

# ARTE EEIG

## - Whistleblowing Procedure -

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### PREFACE

The whistleblowing procedure is part of our fraud, bribery and corruption prevention and detection strategy. It features in the “Code of Conduct and Professional Ethics” attached to the Statement of Policies and Rules of Procedure of ARTE EEIG.

The French law “Sapin II Act”, which was voted and came into force in 2016, was the legislation previously introduced to protect whistleblowers in France. The new “Waserman Act” (Whistleblower Augmented Protection Act, No. 2022-401, of 21 March 2022) came into force on 1 September 2022. Its purpose is to transpose the European Whistleblower Directive into French law.

The reporting procedure is available to all permanent or temporary employees and third parties or external co-workers. It provides a framework to report any failure to comply with the rules and principles expressed in ARTE’s ethics charter and any laws and regulations that may apply from time to time.

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## 1. Reporting Procedure - General Rules

### a. Definition of a Whistleblower - Scope of the Procedure

In a work-related context, a “**whistleblower**” is defined as a natural person who, in good faith and without direct financial reward or consideration, reports information about a crime, misdemeanour, threat, damage or loss contrary to the public interest, a breach (or attempt to conceal a breach) of the law construed in its widest sense (international law, EU law, national laws and regulations). The information supplied should relate to facts that have already occurred or where there is a strong possibility they will occur.

Generally, reports can also be submitted, on the same terms and conditions, detailing any crime, misdemeanour, and any serious or conspicuous breach of the law, committed on any premises under ARTE’s control.

However, facts, information and documents classified as State secrets under national defence legislation, covered by doctor-patient confidentiality, considered *sub judice* or the product of ongoing enquiries for a prosecution or court action or protected under lawyer-client privilege, may not be included in reports or disclosures by whistleblowers.

This procedure is **open to employees** (past or present) **or other Group stakeholders** (including co-contractors, subcontractors, suppliers, job applicants, shareholders or board members) who have personal or indirect knowledge through an intermediary of any incident that merits an official report, provided they are acting in good faith and without direct financial reward or consideration.

ARTE EEIG has appointed its Internal Audit Service, in the person of Marion Conti-Weidner, to act as **Ethics Officer** and to gather reports, claims and notifications. This appointment is consistent with the detailed provisions of Operative Rule No. 7 of the Financial Rules and Procedures which apply to internal auditing<sup>1</sup>. According to her office, the Ethics Officer will have expertise, authority and sufficient means to carry out these responsibilities. She is also bound by a stricter duty of confidentiality (**Art. 9, Sapin II Act**).

According to how a report is categorised, **authorised recipients** will be appointed to process reports and notifications **for each work or service sector** (HR, DPO, see appendices for a list of recipients).

To be clear, for the efficient processing of a report, authorised recipients are entitled to seek support from anyone else who may be of assistance (board member, manager, whistleblower subject’s co-workers, lawyers...). **These individuals will be bound by strict confidentiality and a duty to comply with the procedure.**

### b. How and on what terms does the reporting procedure operate

There are several possible internal and external reporting channels to be used at the whistleblower’s discretion. These arrangements supplement the existing reporting channels

<sup>1</sup> *"Financial irregularities and any proven or potential monetary losses shall be immediately reported to the internal audit service. This will also apply where there are credible suspicions of professional misconduct or malpractice that has caused or is likely to cause financial loss or damage to ARTE EEIG."*

(managers, HR, Social and Economic Committee...). They are not for use when reviewing everyday issues. These matters should be processed by more conventional means.

Use of this reporting procedure is **discretionary**. It supplements the organisation's existing notification channels and no staff member who refrains from using the internal reporting procedure should suffer any consequences for not doing so.

#### ➤ ARTE Internal Reporting Channel

ARTE operates a report collection and processing procedure which guarantees the secrecy of any exchanges or interactions. A whistleblower can confidentially submit a report online via the secure e-platform (the “**Platform**”) using the following link: [www.arte.besignal.com](http://www.arte.besignal.com)

Links are also available on the Group website.

