



Anti-Corruption Code of Conduct

All concerned

Foreword

It is a goal for HAROPA PORT to be a responsible enterprise developing a model for ports and industrial activity that is innovative and sustainable for both France and wider world.

In conjunction with our staff and our partners – suppliers, customers or stakeholders – it is our duty to promote a culture of integrity and demonstrate our probity and exemplarity.

We therefore expect every one of you to act at all times with integrity, irrespective of the circumstances and the identity of those with whom you are dealing.

It is in that spirit that this Anti-Corruption Code of Conduct has been produced.

Its objective is to guide your decisions and your actions based on guidelines and good practice to be followed, as well as highlighting circumstances that should be warning signs for you. It is intended to be informative and practical.

Similarly, an Ethical Compliance Officer has been appointed to answer any questions you may have on this topic. Please do not hesitate to contact them.

It is your absolute duty to abide by this Anti-Corruption Code of Conduct. A zero-tolerance policy will be applied.

We are counting on you to familiarise yourselves with its content, to promote it and make it part of your daily work.

Combating corruption is everybody's business every day.

Chair, Supervisory Board and Management Board

Daniel HAVIS, Chair of the Supervisory Board

Benoît ROCHET, CEO, HAROPA PORT

Antoine BERBAIN, Deputy CEO, HAROPA PORT | Paris

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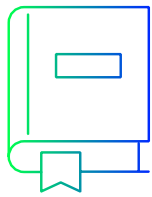
Dominique RITZ, Deputy CEO, HAROPA PORT | Rouen

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1. Our Code: what we expect from you

This Code of Conduct reflects HAROPA PORT's determination to regulate the manner in which the Port wishes to work with its partners, these notably being its customers, suppliers, service providers, intermediaries, subcontractors and, more generally, all third parties acting with it or on its behalf. It is also part of the statutory and regulatory duties incumbent upon HAROPA PORT, and especially those relating to whistleblowers and the prevention of corruption and other breaches of integrity.

The Code is also a legal **aid for day-to-day decision-making**. It will be supplemented by more detailed and/or more specific circulars and instructions. A digital version is also available on the Intranet home page.

This Code of Conduct applies to everybody:

Directors (i.e. members of the Supervisory Board), and all members of staff, managers and temporary workers, irrespective of their status and remit within HAROPA PORT.

The Code can be provided to third parties.

It is the responsibility of every member of staff to ensure compliance with its rules.

Please remain alert, maintain transparency and set an example. Demonstrate that it is perfectly feasible to achieve set targets while acting in compliance with the rules of the HAROPA PORT Code of Conduct.

In each situation and for each decision to be taken, you should ask yourself the following:

- > Would I be comfortable with my decision if it were to be made public, not only internally but also externally?
- > Is it aligned with the Code of Conduct?
- > Have I taken fully into account the risks and consequences potentially arising from my decision either for HAROPA PORT or for myself?
- > If the answer to any of the above questions is negative, or if there is any doubt, discuss it with your line manager and/or the Ethical Compliance Officer, these being your preferred interlocutors – and do so before taking any action.



Where any member of staff observes or suspects inappropriate action or behaviour, or if they are subjected to pressure, it is their duty to inform their line manager and/or the Ethical Compliance Officer without delay.

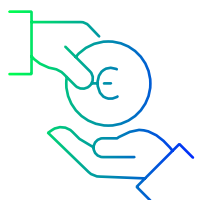
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Good to know





2. Combating bribery

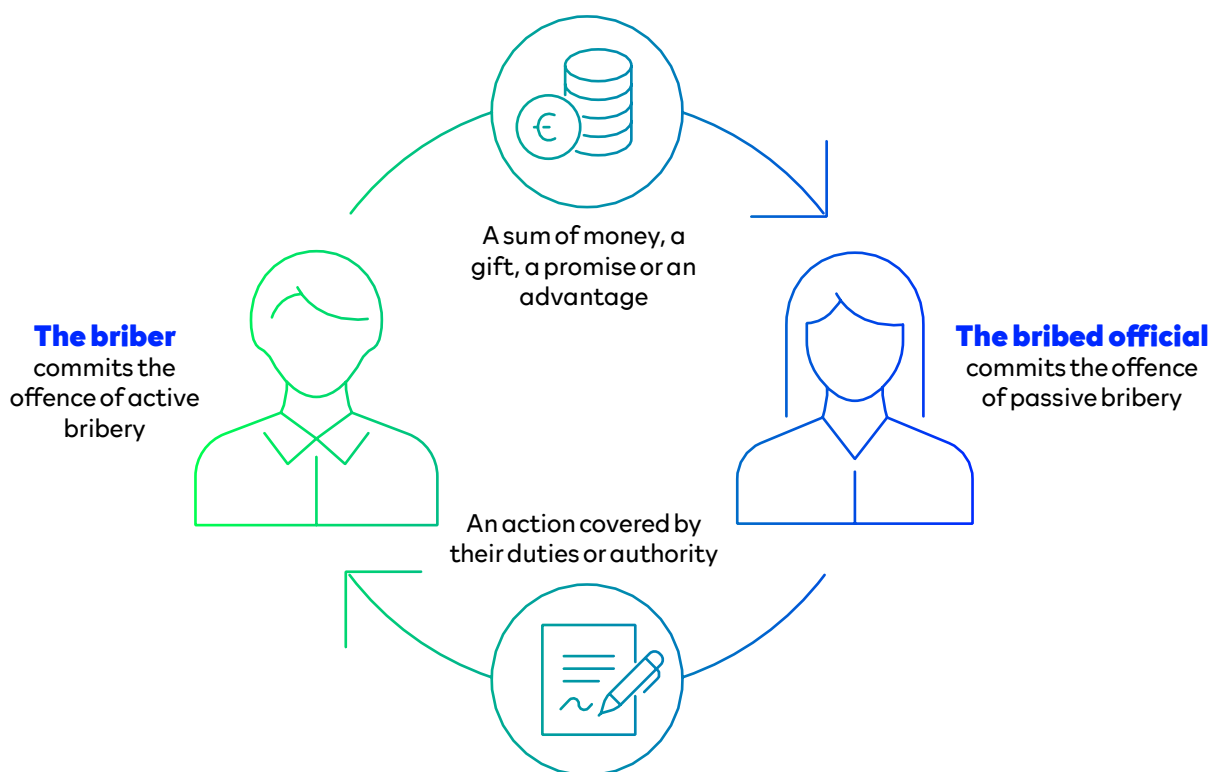
Definition

Bribery is behaviour whereby a person, the briber, offers or grants **an advantage of any kind to another person, who accepts that advantage or solicits it** – i.e. the bribed party – in order for the latter, in return, **to carry out, delay or refrain from an action** that falls directly or indirectly within their official remit, mission or authority, doing so in violation of their obligations (legal, contractual or professional).

In practice, such behaviour requires at least **two participants**: one using their authority to favour a third party in return for an advantage, and the other providing the advantage. Bribery is described as **"passive"** when committed by the corrupt official (who accepts or solicits an advantage from a third party), and **"active"** when committed by the briber (who offers or grants an advantage to the official).

Further, any person facilitating a corrupt act is an accomplice thereto and the person benefiting from that act by receiving an undue advantage is in receipt of criminal proceeds. Both parties are deemed equally liable.

Bribery impedes fair competition and seriously undermines the economic development of HAROPA PORT. It can have extremely serious financial, commercial or criminal consequences, potentially causing damage to reputation and image. An employee participating in a corrupt act in connection with their duties is also liable for disciplinary and criminal penalties.





One of our suppliers invites me to a restaurant when we are in the middle a consultation for the award of a public contract for which they are potential bidder.

Can I accept this invitation?



When preparing or conducting a consultation for procurement, I must refuse any proposal (for advantages, gifts, invitations) from **businesses likely to submit an offer**. Acceptance of advantages of this kind could constitute bribery committed to obtain privileged information.



I have been approached through a friend by a security firm that wishes to obtain a land-use title on public port property to the detriment of another offer. They have led me to understand that I could benefit from a rock-bottom price for installing an alarm system in my home.

What should I do?



I need to remind the firm that any grant of rights to port land must be subject to a competitive bid procedure and **objective** treatment by the teams administering port sites. In any event, I must **refuse** this proposal, which constitutes bribery, and **inform** my line manager and the Ethical Compliance Officer.



Every year a longstanding supplier with whom I am friendly invites me to a local football match, the cost of which is trivial.

What should I do?



Even if the price and the event seem modest, such an invitation could lead me to feel indebted to this supplier and might come to be seen as bribery. If the invitation abides by HAROPA PORT's policy rules and amount limits for gifts and invitations (€150 inc. VAT per calendar year and company) set out in factsheet 8, the invitation can be accepted on condition that it is **occasional** and **not systematic or regular**.



A contractor has overshot its completion deadline on a works project by a few days, leading to delay penalties. On the occasion of an invitation to a prestigious restaurant, the contractor asks me to conceal this overshoot in order for the firm to avoid the relevant penalties.

How should I react?



