Important information for whistleblowers under the Act No. 54/2019 Z. z. on Protection of Whistleblowers and on the Amendment of Certain Acts as amended ("Act")

REPORTING AS A WHISTLEBLOWER

A whistleblowing report can be made using:

THE WEB FORM
www.skupinazse.sk/wbl

POST
A whistleblowing report sent by post must be addressed to the affected ZSE Group company with the person responsible or Compliance Manager as the addressee and the envelope must include a note "Confidential – do not open!".

Západoslovenská energetika, a.s./Energetika Slovensko, a.s./
Západoslovenská distribučná, a.s./
Compliance Manager
Čulenova 6
811 09 Bratislava

E.SK Centrum služieb s.r.o./Východoslovenská distribučná, a.s./
E.SK Call centrum, s.r.o./Energetika Slovensko, a.s.
Responsible person
Mlynská 31
042 91 Košice

E-MAIL
You can report the suspicion of illegal behaviour by sending an email to:
- Západoslovenská energetika, a.s.: whistleblowing@zse.sk
- Energetika Slovensko, a.s.: whistleblowing@esk.sk
- Západoslovenská distribučná, a.s.: whistleblowing@zsdis.sk
- E.SK Centrum služieb, s.r.o.: whistleblowing@vseholding.sk
- Východoslovenská distribučná, a.s.: whistleblowing@vsdas.sk
- E.SK Call centrum, s. r. o.: whistleblowing_eskcc@vseas.sk

Your email will be delivered directly to the responsible person.

WHAT A REPORT SHOULD CONTAIN

The report must be readable, clear, and formulated in such a way that it is evident what type of illegal activity is being reported.

It should include, in particular:
- Description of the act (what happened, where, when, who was involved, and what led the reporting person to the suspicion).
- Information on how the reporting person obtained the information.
- Are there any witnesses? If yes, who?
- Does the reporting person have any supporting documents or evidence?
- Has the reporting person discussed this matter with anyone? If yes, with whom?
- Identity and contact details of the reporting person. If they choose to remain anonymous, they should provide contact details (e.g., a newly created email used only for submitting the report). If no contact details are provided, it will not be possible to communicate with the reporting person to request additional information or to inform them about the outcome of the review.

OTHER BODIES AUTHORISED TO RECEIVE A WHISTLEBLOWING REPORT

If the whistleblowers have justified concerns that the ZSE Group would not verify their whistleblowing report objectively, they can legally contact also bodies authorised by law to receive whistleblowing reports.

- **Whistleblower Protection Office**
  For example, via the form available on the website: Chcem podať oznámenie - Úrad na ochranu oznamovateľov
  - Contact address: Námestie slobody 29, 811 06 Bratislava
- **Law enforcement authorities,** in cases involving suspicion of a criminal offense. The reporting person may contact any unit of the Police Force - Contacts, Ministry of Interior of the Slovak republic or the Public Prosecutor's Office – Kontakty a úradné hodiny - Generálna prokuratúra;
- **Competent administrative authority,** in cases involving suspicion of an administrative offense, depending on the nature of the report, for example:
  - National Labour Inspectorate – Kontakt - Národný inšpektorát práce - Orgán štátnej správy v oblasti inšpekcie práce;
  - Public Procurement Office – Contacts - ÚVO;
  - The Regulatory Office for Network Industries (URSO) – Contacts | Úrad pre reguláciu sieťových odvetví
  - Antimonopoly Office of the Slovak Republic –Kontakty | Protimonopolný úrad SR
  - Office for Personal Data Protection of the Slovak Republic – Úrad na ochranu osobných údajov Slovenskej republiky
  - Slovak Environmental Inspectorate – Úrad na ochranu osobných údajov Slovenskej republiky
- **Institution or body of the European Union**, depending on the nature of the report, for example:
  - **European Anti-Fraud Office (OLAF)** – Report fraud - European Anti-Fraud Office - European Commission

RECEIVING AND RECORDING WHISTLEBLOWING REPORTS IN LINE WITH THE LAW

The person responsible will register and record all received whistleblowing reports in a special registry, emphasising the protection of the whistleblower's identity and confidentiality in line with applicable laws. When the whistleblowing report is delivered, the person responsible shall notify the whistleblower of the receipt without undue delay within seven days.

