

PCR-05

WHISTLEBLOWING PROTOCOL

REVISION B

JUNE 2025



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1 RECONNAISSANCE OF EXISTING LEGISLATION

The introduction in national law of adequate protection for employees (public and private) who report unlawful conduct from within the work environment is provided for in international conventions (UN, OECD, Council of Europe) ratified by Italy, as well as in recommendations of the Parliamentary Assembly of the Council of Europe, sometimes in a binding way, other times in the form of an invitation to comply.

In Italy, the concept of whistleblowing was introduced for the first time with Law No. 190/2012 (Provisions for the prevention and repression of corruption and illegality in the public administration) which, limited to the public administration, with the provision of Art. 1, para. 51, introduced Article 54-bis into Legislative Decree No. 165 of 30 March 2001 (General rules on the organisation of employment in public administrations), regulating a system of protections for public employees who report unlawful conduct of which they have become aware by reason of their employment relationship.

Subsequently, Legislative Decree No. 72/2015 made some amendments to:

- Legislative Decree No. 385/1993 (Consolidated Banking Act - TUB), introducing the obligation for credit institutions to provide for specific, autonomous and independent channels for the reporting, by staff both internally and externally, of violations of rules governing the activity carried out, as well as mechanisms to ensure the confidentiality of the personal data of the reporter and the reported person;
- Legislative Decree No. 58/1998 (Consolidated Law on Financial Intermediaries), introducing the adoption of reporting procedures similar to those provided for in the Consolidated Law on Banking, by intermediaries and parent companies.

Then came Law No. 179/2017, concerning 'Provisions for the protection of the authors of reports of offences or irregularities of which they have become aware in the context of a public or private employment relationship', which introduced for the first time the concept of reporting in the private sector by amending Article 6 of Legislative Decree No. 231/2001 and made corrections to the rules on reporting in the public sector by amending Article 54-bis in Legislative Decree No. 165/2001. As regards the private sector, this provision stipulated that the Organisational, Management and Control Models referred to in Legislative Decree no. 231/2001 should provide for:

- a) one or more channels enabling senior persons or persons placed under their control or supervision - in order to protect the integrity of the entity - to make circumstantiated reports of unlawful conduct (relevant under '231' and based on precise and concordant factual elements) or violations of the Organisation and Management Model, of which they have become aware by reason of their duties. In addition, the same article provided that these reporting tools would guarantee the confidentiality of the identity of the Whistleblower in the management of the report;
- b) the prohibition of retaliatory or discriminatory acts (direct or indirect) against the Whistleblower, for reasons related (directly or indirectly) to the report;
- c) within the disciplinary system, sanctions against those who violate the measures for the protection of the Whistleblower, as well as against those who make reports that turn out to be unfounded with malice or serious misconduct.

Most recently, Legislative Decree No. 24/2023 was approved, implementing Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law and laying down provisions concerning the protection of persons who report breaches of national laws.

This novelty affected in a few respects:

- I)** for the private sector, it broadened the scope of application of this institution, which was previously limited only to reports of offences relevant to the application of the regulations set out in Legislative Decree no. 231/2001, to be made solely through an internal channel within the entity; it thus extended the same organisational obligations for entities and the same guarantees for whistleblowers provided for the public sector also beyond the perimeter of the 231/2001 regulations
- II)** it has clearly specified the concept of breach (see section 4.2 below);
- III)** provided for the establishment of three channels available for sending the report of offences: internal, external, public.

The first is the reporting channel that the entity is obliged to set up; the second is a platform of the National Anti-Corruption Authority (Anac); the third, that of public disclosure, uses the press or electronic media or means of dissemination capable of reaching a large number of people.

These are not three equivalent options but three steps on a ladder to be followed in sequence if the conditions laid down by law are met;

- IV)** has also given relevance to well-founded suspicions. Legislative Decree No. 24/2023 also includes suspicions, provided they are well-founded or news based on concrete elements concerning 'projects' of violations that have not yet been committed, among the news of possible reports;
- V)** extended the protection measures to both facilitators and persons linked by family/work/commercial relationships with the Whistleblower;
- VI)** regulated anonymous whistleblowing: an anonymous whistleblower, by definition, is not a whistleblower (one who is already anonymous does not need protection, since he/she is not identifiable and is not even a possible target of retaliation), but may become one if, for some reason, he/she is identified at a later stage, losing his/her anonymity;
- VII)** provided for an adaptation of the body's disciplinary system. With the introduction of sanctions against the perpetrators of retaliatory or discriminatory acts (direct or indirect) against the whistleblower/protection recipient, for reasons connected (directly or indirectly) to the report, as well as against those who make reports that turn out to be unfounded with malice or serious misconduct.

2 PURPOSE AND AIM OF THE PROTOCOL

This document is intended to serve as a guide to provide certain answers on the procedures and dynamics of the Whistleblower's handling of the report, by identifying and removing the possible factors that could in some way prevent or slow down the use of the institution in attention.

