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# REGULATION ON THE OPERATION OF THE BOARD OF SUPERVISORS

(Amended and supplemented pursuant to Resolution No. 02/2025/NQ-ĐHĐCĐ of the General Meeting of Shareholders of Vietnam Container Shipping JSC dated...../2025)

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### VIETNAM CONTAINER **SHIPPING JSC**

SOCIALIST REPUBLIC OF VIETNAM **Independence - Freedom - Happiness** 

Haiphong, dated...../2025

### REGULATION ON THE OPERATION OF THE BOARD OF SUPERVISORS

- Pursuant to Law on Securities No. 54/2019/QH14 dated November 26, 2019, and its guiding regulations;
- Pursuant to Law on Enterprises No. 59/2020/QH14 dated June 17, 2020, and related legal documents
- Pursuant to Decree No. 155/2020/ND-CP dated December 31, 2020, detailing the implementation of certain provisions of the Law on Securities;
- Pursuant to Circular No. 116/2020/TT-BTC providing guidelines on corporate governance applicable to public companies under Decree No. 155/2020/ND-CP, issued by the Ministry of Finance;
- Pursuant to the Charter of Vietnam Container Shipping Joint Stock Corporation;
- Pursuant to Resolution No. 01/2025/NO-GMS dated April 25, 2025, of the General Meeting of Shareholders of Vietnam Container Shipping Joint Stock Corporation.

#### CHAPTER I. **GENERAL PROVISIONS**

#### **Article 1. Scope of Regulation and Subjects of Application**

- 1. Scope of regulation: This Regulation on the Operation of the Board of Supervisors provides for the organizational structure, personnel, standards, conditions, rights and obligations of the Board of Supervisors its members in accordance with the Law on Enterprises, the Company's Charter, and other relevant regulations.
- 2. Subjects of application: This Regulation on the Operation of the Board of Supervisors shall apply to the Board of Supervisors and its members.

#### **Article 2. Principles of Operation of the Board of Supervisors**

The Board of Supervisors shall operate on the principle of collectivity. Each member of the Board of Supervisors shall take personal responsibility for his/her assigned duties, and shall jointly bear responsibility before the General Meeting of Shareholders and before the law for the activities and decisions of the Board of Supervisors.

#### CHAPTER II. MEMBERS OF THE BOARD OF SUPERVISORS

#### Article 3. Rights, Obligations and Responsibilities of Members of the Board of Supervisors

- 1. Comply with the law, the Company's Charter, resolutions of the General Meeting of Shareholders, and professional ethics in performing assigned rights and obligations.
- 2. Perform assigned rights and obligations honestly, prudently, and in the best manner to ensure the maximum lawful interests of the Company.

- 3. Remain loyal to the interests of the Company and its shareholders; not abuse position or authority, nor use information, know-how, business opportunities, or other assets of the Company for personal gain or for the benefit of other organizations or individuals.
- 4. Fulfill other obligations as prescribed by the Law on Enterprises and the Company's Charter.
- 5. In case of violation of Clauses 1, 2, 3, and 4 of this Article causing damage to the Company or others, the member of the Board of Supervisors shall bear personal or joint liability for compensation of such damage. Any income or other benefits gained by the member from such violation must be returned to the Company.
- 6. In case a member of the Board of Supervisors detects a violation in the performance of rights and obligations by another member, he/she must notify the Board of Supervisors in writing, request the violator to cease the violation, and remedy the consequences.

#### Article 4. Term of Office and Number of Members of the Board of Supervisors

- 1. The Board of Supervisors shall consist of between 03 (three) and 05 (five) members. The specific number shall be decided by the General Meeting of Shareholders. The term of office of members of the Board of Supervisors shall be 05 (five) years and they may be re-elected for an unlimited number of terms. In the event that all members of the Board of Supervisors finish their term while new members have not yet been elected, the outgoing members shall continue to perform their rights and obligations until the new members are elected and assume their duties.
  - In case a member of the Board of Supervisors submits a resignation letter, such member shall continue to perform his/her duties until the resignation is approved by the General Meeting of Shareholders.
- 2. The Board of Supervisors shall have at least one member who is an accountant or auditor. Members of the Board of Supervisors shall not be employees of the Company's accounting or finance department, nor members or employees of the independent auditing firm currently auditing the Company's financial statements. Members of the Board of Supervisors shall not be persons related to members of the Board of Directors, the General Director, or other executives of the Company.

