



# Anti-Bribery Policy

APL DATA CENTER

## **APL DATA CENTER**

106 avenue Marx Dormoy  
92120 MONTROUGE

Tél : 01 46 94 91 00

## PREAMBLE

### APL DATA CENTER MANAGEMENT'S COMMITMENT

Since its creation, APL Data Center has operated within a framework of respect and ethics, both with its customers and its partners.

By implementing an anti-bribery policy, APL DATA Center is enshrining these values, with the aim of ensuring transparency and preventing risks.

The anti-bribery policy is intended for all APL Data Center staff, to give them the keys to preventing or dealing with potentially risky situations encountered in the course of their work.

Company personnel are expected not only to comply with laws and regulations, but also to act in accordance with the principles and obligations of this policy with integrity, loyalty and honesty. Our company has a zero-tolerance policy with regard to fraud and corruption.

The anti-bribery policy is not intended to be exhaustive and, by definition, cannot deal with every situation that may arise. It does, however, provide a framework and specify the practices that each of us must implement when faced with situations that may, directly or indirectly, have an impact not only on our employees and those around them, but also on our company.

The anti-bribery policy must be shared with third parties, in particular suppliers, partners, customers, service providers and advisers of APL Data Center. This policy is therefore intended to be shared with them so that everyone can participate in a joint approach based on transparency, ethics and integrity.

The fight against bribery therefore concerns everyone, employees and partners alike. It is up to each and every one of us to anticipate risky situations on a daily basis, and to know how to react appropriately to any issue that might be unethical.

Any breach of these rules will be subject to sanctions (disciplinary, civil and/or criminal).

**Tristan Richard**

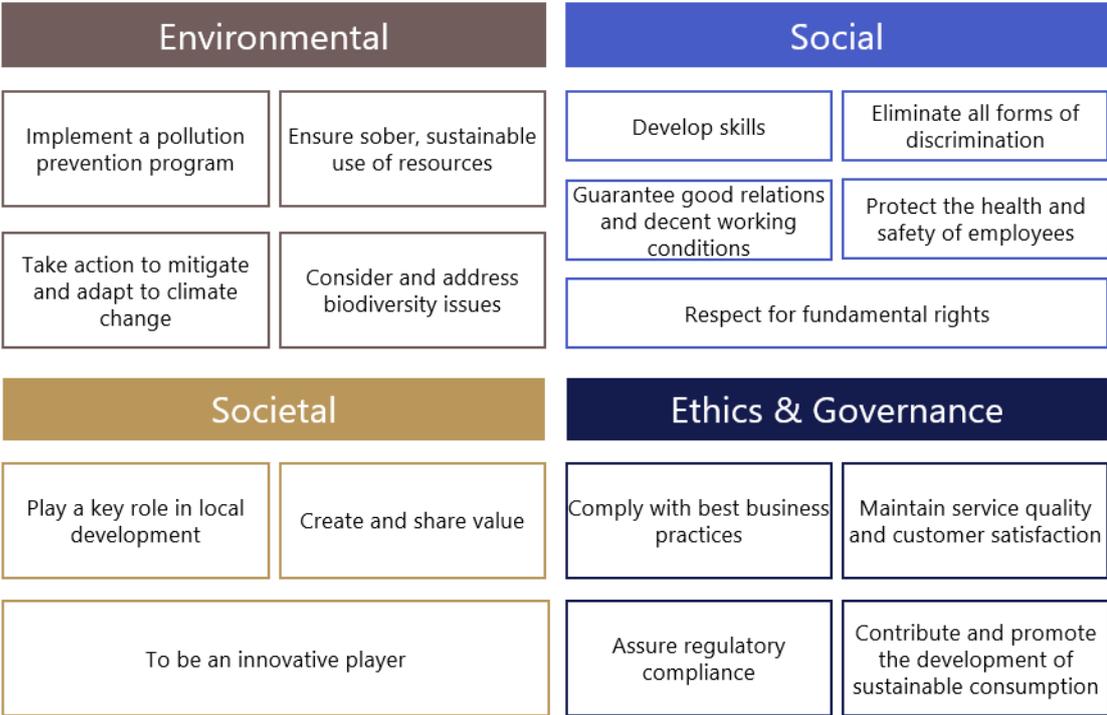
CEO

# I. PREAMBULE

As a reminder, APL Data Center’s CSR challenges are based on 4 pillars:

- Environmental
- Social
- Societal
- Ethics & Governance

## APL Data Center’s CSR pillars



These CSR issues are at the center of APL Data Center's strategy, with a dual approach in all situations:

- Direct impact of APL Data Center due to its own operations
- APL Data Center's indirect impacts: how to meet the CSR challenges and expectations of our own customers and stakeholders.