VERIFICATION OF WHISTLEBLOWING REPORTS IN LINE WITH THE LAW

In the ZSE Group, whistleblowing reports are verified by the person responsible, and, if necessary, in cooperation with the investigation committee. Throughout the entire investigation process, confidentiality regarding the whistleblower's identity, affected persons' identity, and findings is strictly observed. If the whistleblowing report must be supplemented with further information or proofs, the responsible person will immediately contact the whistleblower.

PROTECTION OF THE WHISTLEBLOWER'S IDENTITY AND INFORMING THE WHISTLEBLOWER

If the report falls under the scope of the Act, the responsible person shall inform the reporting person of the outcome of the investigation within 90 days from the confirmation of receipt of the report, or, if receipt was not confirmed, within 90 days from the expiry of 7 days from the receipt of the report.

The responsible person shall also inform the reporting person about the referral of the report to the competent authorities, provided this does not jeopardize the investigation. The responsible person shall ensure the protection of the identity of the reporting person in accordance with the law. The responsible person shall inform the reporting person about the outcome of the referral within 10 days from receiving the results of the verification.

WHISTLEBLOWER PROTECTION FORESEEN BY THE LAW (Sections 3, 5 12 of the Act)

Protected whistleblower status according to the law (Sections 3 and 5 of the Act)

Whistleblowers can apply for protection, called ‚protected whistleblower status', from a prosecutor or administrative authority when reporting a violation.

If the prosecutor or administrative authority approve the whistleblower's application and grant him/her a protected whistleblower status, this means that the employer can take no action against the whistleblower against his/her will without consent from the Whistleblower protection office.

Protected whistleblower status pursuant to the Act shall cease to exist:

a) when the Whistleblower protection office receives the protected whistleblower's written notice of waiver of the protection,
b) on termination or cessation of the protected whistleblower's employment relationship,
c) on the lapse of three years from the termination of the criminal proceedings or administrative offence proceedings; however, the protection shall not cease to exist if the criminal proceedings are terminated by the referral of the case to another authority,
d) on conviction of the protected whistleblower of the criminal offence of false accusation or the criminal offence of perjury in connection with making a qualified whistleblowing report; or
e) on receipt by the employer of a written notice from the authority that provided the protection, if it is proven that the qualified whistleblowing report is not an act in good faith.

Suspension of an employment-related measure according to the law (Section 12 of the Act)

The Act also allows the whistleblowers the so-called subsequent protection consisting of suspension of the effectiveness of an employment-related measure already taken against the whistleblower.

The whistleblower must submit the application to the Whistleblower protection office within 15 days from learning of such employment-related measure. If the Whistleblower protection office approves the application and suspends the effectiveness of the employment-related measure, the whistleblower is to deliver a petition for a preliminary injunction to the court (Section 12 of the Act).

The whistleblower may also request free legal aid from the Centre for Legal Aid. In these cases, the whistleblower is entitled to legal help even if he/she is not in material poverty (Section 20 of the Act).

WHISTLEBLOWER ACCORDING TO THE LAW

Pursuant to Section 2 of the Act, the whistleblower is a natural person who, in good faith, makes a whistleblowing report to an authority competent to receive whistleblowing reports (Whistleblower protection office, public prosecutor office or administrative body) or to the employer.

