

Collection and processing of ethical complaints

January 2024

Executive summary

This Rule defines the system for collecting and processing complaints sent to the TotalEnergies Ethics Committee (the “System”).

The beneficiaries of the System are the authors of the complaints, either in the general interest or due to individual grievances. Complaints are made in good faith by the author and within a protective framework.

Either after having made a prior internal report or directly, the author of a complaint in the general interest may also send their complaint externally to a competent authority designated by the Member States of the European Union and, where appropriate, to the institutions, bodies, offices or agencies of the European Union.

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1. Purpose

As part of its risk prevention and transparency policy, the TotalEnergies Company (“TotalEnergies”) has set up a system for the collection and processing of ethical complaints received from its stakeholders. The purpose of this system is to encourage everyone to report situations and behaviours that are contrary to the TotalEnergies Code of Conduct.

This Rule defines the system for the collection and processing of ethical complaints transmitted to the TotalEnergies Ethics Committee (the “System”). The President of the Ethics Committee is the reference point for the System.

2. Reference documents and laws

The main reference document is the TotalEnergies Code of Conduct. With respect to subject of the ethical complaints and/or their country of origin, the applicable local laws are obeyed.

Refer also to Integrity Alert procedure.

3. Beneficiaries of the System

The System for collecting and processing complaints is open to all Company employees, as well as to external stakeholders, including individuals and legal entities (external collaborators, service providers, partners, etc.).

Beneficiaries may choose not to reveal their identity and to make an ethical complaint anonymously, provided that this does not prevent the processing of the complaint (see point 6).

This Company rule applies to all Complaints sent to the Ethics Committee, either directly or sent by the management or by a member of the country Ethics Officers network (see the diagram in Annex 1).

4. The subject of the ethical complaint

The beneficiaries of the System can make ethical complaints either in the general interest, or due to individual grievances, as defined below (hereafter collectively referred to as “Complaints”).

4.1 Within the framework of this procedure, **Complaints in the general interest** are defined as:

Complaints that consist of revealing **in good faith** an event of which the author is aware in the course of their professional activities or of which they are personally aware outside their professional activities. These facts may relate to one of the following subjects:

- a. a crime or an offence;
- b. a breach of an international commitment duly ratified or approved by France, a unilateral act of an international organisation adopted on the basis of such commitment, the law or the regulations;
- c. a threat or prejudice to the general interest;
- d. a serious abuse or a risk of serious abuse of human rights and fundamental freedoms;
- e. a serious damage or a risk of serious damage to the health or safety of persons, or to the environment.

Authors making a Complaint in the general interest are considered to be acting in good faith when they report information and/or facts that they reasonably assume to be true, even if it subsequently transpires that they were not.

In particular, the absence of direct financial compensation can be an indicator of the good faith of the authors making a Complaint in the general interest, for example the absence of any personal profit resulting from the Complaint, or more broadly, the absence of any personal benefit, advantage or vengeance that could result from their Complaint, which is intended to protect the general interest.

4.2 Within the framework of this procedure, **an individual grievance** is defined as:

Complaints made in good faith concerning a behaviour contrary to the TotalEnergies Code of Conduct and that directly impacts the author of the Complaint.

Authors expressing individual grievances are presumed to be acting in good faith when they report facts enabling them reasonably to believe that the reported information is true, even if it subsequently transpires that it was a mistake.

5. Transmission of the complaint

5.1 Complaints can be made through several channels:

Complaints of general interest: TotalEnergies invites the authors of Complaints in the general interest to make their Complaint using the most appropriate channel, either to their management, HR manager, the local Compliance Officer or their country Ethics Officer. The authors can also contact the Ethics Committee in writing.

Ethics Officers, HR managers and TotalEnergies Managers must escalate all Complaints in the general interest (point 4.1) as quickly as possible to the Ethics Committee in writing and inform the authors accordingly. The Ethics Committee decides on how these Complaints are treated.

Individual grievances: It is recommended that individual grievances are processed locally. TotalEnergies invites the authors of individual grievances to contact their hierarchy, HR manager, local Compliance Officer or Ethics Officer of their country, as they deem most appropriate. The author may also send their individual grievance in writing directly to the Ethics Committee as they deem necessary.

The complete list of Ethics Officers is available and regularly updated on the Ethics Committee page of the Company's intranet.

For direct contact with the Ethics Committee the main channel is the e-mail address: ethics@TotalEnergies.com. However, a Complaint can also be sent by mail¹ (in a closed envelope) sent to the President of the Ethics Committee.