All members of staff are **prohibited** from taking advantage of their post to receive offers of gifts or advantages. I must remind the contractor of the **principles** governing HAROPA PORT's gift and invitation policy, **notify** my line manager and the Ethical Compliance Officer immediately of the proposal and **refuse** the invitation if it is not compliant.



A member of my team is invited every Friday to a restaurant by a contractor with which he is responsible for tracking progress on a construction project.

Is this acceptable?



This type of systematic or frequent invitation should be avoided because it could encourage a more benevolent attitude to the contractor. To avoid any suspicion, I should recommend to my colleague that the meal not be paid for by the supplier, high-end restaurants should not be chosen. A single restaurant invitation might be accepted, on termination of the project, for example.



I have been approached by two individuals telling me that they know I have an access pass to an ISPSclassified area. Adopting a menacing tone, they have offered me a large sum of money for the loan of my pass for the day.



What must I do and how should I react?

I must refuse and go to a place of safety without delay. I must also rapidly inform my line manager and the Ethical Compliance Officer, who will take appropriate steps.



THE CORRECT APPROACH

- Do not solicit advantages from third parties.
- If any third party (customers, suppliers, etc.) pressures you, immediately inform your line manager and/or the Ethical Compliance Officer.



WHAT YOU SHOULD SEE AS WARNING SIGNS

- Third parties (customers, suppliers, etc.) offering you gifts or advantages repeatedly or worth more than €150 inc. VAT, contrary to HAROPA PORT's business gifts and invitations policy.
- Requests and proposals that make you uneasy, especially at the idea that they could become public knowledge.
- Third parties with which we are in a business relationship offering to fund personal advantages for you.





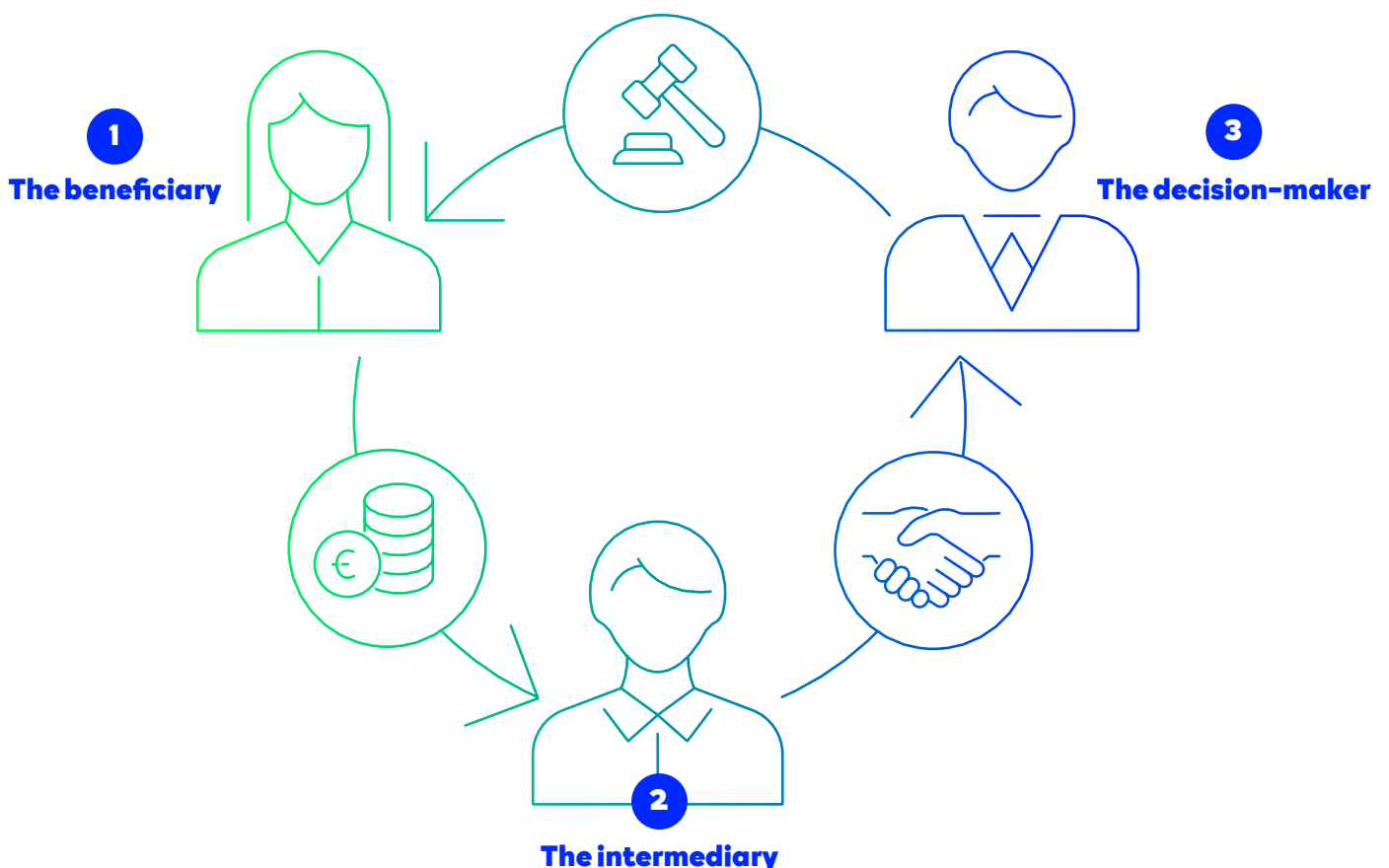
3. Combating influence peddling

Definition

The term influence peddling refers to situations in which an individual profits from their status or their influence, actual or supposed, to affect a decision to be taken by a third party.

It therefore involves **three participants: the target**, the person with the power to make the decision, **the intermediary** (the person using the influence they possess or believe they possess with regard to the target), and the **beneficiary** (the person who ultimately benefits from the decision and who rewards the intermediary).

Criminal law makes a distinction between **active influence peddling** – by the beneficiary – and **passive influence peddling** – by the intermediary. These are separate offences attracting the same penalties.





A member of the Management Board is approached at an evening event by a company wishing to set up operations at the port on more favourable terms than those provided for in official documents (lead-time, lease cost). At the same time, the company offers to introduce the board member to a club of influential businesses.



What should he or she do?

Accepting the invitation in return for using influence over other members of the board is enough to constitute the offence of influence peddling. The invitation must therefore be declined.



A rail transport firm asks a director to intervene favourably with regard to a colleague responsible for allocating rail transit slots. The firm would like to obtain more port rail slots in return for hiring a member of the director's family.



What is the correct reaction?

Members of staff must not intervene with colleagues to influence them in relation to their professional duties in return for an advantage for an outside company, thereby benefiting a third party to HAROPA PORT. The request must therefore be denied, and the line manager and Ethical Compliance Officer informed.



THE CORRECT APPROACH

- Particular care is needed with regard to operations involving public officials and elected representatives.
- Make no offers to public officials or elected representatives other than permitted courtesy gifts.
- Keep work-related and private activities separate.



WHAT YOU SHOULD SEE AS WARNING SIGNS

- Advantages not covered by the business gifts and invitations policy.
- Professional contacts on your private contact list.
- Emails from non-professional sources asking you to get back to them via a private channel. Stay within the limits of the powers and delegated authorities vested in you by your professional duties.



4. Unlawful conflict of interests

Definition

An unlawful conflict of interests is a situation in which **the private interests of a member of staff potentially affect the performance of their duties for HAROPA PORT**.

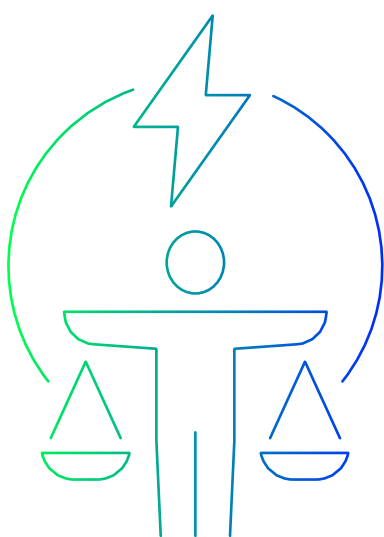
These are situations in which the **private interests** (relating to family, friends, non-profit associations, etc.) of a member of HAROPA PORT staff, whether an employee or a senior manager, **could compromise the principles of independence, neutrality, objectivity and impartiality** that staff must observe during the performance of their professional duties (professional judgement, decisionmaking, and so on).

An unlawful conflict of interests can be:

- **financial** (involvement with a competing firm, supplier or service provider, etc.),
- **professional** (parallel professional activities carried on outside HAROPA PORT by the member of staff or their friends or family),
- **political/non-profits** (political activities or involvement in non-profit entities outside the professional sphere).

All members of staff at executive level 4 are obliged at regular intervals to declare their private interests or make a negative conflict of interest declaration. For all members of staff empowered to commit the organisation (vested with ordering authority) a declaration of their interests or submission of a negative interest declaration become mandatory in the event of recruitment, internal transfer or whenever requested.

Private interests



Independent performance of professional duties for HAROPA PORT

It is the duty of all members of staff to **declare any potential or actual conflict of interest to their line manager or the Ethical Compliance Officer if they are managers with decision powers (authorised to enter into financial commitments)**.

