

Pursuant to Article 16, paragraph 1, of the Law on the Protection of Whistleblowers ("Official Gazette of the Republic of Serbia" n° 128/2014), hereinafter referred to as: the Law) and the Regulations on the Way of Performing Internal Whistleblowing, Appointing the Employer's Authorized Person and Other Issues of Importance for Internal Whistleblowing at Employers with More than Ten Employees ("Official Gazette of the Republic of Serbia", n°49/2015; hereinafter referred to as: the Regulations), the Director of the Real Estate Company **CBS International doo Belgrade**, headquartered at *Omladinskih brigada 88b, Novi Beograd*, with Registration Number 20222891 (hereinafter referred to as: the Employer), adopted on November 23, 2015 the following:

## **REGULATIONS ON THE INTERNAL WHISTLEBLOWING PROCEDURE**

### **Introductory provisions**

#### **Article 1**

These Regulations prescribe the internal whistleblowing method at Employers with more than 10 (ten) employees, in accordance with the relevant provisions of the Law and the Regulations, as well as other issues of relevance for internal whistleblowing at the Employer.

### **Meaning of terms**

#### **Article 2**

**Whistleblowing** - Disclosure of information on the violation of regulations, violation of human rights, exercise of public authority against the purpose for which it was entrusted, life threats, public health, safety and the environment, as well as in order to prevent damages of large proportions;

**Whistleblower** - Physical person, who performs whistleblowing in connection with his/her work engagement (that implies employment, work outside the employment relationship, volunteering, performance of duties and any other factual work carried out for the employer), the use of state services and services offered by other institutions that have public powers or provide public services, business cooperation and ownership rights within the company;

**Authorized person** - Person appointed by the Employer in charge of receiving information and carrying out the whistleblowing-related procedure;

**Internal whistleblowing** - Disclosure of the information referred to in paragraph 1 of this Article to the Employer.

**Adverse action** - Any act or omission in connection with whistleblowing that endangers or violates the rights of the whistleblower or a person entitled to protection as whistleblower, or which puts those persons in a less favorable position.

### **General Provisions**

#### **Article 3**

It is forbidden to thwart whistleblowing.

It is forbidden to carry out any Adverse Action.

Employees have the right to be informed by the Employer, at any time, about the Authorized

Person's identity. The Employer is obliged to deliver to all employees a written notice on the rights provided in the Law.

#### **Article 4**

Whistleblowers are entitled to protection in accordance with the Law, if:

- 1) they perform whistleblowing at the Employer, in the manner prescribed by the law;
- 2) they disclose the information referred to in Article 2, paragraph 1, of these Regulations (hereinafter referred to as: the Information) within 1 (one) year from the day, when they found out about the actions subject of whistleblowing and at the latest within 10 (ten) years from the day in which these actions took place;
- 3) in the moment of whistleblowing, based on the available data, the veracity of the information would be believed by a person with average knowledge and experience as well as by the whistleblower.

The Employer may not, by act or omission, place a whistleblower in an unfavorable position in connection with a whistleblowing event, especially if the unfavorable position is related to:

- 1) employment;
- 2) the acquisition of the status of a trainee or volunteer;
- 3) work outside the employment relationship;
- 4) education, training or professional development;
- 5) promotion, evaluation, acquisition or loss of rank;
- 6) disciplinary measures and penalties;
- 7) working conditions;
- 8) termination of employment;
- 9) wages and other remuneration arising from the employment relationship;
- 10) participation in the employer's profits;
- 11) the payment of bonuses and severance pay;
- 12) the assignment or transfer to another position;
- 13) failure to take protective measures due to harassment by other persons;
- 14) reference to compulsory medical checks or examinations for the assessment of working capacity.

#### **Judicial Protection**

##### **Article 5.**

The Whistleblower, against whom Adverse Actions have been undertaken, is entitled to judicial protection.

Judicial protection is accomplished by filing a protection lawsuit in connection with the whistleblowing event at the competent court within 6 (six) months from the date of knowledge of the undertaken Adverse Actions, or 3 (three) years from the day, when the Adverse Actions were undertaken.

#### **Protection of the Whistleblower's Personal Data**

##### **Article 6**

The Authorized Person shall be obliged to protect the whistleblower's personal data, i.e. the information, based on which it is possible to establish the whistleblower's identity, unless the whistleblower agrees with the disclosure of such information, in accordance with the law

governing the protection of personal data.

Any person that finds out the data referred to in paragraph 1 of this Article shall be obliged to protect these data.

If it is necessary to disclose the whistleblower's identity during the procedure, the Authorized Person shall be obliged to inform the whistleblowers, before revealing his/her identity.

The Employer and the Authorized Person shall also act upon anonymous reports related to the Information, within the scope of their authority.

### **Prohibition of whistleblowing abuse**

#### **Article 7**

Whistleblowing abuse is forbidden.

Whistleblowing abuse is performed by a person who:

- 1) delivers an information that is known to be untrue;
- 2) seeks unlawful benefits in addition to the request for actions in connection with information subject of the whistleblowing event.