It is within the framework of the 4th pillar of its CSR strategy that APL Data Center has drawn up and adopted this anti-corruption policy.

## II. SCOPE OF THE ANTI-BRIBERY POLICY

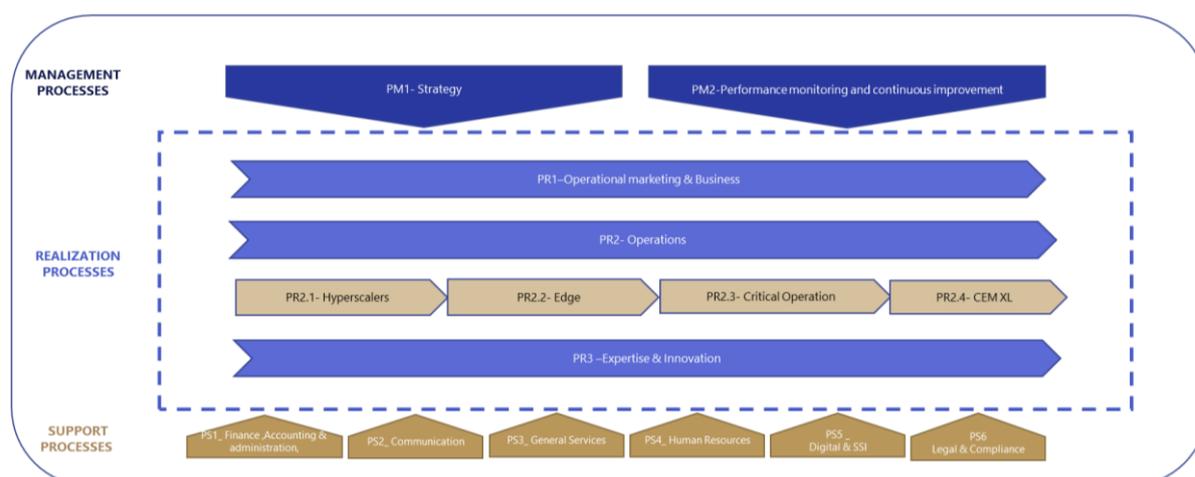
The anti-bribery policy applies to all APL Data Center's activities including:

- Project Management Assistance
- Design Project Management
- Project Management & Execution
- Turnkey
- Operation & Maintenance
- Training



This policy is also applied to all processes:

- Strategy Management
- Performance Monitoring & Improvement
- Operational marketing and business
- Operations
- Expertise and innovation
- Administration, Accounting, Finance,
- Communication,
- Corporate Services,
- Information System,
- Legal & Compliance



The anti-bribery policy applies in all countries where APL Data Center operates.

The anti-bribery policy applies to all employees, including occasional employees of APL Data Center, as well as to suppliers and/or subcontractors and partners. The policy is therefore intended to be shared with them so that everyone can participate in a joint approach based on transparency, ethics and integrity.

### III. HOW DO YOU IDENTIFY REPREHENSIBLE ACTS?

#### III.1. What is bribery?

The term "bribery" means (i) an offer, gift, request, receipt, facilitation, authorization of any act of bribery, or any inducement contrary to law or regulation, which confers a personal gain or advantage on a person - whether a private individual or a public official (or any person or organization associated with that person) - and which is intended to influence that person's decision or action unlawfully, (ii) any form of trading in influence and (iii) any behaviour which would be considered as an act of corruption under the applicable laws and regulations.

There are two types of corruption: active corruption (bribing) and passive corruption (being bribed):

- **Active bribery** which consists of promising, offering or giving, directly or indirectly, an undue advantage of any kind to any private or public person, for himself or for another person or entity, so that, in breach of his legal, contractual or professional obligations, he performs or refrains from performing an act.
- **Passive bribery** which consists, for any private or public person, in soliciting or accepting, directly or indirectly, an undue advantage of any kind, for himself or for another person or entity, in order to perform or refrain from performing an act in breach of his legal, contractual or professional obligations.

## III.2. What is influence peddling?

Influence peddling differs from bribery (which involves a bribe-taker situation) in that it applies to a triangular relationship in which a person, whether a public official, a public service employee or an elected official, who has real or supposed influence over certain people, "exchanges" this influence for an advantage provided by a third party who wishes to take advantage of this influence.

In the case of influence peddling, **the three people involved (the beneficiary, the intermediary and the target whose decision is influenced) are liable to punishment.**

## III.3. What is a conflict of interest?

Conflict of interest is defined as the fact that a person carrying out a professional activity is placed, or places himself, in a situation that may **give rise to doubts about the motives and meaning of his decisions.**

Any situation that may give rise to reasonable doubt **as to a professional's impartiality, objectivity and independence** exposes him or her to a potential conflict of interest.

