ACQUA DELL' ELBA

Whistleblowing Report Management

1. Reporting system for violations (so-called Whistleblowing)

Pursuant to the provisions of Article 6 of Legislative Decree 231/01 and Legislative Decree No. 24 of 10 March 2023 (hereinafter the "Decree"), Acqua dell'Elba S.r.l. Società Benefit (hereinafter also the "Company") has defined the procedures for managing reports of unlawful conduct within the company and of violations relating to whistleblowing regulations.

The Company has not adopted the 231/2001 Model; however, it falls within the scope of Legislative Decree No. 24/2023 as a private entity that employed at least 50 employees under permanent or fixed-term employment contracts in the last year.

This regulation has been defined on the basis of the ANAC Guidelines of 12 July 2023 and the Confindustria Guidelines published in October 2023.

2. Definitions

a) «violations»: conduct, acts or omissions that harm the public interest or the integrity of the Company, as further specified in § 3

b) «information on violations»: information, including well-founded suspicions, regarding violations committed or that, based on concrete evidence, could be committed within the organization;

c) «report» or «reporting»: written or oral communication of information on violations;

d) «internal report»: written or oral communication of information on violations, submitted through the internal reporting channel;

e) «external report»: written or oral communication of information on violations, submitted through the external reporting channel;

f) «public disclosure» or «publicly disclosing»: making information on violations public through the press or electronic means, or otherwise through means of dissemination capable of reaching a large number of people;

g) «reporting person»: the natural person who makes a report or public disclosure of information on violations acquired in the context of their own work-related activities;

h) «facilitator»: a natural person who assists a reporting person in the reporting process, operating within the same work context, whose assistance must be kept confidential;

i) «work-related context»: work or professional activities, present or past, carried out within the framework of employment relationships, through which, regardless of the nature of such activities, a person acquires information on violations and within which they might risk suffering retaliation in the event of a report, public disclosure, or a report to the judicial or accounting authority;

j) «person concerned»: the natural or legal person named in the internal or external report, or in the public disclosure, as the person to whom the violation is attributed or as a person otherwise implicated in the violation reported or publicly disclosed;

k) «retaliation»: any conduct, act or omission, even merely attempted or threatened, occurring on account of the report, the report to the judicial or accounting authority, or the public disclosure, and which causes or may cause the reporting person or the person who filed the report, directly or indirectly, unjust harm;

l) «follow-up»: the action taken by the party responsible for managing the reporting channel to assess the existence of the reported facts, the outcome of the investigations, and any measures adopted;

m) «feedback»: communication to the reporting person of information relating to the follow-up that is given or intended to be given to the report;

3. Subject matter of reports

Reports under this regulation may concern:

Violations of national law

- Civil offenses
- Administrative offenses
- Criminal offenses
- Accounting offenses

Violations of EU law

- Offenses falling within the scope of European Union or national acts relating to the following sectors: public procurement; financial services, products and markets, and prevention of money laundering and terrorist financing; product safety and compliance; transport safety; environmental protection; radiation protection and nuclear safety; food and feed safety and animal health and welfare; public health; consumer protection; protection of privacy and personal data; and security of network and information systems.

By way of example:

- corruption-related offenses, attempted or presumed, including those carried out through third parties (suppliers, consultants, etc.)
- offenses to the detriment of public bodies (e.g. relating to public procurement), customers and users
- fraud to the detriment of the Public Administration
- conduct in violation of the Code of Ethics or harmful to users or other parties affected by the Company’s activities
- violations relating to occupational health and safety
- environmental offenses (e.g. waste management)
- fraud and administrative or accounting offenses, including those relating to employment law

The following may not be the subject of a report:

- Complaints, claims or requests linked to a personal interest of the reporting person, or of the person who filed a report with the judicial authority, relating exclusively to their own individual employment relationships, or to their employment relationships with hierarchically superior figures.
- Reports of violations already mandatorily governed by European Union or national acts listed in Part II of the annex to the Decree, or by national acts implementing European Union acts listed in Part II of the annex to Directive (EU) 2019/1937, even if not listed in Part II of the annex to the Decree.
- Reports of violations relating to national security, as well as procurement relating to defense or national security matters, unless such matters fall within relevant EU secondary law.