In this perspective, the objective pursued by this corporate policy is to provide the Whistleblower with clear operational indications on the subject, contents, recipients and means of transmission of the reports, as well as on the forms of protection that, in line with the regulatory provisions, are offered.

3 DEFINITIONS

Before proceeding with the breakdown of the substantive and operational aspects related to the management of whistleblowing, it is necessary to specify the meaning attributed to certain terms within this Protocol, as well as the definition of certain aspects.

Whistleblower or Whistleblower: the natural person who makes a report or public disclosure of information on violations acquired in the context of his/her work context.

Whistleblowers or Whistleblowers, in subjective terms, can be identified as:

- job applicants, limited to information on breaches acquired during the selection process or in other pre-contractual stages;
- in employees, including probationary employees;
- in former employees, limited to information on breaches acquired during the employment relationship;
- in volunteers, trainees, paid and unpaid, who work for the Company;
- in persons with management, administration, control, supervision or representation functions, including de facto, at the company;
- in self-employed workers, collaborators, freelancers, consultants;
- in workers, both employed and self-employed, and collaborators working for suppliers/customers.

Facilitator: a natural person assisting a reporting person in the reporting process, operating within the same work context, whose assistance must be kept confidential.

Whistleblower or person involved : the natural person or legal entity mentioned 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 reported or publicly disclosed violation.

Reporting: the written or oral communication of information about violations using the internal channel referred to in paragraph 5 below.

Disclosure: the placing in the public domain of information about violations through the press, electronic media or otherwise through means of dissemination capable of reaching a large number of people.

4 CHARACTERISTICS OF THE REPORT

4.1 OBJECT OF THE REPORT

For persons in the private sector, the use of internal and external reporting channels is envisaged, i.e. public disclosures or reports to the judicial or accounting authorities, with reference to the following areas {Art. 2, para.1 lett. a numbers 2), 3), 4), 5) and 6)}

- unlawful conduct relevant under Legislative Decree No. 231/2001, or violations of the organisation and management models provided for therein;
- offences falling within the scope of the European Union or national acts indicated in the annex to Legislative Decree no. 24/2023 or of the national acts constituting the implementation of the European Union acts indicated in the annex to Directive (EU) 2019/1937, relating to the following areas: public procurement; services; financial products and markets and prevention of money laundering and financing of terrorism; 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 protection of personal data and security of networks and information systems;
- acts or omissions affecting the financial interests of the Union as referred to in Article 325 of the Treaty on the Functioning of the European Union specified in the relevant secondary Union law;
- acts or omissions affecting the internal market, as referred to in Article 26(2) of the Treaty on the Functioning of the European Union, including violations of Union competition and State aid rules, as well as violations affecting the internal market related to acts in breach of corporate tax rules or mechanisms whose purpose is to obtain a tax advantage that frustrates the object or purpose of the applicable corporate tax law
- acts or conduct that frustrate the object or purpose of provisions in Union acts in the areas mentioned in the preceding points.

** ** *

4.2 CONTENT OF THE REPORT

The report should preferably contain the following elements:

- a clear and complete description of the facts that are the subject of the report, i.e. an indication of the information, including well-founded suspicions, concerning breaches committed or likely to be committed, on the basis of concrete elements, in the organisation with which the person making the report or the person reporting to the judicial or accounting authorities has a legal relationship, as well as elements concerning conduct aimed at concealing such breaches;
- if known, the circumstances of time and place in which the facts were committed;
- if known, the personal details or other elements (such as the title and the department in which the activity is carried out) enabling the identification of the person(s) who has/have committed the reported facts;
- an indication of any other persons who may report on the reported facts;
- an indication of any documents that may confirm the validity of such facts;
- any other information that may provide useful feedback on the existence of the facts reported.

4.3 CASES EXCLUDED FROM THE APPLICATION OF THE WHISTLEBLOWING RULES

Pursuant to Article 1 para. 2, the provisions of Legislative Decree no. 24/2023 do not apply to

- a)** to allegations, claims or requests linked to a personal interest of the reporting person or of the person making a whistleblowing complaint to the judicial or accounting authorities which relate exclusively to his/her individual work or employment relationships, or inherent to his/her work or employment relationships with hierarchically superior figures;
- b)** to reports of breaches where already mandatorily regulated by the European Union or national acts indicated in Part II of the Annex to Legislative Decree No. 24/2023 or by the national acts which constitute implementation of the European Union acts indicated in Part II of the Annex to Directive (EU) 2019/1937, even if not indicated in Part II of the Annex to this Decree;
- (c)** to reports of breaches relating to national security, as well as procurement relating to defence or national security aspects, unless such aspects are covered by relevant secondary legislation of the European Union.

