

Due Diligence Questionnaire

This is the 'Due Diligence Questionnaire' referred to in the Third Party Bribery Risk Matrix (the "**Matrix**") and must be completed *before* the appointment of a third party who is:

- categorised as "medium" risk and *either* is in a "high risk" jurisdiction *or* will deal with public officials; or
- categorised as "high" risk.

Please refer to the Matrix and the Third Party Bribery Risk Assessment Grid (the "**Grid**") for information about categorisations.

In completing this questionnaire, ensure that you provide sufficient detail and, where appropriate, documentary evidence to enable the proposed appointment of the third party to be fully assessed and the decision made whether to approve the appointment or not. In particular, you must ensure:

- (i) that the nature, scope and purpose of the proposed relationship is accurately and fully described; and
- (ii) that the remuneration terms objectively reflect the services being provided.

1.	DETAILS OF THIRD PARTY	
1.1	Name	
	<i>Give full legal name of third party and any abbreviations</i> Berger Logistik GmbH	
1.2	Address	
	<i>Detail both registered address and trading address if different</i> Bahnhofplatz 1 6300 Wörgl Austria	<i>Evidence: letter headed corporate paper and/or independent company report</i> Attached 
2.	SERVICES TO BE PROVIDED BY THIRD PARTY	
2.1	Details of the services the third party will provide	
	<i>Give general summary and list any specific services eg local sales agent, customs agent, etc</i> Road Rail/ Intermodal Air Ocean Contract Logistics- warehousing Event logistics Customs clearance- transaction at the Berger headquarter in Wörgl	

2.2	In which country/ies will the services be provided?	
	Worldwide	
2.3	How will the services be provided	
	<i>Give details eg by telephone, arranging meetings for [ABF Company] staff, representing the brand in the country</i> <i>EDI</i> <i>Telephone</i> <i>Mail</i> <i>L-Base</i> <i>Transporeon</i> <i>Fax</i>	
2.4	Is the third party providing any form of consultancy services?	
	No ☐ Yes ☒ <i>If yes, provide details</i> <i>Optimized the supply chain</i> <i>Special logistics requirements</i> <i>Consulting in innovation for logistics processes</i>	
2.5	Why are you using this third party to provide the services instead of a different provider, or operating directly?	
	<i>Give specific reasons</i> <i>We are operating directly</i>	
2.6	Has the third party previously worked for [ABF Company]? If so, since when and what services have they provided to date?	
	<i>Specify date on which third party first began providing services to [ABF Company] and describe the services provided since then. Give name of contact at ABF if known.</i> <i>No, we are directly in contact with Wander AG</i>	

2.7	Does the third party have sufficient staff and resources to perform the services now required? Do they have experience in the relevant area?	
	Answer "yes" or "no" and explain how you have determined this Yes, we have more than 300 employees with the relevant experience in the different areas. Every employee has to do a training course. Detail the third party's relevant resources (including staff) Detail the third party's relevant experience Berger Logistik was founded in 1961 We have an experience over 50 years.	[cont'd]
3.	REMUNERATION	
3.1	Give details of the remuneration proposed for the third party	
	Provide details of all fees and benefits to be provided to the third party including details of the amount to be paid and basis for this (eg fixed fee, percentage, commission). Compliance check with minimum wage legislation in each EU country Customs clearance Remuneration according to the government regulations Provide details of the account into which the third party will be paid and the currency in which remuneration will be paid. Term of payment: 30 days, EURO, US-Dollar, CHF Are there any unusual requests, such as for payment to an overseas account or an account in the name of another party? No NB: ABF's Anti-Bribery Policy requires payment to be made direct to the third party providing the services, not to anyone else, and into the country which is the principal place of business for the third party or where the services are substantially performed. Any deviation from this policy must be approved by your ABC Officer.	

