

The background image is a composite of two scenes. The left side shows the silhouettes of three people (two men and one woman) standing on a modern staircase with a glass railing, looking towards each other. The right side shows a close-up of a clock tower with a red-tiled roof and a large clock face, set against a bright sky.

Code of Conduct of Stadtwerke München

You can rely on Stadtwerke München.

We respect the law.

We assume responsibility for compliance with laws and regulations.

We do not tolerate corruption or other unfair business practices.

We compete fairly and comply with the applicable legislation.

We act in the interest and for the benefit of the SWM companies¹.

We take decisions with the requisite diligence.

We pursue a transparent and verifiable approach to donations and sponsorship.

We collect, process and use personal data only if permitted.

We use the assets and property of the SWM companies for business purposes only.

We avoid conflicts of interest.

We observe our confidentiality obligations.

¹ The Code of Conduct applies to Stadtwerke München GmbH, SWM Services GmbH, SWM Infrastruktur GmbH & Co. KG, SWM Infrastruktur Verwaltungs GmbH, SWM Versorgungs GmbH, SWM Kundenservice GmbH, Münchner Verkehrsgesellschaft mbH (MVG) and SWM Gasbeteiligungs GmbH.

Contents

Introduction	5
1. Scope of application and objective	6
2. Principles of conduct.....	8
2.1. We respect the law	9
2.2. We draw attention to violations of laws and rules	10
2.3. We assume responsibility for compliance with rules and regulations.....	11
2.4. We act in the interests and for the benefit of the SWM companies	12
2.5. We adopt a cooperative and partnership-oriented approach	13
2.6. We take decisions with the requisite diligence.....	14
2.7. We acknowledge our responsibility for the environment and society	15
3. Use of the assets and property of the SWM companies.....	16
4. Conflicts of interest.....	20
4.1. We avoid conflicts of interest	21
4.2. We do not place private orders with companies we deal with within the framework of our professional work for the SWM companies	22
4.3. We and our relatives do not enter into entrepreneurial business relations with the SWM companies.....	24
4.4. We do not compete with the SWM companies	26
4.5. We do not use insider information for private purposes	27
4.6. We notify the SWM companies in writing of any remunerated secondary occupations and comply with the guidelines.....	28
4.7. We avoid decisions relating to relatives	29
4.8. We maintain a distance from business relationships with (former) employees.....	30
5. Dealing with customers, business partners and other third parties.....	32
5.1. We do not tolerate corruption or other unfair business practices	33
5.2. We compete fairly and comply with the applicable legislation	34
5.3. We pursue a transparent and verifiable approach to donations and sponsorship	36
5.4. We examine any concessions very carefully.....	38
5.5. We conclude consulting agreements only if the fee is reasonable for the services to be performed	40
6. Handling of information.....	42
6.1. We observe our confidentiality obligations.....	43
6.2. We collect, process and use personal data only if permitted	45
6.3. We respect the independence of the media and politicians	46
7. Compliance with the Code of Conduct and sanctions	48

Introduction

For more than 100 years, the residents of Munich have placed their trust in Stadtwerke München. Our services are an essential base for people's daily lives and the success of businesses in Munich and the surrounding region. We work on solutions to major challenges of our time and assume responsibility for people, resources and the environment. The values outlined in our corporate mission – customer orientation, economic efficiency, partnership, reliability and responsibility – form the basis of our actions.

Responsible behaviour and integrity are key prerequisites for our business success and appreciated by our business partners and customers. As a municipal utility, it is our duty to act as a role model. Even a single violation can cause us serious harm. The public's perception of Stadtwerke München is shaped decisively by each and every member of our staff. By aligning our actions to high ethical and legal standards, we create a spirit of trust, avoid conflict situations and protect the reputation of our company. Compliance, i.e. adherence to statutory regulations as well as internal corporate policies, is thus of great importance for Stadtwerke München.

In harmony with our corporate mission, this Code of Conduct contains binding rules and principles for legally correct, ethical and responsible behaviour on the part of the management and the employees of Stadtwerke München. Each individual is personally responsible for complying with the rules defined below. The Management Board and leaders in the organisation are role models in this respect.

A Code of Conduct can never provide conclusive answers to all situations. Employees should consult their direct line managers in case of doubt. Besides this, the Governance and Compliance unit is available to answer questions in connection with the Code of Conduct.