Beyond that, the whistleblower is also a person who, in good faith:

1. **makes a whistleblowing report and their employment relationship or another equivalent relationship has been terminated,** if such person has become aware

of information about the misconduct harmful to the society during such employment relationship or another equivalent relationship (volunteering, internship, vendor contract, etc.),

2. **makes a whistleblowing report and their employment or other equivalent relationship has not yet come into existence,** if such person has become aware of information about the misconduct harmful to the society during the selection procedure or in the context of precontractual relations,
3. **made a whistleblowing report anonymously** and their identity was revealed,
4. **has disclosed information about the misconduct harmful to the society,** which has come to their knowledge during the selection procedure or in the context of precontractual relations, and such person's employment relationship or another equivalent relationship has not yet come into existence, or during the employment relationship or another equivalent relationship or after the termination of the employment relationship or another equivalent relationship.

The whistleblower may apply for legal protection only if he/she discloses the information because:

4a. he/she has made a whistleblowing report via the internal system for the investigation of whistleblowing reports and has not been notified of the outcome of the investigation, or no appropriate measures have been taken, and has subsequently made such whistleblowing report to an authority competent to receive whistleblowing reports and has not been notified of the status of the investigation or the outcome of the investigation in due course,

4b. he/she has made a whistleblowing report to an authority competent to receive whistleblowing reports and has not been notified of the status of the investigation or the outcome of the investigation in due course,

4c. there is a reasonable concern that the misconduct harmful to the society may constitute an imminent or obvious threat to the public interest, or

4d. there is a reasonable concern that such person would be subject to a retaliation if they made the whistleblowing report to an authority competent to receive whistleblowing reports or, in the specific circumstances of the case, there is a threat that the authorities competent to receive whistleblowing reports would fail to ensure an impartial and independent investigation of the facts set out in the whistleblowing report.

OTHER OPTIONS OF PROTECTION AGAINST THE EMPLOYER'S POSSIBLE RETALIATION

According to the law, other persons may also apply for protection if they face retaliation due to a whistleblowing report made by someone else. They can be:

a) a close person of the whistleblower,
b) natural person - entrepreneur or a legal person which the whistleblower controls, in which the whistleblower has an interest, in which the whistleblower holds an office as a member of a body of the legal person, or for which the whistleblower performs an employment activity,
c) a natural person – entrepreneur or a legal person which controls the legal person in which the whistleblower has an interest or in which the whistleblower holds an office as a member of a body of the legal person,
d) a person who provided assistance to the whistleblower in relation to the whistleblower report; and
e) the person responsible or a person involved in the performance of the tasks of the person responsible.

Retaliation may comprise various actions by the employer, including dismissal, suspension of activity, disciplinary measure, change of location of place of work, non-award of the bonus, coercion, intimidation, harassment, nonprolongation of employment for an indefinite period, early termination of the contract, etc.

If such person believes that e.g. dismissal or other employment-related measure taken against him/her by the employer is a retaliation for the submitted whistleblowing report (and he/she is the whistleblower's relative or provided aid to the whistleblower), he/she can contact the Whistleblower protection office (petition for suspension of the effect of employment-related measure under Section 12 of the Act) or petition the court for the correction or compensation of non-property damage.

Every whistleblower or above stated person may also ask the Whistleblower protection office to start a proceeding on misdemeanour or a proceeding on imposing a fine against the employer.

The Whistleblower protection office may impose a fine on a person who:

a) threatens to retaliate, attempts to retaliate, or retaliates against a whistleblower in connection with making or publishing a whistleblowing report,
b) breaches the non-disclosure obligation with regard to the identity of the whistleblower or the identity of the person concerned; or
c) attempts to hinder or hinders the making or publishing of a whistleblowing report. If the culprit is proven guilty, it is a misdemeanour as per Section 18 of the Act on Protection of Whistleblowers.

The Whistleblower protection office may also impose a fine on the employer who takes employment-related measure against the whistleblower without the consent of the Whistleblower protection office, where such consent is required, or if the employer threatens to retaliate, attempts to retaliate, or retaliates against the whistleblower or other persons.