

## **SANCTIONS POLICY OF HEINZ-GLAS DZIAŁDOWO SP. Z O.O.**

### **on dealing with those who directly or indirectly support the Russian Federation or Belarus in its aggression against Ukraine**

#### **I. Definitions**

1. Actual beneficiary: the natural person(s) who directly or indirectly controls an entity through the power which, in the exercise of legal or de facto control, confers the possibility of exercising decisive influence on the activities or actions of the entity or individual on whose behalf the economic relationship is established or the occasional transaction is carried out
2. Parent company: an entity which is a commercial company or a state-owned enterprise, exercising control over a subsidiary in accordance with the principles specified in the Accounting Act of 29 September 1994 (Dz.U.2021.217)
3. HEINZ-GLAS: HEINZ-GLAS Działdowo sp. z o.o., HEINZ-PLASTICS Polska sp. z o.o., 2HD sp. z o.o.
4. List: the list of persons and entities subject to sanction measures, maintained by the minister in charge of internal affairs, which is published in the Public Information Bulletin on the website of the minister in charge of internal affairs <https://www.gov.pl/web/mswia/lista-osob-i-podmiotow-objetych-sankcjami>
5. Declaration: Declaration forming Appendix no. 1 to the HEINZ-GLAS Sanctions Policy
6. Policy: This sanctions policy of HEINZ-GLAS
7. Regulation 269/2014: Council Regulation(EU) No 269/2014 of 17 March 2014 on restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ EUL.2014.78.6)
8. Regulation 765/2006: Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in view of the situation in Belarus and its involvement in Russia's aggression against Ukraine (OJ EUL.2006.134.1)
9. Regulation 2022/263: restrictive measures in response to the recognition of the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas (OJ EUL.2022.421.77)
10. Public procurement law: Act of 11 September 2019. Public Procurement Law (Dz.U.2021.1129).
11. Act: Act of 13 April 2022 on special solutions to prevent the support of aggression against Ukraine and to protect national security (OJ.2022.835).
12. Lists: lists of persons and entities subject to sanction measures under Regulation 269/2014 and Regulation 765/2006.

#### **II. Subject matter and scope**

1. Due to the aggression of the Russian Federation against Ukraine started on 24 February 2022 and the sanction measures introduced under Regulation 765/2006, Regulation 269/2014, Regulation 2022/263 as well as the Act, HEINZ-GLAS undertakes as well as all its employees, associates, suppliers, principals and contractors, to comply with the introduced prohibitions and orders of specific conduct specified in Regulation 765/2006, Regulation 269/2014, Regulation 2022/263 as well as the Act under the conditions set out in this Policy.
2. HEINZ-GLAS shall take appropriate steps and measures to ensure that the provisions of this Sanctions Policy are implemented.

#### **III. Verification of counterparties**

1. HEINZGLAS shall also obtain, each time a business relationship is established with a new business partner (supplier or buyer), a Declaration signed in accordance with the current rules of representation, together with explanations, in which the business partner shall be obliged to specify whether it, its members of its bodies as well as the beneficial owner are included in the List, or in the Lists, and whether it respects the provisions of the Act and Regulation 765/2006, Regulation 269/2014, Regulation 2022/263.
2. In the case of existing counterparties, HEINZ-GLAS will collect the Declaration with explanations signed in accordance with the current rules of representation, in which the counterparty will be required to specify whether the counterparty, the members of its organs as well as the Actual beneficiary are in the List or in the Lists, and whether they comply with the provisions of the Act and Regulation 765/2006, Regulation 269/2014, Regulation 2022/263. With respect to existing counterparties, the Declaration will be collected with the first subsequent transaction undertaken with the counterparty, after the entry into force of this Policy.
3. The Contractor is obliged to inform HEINZ-GLAS immediately, but at the latest within 24 hours, of any changes in circumstances and information contained in the Declaration.
4. Declaration will be collected only for the purpose of exercising due diligence and performing duties under generally applicable law and its content will be kept strictly confidential. The information contained in the Declaration will not be passed on by HEINZ-GLAS to any third parties, unless such an obligation results directly from universally applicable provisions of law or decisions of relevant state authorities, of which HEINZ-GLAS will inform the counterparty.

