



## **CODE OF CONDUCT FOR BUSINESS PARTNERS**

Reference	17_Code of Conduct for Business Partners_6_2024
Title of the Standard	Code of Conduct for Business Partners
Geographical scope	Worldwide
Category	Policy
Approval date	19 December 2024
Approval body	Board of Directors
Current version	V6

## **CODE OF CONDUCT FOR BUSINESS PARTNERS**

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## 1. INTRODUCTION

Throughout its history, ACS Actividades de Construcción y Servicios S.A. (hereinafter referred to as “**ACS**” or the “**Organization**”), as well as the group of companies of which ACS is the parent company (hereinafter referred to as the “**ACS Group**” or the “**Group**”), has maintained a firm business commitment to the different market operators that interact with it, as well as the individuals or legal entities with whom the Group companies have business agreements (hereinafter referred to as the “**Business Partners**”) throughout their chain of activities. This commitment also extends to the people who work for the Organization (hereinafter referred to as the “**Members of the Organization**”) and is based on compliance with current legislation in the different jurisdictions in which it operates, as well as on demonstrating behaviour in line with the values of Integrity, Excellence, Trust, Sustainability and Profitability that make up ACS’ organizational culture (hereinafter referred to as the “**Compliance Culture**”).

## 2. DEFINITIONS

For the purposes of this Policy, the followings terms will be interpreted in accordance with the definitions set out below.

- **ACS/Organization:** ACS, ACTIVIDADES DE CONSTRUCCIÓN Y SERVICIOS, S.A.
- **Chain of activities:** The activities of the Business Partners involved in the upstream and downstream phases of activities relating to the production of goods or the provision of services by ACS and its Group companies.
- **ACS Code of Conduct:** The Code of Conduct of the ACS Group.
- **Code of Conduct for Business Partners/Code of Conduct/Code:** This Code of Conduct for Business Partners of the ACS Group.
- **Compliance culture:** ACS’s corporate culture based on respect for the values of integrity, excellence, trust, sustainability and profitability.
- **Human rights:** All human rights.
- **ACS Group/Group:** ACS and companies of the group of which ACS is the parent company. For the purposes of this Policy, the terms “Group

entities/companies/corporations” and “entities/companies/corporations integrated in the Group” will also be used.

- ***Interest Groups/Stakeholders:*** Groups that may affect or be affected by the activities of the ACS Group and, in particular, the directors, managers, employees, workers’ representatives, trade unions and Business Partners of the Group, as well as consumers, groups, communities or entities whose rights or interests are or may be affected by the products, services and operations of the Company, its subsidiaries and/or its Business Partners, also including national environmental and human rights institutions, civil society organizations whose purposes include the protection of the environment and the legitimate representatives of such persons, groups, communities or entities.
- ***Members of the Organization:*** Members of the governing bodies, managers, employees, workers or temporary employees or employees hired under a collaboration agreement, and interns and volunteers of ACS.
- ***Standard/s:*** Different types of ACS corporate texts, including Policies, Regulations or Procedures, among others, insofar as they project onto the ACS Group.
- ***OECD:*** The Organization for Economic Cooperation and Development.
- ***ILO:*** The International Labour Organization.
- ***UN:*** The United Nations.
- ***Environmental Policy:*** The ACS Group’s Environmental Policy.
- ***Criminal Compliance and Anti-Bribery Policy:*** ACS’ Criminal Compliance and Anti-Bribery Policy.
- ***Human Rights Policy:*** The ACS Group’s Human Rights Policy.
- ***General Compliance Policy:*** ACS’ General Compliance Policy.
- ***Sustainability Policy:*** The ACS Group's General Sustainability Policy.
- ***Due Diligence Protocol/Protocol:*** The Corporate Sustainability Due Diligence Protocol.

- ***Established business relationship:*** A relationship with a Business Partner that is or is expected to be of a lasting nature and does not represent an insignificant or merely incidental part of the chain of activities.
- ***Business Partner:*** Any legal entity or individual with whom ACS or the Group companies establish a commercial or business agreement in their chains of activities. These include, but are not limited to, providers or suppliers of goods or services, intermediaries such as agents or commission agents, external advisors or joint ventures.

