



MISCONDUCT REPORTING POLICY

A Message from the SMA Managing Board

We, the SMA Managing Board, are committed to high standards of ethical conduct and good corporate governance, which are fundamental to our corporate values – trust, team spirit and performance – and to our culture of integrity. Countering misconduct is a critical part of this commitment.

In order that SMA can take action against wrongdoing as quickly as possible, we encourage employees and business partners to report instances of unethical, unlawful or improper conduct through one of the internal reporting channels described in this Policy.

We are committed to the process by which any concerns raised under this Policy are reviewed in an impartial, fair and objective manner, and reporting persons are granted legal protections.

To be clear, anyone who makes a report in good faith may do so without fear of retaliation, intimidation or disadvantage.

We believe that encouraging reporting under this Policy and protecting reporting persons advances the long-term interests and goals of SMA and its stakeholders.

This Policy is consistent with, and supports, our Employee and Business Partner Codes of Conduct. It is effective as of **September 20, 2021**.

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1. Purpose & Scope

This Policy describes how reports of confirmed or suspected violations of SMA policies, applicable laws or misconduct are reported and processed.

This Policy covers all employees (including directors, officers, temporary workers, interns) and external persons (including suppliers, customers or other business partners) who wish to report misconduct to SMA (hereinafter "Reporting Persons"). It applies to SMA Solar Technology AG, its subsidiaries and affiliated companies (hereinafter "SMA").

2. Reportable Conduct

Reporting Persons may make a report if they have reasonable grounds to suspect improper conduct (i.e. they are reporting in *good faith*). Reporting Persons do not need to be certain that misconduct has occurred or be able to provide definitive proof of misconduct. Reportable conduct may include but is certainly not limited to any actual or suspected:

- a) Dishonest, fraudulent or corrupt conduct,
- b) Misleading or deceptive conduct,
- c) Conduct that may cause financial loss to SMA, damage SMA's reputation or otherwise be detrimental to SMA's interests,
- d) Unethical or other improper conduct including breaches of SMA's policies, including the Employee and Business Partner Codes of Conduct,
- e) Conduct that breaches work, health or safety laws,
- f) Conduct that may represent a danger to the public, and
- g) Other illegal conduct (such as theft, violence or threatened violence and criminal damage against property).

Reportable conduct does not include personal work-related grievances. Generally, these are grievances in relation to an employee's employment, or former employment, that have (or tend to have) implications for the employee personally and do not have broader implications for SMA. Examples include personal conflicts in the workplace and decisions made in relation to employment (e.g. promotions, disciplinary actions). Employees are encouraged to report personal work-related grievances to their manager or Human Resources at SMA.

3. Making a Report

An internal process has been put in place at SMA, offering Reporting Persons several internal channels of communication to make reports of non-compliance or misconduct. SMA encourages reporting through the open and transparent internal channels; however, an anonymous internal channel is also available.

SMA employees are obligated to take action when confronted with (potential) violations of applicable laws or SMA policies, such as by confronting the violator or reporting the violation to a manager or Group Compliance. The company encourages its employees to make reports through internally offered channels. These channels include:

- Reporting openly to a direct supervisor or another member of management
- Reporting openly to a member of the Group Compliance team, either directly or through the SMA Compliance Helpline:
 - Email: Compliance@SMA.de
 - Telephone (Germany): +49 561 9522 424242
- Reporting anonymously to the Group Compliance team through the SMA Speak-Up Line (more information about this system can be found in the *SMA Speak-Up Line User Guide & FAQs*).

External parties may submit a report of misconduct involving SMA by contacting the Group Compliance team through the SMA Compliance Helpline (Compliance@SMA.de or +49 561 9522 424242) or leaving an anonymous report through the SMA Speak-Up Line (more information about this system can be found in the *SMA Speak-Up Line User Guide & FAQs*).

Managers who receive a report of misconduct may contact the Group Compliance team for support, if needed. For reports made to the Group Compliance team (either through the SMA Compliance Helpline or the SMA Speak-Up Line), Reporting Persons will receive an acknowledgement of receipt from Group Compliance within seven days and feedback within three months.

Note: Although it is the Reporting Persons' right to make reports of misconduct through externally available channels (e.g. a government agency), SMA strongly encourages reporting through the internally available channels mentioned above in order that SMA may take swift corrective action to remedy the reported misconduct.

