

Complaints Procedures

on the Supply Chain Due Diligence Act at KAP AG

The Supply Chain Due Diligence Act (LkSG) obliges companies to set up and implement an appropriate complaints mechanism (Section 8 (1)) and a publicly accessible rule of procedure (Section 8 (2)). The description of the procedure is intended to create transparency. Persons should be able to point out human rights and environmental risks as well as violations of human rights or environmental obligations that have arisen as a result of the business activities of own company or a direct supplier (§ 8 para. 1). If KAP AG discovers that a violation of a human rights or environmental obligation has occurred or is imminent in its business area or at a direct supplier, it must immediately take appropriate remedial measures to prevent, end or minimize the extent of the violation (§ 7 para. 1).

With this requirement, the complaints procedure of the Supply Chain Due Diligence Act at KAP AG is regulated as follows:

1. Establishment of Complaints Office

KAP AG has set up an internal complaints office in the Legal & Compliance department. It is headed by the Human Rights Officer of KAP AG. Impartiality, independence and freedom from instructions are important criteria. The people responsible for the company at KAP AG will not give instructions to the Human Rights Officer within the scope of his responsibility and work. At the same time, the mandated Legal Ombudsman of KAP AG acts as a complaints office. Anyone can freely contact one of those complaints' bodies at their own discretion. The complaints bodies will in particular take appropriate account of the interests of potentially affected persons and vulnerable groups.

2. Reporting Channels and Accessibility

Complaints offices can be contacted via the usual communication channels.

2.1 The Complaints Office at KAP AG can be contacted as follows:

The Central Compliance Function of KAP AG (E-Mail: compliance@kap.de).

2.2 The Ombudsperson as Complaints Office can be contacted as follows:

Rechtsanwalt Dr. Rainer Buchert
Kaiserstraße 22, 60311 Frankfurt am Main
Phone: 0049 – 69 710 33330
Fax: 0049 – 69 710 34444
E-Mail kanzlei@dr-buchert.de

Attorney Dr. Buchert is represented by attorney Dr. Caroline Jacob. She can be reached using the same contact details.

3. Confidentiality

Complaints Offices shall take appropriate personnel, organizational and technical measures to ensure that the confidentiality of the identity of complainants is maintained when complaints and information are received. The persons entrusted with the procedure are obliged to maintain confidentiality. The Ombudsperson is subject to the lawyer's duty of confidentiality.

4. Complaints Procedures in the Company's own business area and in relation to direct suppliers

4.1 The complaints offices shall confirm receipt of the complaint to the complainant within one week and document it and its receipt in an appropriate manner.

4.2 As far as possible and feasible with reasonable effort, the complaints bodies shall compile all relevant information on the complaint in dialog with the complainant so that it is substantiated and verifiable. The complaint must be discussed with the complainant.

The Ombudsperson forwards complaints to the Complaints Office of KAP AG without culpable delay if he or she is released from the duty of confidentiality as an attorney. In doing so, they should ensure that the information is substantiated. If the complainant allows direct contact between KAP AG and the complainant and this has been established, further communication with the complainant will be conducted exclusively by KAP AG. If the complainant attaches importance to confidentiality, the Ombudsperson will continue to act as an intermediary between the complainant and KAP AG in the complaints procedure.

The complaints office of KAP AG decides on the complaint - if necessary, with the involvement of the relevant specialist departments.

4.3 If the complaint is obviously unfounded, the complaints office informs the complainant of this and closes the procedure.

If the complaint is not obviously unfounded, the Complaints Office will initiate an internal review and assign the complaint to an appropriate department within KAP AG for processing. This assignment should be made within one week of receipt of the complaint.

The appropriate department shall submit the result of its internal review to the Complaints Office as soon as possible, but within four weeks at the latest. In the event of a delay, the Complaints Office shall be notified in the meantime.

4.4 If the investigation shows that the complaint is unsubstantiated, the Complaints Office shall inform the complainant accordingly and conclude the proceedings. The decision shall be explained to the complainant, unless there are legal or other overriding reasons to the contrary.

4.5 If the internal review reveals that a violation of a human rights-related or environmental obligation is imminent, the grievance office shall take appropriate measures to avoid such violations (prevention).

4.6 If the assessment reveals that a violation of a human rights or environmental obligation has already occurred, the grievance body must take appropriate remedial action to end or minimize the violation. It must be ensured that the remedial measure leads to an end to the violation in the Company's own business area in Germany. In its own business area abroad (and if a Group Company is affected in which the Parent Company has a decisive influence), the remedial measure must generally lead to the cessation of the infringement.

The Complaints Office informs the complainant of the action taken and the manner in which it has been remedied, thereby concluding the procedure.

4.6 The entire procedure should not take longer than three months to complete. Longer periods must be justified and the justification documented.

4.7 All procedural steps and in particular the investigation of the complaint must be documented.

5. Complaints Procedure relating to Indirect Suppliers

If the Complaints Office has factual indications that a human rights or environmental breach of duty by an indirect supplier is possible (substantiated knowledge), it must initiate the measures prescribed in Section 9 (3) as appropriate. These are then:

- to carry out a risk analysis (§ 5 para. 1-3)
- to establish appropriate preventive measures
- to create and implement a concept for prevention, termination or minimization and
- to update the policy statement in accordance with § 6 para. 2 if necessary

6. Prohibition of Discrimination

KAP AG takes appropriate measures to ensure that complainants do not suffer any actual or legal disadvantages. Discrimination against complainants is not tolerated and is misconduct that can be punished under labor law.

7. Data protection

The deletion of personal data in the complaints procedures is based on the GDPR, taking into account the possibility of judicial enforcement of legal violations in accordance with Section 11. The respective individual case must be examined. The deletion of personal data from legal ombudspersons is governed by the Federal Lawyers' Act.

8. Publication

These Rules of Procedure must be made available to all potential complainants in an appropriate manner (publication).

9. Review of Effectiveness and Adjustment

The effectiveness of the complaints procedure has to be reviewed at least once a year or whenever there is reason to do so. This includes reviewing these rules of procedure, which may need to be adapted in light of changed requirements and remedial measures.

The effectiveness review will assess in particular the extent to which the procedure enables and encourages the relevant target groups to submit reports before a breach of duty occurs. It will also be examined whether the procedure helps to prevent damage to persons providing reports and creates appropriate remedial measures in the event of actual breaches of duty.