This is also without prejudice to the rules on: (i) classified information; (ii) medical and forensic secrecy; (iii) secrecy of court deliberations; (iv) rules of criminal procedure on the obligation of secrecy of investigations; (v) provisions on the autonomy and independence of the judiciary; (vi) national defence and public order and security; (vii) as well as the exercise of the right of workers to consult their representatives or trade unions.

5 REPORTING CHANNELS

In line with the provisions of the new regulatory provisions on the protection of persons who report illegalities or irregularities they have become aware of in the course of their work, BMC S.r.l. is setting up special alternative and dedicated reporting channels to which the Whistleblower can resort.

The management of the reporting channel shall be entrusted to an external, autonomous subject with specifically trained staff and specifically to the **Law Firm Cerri Bini & Gualandi Avvocati Associati** with office in Medicina (BO) Via Cavallotti, 21.

Reports are made in written or oral form.

The internal written or oral report submitted to an incompetent person shall be transmitted, within seven days of its receipt, to the competent person, with simultaneous notification of the transmission to the reporting person.

The external subject entrusted with the management of the internal reporting channel performs the following activities:

- (a) issue the reporting person with an acknowledgement of receipt of the report within seven days from the date of receipt;
- (b) liaise with the reporting person and may ask the latter for supplementary information, if necessary;
- (c) diligently follow up the reports received, meaning any useful action taken to assess the existence of the facts reported, the outcome of the investigations and any measures taken;
- (d) provide acknowledgement of the report within three months from the date of the acknowledgement of receipt or, in the absence of such notice, within three months from the expiry of the period of seven days from the submission of the report
- (e) provide clear information on the channel, procedures and prerequisites for making internal reports, and on the channel, procedures and prerequisites for making external reports. The aforementioned information shall be displayed and made easily visible in the workplace, as well as accessible to persons who, although not attending the workplace, have a legal relationship in one of the forms referred to in Article 3(3) or (4) of Legislative Decree no. 24/2023. Legislative Decree no. 24/2023 (for the analytical indication of such relationships, please refer to paragraph 3 above, page 7 under the heading Whistleblower). BMC S.r.l. also publishes the information referred to in this letter in a dedicated section of its website.

The channels detailed below are to be considered autonomous and independent from each other.

5.1 INTERNAL CHANNEL: REPORTING BY PAPER MAIL

BMC S.r.l. may receive the reports by paper mail.

The Whistleblowers must send the report by paper mail according to the following modalities with the creation of three envelopes:

- a) the first one containing the identification data of the reporter together with a photocopy of the identity document as well as the indication of an address where to communicate the subsequent updates;
- b) the second containing the report, so as to separate the identification data of the reporting person from the communication;
- c) the third envelope, in which the aforesaid envelopes a and b must be inserted, shall be closed and must be addressed *i)* to the external manager of the internal channel of the report, at present Studio Legale Cerri Bini & Gualandi Avvocati Associati, Via Cavallotti, 21, 40059 Medicina (BO) **with the wording personal confidential**; or *ii)* to the subject appointed by BMC, at present **Mr. Guido Cocci at BMC S.r.l. Via Roslè n. 115 40059 Medicina BO with the wording confidential personal**, in the event that the report concerns the external subject, who is entrusted with the management of the internal reporting channel, or it may turn out that this subject has a potential interest related to the report such as to compromise the impartiality and independence of judgment.

The person receiving a paper report in which the reporting person has disclosed his identity, or which contains elements allowing the identity of the reporting person to be traced, shall take the following precautions, in order to protect the confidentiality of the reporting person as much as possible:

- record the report in a special paper register in which the date of receipt of the report and all the subsequent stages of the investigation are recorded;
- the report is kept in a sealed envelope inside a locked cupboard, copies of which are not released to other outsiders;
- no full copies (e.g. photostats or scans) of the report are made: any duplicates are made by first anonymising the report (thus eliminating any reference to the subject's identity);
- the identity of the reporting person is not recorded in any register or in any other document in any way related to the report;
- communication of the report to other persons authorised to process it is carried out with due respect for the confidentiality of the person making the report, by sending any 'anonymised' copies or by simply describing the facts, without providing any information that might allow the identity of the person making the report to be traced.

In case the report concerns the external subject entrusted with the management of the internal reporting channel, Mr. Guido Cocci will take on the role of the person in charge of the management of the report, so that he will adopt all the precautions mentioned above to protect the confidentiality of the reporter and will take care of all the tasks better described in paragraph 6 below.

In order to ensure the protection of the confidentiality of the Whistleblower, reports may not be used beyond what is necessary to adequately follow them up.

On the protection of the confidentiality of the reporter, see paragraph 7.2.

