

## **PROTECTION OF Whistleblowers (so-called whistleblowing) AND INTERNAL NOTIFICATION SYSTEM**

The Cemex company (the Cemex company means all companies belonging to the Cemex holding operating in the Czech Republic) cares about its good reputation, and therefore emphasizes honest, ethical and transparent behaviour in accordance with legal regulations, both within the company and towards customers, suppliers and other third parties. In this context, it adopted the Code of Ethics and introduced the ETHOS program enabling the reporting of unethical behaviour, the management of investigated cases and the inadmissibility of retaliatory measures against whistleblowers and other protected persons.

In addition, those Cemex companies that are obligatory entities (see below) also implement an internal notification system that will enable notification on possible illegal actions and protect whistleblowers from retaliatory measures in accordance with Act No. 171/2023 Coll., on the protection of whistleblowers (hereinafter referred to as APW) , which lays down additional obligations for obligatory entities, in particular the designation of the relevant person and compliance with the statutory deadlines. The internal notification system will be introduced only for obligatory entities, within the deadlines set by law, i.e. for Cemex companies employing more than 250 employees as of 1 August 2023, the internal notification system will be introduced with effect from 1 August 2023, for companies employing as of 1 August 2023 more than 50 and less than 250 employees, the internal notification system will be implemented with effect from 15 December 2023.

In accordance with the above, the internal notification system is being implemented for CEMEX Czech Republic, s.r.o. as of 1 August 2023 and for CEMEX Services Group s.r.o., CEMEX Sand, k.s. and CEMEX Logistics, s.r.o. as of 15 December 2023 (company CEMEX Czech Republic, s.r.o., CEMEX Services Group s.r.o., CEMEX Sand, k.s. and CEMEX Logistics, s.r.o. hereinafter referred to as Obligatory entity).

### **Whistleblower protection legislation:**

Act No. 171/2023 Coll., on the protection of whistleblowers, which incorporates Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019, on the protection of persons who report violations of Union law.

### **Who can be the whistleblower?**

Any natural person who performs or has performed work or other similar activity for Obligatory entity, even if indirectly, in connection with which he submits a notification of an illegal act within the meaning of the APW.

### **What can a whistleblower report to obtain whistleblower status and ensure appropriate protection?**

- information about reasonable suspicions, about actual or possible violations of regulations that have occurred or will occur at Obligatory entity and are listed in APW or about attempts to conceal such violations.

In addition, the following applies:

- the reasons that lead the whistleblower to report are not essential for the decision to grant protection,
- it is not possible to provide information that is intentionally and knowingly incorrect or misleading
- protection against retaliation does not apply to a person who has made a knowingly false report.

It is therefore not possible to report knowingly false facts. Such conduct may be subject to sanctions and cannot provide protection to individuals from malicious, unwarranted or abusive notices.

### **What the whistleblower can't report?**

- information that may directly threaten the essential security interest of the Czech Republic or information on the activities of intelligence services,
- information that may jeopardize ongoing criminal proceedings, information subject to protection under the Crisis Management Act or the protection of classified information,
- when reporting information, there must be no breach of confidentiality when performing the function of e.g. judge, assistant judge, court clerk, etc.

### **Relevant persons**

In accordance with APW, Obligatory entity designated the relevant persons to receive and assess the reasonableness of notification of a possible illegal actions who propose (if the notification is reasonable) measures to correct or prevent the illegal situation.

The relevant persons are:

Vladěna Sopková, phone: +420778533346

Hana Fidrová, phone: +420724704592

### **How can a whistleblower file a notification on breach the regulations?**

Notification of possible illegal actions within Obligatory entity can be done via the internal notification system as follows:

- a) by telephone or via a voice message to the telephone number of the relevant person. A report will be made about the notification submitted in this way, and the whistleblower must be offered the opportunity to review the call record,
- b) in person (we recommend after prior telephone arrangement) at a meeting with the relevant person, whereby an audio recording or recording will be made of the orally submitted notification with the consent of the notifier, which faithfully captures the essence of the oral notification, while the whistleblower is entitled to comment, correct and agree with his/her signature such record or transcribe the audio recording, if taken,
- c) in writing to the relevant person at their hands, such a shipment in paper form must be marked with the inscription "Do not open, whistleblowing". If this condition is not met, the secrecy of the identity of the whistleblower or the confidentiality of the communicated information cannot be completely guaranteed. Employees of the company's filing office are not authorized to open an envelope marked in this way and are obliged to hand it over directly to the relevant person.
- d) by e-mail sent to the special e-mail address of the relevant persons - [Whistleblowing\\_CZ@cemex.com](mailto:Whistleblowing_CZ@cemex.com), regarding CEMEX Czech Republic, s.r.o. and [Whistleblowing - S\\_CZ@cemex.com](mailto:Whistleblowing - S_CZ@cemex.com), regarding CEMEX Services Group s.r.o., CEMEX Sand, k.s. and CEMEX Logistics, s.r.o. used exclusively for the purpose of reporting notifications according to the APW, to which only the relevant persons have access and no one else is authorized to enter this mailbox or interfere in it in any way. This method of submission ensures the highest level of confidentiality for the whistleblower, as only persons authorized to manage this agenda have access to the notification, and the notification can be made at any time.

In the notification, the name and surname of the whistleblower, his/her date of birth and contact details, a description of the case with all relevant information must be given and, if possible, documents supporting the stated claims must be attached, so that the reasonableness of the notification can be properly assessed. The scope and quality of the information submitted can positively influence the way the reasonableness of the notification is assessed.

Obligatory entity excludes receiving notices from a person who does not perform work or other similar activities for it according to § 2 paragraph 3 letter a), b), h) or i) APW.

### **Can a whistleblower make an anonymous notification?**

It is not possible to make a notification anonymously through the internal reporting system within the meaning of the APW. If a whistleblower wishes to remain anonymous, he/she can report the case through the existing global ETHOS program, which remains in place for reporting any unethical behaviour, where the whistleblower's identity is protected to the maximum extent possible and there is a strict prohibition against retaliation against whistleblowers acting in good faith. In the case of an anonymous report, it is advisable to provide a phone number or email, through which the whistleblower can be contacted while maintaining anonymity. The impossibility of contacting the whistleblower may negatively affect the assessment of the reasonableness of the report.

### **Can the whistleblower make a notification regarding Obligatory entity also via other channels?**

The Ministry of Justice of the Czech Republic has established a so-called "external notification system" with the following contact details: Ministry of Justice of the Czech Republic, Vyšehradská 16, Prague 2, ZIP Code 128 10, e-mail: [oznamovatel@msp.justice.cz](mailto:oznamovatel@msp.justice.cz), phone: + 420 221 997 840 (according to information on the website, phone calls are not recorded).

- link to the relevant website: <https://oznamovatel.justice.cz/chci-podat-oznameni/>

### **What happens after the notification is made?**

Within 7 calendar days, the whistleblower must receive confirmation that the notification has been received, and no later than 30 days after receipt of the notification, the whistleblower should receive notification of how the notification has been assessed. In complex cases, the assessment period can be extended up to two times by 30 days (so a maximum of 90 days in total), of which the whistleblower will be informed.

### **What are the remedies and protection procedures against retaliation?**

It is expressly prohibited to apply retaliatory measures against the whistleblower. If this prohibition is violated and the whistleblower is affected by retaliatory measures, then he is entitled to reasonable compensation. The whistleblower has, for example, the following means of redress – a lawsuit, the aim of which is to return to work in the event of previous dismissal, transfer to a lower position, compensation for loss of income in the future, compensation for costs associated with a change of occupation, compensation for other economic damages, such as are expenses for legal protection and costs of medical treatment or compensation for non-material damage.

### **How Cemex processes the personal data contained in the notice or how it maintains confidentiality?**

- more detailed information on the processing of personal data by Cemex is published [here](#),  
- the confidentiality of information is ensured by the introduction of an internal notification system, where notifications are processed exclusively by the relevant persons. Documentary documents related to this agenda are secured against unauthorized access by mechanical means. Electronic communication via the e-mail address [Whistleblowing\\_CZ@cemex.com](mailto:Whistleblowing_CZ@cemex.com) or [Whistleblowing - S\\_CZ@cemex.com](mailto:Whistleblowing - S_CZ@cemex.com) is secure and only relevant persons have access to it.

Additional useful information to protect whistleblowers can be found on this dedicated website: <https://oznamovatel.justice.cz/informace-pro-oznamovatele/>