#### Article 5. Standards and Conditions for Members of the Board of Supervisors

Members of the Board of Supervisors must meet the following standards and conditions:

- a. Possess full civil act capacity and not fall under the categories prohibited from establishing and managing enterprises as prescribed by the Law on Enterprises;
- b. Be trained in one of the following majors: economics, finance, accounting, auditing, law, business administration, or other majors relevant to the Company's business activities;
- c. Not hold managerial positions in the Company; not necessarily be a shareholder or an employee of the Company, unless otherwise provided in the Company's Charter;
- d. Not be a family member of managers of the Company and its parent company; not be a representative of the capital contribution of enterprises at the parent company or the Company;
- e. Not work in the Company's accounting or finance department;
- f. Not be a member or employee of an independent auditing firm auditing the Company's financial statements within the preceding 03 (three) consecutive years;

g. Meet other standards and conditions as prescribed by relevant laws and by the Company's Charter

#### Article 6. Head of the Board of Supervisors

- 1. The Head of the Board of Supervisors shall be elected by the Board of Supervisors from among its members; election, dismissal, or removal shall be decided by majority vote. The Board of Supervisors must have more than half of its members residing in Vietnam. The Head of the Board of Supervisors must hold a university degree or higher in one of the following fields: economics, finance, accounting, auditing, law, business administration, or another field related to the Company's business activities, unless the Company's Charter provides for higher standards.
- 2. The rights and obligations of the Head of the Board of Supervisors shall be provided in the Company's Charter.

#### Article 7. Nomination and Candidacy of Members of the Board of Supervisors

- 1. A shareholder or group of shareholders holding at least 10% of the total number of voting shares may pool their votes to nominate candidates to the Board of Supervisors. Unless otherwise provided in the Company's Charter, the nomination of candidates to the Board of Supervisors shall be carried out as follows:
  - a. Shareholders holding common shares who form a group to nominate candidates to the Board of Supervisors must notify the meeting attendees of such grouping before the opening of the General Meeting of Shareholders;
  - b. Based on the number of members of the Board of Supervisors, such shareholder or group of shareholders shall have the right to nominate one or more candidates as determined by the General Meeting of Shareholders. In case the number of candidates nominated by such shareholder or group of shareholders is fewer than the number of candidates they are entitled to nominate, the remaining candidates shall be nominated by the Board of Directors, the Board of Supervisors, and other shareholders.
- 2. In case the number of nominated and self-nominated candidates to the Board of Supervisors is still insufficient as prescribed in Clause 5, Article 115 of the Law on Enterprises, the incumbent Board of Supervisors may nominate additional candidates in accordance with the Company's Charter, the Company's internal governance regulations, and this Regulation on the Operation of the Board of Supervisors. The introduction of additional candidates by the incumbent Board of Supervisors must be clearly disclosed before the General Meeting of Shareholders votes to elect members of the Board of Supervisors in accordance with the law.

#### Article 8. Election, Dismissal, and Removal of Members of the Board of Supervisors

- 1. The election, dismissal, and removal of members of the Board of Supervisors fall under the authority of the General Meeting of Shareholders.
- 2. The election of members of the Board of Supervisors shall be conducted by the method of cumulative voting. Accordingly, each shareholder shall have a total number of votes equal to the total number of shares owned or represented by proxy multiplied by the number of members to be elected to the Board

of Supervisors. Shareholders may allocate all or part of their votes to one or more candidates. The elected members of the Board of Supervisors shall be determined based on the number of votes received in descending order, starting from the candidate with the highest number of votes until the required number of members has been elected. In the case where two (2) or more candidates receive the same number of votes for the last seat of the Board of Supervisors, a re-election shall be held among those candidates or the selection shall be made based on the criteria set forth in the election regulations or the Company's Charter.