A conflict of interest arises when interests other than those of APL Data Center are likely to interfere with a decision or position to be taken (or not taken) and call into question its impartiality, independence or neutrality.

These situations may involve (but are not limited to) "personal" conflicts of interest. This type of conflict of interest arises from a situation in which the professional has, on a personal basis, interests that could influence or appear to influence the way in which he carries out the duties and responsibilities entrusted to him.

APL Data Center' employees must therefore be particularly vigilant to avoid situations in which it appears, or is proven, that a personal interest has influenced (or will influence) the behaviour of the employee in the performance of his or her duties.

Such behaviour may result in disciplinary action being taken against the employee, as well as civil and criminal penalties where appropriate.

In France, the penalties for bribery and trading in influence are as follows:

COMPANY		INDIVIDUAL	
Principal penalties	Additional Sentences	Principal penalties	Additional Sentences
Up to €5 million fine or double the proceeds of the offence	Forfeiture Prohibition to operate Closure Dissolution Exclusion from public contracts Exclusion from concession contracts Compliance programme Publication of the decision	Up to 10 years' imprisonment and a €1 million fine	Forfeiture Prohibition from practising

### III.4. How do I manage gifts and invitations?

Gifts and invitations can take a variety of forms:

- Invitation to the restaurant,
- Invitation to a trade show,
- Invitation to a sporting or cultural event,
- Gift,
- Invitation to travel.

Gifts and invitations can be given to :

- The company,
- One of his employees.

Gifts and invitations are not prohibited in principle, and are part of business life. However, gifts and invitations may constitute an act of corruption when their purpose is to determine the performance or non-performance of an act by a person, in disregard of their legal, contractual or professional obligations.

It is important to remember that:

- Offering a gift and/or invitation may constitute an act of active bribery.
- Offering a gift and/or invitation to a public official so that they use their real or supposed influence to obtain an advantage constitutes active influence peddling
- Accepting or requesting a gift and/or invitation may constitute an act of passive bribery
- Accepting or soliciting a gift and/or invitation from a public official constitutes passive influence peddling.
- The granting or acceptance of a gift and/or invitation may constitute a conflict of interest.

APL Data Center does not prohibit gifts and invitations in principle.

In all cases, and for more than one (1) gift and/or invitation per year, the information must be systematically forwarded by email to the employee's manager and/or the Legal, CSR & Compliance Director.

If employees have any questions and/or doubts about the conditions under which gifts and invitations are offered or received, they can contact their manager and/or the Legal, CSR & Compliance Director.

The following non-exhaustive list of warning signs calls for particular vigilance:

- An unreasonable/disproportionate amount of the gift or invitation;
- The gift or invitation is repeated (not the 1st time in a short span of time);
- The gift or invitation comes from or is made to a person with a special status, for example representatives of the State and/or French or foreign administrations and authorities;
- The gift or invitation takes place during a particular period, for example during a call for tenders, a contract negotiation by mutual agreement, or the closing of accounts.

APL Data Center staff must be equally vigilant if gifts and invitations are offered or accepted by a spouse or family member.

### III.5. Facilitation payments

In addition to gifts and invitations, there may also be "facilitation payments".

These are illegal or unofficial payments made to a person, often a public official, in order to obtain or accelerate the completion of a formality or procedure.

These payments are a form of corruption and are strictly prohibited by both APL Data Center and the law.

## IV. WHAT TO DO IF YOU BECOME AWARE OF A HIGH-RISK SITUATION?

APL Data Center has set up a whistleblowing mechanism to detect internal malfunctions, in accordance with current legislation, and to promote their resolution.

The introduction of the whistleblowing mechanism has a number of objectives, including to:

- Guarantee protection against any possible reprisals if the report is made in good faith;
- Undertake to ensure that any reported concerns are investigated in detail, and that, following investigations, action is taken if necessary.

Concerns that may be reported under the whistleblowing mechanism may relate to a variety of issues, such as illegal behavior, financial malpractice or a dangerous situation (for the company and its employees, for the public or for the environment).

***For more information and details, please refer to the document entitled "Whistleblowing mechanism - Guide and procedure".***

If you have any questions or doubts, please contact:

- Your direct manager or second level manager, and/or
- YourLegal, CSR & Compliance Director
- Your Human Resources Director

## V. WHICH PROCEDURES AND TOOLS TO COMBAT CORRUPTION?

### V.1. Anticipating risk (through third party assessment) and monitoring

Employees who work with third parties (customers, intermediaries, suppliers and service providers, etc.) must ensure that they not only have the required qualifications, but also that they meet strict conditions of integrity and ethics.

