

## Whistleblowing policy

Subject	:	Regulatory policies
Title	:	Whistleblowing policy
Date of validation	:	February 2023 December 2019 September 2018
Annuls and replaces	:	Update policy manual 2022
To	:	All
Restriction	:	N/A
Purpose	:	This whistleblowing procedure is intended to provide safe channels for certain persons to report potential or actual fraud, corruption, misconduct and other infringements of the law within Econopolis and to provide effective protection to such whistleblowers and their associates against potential negative consequences or retaliatory actions that may result from the report

### 1.1.1 Applicable legal framework:

- Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (“**Market Abuse Regulation**”) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC, in article 32, as well as Commission Implementing Directive (EU) 2015/2392 of 17 December 2015 on the Market Abuse Regulation as regards reporting to competent authorities of actual or potential infringements of that Regulation
- Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and investment firms and Regulation (EU) No 575/2013 of 26 June 2013 on prudential requirements for credit institutions and investment firms (jointly referred to as “**Capital Requirements Directive**” or “**CRD**”), in particular with respect of the reporting of breaches relating to CRD (article 71 of the Directive)
- Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014 on key information documents for packaged retail and insurance-based investment products (“**PRIIPs Regulation**”), in particular article 28 regarding the obligation to establish effective mechanisms to enable reporting of actual or potential infringements of the PRIIPs Regulation,
- Law of 31 July 2017 modifying the Law of 2 August 2002 on the supervision on the financial sector and financial services, implementing Regulation 596/2014 on market abuse and implementing Directive 2014/57/EU on criminal penalties on market abuse, and executive Directive (EU) 2015/2392 with regards to the notification of infringements, and on diverse matters.
- Circular letter FSMA 2017\_21 on adequate internal procedures for the notification of infringements.
- Directive 2019/1937 of the European Parliament and Council on the protection of persons reporting breaches of Union law (also known as the “**Whistleblower Protection Directive**”) and the Belgian Law of 28 November 2022 on the protection of persons reporting breaches of Union or national law occurring in a legal entity in the private sector (“**Whistleblower Law**”).

### 1.1.2 Definitions

#### Who can report?

**A whistleblower** is a person who, in good faith, reports information suggesting the actual or potential infringement of relevant legislation within Econopolis on the basis of reliable information obtained in a work related context.

A whistleblower can be an employee, (unpaid) intern, volunteer, shareholder, director, member of the daily management, self-employed contractor, any candidate during the recruitment process or another precontractual negotiation stage, any ex-employee after the work-based relationship has ended or anyone working under the supervision of suppliers or contractors. Also persons connected to the reporting person who could suffer retaliation (e.g. third persons, colleagues, relatives, facilitators, related legal entities, ..) can be whistleblowers. Lastly, anyone can report on infringements in the area of financial services, products and markets the prevention of money laundering or terrorism financing, even persons who have received information outside of a work related context.

Paid informants working for government agencies are not considered whistleblowers.

#### What can the whistleblower report?

The whistleblower can report potential or actual infringements of Union law and national law as set forth in the Whistleblower Act.

In addition, within Econopolis, internal reporting can also be made regarding serious violations of Econopolis' integrity and deontological codes and serious violations of professional obligations and any other type of immoral or unethical conduct.

#### When can the whistleblower report?

Disclosure is made **in good faith** if the whistleblower honestly and on reasonable grounds believes that the information disclosed, and any allegation contained in it, is substantially true. Good faith is presumed unless and until proven otherwise.

### 1.1.3 Scope of the whistleblowing procedure

The whistleblowing procedure serves the sole purpose of uncovering misconduct and wrongdoing of any kind.

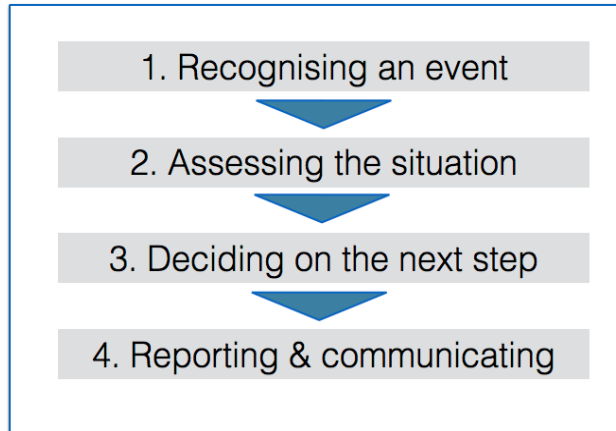
The procedure can be followed on a voluntary basis. Secrecy of identity of the whistleblower is guaranteed.

