

Rules of procedure

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to the EnBW whistleblower system

EnBW Energie Baden-Württemberg AG
Durlacher Allee 93
76131 Karlsruhe, Germany
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1 Purpose of the whistleblower system

As a sustainable and innovative infrastructure partner, long-term business success and responsible action are directly linked at EnBW. Compliance with legal and internal rules as well as compliance with human rights due diligence form the basis of EnBW's business activities and are laid down in EnBW's Code of Conduct and Human Rights Declaration.

EnBW is aware of the negative effects that compliance violations such as corruption or potential human rights and environmental violations can have on EnBW, its employees and third parties. As an integral part of its due diligence processes and compliance management system, it¹ has therefore implemented a whistleblower system in order to be able to detect risks or potential misconduct at an early stage and avert possible damage. The whistleblower system allows any person, regardless of personal concern, to report indications of rule violations or potential irregularities due to the economic activities of the EnBW Group or in its supply chain.

EnBW has a **Group-wide** whistleblower system that can be used to report potential violations of laws and regulations of any kind as well as potential violations of human and environmental rights.

The findings from processing the information received² make a significant contribution to minimising risks and avoiding potential damage, and to continuously developing and improving the established processes at EnBW. EnBW takes all incoming information seriously and encourages reporting any observations or other justified indications.

EnBW encourages all internal and external whistleblowers to contact the EnBW Group's whistleblower system in the event of observations or indications that specifically suggest violations of laws and regulations or potential violations of human and environmental rights.

These procedural rules describe the essential regulations on the EnBW whistleblower system and apply to all reports in accordance with Chapter 2 of these procedural rules that are submitted via the reporting channels described in Chapter 5. The regulations on the whistleblower system are bindingly defined in the internal regulations of EnBW.

¹ The legal wording has been chosen. Whistleblowers can be persons of any gender identity.

² For reasons of legibility, we refer to reports below. The terms complaint and notes are to be understood synonymously.

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2 What information can be reported?

The reporting channels of the whistleblower system can be used to report information about:

- **potential violations of rules or laws by EnBW AG or certain affected Group companies** (hereinafter referred to uniformly as EnBW), by EnBW **employees or members of the governing bodies**, in particular those referred to in *Section 2 para. 1 of the Whistleblower Protection Act*, such as corruption and bribery, fraud, disloyalty and violations of competition laws.
- **potential violations by business partners or third parties of applicable law or regulations of EnBW, insofar as the violation is related to the business relationship with EnBW or threatens to cause damage to EnBW.**
- Discrimination based on race or ethnic origin, gender, religion or belief, disability, age or sexual identity (*complaints under the General Equal Treatment Act (AGG)*).
- Human rights or environmental risks **attributable to EnBW or its (indirect) suppliers or violations of human rights and environmental obligations** (*complaints in accordance with the Supply Chain Due Diligence Act (LkSG)*).
 - Human rights violations include unequal treatment, child labor, slavery, non-compliance with applicable occupational health and safety regulations, unlawful forced evacuation or unlawful deprivation of land and livelihoods.
 - *Environmental* violations include the production and use of prohibited mercury or chemicals and inappropriate handling or disposal of waste.

Customer complaints or other customer concerns are not covered by the scope of application, insofar as they do not constitute information of the above-mentioned type. These must be addressed to the respective customer service department, e.g. contact EnBW.

Indications of **potential violations of laws and regulations, discrimination as well as human rights and environmental risks** caused by or contributed to by the following persons can be reported:

- **EnBW AG or certain affected Group companies** (*EnBW*).
- Employees or **members** of the governing bodies of EnBW or
- **(un) indirect suppliers and business partners of EnBW or third parties** in the event of the breach or risk of the business relationship with EnBW or in the event of (threatening) damage to EnBW

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3 Who can report?

The EnBW whistleblower system is open to any person who wishes to report information about potential irregularities or violations of the above-mentioned type in EnBW or along the supply chain.

Submitting a **report does not require personal involvement**.

Any person who:

- is directly or indirectly affected by the activities of EnBW or by its direct or indirect suppliers and other business partners in their rights, or
- has knowledge of any misconduct,

can report.

4 What content should a report have?

The report can be made **anonymously**.