Information on violations must concern conduct, acts or omissions of which the reporting person became aware in the Company's work-related context, including in pre-contractual situations, probationary periods, or situations following termination of the legal relationship, where the information on the violations was acquired during the course of the relationship itself.

Facts learned by virtue of the role held, as well as information acquired on the occasion of and/or as a result of the performance of work duties, even incidentally, may also be reported.

4. Reporting procedures

4.1 General

The report must clearly indicate:

- the circumstances of time and place in which the reported event occurred
- a description of the event
- the personal details, or other elements enabling identification, of the person to whom the reported facts are attributed

It is also useful to attach documents that can provide grounds for the facts being reported, as well as the indication of other persons potentially aware of the facts.

Where a report is not adequately detailed, the person managing reports may request additional information from the reporting person through the dedicated channel, or in person, if the reporting person has requested a direct meeting.

Information on violations that may be reported does not include news that is manifestly unfounded, information that is already entirely in the public domain, or information acquired solely on the basis of unreliable rumors or hearsay (so-called "water-cooler talk").

Any anonymous reports will be treated in the same way as ordinary reports.

4.2 Internal reporting channel

Reports must be based on precise and consistent factual elements and must contain all information necessary to enable the appointed party (the Sole Statutory Auditor) to verify and assess the validity of the facts reported. In the absence of such elements, reports will not be considered.

In accordance with the regulations and Guidelines referred to above, the Company has adopted the following reporting channels:

- **written reports**: by ordinary mail to the following address: Via dei Carabinieri n. 28 – Livorno, Attn: Dott. Andrea Mancini. To ensure the confidentiality of the reporting person, the report must be placed in two sealed envelopes: the first containing the reporting person's identifying details together with an identity document; the second containing the subject of the report and any accompanying documentation. Both envelopes must then be placed inside a third envelope marked "Confidential – Sole Statutory Auditor, Acqua dell'Elba S.r.l. Società Benefit S.r.l.".
- **oral reports**: please refer to the dedicated telephone line at 0586/829565, available exclusively to the Sole Statutory Auditor. Through this telephone line it is possible to request an in-person meeting with the Sole Statutory Auditor.

Written paper documentation will be kept by the Sole Statutory Auditor in a locked cabinet accessible only to the Sole Statutory Auditor. An incoming and outgoing documentation log is maintained.

Documentation will be retained for five years, running from the date on which the final outcome of the procedure is communicated. The relevant deadlines will be recorded in the incoming log.

Oral reports will be transcribed by the appointed person into a written record and kept in the same manner described above. In-person meetings will be recorded on a USB drive and kept in the same manner described above.

Should a party not competent to receive reports (e.g. the Chairman of the Board of Directors, Directors, the General Manager, members of the Board of Statutory Auditors, or others) receive a report, and it is evident that it is a whistleblowing report (e.g. the word "whistleblowing" is stated on the envelope, or in the subject or text of the communication), it must be forwarded, within seven days of receipt and without retaining a copy, to the competent party, with simultaneous notice of the forwarding given to the reporting person.

4.3 External reporting channel

The reporting person may make an external report, consisting of written or oral communication of information on violations, submitted through the external reporting channel activated by ANAC (https://www.anticorruzione.it/-/whistleblowing).

Use of the external channel is limited to cases in which:

- the internal reporting channel is not active, or does not comply with the requirements of Legislative Decree 24/2023;
- the reporting person has already made an internal report and it has not been followed up;

- the reporting person has well-founded reasons to believe that, were they to make an internal report, it would not be effectively followed up, or that the report itself could give rise to a risk of retaliation;
- the reporting person has well-founded reason to believe that the violation may constitute an imminent or clear danger to the public interest.

5. Management of the report (internal channel)

The Company has designated the Sole Statutory Auditor as the party responsible for managing reports submitted through the internal channel.