5.2 INTERNAL CHANNEL: ORAL REPORTS AND FACE-TO-FACE MEETING

BMC S.r.l. may receive reports in oral form, through a dedicated telephone line n. 051.6971529 (without registration) and, at the request of the reporter, through a direct meeting with the manager of the report, which must be fixed within a reasonable time. The authorised person, in this case Mr Guido Cocci, will collect the information upon presentation of the personal data processing notice.

The oral report shall be documented by means of a detailed message report and the contents shall be countersigned by the person making the report, subject to his verification. A copy of the signed report must be provided to the reporter and forwarded within 7 days to the external manager of the internal reporting channel, currently Studio Legale Cerri Bini & Gualandi.

The request for a direct meeting must be made to the person appointed by BMC, currently Mr. Guido Cocci, who will arrange a direct meeting of the reporter with the external manager of the internal reporting channel, currently Studio Legale Cerri Bini & Gualandi Avvocati Associati; the meeting will be held within 7 days of the report.

5.3 ANONYMOUS REPORTS

Reports from which it is not possible to ascertain the identity of the reporter are considered anonymous; where substantiated, they are treated as ordinary reports and dealt with accordingly.

In cases of anonymous reports, reports to the judicial authorities or public disclosures, if the reporting person is subsequently identified and retaliated against, the protection measures for retaliation apply.

5.4 EXTERNAL CHANNEL (ANAC PLATFORM)

The reporting person may make an external report if, at the time of its submission, one of the following conditions is met

- (a) the reporting person has already made an internal report under Article 4 and the report has not been followed up;
- (b) the person making the report has reasonable grounds for believing that, if he or she were to make an internal report, it would not be effectively followed up or that the report might give rise to a risk of retaliation
- (c) the reporting person has reasonable grounds to believe that the breach may constitute an imminent or obvious danger to the public interest.

5.5 PUBLIC DISCLOSURE

With public disclosure, information on breaches is brought into the public domain through the press or electronic media or otherwise through means of dissemination capable of reaching a large number of people.

The conditions for public disclosure are

- 1) if an internal report to which the entity has not provided a response within the prescribed time limits has been followed by an external report to ANAC which, in turn, has not provided a response within a reasonable time.
- 2) the person has already directly made an external report to ANAC which, however, has not provided feedback to the reporter as to the measures envisaged or adopted to follow up the report within a reasonable timeframe.
- 3) the person directly makes a public disclosure because he/she has reasonable grounds for believing, on the basis of concrete circumstances and thus not on mere inferences, that the breach may represent an imminent or obvious danger to the public interest.
- 4) The person directly makes a public disclosure because he or she has reasonable grounds to believe that the external report may involve a risk of retaliation or may not be effectively followed up

The person who makes a public disclosure, as described above, must be considered distinct from the person who constitutes a source of information for journalists, since this purpose is outside the scope of the purposes pursued by Legislative Decree no. 24/2023.

6 THE DUTIES OF THE PERSON RECEIVING THE REPORT

6.1 CHECKING THE VALIDITY OF THE CONFIDENTIAL/CONFIDENTIAL REPORT

The person entrusted with the management of the reporting channel, currently Studio Legale Cerri Bini & Gualandi Avvocati Associati, shall take charge of the report, within seven days of its receipt, give feedback to the reporting person and carry out an initial assessment. The assessment shall be activated within 30 days of receipt of the report, unless an extension of a further 15 days is granted for justified reasons. The time limit for the conclusion of the procedure is set at 90 natural and consecutive days, from the date of receipt of the report, without prejudice to the extension of the time limit if the assessment is particularly complex, such extension and the reasons for it are to be communicated to the reporting person.

The person entrusted with the management of the reporting channel verifies the validity of the circumstances set out in the report through any activity he/she deems appropriate, in compliance with the principles of impartiality, confidentiality and protection of the identity of the Whistleblower: obtaining information, with the adoption of the necessary precautions, from the Whistleblower (also following his/her request), also by way of paperwork (acquisition of written comments and documents from the Whistleblower); hearing of any other persons who may report on the facts reported, acquisition of deeds and documents from the company.

The entity entrusted with the management of the reporting channel, upon conclusion of the investigations within the above-mentioned deadlines, informs the Whistleblower of the status or outcome of the investigations.

Conclusion of the procedure: The person entrusted with the management of the reporting channel, on the basis of an assessment of the facts reported, may decide, **in the event of clear and manifest groundlessness, to close the report by means of a reasoned decision**, which will be communicated to the Whistleblower.

The person entrusted with the management of the reporting channel orders the direct archiving of the reports/reports in the following cases

- a) manifest lack of damage to the integrity of BMC S.r.l.;
- b) the reported fact does not integrate any case subject to the regulations as per dec. Leg. dec. no. 24/2023;
- c) manifest groundlessness due to the absence of factual elements capable of justifying investigation;
- d) the legal requirements for the application of the sanction are manifestly lacking;
- e) intervention of the entity entrusted with the management of the reporting channel is no longer current;
- f) manifestly emulative purpose;
- g) ascertained generic content of the report/communication or such as not to allow comprehension of the facts, or report/communication accompanied by inappropriate or irrelevant documentation
- h) production only of documentation in the absence of a report of unlawful conduct or irregularities;
- i) absence of the data that constitute essential elements of the report/communication.