The notification does not have **to be justified**. At the same time, the information listed below is helpful for processing the note. They are used to facilitate and speed up processing. However, the information is not a prerequisite for processing:

- *Description of the situation, as specific 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?*
- *link to the economic activity of EnBW,*
- *Documents, e.g. photos, emails, documents, witnesses,*
- *Information on the method of contact if contact is desired, e.g. to discuss the matter or provide feedback.*

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5 Which reporting channels can be used for reporting concerns?

The following reporting channels are available to the whistleblower:



The **whistleblower** tool can be used to report concerns in over 50 different languages via an online reporting channel and a telephone hotline (24/7). Reporting anonymous whistleblower reports is simplified via the tool. Information via the online screen is received by the Compliance department. If the report is made via the telephone hotline, the matter is recorded confidentially by the telephone service in the language selected in each case and then forwarded to the Compliance department. In both cases, the notes are processed exclusively by EnBW.



By e-mail or post to the Compliance department of EnBW:

E-mail: verdachtsfallmeldungen@enbw.com

Address: Compliance department (whistleblowing office); Durlacher Allee 93, 76131 Karlsruhe, Germany



External Ombudsperson: Lawyer Thomas C. KNIERIM - KNIERIM LORENZ BREIT Rechtsanwälte PartG mbB;

Tel.: +49 6131,906 55 00

E-mail: ombudsmann@klb-recht.de

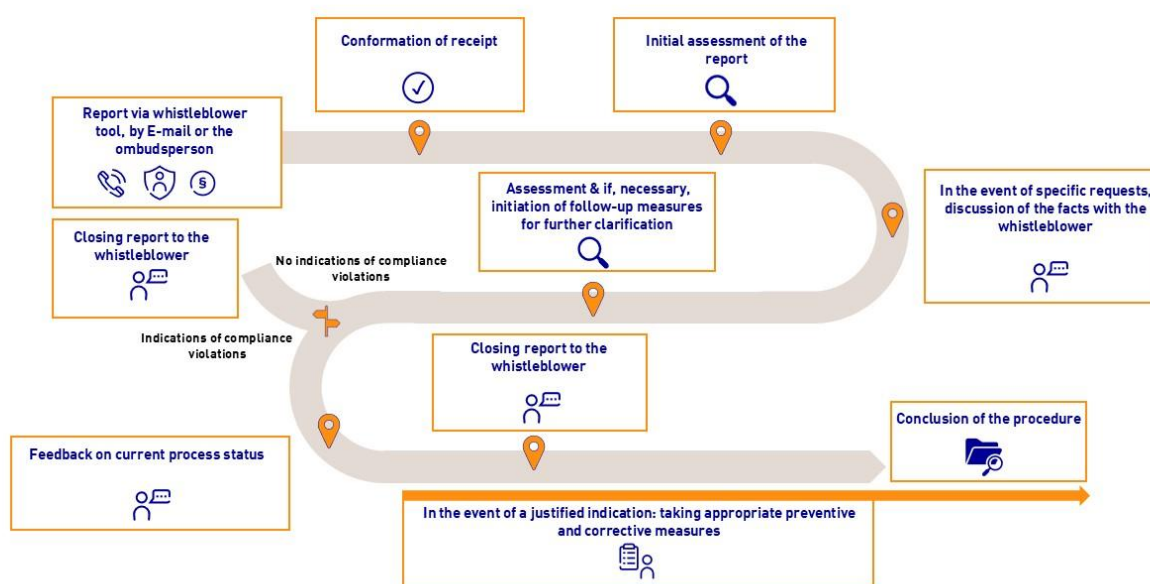
Address: Gutenbergplatz 12, 55116 Mainz, Germany

The EnBW ombudsman is subject to the legal duty of confidentiality. It can guarantee the whistleblowers absolute confidentiality and anonymity with regard to EnBW.

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6 How are reports processed?



Graphically: Processing of reports

Starting the procedure

1. The whistleblower can report a concern to Compliance or the external EnBW ombudsman via the reporting channels specified in Section 5.
2. After seven calendar days at the latest, the whistleblower receives confirmation of receipt of the report from either Compliance or the external ombudsman, provided that it is possible to contact them.
3. If the report has been reported to the external ombudsman, the ombudsman immediately forwards the report received to EnBW's Compliance department after an initial plausibility check. The Ombudsman informs the whistleblower that their identity will only be disclosed to Compliance if expressly permitted by the whistleblower.