**The Platform is available in French, German and English.**

The Platform features pre-identified report categories to assist whistleblowers in providing more detailed information about their claims or disclosures. It also facilitates more effective oversight and processing by authorised recipients appointed by the organisation.

Whistleblowers will be asked to provide information necessary to identify them but may also, if they so wish, report anonymously. Whether or not whistleblowers wish to remain anonymous, they will be asked to provide authorised recipients with some means of contacting, exchanging or interacting with them to facilitate processing of a claim or disclosure and, if required, an investigation of the facts underlying the report.

If a report is made orally, it should be taken down in writing, offering whistleblowers “*the opportunity to check, rectify and approve the transcript or minutes of the conversation by adding their signature.*”

Whistleblowers will supply facts, information or documents to support their claims and disclosures, irrespective of their form or the medium on which they are submitted. Facts, data and information will only be considered if formulated objectively and in good faith (as stated in point 2 of this procedure) and if they relate to subject matter eligible for the reporting procedure and strictly necessary for the carrying out of relevant checks and controls.

The recipient processing the report will, within a reasonable time, issue the whistleblower with an acknowledgement of receipt and inform them of the anticipated timeframe for examining the admissibility of the claims.

#### ➤ External Reporting Channel

The whistleblower may, as allowed by law, decide to report directly to a competent external authority or as an addition to reporting claims internally on the defined terms and conditions. A full list of the accredited authorities entitled to receive and process reports is available as an appendix to Statutory Instrument No. 20221284. These authorities include the Defender of Rights, the courts or an EU body (where there is a breach of EU law).

### ➤ Public Disclosure

All whistleblowers making a public disclosure of information falling within the scope of the reporting procedure benefit from the same protections in limited cases, as defined by law:

- if they have already used an external reporting channel, whether or not preceded by an internal report, and no appropriate action in response has been taken by the scheduled expiry date for feedback to the whistleblowers regarding their claims;
- where there is a risk of reprisals or where blowing the whistle has no chance of succeeding given the circumstances of the case - where there is “serious and imminent danger.”

## 2. Processing of a Report

Reports will be gathered by **authorised recipients (“Recipients”)** appointed by ARTE EEIG, i.e. the Ethics Officer, HR Recipient or DPO, depending on the category of report (see the attached list of Recipients). The Recipients will be the only ones to receive the information input onto the Platform.

However, for the efficient processing of a report, **Recipients are entitled to seek support from anyone else who may be of assistance** (board member, manager, whistleblower subject’s co-workers, lawyers...). **Such individuals will be bound by strict confidentiality and required to adhere closely to the procedure.** Any disclosure of information must be on a need to know basis, strictly necessary to process the case, in terms of the number of people and the information released.

### ➤ Admissibility of the Report

The Recipients will examine, *inter alia*, whether:

- the person making the report can clearly be considered a whistleblower;
- the reported facts are unlawful or contrary to the ethical principles defined in Group documentation;
- the reported facts are described in adequate detail;
- the whistle has been blown in good faith, without financial reward or consideration; and
- there are means of rectifying the consequences of the reported claims.

**N.B.** If the reported information is obtained **outside** of a work environment, the whistleblower must have personal knowledge of the facts.

In such a case, the Recipients are entitled to contact the whistleblower and request further and better particulars or additional documents.

### ➤ What happens after a report is filed

- Once the report has been made, an acknowledgement of receipt will be provided **within a reasonable time** (7 working days) via the Platform.
- The person making the report will, within **three months** of its receipt, be given a reply concerning the planned measures or actions already taken to assess the truth of the report and what can be done to remedy the situation.
- The whistleblower will be kept informed of the **outcome of the procedure**. A decision will be issued in relation to each case.

- The Recipient will **conclude the report** where there is no longer any point in proceeding or where the allegations are proven inaccurate, unfounded, too trivial to be considered, or contain no significant new information compared to a report already ended.

If the facts are proven, the managing Recipient will be allowed to forward the gathered evidence to competent internal and/or external authorities. The identity of the whistleblower is still confidential and will continue to be protected. ARTE EEIG may need to bring disciplinary or court proceedings against those involved in the offence, according to the circumstances.

