

#wearelogistics

Information and Whistleblowing Channel Policy

June 2023



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1. Introduction and subject matter

The purpose of this Policy of the BERGÉ Information and Whistleblowing Channel (hereinafter, the "**Policy**") is to establish the guarantees and essential principles that BERGÉ Infraestructuras y Servicios Logísticos S.L. and its subsidiaries (hereinafter "**BERGÉ**") shall follow when receiving and managing information or complaints through the Information and Whistleblowing Channel (hereinafter, the "**Channel**"), which is configured as a fundamental pillar of the Company's compliance culture in coherence with the entry into force of Law 2/2023, of 20 February, regulating the protection of persons who report regulatory infringements and the fight against corruption.

Through the Channel, any person linked to the activity of BERGÉ¹ may inform or complaint in writing or verbally (by means of a recording system) those **actions or omissions** that could be **contrary to the internal regulations of the Organisation, to the current legislation** when they constitute a **serious or very serious administrative offence**, are **suspected of a criminal offence** or when the above could constitute **breaches of European Union (EU) law** in relation to its financial interests **or have an impact on the functioning of the Internal Market**, provided that the above were carried out by the members of the Organisation². Likewise, those persons who wish to file an information or reports shall have the right to choose whether to address themselves to the BERGÉ Channel or to the External Channels listed in section 6 of this policy.

BERGÉ **integrates in this Policy** all the **communication channels existing** to date.

The Board of Directors of BERGÉ has appointed the Corporate Compliance Committee as Head of the Information and Whistleblowing Channel.

¹Article 3.1 of Law 2/2023 of 20 February provides that the law shall apply to informants working in the private or public sector who have obtained information on offences in an employment or professional context, including in any case (a) individuals having the status of public employees or employees; (b) self-employed individuals; (c) shareholders, members and individuals belonging to the administrative, management or supervisory body of an undertaking, including non-executive members; (d) any person working for or under the supervision and direction of contractors, subcontractors and suppliers. Article 3.2 also covers informants who communicate or publicly disclose information on infringements obtained in the framework of an employment or administrative status that has already ended, volunteers, trainees, trainees in training, whether or not they receive remuneration, as well as those whose employment relationship has not yet begun, in cases where the information on infringements was obtained during the recruitment process or pre-contractual negotiation.

² Members of the Organisation: members of the governing body, managers, employees, workers, temporary employees or under collaboration agreement, and volunteers of an organisation, and all other persons under the hierarchical subordination of any of the above.

The procedure to be followed for processing and investigating the information received in the Channel is regulated in the BERGÉ Information and Whistleblowing Channel Procedure (hereinafter, the “**Procedure**”).

2. Scope and enforceability

This Policy is addressed to all professionals of BERGÉ as well as any person linked to BERGÉ's activity who communicates information or reports through the Channel. The policy applies to all information received from the subsidiaries of BERGÉ, subsidiaries shall be understood to be those companies in which BERGÉ holds a stake in the share capital that allows it to have control, in accordance with the provisions of article 42 of the Commercial Code.

3. Guarantees

The following guarantees shall be respected and complied with:

- **Confidentiality:** any information will be treated with the utmost confidentiality and will respect, in any case, the legislation and regulations on protection of personal data. All persons responsible for the management of the Channel and for the investigation shall maintain the strictest secrecy regarding the identity of the informants and persons concerned when they become aware of them.
- **Anonymity:** the Channel will guarantee the anonymity of the information or complaints received.
- **Independence and autonomy:** the Head of the Information and Whistleblowing Channel appointed by the Board of Directors of the Organisation is autonomous and independent for the management of the Channel.
- **Conflicts of interest:** the Channel and its procedure establishes mechanisms to avoid conflicts of interest in the management and investigation of information received.
- **Non-retaliation commitment:** Consistent with internal policies and principles, no BERGÉ person or organisation may retaliate or attempt to retaliate or allow any other person or group of persons to retaliate or attempt to retaliate directly or indirectly, against any person who in good faith makes a report or complaint through the Channel.
- **Protection against retaliation:** BERGÉ shall protect informants who in good faith report breaches of the legislation in force from any retaliation.
- **Right of defence and presumption of innocence:** BERGÉ guarantees the right of defence and the presumption of innocence of the persons concerned.
- **Celerity:** in the management of the information received, avoiding unjustified delays in the management of the Channel and in the investigation of communications.
- **Adversarial principle:** All persons involved in an investigation shall be guaranteed the right to a fair hearing and fair treatment, regardless of their degree of involvement and the quality in which they act.

- **Right to the honour of individuals:** the protection of the right to the honour of individuals is one of the maxims of action at BERGÉ and its protection shall be always guaranteed.