All members of staff at executive level 4 are obliged at regular intervals to declare their interests or make a negative conflict of interest declaration to be submitted to the Ethical Compliance Officer. All members of staff empowered to commit the organisation (vested with ordering authority) must declare their interests to their direct line manager and to human resources in the event of recruitment, internal transfer or whenever requested, in conjunction with support from the Ethical Compliance Officer. Conflict of interest declaration forms are provided by the Ethical Compliance Officer in a supporting role. Forms for declarations of interests can be provided by the Ethical Compliance Officer. HAROPA PORT has adopted a proactive policy for the prevention of situations involving conflicts of interest. Such circumstances are not reprehensible as such, but they may potentially lead to bribery, influence peddling and/or the misuse of public office for private gain, and expose HAROPA PORT or its staff to accusations of partiality or dishonesty.

They may also have consequences for the reputation of HAROPA PORT and its staff.



During a public procurement process involving three price quotations, my line management asks me to handle the procedure for the selection of a new supplier. It turns out that the chief executive of one of the bidding firms is my partner's sister.



What is the right response?

Taking part in the decision process would put me in a conflict of interest situation. The correct approach is to **inform** my line management and the **Ethical Compliance Officer** of the circumstances, and **step back** completely from the consultation, selection and implementation process. All steps taken in my **stepping back** should be recorded in **writing**.



My closest friend works in a vocational training organisation and the price quotations he submits are competitive and aligned with our needs.



Should I avoid using his organisation?

I do not need to eliminate the offer on condition that I inform my line management of the situation **in writing**. I must also take all appropriate steps, notably by **stepping back** from the relevant follow-up and implementation, in order to avoid potential conflict of interest during the processing of the offer and performance of the procurement contract.



THE CORRECT APPROACH

- Where there is doubt as to your position, you should inform your line management and make a written declaration of any situation that may potentially lead to a risk of conflict of interest.
- Inform your line management of connections regarding family and/or friends that might affect performance of your duties. Keep work-related and private activities separate.
- Stay within the limits of the powers and delegated authorities vested in you by your professional duties.



WHAT YOU SHOULD SEE AS WARNING SIGNS

- Involvement in working with people you know (family, close friends, etc.).
- The signing by you or a colleague under your managerial authority of purchase orders for a firm employing a family member or close friend.



5. Favouritism

Definition

The criminal offence of granting unjustified advantages, or favouritism, is defined as an intentional offence in order to protect the principles of public procurement: specifically, freedom of access to public procurement, equal treatment of applicants and procedural transparency with regard to procurement and delegated provision of public services.

The offence is constituted by **favourable treatment of an applicant during a public procurement competitive bid process**. Simply obtaining or beginning to obtain an advantage for a company, even if unsuccessful, is enough to constitute the offence.

The following are notably deemed to be unjustified advantages:

- Communication of information to one or more applicants to the detriment of others (e.g. communication of price quotations, technical data specific to a given applicant).
- Division of a public contract into separate parts in order to remain below regulatory thresholds.
- Drafting highly specific technical contractual requirements in order to favour a given applicant.
- Biased scoring of the offers received.

Infringement of the rules relating to equality of treatment and freedom of access for applicants may become evident at various stages in the process for the award of contracts, definition of the procedure for contract performance, or the procedure for consulting potential applicants and assessing their bids, irrespective of the sums involved.



A longstanding and very reliable supplier offers to assist me in drafting the highly technical side of the contractual specifications given their specialist knowledge of the port-related technical aspects of the procurement.

How should I respond?



While it is permissible to seek technical information when drafting a tender dossier (e.g. benchmarking, sourcing), this should not be beneficial to a single bidder but permit fair and healthy **competition** between the firms likely to submit offers. I should thank this supplier politely while **declining** the offer and reminding them that all suppliers must be treated equally and impartially. I should then invite the firm to respond to the call for tenders.



During an evening event organised by me on a private basis, a friend questions me about my work. During the discussion, he seems curious about an ongoing procurement process. The friend specifically asks me about the expected price.



How should I respond?

Only information placed in the public domain (notably in the call for tenders) can be mentioned, which excludes all other elements that might favour a given applicant (e.g. prices, technical details, lead-times, and so on). I should indicate to my friend that merely providing such information, even orally, could constitute an offence.



A firm I work with regularly responds to a new call for tenders. Even if the firm's bid is not the least costly, I know that it can be relied on. I wonder whether I ought not take account of this factor in assessing the tender.



What do you think?

I need to be alert to how I assess bids and take account only of the assessment criteria stipulated in the tender dossier. In fact, if I do not score the tender objectively this may involve me in committing the offence of favouritism, especially if the firm's reliability has not been documented and I do not have sufficient proof of it. In addition, if "reliability" is a criterion for the assessment of bids, it needs to be defined objectively.



Multi-contractor framework agreement with purchase orders has been notified.



Can I systematically call on a single supplier?

If the framework agreement does in fact provide for multiple suppliers, I have an obligation to ensure fair competition between all those designated in the agreement. Furthermore, I must formalise such competition for each purchase order, notably by applying the selection criteria.



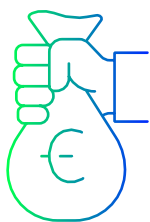
THE CORRECT APPROACH

- Make sure that I draft objective and neutral contractual specifications so as to avoid favouring any one applicant.



WHAT YOU SHOULD SEE AS WARNING SIGNS

- Questions directed at obtaining information on a procurement procedure, whether in preparation or currently ongoing, or regarding the offers submitted by applicants.
- Contractual specifications that favour a particular technical capability or process.
- Approaches from contacts in connection with a procurement process.
- Drafting tender assessment criteria that are "*biased*" and/or restrictive.
- Responding to questions on ongoing competitive bid processes that go beyond the published information.
- Discussing aspects of a procurement process with a competitor.
- Invitations from bidding firms during an ongoing procurement process.



6. Misappropriation of public funds and property

Definition

Misappropriation of public funds and property involves an employee **destroying, misusing or removing documents, resources or funds** belonging to HAROPA PORT and entrusted to the employee in connection with their duties or mission. This may involve sums of money, intangible items such as patents and data, or physical assets. **Mere awareness of such misappropriation is sufficient to prove the offender's intentions**, even if the employee has not derived personal gain from the misappropriation, whether actual or attempted.

Employees are asked to use the organisation's resources and property **in accordance with their intended purpose and not for personal benefit**.



I am retiring and I would like to leave with the attractive painting that has been on my office wall for the last twenty years.

Am I entitled to do so?



I cannot do so. The painting is HAROPA PORT property and must be identified as such (possibly as part of artistic heritage). In fact, to do so would fall into **the category of misappropriation of public assets, or even theft**.



At the end of the school summer holidays, a colleague asks me to order office supplies in greater than usual quantities.

What should I do?



I must contact this colleague to determine the reason for the increased requirement and, if necessary, inform my line management. Such an order might be deemed to constitute **internal fraud and misappropriation of public property**, irrespective of the monetary value involved.

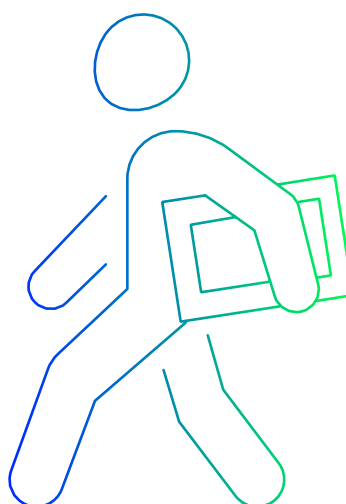


A colleague uses a HAROPA PORT work vehicle outside working hours for their personal needs, weekends included.

Is this allowed?



A work vehicle is strictly intended for **work-related** journeys. The use of vehicles outside working hours may constitute misappropriation of public property and the member of staff make incur personal liability, especially in the event of an accident.





After the end of a training programme on Friday evening, I decide to extend my stay in Paris for the weekend.

Am I entitled to do so?



If I want to extend my weekend stay, I must inform my line management internally and bear the cost involved, plus any additional expenses.