4. Anonymity

SMA will not require the identification of Reporting Persons before receiving a report. As mentioned above, the SMA Speak-Up Line may be used to make guaranteed anonymous reports. However, though anonymity is possible, SMA still encourages Reporting Persons to make their reports openly, giving their name. Open reporting makes for a more effective investigation process and helps ensure protection and support is provided to Reporting Persons. Therefore, SMA makes no guarantee that an investigation will take place if such an investigation proves impossible without knowing the Reporting Persons' identity.

All reports, regardless of the channel of communication, are treated in confidence and Reporting Persons have the option to remain anonymous. The person receiving the report through an open channel of communication will simply not pass the Reporting Persons' name on to other involved departments. For example, if an employee makes a report to the Group Compliance team over the SMA Compliance Helpline and requests anonymity – his or her name will not

be included in any documentation regarding the case, nor will the name be passed on to other involved departments (e.g. Corporate Audit) or to management. Unauthorized disclosure of the Reporting Persons' identity will be a breach of this Policy and will be dealt with under SMA's disciplinary procedures. Employees will always benefit from legal protection, even if the report was made anonymously.

5. Investigation

Investigation processes will vary depending on the nature of the reportable conduct being investigated.

SMA will assess all reports made under this Policy as soon as practicable after a matter has been reported. Where an assessment is made that the conduct is within the scope of this Policy, an appropriate investigator will be appointed. An investigator may be internal to SMA or may be an external service provider.

Investigations are intended to be carried out in a timely manner and be objective, fair and independent of Reporting Persons and persons who are the subject of the report or any functions to which the report relates. Investigators will keep appropriate records including of all interviews conducted and information received which affect the outcome of the investigation. Together, all of this documentation becomes the non-compliance case file.

In addition to receiving and assessing reports, the Group Compliance team will protect and support Reporting Persons, will support members of management who may receive reports, may act as investigator of the report and will review any reports of detrimental treatment or concerns that the report has not been dealt with in accordance with this Policy.

Non-compliance investigations and reports of non-compliance are reported regularly by the Group Compliance team to the SMA Compliance Board, which includes the members of the SMA Managing Board. The Compliance Board reviews all material matters reported under this Policy.

6. Protection of Reporting Employees

SMA is committed to respecting the rights and safeguarding the interests of reporting employees under this Policy and to ensuring that those employees who make good-faith reports are treated fairly and do not suffer detrimental treatment for making such a report. Detrimental treatment includes dismissal, demotion, discrimination, harassment, intimidation, harm or injury to a person, damage to a person's reputation or property or other unfavorable treatment. Detrimental treatment includes a threat (express or implied) to cause detriment. Any detrimental treatment of an employee for making a good-faith report under this Policy will be treated as serious misconduct and dealt with under SMA's disciplinary procedures. Reasonable actions that may be taken by SMA to protect a person from detriment or to ensure the integrity of an investigation will not be considered detrimental treatment.

When making a report, reporting employees must have reasonable grounds to suspect that the information is true. If an employee's report or assumption later turns out to be incorrect, the reporting employee will still qualify for protection as long as the employee reasonably believed the conduct was improper or the reported facts were true (i.e. made the report in *good faith*).

The right of reporting employees for protection against retaliation does not include immunity for unsatisfactory work performance or personal wrongdoing. Also, there will be no protection offered to reporting employees who make reports in bad faith. If an employee deliberately makes a false report under this Policy, it will be treated as serious misconduct. In such a case, the reporting employee will not have access to any of the protections referred to in this Policy.

7. Data Protection & Retention

SMA and Group Compliance will treat all information received in strict confidence, and all records relating to a report under this Policy will be kept securely. The privacy of both Reporting Persons and the subject(s) in the reports will be protected. Information will only be shared and access will only be given on a strict need-to-know basis. Reporting Persons will be able to check, rectify and agree to transcripts of conversations or recorded messages by signing them. If the SMA Speak-Up Line is used, information will also be accessed by staff or translators of the service provider - again, only on a need-to-know basis.

SMA complies with all applicable data protection rules. Please also see the separate Data Protection Notice for the SMA Speak-Up Line.