Dr. Florian Bieberbach Chief Executive Officer	Ingo Wortmann Director, Mobility	Helge-Uve Braun Director, Technology	Dr. Karin Thelen Director, Regional Energy Transition	Dr. Gabriele Jahn Director, Human Resources, Real Estate and Public Pools
---	---	---	---	--

1. Scope of application and objective



This Code of Conduct applies to all companies of the SWM Group within the meaning of the SWM Group Guideline² as well as to SWM Gasbeteiligungs Verwaltungs GmbH and SWM Gasbeteiligungs GmbH & Co. KG (hereinafter also called collectively **“SWM companies”** or **“SWM”** and individually **“SWM company”**). Efforts to ensure application of the principles laid down in this Code of Conduct will be made in companies outside of SWM in which an SWM company holds a direct or indirect participation (shareholdings).

The Code of Conduct is a group guideline containing the fundamental rules of conduct that all employees³ and members of management bodies of SWM companies shall adhere to. It is the primary compliance guideline, with more specific details being laid down in secondary instruments such as policies and works agreements.

² Upon adoption of this Code of Conduct, the relevant companies are Stadtwerke München GmbH, SWM Services GmbH, SWM Infrastruktur GmbH & Co. KG, SWM Infrastruktur Verwaltungs GmbH, SWM Versorgungs GmbH, SWM Kundenservice GmbH and Münchner Verkehrsgesellschaft mbH (MVG)

³ Unless differentiation seems necessary, the term “employee” is used alone in order to enhance readability. In such cases, this term includes the members of the management bodies of SWM companies (see above).

2. Principles of conduct

2.1. We respect the law

Laws, regulations and comparable instruments as well as internal regulations apply to the SWM companies and their employees in all areas of their business activities. The SWM companies are committed to unqualified compliance with legal requirements. Employees are obliged to observe all laws applicable to their areas of responsibility as well as external and internal guidelines.

Employees are obliged to observe all laws applicable to their areas of responsibility as well as external and internal guidelines.

2.2. We draw attention to violations of laws and rules

All employees are called upon to report potential violations of laws and rules to their line manager or the contact responsible in the company.

In addition, employees, business partners, customers, suppliers and other third parties can draw attention to potential violations via the whistleblower system of the SWM companies in the event of the suspicion of illegal business practices such as corruption, fraud, embezzlement, violations of antitrust law or similar infringements in relation to an SWM company. To submit such information, the Governance and Compliance unit (internal whistleblower contact) or, alternatively, an attorney who has been appointed as an external ombudsman can be contacted to report possible violations. Details are regulated in the group works agreement on the whistleblower system⁴.



CASE STUDY

You see a colleague repeatedly violate internal SWM guidelines and applicable legislation. You suspect that your line manager turns a blind eye to such conduct and would thus prefer to neither directly confront your colleague nor report your observations to your line manager.

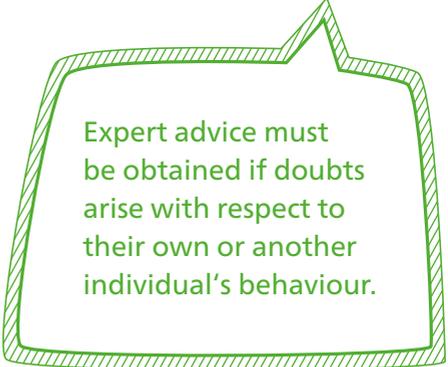
WHAT SHOULD YOU DO IN SUCH A SITUATION?

- ▶ Resort to the whistleblower system in place at SWM and report the incident as laid down in the applicable guidelines.

2.3. We assume responsibility for compliance with rules and regulations

All employees are personally responsible for compliance with rules and regulations in their areas of responsibility. Expert advice shall be obtained if doubts arise with respect to their own or another individual's behaviour.

All managers are role models and shall align their actions particularly to the principles laid down in this Code of Conduct. They promote compliance with rules and regulations on the part of their employees by providing regular information and training with respect to the duties and powers relevant to their line of work. Within the framework of their leadership tasks, managers take precautions to prevent unacceptable behaviour. In their respective sphere of responsibility, managers are responsible for preventing violations of rules that might have been averted or impeded through proper organisation or supervision. In the event of violations, they implement the measures required in the case in question (section 7).



Expert advice must be obtained if doubts arise with respect to their own or another individual's behaviour.

⁴ This can be found on the intranet under [Wissen und Tools > Rechtliches und Richtlinien > Betriebsvereinbarungen](#).

