



ArcelorMittal Dawn Raids Guidelines

Guidelines for unannounced inspections by the European Commission and/or National Competition Authorities

ArcelorMittal Corporate Policy on Antitrust Inspections by EU and/or National Authorities

These guidelines outline the procedures to follow if ArcelorMittal Company receives an unannounced inspection (or “dawn raid”) by officials from the European Commission and/or national competition authorities.

Following these procedures will ensure that ArcelorMittal complies with applicable law and will protect its legal position.

It is the corporate policy of ArcelorMittal that each employee of the Company should cooperate fully with the Authorities leading these investigations into alleged unlawful conduct of the Company or of its employees.

This policy requires each employee to:

- be cooperative and polite with the inspectors;
- immediately advise and involve senior management, the legal department and external counsel in the investigation (their coordinates are supplied in Annex);
- monitor the officials throughout the inspection;
- be prepared to defend the Company’s interests in appropriate circumstances.

Even under the best of circumstances, an unannounced inspection by competition authorities is a stressful situation for all parties involved. Adequate preparation before the inspectors arrive will assist in reducing the stress and help guarantee that ArcelorMittal presents itself and acts appropriately.

These guidelines are intended to assist each Business Unit CEO or local legal department representative designated as the “site coordinator” set up procedures for dealing with possible future unannounced inspections by competition authorities.

1. Arrival at Reception

Inspectors usually arrive in a team of four to six officials. They arrive without any prior notice at the start of the day.

In case of inspections initiated by the European Commission, the inspection team generally consists of European Commission officials accompanied by officials from the national competition authority (in the United Kingdom the Office of Fair Trade or OFT; in Luxembourg the Inspection de la concurrence) and normally includes one or two IT experts. The European Commission can also ask national competition authorities to do inspections for it.

- Reception staff should ask the inspectors to proceed to a meeting room where inspectors can wait for the Site Coordinator to arrive.

- Reception should immediately inform the people cited in the Annex and the people the investigators have asked to see.
- Reception should distribute distinctive badges to investigators so that they can be easily distinguished from ArcelorMittal personnel.

2. Organization of ArcelorMittal Response Team

Immediately upon being notified by the reception of the arrival of the inspectors, the Senior Executive or the Legal Department should, in light of availability of senior or legal personnel on site:

- I. Appoint an ArcelorMittal representative for the purposes of coordinating the conduct of the inspection (the “Representative”),
- II. Inform external legal counsel by email and telephone (their coordinates are supplied in Annex)
- III. Set up a site team of (available) in-house and external legal counsel, relevant ArcelorMittal executives, a member of the IT staff and additional assistants for monitoring the inspection and copying the documents;

Senior executive/legal department should immediately inform all employees that an inspection is taking place and give clear instructions that:

- IV. in no case should documents or electronic files be concealed, altered, shredded, or otherwise destroyed or removed, and
- V. in no case should competitors be informed of the inspections.

3. Initial Meeting with the Inspectors

The purpose of the initial meeting between the Representative, available in-house and external legal counsel and the inspectors is to develop a better understanding of the scope and focus of the inspection, organise ArcelorMittal’s cooperation with the inspection, and channel communication to the extent possible.

I. The Representative should:

- a) examine the inspection decision (authority that issued the decision, addressees, date, signature, subject matter, purpose – Mandates must be valid for the date of the visit),
- b) verify the written authorisations of the inspectors and their IDs (national officials should produce an authorisation issued by a national authority),
- c) sign the acknowledgement of receipt for the decision,

- d) take copies of all the above documents, and if in-house lawyers are not available, give instructions that all of the copies be scanned and emailed or faxed immediately to the Corporate Legal Department by email: simon.evans@arcelormittal.com and anne.vanysendyck@arcelormittal.com; by fax: +44 2074120203 and to the Company's external antitrust lawyers
- II. Explore the scope and focus of the investigation, keep a full written record of the discussion and report back to the Corporate Legal Department immediately after the initial meeting;
- III. Determine:
 - which Business Units and offices will be searched,
 - which documents or electronic files shall be reviewed,
 - which persons shall be interviewed, etc., and
 - organise ArcelorMittal's cooperation;
- IV. Identify as main contacts for the Inspectors: the Representative, in-house legal counsel.
- V. Ensure there are an appropriate number of local staff/in-house/external lawyers available to monitor the inspection when/if the Inspectors decide to operate in separate teams. Avoid leaving them alone. Ensure that each member of your staff accompanying the investigators has a copy of the mandate describing the scope of the investigation and instruct them to take a full note of all questions asked and documents reviewed by the investigators.

The initial meeting may take place before external or in-house legal counsel arrives. The inspectors will only wait for a limited period of time (generally 15 minutes / 30 minutes) before they start their inspection. They will not wait if an in-house lawyer is present.

If legal counsel cannot arrive on site on time, please confer with the Corporate Legal Department in London for instructions on how to proceed (Simon Evans, +44 20 3214 2828; +44 77 4876 8324 or Anne van Ysendyck, +44 20 7543 1170, +44 78 2552 7489).

4. During the Inspection

The inspectors are entitled to access all offices and review all files and documents (whether in paper or electronic form) including confidential materials, private documents, diaries, travel and expense reports or any HR files. However, the Inspectors are not allowed to go beyond the scope of the inspection as outlined in the inspection decision.

The Representative should, during the Inspection:

- I. Provide the inspectors with all requested documents and give access to filing cabinets, archives, specially secured rooms or safes;
- II. Monitor and record with detailed notes the progress of the inspection so that the company will have a full and complete record of the scope of the inspection, the places being searched, documents being copied, computers being imaged, management and employees being interviewed, as well as any explanation being given to them;
- III. Keep a second copy of any document or electronic file that is copied during the inspection; check that copy accurately reflects originals (doubled sided, marginal annotations...)