In the event that elements are found to be **not manifestly unfounded, the person entrusted with the management of the reporting channel shall forward the report - also for the adoption of consequent measures - to the competent third parties:**

- the Chairman of the Board of Directors, Mr. Gaetano Bergami, for the acquisition of preliminary elements, or Mr. Guido Cocci, should the whistleblowing report concern the Chairman himself;
- the Head of Human Resources, Ms. Anna Bergami for any disciplinary liability profiles, or Mr. Guido Cocci if the whistleblowing report concerned the Head himself;

In line with the legislation in force on the protection of personal data, in order to preserve the purposes of investigation and in the cases provided for by law, the whistleblower may not be immediately made aware of the processing of his/her data by the

Data Controller, as long as there is a risk of jeopardising the possibility of effectively verifying the grounds of the report or of gathering the necessary evidence. This deferral will be assessed on a case-by-case basis by the person entrusted with the management of the reporting channel, in agreement with the data controller, taking due account of the interest in the protection of the evidence, avoiding its destruction or alteration by the whistleblower, and the wider interests at stake.

The reported data and documents are retained for five years from the date of receipt of the report or for the longer period necessary for a final judgment or other court order.

6.2 VERIFICATION OF THE MERITS OF THE ANONYMOUS REPORT

The stage of verifying the validity of the report by the person entrusted with the management of the reporting channel is the same for both types of report, confidential/confidential and anonymous.

For the management of all other aspects, however, please refer to the provisions for confidential reports.

7 PROTECTION OF THE WHISTLEBLOWER

7.1 PROHIBITION OF RETALIATION

BMC S.r.l. does not tolerate, any prejudicial consequence towards the Whistleblower in the disciplinary field, forbidding the adoption of retaliation against the reporting persons as well as against the other beneficiaries of the protection measures.

Retaliation is defined as any conduct, act or omission, even if only attempted or threatened, put in place as a result of the report, the complaint to the judicial or accounting authorities or the public disclosure, and which causes or may cause the reporting person or the person making the complaint, directly or indirectly, unjust damage.

By way of example, the following constitute retaliation in the event of correlation with the whistleblowing

- (a)** dismissal, suspension or equivalent measures;
- (b)** downgrading or non-promotion;
- (c)** change of duties, change of workplace, reduction of salary, change of working hours;
- (d)** suspension of training or any restriction on access to it;
- (e)** negative merit notes or references;
- (f)** the adoption of disciplinary measures or any other sanction, including a fine;
- (g)** coercion, intimidation, harassment or ostracism;
- (h)** discrimination or otherwise unfavourable treatment;
- (i)** the non-conversion of a fixed-term employment contract into an employment contract of indefinite duration, where the employee had a legitimate expectation of such conversion;
- (l)** the non-renewal or early termination of a fixed-term employment contract;
- (m)** damage, including to a person's reputation, in particular on social media, or economic or financial loss, including loss of economic opportunities and loss of income
- (n)** improper listing on the basis of a formal or informal sectoral agreement, which may result in the person being unable to find employment in the sector in the future;
- (o)** the early termination or cancellation of a contract for the supply of goods or services;
- (p)** the cancellation of a licence or permit;
- (q)** a request for psychiatric or medical examinations.

In the context of judicial or administrative proceedings or in any case of extrajudicial disputes concerning the ascertainment of conduct, acts or omissions potentially constituting retaliation against the persons referred to in Article 3, paragraphs 1, 2, 3 and 4 of Legislative Decree no. 24/2023, it is presumed that the same have taken root as a result of the report, public disclosure or complaint to the judicial or accounting authorities. The onus of proving that such conduct or acts are motivated by reasons unrelated to the report, public disclosure or complaint is on the reporting party's opponent.

In the event of a claim for damages filed with the judicial authorities by the persons referred to in Article 3, paragraphs 1, 2, 3 and 4 of Legislative Decree no. 24/2023. No. 24/2023, if such persons prove that they have made a report, a public disclosure or a complaint to the judicial or accounting authorities pursuant to the aforementioned decree and that they have suffered damage, it shall be presumed, unless proved otherwise, that the damage is the consequence of such report, public disclosure or complaint to the judicial or accounting authorities.

If the whistleblower or the other persons indicated in the third paragraph of Article 3 of Legislative Decree no. 24/2023 consider that they have been subjected to discriminatory measures, they may refer the matter to the ANAC, which may involve the National Labour Inspectorate, for the measures within its competence.