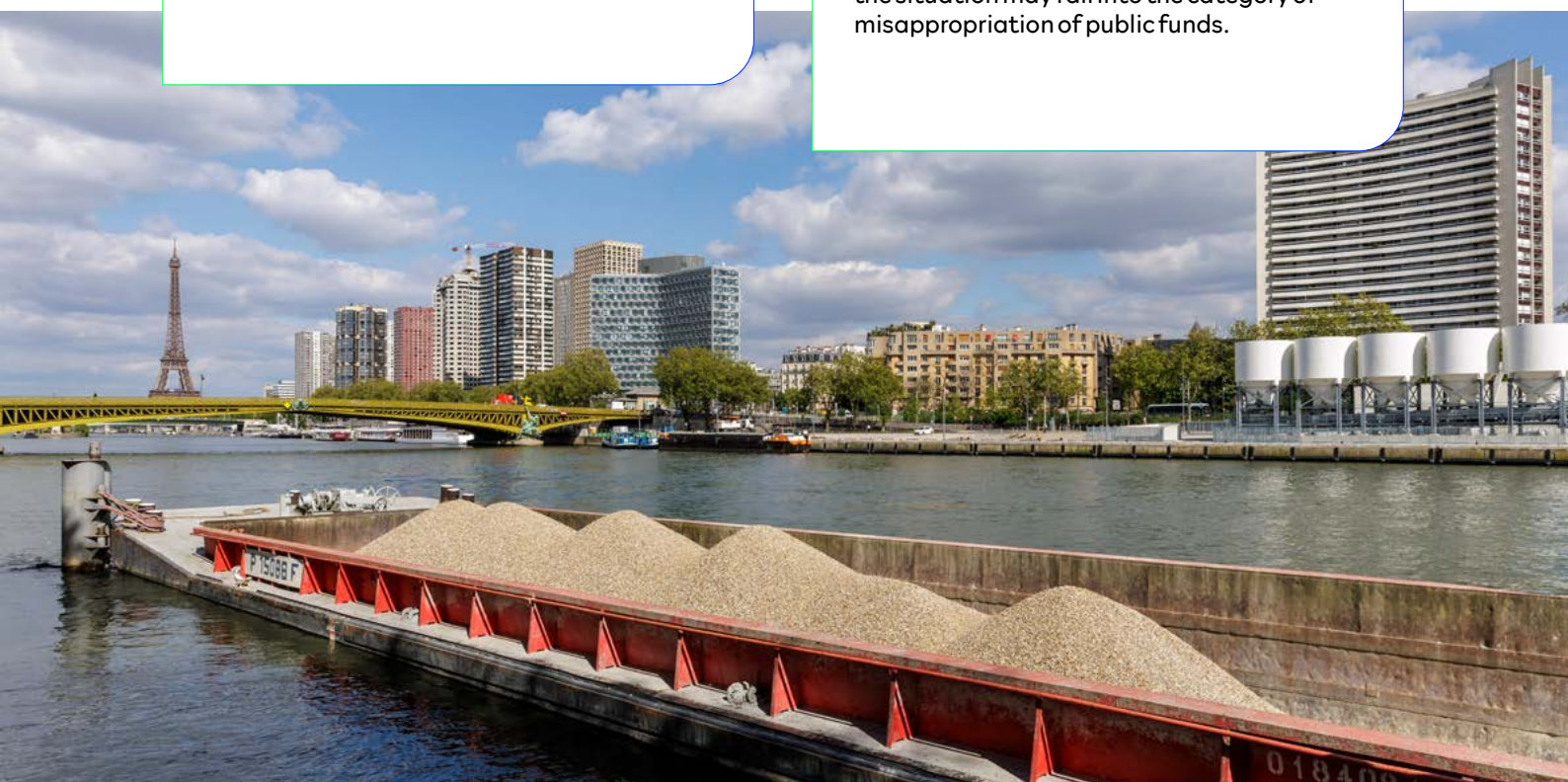


Following work-related travel, a staff member submits an expenses claim in which the number of kilometres has been increased at the port's expense.

What should be my attitude?



If the error is due to inattention, I must advise my colleague to correct the expenses claim as soon as possible. If this is not done, the situation may fall into the category of misappropriation of public funds.



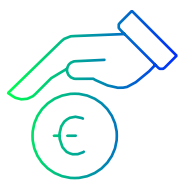
THE CORRECT APPROACH

- Take care with the organisation's property. Inform your line management.



WHAT YOU SHOULD SEE AS A WARNING SIGN

- A blind eye being turned to situations that seem to you to be prejudicial to the organisation.



7. Abuse of public office

Definition

Abuse of public office (termed 'concession' in French law) is defined as an act by a person holding public authority or entrusted with a public service mission, as is the case for HAROPA PORT employees, where that person intentionally receives, requires or orders the collection of sums that are either not payable or exceed what is payable, or who unduly grants an exemption or a waiver of duties (abuse by omission). Unlike bribery, the person who makes the undue payment is the victim or the beneficiary, in both cases at HAROPA PORT's expense.

The offence of abuse of public office ("concession") protects citizens and businesses from abuses committed by officials responsible for managing public funds and/or public services.

HAROPA PORT, as a State public body, manages public funds. Every employee must have raised awareness of the issue of abuse of public office.



I am a longstanding friend of the sales manager of a company based on port land. Construction work has been done by HAROPA PORT on its site, and this is to be billed to the company. My friend asks me to make a discreet reduction to the invoiced amount.



How should I respond?

I must **reject** this request because noncollection of a due payment constitutes an abuse of public office.



I have received a reimbursement of work-related expenses that is greater than the amount I should have received.



How should I react?

I must inform my line management and the department responsible for reimbursing work-related expenses. Receipt of an amount in excess of what is due could constitute the offence of abuse of public office.

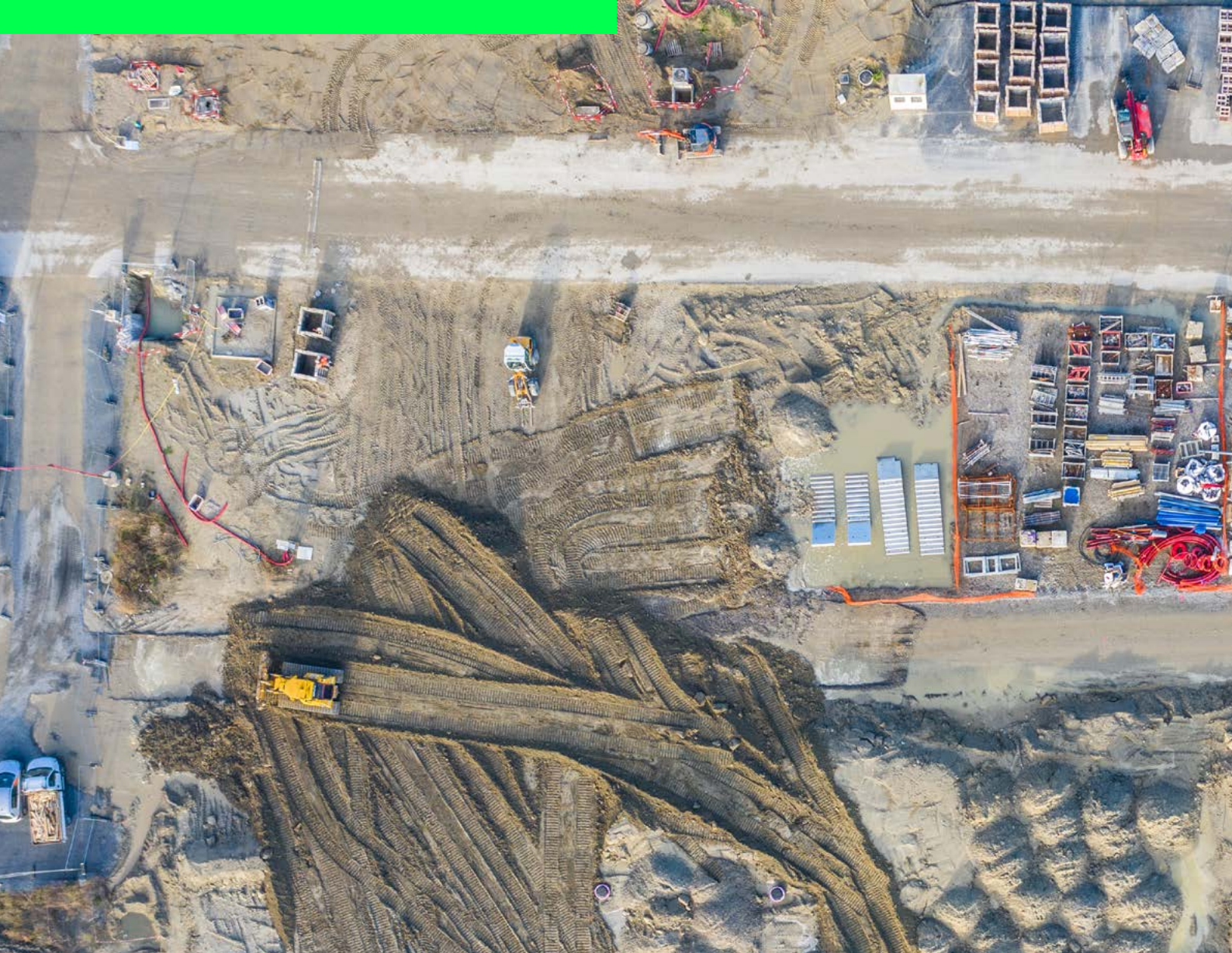


I have an access pass to the software used to manage employee time accounts (compte épargne temps - CET) and I take advantage of this to artificially increase my account balance in order to retire earlier.



What do I risk in doing so?

According to case law, in addition to a potential disciplinary penalty, I may be guilty of **abuse of public office** due to the intentional nature of my actions.