5.2 In their Complaint, the author should describe the situation as objectively and in as much detail as possible.

For the Ethics Committee to process the Complaint efficiently, the authors should describe as precisely as possible:

¹Ethics Committee, TotalEnergies SE, 2 place Jean Millier, La Défense 6, 92400 Courbevoie

- (a) when and how they became aware of the reported situation;
- (b) when available, the facts, information or documents, irrespective of their form or medium, that support the Complaint;
- (c) the means to enabling exchanges with the Ethics Committee, (for example, an email address, a mobile phone number or other), where appropriate;
- (d) where relevant, any possible impacts that the Complaint could have.

No Complaint made under the System may report facts, information or documents protected by national defence secrecy, medical secrecy, client-attorney privilege or the secrecy of the investigation or the secrecy of judicial proceedings.

6. Processing the complaint

- 6.1 As soon as the Ethics Committee receives the complaint, it informs the author of the complaint in writing, unless they cannot be contacted, of the receipt of the complaint within 7 working days from such receipt. The Ethics Committee also provides them with information on how to process their personal data and how to exercise their rights over their data.
- 6.2 Every Complaint must pass an admissibility test. This test is a verification whether it meets the definition of a Complaint as per this procedure. The author of the Complaint may be asked to provide additional information during this phase.

If, even before the end of its investigations, the Ethics Committee believes that the author of the Complaint needs protection, because they have reason to believe that their safety or health may be in danger, measures are taken to protect the author as soon as possible, in order to avoid exposure to a potential risk.

Complaints that are already the subject of a judicial or administrative proceedings or investigation are not admitted under the System.

Anonymous Complaints are admissible, provided they relate to one of the subjects mentioned in point 4, and they contain facts or information that are sufficiently serious and detailed to launch an investigation. Where appropriate and possible, the author of the Complaint will be contacted. If information missing to pursue the investigation cannot be retrieved, the Complaint will be considered inadmissible and will be closed.

If the Complaint is not admissible, it is closed, and its author is informed in writing within **20 working days**. This specifying the reasons for the inadmissibility. The period may be extended if translation or a more in-depth preliminary analysis is necessary.

All Complaints considered admissible under the terms of this System (the "**Complaints**") become the subject of a more in-depth investigation by the Ethics Committee or by persons mandated by the Committee in accordance with point 7 "Confidentiality" below.

- 6.3 When the Complaint relates to fraud, corruption or influence peddling, the case is transferred to the Branch Compliance Officer by the Ethics Committee, and the CCO (Chief Compliance Officer) is informed. In this case, the complaint will be processed according to the terms of the Company Rule "Integrity Alert Procedure".

The Ethics Committee will nevertheless keep track of the case and inform the author.

- 6.4 As soon as the Complaint is considered admissible, the Ethics Committee informs the person(s) **who are the subject of the Complaint** of the:
 - (a) nature of the Complaint in question;
 - (b) purpose of the processing of the personal data;
 - (c) identity of the investigator;
 - (d) means of exercising their rights over their own data (point 8).

If provisional measures are required to prevent evidence from being destroyed, or a pre-investigation is necessary, or if measures are required to protect the author of the Complaint, this notification will be given after any such measures have been taken.

- 6.5 In the processing phase, the author may ask to be represented or assisted by a third party, provided that party first signs a strict confidentiality and non-disclosure agreement.
- 6.6 Where the Complaint is admissible and is a Complaint in the general interest, the author shall be informed in writing, within a reasonable period not exceeding **three months** from the acknowledgement of receipt of the complaint, of the measures contemplated or taken to assess the accuracy of the allegations and, where appropriate, to remedy the subject matter of the complaint.
- 6.7 The author of the Complaint and the person(s) against whom the Complaint is made are informed in writing when the investigation is closed. As far as possible, they are also informed of the conclusions of the investigation. Compliance with legal obligations or the need for confidentiality or protection of individuals may sometimes prevent precise details of the Complaint, its processing or the measures taken, from being revealed.

7. Confidentiality

On receipt of the Complaint, the Ethics Committee invites the author(s) to disclose their identity in order to facilitate the investigation. The Ethics Committee agrees to respect the confidential nature of the data and to refrain from revealing the identity of the author(s) without their consent. If the wish of the author(s) to remain anonymous or to keep their identity or information that may identify them confidential, prevents the investigation from proceeding, then they will be informed accordingly.

