

## SAPIN II ACT WHISTLE-BLOWING PROCEDURE

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### 1. Purpose:

This procedure falls under French Act No. 2016-1691 known as the “Sapin II Act” of 9 December 2016, relating to transparency, the fight against corruption and the modernisation of economic life <sup>(1)</sup>. It specifies the rules and procedures for collecting, processing and following up on reports.

This procedure is complementary to the escalation of reports through line managers, as previously practised, and to the texts and arrangements already in place such as the internal rules or any other procedure in force.

France Médias Monde undertakes to disseminate this “whistle-blowing procedure” so as to provide clear information to potential users.

At the time of filing a report, a copy of this procedure shall be given to the whistle-blower.

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## 2. Scope:

The whistle-blowing procedure applies to all companies of the France Médias Monde group established in France and abroad, with the exception of CFI, which has its own procedure.

It concerns the submission of reports under:

- Article 17 of Act No. 2016-1691 of 9 December 2016: relating to conduct or situations contrary to the Code of Conduct. The nature of these reports is open to FMM Group employees only.
- Articles 6 to 15 of Act No. 2016-1691 of 9 December 2016: relating to any crime, offence, violation of the law, threat to public interest or breach of company rules. These reports may be submitted by any third party.

Concerning harassment reports, FMM has deployed a dedicated reporting system. Although hosted on the same secure platform, it follows its own procedure administered by the HRD. Acts of harassment from foreign subsidiaries can be reported as a Sapin II report.

## 3. Roles and Responsibilities:

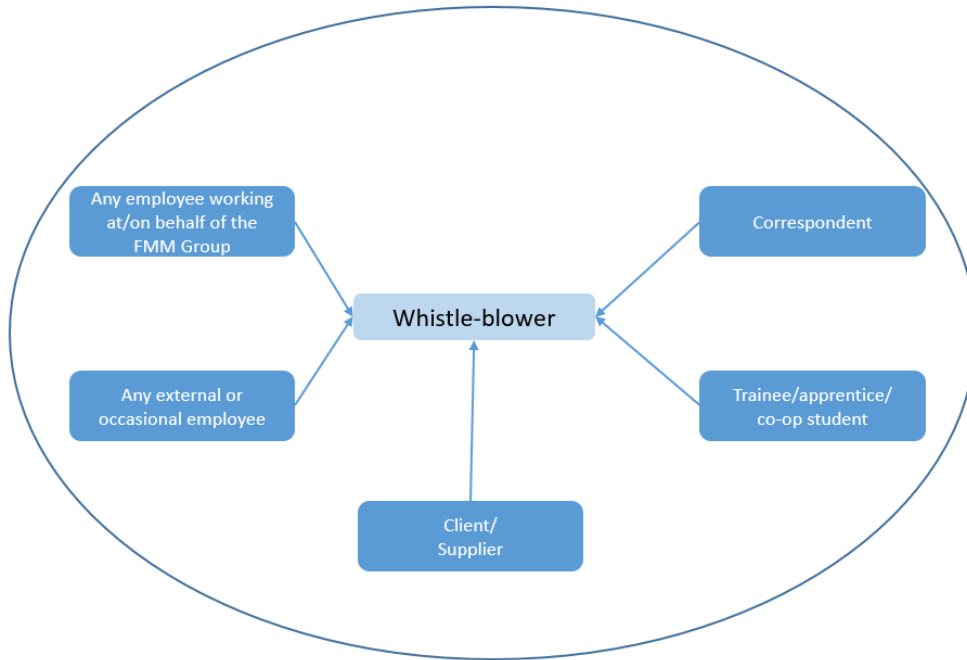
The whistle-blowing procedure, the operating plan of which is summarized in Appendix 1 of this procedure, consists of the following actors:

### 3.1 - The whistle-blower:

The whistle-blower is the person reporting. The whistle-blower is necessarily a natural person. The whistle-blower may be an employee of France Médias Monde but also a person outside the company.

For information, the types of potential whistle-blowers are detailed below:

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The Sapin 2 Act defines the whistle-blower as follows:

“A whistle-blower is a **natural person** who discloses or reports with **no self-interest** and in **good faith**, a crime or offence, a serious and clear violation of an international commitment, a unilateral act of an international organisation adopted on the basis of such a commitment, law or regulation, or a serious threat or harm to public interest, of which they have **personal knowledge**. Facts, information or documents, regardless of their form or medium, covered by national defence secrecy, medical secrecy or the secrecy of relations between a lawyer and their client are excluded from the whistle-blowing regime.”