In case of suspected discrimination or retaliation against the reporter, correlated to the report, or abuse of the reporting tool by the reporter himself, BMC S.r.l. shall provide for the application of disciplinary sanctions.

The aforementioned protection, however, finds a limit when it is ascertained, even with a first degree judgement, the criminal liability of the reporting person for the crimes of defamation or slander or in any case for the same crimes committed with the report to the judicial or accounting authority, or its civil liability, for the same title, in cases of malice or gross negligence; in this case the reporting person or the whistleblower shall be subject to disciplinary sanctions.

Finally, it should be noted that, pursuant to Article 22 of Legislative Decree no. 24/2023, waivers and settlements, in whole or in part, concerning the rights and protections provided for by this decree are not valid, unless they are made in the forms and according to the procedures set out in Articles 185, 410, 411, 412-ter and 412-quater of the Code of Civil Procedure, and therefore in court or before the conciliation commission or in conciliation/arbitration provided for by the CCNL or by Article 412-quater of the Code of Civil Procedure.

7.2 PROTECTION OF CONFIDENTIALITY AND PROCESSING OF PERSONAL DATA

BMC S.r.l. guarantees the utmost confidentiality about the identity of the reporter and the content of the report in every phase of the procedure. In particular, the identity of the reporter cannot be revealed without his express consent, except in cases where the communication is compulsory by law or for the adoption of motivated disciplinary measures against the reported person, and in any case in compliance with the regulations in force.

BMC S.r.l., for this purpose, has foreseen specific technical and organisational measures to guarantee that all the information related to the report - including the personal data of the reporter, of the reported person, of the Facilitators and of any other person involved - are treated with the highest degree of confidentiality, accessible only to the subjects expressly authorised to the management of the reports. For this purpose, the processing of personal data relating to the receipt and management of reports is carried out by the manager of the internal reporting channel, in the capacity of data controller, providing appropriate information to the reporting persons and to the persons involved pursuant to Articles 13 and 14 of the same Regulation (EU) 2016/679, with the content provided for in the attached information notice. The duty to provide information must be fulfilled before or at the latest when initiating the direct collection of personal data. In the case of personal data that is not collected directly from the data subject, the information notice must be provided within a reasonable period of time, or at the time the data is disclosed (not recorded) (to third parties or the data subject).

The channels are designed to prevent unauthorised access and to guarantee the security of the information processed. It is expressly forbidden to disclose or share the identity of the Whistleblower, the Reported Person or others involved, even indirectly, except in the following cases

- the person has given his/her explicit consent;
- there is a legal or regulatory obligation to disclose as part of an investigation by the competent authorities.

Breach of confidentiality is expressly prohibited and may entail civil, disciplinary or criminal liability. Anyone who becomes aware of a whistleblowing outside official channels is obliged to keep it confidential, direct the whistleblower to the appropriate channels and destroy any document received once the whistleblowing has been forwarded.

Particular attention is paid to the protection of personal data. The data acquired as part of the whistleblowing process, including data belonging to special categories (racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union

membership, genetic or biometric data, data relating to a person's health, sex life or sexual orientation), as well as data relating to offences or criminal convictions, are processed exclusively for the purpose of fulfilling regulatory obligations and to the extent permitted by law.

Data is processed in accordance with the principles of 'privacy by design' and 'privacy by default', ensuring data minimisation, integrity and security. A specific privacy policy (Annex A of this document) is made available to the reporter according to the channel used to transmit the report.

BMC Srl also takes organisational measures to guarantee that eventual anonymous reporters cannot be identified, unless they autonomously decide to reveal their identity. However, if an initially anonymous Whistleblower is subsequently identified, all the protections provided for confidentiality will be extended retroactively.

Facilitators (i.e. persons supporting the Whistleblowers), Related Persons (linked to the Whistleblower by personal or professional relationships) and other persons participating or cooperating in the investigation are also subject to equivalent protection and confidentiality measures.

All data and documents relating to the reports are kept for a period of five years from the date of the report, or for a longer period if necessary for judicial purposes, in compliance with the legislation in force and the company's data retention policies.

7.3 SUBJECTIVE SCOPE OF PROTECTION MEASURES

The protection measures provided for in Legislative Decree no. 24/2023 apply to the whistleblower as well as to **a)** facilitators, i.e. the natural persons who assist a whistleblower in the whistleblowing process, operating within the same work context and whose assistance must be kept confidential; **b)** persons in the same work context as the whistleblower, the person who has filed a complaint with the judicial or accounting authorities or the person who has made a public disclosure and who are linked to them by a stable emotional or family relationship up to the fourth degree **(c)** co-workers of the reporting person or of the person who made a complaint to the judicial or accounting authorities or made a public disclosure, who work in the same work environment as the reporting person or the person who made a public disclosure and who have a regular and current relationship with that person; **(d)** entities owned by the reporting person or by the person who made a complaint to the judicial or accounting authorities or made a public disclosure or for which those persons work, as well as entities operating in the same work environment as the above-mentioned persons.