The whistleblowing procedure **is not a complaint procedure**. Employees or collaborators (whether temporary or not, whether internal or not) of Econopolis should direct themselves to their management in case of complaints or in case of interpersonal grievances affecting the reporting person namely grievances about interpersonal conflicts between the reporting person and another worker).

## 1.1.4 Reporting procedure

### 1.1.4.1 Reporting misconduct or wrongdoing internally

Whenever a potential whistleblower is considering the filing of a report of misconduct/wrongdoing, he or she should apply the RADaR steps:



#### **Recognising an event:**

Integrity and transparency are key principles of Econopolis. Whenever a potential whistleblower suspects these principles are breached, he or she can assess whether or not the event should be reported according to the procedures set out below.

#### **Assessing the situation**

The potential whistleblower should assess the following parameters before deciding to report the event:

- Who is involved in the event?
- Is there a breach of legislation?
- Is there a breach of internal policies?
- Is there any potential reputational risk?

#### **Deciding on the next step**

Before reporting, the potential whistleblower has to estimate the impact of the reporting of the event. Assess whether there is an alternative solution to solve the issue internally.

Moreover, the whistleblower has three possible reporting channels to choose from:

- Internal reporting (within Econopolis)
- External reporting to the FSMA
- Public disclosures (i.e. in the public domain)

The potential whistleblower decides which channel is the most appropriate for the issue at hand. As a rule of thumb, internal reporting is preferred such that the compliance officer, as an independent person, can help judge the scale of the alleged infringement, the potential consequences thereof and the best way to resolve this. Nevertheless, it is possible that the potential whistleblower is of the opinion that the compliance officer is not independent for the issue that is to be reported and that an external reporting channel is appropriate.

## **Internal reporting & communicating**

Once the whistleblower has decided to report the event, he or she addresses the Compliance Officer verbally, through a phone call, a videocall or an in-person meeting or in writing, whether by physical letter sent by post or by email: [compliance@econopolis.be](mailto:compliance@econopolis.be). The Compliance Officer takes all concerns raised seriously and will ensure that all reports are investigated in a timely and thorough manner (see below).

The (verbal) report to the Compliance Officer contains the following elements:

- The facts that constitute the (potential) infringement or misconduct
- The name of the person that allegedly committed the infringement or misconduct
- Evidence of the infringement or misconduct, if available, but in any case, the reasonable grounds that support the report

The report needs to contain an adequately detailed allegation. Generic suspicions will not pass the test of admissibility.

The Compliance Officer will examine whether or not the report is admissible, and in case of admissibility, will investigate whether the allegations are founded.

Finally, reports can also be made anonymously, e.g. by using an anonymous email address that is separate from the work email address or through an unsigned letter.

This anonymous reporting channel is intended solely for the purpose of reporting concerns about potential violations of company policy, law, or regulation.

Please note that while we allow anonymous reporting, we encourage whistleblowers to identify themselves when possible. This can help to facilitate a more effective investigation and ensure that appropriate action can be taken to address any concerns.

## **Investigation**

Within 7 days, the Compliance Officer will send an acknowledgment of receipt to the whistleblower.

Within 3 months, the Compliance Officer will inform the whistleblower of the outcome of the investigation, where this is feasible and consistent with Econopolis' duty of confidentiality.

If an outcome cannot be reached within 3 months, the whistleblower will be notified and informed about the timing of its conclusion.

As confirmed in the Compliance Charter, the Compliance Officer, in his capacity, has access to all information and documentation of Econopolis. At his discretion, he can request, access, and examine all information he deems relevant for the investigation.

## **Outcome of the investigation**

Whenever the Compliance Officer finds that the complaint of the whistleblower is admissible and justified, the Compliance Officer will report the issue directly to the Board of Directors and request action on the matter.

Whenever the effective management or Board of Directors neglect to act on the recommendations of the Compliance Officer, the Compliance Officer can escalate the matter in accordance with the Compliance Charter.

The Compliance Officer will provide feedback to the whistleblower and information about the case, where feasible and consistent with Econopolis' duty of confidentiality.

#### 1.1.4.2 *Reporting misconduct or wrongdoing externally*

When the whistleblower estimates that (i) the internal reporting channels are not available or do not function properly, (ii) there is no appropriate follow-up after the internal reporting or (iii) the internal reporting does not guarantee him/her adequate protection, he or she can externally report the misconduct to the FSMA.

The FSMA will only take whistleblowing reports with regards to breaches of financial legislation into account.

The reporting to the FSMA can take place anonymously, through the following channels:

- Electronically (in Dutch) through the “Contactpunt Klokkenluiders” (<https://whistleblowing.fsma.be/>)
- By phone: 02/220.56.66 on Mondays, Tuesdays, Thursdays and Fridays between 9.00 and 12.00
- Physically after appointment by phone
- In writing, directed to: FSMA, Dienst Enforcement, t.a.v. de auditeur Michaël André, Vertrouwelijk - LAK2392, Congresstraat 12, 1000 Brussel.