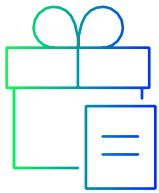
THE CORRECT APPROACH

- Abide by the lease payments/prices validated by senior management (i.e. the Supervisory Board and Management Board) as well as the procedures for dealing with requests for price reductions and penalty waivers.
- Take care with regard to discussions and contacts with HAROPA PORT customers, suppliers and subcontractors.



WHAT YOU SHOULD SEE AS A WARNING SIGN

- Approaches by third parties seeking action on an amount that has been invoiced.



8. Business gifts and invitations

Definition

Gifts and invitations are an integral part of business life. They frequently take the following forms:

- **meals,**
- **bottles of wine,**
- **boxes of chocolates,**
- **hotel stays in connection with seminars, conventions and conferences,**
- **invitations to sports, cultural and social events.**

Nevertheless, if they are too frequent, excessive or inappropriate **they may be hiding actual or perceived corruption.**

Staff must refuse gifts and invitations that risk, whether directly or indirectly, and even unintentionally, **compromising their independence, impartiality or integrity. They must refuse any gift or invitation that might leave them indebted to a third party.**

Similarly, it is prohibited to solicit business gifts and/or invitations from individuals or legal entities in a business relationship, or seeking to develop a business relationship, with our organisation, and more specifically, during ongoing processes relating to public procurement, public service concessions or calls for project proposals, as well as in connection with the allocation of occupancy rights to port land.

The above rule applies both in France and abroad.

Gifts, including invitations and business meals, can be accepted if their value does not exceed €150 including VAT per company and per calendar year. If the value of the gift or invitation exceeds this limit, it must be politely refused and/or returned, citing the organisation's policy on gifts. If it is difficult to determine the value of the gift, it may be handed over for inclusion in the organisation's assets.

Similarly, acceptable gifts, including those under €150 inc. VAT must not relate to accommodation, travel, conventions or conferences, but should be limited to small items, and ideally to tokens of courtesy or hospitality.

Gifts and invitations received or offered in an institutional context or in connection with public relations programmes are governed by specific rules.



In order to assess whether a gift or invitation is reasonable, the correct approach is to ask whether it would be feasible to offer a gift or invitation of the same value in return. If it seems to you to be impossible to offer a gift or invitation of equivalent value since it would be excessive or inappropriate, this is an indication that it is not reasonable.



I have been invited by one of our suppliers to a trade show.

What is the correct approach to this?



Even if it is strictly work-related, travel at the expense of a third party is **not acceptable**. I must politely decline the offer, explaining that only HAROPA PORT can pay my work-related expenses.



A supplier gives a box of chocolates to the department every year.

Can we accept it?



Given that this is a courtesy gift promoting good business relations and worth less than €150 inc. VAT, it can be accepted by the department.



In my capacity as project manager, I recently received an invitation to attend, all expenses paid (i.e. travel, accommodation and meals), a seminar on the current market situation, a source of invaluable information for the project I head up.



Can I accept this invitation?

Care is needed with regard to this type of invitation since it is aimed, on the pretext of discussions between professionals, at developing a network of influential relationships for professional reasons and to achieve a specific objective. The offer of free travel and accommodation should be a warning sign, especially as the event is to be held at the weekend. I must **decline**.



One of my service providers invites me to a restaurant at the end of the year. Not only do we have a current public contract with this provider, but it is also an applicant in an ongoing procurement process.

Can I accept?



Even if made on a friendly basis, I must **decline** this invitation since this supplier is involved in an ongoing procurement. However, office meetings with the supplier are obviously permitted in connection with the performance of the current public contract.

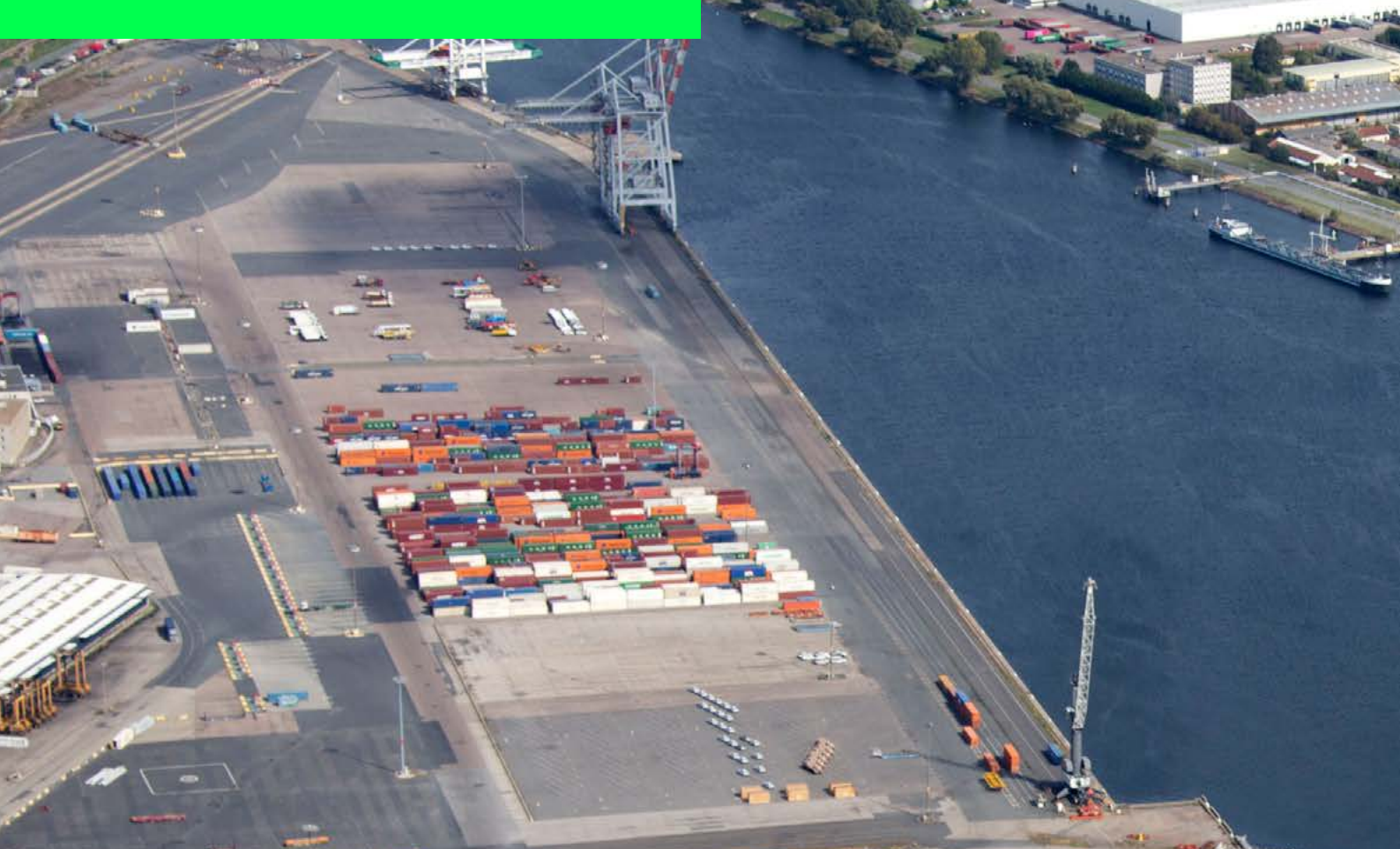


I have received some bottles of wine sent by one of my customers to my home address, which makes me uneasy because my line management is unaware of this.



What should I do?

Before accepting the gift, I need to inform my line management and determine its cost. If less than €150 inc. VAT, I can accept. However, the correct procedure is to **inform** the customer that he should send such gifts to my **work address**, reminding him that the permitted limit is **€150 inc. VAT per company and per calendar year**. Conversely, if the gift is worth more than €150 inc. VAT, I should return it, indicating that I am bound by the present Code.



THE CORRECT APPROACH

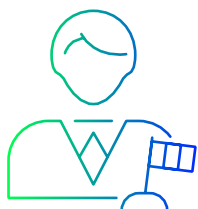
- Familiarise myself with the internal rules on gifts and invitations. Ask myself how much the gift or invitation is worth.
- Be transparent with my line management.



WHAT YOU SHOULD SEE AS WARNING SIGNS

- Ask myself how this gift would be perceived if made public. Inclusion of my partner (or family) in the invitation. Reception of a gift at my home address.
- Gifts and invitations received from potential bidders when there is an ongoing procurement process. Provision of services free of charge or for payment below the market rate, as well as obviously excessive gifts and invitations. If the thought of the gift or invitation being generally known makes you uneasy or if it leads to feelings of indebtedness, you should also refuse or return it.





9. Lobbying

Definition

Lobbying is activity directed at representing certain interests and exerting legal influence on public policy decisions by entering into discussions with public officials. In France, lobbying is controlled by rules notably involving listing lobbyists' identities in a register maintained by the HATVP (Haute Autorité pour la Transparence de la Vie Publique – High Authority for Transparency in Public Life), failing which there are sanctions in criminal law (fines).

Lobbying can include all types of communication with members of government, parliamentarians and local or national elected representatives with a view to **influencing one or more public policy decisions** and, specifically, one or more legislative or regulatory measures at national or local level.