The Ethics Committee agrees to refrain from disclosing the identity of the author to any persons, other than those who need this information to investigate the case, and **with the express consent of the author**.

All the persons involved in or consulted as part of the processing of a Complaint personally agree to honor a strict confidentiality agreement (see annex 2).

TotalEnergies may be required to disclose to the judicial or administrative authority the identity of the author of a Complaint under the conditions provided for by the applicable law. In this case, the authors of the Complaint are informed before their identity is disclosed to the competent authority, unless such information would jeopardise the relevant investigations or proceedings.

Subject to the applicable legislation, the content of the Complaint will be destroyed or archived at latest two months following the closure of the processing of the Complaint or if the Complaint is not admissible. Personal data in Complaints of general interest will be anonymized prior to archiving where, if the author, the third parties mentioned in it or/and the party being the subject of the Complaint are physical persons. If the Complaint results in disciplinary or legal proceedings, the content of the Complaint will be kept until the authorities close the case, and then archived in accordance with the TotalEnergies Document Retention Policy.

The conservation of the files pertaining to fraud, corruption and influence peddling and conflicts of interest, processed by the Branch Compliance Officer (point 6.3), will be taken care of by the Branch Compliance Officer according to the conditions set forth in the Company rule "Integrity Alert Procedure".

All Complaint files (whether an individual grievance or a Complaint in the general interest) received by the Ethics Committee are destroyed no later than five years after the closure of their processing.

8. Protection of personal data

The System requires the Ethics Committee to process personal data in order to fulfill the Company's legal obligations or because of its legitimate interest in ensuring compliance with its Code of Conduct, in accordance with the laws and regulations applicable to the protection of personal data.

The personal data collected as part of the System are only communicated by the Ethics Committee within the Company to the people specifically mandated to manage Complaints and for the sole purpose of their verification and processing.

In this context, The Ethics Committee can also allow access to personal data by some of its service providers, for the sole purpose of participating in the processing of Complaints, according to the instructions given by the Company and in accordance with the applicable rules on the protection of personal data and with the System, in particular regarding confidentiality (point 7).

Before transferring any data outside the European Union, TotalEnergies undertakes to take the measures required to control those transfers and to provide a suitable degree of protection for transferred personal data, in particular by establishing Binding Corporate Rules or by signing standard contractual clauses approved by the European Commission with the receiver of the data. The persons concerned may request access to such mechanisms by contacting the Ethics Committee at the address mentioned below².

In accordance with the legislation applying to the protection of personal data within the European Union, any person whose personal data are collected and processed in the context of the System is informed accordingly, subject to any applicable provisional measures (point 6.4), and have the right to access, rectify and remove their data, as well as the right to limit the processing of those data. They also have the right to oppose the processing of their data for reasons related to their specific situation, and provided that the processing is not subject to a legal obligation. These rights are exercised by applying directly to the Ethics Committee (point 6)³.

If the persons concerned consider, after having contacted TotalEnergies, that their rights over their personal data are not respected, they may submit a complaint to the competent data protection authority.

9. Protection of persons having made/processed a complaint

No person or persons or legal entities connected to them shall be subject to, or threatened with, disciplinary sanctions, retaliatory or discriminatory measures, directly or indirectly, for having made a complaint in good faith or having participated in its processing. Their protection also applies to facilitators (individuals or not-profit legal entities) who assist the whistleblower in compliance with the applicable rules. Any person or facilitator who have been subject to reprisals for having made a Complaint or taking part in its processing as part of this System can inform the Ethics Committee accordingly.

² Comité d'éthique (Ethics Committee), TotalEnergies SE, 2 Place Jean Millier, La Défense 6, 92400 Courbevoie

³ Email address of the Ethics Committee ethics@totalenergies.com

10. Sanctions

Any abuse of the System may result in the application of sanctions or legal action by TotalEnergies.

The following acts can give rise to a sanction, including terminating the employment contract, and/or seeking compensation, depending on the case:

- making a slanderous Complaint or a Complaint in bad faith, or with the intention to cause harm;
- make a report in breach of confidential matters of national security, confidential medical information, client-attorney privilege or the secrecy of investigations or the secrecy of judicial proceedings;
- acting, or failing to take action, in order to obstruct a Complaint or its processing;
- breaching the strict obligation of confidentiality regarding the reception or processing of a Complaint;
- making reprisals or threatening to make reprisals against an author or a person taking part in the processing of a Complaint, or their relatives.