### **Compensation for damages**

#### **Article 8**

In cases of suffering damages due to a whistleblowing event, the whistleblower is entitled to compensation, in accordance with the law governing contractual relations.

### **Related persons**

#### **Article 9**

Related persons are entitled to whistleblowing protection as well.

Related persons are entitled to protection as whistleblowers, if they demonstrate that Adverse Action is likely to be undertaken against them in connection with the Whistleblower.

### **Article 10**

Persons seeking data related to the Information are entitled to protection as whistleblowers, if they demonstrate that Adverse Action is likely to be undertaken against them because they were seeking such data.

### **Launch of the internal whistleblowing procedure**

#### **Article 11**

The internal whistleblowing procedure shall be initiated by submitting the Information to the Employer or to the Authorized Person.

The Information related to an internal whistleblowing event shall be delivered to the Authorized

Person, either verbally or in writing, at the address of the Employer's headquarters.

*Written delivery:* The Information related to an internal whistleblowing event can be delivered in one of the following ways:

- i. by delivering the Information related to an internal whistleblowing event directly to the Authorized Person;
- ii. by sending a letter with the Information related to an internal whistleblowing event to the Authorized Person by ordinary or registered mail.

In all of the above cases, whenever Information related to an internal whistleblowing event is received in writing, there shall be issued a confirmation of receipt of Information related to an internal whistleblowing event.

If the information is delivered by directly submitting a letter containing Information related to an internal whistleblowing event, a confirmation of receipt of Information related to an internal whistleblowing event shall be issued when receiving the letter.

In the case of certified mail, it shall be deemed that the date is the date of delivery to the post office, while in the case of ordinary mail, the date shall be the date of receipt by the Employer.

If the Information is sent by e-mail, the time specified in the e-mail receipt shall be considered as the time of delivery to the Employer in accordance with the Law.

Pieces of mail addressed to the Authorized Person, as well as those which, judging by their wrapping, clearly contain Information related to an internal whistleblowing event, can be opened only by the Authorized Person.

*Oral delivery:* The Information related to an internal whistleblowing event shall be made orally and registered in a record. When taking an oral statement from a whistleblower, the Authorized Person shall draw up a confirmation of receipt of Information related to an internal whistleblowing event.

## **Content of the Information**

### **Article 12**

When revealing Information, the whistleblower is required to provide as much relevant information as possible, in order to make it easier to examine the accuracy of the Information. On that occasion, the whistleblower shall also be obliged to attach all the evidence that he/she has in connection with the Information.

## **Confirmation of receipt of Information**

### **Article 13**

The confirmation of receipt of Information related to an internal whistleblowing event includes the following data:

- 1) A brief description of the factual state of the Information related to an internal whistleblowing event;
- 2) time, place and manner of delivery of the Information related to an internal whistleblowing event;
- 3) number and description of the attachments submitted together with the Information related to an internal whistleblowing event;

- 4) information on whether the whistleblower wishes his/her identity to be revealed;
- 5) data about the Employer;
- 6) Employer's seal;
- 7) signature of the Authorized Person.

The confirmation of receipt of Information related to an internal whistleblowing event may contain the whistleblower's signature, as well as information about him/her, if he/she wishes so.

### **Oral delivery of Information and Record**

#### **Article 14**

The oral delivery of Information related to an internal whistleblowing event shall be made orally and registered in a record. The Record contains:

- 1) Information about the Employer and the person who draws up the Record;
- 2) time and place of drawing up the report;
- 3) data on the present persons;
- 4) a description of the factual situation of the Information related to an internal whistleblowing event, containing data on the time, place and way, in which there were violated the regulations in the field of labor relations, safety and health at work and human rights of employees, as well as of the danger for their lives, health, general safety and the environment, indicating the possibility of large-scale damages etc.;
- 5) whistleblower's remarks on the Record contents or his/her statement, i.e. that he/she has no objections to the Record and that he/she fully agrees with its contents;
- 6) signature of the Authorized Person.
- 7) Employer's seal.

### **Obligations of the Authorized Person**

#### **Article 15**

Before issuing a statement on the Information related to an internal whistleblowing event, the Authorized Person is obliged:

- 1) To inform the whistleblower of his/her rights as prescribed by the Law, and in particular that he/she is not obliged to reveal his/her identity, or that he/she is not obliged to sign the Record and the confirmation of receipt of Information related to an internal whistleblowing event;
- 2) To instruct the whistleblower about the fact that he/she is disclosing Information related to an internal whistleblowing event under full material and criminal responsibility, and that making a false statement constitutes a criminal offense in accordance with the provisions of the Criminal Code.

In the case of anonymous notifications, they shall be treated in accordance with the Law.

The Employer may not take measures to detect the identity of an anonymous whistleblower.

Upon receipt of the information, the Authorized Person shall inform the whistleblower about the fact that his/her identity may be disclosed to the competent authority, in case the actions of the competent authority are impossible without revealing the whistleblower's identity, as well as about the measures for the protection of participants in criminal proceedings.

### **Dealing with secret data**

#### **Article 16**

The Information may contain secret data.

