

## MAINFREIGHT NETHERLANDS

### Whistleblowing procedure

With this procedure we ensure that suitable reporting channels and procedures are in place to report (suspected) violations that fall within the scope of the European Whistleblower Directive (Directive (EU) 2019/1937) and Dutch law.

If you want to make a report, you will find how to do so in this procedure. You will also find which notifications you can make via this procedure. If you are unsure whether your report is in scope of this procedure or if you have any questions, you can contact your (branch) manager or the Training & Development team. The meaning of the definitions used can be found in Appendix 1 and the Privacy Statement for this procedure can be found in Appendix 2.

#### Who can make a report?

This procedure applies to the following reporters who have obtained Information on an Offence in a work-related context at or with Mainfreight.

1. Current team members;
2. Former team members;
3. Applicants;
4. Self-employed;
5. Shareholders and persons of the administrative, management or supervisory body of an undertaking, including non-executive members;
6. Volunteers;
7. (Un)paid trainees;
8. Any persons working under the supervision and direction of contractors, subcontractors and suppliers.

#### How can you make a Report?

Reports can be made via the following Internal Reporting Channels:

##### [Online Reporting Form](#)

A Report can be reported online in writing via our online reporting channel that is available via our (intranet) website. This service is available 24 hours a day.

##### [Whistleblowing Hotline](#)

A Report can also be made by calling the local Whistleblowing Hotline. This can be found on our (intranet) website. These conversations are not recorded. These telephone services are available during local business hours.

##### [Personal Interview](#)

On request, a Report can also be made via a personal conversation with a case manager from the Reporting Centre.

##### [Consulting an advisor](#)

Anyone considering making a Report can an advisor in confidence.

##### [Anonymous reporting](#)

Anonymous reporting is possible via the Online Reporting Form.

#### Confidentiality and privacy

All Reports will be treated confidentially. This means that the identity of the reporter (in the case of non-anonymous Reports) and the content of the Report are only shared with those involved in the Report and the investigation. This includes case managers, third parties hired for the investigation such as accountants, those involved as well as the European Support

Team. This also applies to all other information from which the identity of the reporter can be (in)directly deduced.

We respect the privacy of everyone involved. Any personal data collected through this procedure will only be used in the context of this procedure. More details about how we handle your personal data can be found in our privacy statement relating to this Procedure. You can find this in Appendix 2.

#### What information do we need?

In order to investigate the Reports, we need as much information as possible. For example, think of:

- any events;
- the background and reasons for your suspicions;
- all names of those involved and any dates and places;
- all documents that support the suspicion.

Although we need certain information and starting points to investigate your Report, we do not recommend that you (further) investigate your suspicions yourself and collect evidence. We urge you to have the Reporting Centre investigate the Report. We do expect you to remain available to answer any questions.

In accordance with Law 2016-1691 of 6 December 2016, facts, information and documents, regardless of their form or medium, the disclosure or disclosure of which is prohibited by the provisions relating to national defence secrecy, medical confidentiality, the secrecy of judicial deliberations, the secrecy of judicial investigations or investigations or the professional privilege of lawyers are excluded from the whistleblowing regime.

#### How is your Report handled?

##### [Intake and registration](#)

After your Report has been received, the receiving case manager registers it in our case management system. In accordance with the Legislation, the data from your Report will not be kept for longer than is necessary for its handling and completion.

If you make your Report via our Whistleblowing Hotline or in a Personal Interview with a case manager, the case manager will register your Report by means of a written record of the conversation. You will be given the opportunity to check the minutes and correct them if necessary. You will then be asked to sign this for approval. The final written record is registered in our case management system.



### Initial Assessment

After your Report has been registered, a case manager will carry out an initial assessment. The case manager will investigate whether your Report falls within the scope of this procedure and whether your Report relates to an Offence. In addition, it is also assessed whether your Report is based on reasonable grounds and whether further investigation will be conducted.

### Investigation

If it has been decided to conduct a further investigation, the case manager will initiate this investigation and have it carried out. For the investigation, the case manager is authorized to formulate his advice:

- request or view all relevant documents from Mainfreight;
- consult other case managers and relevant team members (including management);
- to interview you, any witnesses and those involved;
- engage experts to obtain the necessary information.

In principle, we will provide information requested by the case manager, provided that the requested information is relevant. If we do not provide the requested information or only partially to the case manager, we will inform the case manager about this.

Any costs to be incurred in the context of the research must be approved in writing (also by email) by the European Support Team before they are incurred.

### Fair Hearing (part of the investigation)

It may happen that people are mentioned in a Report. This may also be an accusation, for example. In such cases, the case manager will apply fair hearing. This means that in such a case the case manager will interview the person(s) mentioned in the Report. The case manager can do this in the presence of another case manager or another team member or a third party who is bound by confidentiality.