2.4. We act in the interests and for the benefit of the SWM companies

All employees gear their actions to the interests and benefit of the SWM companies. We always handle the assets of the SWM companies carefully and economically and safeguard the financial interests of the SWM companies (e.g. with regard to the assertion of legal and contractual claims, incurrance of obligations by the SWM companies or the provision of services and payments by SWM companies). The interests of the SWM companies take precedence over the interests of individual companies, business or organisational units. Favouring individual units at the expense of others is permissible only if this is beneficial for the SWM companies as a whole. Decisions regarding the economic efficiency of measures that affect other organisational units must also take the relevant follow-up costs for the other organisational units into account. In addition, we are duty bound to our owner, the state capital of Munich. We honour and respect democratic and municipal decisions and decision-making processes. We consider the interests of the state capital of Munich.



The interests of SWM take precedence over the interests of individual companies, business or organisational units. We take account of the interests of the city of Munich.

2.5. We adopt a cooperative and partnership-oriented approach

Across all units and hierarchies, dealings with each other are characterised by mutual esteem, collegiality, team spirit, professionalism and benevolence. The personal dignity, privacy and personal rights of each individual shall be respected. This also applies to employee behaviour towards external parties. Discrimination, harassment and insulting behaviour are unacceptable and will not be tolerated. Discrimination of employees or job applicants based on ethnic origin, social origin, skin colour, nationality, gender, religion or world view, disability, age or sexual identity is impermissible.

The statutory regulations on working time and freedom of association, the right to collective bargaining and the statutory vacation, sickness and termination regulations are observed. Agreed minimum wages and social standards are not undercut. The laws regarding the prohibition of child labour are observed.

Trust-based and close cooperation with the employee representatives, shaped by an open and constructive dialogue and mutual respect, is a key element of our corporate policy. Corporate co-determination is respected.

We also demand of our business partners that they respect human rights, ensure compliance with internationally recognised standards of labour and employee rights and ensure fair working conditions. We reinforce this approach with suitable processes and procurement strategies.

2.6. We take decisions with the requisite diligence

Decisions in the company are taken with the necessary requisite diligence. This means that decisions shall be prepared properly, taking account of all relevant decision-making options and their implications. Decisions shall be geared to the benefit of the SWM companies and shall not be determined by inappropriate influences and special interests. In the preparation of decisions, all requisite information on the relevant aspects shall be obtained, suitable involvement of all relevant internal functions or contacts shall be ensured, and their professional opinions shall be taken into account.



CASE STUDY

An employee is preparing to submit a major order. Due to his upcoming vacation, he is under considerable time pressure. He no longer has time to clarify tax-law and compliance-relevant issues of possible significance for order submission with the competent persons prior to commencement of his vacation. He is relying on his experience and is of the opinion that consultation with his colleagues would not change the outcome in any way and would thus be a mere formality.

IS THE EMPLOYEE ALLOWED TO SUBMIT THE ORDER WITHOUT INVOLVEMENT OF THE COMPETENT PERSONS?

- ▶ No. The employee must always clarify all issues relevant for the decision-making process in advance with the competent persons and involve these individuals in the process. To that extent, it does not matter whether or not their involvement would change the outcome in a specific case.

2.7. We acknowledge our responsibility for the environment and society

We are committed to an intact environment, the energy transition, clean drinking water and sustainable mobility. In the context of our business activities, we consider the effects on humans, the environment, nature and society. We campaign for environmentally friendly and healthy measures and expect the same of our business partners in the supply chain. Suitable procurement strategies and purchasing practices help us to consider sustainability in the supply chain as well. We encourage our customers to use energy and water efficiently and avail themselves of public transport services.



3. Use of the assets and property of the SWM companies

We use the assets and property of the SWM companies for business purposes only

The business assets and property of the SWM companies such as vehicles, tools, spare parts, office supplies, documents, computers, printers, copiers and data storage devices may be used for business purposes only and shall not be removed from the company's premises unless otherwise laid down in internal SWM policies. Employees are obliged to protect the property of the SWM companies against loss, theft and misuse.





CASE STUDY 1

An employee is preparing a lecture he will hold outside his working hours. He prints out the handouts for the private event at the expense of SWM. For enhanced presentation of his documents, he takes a beamer owned by SWM home with him.

IS THIS EMPLOYEE ACTING CORRECTLY?

- ▶ No. The employee is using and removing business assets of SWM for purely private purposes. Unless SWM has expressly permitted this, the employee is violating the applicable Code of Conduct and, hence, his duties under his employment contract.