- IV. Evaluate when providing the inspectors with copies of the documents they want to take whether they remain within the scope of the investigation.

No Destruction of Evidence

The Inspectors can seal off premises for up to 72 hours. These new powers should only be exercised where necessary to prevent evidence being tampered with overnight.

In order to ensure the continuing business operations of the Company, it is very important:

- that evidence is not destroyed or tampered with, and
- that Company staff do not behave in a manner that could lead the investigators to believe that evidence is being destroyed or tampered with.

5. Asserting Legal Privilege

Documents which are covered by legal privilege should not be made available to the inspectors. Legal privilege in this context covers opinions of independent external lawyers, correspondence to and from external lawyers, and, to a lesser extent, in-house legal advice.

Please note that the in-house legal advice is not recognised as a correspondence being legally privileged by the European Commission. This is equally the cases within some countries¹ while for others, on the contrary, this notion also covers the in-house legal advice² (Please note however that these more favorable national rules are not applied if the national authority assists the European Commission).

The Representative, acting under advice from the Legal Department, should:

- I. not provide to the inspectors any documents which are marked as legally privileged, any correspondence with external lawyers or any in-house legal advice until a lawyer has reviewed them;
- II. Keep any privileged documents in a separate file, marked accordingly.

Please also note that certain countries have no fixed principles of legal privilege (for instance, in Czech Republic, Slovakia).

6. Computer Searches and Server Imaging

The Inspectors are entitled to examine electronic documents (such as any accounting records, e-mails, other Outlook folders or any other electronic data). The inspectors normally run specific search routines for key words and phrases both on centrally held files (e.g., on dedicated servers) and on individual PCs.

The Representative, acting under advice from the Legal Department, should:

- I. Give access to individual PCs of employees;
- II. Provide access to a workstation which has full server access;
- III. Keep track of any documents retrieved through the search and files being copied; keep records of the key words being used by the inspectors since they provide a better understanding of the precise focus of the inspection.

It is important that an information technology expert who has received prior training is available to assist in this process and monitor its implementation.

7. Interviews – Oral explanations of facts or documents

The inspectors are entitled to ask any representative or member of staff for oral explanations on facts or documents relating to the subject-matter and purpose of the inspection and might record the answers.

Remember that no one is required to incriminate him/herself. Employees can lawfully refuse to answer questions put in a way that the answer assumes the existence of a violation of the law. However, employees are obligated to answer factual questions.

Answer the questions as precisely and concisely as possible. Do not speculate or engage in an expansive discussion. If you do not know the answer, say so. Ensure that all questions and answers are carefully recorded.

8. Searches of Private Homes and Cars

The inspectors are entitled to search private cars or premises belonging to Company directors, managers, and other employees. However, the inspectors must have a reasonable suspicion that they will find incriminating documents, consult with the national competition authority, and need a search warrant granted by a national court.

Please consult the Legal Department immediately if the Inspectors indicate that they wish to search private premises and private vehicles.

9. At the End of the Inspection

Inspections can be as short as several hours or as long as several days. Before the officials leave, it is good practice to have a final meeting.

- Try to get an impression on the findings of the inspectors and discuss the next steps of the proceedings;
- Make sure that you have a full copy of all documents taken by the officials (bearing any annotations or reference numbers added to them by the officials prior to leaving our premises);
- Check and sign the written record of the visit prepared by the inspectors, ask for a signed acknowledgement by the officials of the documents that they have taken and check that the acknowledgement contains the exact reference and number of pages of the documents taken;
- Find out the names of the case handlers or other relevant contact within the competition authority to whom any follow-up contact should be addressed.

10. Communications/media relations

Try to ascertain whether the investigating authority is intending to or has already issued a press statement.

The local Communications/media relations Department should consult with the Legal Department and the Corporate Communications Department before responding to any enquiries or publishing any press releases.

In Europe, we advise:

Marc Hansen -Latham & Watkins
Email: marc.hansen@lw.com Tel: (1) +44
20 7710 1000
(2) +32 2 788 6000
(3) +44 7876 506 990

Or

Olivier d'Ormesson -Linklaters Tel: +33 (0)1
56 43 57 26 Secretary: +33 (0)1 56 43 56

34 Standard: +33 (0)1 56 43 56 43 Fax:
+33 (0)1 43 59 41 92 Tel (home phone):
+33 (0)1 43 06 26 12 Cellular phone: +33
(0)6 12 69 95 23

Please note the Linklaters dawn raid hotline at: +44 20
7456 5055

In order to personalize your Guidelines with your location, the name of Law firms by Country, affiliated or associated with these Law firms, can be supplied to you.

For countries other than Europe, please, take advice to Corporate Legal Department before to insert name of Lawyer and law firm, Email, phone numbers within your Guidelines.

Annex

People to immediately inform during an unannounced inspection ("dawn raid")

I. **Chairman of the Board of ArcelorMittal Warszawa Sp. z o. o.**

- **Marek Kempa**
- Marek.Kempa@arcelormittal.com
- +48 22 835 88 55

oraz

II. **Compliance Officer, Chief Specialist-Lawyer**

- **Magdalena Soboń-Stasiak**
- Magdalena.Sobon-Stasiak@arcelormittal.com
- +48 32 776 78 16

and

III. **The Corporate Legal Department:**

- **Simon Evans, VP and Group General Counsel,**
- simon.evans@arcelormittal.com
- +44 20 75431183
- +44 7748768324

or

- **Anne van Ysendyck, Senior Legal Counsel, Antitrust & M&A**
- anne.vansendyck@arcelormittal.com
- +44 20 75431170
- +44 7825527489