



## **The management of reports - Whistleblowing**

## Who can report?

Individuals acting in the capacity of:

- **Employed workers**, under any type of contract;
- **self-employed workers**;
- **collaborators, freelancers** and **consultants**;
- **volunteers** and **trainees**, including unpaid ones;
- **shareholders** (individuals);
- Persons with functions, including de facto, of **administration, management, control, supervision** or **representation**.

In general, all *stakeholders* of the Society.

## When can it be reported?

Reporting can be done:

- **When the legal relationship is ongoing**;
- **when the legal relationship has not yet begun**, where the reporter has become aware of a violation during the selection process or other pre-contractual stages;
- **During the probationary period**;
- **subsequent to the termination of the legal relationship**, if the reporter became aware of violations prior to the termination of the **legal** relationship (e.g., retirees).

## What can be reported?

Behavior, acts or omissions, which may consist of:

- **Offenses committed in violation of European Union legislation related to certain areas** (*including public procurement; product safety and compliance; environmental protection; public health; consumer protection; personal data protection, information systems security*);
- **acts or omissions that harm the financial interests of the European Union, as well as impair the free movement of goods, persons, services and capital** (*for example: competition and state aid violations*).

- **so-called predicate offenses** under Legislative Decree 231/01;
- **Violations of the Organizational Model** adopted pursuant to Legislative Decree 231/01.

The report may also cover information about conduct aimed at **concealing** the above violations, as well as violations **not yet committed** that the reporter reasonably believes may occur based on concrete evidence.

## What can NOT be reported?

They are not eligible for reporting:

- **disputes, claims or demands related to an interest of a personal nature of the reporter** that relate exclusively to his or her individual working relationships with colleagues or own superiors;
- **violations** where they are already regulated in European Union directives and regulations and in the implementing provisions of Italian law **that already guarantee appropriate reporting procedures;**
- **national security breaches**, as well as **procurement related to defense or national security aspects**, unless such aspects are covered by relevant secondary law of the European Union.
- **blatantly unsubstantiated news**
- **information that is already totally in the public domain;**
- information acquired only on the basis of poorly reliable **indiscretions** or rumors (so-called **rumors**).

## How can you submit a report?

In compliance with legislative dictates, **Despe S.p.a.** has implemented its own internal reporting channel, making available to Recipients an **IT Platform** meeting the requirements of Legislative Decree 24/23 and accessible at the following link:

<https://despe.whistlelink.com>

as well as from the "Whistleblowing" page on the Company's website:

<https://www.despe.com>

Through the Platform, it is possible to make a **written report**, through the guided completion of a Report Form, or through a **voice recording** lasting up to 10 minutes.

In both modes, it is possible to attach documents supporting the Report and **request a confidential meeting with the Internal Report Manager**.

Reports must be, in all cases, **circumstantiated and substantiated**.

Through a Unique Identification Code and a password, which is automatically generated by the Platform and cannot be retrieved or duplicated in any way, it will be possible for the Reporter to **monitor** the processing status of his or her report and, if necessary, to **interact** with the Report Manager.

## What guarantees does Despe S.p.A. provide to the reporter?

In compliance with the provisions of the law, Despe S.p.A. guarantees the **confidentiality** of the identity of the reporter, the persons reported or otherwise involved in the report, as well as the content of the report and related documentation.

The Company guarantees **protection** and prohibits and sanctions all direct or indirect forms of retaliatory or discriminatory measures and conduct taken against the Whistleblower as a result of the report, including omission, even attempted or threatened.

**Support measures** are also provided by third sector entities included in a special list published by ANAC.

The protections provided by the Decree **also apply to persons other than the whistleblower** who might nonetheless be recipients of retaliation, because of their assumed role in the reporting and/or the particular relationship that binds them to the whistleblower. These include:

- so-called "**facilitators**," those who supported the reporter in his or her reporting;
- **co-workers** and people in the same work environment as the reporter;
- **relatives or stable affections** of the reporter;
- **entities owned by the reporter** or operating in the same work environment as the reporter.

## How is Reporting handled?

The management of the internal reporting channel and the Reporting itself has been entrusted by Despe S.p.A. to an **internal Manager**, autonomous from the Company and specifically trained in reporting management, who will manage the Reporting according to the procedure adopted by the Company itself.

In particular, the Internal Manager **will diligently follow up on** the reports received, verifying their content and conducting **internal investigation in** order to verify their existence and enable the adoption of measures to prevent or punish the irregularities or offenses identified.

The Whistleblower will be **informed of the** receipt of the report and the outcome of the investigations conducted.

More specifically, the Manager of the internal reporting channel:

- **will issue the reporter with an acknowledgement of receipt of** the report within seven days from the date of receipt;
- **Will maintain interlocutions with the Reporting Party**, including asking for any additions regarding the subject of the report;
- **will provide feedback to the Reporting Party** within three months from the date of the acknowledgement of receipt or, in the absence of such notice, within three months from the expiration of the seven-day period from the submission of the report.

## What other reporting channels are available to the reporter?

### ▪ **ANAC'S EXTERNAL CHANNEL**

An external reporting channel is in place at the National Anticorruption Authority (**ANAC**), such as to ensure, including through encryption tools, the confidentiality of the identity of the reporter, the persons reported or otherwise involved in the report, as well as the content of the report and related documentation.

The reports will be **handled by ANAC** according to the procedure adopted by the body itself.

The reporter may make an external report only if, at the time of submission:

- the internal reporting channel, although mandatory, is not active or, even if activated, does not comply with the requirements of the Decree;
- the reporter has already made an internal report and it has not been followed up by the designated person or office;
- the reporter has reasonable grounds to believe that, if he or she made an internal report, it would not be effectively followed up or that it could result in the risk of retaliation;
- the reporter has reasonable grounds to believe that the violation may pose an imminent or obvious danger to the public interest.



## What other reporting channels are available to the reporter?

### ▪ PUBLIC DISCLOSURE

You can put information about violations you have learned about in your work context into the public domain, **through the press** or otherwise through means of dissemination that can reach an unlimited number of people (including ***social networks***).

The reporter, however, is protected only if one of the following **conditions** is met at the time of disclosure:

- The whistleblower **previously made an internal and external report to ANAC, which remained unreported** within the timeframe for taking action on reports (3 to 6 months);

- The reporter has reasonable grounds to believe that the violation may pose an **imminent or obvious danger to the public interest**, or that any external reporting may pose a **risk of retaliation** or may **not be effectively followed up**.

### ▪ THE COMPLAINT TO THE JUDICIAL AUTHORITY

However, the whistleblower has the option to consider filing a complaint with the judicial authority if he or she has become aware of unlawful conduct in his or her work context.

## **Loss of protections** **and responsibilities of the reporter.**

At the time of reporting, **the reporter must have reasonable grounds to believe that the information being reported is true.**

The protections provided by Legislative Decree 24/23, in fact, do not apply when the criminal or civil liability of the reporter is established for the offenses of defamation or slander, or in any case for the same offenses committed by reporting to the judicial or accounting authorities, committed with malice or gross negligence.

If the protections are lost, in addition to the application of **disciplinary sanctions, there is also an administrative penalty of 500 to 2,500 euros by ANAC.**