



# RNE WHISTLEBLOWING POLICY

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## Version history

<b>Version</b>	<b>Author</b>	<b>Date</b>	<b>Changes</b>
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## **CHAPTER I – INTRODUCTORY PROVISIONS**

### **Article 1 – Purpose**

1. RNE is committed to maintaining an open culture with the highest standards of honesty and accountability, where RNE staff, management, members and contractors can report in confidence any legitimate concerns as soon as possible in any area of the association's operations.
2. To this end, the RNE Whistleblowing Policy is designed to enable individuals to disclose information that they believe demonstrates malpractice, unethical conduct or illegal practices in the workplace without being subject to any form of retaliation. This includes protection from any retaliation or discrimination for reporting improper or illegal conduct within RNE.
3. The purpose of this Whistleblowing Policy is to provide an internal mechanism for reporting, investigating and remediating workplace wrongdoing or misconduct.
4. This policy reflects the legal protection afforded to individuals under the Austrian Whistleblower Protection Act (HinweisgeberInnenenschutzgesetz – HSchG).

### **Article 2 – Personal and Material Scope**

1. The following persons shall receive protection under this policy:
  - a) RNE employees who are directly hired or seconded by RNE Members to the Joint Office (JO) in Vienna;
  - b) job applicants at RNE;
  - c) paid and unpaid trainees and volunteers at RNE;
  - d) self-employed persons working for RNE (e.g. consultants);
  - e) members of the RNE Managing Board and auditors;
  - f) employees of RNE contractors, subcontractors and suppliers;
  - g) RNE Members representatives and shareholders of RNE business partners;
  - h) persons who support whistleblowers in providing information;
  - i) persons in the close circle of the whistleblower who, without supporting the

whistleblowing, may be affected by adverse consequences of the whistleblowing, such as retaliatory measures;

- j) legal entities wholly or partly owned by the whistleblower or for whom the whistleblower works or with whom he or she is otherwise connected in a professional context.

2. This policy shall apply to the notification of breaches in one of the following areas:

- a) public procurement;
- b) financial services, financial products and financial markets, as well as the prevention of money laundering and terrorist financing;
- c) product safety and compliance;
- d) road safety;
- e) environmental protection;
- f) radiation protection and nuclear safety;
- g) food and feed safety, animal health and welfare;
- h) public health;
- i) consumer protection;
- j) protection of privacy and personal data as well as security of network and information systems;
- k) prevention and punishment of criminal offences according to §§ 302 to 309 of the Criminal Code (StGB), Federal Law Gazette No. 60/1974;
- l) breaches of rights to the detriment of the financial interests of the Union within the meaning of Art. 325 of the Treaty on the Functioning of the European Union (TFEU) and in accordance with specific definitions in relevant Union measures;
- m) breaches of internal market rules within the meaning of Art. 26(2) TFEU, as well as to breaches of Union rules on competition and state aid and breaches of internal market rules in relation to acts that infringe corporate tax rules or in relation to agreements aimed at obtaining a tax advantage that is contrary to the object or purpose of corporate tax law.

### **Article 3 – Principles**

In dealing with whistleblowers reports, RNE will follow the following principles:

- a) All concerns raised will be dealt with fairly and appropriately;

- b) There will be no harassment or victimisation of anyone raising a genuine concern.
- c) Any whistleblower making a disclosure will remain anonymous unless otherwise agreed.
- d) Any whistleblower raising a concern will know who is dealing with the matter.
- e) No one will be at risk of suffering any form of retaliation for raising a concern, even if they are wrong. However, this assurance does not extend to someone who maliciously raises a matter which they know to be untrue.

## **Article 4 – Definitions**

For the purposes of this Policy, the definitions of the Austrian Whistleblower Protection Act (HinweisgeberInnenenschutzgesetz – HSchG) and the following definitions and abbreviations apply:

- (1) 'association' and 'RNE' mean RailNetEurope.
- (2) 'follow-up action' means any action taken by an internal or external whistleblowing body, an organisational unit of RNE, an administrative authority, a court or the public prosecutor's office from the submission of and as a result of a report, such as the verification of the validity of the report, internal enquiries, investigations, or the initiation, conduct or termination of proceedings or other measures to take further action against the breach, to prosecute or to restore the lawful situation.
- (3) 'JO' means the RNE Joint Office in Vienna, Austria.

## **CHAPTER II – INTERNAL REPORTING**

### **Article 5 – Establishment of internal whistleblowing system**

1. As a legal entity with more than 50 employees RNE shall establish an internal whistleblower system. It shall be set up in such a way that whistleblowers are encouraged to give preference to information being sent to internal channel over an external channel.
2. The whistleblower system shall be technically and organisationally suitable in accordance with Art. 25 of the GDPR ('Data protection by design and by default').
3. The system is provided by the Whistleblower Software ApS solution <https://whistleblowersoftware.com/en> which is fully GDPR compliant, secure and

easy-to-use online reporting channel for whistleblowers.

## **Article 6 – Procedure for internal reports and follow-up**

1. The internal body functions shall be delegated to the RNE Compliance managers.
2. The internal body shall operate in such a secure manner that the confidentiality of the identity of the reporting person and third parties mentioned in the report is maintained. It shall also proceed impartially when receiving and handling information.
  - RNE internal systems shall allow provision of information to the internal body in written form only via the software application in accordance with Art. 5(3). Oral communication is facilitated.
3. At the request of a whistleblower, which must be complied with within 14 calendar days at the latest, a meeting shall be held to discuss the report.
4. Each report shall be checked for its validity. The internal body does not have to follow up on a report:
  - a) which does not fall within the scope of this policy and the the Austrian Federal Whistleblower Protection Act (HinweisgeberInnenenschutzgesetz – HSchG), or
  - b) from which there are no indications of its validity.
5. Information that is manifestly false shall be rejected at any time by RNE with the message to the whistleblower that such information gives rise to claims for damages and, if necessary, may be prosecuted in court or as administrative offences.
6. Whistleblowers are entitled to supplement or correct information provided by the internal body after receipt by it. Upon request, the internal body shall confirm in writing the receipt of additions and corrections after 7 calendar days at the latest. For its part, it must ask whistleblowers for further information if it appears necessary for the assessment of the report.
7. No later than 3 months after receipt of a report, the internal body shall inform the whistleblower:
  - a) what follow-up action the internal body has taken or intends to take, or

- b) for what reasons the internal body will not follow up on the report.

## **CHAPTER III – EXTERNAL REPORTING**

### **Article 7 – Prioritisation**

1. Whistleblowers shall check whether they can first provide a report to the RNE internal body. Information should be provided to an external body in particular if the handling of the information in the internal whistleblower system is not possible, not appropriate or unreasonable, or has proven to be unsuccessful or hopeless.

### **Article 8 – External body in Austria**

1. The Federal Office for the Prevention and Combating of Corruption (Bundesamt zur Korruptionsprävention und Korruptionsbekämpfung - BAK) shall be responsible as an external body for all reports of breaches of the law relating to RNE.
2. The link for provision of a report on the Federal Office website can be found here: <https://www.bkms-system.net/bkwebanon/report/clientInfo?cin=8HObc4&c=-1&language=ger>.

## **TITLE IV - FINAL PROVISIONS**

### **Article 9 – Internal reporting system implementation**

The RNE JO shall implement the internal reporting system including the software solution by 31 December 2024.

### **Article 10 – Entry into force**

This Whistleblowing Policy shall enter into force on 1 January 2025.