### Advisory Report

The case manager records his findings in writing in an advisory report that is communicated in writing (may also be by email) to the European Support Team.

When drawing up this advisory report, the case manager takes into account the confidentiality of the information provided to the case manager and the applicable laws and regulations. This advisory report provides an assessment of the validity of the Report and the case manager makes recommendations where possible.

### Mainfreight's position

After we have received the advisory report, we will take a position on the Report. In taking our position, we indicate what steps and measures we will take in response to the Report, unless that information could jeopardize any legal proceedings or conflicts with a legal obligation of confidentiality.

### Independence

The Reporting Centre's designated case manager(s) will conduct their initial assessment and investigation carefully and independently. If your Report concerns the case manager or someone from the European Support Team, you can try the following.

1. You contact another case manager if this is possible.
2. You contact our Group Manager Team Development, Martin Devereux ([martin@mainfreight.com](mailto:martin@mainfreight.com)).

### Terms

The following deadlines apply in this procedure. These terms can only be extended with the approval of the European Support Team.

Reporting phase	Term
Initial Assessment	2 weeks after sending confirmation of receipt.
Investigation + Fair Hearing + Report	8 weeks after sending confirmation of receipt.
Mainfreight's position	2 weeks after receipt of the Advisory Report.

### What feedback will you get?

In any case, you will receive the following feedback from us.

- 1) You will receive confirmation of receipt within 7 days of receiving your Report.
- 2) You will be informed within a reasonable period, but no later than 3 months after sending the confirmation of receipt, about our assessment of your Report and any follow-up thereof.

### Protection against Retaliation

If you have made a Report, you are protected against Retaliation, provided you meet the criteria set forth in the Legislation. This means that you - if you made your Report in good faith and you at the time of your Report had reasonable grounds to assume that your Report was correct - may not be retaliated against during and after your Report. In addition to you, the following persons and entities are also protected against Retaliation:

- i. any person who assists you in the reporting process in a work-related context, and whose assistance should be confidential;
- ii. persons who are connected with you and who could suffer retaliation in a work-related context, such as colleagues or relatives;
- iii. legal entities that you own, work for or are otherwise connected with in a work-related context.

If you report Information on a Breach in which you have been involved, you will not be protected against Retaliation.

Anyone who abuses this procedure or does not comply with this prohibition of Retaliation may face (disciplinary) measures, including possible dismissal.

### External Reporting

You can also report directly to the designated authorities. In the Netherlands, this can be done at any local authority that, in their reasonable opinion, is most suitable. This could, for example, be the Dutch Public Prosecution Service or the Labor Inspectorate. If it concerns a possible violation of European Union law within Mainfreight, you can report it to:

- (1°) de Autoriteit Consument en Markt;
- (2°) de Nederlandse Autoriteit Financiële Markten;
- (3°) de Autoriteit Persoonsgegevens;
- (4°) De Nederlandsche Bank NV;



(5°) het Huis voor Klokkeluiders;  
(6°) de Inspectie Gezondheidszorg en Jeugd;  
(7°) de Nederlandse Zorgautoriteit;  
(8°) de Autoriteit voor Nucleaire Veiligheid en Stralingsbescherming;  
(9°) organizations and administrative bodies, or units thereof, designated by order in council or ministerial regulation that have tasks or powers in one of the areas referred to in Article 2, first paragraph, of Directive (EU) 2019/1937.

#### Further Information

**Valid from:** December 2023  
**Version:** 1.0  
**Comments:** This procedure replaces any previous local whistleblowing policy within Mainfreight the Netherlands. This procedure may be updated or modified from time to time.



## Appendix 1 – Gebruikte definities

In this procedure, the words below have the following meaning.

*“Retalliation”* means any (in)direct act or omission (as well as any threat or attempt thereto) that takes place in the work-related context as a result of a Report or disclosure and that leads or may lead to unjustified disadvantage to the reporter, as referred to in the Legislation. This might include:

- a) dismissal or suspension;
- b) a fine referred to in article 7:650 of the Dutch Civil Code;
- c) demotion;
- d) withholding a promotion;
- e) a negative assessment;
- f) a written reprimand;
- g) transfer to another business location;
- h) discrimination;
- i) harassment, bullying or exclusion;
- j) libel or slander;
- k) early termination of an agreement for the supply of goods or services; and
- l) withdrawal of a permit.

*“Mainfreight”* or *“we”* means Mainfreight Holding BV and her Dutch subsidiaries: Mainfreight Customs Clearance BV; Mainfreight Forwarding Netherlands BV; Mainfreight Transport Netherlands BV; Mainfreight Logistic Services Netherlands BV; Mainfreight BV; SystemPlus Logistic Service BV; Amasia Intercontinental Trading en Forwarding BV; Mainfreight Crossdock BV; Mainfreight Logistic Services Born BV; Mainfreight CEE B.V.