### 3. Confidentiality and Data Retention Period

#### ➤ Confidentiality

The deployed procedure guarantees **the integrity and confidentiality** of the gathered evidence. The same is true of information revealing the identity of the reporting party, those implicated in the report and the information gathered by all recipients of the report.

No information that might identify the whistleblower can be disclosed without the whistleblower's consent unless authorised by the court. Investigation of the claim may require direct contact with the person against whom a claim has been made. If this involvement may lead to exposure of a whistleblower's identity, their consent is required if the investigation is to proceed.

Where Recipients responsible for gathering and processing reports are duty-bound to apply to the court, the identity of the whistleblower will be revealed to the court and the whistleblower will be notified of this disclosure.

#### ➤ Protection and Storage of Data

ARTE EEIG's appointed Recipients will satisfy themselves of the documentary accuracy of all the reports received to ensure that any action undertaken as part of the procedure is completely transparent.

Data collected in the context of the reporting procedure will be processed according to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016, entitled "General Data Protection Regulation" or "GDPR", and the framework established under the Group's GDPR policy.

ARTE EEIG and its data processor, publisher of the "signalement.net" solution, will apply appropriate security, technical and organisational measures to guarantee that all personal data processed are secure and protected, in particular against loss, fraudulent alteration or non-disclosed access by third parties, when the data is being collected, disclosed or retained. Also, only those duly authorised individuals inside ARTE EEIG will be allowed to access personal data, and even then, only when strictly necessary.

Furthermore, according to current regulations, all data subjects have a right of access, a right to erasure and rectification of their personal data, and a right to oppose data processing that can be exercised by contacting the DPO by email at the following address: [dpo-arte@arte.tv](mailto:dpo-arte@arte.tv). For privacy protection purposes, ARTE may take reasonable measures to verify the identity of the applicant.

Data collected in furtherance of the reporting procedure will only be gathered, retained and stored for the time strictly necessary and proportionate to the processing of the report, the protection of the reporting parties, the subjects of those reports and the third parties that they mention.

To assess the efficacy of the reporting procedure, the person in charge of processing claims and reports will provide the Management Board with an annual statistical report tracking the receipt, processing and aftermath of whistleblowing cases.

## 4. Providing Information to Potential Users of the Reporting Procedure

Staff members or occasional external co-workers using the reporting procedure are required to act in good faith. Good faith should be understood as blowing the whistle without malicious intent and without expectation of any personal reward or advantage. Co-workers must have reasonable evidence for believing the truth of the statements set out in the report.

Wrongful or malicious use of the reporting procedure may result in whistleblowers incurring disciplinary sanctions or being prosecuted in the courts (e.g. a sentence of up to 5 years imprisonment and a fine of 45 000 euros for making false or scurrilous accusations – Article 226-10 of the Penal Code).

Conversely, where the procedure is used in good faith, there will be no sanctions even if, after processing and investigation, the claims should prove undue or unsubstantiated.

### ➤ Whistleblower Protections

**Whistleblowing is a right.** The legislature protects those exercising their right to make such a report and prohibits reprisals against whistleblowers, providing them with means to defend themselves if they fall victim to retaliation. **Whistleblowers are protected against detrimental measures taken against them**, namely dismissal or termination, sanctions, loss of a grant or funding, or gag proceedings.

All whistleblower protections are set out in the Whistleblower's Guide (accessible [HERE](#)). This guide details what conditions apply to be eligible for protection against reprisals. The protections enjoyed by whistleblowers include the following:

- they cannot be held **criminally liable** if blowing the whistle or making a report leads to the violation of a secret protected by law (unless secrets are specifically excluded from the procedure) or if they procure, misappropriate or pass on documents to which they have lawful access;

- they cannot be held **civilly liable** if whistleblowing causes damage or prejudice to the subject of their report provided they had every reason to believe that blowing the whistle was necessary to safeguard valid interests.

Guaranteed whistleblower protections also cover:

- facilitators (natural persons or corporate entities) who help the whistleblower and fall victim to reprisals as a result of the whistleblower's report (e.g. co-workers, charities or not-for-profit organisations ...)
- individual third parties (e.g. friends or family members) or corporate third parties (e.g. a company) connected to the whistleblower who are rebound victims effect of reprisals as a result of the whistleblower's report.