#### Article 9. Cases of Dismissal and Removal of Members of the Board of Supervisors

- 1. The General Meeting of Shareholders shall dismiss a member of the Board of Supervisors in the following cases:
  - a. The member no longer meets the standards and conditions required for members of the Board of Supervisors as provided in Article 5 of this Regulation;
  - b. The member resigns and such resignation is approved;
  - c. Other cases as provided in the Company's Charter.
- 2. General Meeting of Shareholders shall remove a member of the Board of Supervisors in the following cases:
  - a. Failing to complete assigned duties or tasks;
  - b. Failing to perform his/her rights and obligations for six (06) consecutive months, except in cases of force majeure;
  - c. Repeated or serious violations of the obligations of members of the Board of Supervisors as prescribed by the Law on Enterprises and the Company's Charter;
  - d. Other cases as decided by the General Meeting of Shareholders.

# Article 10. Notification on the Election, Dismissal, and Removal of Members of the Board of Supervisors

- 1. The Company is responsible for notifying shareholders of the election, dismissal, and removal of members of the Board of Supervisors in accordance with the law and the Company's Charter, ensuring that shareholders have the right to access relevant information concerning the election, dismissal, and removal of members of the Board of Supervisors.
- 2. In cases where candidates for the Board of Supervisors have been identified, the Company must disclose information about such candidates at least ten (10) days prior to the opening date of the General Meeting of Shareholders on the Company's website so that shareholders can review the candidates before voting. Candidates for the Board of Supervisors must provide a written commitment regarding the truthfulness and accuracy of their disclosed personal information and must undertake to perform their duties honestly, prudently, and in the best interests of the Company if elected as members of the Board of Supervisors.

The disclosed information on candidates for the Board of Supervisors includes:

a. Full name, date of birth;

- b. Professional qualifications;
- c. Work experience;
- d. Other managerial positions (including positions in the Board of Supervisors of other companies);
- e. Interests related to the Company and its related parties;
- f. Other information (if any) as provided in the Company's Charter.

The Company is responsible for disclosing information regarding companies where the candidates currently hold positions as members of the Board of Supervisors, other managerial positions, and any related interests in the Company (if any).

3. The notification of the results of the election, dismissal, and removal of members of the Board of Supervisors shall be carried out in accordance with the regulations on information disclosure.

## CHAPTER III. RIGHTS, DUTIES, AND RESPONSIBILITIES OF THE BOARD OF SUPERVISORS

#### Article 11. Rights, Duties, and Responsibilities of the Board of Supervisors

- 1. The Board of Supervisors shall have the rights and responsibilities prescribed in Article 170 of the Law on Enterprises and the following rights and duties:
  - a. To supervise the Board of Directors and the General Director in the management and administration of the Company;
  - b. To examine the reasonableness, legality, truthfulness, and prudence in the management and administration of business operations; and the systematic, consistent, and appropriate application of accounting, statistics, and preparation of financial statements;
  - c. Upon detecting any violations of law or the Company's Charter by members of the Board of Directors, the General Director, or other managers, to notify the Board of Directors in writing, request the violator to cease such violations, and propose remedial measures;
  - d. To appraise the adequacy, legality, and truthfulness of the Company's annual and semi-annual financial statements, reports on business performance, and reports evaluating the management of the Board of Directors; and to present its appraisal report at the Annual General Meeting of Shareholders. To review contracts and transactions with related persons falling within the approval authority of the Board of Directors or the General Meeting of Shareholders and provide recommendations thereon;
  - e. To review, examine, and assess the effectiveness and efficiency of the Company's internal control, internal audit, risk management, and early warning systems;
  - f. To review accounting books, accounting records, and other documents of the Company, as well as the management and administration of business operations, when deemed necessary, or as requested by the General Meeting of Shareholders or by shareholders or groups of shareholders as prescribed in Clause 2, Article 115 of the Law on Enterprises;
  - g. At the request of shareholders or groups of shareholders as prescribed in Clause 2, Article 115 of the Law on Enterprises, to conduct inspections within seven (07) working days from the date of receipt of the request. Within fifteen (15) days from the completion of the inspection, the Board of Supervisors must report on the matters inspected to the Board of Directors and the requesting