### 3. PURPOSE

In order to monitor the effectiveness of the commitments undertaken by ACS insofar as they project onto the Group, in relation to its Standards on ethics, regulatory compliance, respect for and protection of human rights, and protection of the environment, this Code of Conduct for Business Partners, insofar as it projects onto the Group, aims to set out the parameters of behaviour expected of Business Partners within the framework of the business relationships established with ACS and the Group companies in their chains of activities. Accordingly, it is expected that they shall make every effort to implement the basic principles of conduct established in this Code in their activities, irrespective of whether they are also required to comply with any other ACS Standards that may be applicable to them now or in the future.

### 4. SCOPE OF APPLICATION

The content of this Code is taken from the ACS Code of Conduct, and is binding on all its Business Partners, irrespective of their geographical location, while also projecting onto the Group companies.

The Business Partners shall expressly accept the content of this Code by signing the Statement of Compliance set out in the Annex to this document.

They must also state that they will comply with the Criminal Compliance and Anti-Bribery Policy<sup>1</sup> and the General Compliance Policy.

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<sup>1</sup> *The Criminal Compliance and Anti-Bribery Policy* is available for all ACS Business Partners to read and consult, regardless of whether they are required to sign and accept it, on the Company's website

ACS promotes constructive collaboration with interest groups or stakeholders who may affect or be affected by the activities of the Group and its Business Partners, in order to establish channels of communication, consultation and contacts that contribute to the better sustainability performance of the Group and its Business Partners (hereinafter referred to as the “**Interest Groups**” or “**Stakeholders**”).

## **5. BASIC PRINCIPLES OF CONDUCT**

The Business Partners will monitor that all their actions are aligned with the values advocated by ACS in its Code of Conduct and, in particular, with the basic principles of conduct set out in this Code of Conduct for Business Partners.

Where there are differences between the provisions contained in this Code and the local legislation applicable to the Business Partner, the local legislation shall prevail, notwithstanding the fact that the basic principles of conduct established in this Code shall also be observed.

In any event, the Business Partners shall carry out their activities in accordance with the principles established in this Code, as well as any other ACS Standards applicable to them, to all the entities or persons that form part of ACS’ chain of activities, establishing mechanisms to communicate this and adopting reasonable measures for verification thereof. Moreover, the Business Partners shall have a procurement policy in place with sustainable criteria for their chain of activities, implement criteria for action in relation to the policy in question that are similar to those defined in this Code of Conduct, or adhere to the ACS Group’s Sustainable Procurement Policy. They shall also report to ACS on all these aspects, if requested to do so by the Organization.

### **5.1. Integrity and compliance with the law**

The Business Partners are responsible for ensuring that all their decisions and actions are carried out in full compliance with the applicable legislation in each of the jurisdictions in which they operate. For this purpose, they will have supervision and control mechanisms in place to enable them to meet this commitment and shall report on this to ACS, if requested to do so by the Organization.

## 5.2. Competition and conflicts of interest

As a consequence of the principle of ethical conduct and zero tolerance for any act of corruption, ACS' Business Partners are required to behave in accordance with these principles in all matters where there may be any type of direct or indirect competition or conflict of interest that could affect their independence of action or their proper compliance with the applicable legislation. They shall then adopt the necessary measures to endeavour to avoid making decisions that are affected by a possible conflict of interest.

A conflict of interest is a situation where business, financial, economic, family or personal interests could interfere with the judgement of an individual or legal entity in the performance of their obligations to the organization for which they work or provide their services.

## 5.3. Prohibition against bribery<sup>2</sup> and money laundering

ACS prohibits all forms of corruption, especially bribery in both the public<sup>3</sup> and private<sup>4</sup> sector. Accordingly, the Business Partners must comply with the national and international legislation applicable to them in this regard. In particular, the Business Partners are prohibited from giving or receiving, with regard to both public officials<sup>5</sup> and third parties,

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<sup>2</sup> The Business Partners are expected to have organizational and management models in place that are aligned with international best practices and standards and enable them to comply with the principles of this Code, such as ISO 37001 on anti-bribery management systems.

<sup>3</sup> Bribery in the public sector: directly or indirectly offering, paying, promising, giving, accepting or soliciting an unjustified (financial or non-financial) benefit of any value from a public official, irrespective of their geographical location, in contravention of the provisions of applicable legislation, as an inducement or reward for acting or refraining from acting in relation to the performance of their duties.