CASE STUDY 2

You are moving with your family and would like to transport a number of bulky pieces of furniture.

CAN YOU SIMPLY USE AN SWM TRANSPORTER TO HAUL THE FURNITURE?

- ▶ No. SWM vehicles are reserved solely for business purposes by SWM and may not be used for any other purposes. If you wish to use a vehicle for private purposes, please inform yourself about existing possibilities for private rentals.



4. Conflicts of interest

4.1. We avoid conflicts of interest

Employees' private interests shall be separated from the company's interests in order to avoid potential conflicts of interest. Such conflicts arise when employees pursue their own activities or personal interests to the detriment of the interests of the SWM companies. Employees shall disclose all personal interests that might relate to the performance of their professional tasks to their line manager in writing. Conflicts of interest can arise not only when personal interests are affected. The interests of relatives or other affiliated persons shall also be taken into account.

Work/private life balance and the assertion of employee rights arising from the law, collective-bargaining agreements, works agreements or employment contracts remain unaffected by this. In particular, the following regulations shall be observed.

Employees must disclose all personal interests that might relate to the performance of their professional tasks to their line manager in writing.

4.2. We do not place private orders with companies we deal with within the framework of our professional work for the SWM companies

Employees shall not place private orders with companies they deal with professionally in their work for the SWM companies to perform private services and shall not do so via relatives⁵ or affiliated persons⁶. This applies, in particular, if the employee in question has or may have a direct or indirect influence on contracts with the company on behalf of the SWM companies.

This rule does not apply to transactions satisfying everyday needs conducted at normal market conditions (i.e. at conditions that are no better for employees of the SWM companies due to their specific activity for the SWM companies than for other persons). If orders are necessary or advisable in exceptional cases, employees shall notify their line manager in writing. If employees hold direct or indirect participations in the corporate assets of a business partner of an SWM company or perform activities for a business partner of an SWM company (e.g. as a consultant, managing director or supervisory board member), they shall report this to the HR department in writing if they deal with the company in question within the framework of their professional activities at the SWM companies. For listed companies, a participation within the above meaning will be deemed to exist only if the shareholding exceeds one per cent of said company's share capital.

⁵ In particular: spouses, life partners/partners in a long-term relationship, parents, parents-in-law, step-parents, children, children-in-law, step-children, siblings, half siblings, step-siblings.

⁶ Other persons living in a common household or other persons with whom there is a close personal and/or economic relationship.



CASE STUDY

An SWM employee is responsible for placing orders with tinsmith companies. Among other things, he is in constant contact with the Munich-based XY tinsmith company, which he holds in very high regard. When the roof of his private garage is damaged, he urgently needs a tinsmith to repair it.

IS THE EMPLOYEE ALLOWED TO PLACE THE ORDER FOR THE REPAIR OF HIS PRIVATE GARAGE ROOF WITH THE XY TINSMITH COMPANY?

- ▶ No. The employee's private interests and the company's interests must be kept separate in order to avoid potential conflicts of interest. If this is an exceptional case in which the order must be placed specifically with the XY tinsmith company (e.g. because the repair work is very urgent and no other comparable company is available), the employee must notify his line manager to this effect.

4.3. We and our relatives do not enter into entrepreneurial business relations with the SWM companies

Employees are not allowed to offer their own or their relatives' entrepreneurial business activities to an SWM company or perform such activities for an SWM company. Exceptions shall be based on objective grounds and require the approval of the competent first-level manager. If an exceptional permission is granted, steps shall be taken to ensure that the individual in question does not have any actual or potential influence on the contracting of the third-party company or contract design, the specification of the service to be provided by the third-party company, performance assessment or service billing.

Exceptions must be based on objective grounds and require the approval of the competent first-level manager.



CASE STUDY

You are preparing a major marketing campaign for SWM and are under considerable time pressure. Shortly before completion, an external agency informs you that they will be unable to make their contribution to the project due to insolvency. The work assigned to this agency requires such specialist expertise that it could take weeks to find a new agency. Your brother runs a business that could perform this service immediately, which would allow you to finish the project on time.

CAN YOU ASSIGN THIS JOB TO YOUR BROTHER'S COMPANY?

- ▶ If you conclude a contract with your brother for performance of this service, you might create the impression of bias in order placement due to your family ties. You should thus notify your line manager of this situation and ask to be relieved of the decision to select the new agency. This will help avoid creating the impression of a conflict of interests.