The report to the FSMA should contain the following elements:

- The facts that constitute the misconduct
- The name of the person that allegedly committed the misconduct
- Evidence of the misconduct

The FSMA will provide feedback if this is consistent with its duty of confidentiality and in accordance with the procedure made available on its website. The FSMA may also refer the whistleblower to another regulator or external whistleblower authority if the alleged infringement does not fall within its own competences.

#### 1.1.4.3 *Reporting misconduct in public*

Public disclosure is only permitted in the following circumstances:

- The whistleblower first made an internal and/or external disclosure according to the procedures in this policy and the reported infringement remains unaddressed; and
- the whistleblower has reasonable grounds to believe that:
  - the breach may constitute an imminent or manifest danger to the public interest, such as in cases of emergency or potential irreparable harm, or
  - there is a risk of retaliation as a result of external disclosure, or it is unlikely that the breach will be effectively addressed, given the particular circumstances of the case, such as evidence may be concealed or destroyed, or an authority may collude with the perpetrator of the breach or with someone involved with the breach.

### 1.1.5 **Protection of the whistleblower.**

#### 1.1.5.1 *Confidentiality and anonymity*

The identity of the whistleblower who reports infringements to the Compliance Officer in good faith will be treated with the utmost confidentiality in order to protect him or her from any retaliation.

The whistleblower’s identity will never be revealed, if the identity is known, except in certain exceptional circumstances if the whistleblower authorises such a disclosure, if this is required by any subsequent

criminal law proceedings, or if the whistleblower maliciously makes a false statement. In the latter case, these personal data can only be disclosed to judicial authorities.

#### **1.1.5.2 *Appraisal, promotion and continuity of profession***

Econopolis shall ensure that a person who has made a report under these rules shall suffer no adverse consequences in relation to staff appraisal reports, promotion or contract extension. To the extent that this may be possible, the fact of having made a report under these rules will be looked upon favourably for the purposes of appraisal reports or promotion or continued contractual relations.

The whistleblower who is an employee and who is terminated or whose employment conditions have been changed unilaterally after the report, is entitled to request his reintegration under the old employment conditions.

The whistleblower is also protected against measures which are taken after the working relationship has ended (e.g. . defamation of the whistleblower towards a potential new employer or contract party).

#### **1.1.5.3 *Penalties for persons taking retaliatory action***

The Compliance Officer shall, to the greatest extent possible, protect a whistleblower against any acts of retaliation or reprisal, disadvantage or discrimination at the workplace linked to or resulting from whistleblowing. The same protection is granted to persons who have supported a whistleblower.

Any form of retaliation against a whistleblower is prohibited.

A whistleblower, who believes that an action affecting him or her adversely was taken at the workplace in retaliation for having made a report under these rules, should notify the Compliance Officer, who will investigate the matter. It shall be up to the person who has taken the action in question to establish that it was motivated by reasons other than the reporting.

If such retaliation is found to have occurred, the Compliance Officer shall take appropriate action, including, if necessary, disciplinary measures against any member of staff concerned.

#### **1.1.6 *Abuse of the whistleblowing process***

If a member of staff knowingly reports false information, he or she may be subject to disciplinary measures.

The burden of proof in this respect shall lie with the Compliance Officer.

#### **1.1.7 *Rights of the persons implicated***

Like the whistleblower, the person against whom an allegation has been made will be protected, and his identity will remain confidential.

#### **1.1.8 *Training and awareness about the whistleblowing procedure***

These rules and the relevant procedures shall be drawn to the attention of persons when they join Econopolis and not less than once a year thereafter.

Training sessions shall be regularly organised with the aim of ensuring that all members and collaborators of Econopolis understand that readiness to blow the whistle on misconduct or wrongdoing plays an essential role in maintaining a culture of integrity, accountability and transparency in the Office.

#### **1.1.9 Data protection**

Installing a whistleblowing procedure is a legal obligation imposed on Econopolis. This is therefore a legal ground for the processing of personal data of the whistleblower, as well as of the person implicated by the reporting.

The personal data of the whistleblowers (including for instance facilitators) as well as the persons implicated by the reporting will be treated with the utmost care and in accordance with Econopolis' data protection policy.

#### **1.1.10 Recording and Reporting**

The Compliance Officer will maintain a register containing all reported events and actions that were undertaken following the report.

The identity of the whistleblower will not be taken up in this register and remains in the confidential filing system of the Compliance Officer.

The Compliance Officer's annual report submitted to the Executive Committee and Audit Committee will include a section on whistleblowing and provide general information about the number and types of concerns raised, as well as about the conclusions and follow-up actions taken in relation thereto.