**Anonymous reports will only be processed if the seriousness of the facts mentioned is established and the factual elements are sufficiently detailed. Furthermore, in the absence of knowledge of the identity of the whistle-blower, the protection of the whistle-blower will be more difficult to ensure.**

**Submitting a report in bad faith may in some cases expose you to disciplinary action.**

**A report made in bad faith may constitute false accusations, which is punishable under criminal law in accordance with Article 226-10 of the Code Pénal (French Criminal Code) and liable to result in a prison sentence of up to 5 years and a fine of €45,000. Abroad, local laws are applicable.**

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### 3.2 - The ethics contact:

The ethics contact performs the following tasks:

- Receiving and analysing reports of conduct or situations contrary to the law or the Code of Conduct of FMM and its subsidiaries which may be submitted to it directly by the whistle-blower or indirectly by the line managers;
- exercising due diligence to verify, within a reasonable time, the admissibility of the report, including:
  - if the person initiating the report meets the definition of a whistle-blower,
  - if the facts invoked fall within the scope of the ethical report within the meaning of the law.
- Anonymising the reports received before sending them to the analysis unit, internal or external experts;
- Informing the person making the report:
  - of the receipt of their report,
  - of the reasonable and foreseeable time period necessary for examining its admissibility,
  - follow-up to their report;
- Informing the person(s) covered by the report;
- Coordinating investigations conducted internally or with external assistance;
- Managing response times;
- Answering or coordinating the answers to any questions asked by the employees of the ethics contact;
- Informing the analysis unit regularly and at least once a year;
- Following up on reports to the analysis unit;
- Managing the technical procedure for receiving and processing reports;
- Presenting annual reports to the audit committee.


These tasks are entrusted to the heads of the Audit and Internal Control Unit :

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### 3.3 - The analysis unit:

The purpose of the analysis unit is to:

- ensure proper compliance by all employees, suppliers and partners with the requirements of the code of conduct;
- Judging, in support of the ethics contact, the admissibility of reports within a reasonable time period;
- responding, in support of the ethics contact, to their questions about the interpretation and/or application of the Group's Code of Conduct;
- addressing any questions related to the prevention and fight against corruption;
- deciding on the follow-up to be given to the reports and alerts that will be sent to it via the ethics contact.

The analysis unit may meet at any time, as often as necessary, to know and deal with any questions, reports or alerts that may be received by it.

It may request the support and/or presence of any employee or any person outside the company to enable them to inform or enlighten themselves.

In any event, it will meet at least once a year in the presence of the Chief Executive Officer, for a review of the activities of the past year.

In accordance with the French anti-corruption system, the analysis unit and each of its members undertake to exercise their prerogatives strictly confidentially.

The analysis unit consists of:

- the CEO
- the Director of Human Resources
- the Legal Director
- the Administrative and Financial Director
- the Director of Communication and Institutional Relations

When the report concerns a foreign subsidiary, the director of the subsidiary concerned will be associated with the analysis unit.

In the event of the absence of one of the members of the analysis unit, it cannot be represented or entrusted with assignments to another employee (except for a long-term absence). The quorum for decision-making by the analysis unit to be valid is 2 members.

If one of the members of the analysis unit is directly or indirectly implicated by the alert, he or she will not be asked to process the alert and will not have access to any information relating to this alert through the platform or by any other means.

The Managing Director is Chairman of the analysis unit without a casting vote. If there is no majority, the opinion of the Chief Executive Officer will be requested.

The analysis unit designates a case manager for each alert. The choice of the case manager is free (ethics referent, member of the analysis unit or other).

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### 3.4 - The internal expert:

When a report is deemed admissible and it is necessary to conduct additional investigations, the analysis unit may use one or more internal experts within the different departments or subsidiaries of FMM.

The internal expert acts under the responsibility of the analysis unit and under the coordination of the ethics contact. Their line managers are informed that an assignment is entrusted to them without revealing the details of the assignment.

The internal expert's mission is to:

- investigate all or part of the facts through interviews, data collection;
- report the results of their investigation to the ethics contact and the analysis unit through interviews or written communications exclusively via the platform.

They are subject to a confidentiality obligation, in particular with regard to the facts reported and the persons called into question. They must ensure with the ethics contact, throughout their investigation, that the initiatives taken are not likely to compromise the confidentiality of the information.

Furthermore, if necessary and depending on the skills required for the proper conduct of the investigations, the FMM Group may use **external experts**.