4. Essential Principles of the Procedure

- i. **Sending the acknowledgement of receipt** of the communication to the Informant within **seven (7) calendar days** of receipt, with the sole exception that such acknowledgement could jeopardise the confidentiality of the communication.
- ii. With regard to the **time limit** for carrying out the **investigation**, this may not exceed **three (3) months** from receipt of the communication or, if no acknowledgement of receipt has been sent to the informant, **three (3) months** from the **expiry of the seven (7) day period** following the communication, except in **cases of particular complexity**, in which case the time limit may be extended for an **additional three (3) months**.
- iii. The **possibility of maintaining communication with the Informant** is established through the secure communication mailbox enabled in the Channel and, if deemed appropriate, **additional information will be requested** from the **Informant**.
- iv. The person **concerned has the right to be informed of the acts or omissions** attributed to him or her, as well as the right to be heard. This communication shall take place in the time and manner deemed appropriate by the Head of the Channel to ensure the success of the investigation.
- v. Where the **acts may constitute a crime**, a **referral shall be made to the** competent authority. of the information to the **Crown Office and Procurator Fiscal Service**

5. Internal Information and Whistleblowing Channel

Communications may be made through the BERGÉ Information and Whistleblowing Channel in the following ways:

- i. Website, for those who wish to communicate their information or report via the internet:

Corporate website: <https://bergelogistics.com/>

Corporate Intranet: <https://bergelogistics.integrityline.com/frontpage>

- ii. Telephone, through the following numbers:

+ Spain +34 900 963 436 (Access code 17284)

+ Colombia +57 180 051 893 76 (Access code 17284)

+ Mexico +52 800 60 70 025 (Access code 17284)

6. External information channels

Informants are hereby informed that there are **external channels with different areas of competence**. The external channels referred to are, as of the date of this Policy, the following:

- i. **Independent Whistleblower Protection Authority.** For those infringements or non-compliances that affect or produce effects in more than one Autonomous Community or occur in those Autonomous Communities that have not designated their own independent authority.
- ii. **Andalusian Office against Fraud and Corruption.** For those infringements or breaches that affect or produce their effects in the Autonomous Community of Andalusia.
- iii. **Valencian Anti-Fraud Agency.** For those infringements or non-compliances that affect or produce their effects in the Valencian Community.
- iv. **Anti-Fraud Office of Catalonia.** For those infringements or breaches that affect or produce their effects in Catalonia.
- v. **Office for the prevention and fight against fraud in the Balearic Islands.** For those infringements or breaches that affect or produce their effects in the Balearic Islands.
- vi. **Office of Good Practices and Anti-Corruption of Navarre.** For those infringements or breaches that affect or produce their effects in the Autonomous Community of Navarre.

7. Protection of personal data

The management of the BERGÉ Information and Whistleblowing Channel complies with the provisions of the legal regulations on protection of personal data.

The purpose of the information processing is to manage the personal data with the objective of carrying out the correct management of the information or complaints filed by any person linked to the activity of BERGÉ, relating to those actions or omissions that could be contrary to the internal regulations of the Organisation, to the current legislation, when they constitute a serious or very serious administrative offence, are suspected of a criminal offence or when the above could constitute breaches of European Union (EU) law in relation to its financial interests or have an impact on the functioning of the Internal Market, provided that the foregoing were carried out by the members of the Organisation. All of this from the time of the filing of the claim until its resolution or dismissal.

Only if the reported or denounced fact gives rise to administrative or judicial proceedings, the data provided may be communicated to the competent authorities for investigation and sanction. Also, in compliance with the provisions of the Data Protection Regulations, they may be communicated to the relevant individuals involved, where appropriate, in any subsequent investigation

By filling out the form prepared for this purpose by BERGÉ, the participants expressly consent to the use, processing and communication of the data provided for the purposes.

The informants may exercise their rights of access, rectification, erasure and objection, the right not to be subject to automated individual decisions, portability and limitation of the processing of their data by writing to comitedpd@bergelogistics.com enclosing a copy of their ID card, passport or any other valid document for the purposes of adequately accrediting their identity.

For more information on how Bergé will treat the personal data of the intervening parties, you can consult the Privacy Policy available on the corporate website or on the Bergé corporate intranet.

Informants also have the right to lodge a complaint or request with the Spanish Data Protection Agency (AEPD)

8. Communication and Dissemination

This Policy shall be made available to all the professionals that make up BERGÉ, as well as to third parties that are linked to BERGÉ's activity, all of whom shall be obliged to strictly comply with its content, and shall be the object of communication, training and awareness-raising actions for its timely understanding and application.

The Policy will be published on the corporate intranet and on the organisation's website for promotion to third parties.

9. Approval and Review

The Policy has been approved by the BERGÉ Board of Directors, following approval by the Corporate Compliance Committee. It is incorporated into internal regulations and may be reviewed and/modified to adapt to the needs resulting from applicable regulations, technological developments, and other relevant changes in the organisation.

The updating of successive versions of the Policy and/or other documents necessary to comply with its provisions shall be the responsibility of the GRC Area.