<sup>4</sup> Bribery in the private sector: this occurs when any member of an organization, either personally or through an intermediary, receives, solicits, offers or accepts an unjustified benefit or advantage of any kind, for themselves or for a third party, as consideration for improperly favouring another in the purchase or sale of goods, or in the procurement of services or in business relationships.

<sup>5</sup> Public official: any person holding a legislative, administrative or judicial office, whether appointed by succession or elected, or any person performing a public duty, including for a public body or for a state-owned enterprise, or any official or agent of a national or international organization or any candidate for public office. The concept of public official includes: (i) a government employee, local government employee, official or any other person performing duties on behalf of a country or

any undue payments, gifts, handouts, gratuitous benefits or favours that fall outside the legal uses of the market or which, due to their value, their characteristics or their circumstances, could reasonably be expected to alter the development of commercial, administrative or professional relationships. They shall adopt the appropriate measures to avoid such practices and report on this to ACS, if requested to do so by the Organization.

In compliance with the national and international legislation in this regard, the Organization is fully committed to the prevention of money laundering and the fight against terrorist financing. Consequently, the Business Partners must pay special attention to rejecting any activity or relationship that poses a risk of this kind, establishing the necessary measures to avoid them and reporting on them to ACS, if requested to do so by the Organization.

#### **5.4. Competition law**

ACS respects and encourages free, fair and honest competition. Accordingly, under no circumstances may the Business Partners, within the framework of their relationships with ACS, carry out practices contrary to competition law. In this context, by way of example and without limitation, the Business Partners shall avoid:

- Collusive behaviour with competitors.
- Agreements to exclude persons or groups of persons.
- Use of their companies' market power to exert unfair pressure on competitors and contractors.
- Fraudulent or misleading conduct aimed at competitors.

The Business Partners will have measures in place to avoid infringing national and international competition legislation and report on them to ACS, if requested to do so by the Organization.

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territory; (ii) a person performing administrative, legislative or judicial duties, by appointment, election or succession, in a particular country or territory; (iii) an individual of a political party; (iv) a candidate for political office; (v) a person performing any other official duties, whether at government or local level, within the government or any of its departments; (vi) an employee or representative of a government or publicly funded organization; and/or (vii) an official or agent of an international Public Law organization.



## 5.5. Responsible tax

The Business Partners shall ensure that they comply with the tax legislation in force in each country or territory where they are present, avoiding the concealment of relevant information, illegal tax avoidance, obtaining undue tax benefits or obstructing the tax authorities' inspection activities. The Business Partners will also collaborate with the Tax Authorities to provide the required tax information in accordance with current legislation.

## 5.6. Confidentiality<sup>6</sup>

ACS operates in a sector where maintaining the confidentiality of the information it works with is essential to the success of the Organization's activity, particularly in relation to tenders, bids and strategic guidelines. Accordingly, maintaining the secrecy and confidentiality of such information is considered a priority for ACS.

ACS' Business Partners must therefore comply with their duty of confidentiality with regard to any information that they become aware of by virtue of their present or future business relationship with ACS. Disclosing or sharing confidential or non-public information is strictly forbidden, except with the express written consent of the person authorised to do so in the Organization, or to comply with a court order or regulatory provision.

In order to comply with this duty, it is the Business Partners' responsibility to comply with national and international legislation on the protection of industrial and intellectual property rights, trade secrets and the protection of personal data. Accordingly, they must ensure that sufficient security and cybersecurity measures are adopted to protect this information, and that all members, within the framework of their relations with ACS, comply with this duty. They shall also report to ACS on the measures put in place for all the above purposes, if requested to do so by the Organization.

## 5.7. Respect for human and labour rights

ACS undertakes to act at all times in accordance with the UN Global Compact, to which it has adhered since its inception, the purpose of which is to adopt universal principles, including those relating to the protection of human rights.