- shareholder(s). Such inspections shall not obstruct the normal operations of the Board of Directors or interrupt the administration of the Company's business;
- h. To recommend to the Board of Directors or the General Meeting of Shareholders measures for amendment, supplementation, and improvement of the organizational structure, management, supervision, and administration of business operations of the Company;
- i. To attend and participate in discussions at meetings of the General Meeting of Shareholders, the Board of Directors, and other meetings of the Company;
- j. To engage independent consultants;
- k. To examine specific matters relating to the management and administration of the Company at the request of shareholders;
- 1. To request the Board of Directors to convene an extraordinary General Meeting of Shareholders;
- m. To replace the Board of Directors in convening the General Meeting of Shareholders within thirty (30) days if the Board of Directors fails to convene the General Meeting of Shareholders in accordance with Clause 3, Article 140 of the Law on Enterprises;
- n. To request the Chairman of the Board of Directors to convene a meeting of the Board of Directors;
- o. To review, extract, and copy part or all of the declarations of the list of related persons and relevant interests declared in accordance with Clause 1 and Clause 2, Article 164 of the Law on Enterprises;
- p. To propose and recommend that the General Meeting of Shareholders approve the list of auditing organizations eligible to audit the Company's financial statements; to decide on the approved auditing organization to inspect the Company's operations; and to dismiss auditors if deemed necessary;
- q. To be accountable to shareholders for its supervisory activities;
- r. To monitor the Company's financial situation and the compliance with law by members of the Board of Directors, the General Director, and other managers in their activities;
- s. To ensure coordination with the Board of Directors, the General Director, and shareholders:
- t. To develop the Regulations on the Operation of the Board of Supervisors and submit them to the General Meeting of Shareholders for approval;
- u. To witness the vote counting and preparation of vote-counting minutes by the Board of Directors, if requested, in cases where shareholder opinions are collected in writing for the purpose of adopting resolutions of the General Meeting of Shareholders;
- v. The Head of the Board of Supervisors shall preside over the General Meeting of Shareholders to elect the meeting chairperson in cases where the Chairman of the Board of Directors is absent or temporarily incapacitated, and the remaining members of the Board of Directors cannot elect a chairperson. In such case, the person receiving the highest number of votes shall preside over the meeting;
- w. To present reports, conclusions, and recommendations to the General Meeting of Shareholders;
- x. To exercise other rights and perform other obligations in accordance with applicable laws, the Company's Charter, and resolutions of the General Meeting of Shareholders.
- 2. Members of the Board of Directors, the General Director, and other managers must provide all information and documents relating to the Company's operations as requested by the Board of Supervisors. The person in charge of corporate governance must ensure that copies of all financial

information, other information provided to members of the Board of Directors, and copies of the minutes of meetings of the Board of Directors are provided to members of the Board of Supervisors at the same time they are provided to the Board of Directors.

#### Article 12. Right to Access Information of the Board of Supervisors

- 1. Documents and information must be provided to members of the Board of Supervisors at the same time and in the same manner as to members of the Board of Directors, including:
  - a. Notices of meeting invitations, written ballots of the Board of Directors, and accompanying documents;
  - b. Resolutions, decisions, and minutes of meetings of the General Meeting of Shareholders and the Board of Directors;
  - c. Reports of the General Director submitted to the Board of Directors or other documents issued by the Company.
- 2. Members of the Board of Supervisors shall have the right to access the Company's records and documents kept at the head office, branches, and other locations; and shall have the right to visit the workplace of managers and employees of the Company during working hours.
- 3. The Board of Directors, members of the Board of Directors, the General Director, and other managers must fully, accurately, and promptly provide information and documents regarding the management, administration, and business operations of the Company as requested by members of the Board of Supervisors or the Board of Supervisors.