This protection also applies in cases of reporting or denunciation to the judicial or accounting authorities or public disclosure anonymously, if the reporting person was subsequently identified and suffered retaliation, as well as in cases of reporting to the institutions, bodies and competent bodies of the European Union, in accordance with the conditions set out in Article 6 of Legislative Decree no. 24/2023. Legislative Decree no. 24/2023.

8 RESPONSIBILITY OF THE WHISTLEBLOWER

The legislation is without prejudice to criminal and disciplinary liability in the event of slanderous or defamatory reporting under the Criminal Code and Article 2043 of the Civil Code.

Any form of abuse of this protocol, such as manifestly opportunistic reports and/or reports made for the sole purpose of harming the person reported or other persons and any other case of improper use or intentional exploitation of the institution covered by this protocol, as well as unfounded reports made with gross negligence, shall also give rise to liability in disciplinary and other competent fora.

However, pursuant to Art. 20 of D.- Lgs. 24/2023 any form of liability (criminal, civil and administrative) is excluded, so that a whistleblower who discloses or disseminates information on breaches covered by the obligation of secrecy, other than that referred to in Article 1(3) (i.e. relating to: (a) classified information; (b) forensic and medical professional secrecy; (c) secrecy of the deliberations of judicial bodies), or relating to the protection of copyright or the protection of personal data, or discloses or disseminates information on breaches that offend the reputation of the person involved or reported,. This exemption from liability operates on condition that, at the time of the disclosure or dissemination, there were reasonable grounds for believing that the disclosure or dissemination of the same information was necessary to disclose the breach and the report was made pursuant to Article 16 (existence of reasonable grounds for believing that the information on the reported breaches was true and fell within the objective scope of Article 1, i.e. that it concerned breaches of national or European Union law provisions affecting the public interest or the integrity of the entity).

In any case, criminal liability and any other liability, including civil or administrative liability, is not excluded for conduct, acts or omissions not related to the reporting or public disclosure or which are not strictly necessary to disclose the breach.

9 PENALTY SYSTEM

On the subject of the sanctions system, a distinction must be made, for the various cases, between the natural person and the legal entity held liable and therefore the addressee of the sanction under the ANAC procedure.

In particular:

- (i) in the hypotheses of failure to set up the channel, failure to adopt the procedures or adoption of non-compliant procedures, the person responsible is identified in the governing body
- (ii) in cases where the verification and analysis of the reports received has not been carried out, and where the obligation of confidentiality has been breached, the person responsible is the manager of the reports.

With reference, instead, to the hypothesis of the adoption of a retaliatory act, the natural person identified as responsible for the retaliation is sanctioned.

In detail, the administrative pecuniary sanctions are as follows

- (a) from EUR 10,000.00 to EUR 50,000.00 when it is established that the natural person identified as responsible has committed retaliation;
- b) from 10,000.00 to 50,000.00 euro when it is ascertained that the natural person identified as responsible has obstructed the reporting or has attempted to obstruct it;
- c) from EUR 10,000.00 to EUR 50,000.00 when it is ascertained that the natural person identified as the person responsible has breached the obligation of confidentiality set out in Article 12 of Legislative Decree no. 24/2023. This is without prejudice to the sanctions applicable by the Garante per la protezione dei dati personali for the profiles of competence under the rules on personal data;
- (d) from EUR 10,000.00 to EUR 50,000.00 when it is ascertained that reporting channels have not been set up; in this case, the governing body shall be held liable
- (e) from €10,000.00 to €50,000.00 when it is ascertained that procedures for the making and handling of reports have not been adopted or that the adoption of such procedures does not comply with the provisions of the Decree; in this case the policy-making body shall be held liable
- f) from EUR 10,000.00 to EUR 50,000.00 when it is ascertained that the activity of verification and analysis of the reports received has not been carried out; in this case the manager of the reports shall be held liable
- g) from EUR 500.00 to EUR 2,500.00 when it is established that the person making the report is liable for defamation or slander in cases of wilful misconduct or gross negligence, unless he/she has already been convicted, also at first instance, of the offences of defamation or slander or in any case of the same offences committed with the report to the judicial authority.

ANNEX A**INFORMATION NOTICE PURSUANT TO ARTICLES 13-14 OF THE GDPR (GENERAL DATA PROTECTION REGULATION) 2016/679 AND OF THE NATIONAL DATA PROCESSING LAW BY MEANS OF "WHISTLEBLOWING" REPORTS****Foreword**

The Legislative Decree 24 of 10/03/2023 implementing the European Directive 2019/1937, intended to completely overhaul the rules on the protection of the person who makes reports of wrongdoing (so-called whistleblower) by introducing a real system of guarantees that protect the person from possible sanctions or retaliatory actions such as demotion, dismissal, transfer or more generally organisational measures that have a negative effect on his working conditions. The expression 'whistleblower' indicates a person who reports to the bodies empowered to intervene violations or irregularities committed to the detriment of the public interest, thus contributing to the emergence and prevention of risks and situations prejudicial to the administration to which he/she belongs and to the collective public interest. By reporting, the whistleblower contributes to the emergence of unlawful acts and irregularities, demonstrates a strong sense of civic duty and performs an important social function of protecting legality.