Lobbying involves action at institutional, local, national or EU levels. Under no circumstances does it involve isolated approaches by individuals, however pertinent such approaches might be.

Only designated staff members can conduct lobbying activity. The list of these individuals is available on the organisation's Intranet home page (see the tab "Our Enterprise" and the section "Internal Control and Compliance").



In my capacity as project manager I encounter a difficulty in obtaining planning permission. I decide to make an appointment to see the deputy mayor in charge of town planning to try to obtain authorisation from him.



Am I right to make this approach?

Seeking to enter into contact with a public official or a member of their staff in order to exert influence on a public policy decision constitutes **lobbying**. In such a situation, I should, with the agreement of my line management, contact one of the individuals designated by HAROPA PORT to engage in lobbying. I should also contact the Ethical Compliance Officer or go to the Intranet home page to consult the list.



I unexpectedly cross paths with a member of parliament at a conference. In the course of our conversation, I take the opportunity to attract their attention to a reform that would be advantageous for a major project promoted by HAROPA PORT.



Does such an approach constitute lobbying?

This situation could well be categorised as **lobbying** if the discussion involves exerting influence on the drafting of a bill or regulation. I need to ensure that I have been **authorised** by senior management to represent the interests of the organisation, and such lobbying should be tracked by registering it in the HATVP register.



THE CORRECT APPROACH

- All members of staff must be aware of what is allowed and what is not allowed where lobbying is concerned.
- Adopt a strategy on lobbying with regard to the most strategically important issues
- Ensure that lobbying activity is tracked.



WHAT YOU SHOULD SEE AS A WARNING SIGN

- Discussions you may have with a public official relating to a public policy decision.



10. Patronage

Definition

Sponsorships involve the provision of financial or material support to an event, an organisation, an individual or a product **in order to obtain publicity**. The objective is to promote the image of HAROPA PORT for commercial ends.

Where **patronage** is concerned, this is defined as providing, with no regard to obtaining anything directly in return from the beneficiary, support (in kind or financial) for a project or an individual in furtherance of activities in the public interest in the fields of culture, social solidarity or the environment.

Patronage programmes may be intended, or may have the effect, of hiding the provision of an advantage or a promise of an advantage for a third party to ensure that that party acts, or refrains from acting, as desired. Where this applies, such programmes may be camouflaging corruption or perceived to be doing so.



I have been contacted by a government body with a request that HAROPA PORT contribute to the funding of a charity caring for the body's orphans (e.g. Gendarmerie, firefighters).



What approach should I adopt in a situation of this kind?

I should invite the person contacting me to make the request in **writing** to the deputy CEO or the CEO.



A company (or a non-profit association) is holding a sports event. In doing so, it asks me if HAROPA PORT might, as a philanthropic act, provide certain services free of charge (e.g. loaning equipment or implementing safety measures at the event). In return, the association tells me that it will provide free advertising for HAROPA PORT on its social media for a year and also offers me tickets to the event.



Can I accept?

This approach would tend to be categorised as sponsorship. Any use of the organisation's resources must be **authorised**. In this specific situation, only the Management Board is in a position to grant this subsidy or to authorise the provision of services (this being a benefit-in-kind). I need to invite the person contacting me to make an official request in writing and I must decline the offer of tickets.



THE CORRECT APPROACH

- Give preference to charities that publish accounts. When making a choice, evaluate the charity's integrity, taking account of its reputation, absence of adverse rulings in criminal law and technical and financial capacity.
- Draw up a contract.
- Ensure that the title of the contract reflects the actual nature of the request.



WHAT YOU SHOULD SEE AS WARNING SIGNS

- Solicitation of compensation for philanthropic action.
- Requests for sponsorship involving a significant invitation.
- Grants of subsidies or donations to private individuals.
- Situations in which I have a direct or indirect personal interest. A person intentionally contacting you personally and reluctant to make the request official.



11. Secularism

Definition

HAROPA PORT safeguards and guarantees freedom of conscience and worship.

Given that HAROPA PORT is a State organisation, an obligation to abide by France's principle of secularism, which requires the State to remain neutral with regard to religion, is nevertheless incumbent on the staff of HAROPA PORT during the performance of their duties, and they must refrain from expressing their religious or philosophical beliefs and from wearing visible signs marking their attachment to a faith community.

The purpose of secularism is to treat all individuals equally and to protect their freedom of conscience.

Adherence to these obligations applies not only to members of staff but also to our suppliers. Public procurement contracts involving delegated provision of public services must contain clauses that recall those obligations. Conversely, this does not apply to our customers.



HAROPA PORT subsidises non-profit associations.

Can I ask HAROPA PORT to make a donation in kind to my religious association that helps the destitute, for example by providing furnishings or computer equipment?



HAROPA PORT does in fact sometimes take part in initiatives involving partnership or philanthropic action. In order to ensure adherence to France's republican principles, nonprofits need to make a formal commitment by signing **an undertaking to abide by the principles of the French Republic**.



THE CORRECT APPROACH

- Ensure that you keep your activities linked to religion, politics or other beliefs separate from your department, duties, workplace and working time.



WHAT YOU SHOULD SEE AS A WARNING SIGN

- Activity related to faith, politics or beliefs.





12. The duty of preelection discretion

Definition

HAROPA PORT safeguards the freedom of expression of all members of its staff. Outside work, every employee is entitled to take part in elections and the campaigns that precede elections. This freedom of opinion must however be reconciled with the obligation of discretion incumbent upon the workforce of HAROPA PORT as a State organisation with regard to restraint in expressing their opinions in the context of their duties.

During the pre-election quiet period or “réserve électorale” (approximately 2 to 3 weeks before each election and the period between the first and second rounds of voting), employees must not express their activist or political views in the context of their professional duties.

This period of pre-election discretion requires staff to avoid participating in demonstrations and public ceremonies related to the election or to politics in the context of their work and to maintain neutrality as far as possible. Attention must be paid to this point irrespective of the medium of expression, including social media and the Internet generally. The objective is to avoid giving an advantage to a particular candidate in the election and to protect the freedom of choice of the electors by refraining from expressing partisan views and avoiding influencing their vote.



I am a candidate for my local town council.

Can I inform my colleagues that I am a candidate?



Our Code **prohibits** this, because I risk violating my obligation to remain neutral and my duty to maintain professional discretion. Conversely, I am free to discuss it and to organise meetings outside working hours and outside the workplace.



At the time of the regional elections, the candidate I support asks me to hand out leaflets at my workplace for the general information of the electors.

Can I do this?



During the election period the duty of discretion must be even more strictly observed in public organisations such as HAROPA PORT, and this includes social media. Distribution of activist/political leaflets is **strictly prohibited** for that reason.



THE CORRECT APPROACH

- Ensure that you keep your political and activist activities separate from your department, duties, workplace and working time.



WHAT YOU SHOULD SEE AS WARNING SIGNS

- Requests to relay campaign messages during your working time and/or use of resources belonging to HAROPA PORT. Invitations during your professional duties to political and/or activist evening events.



13. The principle of neutrality

Definition

Because HAROPA PORT is a State body, all members of its workforce have an obligation to remain neutral in the context of performance of their duties. This principle means that they must refrain at all times from putting forward their political views and their beliefs.

The aim of this is to ensure that all individuals receive equal treatment.

Adherence to this principle applies to all members of staff and constitutes an obligation additional to the duty of pre-election discretion.



Can I make available to my colleagues a flyer concerning an event in my church parish?



This will be seen as proselytising. As such, the requirement of **neutrality** does not permit distribution of materials of this kind at work.



THE CORRECT APPROACH

- On receipt of requests for philanthropic action or sponsorship, the need is to verify, firstly, the solidity, reputation and track record of the organisation to be assisted and, secondly, its core objectives and the use to which the granted support will be put.



WHAT YOU SHOULD SEE AS WARNING SIGNS

- Non-profits that refuse to provide information on their organisation or for which it is difficult to obtain information.



14. The Integrated Port Security Service (SISP)

OFFICIAL ORDER OF 28 MAY 2021: ETHICAL RULES APPLICABLE TO OFFICERS OF THE INTEGRATED PORT SECURITY SERVICE (SISP) OF THE SEINE AXIS MAJOR RIVER AND SEA PORT (GPFMAS)

The staff of SISP (Service Intégré de Sûreté Portuaire – Integrated Port Security Service) must abide by ethical rules as set out hereinbelow and deriving from the official order of 28 May 2021 in addition to all and any other regulations that may replace or amend them, these being supplementary to those of the present Code of Conduct, of which they are an integral part.

Introductory Article

Pursuant to Article 51 of ordinance 2021-614 of 19 May 2021 concerning the merger of the Paris port authority with the major seaports of Le Havre and Rouen to form a single public body, and without prejudice to adherence to the obligations incumbent upon them pursuant to the provisions of the above-referenced ordinance and decree, employees of that body shall be required to adhere to the rules of professional ethics set out hereinbelow.

Article 1

All staff shall conduct their professional duties in a manner compliant with the law and official regulations.

Article 2

All staff shall remain impartial and shall refrain from all forms of discrimination.