## 4. Process

### 4.1 - Collecting reports

The whistle-blower shall endeavour to provide information that is as accurate and faithful as possible to the reality of the facts they have personally witnessed. In order to allow for rigorous analysis and effective processing of the report, it is preferable that the report be documented, particularly in terms of:

- background and history
- locations
- dates and times
- persons involved
- description and frequency of the facts observed

This is, as far as possible, to be supplemented with material evidence (photos, files, etc.). The documentation of the report may also be supplemented spontaneously or at the request of the ethics contact and/or the internal expert.

The reporting system consists of two channels:

- **The hierarchical channel** reserved for the staff of France Médias Monde,

- and a **direct channel** to the ethics contact open to all reporting parties by logging in to the secure external platform.

The choice of channel is at the discretion of the reporter in the case of company employees.

In any case the law requires that, initially, the report be launched within the company. However, it may be free of that requirement while retaining its status under certain conditions:

If the ethics contact has not sent the whistle-blower their opinion on the admissibility of the report within a reasonable time period (less than 2 months), the whistle-blower may, secondly, send the alert to the judicial, administrative or professional authorities. They have 3 months to handle the report.

In the absence of processing within this period, as a last resort, the report may be made public.

The law introduces an exception to compliance with these 3 levels “in case of serious and imminent danger or in the presence of a risk of irreversible damage.” The whistle-blower can then go directly to level 2 and/or level 3.

The protection associated with the status of whistle-blower can only be ensured within the framework of strict compliance with the hierarchy of alert launch modes.

- Operation of the hierarchical channel:

A hierarchical channel is any person of a higher hierarchical rank (N+1, N+X...) to whom the employee is subordinate.

The line manager contacted by the employee:

- Advises and directs the whistle-blower;
- Determines, with them and possibly with the ethics contact, the appropriateness of submitting a report within the framework of the system.

If they feel that the reported facts deserve to be reported, the line manager will ask the reporter to escalate them via the internal platform in order to allow for exchanges with the ethics contact.

All persons involved in this channel are subject to a confidentiality obligation, in particular with regard to the reported facts, the persons involved and the identity of the whistle-blower.

The line manager may:

- gather information that is immediately available to them deemed potentially relevant to them, but under no circumstances takes an approach that could be similar to the start of processing the report;
- forward the case exclusively through the secure external platform. For reasons of confidentiality, any exchange of e-mails must be prohibited.

- Operation of the direct channel:

If the hierarchical approach appears inappropriate under the circumstances, the whistle-blower may refer directly to the ethics contact.

- In such a case, communication is made by logging in from the terminal of their choice (workstation computer, personal computer, tablet, smartphone, etc.) on the secure external platform whose link appears below:

**<https://alertefrancemm.com>**  
*This site is not referenced in the search engines. You must enter this address.*

The secure external platform offers the following features:

- It collects each employee alert,
- It allows secure exchanges between the various players (internal or external to FMM),
- It provides continuous monitoring of the alert processing,
- It offers a secure workspace for the storage and archiving of files for use by persons in charge of files,
- It enables regular reporting of alerts and data follow-ups,
- It enables the anonymisation of alerts, their archiving and deletion in compliance with the legal deadlines.

#### 4.2 - Examination and processing of reports

The whistle-blowing procedure guarantees confidentiality and respect for the rights of each person in the processing of the steps taken. Respect for the confidentiality and rights of everyone is binding on everyone involved in the process:

- In the analysis unit,
- and more generally, any person in charge of collecting, processing a professional alert or likely to provide information in the context of the investigations carried out.

Indeed, these persons undertake to respect a confidentiality obligation, not to use the data and information for misappropriated purposes, to respect their limited retention period and to destroy them, in accordance with these rules. Breach of this confidentiality constitutes an offence sanctioned by law <sup>(2)</sup>.

When reviewing and processing the report, the ethics contact will ensure that only the data and information necessary for the verification and processing of the report is communicated. Only the facts, data and information expressed in good faith and without self interest shall be taken into account, that are directly related to the areas falling within the scope of the alert procedure, and strictly necessary for verification operations.

Discussions with the whistle-blower are conducted exclusively through the secure platform to ensure the confidentiality of the information.



▪ **Step 1: Acknowledgement of receipt**

On receipt of the report, and no later than within 7 working days, the ethics contact shall acknowledge receipt of the alert from the whistle-blower via the secure platform. **The acknowledgement of receipt does not mean the report is admissible.**

The acknowledgement of receipt summarises all the information and, where appropriate, the attachments sent as part of the report.