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Checking the note

4. The Compliance department checks the validity of the matter and can also contact the whistleblower for this purpose. If necessary, he/she involves the department responsible for checking the validity or for further clarification and assessment, depending on the situation. In the case of information under the LkSG, this may be the Sustainability, Human Resources, Purchasing, Occupational Safety or Environmental Management departments, depending on the subject matter of the information.
5. If there are no sufficiently concrete indications of the existence of a risk or violation within the meaning of Chapter 2, the procedure shall be terminated. Compliance informs the whistleblower about the discontinuation of the procedure.
6. If concrete indications of the existence of a risk or violation within the meaning of Chapter 2, e.g. a human rights risk within the meaning of the LkSG, have been identified, appropriate and suitable measures will be taken in individual cases to further investigate the situation and, as far as possible, to minimise and avoid damage (follow-up measures). Depending on the scope and complexity of the matter, the process may take a different amount of time. Extensive and longer investigation may be necessary to ensure complete clarification.

Possible follow-up measures:

- › Discussion of the matter with the whistleblower
 - › Implementation of necessary follow-up or information measures, such as discussions with employees, suppliers or business partners
 - › Convene an investigation unit to assess serious suspicions and initiate comprehensive investigation measures
 - › Taking temporary preventive and remedial measures to prevent damage and avoid damage intensification, such as the suspension of a contractual relationship
 - › Involvement of law enforcement or supervisory authorities, in particular in the event of an obligation to submit a report on the facts found
7. Insofar as legally required, the whistleblower will receive feedback on the status of the procedure within three months of receipt confirmation if the processing is not completed by then. The content and scope of the feedback depends on the legal requirements, for example, information about the planned and already taken measures to investigate and correct the reported problem may be included. Information can only be provided to the extent that this does not interfere with internal investigations or investigations and the rights of the data subjects are protected.

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Measures and Completion of the Procedure

8. Upon completion, the whistleblower receives feedback on the completion of the procedure.
9. If the notification is justified, appropriate preventive and remedial measures will be taken depending on the type and severity of the violation or risk.

Possible preventive and remedial measures:

- Employment law measures, such as a warning or dismissal
- Termination of business relationships with suppliers or business partners
- Intensification of training measures or awareness-raising
- Adaptation or conversion of internal processes
- Other measures to end the breach or risk.

10. The whistleblower will then receive feedback on the completion of the procedure.

7 Which procedural principles are observed?



Principle of fair proceedings: The whistleblower reports are processed in accordance with the principle of fair proceedings and in compliance with the presumption of innocence.



Confidentiality and data protection: Investigations are conducted confidentially and in accordance with applicable law, in particular the Whistleblower Protection Act and the Supply Chain Due Diligence Act. In order to protect the whistleblower, persons who are the subject of a report, or other persons mentioned in the report, confidential data will only be disclosed if this is necessary and legally permissible for the clarification or implementation of (follow-up) measures or if EnBW is legally obliged to do so. The provisions of the General Data Protection Regulation (GDPR) are complied with. The following link takes you to the data protection information for submitting reports: [Data protection information for the group-wide whistleblower system of EnBW Energie Baden-Württemberg AG.](#)



Independence of processors: The persons entrusted with processing the report shall act independently, objectively and impartially. Any appearance of a conflict of interest shall be investigated immediately and, if confirmed, remedied.



Protection of the persons involved: Disadvantages, unequal treatment, intimidation or other negative effects on whistleblowers or third parties due to reporting or participation in the investigation are not tolerated, provided that the reporting or participation was not improper. Upon becoming aware of such an act, appropriate measures will be taken to protect the data subject. The protection also applies after completion of the proceedings, e.g. against retaliation such as dismissal, warning or disadvantages of any other kind. In addition,

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the confidential and impartial processing of reports ensures the protection of the whistleblower and third parties from adverse effects.



Free use of the whistleblower system: This whistleblower system is available to all persons free of charge. EnBW shall not bear any other costs and expenses incurred by the whistleblower or third parties in connection with the use of the whistleblower system.

8 Important user information

EnBW's whistleblower system complies with the requirements of the German Supply Chain Due Diligence Act and the German Whistleblower Protection Act. The effectiveness of the whistleblower system is analyzed as part of an annual and occasional review and further developed by suitable measures depending on the findings. EnBW reserves the right to amend the procedural rules on an ongoing basis.