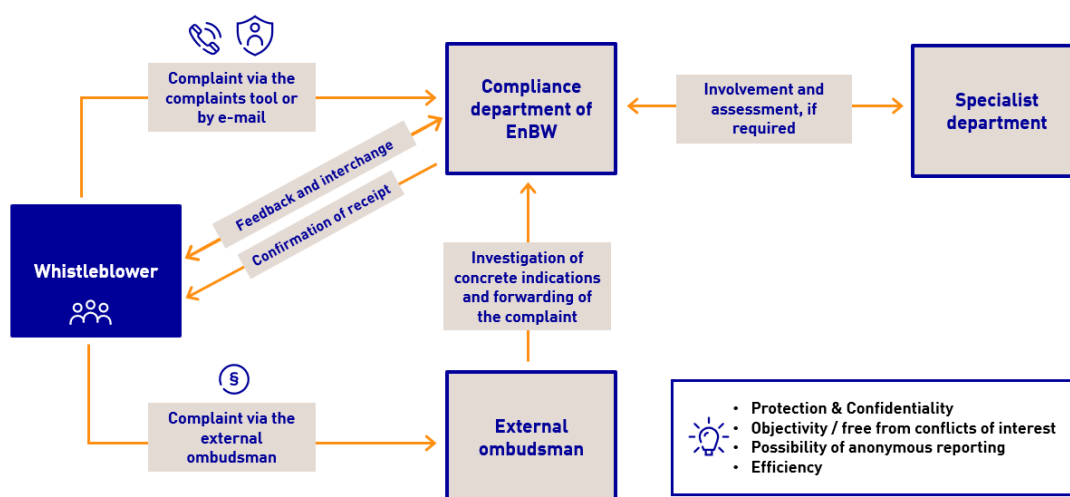


Chart: Process of the EnBW's complaints procedure

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## 6 Procedural principles



### Confidentiality and data protection

Confidential handling of the complaint received is ensured throughout the entire processing procedure. The findings and information obtained from the complaints are passed on to the departments involved within EnBW or to external authorities and institutions on the basis of a legal obligation solely for the purpose of and only to the extent necessary for the required investigation or necessary reporting. The following link will provide you with the privacy information for submitting complaints: [Data Privacy Information for the Complaints Mechanism of EnBW](#).

To ensure a high level of confidentiality, the complaint procedure also enables anonymous complaints to be reported. In addition to the complaints tool, it is also possible to guarantee absolute confidentiality and anonymity to EnBW at the request of the whistleblower due to the attorney's duty of confidentiality via the ombudsman. If the whistleblower wishes to discuss the facts of the case with the body responsible for carrying out the procedure, the appropriate means of contact must be indicated or discussed with the relevant contact point.

#### Important notes:

- › Confidentiality is ensured throughout the entire complaints procedure.
- › There is a possibility to submit anonymous complaints.
- › The complaints procedure is carried out in accordance with the requirements of the General Data Protection Regulation (GDPR)



### Independence of the processors

The persons entrusted with the processing of the complaint act consistently in an independent, objective and impartial manner. Any appearance of a conflict of interest is investigated immediately and remedied by appropriate measures. Within the framework of the complaints procedure, investigations are carried out neutrally and objectively in compliance with the presumption of innocence. The investigation is carried out in accordance with EnBW's internal standards and with due regard for the principle of fair proceedings.

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### Protection of the persons involved

Persons who have lodged a complaint in good faith and not in an improper manner will be protected. This also applies to persons involved in the investigation of the complaint. Discrimination, unequal treatment, intimidation or other negative effects that lie within the sphere of influence of the EnBW and result for the person providing the information by using the complaints procedure will not be tolerated. Appropriate measures will be initiated upon becoming aware of such an act. The protection also applies after the proceedings have been completed, in particular against retaliation, such as termination, warning or other forms of discrimination. Complaints shall be dealt with in accordance with the principle of fair trial.

The protection of the whistleblower from adverse effects as a result of reporting a complaint is ensured to the best possible extent by the confidential and impartial complaint process. In this context, the Group-wide regulations define essential requirements for maintaining confidentiality and data protection.

Until proof of the infringement is provided, processing will take place in accordance with the presumption of innocence.



### Free use of the complaints procedure

The complaints procedure on which the rules of procedure are based is available to all persons free of charge. However, EnBW will not assume any costs and expenses incurred in connection with the use of the complaints procedure.

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# 7 Effectiveness of the complaints procedure

In addition to the requirements of the Supply Chain Due Diligence Act (LkSG), the complaints procedure described in these procedural rules also complies with the legal requirements for a whistleblower system in accordance with the Whistleblower Protection Act (HinSchG). The effectiveness of the complaints procedure is analyzed as part of an annual and ad hoc review and, depending on the findings, further developed and improved through appropriate measures. EnBW reserves the right to continuously update the Rules of Procedure as needed.