*“Offence”* means:

- a) a Breach of European Union Law; or
- b) any act or omission in which the social interest is at stake in:
  - i. a violation or a risk of violation of a legal provision or of internal rules that entail a concrete obligation and that have been established by an employer on the basis of a legal provision; or
  - ii. a danger to public health, to the safety of persons, to damage to the environment or to the proper functioning of the public service or a company as a result of an improper act or omission.

*“Report”* means a report in good faith of an Offence or Information on an Offence in the manner prescribed in this procedure, without direct financial compensation.

*“Reporting Centre”* means one or more designated case managers who can independently receive and investigate Reports in accordance with this procedure.

*“Breach of European Union Law”* means, as defined in the Legislation, any act or omission that is unlawful or undermines the purpose or application of the rules governing the following areas of European Union law:

- a) public procurement;
- b) financial services, products and markets, and prevention of money laundering and terrorist financing;
- c) product safety and compliance;
- d) transport safety;
- e) protection of the environment;
- f) radiation protection and nuclear safety;
- g) food and feed safety, animal health and welfare;
- h) public health;
- i) consumer protection;
- j) protection of privacy and personal data, and security of network and information systems.

This also includes any act or omission detrimental to the financial interests of the European Union, as referred to in Article 325 of the Treaty on the Functioning of the European Union (TFEU), as well as infringements of the internal market, as referred to in Article 26(2) TFEU.

*“Information on an Offence”* means information, including reasonable suspicions, about actual or potential Offences, which occurred or are very likely to occur within Mainfreight.

*“Legislation”* means Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 (OJEU 2019, L 305) and its transposition into Dutch law.



## Appendix 2 – Privacy statement Whistleblowing procedure

This privacy statement explains how Mainfreight collects, uses and shares personal data in the context of this procedure. This includes your personal data and that of those involved, such as the person(s) to whom the Report relates.

For more information about how we process your personal data, you can consult our privacy statement on Mainfreight.com and our privacy statement for our team members that has been made available to you locally.

### Who collects your personal data and who is responsible?

We collect your personal data directly from you or from our other team members. We determine how and for what purpose your personal data will be processed in the context of this procedure. This means that we are considered a 'data controller' for this.

### What personal data do we collect?

Under this procedure, the personal data we collect, and use may include:

- your name, job title and contact details;
- names, job titles and contact details of the persons reported; and
- (technical) data about the suspected abuse, which may be related to a specific person.

We never intentionally collect or process sensitive personal data, as defined by privacy regulations. However, if such sensitive personal data is included in a report, we will delete it unless there is a valid reason for processing it and we have a legal basis for doing so.

### For what purpose do we process your personal data?

We will only use your personal data for the specific purposes related to this procedure, which is why we collected it. These purposes include:

- recording and following up on submitted reports;
- investigating alleged abuses; and
- taking appropriate action after completion of an investigation.

### On what legal basis do we process your personal data?

We collect and process your personal data because this is obligated by law and/or necessary for the pursuit of our legitimate interests.

### With whom do we share your personal data?

Personal data collected for the above purposes may be shared with external experts such as lawyers, advisors or (forensic) accountants when investigating a report of suspected misconduct. However, when we share data with these third parties, we ensure that they collect, use and retain only the

information necessary to conduct their research as requested and in accordance with privacy regulations.

In addition, the personal data collected in the context of this procedure will only be disclosed to others if we are legally obliged to do so or if it is necessary to report criminal offenses.

### Do we transfer your personal data outside the European Economic Area?

We will only transfer your personal data collected under this procedure outside the European Economic Area if this is reasonably necessary. If we transfer your personal data outside the European Economic Area, we will ensure that we follow all rules and measures required by privacy regulations to protect your personal data to the same level as within the European Economic Area.

### How long do we keep your personal data?

Personal data relating to reports made under this procedure will be retained for as long as necessary to achieve the purposes of this procedure, to comply with legal requirements or within the relevant legal time limits.

Your personal data may be retained and used to manage our whistleblowing processes during your employment with Mainfreight, after your employment ends and for a period after you have left Mainfreight.

If disciplinary action is taken as a result of a submitted report, the record of such action will follow our employee record keeping procedures.

### What can you do with your personal data?

You can ask your local Privacy Champion at any time if a report has been made against you. If a report is made, we will provide you with a written summary of your personal data, unless this would seriously hinder the investigation.

If your personal data is incorrect or incomplete, you can request us to correct or supplement it. In certain situations, you can also ask for your personal data to be deleted or processed to a limited extent.

### Contact

If you have any questions or need assistance, please contact your local Privacy Champion.