#### **IV. Disclosure of a counterparty in the List or in the Schedules or determination of counterparty activity against sanctions**

1. In the event that it becomes known that a counterparty is, directly or indirectly, on the List or in the Lists, HEINZ-GLAS shall comply with the obligation to freeze financial resources, funds or economic resources or to prohibit the provision of financial resources, funds or economic resources, by ceasing to conduct business with the counterparty.
2. HEINZ-GLAS will also discontinue business with the counterparty if the counterparty is found to be in breach of the prohibitions and orders provided for in the Act, Regulation 765/2006, Regulation 269/2014, Regulation 2022/263 in its relationship with HEINZ-GLAS. In such a situation, HEINZ-GLAS' liability for damages is excluded.
3. Without prejudice to the applicable reporting and confidentiality rules of HEINZ-GLAS:
  - a. Shall promptly provide the relevant state authorities with any information that would facilitate compliance with both the Act, Regulation 269/2014 and Regulation 765/2006, i.e. information on accounts and amounts frozen in accordance with point V.1 of the Policy and shall provide such information to the authorised authorities directly or indirectly, and

- b. Shall cooperate with the competent authorities in verifying this information.
4. Failure to submit the Declaration by the counterparty to HEINZ-GLAS can constitute grounds for termination of the business relationship with the counterparty with the exclusion of liability on the part of HEINZ-GLAS for damages incurred by the counterparty.

#### **V. Public procurement**

1. In the event of a public procurement or competition conducted under the Public Procurement Law, HEINZ-GLAS shall exclude:
  - a. a contractor and a participant in the competition in the List or in the Lists,
  - b. a contractor and a participant in a competition whose Beneficiary is a person in the List or in the Lists or who is such a Beneficiary as from 24 February 2022, provided that it has been entered in the List on the basis of a decision on entry in the List ruling on the application of a measure of exclusion from a public procurement procedure or a competition conducted pursuant to the Public Procurement Law,
  - c. a contractor and a participant in a contest whose parent entity is an entity in the List or in the Lists, or is such parent entity as from 24 February 2022, provided that it has been entered in the List on the basis of a decision on its entry in the List ruling on the application of a measure of exclusion from a public procurement procedure or a competition conducted pursuant to the Public Procurement Law,

#### **VI. Other obligations**

1. HEINZ-GLAS undertakes to comply with the provisions set out in the contents of Regulation 2022/263, including in particular the prohibitions regarding:
  - a. imports into the European Union of goods originating in the non-government-controlled areas of Ukraine's Donetsk and Luhansk oblasts,
  - b. provision, directly or indirectly, of financing or financial assistance related to the import of goods referred to in point (a) above,
  - c. sale, supply, transfer or export of goods and technology specified in Appendix II to Regulation 2022/263 to any natural or legal person, entity or body in the non-government-controlled areas of Ukraine's Donetsk and Luhansk oblasts or for use in the aforementioned territories,
  - d. provision of technical assistance or brokering services, construction or engineering services directly related to infrastructure in the non-government-controlled areas of Ukraine's Donetsk and Luhansk oblasts in the sectors specified under Appendix II of Regulation 2022/263, irrespective of the origin of the goods and technology concerned.
2. HEINZ-GLAS also undertakes to comply with the provisions set out in the contents of Regulation 2022/765, including in particular:
  - a. freezing of all funds and economic resources belonging to, owned, held or controlled by the natural or legal persons, entities and bodies specified in Appendix I of Regulation 2022/765;
  - b. not to make available, directly or indirectly, any funds or economic resources specified in Appendix I of Regulation 2022/765 to or for the benefit of natural or legal persons, entities or bodies;
  - c. not to engage in any conduct which knowingly and intentionally takes part in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in points a or b;
  - d. respect the prohibitions specified in Art. 1a to 1zb of Regulation 2022/765.
3. HEINZ-GLAS also undertakes to comply with the provisions specified in the contents of Regulation 269/2014, in particular:
  - a. freezing of all financial resources and economic resources belonging to, owned, held or controlled by the natural or legal persons, entities or bodies specified in Appendix I, or natural or legal persons, entities or bodies associated with them, as specified in Appendix I to Regulation 269/2014;
  - b. not to make available to or for the benefit of the natural or legal persons, entities or bodies specified in Appendix I of Regulation 269/2014, or any related natural or legal persons, entities or bodies, directly or indirectly, any funds or economic resources;
  - c. not to engage in any conduct which knowingly and intentionally takes part in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in points a or b.
4. HEINZ-GLAS is obliged to verify the counterparties each time that they fulfil the obligations specified in points 1-3 above.
5. In the event of a justified suspicion that the counterparty HEINZ-GLAS is in breach of the obligations specified in points 1-3 above, it shall have the right to require the counterparty to make an appropriate declaration as well as to provide documented explanations.

#### **VII. Final provisions**

1. In the event of amendments to the content of the Act, Regulation 269/2014, Regulation 765/2006, Regulation 2022/263 or the entry into force of other legal acts that implement additional sanctions or obligations, the Policy will be supplemented or amended accordingly. All amendments and supplements to the Policy will be made in writing under pain of nullity.
2. The appendixes to the Policy form an integral part of it.
3. This policy is an internal regulation of HEINZ-GLAS and comes into force on 1 June 2022.

#### **Appendixes:**

1. Declaration in Polish, English and German.