The ethics contact shall inform the whistle-blower of the foreseeable time required to examine its admissibility, which shall not exceed two months.

▪ **Step 2: Admissibility Review**

The ethics contact, in collaboration with the analysis unit, then conducts a preliminary assessment, treated confidentially, in order to determine, prior to any investigation, whether it falls within the scope of the procedure.

The preliminary assessment may lead to:

- a. Declaring the report inadmissible
  - b. Requesting additional information from the whistle-blower
  - c. Declaring the report admissible
- a. If the alert is not admissible, the referrer shall inform the whistle-blower and close the procedure. All data communicated shall be destroyed within 2 months of the close of the procedure unless it is necessary to demonstrate an abuse of the whistle-blower system. In the latter case, the ethics contact may decide to alert the line managers and/or authorities concerned.
  - b. In case of doubt as to the admissibility of the report, the ethics contact:
    - may ask the whistle-blower for additional information.
    - They may also contact the analysis unit either through the secure platform or by requesting a meeting.

In all cases, it shall inform the whistle-blower of the foreseeable time required to examine the admissibility of the report.

- c. If the report is found to be admissible, the case manager shall investigate the facts referred to in the report.

▪ **Step 3: Report processing**

Persons directly or indirectly affected by a report deemed admissible shall be informed by the ethics contact as soon as they are registered or as soon as the protective measures necessary, in particular to prevent the destruction of evidence, have been taken.

This information is made by registered letter.

The information provided to any relevant person <sup>(3)</sup> is:

- the alleged facts,
- the services informed of the report,
- the procedures for exercising their rights of access and rectification, as well as a copy of this procedure.

The persons covered by a report may access the recorded data and exercise their rights by sending their request to the ethics contact in the same forms as those provided for reports. On the other hand, they may not under any circumstances obtain, on the basis of their right of access, information concerning the identity of the whistle-blower.

The ethics contact carries out the necessary investigations and verifications of admissible reports or coordinates the work carried out when, with regard to the purpose of the report, an internal expert is required:

- jointly with the Chair of the analysis unit and, where applicable, the members of the analysis unit and the ethics referents if they are not themselves in charge of the file,
- with the assistance, if necessary, of any other company department or third party outside FMM. Those persons are then bound by the same obligations as the ethics contact.

The analysis unit shall ensure that appropriate investigations are carried out and decide on the follow-up to be taken concerning any deficiencies found, such as referral to the line managers to initiate disciplinary proceedings where necessary, or referral to the administrative or judicial authorities.


Once the report has been processed, the ethics contact shall inform the person making the report and, where applicable, the persons covered by it, of the closure of the report without specifying the processing that has been carried out.

### 4.3 - Follow-up on reports

The analysis unit shall be kept informed by the ethics contact of the reports, requests and questions at each of its meetings during the previous period, as well as the result of the investigations following such reports.

The ethics contact also informs the Audit Committee annually of the volume and nature of the reports, requests and questions over the past year without specifying details.

The facts brought to the attention of the analysis unit and the Audit Committee are anonymised in order to ensure the confidentiality and protection of personal data while making it possible to update the mapping of the company's corruption risks.

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#### 4.4 - Submitting questions or requests

The whistle-blowing procedure also allows the persons concerned by France Médias Monde's Code of Conduct to ask questions to the analysis unit or to the ethics contact or to submit any request concerning the interpretation of this document.

Under no circumstances must a request have the effect of directly or indirectly accusing a person. However, if that were the case, the request would be treated as a report.

- The system for collecting questions and requests consists of two channels: the hierarchical channel reserved for the staff of France Médias Monde and its subsidiaries, and a direct channel to the ethics contact open to all the issuers of the request through the secure platform whose link is provided below:

<https://alertefrancemm.com>

The choice of channel is at the discretion of the issuer of the request.

The ethics contact, possibly assisted by the analysis unit, shall ensure that a precise response is given to the requests communicated to them, providing, where appropriate, information on the behaviour to be taken by their issuer.

The data collected for a question or request are as follows:

- the identity, duties and contact details of the person making a request,
- the identity, functions and contact details of the persons involved in the collection or processing of the request,
- the request with, if possible, the identification of the parts of the Code of Conduct whose interpretation is requested and, where applicable, the description of the situation giving rise to the request and the period during which this situation is likely to continue,
- the follow-up on the request.