4.4. We do not compete with the SWM companies

Management of or work for a company directly competing with an SWM company is prohibited unless one of the SWM companies holds a direct or indirect participation in the company in question. This also applies to secondary professional activities that might create a competition situation for the SWM companies. Direct or indirect participation in a competitor shall be reported in writing to the HR Department if the shareholding exceeds one per cent of said company's share capital.



CASE STUDY

An employee working for an SWM company privately manages a business with several staff members. He operates this business with the intention of making a profit, and the business purpose of his company is identical to that of a business unit in the SWM company for which the SWM employee works. The SWM company has not approved the pursuit of this directly competing activity. The employee would now also like to win customers of the SWM company with whom he is in contact for his private business.

IS THE EMPLOYEE ALLOWED TO OFFER CUSTOMERS THE SAME SERVICES THROUGH HIS PRIVATE BUSINESS?

- ▶ No. The very management of a competing business is already a violation of the applicable Code of Conduct. Enticing customers away from the SWM company would thus be an even more serious breach of duty.

4.5. We do not use insider information for private purposes



Employees are not allowed to use non-public information they obtain within the framework of their work for the SWM companies to gain financial or business advantages for themselves or third parties.



4.6. We notify the SWM companies in writing of any remunerated secondary occupations and comply with the guidelines

The SWM companies shall be notified in writing of any remunerated secondary occupation in good time prior to its pursuit. Such secondary occupation shall not be likely to impede the fulfilment of employees' duties under their employment contract or the justified interests of the SWM companies. As a basic principle, the use and deployment of SWM companies' material, facilities and staff for a secondary occupation and the latter's pursuit during working hours are not allowed.

Activities related to employees' work at the SWM companies or pursued at the SWM companies' behest are not considered to be secondary occupations within the meaning of the above paragraph. Employees receiving fees or other benefits for lectures, publications, public appearances or comparable activities in such cases shall notify their line managers of these payments in writing. All resultant remuneration shall be passed on to the SWM companies unless otherwise agreed with the SWM companies or other regulations apply.

4.7. We avoid decisions relating to relatives

Decisions by employees relating to relatives shall be avoided in the context of their work at the SWM companies, and if they are necessary, the line manager shall be notified in writing in good time. Corresponding conflicts of interest in the employment relationship (e.g. line and specialist management with regard to relatives) shall be resolved by separating the spheres (e.g. termination of the disciplinary and/or specialist management).



CASE STUDY

An employee holds a lecture on a technical topic at a symposium at the behest of SWM and receives a fee for this lecture. He knows that other speakers at this symposium use their respective fees for private purposes. The SWM employee, too, would like to keep the fee for his private use.

CAN THE EMPLOYEE KEEP THE FEE FOR HIS PRIVATE USE?

- ▶ No. If an employee receives a fee, as is the case here, he must notify his line manager of this payment. Unless otherwise agreed with SWM, the employee must pass on the fee to SWM.

4.8. We maintain a distance from business relationships with (former) employees

Conflicts of interest may arise if employees switch or have already switched to an existing business partner of the SWM companies and/or to a company affiliated with the SWM companies within the meaning of Section 15 German Stock Corporation Act (Aktiengesetz – AktG) and in their new function could supervise and/or influence business transactions with the SWM companies in which they were already professionally involved during their employment at the SWM companies. The same applies if employees become or have become self-employed and are to become a business partner of the SWM companies.

If the SWM companies become aware of one of the constellations described in the above paragraph, the SWM companies shall generally observe a waiting period of one year (cooling-off period) before (re)placing orders with this business partner. This applies, provided compliance with the cooling-off period is permitted by law and there are no contradictory substantial operational reasons. The decision as to whether there are substantial operational reasons shall be made jointly by the first-level management of the central purchasing department (Zentraler Einkauf) of Stadtwerke München GmbH and the first-level management of the respective department responsible for the affected procurement.

Please note the time interval of one year, the so-called cooling-off period.



CASE STUDY

A long-standing IT employee of SWM resigns and becomes self-employed. The position cannot be filled at short notice. As some projects in your department urgently need to be completed, another colleague suggests transferring parts of the project to the now self-employed former colleague. He argues that the former colleague is an outstanding expert and knows the processes at SWM very well.

CAN THE FORMER EMPLOYEE BE ASSIGNED TO AN IT PROJECT AT SHORT NOTICE?

► No. In principle, a waiting period of one year must be observed. In the present case, it is not apparent that there is a need to deviate from this principle for legal or important operational reasons.