It is imperative that the Business Partners, irrespective of the country in which they carry

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<sup>6</sup> The Business Partners are expected to have organizational and management models in place that are aligned with international best practices and standards and enable them to comply with the principles of this *Code*, such as ISO 27001 on Information Security Management Systems.

out their activities or the sector in which they operate, act in a diligent and responsible manner and adopt appropriate due diligence measures with regard to human rights, including nationally and internationally recognised labour rights.

The Business Partners are also expected to comply with the provisions of the UN's Universal Declaration of Human Rights and the ILO's Declaration on Fundamental Principles and Rights at Work. Moreover, they are expected to demonstrate behaviours aligned with the UN Global Compact Guidelines, the Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises and the Resolutions of the International Labour Organization.

In particular, the Business Partners shall have mechanisms in place that enable them to reasonably ensure the effectiveness of their commitment to:

- Establishing appropriate measures for the proper identification, assessment, prioritisation, prevention and mitigation of actual and potential adverse effects on human rights arising from their operations, products and services, and, where appropriate, remedying the effects that actually materialise.
- Establishing decent working and pay conditions.
- Guaranteeing that there will be no direct or indirect discrimination on grounds of sex, age, race, religion, sexual orientation, work style or talent, among others.
- Preventing any kind of harassment.
- Occupational health and safety, as well as respect for workers' rights, in strict compliance with the applicable labour legislation in the jurisdictions where they operate.
- Promoting equity through equal opportunities.
- Eradicating both child labour and forced labour.
- Rejecting any activity linked to human trafficking or any kind of slavery.
- Freedom of association and guaranteeing the right to collective bargaining.

They shall report to ACS on the measures put in place for all the above purposes, if requested to do so by the Organization.

## 5.8. Professionalism

ACS' Business Partners must be characterised by their high level of professionalism based on integrity and a focus on excellence in service provision.

## 5.9. Customer focus

ACS seeks excellence in the provision of services to its customers, and endeavours to meet their expectations as a key factor in the continuity of its operations.

All of the ACS Business Partners will offer their full cooperation, professionalism and service mindset in order to achieve the highest level of customer satisfaction. They will also endeavour to meet their customers' expectations and make every effort to anticipate and understand their needs. However, the achievement of such objectives will never justify a failure to comply with the law or adhere to the Compliance Culture.

## 5.10. Training

The Business Partners undertake to have a policy in place for the training and personal and professional development of their members in order to achieve the highest level of performance, quality and satisfaction in the performance of their duties, as well as complying with this Code. In particular, the Business Partners undertake to train their members in the values and respect for the law set out herein.

## 5.11. Respect for personal health and safety<sup>7</sup>

Respect for personal health and safety is a primary objective for ACS. Its Business Partners must therefore undertake to comply with the applicable legislation in this field, ensuring a safe and healthy working environment for their members, as well as the utmost respect for occupational health and safety legislation, strictly complying with the applicable occupational risk prevention legislation.

The Business Partners shall have procedures in place to identify and assess health and safety risks in the context of their activities, as well as preventing, detecting and mitigating such risks. They shall report to ACS on the measures put in place for these purposes, if requested to do so by the Organization.

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<sup>7</sup> The Business Partners are expected to have organizational and management models in place that are aligned with international best practices and standards and enable them to comply with the principles of this *Code*, such as ISO 45001 on Occupational Health and Safety.

## 5.12. Transparency

In all their communications, irrespective of the form in which they are made, the Business Partners must provide truthful, necessary, complete and timely information on the progress of activities related to their performance, both to the Organization and to the third parties authorised for this purpose. They will also maintain the confidentiality of any information that they are required to keep secret.

## 5.13. Quality management and respect for the environment<sup>8</sup>

The work and quality management of the projects of ACS and the Group companies generates confidence and an appropriate corporate image in the market. Quality management will be based on, among other aspects, respect for the environment and for people.

In accordance with its Environmental Policy, ACS promotes the application of best practices in environmental matters, such as the conservation of natural resources, protection of the environment, fight against climate change or biodiversity respect. It places a particular focus on protecting sites of ecological, scenic, scientific or cultural interest, and is committed to strict compliance with the applicable environmental legislation.

The Business Partners must therefore ensure that they comply with the environmental legislation applicable to their activities, undertaking to adopt appropriate measures to ensure the utmost respect for the environment, to fight against climate change in the performance of their activities, and to minimise potential adverse environmental impacts.