The appointed party carries out the following activities:

- Sends an acknowledgment of receipt of the report to the reporting person, using the contact details they provided, within seven days of the date of receipt.
- Records the reports received in a dedicated file, indicating the date of receipt and the status of the response.
- Analyzes the documentation received from the reporting person and conducts a preliminary review of whether the necessary grounds exist to proceed with further investigation. In particular, the appointed party assesses, at the initial stage, whether there are grounds for validity and reliability, also in relation to the possibility of carrying out concrete verification of the reported facts. Reports that do not allow any verification to be carried out, because they are too generic, will be archived.
- Carries out the necessary checks, for example by:
  - directly acquiring the information necessary for the assessment through analysis of the documentation/information received;
  - involving other company departments (including senior management) or external specialists (e.g. IT specialists), in light of the specific technical and professional expertise required;
  - hearing from relevant internal/external parties, etc.;
- Once the verification activity has been completed, the report manager may:
  - archive the report as unfounded, stating the reasons and recording this in the dedicated register;
  - declare the report well-founded and refer it to the competent internal bodies/functions for follow-up (the Board of Directors). The manager is not responsible for assessing individual liability or any subsequent measures or proceedings.

Where the verification activity involves third parties or internal offices of the Company, the report manager maintains absolute confidentiality regarding any data or information that could enable identification of the reporting person or any other person involved, in order to ensure the confidentiality referred to in § 6.1.

5.1 Feedback to the reporting person

The report manager must provide feedback to the reporting person within three months of the date of the acknowledgment of receipt.

Feedback may be final, if the analysis and verification of the report has been completed, or it may inform the reporting person of the progress of the process if the investigation is still ongoing.

At the end of the three-month period, the report manager may inform the reporting person of:

- the archiving of the report, stating the reasons;
- the confirmed validity of the report and its referral to the competent internal bodies;
- the activities carried out to date and/or the activities intended to be carried out. In this latter case, it is advisable also to inform the reporting person of the subsequent final outcome of the investigation (archiving, or confirmation of validity with referral to the competent bodies), in line with the ANAC Guidelines.

If the reporting person chose to report by mail, they will only be informed of the status if the report contained a valid contact address.

5.2 Filing of documentation relating to reports

Documentation will be retained in the same manner indicated in § 4.2.

6. Protection of the reporting person

Persons guaranteed protection under this Regulation (as provided by the Decree):

- Employees (including Shareholders)
- Self-employed workers (if any) who carry out their work activities at the Company
- Freelancers and consultants who provide their services to the Company
- Volunteers and interns, paid and unpaid, who provide their services to private-sector entities
- Shareholders (natural persons)
- Persons with administrative, management, control, supervisory or representative functions

For all the above-mentioned persons, protection also applies during the probationary period and before or after the establishment of the employment relationship or other legal relationship, including for persons with administrative, management, control, supervisory or representative functions, even where such functions are exercised on a purely de facto basis, at private-sector entities.

6.1 Confidentiality

Acqua dell'Elba S.r.l. Società Benefit guarantees the confidentiality of the reporting person's identity in compliance with the fundamental principles governing personal data protection. In particular, for the entire duration of proceedings initiated as a result of an internal report, the identity of the reporting person and/or any other information from which such identity may be directly or indirectly inferred may not be disclosed, without the express consent of the reporting person, to persons other than those competent to receive or follow up on reports, expressly authorized under applicable privacy legislation.

Confidentiality is guaranteed for every reporting method (platform, ordinary mail, oral report).

Should the Company initiate disciplinary proceedings against the alleged perpetrator of the reported conduct, the identity of the reporting person may not be disclosed if the disciplinary charge is based on findings that are separate from, and additional to, the report, even if resulting from it.

If, on the other hand, the charge is based, in whole or in part, on the report, and the identity of the reporting person is essential to the defense of the person charged with the disciplinary offense or of any other person involved in the report, the report may only be used for the purposes of the disciplinary proceedings with the express consent of the reporting person to the disclosure of their identity.

In such cases, the reporting person is given prior notice, by written communication, of the reasons that make disclosure of the confidential data necessary.