5. Dealing with customers, business partners and other third parties



5.1. We do not tolerate corruption or other unfair business practices

The SWM companies do not tolerate corruption or other unfair business practices. Both giving and accepting benefits with a view to influencing decisions is prohibited and subject to penalties. In dealing with business partners⁷ and competitors⁸ as well as public authorities, employees may accept or grant benefits only if it can be ruled out that such action may create the impression that decisions have been influenced as a result. Details are regulated in the guideline governing the handling of benefits⁹.



CASE STUDY

For his birthday, an SWM employee receives tickets to a soccer game worth EUR 65 from a business partner as a token of gratitude for good cooperation. This small gift is intended to have a favourable impact on the upcoming contractual negotiations on an extension of the business relationship.

HOW SHOULD YOU RESPOND IN SUCH A SITUATION?

- ▶ You should reject the gift, with thanks, and explain politely that its acceptance would violate both the Code of Conduct applicable at SWM and the secondary guideline governing the handling of benefits.

⁷ Business partners include customers, suppliers and service providers as well as third parties with whom such business relations are intended to be established.

⁸ Competitors are companies that either compete or can compete with SWM on individual markets.

⁹ This can be found on the intranet under

[Wissen und Tools > Rechtliches und Richtlinien > Organisationshandbuch > 3.1 Compliance.](#)

5.2. We compete fairly and comply with the applicable legislation

The SWM companies compete fairly and comply with the applicable legislation. Violations may lead to severe penalties for the SWM companies and the individuals involved. Heavy fines can be imposed on companies. In addition, high compensation payments may be stipulated in the context of civil action.

All business transactions are conducted in compliance with the applicable anti-trust legislation. In particular, unacceptable behaviour includes express or tacit formal or informal collusion, agreements, coordination or exchange of information with competitors about aspects relevant to competition such as prices, pricing structures, price components and other terms and conditions, market, customer or territory allocations, orders and order intakes, capacities, output volumes and production quotas and future market behaviour.

Anti-trust regulations dealing with further anti-competitive actions and conduct, such as vertical restrictions of competition or abuse of a dominant position, are very complex. For this reason, the Legal Department shall be consulted in advance if an agreement might entail any form of restriction of competition.



CASE STUDY

At the meeting of an industry association, an employee of one of SWM's competitors approaches you with the idea of exchanging information on price increases

SHOULD YOU EXPRESS WILLINGNESS TO EXCHANGE INFORMATION? AFTER ALL, SUCH INFORMATION WOULD BE ADVANTAGEOUS FOR SWM.

- ▶ No. If you do this, you might violate applicable anti-trust legislation. If business partners broach topics or conduct that are questionable from an anti-trust perspective or impart information that is sensitive under anti-trust law, politely terminate the conversation immediately and inform your business partner that you cannot continue to talk with him. Make an internal note to document your rejecting this idea. Check documents distributed during or after industry association meetings for their relevance under anti-trust legislation.

The Legal Department must be consulted in advance if an agreement might entail any form of restriction of competition.

5.3. We pursue a transparent and verifiable approach to donations and sponsorship

The SWM companies also show their commitment through sponsorship activities and donations on a limited scale. The following principles shall be observed in this context.

The awarding of a donation shall be transparent and documented. Donations shall be made only on a voluntary basis and without expectation of a service in return. They may be made only to institutions for the promotion of education and science, art and culture and to social causes and other recognised charities. Donations to political parties are not permitted.

Sponsorship¹⁰ is based on the principle of performance and consideration and presupposes actions characterised by responsibility, appropriateness and transparency. Sponsorship activities may be pursued only for bona fide business purposes, shall be in reasonable proportion to the counter-performance granted by the recipient and laid down in a written agreement. Sponsorship shall not create the impression that undue influence is being exerted on the recipient with respect to negotiations or decisions.

¹⁰ Sponsorship is defined as gifts of cash or in-kind goods or services made by a legal entity or individual with economic interests that pursues other interests in addition to advancing the recipient. The sponsor aims at shaping its profile with the public through the sponsored product or dissemination of its advertising messages, which serve the purpose of achieving the sponsor's own communication objectives (image enhancement, sales promotion, product information).



CASE STUDY

An employee of SWM is an enthusiastic softball player in a small club in the greater Munich area. As the club's changing rooms are in urgent need of renovation and her team needs new jerseys, she wonders whether SWM might be a possible sponsor. SWM could cover the costs of the renovation and the jerseys and should be given the opportunity to put the SWM logo on the jerseys, for example.

