

Internal Whistleblowing System

With reference to Act No. 171/2023 Sb., on whistleblower protection (hereinafter the “Whistleblower Protection Act”), which incorporates Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (hereinafter the “Directive”), the entities referred to in Sec. 8(1) of the Whistleblower Protection Act (hereinafter the “Employer”) are obliged to establish an internal whistleblowing system for their employees and other persons under the Whistleblower Protection Act for the purpose of reporting breaches of the law that have occurred or have allegedly occurred at the Employer.

The Whistleblower Protection Act is effective from 1 August 2023.

1. Person Entitled to Report Breaches – Whistleblower

A person who has performed or is performing work or other similar activity for MARLENKA international s.r.o. pursuant to Sec. 2(3) of the Whistleblower Protection Act or a person who has been or is in contact with MARLENKA international s.r.o. in connection with the performance of work or other gainful activity.

MARLENKA international s.r.o. excludes the acceptance of reports from persons who do not perform work or other similar activity for MARLENKA pursuant to Section 2(3)(a), (b), (h) or (i) of the Whistleblower Protection Act.

MARLENKA international s.r.o. only accepts reports from its employees and persons performing volunteer work, apprenticeships, or internships. A person who is or has been applying for a job or similar activity may also be a whistleblower.

2. Instructions for Whistleblowers

A whistleblower shall have reasonable grounds to believe that their report of a breach is true. It is, therefore, not possible to report facts that are knowingly false.

According to Sec. 23 of the Whistleblower Protection Act, an individual who knowingly makes a false report is committing an offence. A fine of up to CZK 50,000 can be imposed for this offence.

3. Breaches of the Law

A whistleblower has the right to report a breach of the law that has occurred at the Employer and that

1. constitutes a criminal offence,
2. constitutes an offence punishable by a fine of at least CZK 100,000 under the law,
3. violates the Whistleblower Protection Act, or
4. violates any other law or legal regulation of the EU concerning:
 - financial services, due diligence and other assurance services, financial products and financial markets,
 - corporate income tax,
 - the prevention of money laundering and financing of terrorism,
 - consumer protection,
 - product safety and compliance,
 - transport, traffic and road safety,
 - protection of the environment,
 - food and feed safety, animal health and animal welfare,
 - radiation protection and nuclear safety,
 - public procurement, public auctions and competition,
 - the protection of internal order and security, life and public health,
 - the protection of privacy and personal data, and the security of network and information systems,
 - the protection of the financial interests of the European Union, or
 - the functioning of the internal market, including the protection of EU competition rules and state aid.

4. Whistleblower Protection

The internal whistleblowing system is accessible only to the whistleblower officer, whose duty it is to protect the whistleblower's identity. The whistleblower's identity may not be disclosed to anyone without their written consent unless the whistleblower officer is obliged to provide the information to the competent public authority under other legal regulations, in which case the whistleblower must also be informed in advance and given the opportunity to comment on such disclosure. The obligation to protect the whistleblower's identity also applies to other information which could identify the whistleblower.

The whistleblower's protection also includes the prohibition of retaliation against the whistleblower and other persons (e.g. persons connected with the whistleblower who provided them with assistance in obtaining information, etc.), including a threat of retaliation or attempt at it. Retaliation includes, for example, dismissal or failure to renew the employment contract for a fixed period, a wage reduction, failure to award a bonus, etc.

5. Report Manner and Form

The report shall contain the first and last name and date of birth or other information from which the identity of the whistleblower may be inferred; the information on the whistleblower's identity will be deemed to be true. It shall also contain information on the potential breach as set out in point 3.

However, anonymous reports are not covered by the Whistleblower Protection Act. If the whistleblower's identity subsequently comes to light, all applicable provisions of the Whistleblower Protection Act shall apply to such whistleblower.

Whistleblower Officer

The reports shall be made to the whistleblower officer designated by the Employer.

The competent officer at MARLENKA international s.r.o. is HR Generalist.

Contact details:

Responsible Person: Tereza Fukalová

Phone number: +420 771 229 830

Email: whistleblowing@marlenka.cz

Address:

MARLENKA international s.r.o.

Marlenka 434

738 01 Frýdek-Místek

Reporting Channels

Reports can be made in person or in writing (by mail or email). If the whistleblower so requests, the whistleblower officer shall be obliged to receive the report in person within a reasonable period of time but no later than 14 days from the request.

Written reports must be sent confidentially to the whistleblower officer. They shall be sent in a sealed envelope marked “WHISTLEBLOWING – DO NOT OPEN” or by email to whistleblowing@marlenka.cz.

Reports can also be made via telephone line by calling +420 771 278 600 (a written report of the conversation will be made).

They can be made in person by prior telephone or written agreement. A record of the report in person will be made. An audio or visual recording may be made of the report with the consent of the whistleblower.

Ministry of Justice

The whistleblower also has the option of submitting their report through the whistleblowing system of the Ministry of Justice. The secure whistleblowing form and more information can be found at <https://oznamovatel.justice.cz/chci-podat-oznameni/>.

6. Report Processing

The whistleblower shall receive confirmation of the receipt of the report within 7 days of its delivery. If such a report does not comply with the provisions under the Whistleblower Protection Act, the whistleblower officer shall inform the whistleblower thereof in writing without undue delay.

The whistleblower officer shall assess the validity of the report and inform the whistleblower in writing within 30 days of the receipt of the report. In factually or legally complex cases, this period may be extended by up to 30 days, but not more than twice.

If the report is assessed as justified, the whistleblower officer proposes to the Employer measures to prevent or remedy the unlawful situation. If the report is not assessed as justified, the whistleblower officer must inform the whistleblower in writing without undue delay that, on the basis of the facts provided in the report and from the circumstances known to the whistleblower officer, they have found no suspicion of illegal activity or have found the report to rely on false information, advising the whistleblower about their right to make a report to a public authority.

The Employer must inform the whistleblower officer immediately of the measures taken, and the whistleblower officer must inform the whistleblower thereof in writing without delay.



7. Other Information

For more detailed information on reporting breaches and the related legal framework, please see the link below:

<https://oznamovatel.justice.cz/pravni-uprava-a-metodicke-doporuceni/>