If the reporting person refuses to give consent, the report may not be used in the disciplinary proceedings, which therefore may not be initiated or continued in the absence of further elements on which to base the charge.

In any case, provided the necessary conditions exist, the Company retains the right to report the matter to the judicial authority.

Breach of the confidentiality obligation by persons involved in the management of the report gives rise to disciplinary liability, without prejudice to any other form of liability provided for by law.

6.2 Protection from retaliation and discrimination

The Decree provides, to protect the reporting person, a prohibition on retaliation and discrimination, defined as "*any conduct, act or omission, even merely attempted or threatened, occurring on account of the report, the report to the judicial authority, or the public disclosure, and which causes or may cause the reporting person or the person who filed the report, directly or indirectly, unjust harm*".

The following are considered retaliation, by way of example:

- dismissal, suspension or equivalent measures;
- demotion or failure to promote;
- change of duties, change of place of work, reduction of salary, change of working hours;
- gradual and progressive reduction of duties;
- suspension of training or any restriction on access to it;
- negative performance notes or references;

- imposition of disciplinary measures or other sanctions, including financial ones;
- coercion, intimidation, harassment or ostracism;
- discrimination or other unfavorable treatment;
- repeated rejection of requests (e.g. leave, time off);
- failure to convert a fixed-term employment contract into a permanent one, where the employee had a legitimate expectation of such conversion;
- non-renewal or early termination of a fixed-term employment contract;
- damage, including reputational damage, particularly on social media, or economic or financial harm, including loss of economic opportunities and loss of income;
- inclusion on improper lists based on a formal or informal sectoral or industry agreement, which may prevent the person from finding employment in the sector or industry in the future;
- early termination or cancellation of a contract for the supply of goods or services;
- cancellation of a license or permit;
- requests to undergo psychiatric or medical examinations.

A protected person who believes they have been subject to retaliatory measures may report this to ANAC through the aforementioned ANAC IT platform. ANAC verifies whether the retaliation is a consequence of the report of wrongdoing and, if so, applies the sanction provided for by the Decree. It is therefore essential that a prior report of wrongdoing has been made in accordance with the Decree and this Regulation.

7. Disciplinary system

Disciplinary sanctions, with reference to this Regulation, may concern:

- Violations confirmed following a report
- Violations of the confidentiality principle referred to in § 6.1
- False reports made with the intent to discredit a person

Responsibility for disciplinary sanctions rests with the Board of Directors.

Any abuse of this procedure gives rise to liability, in disciplinary proceedings and in other competent venues – such as reports found to be unfounded and made with intent or gross negligence, or reports that are manifestly opportunistic and/or made solely to harm the reported person or others, and any other case of improper use or intentional exploitation of this Model. Disciplinary sanctions will be proportionate to the extent and severity of the wrongful conduct confirmed and may even lead to termination of the employment relationship, in compliance with legal provisions and applicable collective bargaining agreements. Any confirmed violation of the measures protecting the reporting person will be sanctioned in the same way.

Should the Report Manager fail to carry out the verification and analysis of reports received, immediate removal of the manager is provided for.

8. Personal data protection

Without prejudice to specific legal provisions, access to data relating to reports is permitted exclusively to the party competent to receive them and/or to follow up on them.

All personal data processing is carried out in accordance with Regulation (EU) 2016/679 and Legislative Decree 196/2003. Personal data that is manifestly not useful for the processing of a specific report is not collected or, if accidentally collected, is deleted immediately.

The rights set out in Articles 15 to 22 of Regulation (EU) 2016/679 may be exercised within the limits provided for by Article 2-undecies of Legislative Decree 196/2003.

Processing of personal data relating to the receipt and management of reports is carried out by Acqua dell'Elba S.r.l. Società Benefit as data controller, through the party competent to receive and follow up on reports, in compliance with the principles set out in Articles 5 and 25 of Regulation (EU) 2016/679, providing appropriate information to the reporting person and to the persons involved pursuant to Articles 13 and 14 of that Regulation, and adopting appropriate measures to protect the rights and freedoms of data subjects.