# Article 13. Responsibilities of the Board of Supervisors in Convening Extraordinary General Meetings of Shareholders

- 1. The Board of Supervisors shall be responsible for replacing the Board of Directors in convening the General Meeting of Shareholders within thirty (30) days in the following cases where the Board of Directors fails to convene the General Meeting of Shareholders:
  - a. The number of remaining members of the Board of Directors or the Board of Supervisors is fewer than the number prescribed by law;
  - b. At the request of a shareholder or group of shareholders as stipulated in Clause 2, Article 115 of the Law on Enterprises;
  - c. Upon request of the Board of Supervisors to convene an extraordinary General Meeting of Shareholders, but the Board of Directors fails to do so.
- 2. In case the Board of Supervisors fails to convene the General Meeting of Shareholders as stipulated, the Board of Supervisors shall compensate the Company for any resulting damages.
- 3. The expenses for convening and holding the General Meeting of Shareholders under Clause 1 of this Article shall be reimbursed by the Company.

#### CHAPTER IV. MEETINGS OF THE BOARD OF SUPERVISORS

#### Article 14. Meetings of the Board of Supervisors

- 1. The Board of Supervisors shall meet at least twice (02) a year, with the minimum number of attendees being two-thirds (2/3) of the members of the Board of Supervisors.
- 2. Meetings of the Board of Supervisors may be held in the form of an online conference among its members when all or some members are at different locations, provided that each participating member can:
  - a. Hear every other participating member of the Board of Supervisors during the meeting;
  - b. Speak to all other attending members simultaneously. Discussions among members may be conducted directly by telephone, via other communication means, or by a combination of such methods. Members of the Board of Supervisors participating in such meetings shall be considered as "present" at the meeting. The venue of the meeting shall be deemed to be the location where the largest number of members of the Board of Supervisors are present, or where the chairperson of the meeting is located.

Decisions adopted at meetings conducted via telephone shall be valid and effective immediately upon the conclusion of the meeting, but must be confirmed by the signatures of all members of the Board of Supervisors participating in the meeting in the minutes.

- 3. Meetings of the Board of Supervisors may also be conducted in the form of written consultation and/or email voting, provided that the majority of members of the Board of Supervisors entitled to vote give their written consent or confirmation via email. The minutes of such meetings shall have the same validity and effect as the minutes adopted at duly convened meetings.
- 4. The Board of Supervisors shall have the right to request members of the Board of Directors, the General Director, and representatives of the approved auditing organization to attend and respond to issues requiring clarification.

#### Article 15. Minutes of Meetings of the Board of Supervisors

The minutes of meetings of the Board of Supervisors must be prepared in a detailed and clear manner. The recorder of the minutes and all members of the Board of Supervisors attending the meeting must sign the minutes. The minutes of meetings of the Board of Supervisors shall be retained to determine the responsibility of each member of the Board of Supervisors.

#### CHAPTER V. REPORTING AND DISCLOSURE OF INTERESTS

#### **Article 16. Annual Reports**

Reports of the Board of Supervisors at the Annual General Meeting of Shareholders shall include the following:

- 1. Report on the Company's business performance, the performance of the Board of Directors, and the General Director, to be submitted to the Annual General Meeting of Shareholders for approval.
- 2. Self-assessment of the performance of the Board of Supervisors and its members.
- 3. Remuneration, operating expenses, and other benefits of the Board of Supervisors and each member thereof in accordance with Article 172 of the Law on Enterprises and the Company's Charter.

- 4. Summary of meetings of the Board of Supervisors, its conclusions and recommendations; results of supervision over the Company's operations and finances.
- 5. Evaluation of transactions between the Company, its subsidiaries, or other companies controlled by the Company holding fifty percent (50%) or more of charter capital, and members of the Board of Directors, the General Director, and their related persons; transactions between the Company and companies in which members of the Board of Directors are founding shareholders or managers within the last three (03) years prior to the transaction.
- 6. Results of supervision over the Board of Directors, the General Director, and other managers of the Company.
- 7. Evaluation of the coordination between the Board of Supervisors, the Board of Directors, the General Director, and shareholders.