Data controller

The Data Controller is BMC, with registered office in Via Roslè 115, 40059 Medicina (BO); email info@bmcairfilters.com, PEC bmc.srl@pec.it (hereinafter, the "Company" or the "Data Controller").

The Data Controller has appointed a Data Protection Officer who can be contacted for any clarification or problem regarding the processing of your data through the following e-mail address: he can be contacted by ordinary mail at the registered office of BMC - Via Roslè 115, 40059 Medicina (BO), by e-mail at security@bmcairfilters.com or by PEC at bmc.srl@pec.it.

Purposes of the treatment

The data provided by the reporter in order to represent the alleged illegal conducts, of which he has become aware due to his relationship with BMC Srl, committed by the subjects that interact with the company in various ways, will be processed for the following purposes related to the implementation of fulfilments related to legislative obligations (art. 6 co. 1 lett. c) of the GDPR)

- (a) managing reports within the company's whistleblowing initiative;
- b) carrying out the necessary investigative activities aimed at verifying the validity of the fact being reported and the adoption of the consequent measures indicated in the Whistleblowing Regulation;
- c) Fulfilment of a legal obligation to which the entity is subject (in compliance with Legislative Decree 24/2023, which transposes EU Directive 2019/1937, concerning the protection of persons who report breaches of European Union law);
- d) fulfilment of a legal obligation to which the entity is subject;
- (e) preventing and countering illegal conduct within the undersigned organisation (Art. 6 co. 1(f), GDPR).

Legal basis of the processing

The legal basis for such processing is Article 6 para. 1(c) of the GDPR (fulfilment of a legal obligation to which the data controller is subject).

The provision of data for the above purposes is optional, since a report may also be made anonymously. However, any refusal to provide them in whole or in part may make it impossible for BMC Srl to follow up the report.

Type of data

The data to be processed are the common data provided by the whistleblower (name and surname, e-mail, telephone number) and all the information communicated by the latter during the reporting process and therefore

- personal data contained in the reports sent (by way of example: personal data - identification and professional - and any other personal information relating to the person reported and/or any third parties involved in the report)
- relating to unlawful or fraudulent conduct;
- personal data belonging to special categories, provided by the reporting person in order to represent the alleged unlawful conduct.

In the event that disciplinary proceedings are instituted against the person responsible for the unlawful conduct as a result of the whistleblower's report, the identity of the whistleblower shall not be disclosed; however, if knowledge of the whistleblower's identity is indispensable for the accused's defence, the whistleblower shall be asked if he/she intends to give his/her free consent to the disclosure of his/her identity.

Processing arrangements

The Data Controller shall implement all measures to ensure that the data provided by the whistleblower is processed appropriately and in accordance with the purposes for which it was collected and shall adopt appropriate organisational, technical and physical security measures to protect the information against alteration, destruction, loss, theft or improper or unlawful use.

Period of data retention

Personal data shall be retained for a maximum period of 5 years from the date of communication of the final outcome of the reporting procedure (Art. 14 Legislative Decree 24/2023) or for the longer period necessary for the final passage of a judgment or other judicial decision.

Recipients of processed data

The recipients of the data collected as a result of the report are

- the personnel of the Data Controller acting on the basis of specific instructions provided with regard to the purposes and methods of the processing itself, designated by a specific deed of appointment pursuant to Article 29 GDPR;
- the manager of the internal reporting channel
- where appropriate, the Judicial Authority, the Court of Auditors and the ANAC.

Rights of data subjects

Data subjects have the right to obtain from the Data Controller, in the cases provided for, access to their personal data and the rectification or erasure thereof or the restriction of processing concerning them or to object to processing (Art. 15 et seq. GDPR).

These rights may be exercised by contacting the Data Controller by the following alternative means:

- registered letter with acknowledgement of receipt to the above address;
- email info@bmcairfilters.com , PEC bmc.srl@pec.it or by writing
- to the DPO at security@bmcairfilters.com

The exercise of these rights may be restricted where it may prejudice the ascertainment and investigation of the facts that are the subject of the report, the reported person's rights of defence or where the data are necessary for the conduct of any disciplinary proceedings or civil or criminal proceedings that may be brought.

Interested parties who believe that the processing of personal data relating to them is in breach of the provisions of the GDPR have the right to lodge a complaint (Art. 77 GDPR) or take legal action.