Although it does not have the legal protection afforded to the whistle-blower, the identity of the issuer of a request will be treated in a confidential manner by the ethics contact and the analysis unit.

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## 5. Protecting the whistle-blower

No authority issues the whistle-blower status; however, **the whistle-blower protection regime will apply if they meet the following criteria:**

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. This is a natural person</li> <li>2. The report is without self-interest and in good faith</li> <li>3. Being personally aware of the facts</li> <li>4. Concerning serious facts</li> <li>5. the report was submitted in accordance with the reporting procedure as defined by law</li> </ol> |
|--|

The identity of the whistle-blowers as well as that of the request issuers will be treated confidentially, both within the company and with regard to third parties.

Whistle-blowers or request issuers who have used the whistle-blowing procedure, including in cases where the outcome of the reporting process does not reveal any fault and/or breach or if the reported facts prove to be inaccurate or incorrect, or if they result from information disseminated in bad faith by persons other than the whistle-blower, but that they report in good faith, cannot be sanctioned or discriminated against.

The whistle-blower has criminal irresponsibility for the violation of the secrets protected by law, as long as disclosure is necessary and proportionate to safeguarding the interests in question.

If the whistle-blower has acted in bad faith, they lose the protection available to the whistle-blower. They then face disciplinary sanctions, as provided for in the sanction regime of the internal regulations of FMM and its subsidiaries, and, where applicable, to legal proceedings. This will be the case in particular in the event of ill-intentioned, vexatious or defamatory allegations or abusive reports.

These provisions are included in the Labour Code <sup>(4)</sup>.


Defamation against a whistle-blower is sanctioned by law <sup>(5)</sup>.

## 6. Data Retention

The data relating to the reports will be destroyed, stored or archived, in accordance with the applicable rules on the protection and processing of personal data.

Records relating to the handling of reports and requests shall be kept by the ethics contact under the responsibility of the Chair of the analysis unit.

The data relating to reports resulting in verifications shall not be retained after a period of two months following the end of the verifications unless disciplinary action or legal or administrative proceedings are initiated or planned against the person implicated or the person making a report in bad faith, in which case said data will be retained until the end of the procedure.

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Data regarding requests will be anonymised within two months of the response to the question.

## 7. Processing of personal data

According to Decision No. 2017-191 of 22 June 2017 of the French Data Protection Authority (CNIL), only the relevant information necessary for the processing of the report and/or the request is collected and/or stored in the procedure.

The following categories of data are generally relevant and necessary:

- the identity, duties, and contact details of the person making the report,
- the identity, duties, and contact details of the persons that may be the subject of the report,
- the identity, duties, and contact details of the persons involved in the collection or processing of the alert,
- the facts reported,
- the evidence collected as part of the verification of the facts reported,
- the report of the verification operations,
- the follow-up to the report.

The security of personal data is ensured. Access to reporting and request data is protected. This data is protected by an individual username and password, which is changed regularly. Such access shall be recorded and their regularity checked.

**Any data subject/identified within the framework of this system has, under the conditions set out in the General Data Protection Regulation (GDPR), the following rights:**