In particular, the Business Partners shall have mechanisms in place that enable them to ensure, in a reasonable and proportionate manner, the effectiveness of their commitment to:

- Establishing appropriate measures for the proper identification, assessment, prioritisation, prevention and mitigation of actual and potential adverse environmental impacts arising from their operations, products and services, as well as, where appropriate, remedying the impacts that actually occur.
- The fight against climate change, avoiding or minimising energy consumption and

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<sup>8</sup> The Business Partners are expected to have organizational and management models in place that are aligned with international best practices and standards and enable them to comply with the principles of this *Code*, such as ISO 9001 on Quality Management Systems, and ISO 14001 on Environmental Management Systems.

the emission of greenhouse gases generated by their activities.

- Promoting the circular economy in their activities.
- Efficient and responsible use of water resources.
- Promoting pollution prevention by encouraging the reuse and recycling of materials, adjusting production processes, and using material substitutes
- Proper and safe handling, transport, storage, reuse or recycling of wastewater and waste generated in works prior to the reuse, recovery, discharge or disposal thereof, as well as proper treatment of the substances as required.
- Extending good practices in sustainability and environmental care to the companies or persons that form part of ACS' chain of activities.
- Carrying out their activities with respect for the cultural and social environment, as well as for the stakeholders affected by the activities they carry out.

They shall report to ACS on the measures put in place for all the above purposes, if requested to do so by the Organization.

## **6. GOVERNANCE**

The Group's sustainability governance rules established in in the ACS Group's General Sustainability Policy form part of this Code. Accordingly, provisions are made with regard to the authority and functions that are assigned, on the one hand, to the Board of Directors and the Audit and Sustainability Committee, and on the other, to the Sustainability Directorate and the Governance and Compliance Committee.

## **7. ETHICAL CHANNEL**

ACS provides all members of the Organization, its suppliers and other third parties with an ethical channel through which they can notify any concerns or address, report and communicate any conduct or facts related to the actions of members of the Organization, ACS or its suppliers that are not in line with the ACS Code of Conduct, this Code or the other ACS Standards with projection onto the Group, particularly any conduct or facts that may have criminal implications or could be relevant in relation to human rights and the environment. All this in accordance with the provisions contained in the Operating Policy

of the ACS Ethical Channel.

## **8. RESPONSE TO INFRINGEMENTS**

Infringements of this Code of Conduct for Business Partners will put ACS at risk and may be subject to legal action.

Accordingly, the obligation is expressly established for Business Partners to immediately notify ACS of any evidence they may have of infringements or violations of the principles of this Code and, as appropriate, the ACS Standards insofar as they project onto the Group.

If the provisions of this Code are violated, ACS will respond immediately in accordance with the provisions of the applicable legislation, taking the legal measures to which it is entitled. The response will be proportionate to the seriousness of the facts and may lead to a request for implementation of preventive or corrective action plans or, where appropriate, suspension or termination of the contractual relationship, a complaint to the authorities or a request for compensation for the loss or damage caused.

## **9. EXCEPTIONS TO THE CODE**

If the Business Parties provide proof of the existence of a code of conduct or other internal rules with content which is similar to that of this Code, and this is accepted by the Organization, ACS' Governance and Compliance Committee may release them from the obligation to formalise the Statement of Compliance included in the Annex to this Code; all this notwithstanding the fact that information may be requested, for all appropriate purposes, on compliance with and monitoring of the provisions of this Code.

## **10. APPROVAL, DISSEMINATION AND ENTRY INTO FORCE**

This Code will come into force following its approval by the Board of Directors of ACS on the date indicated at the beginning of this document and shall be mandatory from that time on, notwithstanding the fact that ACS and the Group companies may take advantage of the deadlines provided for in the applicable legislation with regard to the enforceability of the sustainability due diligence obligations.

The Code will be available on the Company's corporate website ([www.grupoacs.com](http://www.grupoacs.com)) and

will be communicated to all the Business Partners and the Group companies.

## **11. ADDITIONAL CONSIDERATIONS**

Although this Code may be translated into different languages, for the purposes of interpretation, the authentic version shall be that which is drawn up in Spanish.