Article 3

All staff shall ensure that they maintain the dignity inherent in their professional duties at all times.

Article 4

All staff shall keep strictly confidential any security-related information, procedures or practices of which they become aware in the performance of their duties.

Article 5

All staff shall refrain from actions in breach of integrity. They shall not make use of their official status for personal advantage, and they shall not use for purposes unrelated to their professional duties information of which they may become aware in the course of performance of those duties. They shall not accept from third parties benefits or gifts directly or indirectly related to their duties.

Article 6

All staff shall endeavour to act judiciously and in an opportune and appropriate manner.

Article 7

At locations where they perform their duties, with regard to the sensitive nature thereof, and in order to prevent the occurrence of accidents, all staff shall ensure: 1. that they are not under the influence of alcoholic drinks or illicit substances; 2. that they do not consume, introduce to, or store in the workplace alcoholic drinks or illicit substances and products. The organisation's internal regulations may, where necessary, provide for all and any forms of testing for the ingestion of alcohol and all and any forms of saliva test for ingestion of narcotic substances.

Article 8

All staff shall behave with appropriate respect for all other persons. Their behaviour regarding port users and customers shall be characterised by courtesy and appropriate formality. They shall be attentive to human dignity, and exhibit exemplary behaviour in a manner to elicit respect and consideration in return.

Article 9

All staff shall abide by the organisation's internal regulations concerning the wearing of uniform and shall project a positive image of the organisation. During the performance of their duties they shall have upon their person their official identification, which they shall be in a position to present on all occasions on which they are legally required to do so.

Article 10

All staff holding a currently valid driving licence shall have that licence upon their person during the performance of their duties in order to be in a position to drive service vehicles at any time, whether or not this has been scheduled. They shall also inform their line management of confiscation, suspension or cancellation of their driving licence where the latter is necessary to the performance of their duties. In connection with the use of service vehicles, the use by any member of staff of its acoustic or luminous warning system must be authorised by their line manager subject to the terms of Article 22 of the above-referenced decree. Its use shall be exclusively for the purpose of facilitating movement of the vehicle. Subject to observance of the rules of the Highway Code, staff shall abide by the instructions given by their employer with regard to the use of vehicles.

Article 11

During the performance of their duties, the behaviour and manner of communication of all members of staff shall never cause them to be misidentified with other public service officers, and specifically the National Police Force or the Gendarmerie.

Article 12

Any member of staff unable to satisfy the conditions of employment set out in Article 45 of the abovereferenced ordinance is obliged to inform their line management accordingly.

Article 13

All staff shall carry out faithfully and honestly the instructions given to them by their line management. They shall report to their line management on the performance of the instructions they have received and, where applicable, the reasons making such performance impossible.

Article 14

In connection with organisational controls as provided in Article 52 of the above-referenced ordinance [2021-614], all staff shall facilitate under all circumstances the performance of inspections to which they may be subject. They shall provide all information and documents as requested and shall allow access to work premises.

Article 15

All managers shall refrain from giving staff under their authority instructions that would involve them in noncompliance with the principles of professional ethics.

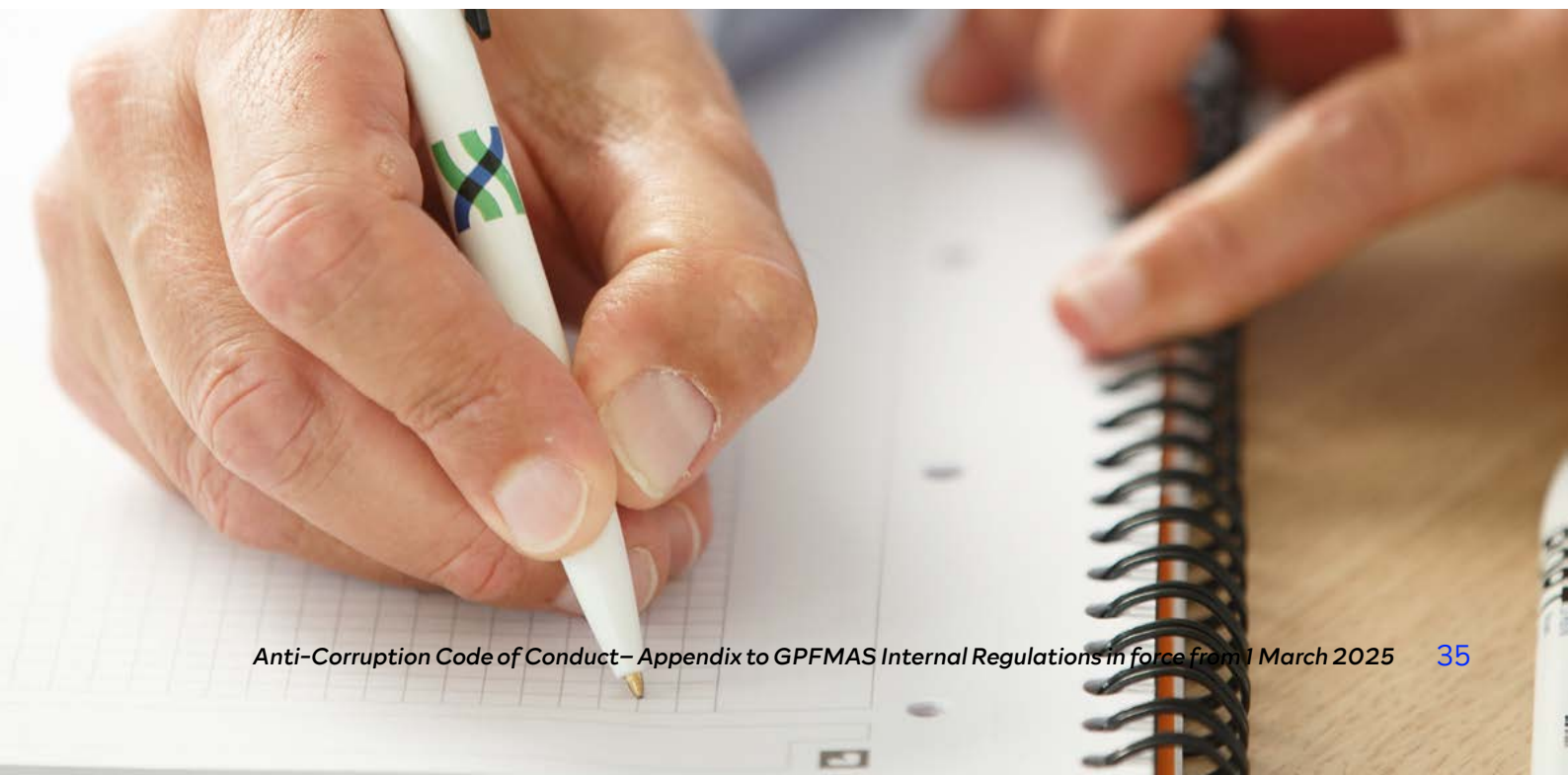
Managers shall ensure that instructions are formulated precisely and clearly in a manner likely to promote correct understanding and performance.

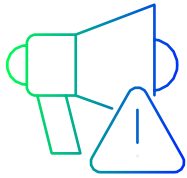
Article 16

During performance of their duties, all staff are prohibited from: 1. interfering at any time and in any manner with labour disputes or events relating thereto; 2. undertaking surveillance relating to individuals' political, religious or other beliefs or their membership of trade union organisations.

Article 17

The port shall make the present ethical rules known to all members of its staff in the manner it chooses.





15. Internal whistleblowing

A staff member may consider that a statutory or regulatory provision or this Code and the associated internal rules and procedures have not been adhered to or are on the point of not being adhered to.

Any such staff member **must inform their line management** and/or the **Ethical Compliance Officer** and/or make use of the whistleblowing procedure as soon as possible, abiding by the rules governing such reports, most notably the French Code of Employment Law and HAROPA PORT's own regulations.

An internal circular has set out the precise procedures for internal whistleblowing.

The rules contained in this Code of Conduct and related procedures are mandatory.

No individual in HAROPA PORT can dispense him- or herself from adherence to them, irrespective of their management status.

Retention of personal data

The procedure has been designed to ensure strict obedience to the provisions set out in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of employees with regard to the processing of personal data and on the free movement of such data.

Personal data relating to non-compliance reports not considered to fall into the category defined under the present procedure are immediately recorded for statistical purposes, after anonymisation, in a dedicated IT system.

Personal data relating to non-compliance reports considered to fall into the category defined under the present procedure are immediately recorded, after anonymisation, in a register by the Data Protection Officer within two (2) months of the procedure's termination, once the report is no longer the subject of disciplinary measures and/or criminal proceedings. The duration of such archival retention of reports is three years, including the year then current.

Where disciplinary measures and/or criminal proceedings have been initiated following the report procedure, data relating to the latter are retained until termination of the procedure.





16. What are the penalties for non-compliance with this Code?

Where staff members fail to adhere to the rules laid down in this Code or the associated procedures, they may be liable in civil and/or criminal law, exposing them to disciplinary penalties in proportion to the seriousness of the infringement of the Code as set out in HAROPA PORT internal regulations or the French Code of Employment Law.