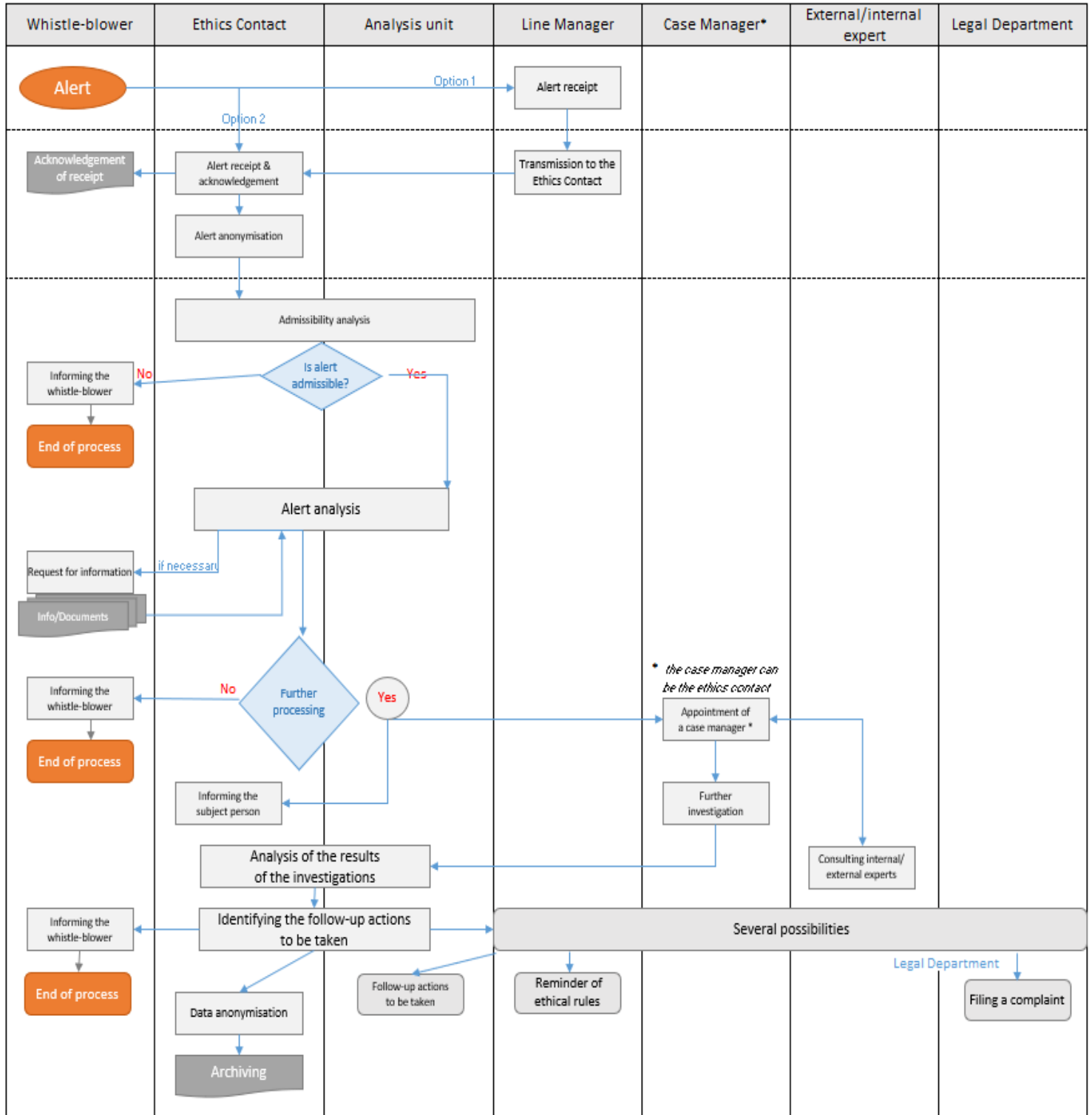
- Right to access, rectify and delete data concerning them in accordance with the provisions of Articles 15, 16, and 17 GDPR;
- Right to object to the processing of their data, subject to the conditions for exercising this right pursuant to the provisions of Article 21 GDPR;
- Right to restrict the processing of their data in accordance with Article 18 GDPR.

To exercise these rights or if you have any questions about the processing of your data in this system, you can contact our data protection officer/ethics contact.

If you feel, after contacting us, that your “Data Protection” rights are not respected, you may submit a complaint to the French Data Protection Authority (CNIL).

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**Appendix 1: Scheme for the organisation of the whistle-blowing procedure**



**Appendix 2: Legal references:**

<sup>(1)</sup> FMM scrupulously monitors compliance with the provisions of Act No. 2016-1691 of 9 December 2016 on transparency, anti-corruption and modernisation of the economy, known as the Sapin II Act.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033558528&categorieLien=id>

Decree No. 2017-564 of 19 April 2017 on the procedures for collecting reports issued by whistle-blowers within legal entities governed by public or private law or state administrations

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034443268&categorieLien=id>

CNIL deliberation No. 2017-191 of 22 June 2017 amending deliberation No. 2005-305 of 8 December 2005 on the single authorisation of automated processing of personal data implemented as part of whistle-blowing systems

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000035268495&categorieLien=id>

<sup>(2)</sup> Article 9 of Act No. 2016-1691 known as Sapin II: Disclosing confidential information of the report is punishable by two years' imprisonment and a €30,000 fine.

<sup>(3)</sup> Deliberation No. 2017-191 of 22 June 2017 of the CNIL.

<sup>(4)</sup> Article L.1132-3-3 of the French Labour Code as amended by Act No. 2016-1691 of 9 December 2016 - Art. 10

<sup>(5)</sup> Article 12 of Act No. 2016-1691 known as Sapin II: an abusive complaint for defamation against an whistle-blower is punishable by a civil fine of €30,000.