## ANNEX

### Statement of Compliance

ACS Actividades de Construcción y Servicios, S.A. expects strict legal compliance from all the Business Partners with which it enters into business relationships, as well as the highest ethical standards in the performance of their activities. To this end, they must comply with the provisions of the Code of Conduct for Business Partners (hereinafter referred to as the “**Code**”).

In particular, the signatory undertakes to establish measures to guarantee the above, and to inform and make every effort to convey these commitments to any other entities or persons that form part of ACS’ chain of activities, ensuring that the latter comply with the Code and, where appropriate and as applicable, the other ACS Standards insofar as they project onto the ACS Group. Moreover, it will provide ACS with any information or documentation that the latter requests from it, and agrees to undergo any review or audit processes conducted by the organization in question or any third parties it appoints for this purpose.

The signatory also undertakes to have a communication channel in place through which it is possible to report possible infringements of the commitments undertaken by virtue of the Code, accessible to both its members and third parties related to ACS’ chain of activities. Moreover, the signatory undertakes to immediately notify ACS of any indications that the principles of this Code, the Policy for Compliance with International Sanctions imposed on third parties, or ACS’ internal regulations insofar as they project onto the Group have been infringed or violated. The notification sent by the signatory will contain a description of the infringement and its circumstances; the specific provisions of ACS that have been infringed; whether the facts have been investigated; the measures adopted to prevent them from recurring and coverage of the damage caused; as well as a commitment that the investigation and reparations have been or will be effective, appropriate and proportionate to the infringement.

Moreover, in accordance with ACS’ Policy for Compliance with International Sanctions imposed on third parties, the signatory guarantees and declares that:

- (i) Neither it nor its subsidiaries, managers, agents, employees, affiliates and/or representatives are owned, controlled, related, located, or organised by any entity, person, country or territory that are subject to any general sanctions on exports, imports, finance, investment embargoes, or freezing of assets administered or applied by the US Treasury Department’s Office of Foreign Assets Control ("OFAC"), the United Nations Security Council, the European Union, HM Revenue



and Customs (United Kingdom) or other relevant sanctioning authorities of the OFAC and the Blocked Persons List, the OFAC's list of foreign sanctions evaders or other similar applicable legislation or regulations (hereinafter referred to as "Sanctions").

(ii) Neither it nor its subsidiaries, managers, agents, employees, affiliates and/or representatives purchase, obtain, acquire, invest in, sell, trade, hold, exchange or perform any activity, directly or indirectly in or involving any country or territory subject to sanctions.

(iii) Neither it nor its subsidiaries, managers, agents, employees, affiliates and/or representatives are involved in or will carry out transactions in relation to financial resources, assets, goods, capital or derivative securities, arising from, possessed, held or owned by any entity or person subject to sanctions.

Moreover, the signatory guarantees and declares that:

Neither it nor its subsidiaries, managers, agents, employees, affiliates and/or representatives are involved in or infringe any of the prohibitions and obligations included in the following environmental instruments: the 1992 Convention on Biological Diversity; the Convention on Biological Diversity of 12 October 2014; the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) of 3 March 1973; the Minamata Convention on Mercury of 10 October 2013; the Stockholm Convention on Persistent Organic Pollutants of 22 May 2001 (COP Convention); the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Pesticides and Chemicals in International Trade (UNEP/FAO) of 10 September 1998; Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury; Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants; the Montreal Protocol on Substances that Deplete the Ozone Layer of the Vienna Convention for the Protection of the Ozone Layer; the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989 (the Basel Convention); Regulation (EC) no. 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste; the Convention for the Protection of World Cultural and Natural Heritage of 16 November 1972 (World Heritage Convention); the Convention on Wetlands of International Importance especially as Waterfowl Habitat of 2 February 1971 (Ramsar Convention); the International Convention for the Prevention of Pollution from Ships of 2 November 1973, amended by the 1978

Protocol (MARPOL 73/78) and the United Nations Convention on the Law of the Sea of 10 December 1982 (UNCLOS), or any others that may be approved to preserve and protect the environment.

The undersigned acknowledges that any infringement of the provisions of the Code may give rise to legal action that includes, but is not limited to, the suspension or termination of the contractual relationship without the right to any compensation, reporting to the authorities, or a claim for any loss or damage caused by this infringement.