CAN SWM BECOME A SPONSOR FOR A SOFTBALL CLUB?

- ▶ Sponsorship activities must be proportionate to the consideration provided by the sponsor. In this case, the costs for the renovation are likely to be significantly higher than the consideration that SWM would receive from the club (e.g. naming of SWM on the jerseys). Sponsorship is therefore not possible here.

5.4. We examine any concessions very carefully

The granting of full or partial waivers, the performance of a service going beyond what has been agreed contractually or is stipulated by law (overfulfillment), and the conclusion of settlements on behalf of an SWM company require the following conditions to be fulfilled and compliance therewith suitably documented:

- ▶ acting exclusively in the interest or for the benefit of the SWM companies
- ▶ acting on the basis of adequate information
- ▶ weighing all aspects and options for action that are relevant for the decision
- ▶ acting without special interests and inappropriate influences
- ▶ involving all relevant specialist contacts to the extent necessary or expedient and consideration of their pertinent expert opinions

Full or partial waivers and settlements with a value in dispute of up to EUR 250,000 granted or concluded on behalf of an SWM company are subject to prior approval of the competent line manager of the employee involved. For amounts that exceed this value, the corresponding regulations shall be observed.



CASE STUDY

A new building has been constructed for SWM. Upon completion of the construction work, defects resulting from faulty services of the contractor company are detected. Without further review, the SWM employees responsible for this project would like to waive all warranty claims within the framework of a settlement in order to avoid any negative impact on the good relations that have existed for many years between the contractor and SWM.

IS THIS POSSIBLE?

- ▶ No. The employees must ensure that the prerequisites laid down in the Code of Conduct are fulfilled and their compliance is documented appropriately. This requires careful review on the part of the employees. In particular, they must consider all aspects and options relevant for the decision and obtain and take account of pertinent expert opinions from specialists in the area.

5.5. We conclude consulting agreements only if the fee is reasonable for the services to be performed

Consulting agreements may be concluded only with individuals or firms whose expertise demonstrably contributes to the further development of the SWM companies. The fee level shall be reasonable for the value of the service to be rendered and the consultant's personal qualifications. As a basic principle, payments are not effected until the agreed service has been performed. If consultants are engaged in connection with the placement of orders with third parties, they shall not be granted any decision-making powers with respect to the decision to place such orders. If a consultant is mandated with establishing business relations with a third party on behalf of the SWM companies, a suitable contractual agreement shall be drawn up to ensure that the consultant adheres to the SWM companies compliance standards.

As a basic principle, payment may not be effected until the agreed service has been performed.



6. Handling of information

6.1. We observe our confidentiality obligations

Employees are obliged to maintain secrecy regarding all SWM companies' matters of a confidential nature and regarding all confidential information from or relating to our business partners and customers. Information is confidential if it is marked as such or if it may be assumed to be outside the public domain and not intended to be made public, e.g. because it might be of use to competitors or potential suppliers or harm the SWM companies if it were published. Only explicitly authorised individuals are allowed to communicate information relating to the SWM companies or their business partners to the public or third parties. In case of doubt, internal information shall always be treated confidentially in dealings with third parties. The details are laid down in the DR01 implementation guideline of the Data Protection and Information Security Manual¹¹.

¹¹ This can be found on the intranet under [Wissen und Tools > Rechtliches und Richtlinien > Organisationshandbuch > 3.2. Datenschutz & Informationssicherheit](#).



CASE STUDY

In the development process of a certain product at SWM, an employee has prepared a presentation on the insights gained, the remaining development stages and strategies. This is confidential information outside the public domain and not intended to be made public. One of the employee's private acquaintances is quite coincidentally writing a doctoral thesis on a similar topic and asks the employee to show him the presentation. The employee is willing to allow him to take a look at the document; after all, his acquaintance is not a competitor of SWM and the information would be passed on only for scientific purposes.

SHOULD YOU SHARE THE EMPLOYEE'S OPINION?

- ▶ No. Unless otherwise agreed with SWM, confidential information must not be passed on under any circumstances, irrespective of the specific reason.

6.2. We collect, process and use personal data only if permitted

Employees shall be obliged to comply with the applicable data protection regulations. Personal data may be collected, processed and used only insofar as this is necessary for clearly defined and legitimate purposes. In addition, personal data shall be stored securely and be passed on only if the necessary precautionary measures are taken. The use of data shall be transparent to the persons affected. Their rights shall be safeguarded.