The procedures for evaluating these third parties (proposed internally by APL Data Center) must therefore be implemented as far upstream as possible by employees, in order to evaluate and qualify the risks of corruption potentially raised by these third parties. Subsequent controls must also be put in place.

APL Data Center also keeps financial records and implements internal controls to justify payments made to its partners.

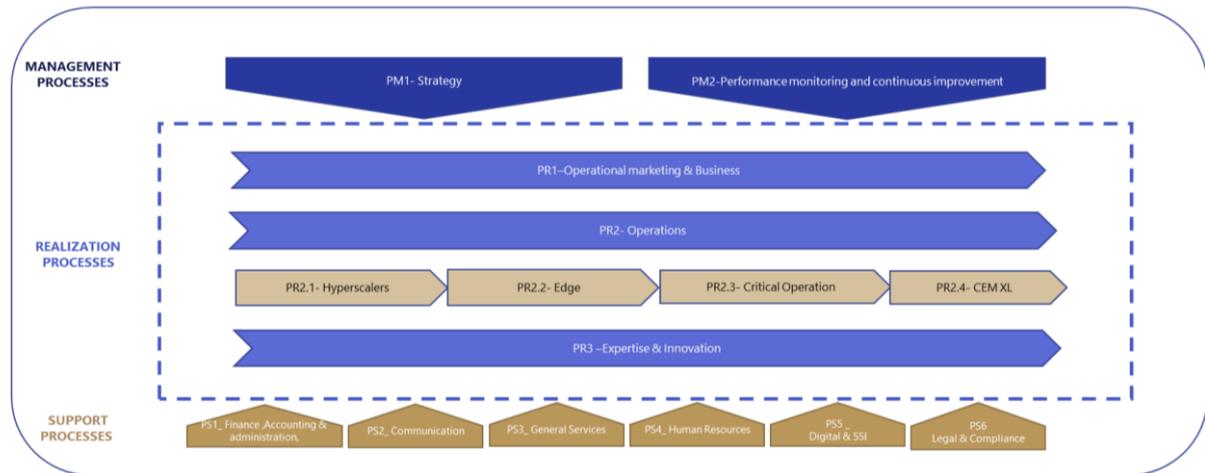
All employees must ensure that all their claims for reimbursement relating to invitations, gifts or expenses incurred in respect of their partners are ethical and specifically state the reason for the expense and specify the beneficiary.

All accounts, invoices, memorandums and other documents and records relating to relationships with partners such as customers, suppliers and business contacts must be filed and retained.

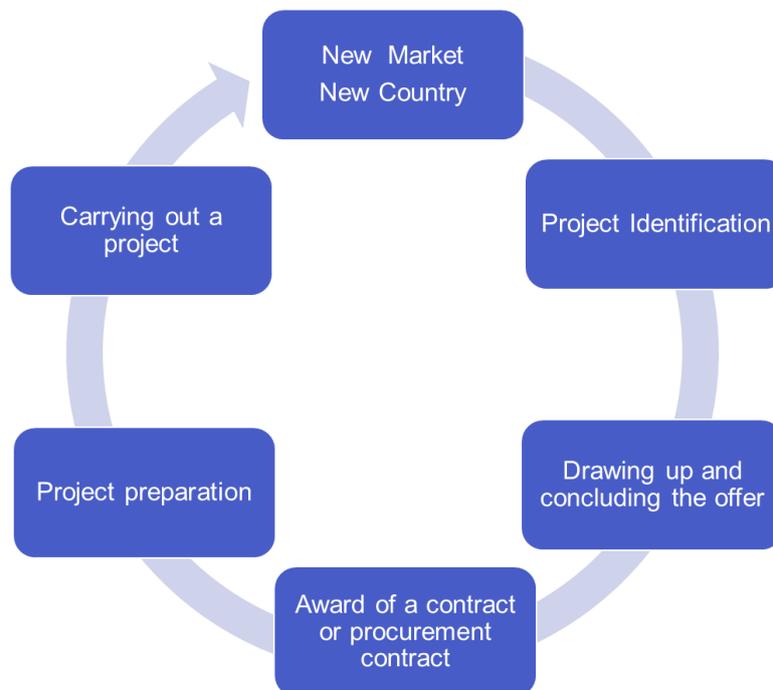
### V.2. Risk Mapping

APL Data Center has set up a corruption risk map, the aim of which is to analyze, in an objective and structured manner, the corruption risks to which the company and its employees are exposed in the course of their activities, using 2 approaches:

**Process Approach:**



**Project lifecycle Approach:**



*Project Lifecycle Approach*

### **V.3. Training and awareness-raising**

APL Data Center has set up an anti-corruption training program for all employees. It should enable everyone to regularly reflect on the best practices and methods in order to anticipate and mitigate the risks associated with high-risk situations.