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Reporting procedure users are given full, clear information in line with the collective and individual information supply obligation defined in the Labour and Employment Code and Article 32 of the Data Protection and Civil Liberties Act of 6 January 1978.

## 5. Providing Information to Subjects of the Reporting Procedure

Individuals who are the subjects of whistleblowing also have the right to have their identity kept secret. Information likely to reveal their identity may only be disclosed, without leave of the court, once the truth of the report has been proven. Failure to meet this obligation is punishable by up to two years imprisonment and a fine of 30 000 euros.

## Appendix 1 - Categories of Report Available on the Platform

Categories	Definitions
Conflict of Interest, Bribery	<p>Any relationship which, actually or seemingly, does not serve the interests of the company may be considered a conflict of interest.</p> <p>Active bribery consists of offering or promising an undue advantage to a private individual or a person in public office to induce them to act in a manner that favours the interests of the corrupter.</p> <p>Passive bribery involves an official accepting or soliciting an advantage in return for performing an act in a manner that favours the interests of the corrupter.</p>
Fraud, Embezzlement and Theft	Fraud is the deliberate deception of another to secure unfair or unlawful gain or to evade a legal duty.
Discrimination	Drawing a distinction between individuals based on their origin, sex, marital status, pregnancy, physical appearance, specific vulnerability resulting from their financial situation, family name, place of residence, state of health, loss of autonomy, disability, genetic characteristics, habits or customs, sexual orientation, gender identity, age, political opinions, trade union activities, status as a whistleblower, facilitator or person associated with a whistleblower, ability to express themselves in a language other than that used in the organisation they work for, their belonging or not belonging to an ethnicity, a nation, a supposed race or specific religion constitutes discrimination.
Harassment and/or Acts of Violence	<p>Psychological harassment in the workplace involves repeated remarks or behaviours the purpose or effect of which is to erode or degrade the working conditions of others in a way likely to violate their rights and wound their dignity, to impact adversely on their physical or mental health or to compromise their professional future.</p> <p>Sexual harassment involves a person being repeatedly subjected to remarks or behaviours with a sexual or sexist connotation which either wounds their dignity because they are degrading or humiliating, or creates an intimidating, hostile or offensive environment. Sexual harassment also includes using any form of serious pressure, even if not repeated, with the actual or seeming intention of procuring an act of a sexual nature for the benefit of the harasser or a third party.</p>
Sexist Behaviour	Sexist behaviour is where the purpose or effect of conduct connected with the sex of an individual wounds their dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.
Personal Data Breaches	A breach is any security incident, whether or not malicious or intentional, which compromises the integrity, confidentiality or availability of personal data.
Acting Illegally or Contrary to the Public Interest	

## Appendix 2 – List of Authorised Recipients per Legal Entity

ARTE Site Location	Name of Recipient	Email	Position
<b>ARTE EEIG - Strasbourg</b>	Marion Conti-Weidner	referentethique@arte.tv	Internal Audit Manager / Ethics Officer
<b>ARTE EEIG - Strasbourg</b>	Laurette Laneyrie	laurette.laneyrie@arte.tv	DPO
<b>ARTE EEIG - Strasbourg</b>	Corinne Lauer	corinne.lauer@arte.tv	HR Director
ARTE France - Paris	Cécile Auditeau	referentethique@arteFrance.fr	Internal Audit Manager / Ethics Officer
ARTE France - Paris	Gaelle Dufils	g-dufils@arteFrance.fr	HR Director
ARTE France - Paris	Alice Esnault	PROTECTION-DONNEES- PERSONNELLES@arteFrance.fr	DPO
ARTE France - Paris	Virginie Savi-Detove	v-savidetove@arteFrance.fr	DPO
ARTE France - Paris	Fatma Bettahar	f-bettahar@arteFrance.fr	HR Director
ARTE Deutschland - Baden-Baden	Elke Ertz	elke.ertz@arte.de	Management, HR and Finance Director
ARTE Deutschland - Baden-Baden	Christoph Weber	christoph.weber@arte.de	GDPR