CASE STUDY

In a full underground train, you read aloud from a customer contract (e.g. an electricity contract) over the phone. During your call, you quote customer data (e.g. name, address, phone number, e-mail address, current provider...) in a clearly audible manner. In addition, a passenger standing behind you can also read the contract.

SHOULD YOU RECONSIDER YOUR CONDUCT?

- ▶ Yes. By talking about the client in a clearly audible manner as an SWM employee, you enable other passengers to gain knowledge of the customer data. Even if unintended, such disclosure of customer data to the other passengers is a breach of data protection law and a violation of the Code of Conduct.

6.3. We respect the independence of the media and politicians

The SWM companies respect the professional independence of journalists and the media. Section 5.1 shall apply accordingly for the granting of benefits to journalists and other media representatives. The SWM companies adopt a politically neutral stance.

The SWM companies adopt a politically neutral stance.

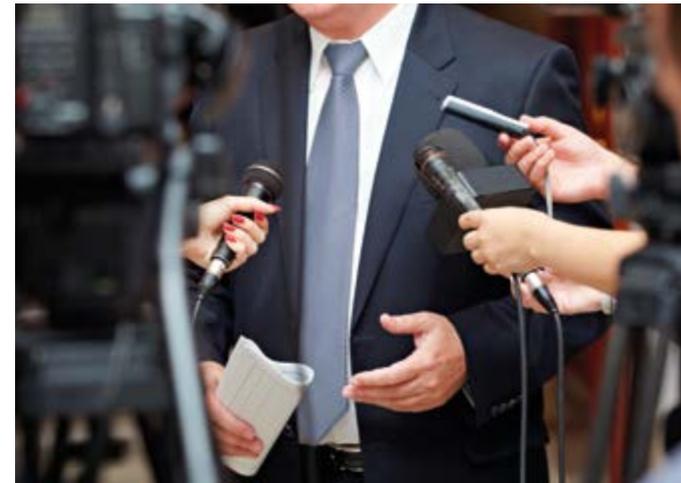


CASE STUDY

In your function of SWM employee, you are invited to a dinner with a panel discussion organised by a local Munich politician. This is a fundraiser for his party and thus requires the purchase of an expensive ticket.

YOU WOULD LIKE TO ATTEND THE DINNER AS YOU ARE INTERESTED IN THE TOPIC OF THE PANEL DISCUSSION. WHAT SHOULD YOU DO?

- ▶ Your dinner attendance might create the impression that SWM provides funds to the local politician in question and his party. You must be careful when it comes to accepting such invitations and consult your line manager beforehand.



7. Compliance with the Code of Conduct and sanctions

All members of management bodies and all employees of SWM companies are obliged to comply with this Code of Conduct. The managerial staff has a special responsibility for communicating and implementing the guidelines set out therein. Every employee is personally responsible for complying with this Code of Conduct. In cases of doubt about their own or a third party's conduct, every employee shall obtain competent advice.

Violations of this Code of Conduct may have consequences for the employment relationship and its continuation and may also lead to claims for damages. They may also entail consequences under criminal law.



Every employee is personally responsible for complying with this Code of Conduct.

In case of differences between the German and English versions of this Code of Conduct or any other cases of doubt, the German original version shall prevail.



Stadtwerke München
Emmy-Noether-Straße 2
80992 München

www.swm.de



#pulsderstadt

www.instagram.com/StadtwerkeMuenchen



Gefällt mir!

www.facebook.com/StadtwerkeMuenchen

Herausgeber und Gestaltung: SWM / Stand: Juli 2024 / Artikel-Nr. 123555

Fotos: SWM (1), SWM/Stefan Obermeier (6, 12), Sergey Nivens/Shutterstock.com (8), MVG/Kerstin Groh (15), SWM/Michallek (15), VolkerZ/fotolia (15), SJ Travel Photo and Video/Shutterstock.com (15), iStock.com/ViktorCap (16), iStock.com/Arand (17), Gorvik/Shutterstock.com (17), iStock.com/stockvisual (19), iStock.com/mediaphotos (20), Minerva Studio/Shutterstock.com (23), ojoimages4/fotolia (25), iStock.com (27), fotolia (27, 34), ESB Professional/Shutterstock.com (30), Alexander A.Trofimov/Shutterstock.com (37), Kzenon /Shutterstock.com (39), strixcode/fotolia (40), Bacho/Shutterstock.com (42), pics five/Shutterstock.com (45), iStock.com/Mitrija (45), iStock.com/utah778 (46)