The secret data referred to in paragraph 1 of this Article are the data previously classified as secret in accordance with the rules on data confidentiality.

If the Information contains secret data, the whistleblower is obliged to contact the Employer first, and, if the Information refers to the Authorized Person, the Information shall be submitted to the Employer's Manager.

In the event that the Employer has not acted within 15 (fifteen) days according to the Information containing secret data, i.e. if the Employer neither responded nor took the appropriate measures within its field of competence, the whistleblower may contact the competent authority.

Notwithstanding paragraph 3 of this Article, in the event that the Information refers to the Employer's Manager, the Information shall be submitted to the Authorized Person.

If the Information contains secret data, the whistleblower and any other persons are obliged to comply with general and special measures for the protection of secret data, as prescribed by the law that regulates data confidentiality.

### **Dealing with the Information** **Article 17**

The authorized person is obliged to act according to the Information without delay, no later than within 15 (fifteen) days from the date of receipt of the Information.

In order to verify the Information related to the internal whistleblowing event, the Authorized Person shall undertake the appropriate actions and notify both, Employer and whistleblower, if that is possible on the basis of the available data.

In case of taking statements, in order to verify the Information related to the internal whistleblowing event, a record shall be drawn up.

When conducting an internal whistleblowing procedure, the Authorized Person that conducts the procedure may take statements from other persons, in order to check the Information related to the internal whistleblowing event. In that case there shall be drawn up a record thereof.

The record referred to in the previous paragraph of this Article shall contain:

- 1) Information about the Employer and the person who draws up the Record;
- 2) time and place of drawing up the report;
- 3) data on the present persons;
- 4) a description of the established factual situation regarding the internal whistleblowing event;
- 5) remarks of the present person on the Record contents or his/her statement, i.e. that he/she has no objections to the Record and that he/she fully agrees with its contents;
- 6) signatures of the present persons and the Authorized person;
- 7) Employer's seal.

The content of the record referred to in this Article may be objected.

**Notifying the whistleblower**  
**Article 18**

The Authorized Person shall provide information, at the Whistleblower's request, on the progress and actions undertaken in the procedure, allowing the whistleblower to examine the case files and attend the procedural actions.

The Employer is obliged to inform the whistleblower about the result of the procedure after its termination, within 15 (fifteen) days from the date when the procedure ended.

**Completion of procedure**  
**Article 19**

Upon completion of the procedure, there shall be drawn up a report on the actions that were undertaken in the procedure concerning the Information related to the internal whistleblowing event and there shall be proposed measures to eliminate the observed irregularities, as well as to remedy the consequences of the adverse actions incurred in connection with the internal whistleblowing event.

The Employer or the Authorized Person is obliged, within his/her authority, to take measures in order to eliminate the identified irregularities in connection with the Information.

**Report on the undertaken actions**  
**Article 20**

The report on the actions undertaken in the procedure concerning the Information related to the internal whistleblowing event should contain:

- 1) time, place and manner of receipt of the Information related to an internal whistleblowing event;
- 2) actions subsequently undertaken in order to verify the Information related to an internal whistleblowing event;
- 3) the persons, who were informed of the actions undertaken to verify the Information related to an internal whistleblowing event, specifying the date and manner of their notification;
- 4) the facts that were established in the procedure concerning the Information, specifying the factual situation, whether irregularities and adverse actions were identified, as well as their description, and whether such actions have caused adverse consequences;
- 5) signature of the Authorized Person;
- 6) employer's seal.

The report referred to in this Article shall be submitted to both, Employer and whistleblower. The latter shall have an 8 (eight) day term to express his/her opinion thereon.

**Proposing Measures**  
**Article 21**

Based on the submitted report, the Authorized Person shall propose measures, in order to eliminate the identified irregularities, as well as the way of eliminating the consequences of adverse actions arising in connection with the internal whistleblowing event, within 15 (fifteen) days from the date of submission of the report to the Employer and the whistleblower (hereinafter referred to as: the Measure Proposal).

The proposal of measures aimed at eliminating the irregularities and consequences of the harmful actions incurred in connection with internal whistleblowing event shall necessarily include:

- 1) Information about the Employer and the person who draws up the Record;
- 2) time and place of drawing up the report;
- 3) an enumeration and detailed description of the irregularities, adverse actions and consequences of these actions in connection with the internal whistleblowing event, as established in the report;
- 4) the specific measures proposed for the elimination of the abovementioned irregularities and consequences of the adverse actions arising in connection with the internal whistleblowing event, as established in the report, and the deadlines for their fulfillment;
- 5) an explanation of why the proposed measures may eliminate the identified irregularities and consequences of the adverse actions arising in connection with the internal whistleblowing event;
- 6) name of the Authorized Person;
- 7) Employer's seal.

#### **Final Provisions**

#### **Article 22**

These Regulations shall be publicly available to all Employees at the Employer's link <S:\QMS\Other Documents\Pravilnik o postupku unutrašnjeg uzbunjivanja> of November 23, 2015 and it shall enter into force on the 8th (eighth) day after the date of its publication.

Belgrade, November 23, 2015,

**For the Employer**

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**Dragan Radulović**