3.2	Is the remuneration fee reasonable and proportionate considering the services being provided?	
	No ☐ Yes ☒ Give reasons, in particular: - do you know of other suppliers being paid significantly different remuneration for similar services in this type of business? no - if the proposed remuneration is higher than that paid to other suppliers, explain why (ie describe how this third party's service merits higher payment) no - any complex or unusual terms? If "yes", give details: no	[cont'd]
3.3	Is this a continuation of a previous or existing relationship with this third party?	
	No ☒ Yes ☐ If "yes": - if remuneration has been negotiated up or down from any previous or existing relationship, detail the changes here and give reasons for the negotiation - should the third party continue to receive remuneration and is [ABF Company] still receiving the same scope of services from the third party as it has in previous years? NB: ABF's Anti-Bribery Policy requires that where an "introducer" is paid for introducing [ABF Company] to someone else, the introducer should not continue to receive remuneration once the introduction has been made and paid for.	
3.4	Has remuneration been increased to reflect an additional payment that will be made by the third party in the course of providing the services to [ABF Company]?	
	No ☒ Yes ☐ If "yes", what is the additional payment and is it within the market range for this type of business / service?	

4.	ETHICAL BEHAVIOUR DUE DILIGENCE	
4.1	Does the third party have a reputation for dishonesty or illegal behaviour or are there any rumours that they are involved in or amenable to illegal or unethical arrangements?	
	No ☒ Yes ☐ <i>Provide evidence to support your response</i>	<i>Evidence:</i> WorldCheck screening report, press articles, etc Attached ☐
4.2	Are you aware of any circumstances in which the third party has been investigated for actual or suspected unethical or illegal behaviours?	
	No ☒ Yes ☐ <i>Provide evidence to support your response</i>	<i>Evidence:</i> WorldCheck screening report, press articles, etc Attached ☐
4.3	Has the third party been subject to enforcement action or litigation in connection with unethical or illegal behaviour?	
	No ☒ Yes ☐ <i>Provide evidence to support your response</i>	<i>Evidence:</i> WorldCheck screening report, legal case report, etc Attached ☐
4.4	Does the third party have anti-bribery and corruption or ethical business policies in place? If so, request and examine these policies.	
	No ☐ Yes ☒ <i>If "yes", attach a copy of each relevant policy</i>	Policy/ies attached ☒
4.5	What anti-bribery and corruption training does the third party have in place?	
	<i>Give details of ABC training:</i> We do have a training (Code of Conduct) for every new employee in place. <i>Have the third party's staff who will be providing the services to [ABF Company] already received training? If not, will they be trained before the services commence?</i> No ☐ Yes ☒	
4.6	How did you become aware of the third party? What steps have you taken to confirm it is appropriate for [ABF Company] to work with them?	
	<i>Give details of how you became aware of the third party:</i>	

	Berger Logistik has a first class credit rating and financial stability. We also have a long term partnership with the company Wander AG, as well as awards and certifications (please refer to the point 6.5) If the third party was suggested by a colleague, state who the colleague is: and explain what steps you have taken to confirm that there is no reason why [ABF Company] should not work with the third party (eg checking with the local [ABF Company] office where the third party is located):	
5.	POTENTIAL CONFLICTS – OWNERSHIP ISSUES	
5.1	Is there any information to suggest the third party would have a conflict of interest by providing services to [ABF Company]?	
	No ☒ Yes ☐ Provide evidence to support your response	
5.2	Do you know or suspect there to be a family, financial or corporate connection between the third party and (i) any outside party with whom [ABF Company] is using the third party to seek to do business or (ii) any outside party the third party suggests [ABF Company] should engage with?	
	No ☒ Yes ☐ Provide evidence to support your response	
5.3	Do you know or suspect there to be a family, financial or corporate connection between the third party and any member or officer of any government or government agency (local or national)?	
	No ☒ Yes ☐ Provide evidence to support your response	
6.	ABOUT THE THIRD PARTY	
6.1	Run a general internet search on the third party (eg Google): does this raise any concerning or suspicious indications? Ensure copies are held on file on the check run	