Additionally, Article 40 of the Code of Criminal Law Procedure imposes a duty "for all public servants in the performance of their duties" to report crimes and offences of which they may become aware.

It is the personal, operational and managerial duty of each employee to thoroughly read, understand, and comply with this Code.

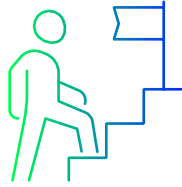
Range of penalties

Favouritism — 2 years' imprisonment €200,000 fine Legal entities €1,000,000 fine	Misuse of public office for private gain — Abuse of public office ("concession") — 5 years' imprisonment €500,000 fine Legal entities €2,500,000 fine	Bribery — Influence peddling — Misappropriation of public funds — 10 years' imprisonment €1,000,000 fine Legal entities €5,000,000 fine
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Additional penalties

Articles 432-17 and 432-22 of the French Code of Criminal Law:

- Disqualification from civil, civic, and family rights,
- Disqualification from professional and social activities, public office, regulated professions and management,
- Confiscation of monetary sums or items unduly received,
- Publication or communication of the relevant legal ruling.



17. For further reference



Glossary and articles of reference in the Code of Criminal Law

1. Private-sector corruption

1.1 Active corruption

Article 445-1 para. 1 of the Code of Criminal Law:

"Any person who, without legal entitlement, directly or indirectly, at any time, offers, promises, gives, or grants any gift, present, or advantage to another person who is not a public official, not entrusted with a public service mission, and not holding an elected public office but who performs, within a professional or social context, a managerial role or work for a natural or legal person or any organisation, in order that they carry out or refrain from carrying out, or because they have carried out or refrained from carrying out, an act related to their activity or role, in breach of their legal, contractual, or professional obligations, shall be punished by five years' imprisonment and a fine of €500,000, which may be raised to a level double that of the amount of the proceeds derived from the offence."

1.2 Passive corruption

Article 445-2 of the Code of Criminal Law:

"Any person who, without legal entitlement, directly or indirectly, at any time, solicits or accepts offers, promises, gifts, presents, or any advantages, for themselves or for others, from another person, in order to carry out or having carried out, to refrain from or having refrained from carrying out, an act related to their activity or role, or facilitated by it, in breach of their legal, contractual, or professional obligations, shall be punished by five years' imprisonment and a fine of €500,000, which may be raised to a level double that of the amount of the proceeds derived from the offence."

2. Public-sector corruption

2.1 Active corruption

Article 433-1 para. 1 of the Code of Criminal Law:

"Any person who, without legal entitlement, directly or indirectly, at any time, offers, promises, gives, or grants any gift, present, or advantage to a person holding public authority, entrusted with a public service mission, or vested with an elected public mandate, for themselves or for others, shall be punished by ten years' imprisonment and a fine of €1,000,000, which may be raised to a level double that of the amount of the proceeds derived from the offence:

1° ... in order that they carry out or refrain from carrying out, or because they have carried out or refrained from carrying out, an act related to their function, mission, or remit, or facilitated by it."

2.2 Passive corruption

Article 432-11 point 1 of the Code of Criminal Law:

Article 432-11 point 1 of the Code of Criminal Law: "Any person holding public authority, entrusted with a public service mission, or vested with an elected public mandate, who, without legal entitlement, directly or indirectly, at any time, solicits or accepts offers, promises, gifts, presents, or any advantages, for themselves or for others, shall be punished by ten years' imprisonment and a fine of €1,000,000, which may be raised to a level double that of the amount of the proceeds derived from the offence:

1.... in order that they carry out or refrain from carrying out, or because they have carried out or refrained from carrying out, an act related to their function, mission, or remit, or facilitated by it."

3. Influence peddling

3.1 Active influence peddling by a person vested with public authority or entrusted with a public service mission

Article 433-1 para. 1 point 2 of the Code of Criminal Law:

"Any person who, without legal entitlement, directly or indirectly, at any time, offers, promises, gives, or grants any gift, present, or advantage to a person holding public authority, entrusted with a public service mission, or vested with an elected public mandate, for themselves or for others, in order that they abuse, or because they have abused, their actual or supposed influence to obtain from a public authority or administration distinctions, employment, contracts, or any other favourable decision, shall be punished by ten years' imprisonment and a fine of €1,000,000, which may be raised to double the amount of the derived from the offence."

3.2 Passive influence peddling

Article 432-11 point 2 of the Code of Criminal Law:

«Any person holding public authority, entrusted with a public service mission, or vested with an elected public mandate, who, without legal entitlement, directly or indirectly, at any time, solicits or accepts offers, promises, gifts, presents, or any advantages, shall be punished by ten years' imprisonment and a fine of €1,000,000, which may be raised to double the amount of the derived from the offence: To abuse their actual or supposed influence with a view to obtaining from a public authority or administration distinctions, employment, contracts, or any other favourable decision."

3.3 Influence peddling involving a private individual

Article 433-2 of the Code of Criminal Law:

"Any person who, without legal entitlement, directly or indirectly, at any time, solicits or accepts any offers, promises, gifts, presents, or advantages, for themselves or for others, in order to abuse, or because they have abused, their actual or supposed influence with a view to obtaining from a public authority or administration distinctions, employment, contracts, or any other favourable decision, shall be punished by five years' imprisonment and a fine of €500,000, which may be raised to a level double that of the amount of the proceeds derived from the offence."

«The same penalties shall apply to any person who yields to solicitations as described in the first paragraph, or who, without legal entitlement, directly or indirectly, at any time, offers, promises, gives, or grants any gift, present, or advantage to another person, for themselves or for others, in

order that they abuse, or because they have abused, their actual or supposed influence with a view to obtaining from a public authority or administration distinctions, employment, contracts, or any other favourable decision."

4. Unlawful conflict of interest

French law n° 2013-907 of 11 October 2013 on transparency in public life defines unlawful conflict of interest as follows: "Any situation of interference between a public interest and public or private interests that is likely to influence or appear to influence the independent, impartial, and objective performance of a duty."

Article 24 of EU directive 2014-24 and Article 42 of EU directive 2014-25 of 26 February 2014 on the award of public procurement agreements addresses this subject:

"Member States shall ensure that contracting authorities take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all economic operators."

"The concept of conflicts of interest shall at least cover any situation where staff members of the contracting authority or of a procurement service provider acting on behalf of the contracting authority who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure."

Article 48 of ordinance 2015-899 of 23 July 2015 provides as follows: "1- purchasers may exclude from the public procurement procedure [...] 5. any person who, by reason of their bid, creates a situation of unlawful conflict of interest, where such a situation cannot be remedied by other means. A conflict of interest is any situation in which a person involved in the conduct of the procurement procedure, or likely to influence its outcome, has, directly or indirectly, a financial, economic, or other personal interest that could compromise their impartiality or independence in the context of the public procurement procedure."

It should be noted that Article 48 also provides that: "An economic operator may only be excluded under paragraph I if the public purchaser has given them the opportunity, within a reasonable time and by any means, to demonstrate that their professionalism and reliability can no longer be called into question and, where applicable, that their participation in the public procurement procedure is not such as to compromise equal treatment of candidates."

5. Abuse of public office ("concession")

Article 432-10 of the Code of Criminal Law:

"Any person holding public authority or entrusted with a public service mission who receives, demands, or orders the collection of a sum of money, in the form of duties, contributions, public taxes or levies, which they know is not owed or exceeds what is owed, shall be punished by five years' imprisonment and a fine of €500,000, which may be raised to double the amount of the proceeds derived from the offence".

The same penalties apply to any person holding public authority or entrusted with a public service mission who, in any form and for any reason, grants an exemption or waiver from duties, contributions, taxes, or public levies in violation of legal or regulatory provisions.

Any attempt to commit the offences described in this article shall be subject to the same penalties."

6. The offence of favouritism

"Any person holding public authority, entrusted with a public service mission, vested with an elected public mandate, or acting as a representative, administrator, or agent of the State, local authorities, public institutions, national semi-public companies entrusted with a public service mission, local semi-public companies, or any person acting on behalf of any of the above, who procures or attempts to procure for another person an unjustified advantage through an act contrary to legislative or regulatory provisions intended to guarantee equal access and equal treatment of candidates in public procurement and concession contracts, shall be punished by two years' imprisonment and a fine of €200,000, which may be raised to a level double that of the amount of the proceeds derived from the offence."

7. Misappropriation of public funds

Article 432-15 of the Code of Criminal Law:

«Any person holding public authority, entrusted with a public service mission, a public accountant, a public depositary, or any of their subordinates, who destroys, misappropriates, or removes any document or title, public or private funds, securities, records or equivalent instruments, or any other item entrusted to them by reason of their functions or mission, shall be punished by ten years' imprisonment and a fine of €1,000,000, which may be raised to a level double that of the amount of the proceeds derived from the offence.

Such fine shall be increased to €2,000,000 or, if this amount is exceeded, to double the proceeds derived from the offence, where the offence is committed as part of an organised group.

Any attempt to commit the offences described in this article shall be subject to the same penalties."

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Anti-Corruption Code of Conduct

All concerned

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