The use of the System is not compulsory, as per the French law n°2016-1691 of December 9, 2016, known as Sapin II. Employees cannot be disciplined for not having used the System.

11. Derogations

This document is not subject to derogations.

12. List of appendices

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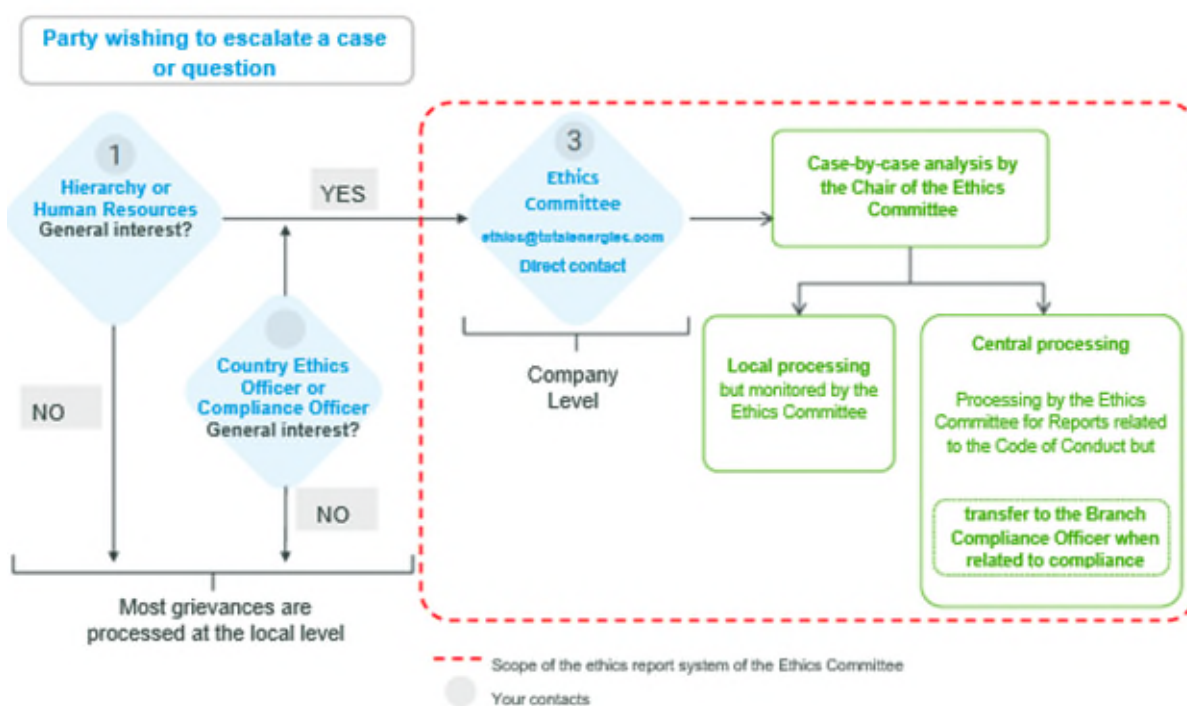
13. Distribution and effective date

The application of the rule which amends the one adopted in 2020 to take account of legislative changes, is effective from the date of publication in REFLEX or, where applicable, after information and consultations with the required employee representative bodies in the countries.

Annex 1 Schematic representation of the System

Collection and processing of complaints by the Ethics Committee

- Accessible procedure for all stakeholders of the Company
- Authors of complaints can address their concerns to different levels of the organization
- Regardless of the point of entry, the Ethics Committee always decides how a complaint of general interest will be handled



Annex 2 Confidentiality undertaking

In favor of

TotalEnergies SE

Represented by the President of the Ethics Committee

By

Full name.....

I acknowledge that as a participant to the investigation of ethics complaint [reference of the case] I may have access to information which, if disclosed, could allow the person(s) raising the complaint or who are the object of the complaint to be identified, that such information is considered as confidential and I undertake to treat it as such, to keep it confidential and not to use it for any purpose other than investigation of the complaint.

I further undertake to inform the President of the Ethics Committee of any and all conflict of interest that may arise during the treatment of the complaint.

Signed in two originals (one for the President of the Ethics Committee)

Signature:.....

Name:.....

Date:.....

Receipt acknowledged by President of the Ethics Committee

Signature:.....

Date:.....

End of the document

Signed original version