	(i.e. search terms used in Google or database checked).	
	Attach copies of internet searches including search terms used. Give details of concerning or suspicious indications: There are no suspicious indications	Search info evidence attached ☒
6.2	What is the third party's regulatory status?	
	Describe status and provide evidence to support Rating certificate from dun&bradstreet- Risk Indicator 1 (30-374-2191)	Supporting evidence attached ☐
6.3	If the third party has represented that they are an authorised entity, obtain confirmation (eg through relevant local regulator's website)	
	Give detail and provide evidence to support Homepage: http://www.berger-logistik.com/berger-logistik/ Credit Quality Certificate 2017- Creditreform Austria attached Rating certificate from dun&bradstreet- Risk Indicator 1 (30-374-2191)	Supporting evidence attached ☒
6.4	How long has the third party been in business?	
	Years: since 1961	
6.5	What are the third party's qualifications to supply the services for which [ABF Company] is engaging them?	
	Give details – include any externally recognised and/or professional qualifications and attach copies where available ISO 9001, ISO 14001, IFS Logistics, SQAS, AEO, SMETA (Sedex), EcoVadis, Green Freight Europe, Environmental Certificate HUPAC/R-Alpin	Copies attached ☒
6.6	Who are the third party's customers / clients?	
	Give details of industry sectors and examples of customers / clients Food, beverage, chemistry, retail, wine and spirit e.g. Red Bull, Nestlé, Danone, Heineken, AB-InBev, Barilla, Campari, Tetra Pak, Rewe, Eni	
6.7	Does the third party use agents or sub-contractors to provide the services which [ABF Company] will receive?	
	No ☐ Yes ☒ If "yes" provide details; if "no" provide an explanation to support your answer:	

	We have fix network partners, with whome we are reagularly in contact as well as contractually bound to Berger Logistik.	
6.8	What type of business is the third party?	
	Individual sole trader ☐ ☐ → attach WorldCheck report on the name of the individual. NB for individuals, valid passports (certified copies of) can be used to check dates of birth. Utility bills and bank statements may be used to show address. Addresses and date of birth details contained on local regulatory websites/systems may be used to confirm unique identifiers. Partnership ☐ → attach WorldCheck report on each of the partners Company ☒ → attach WorldCheck reports on company name, name of the individual employee(s) working for [ABF Company], and names of the company directors NB for companies, check Memorandum of Association, Articles of Association, Incorporation certificates, name change certificates, shareholding information provided from public or independent sources such as Dunn and Bradstreet, FAME, Companies House in UK (or equivalent local Companies Register). Company directors: Mr. Bernhard Ebner and Mr. Markus Ley Employees: >300 50% Red Bull/ 50% Berger Beteiligungs GmbH	Relevant reports attached ☐
6.9	If the reports in 6.8 show matches against the names entered, what investigations and actions have been taken to satisfy yourself that there is no bribery and corruption risk associated with the third party?	
	Worldcheck reports show matches against names searched: No ☒ Yes ☐ If "yes" provide details of steps taken to rule out a bribery or corruption risk NB if a Worldcheck report shows a potential name match you must obtain information to confirm that there is no actual match. If there is a potential match with a person of the same gender you will need to obtain verification of an identifier that disproves the match (for example date of birth).	
7.	"RED FLAGS"	
7.1	Have any "red flags" been identified? (Refer to Grid)	
	Detail any red flags identified and explain the steps taken to resolve them: No red flags were identified	

DECLARATION

To be signed by [ABF Company] employee submitting Questionnaire

I confirm that:

- I know of no reason why [ABF Company] should not enter into this appointment with *Berger Logistik GmbH*; and
- I have no reason to suspect that *Berger Logistik GmbH* conducts, encourages, is actively involved in bribery or corruption, or constitutes an unacceptable bribery and corruption risk for [ABF Company]:

Signature: Date: 11.04.2017

If you have knowledge or reasonable suspicions about the ethical appropriateness of a third party you must immediately contact your line manager or ABC Officer to report your concerns.

Date submitted: 11.04.2017	Submitted by: Name: Markus Ley Job title: managing director  Tel.: +43 (5332) 71170-0 Fax: +43 (5332) 71170-93000 Berger Logistik GmbH Bahnhofplatz 1 A-6300 Wörgl
Date approved:	Approved by: Signed: Name: Job title: Approval must be by line manager (for medium risk third party) or ABC Officer (for high risk third party)

7.2	Does any aspect of the proposed arrangement make you uncomfortable, or is there anything that doesn't seem to make sense?	
	<i>Detail any concerns you have and explain the steps taken to resolve them:</i>	

1