#### **Article 17. Salaries and Other Benefits**

Salaries, remuneration, bonuses, and other benefits of members of the Board of Supervisors shall be implemented as follows:

- 1. Members of the Board of Supervisors shall receive salaries, remuneration, bonuses, and other benefits as decided by the General Meeting of Shareholders. The General Meeting of Shareholders shall decide the total salaries, remuneration, bonuses, other benefits, and the annual operating budget of the Board of Supervisors.
- 2. Members of the Board of Supervisors shall be reimbursed for reasonable expenses of meals, accommodation, travel, and independent consulting services. The total remuneration and expenses shall not exceed the total annual operating budget of the Board of Supervisors approved by the General Meeting of Shareholders, unless otherwise decided by the General Meeting of Shareholders.
- 3. Salaries and operating expenses of the Board of Supervisors shall be recorded as business expenses of the Company in accordance with the law on corporate income tax, other relevant laws, and must be presented as a separate item in the Company's annual financial statements.

#### **Article 18. Disclosure of Related Interests**

Unless otherwise provided with stricter requirements in the Company's Charter, the disclosure of interests and related persons of the Company shall be carried out as follows:

- 1. Members of the Board of Supervisors of the Company must declare to the Company their related interests, including:
  - a. The name, enterprise code, head office address, business lines of the enterprise in which they are the owner or hold contributed capital or shares; the ratio and time of ownership of such contributed capital or shares;
  - b. The name, enterprise code, head office address, business lines of the enterprise in which their related persons are the owner, joint owner, or sole owner of contributed capital or shares representing more than ten percent (10%) of the charter capital.

- 2. The declaration specified in Clause 1 of this Article must be made within seven (07) working days from the date the related interest arises; any amendments or supplements must be notified to the Company within seven (07) working days from the date of the corresponding amendment or supplement.
- 3. Members of the Board of Supervisors and their related persons may only use information obtained by virtue of their positions to serve the interests of the Company.
- 4. Members of the Board of Supervisors are obliged to notify in writing the Board of Directors and the Board of Supervisors of any transactions between the Company, its subsidiaries, or other companies controlled by the Company holding fifty percent (50%) or more of charter capital, and the members of the Board of Supervisors or their related persons as prescribed by law. For such transactions approved by the General Meeting of Shareholders or the Board of Directors, the Company must disclose information on these resolutions in accordance with securities law on information disclosure.
- 5. Members of the Board of Supervisors and their related persons must not use or disclose internal information to others for conducting related transactions.

#### CHAPTER VI. RELATIONSHIPS OF THE BOARD OF SUPERVISORS

#### Article 19. Relationship among Members of the Board of Supervisors

Members of the Board of Supervisors shall maintain independence and shall not depend on each other, but shall cooperate and collaborate in common work to ensure the effective performance of the responsibilities, rights, and duties of the Board of Supervisors in accordance with the law and the Company's Charter. The Head of the Board of Supervisors shall coordinate the common work of the Board of Supervisors but shall not have the right to dominate other members of the Board of Supervisors.

#### Article 20. Relationship with the Executive Board

The Board of Supervisors shall have an independent relationship with the Company's Executive Board and shall perform the function of supervising the activities of the Executive Board.

#### Article 21. Relationship with the Board of Directors

- 1. The Board of Supervisors shall have an independent relationship with the Company's Board of Directors and shall perform the function of supervising the activities of the Board of Directors.
- 2. In accordance with Articles 140 and 157 of the Law on Enterprises, the Board of Supervisors has the right to request the Board of Directors to convene a General Meeting of Shareholders or request the Chairman of the Board of Directors to convene a meeting of the Board of Directors.

#### CHAPTER VII. ENFORCEMENT PROVISIONS

#### Article 22. Effectiveness

The Operational Regulation on the Operation of Board of Supervisors of Vietnam Container Shipping Joint Stock Corporation consists of VII Chapters and 22 Articles, and shall take effect from ... [day] ... [month], 2025.

Regulation on the operation of the Board of Supervisors

In case any provision of this Regulation is inconsistent with the Company's Charter, the Law on Enterprises, the Law on Securities, or the guiding legal documents, such provision shall automatically become invalid and be replaced by the corresponding provision of the Company's Charter, the Law on Enterprises, the Law on Securities, and the guiding legal documents.

ON BEHALF OF THE GENERAL MEETING OF SHAREHOLDERS CHAIRPERSON

(Sign with full name and stamp)

NGUYỄN XUÂN DỮNG