
Additional Occupational Health and Safety Conditions of Supply

1 Scope of Application

These additional Conditions of Supply supplement the General Conditions of Supply for the EnBW Group and apply to all work carried out in or at the EnBW Group's plants or construction sites.

The Agent must take the necessary measures for the prevention of accidents in the course of its provision of goods and services. Traffic safety is to be maintained at work sites. In particular, the provisions of occupational health and safety regulations in legal directives for technical equipment at work; of the essential accident prevention regulations; of the rules for hazardous substances, and apart from that, the generally recognised technical safety occupational health rules are to be observed.

2 Provision of Goods and Services

The provision of goods and services must fulfil the legal and official safety requirements. The quality of the Agent's documentation must in particular be sufficient for undertaking a risk assessment.

3 Additional Occupational Health and Safety Conditions

3.1 Registration/Withdrawal of Registration

Each of the Agent/Subcontractor's employees must register or withdraw their registration with the relevant contact person at the Principal before starting work and may not start work without their permission unless there is an agreement to the contrary. An access check is required for certain areas. The respective safety specifications for the locations must be complied with.

3.2 Performance of the Assignment

The Agent may only begin the work after receiving instructions from the relevant contact person/representative of the Principal. Where safety instructions are disregarded, the Principal may interrupt the work immediately at the expense of the Agent in case of imminent danger. Obvious interactions with other Agents and employees during the performance of the work must also be taken into consideration by the Agent.

3.3 Person in charge at the Agent

All work must be undertaken under the direction and supervision of a person in charge at the Agent. This person must be made known to the respective contact person at the Principal. The person in charge must possess the required reliability, skills and sufficient knowledge of relevant occupational health and safety rules for the Assignment, as well as adequate knowledge of both the written and spoken language in order to ensure that the Assignment is carried out properly. The person in charge must have authority over the personnel deployed. Where applicable, supervisors must mediate on site for the Agent (SO - Supervision Ordinance).

3.4 Subcontractor

The transfer of contractual obligations to third parties requires the consent of the Principal, which must be obtained in a timely manner before the beginning of the work. The Agent must make the Subcontractors known to the relevant contact person at the Principal.

3.5 Initiation and coordination of occupational health and safety measures

The Agent shall instruct those personnel deployed in its area of work to behave in such a way that the occupational health and safety of their activities for themselves and others are ensured at all times.

Where works of employees of several of the Agent's enterprises (Agents and Subcontractors of the Agent) coincide in terms of time and place, the Agent must nominate and announce a coordinator in writing. The coordinator shall coordinate the work. He must act with appropriate authority over the persons working there.

Where the work coincides in terms of time and place, the Principal (Principal and Agent) shall ensure that an authorised coordinator is appointed in writing.

3.6 Particularities for Foreign Workers

In this respect, the rules of the General Conditions of Supply for the EnBW Group are indicated and apply to occupational health and safety matters to a special degree.

3.7 Work Release Procedures/Security Measures

For work at the plants, where release procedures are required (e.g. use of containers, work in narrow spaces, earthworks, work carried out at high temperatures, electro-technical work and activities with danger of electrocution) these release procedures are to be complied with. The person in charge at the Agent must seek information in a timely manner on the local release procedures and security measures. The work is to be agreed with the

Principal, with approvals obtained and compliance with the established measures for the corresponding activities ensured.

3.8 Risk Assessments

For the activities performed and the personnel deployed, the Agent must undertake risk assessments in order to establish, document and keep up to date the required safety measures. In this respect, interactions with other technical crews must be assessed. Risk assessments must be available in due time before the start of the activity and after being updated and must be kept available on site at all times. The Agent is obligated to monitor the compliance with this obligation by its assigned Subcontractors.

For the commissioning and operating phase of plants or works equipment for which the Agent is responsible (in accordance with BetrSichV [Ordinance on Industrial Safety and Health]), risk assessments and if applicable, explosion protection documents, are to be handed over to the Principal on time and are to be coordinated with the Principal.

3.9 Facilities at the Work and Construction Sites.

The facilities and dissolution of works and construction sites is to be coordinated with the contact person of the Principal who is responsible for the performance. The Agent is obligated to constantly maintain the works and construction sites in an orderly condition, and to clear and clean them.

3.10 Handling of Works Equipment and Personal Health and Safety Equipment (PSA)

The Agent is responsible for the required safety equipment, orderly condition, safe operation and the proper use of works equipment employed by it (e.g. electric operating equipment, crane facilities, aerial platforms, forklift trucks, motor vehicles, scaffolding, ladders, PSA, etc.) . Any works equipment employed by the Agent must be inspected in due time according to the relevant regulations. All inspection records are to be carried and kept to hand at the work site if the works equipment has no valid inspection tags.

For the use of works equipment for which certificates of competence are required (e.g. for crane facilities, aerial platforms, forklifts, motor vehicles, etc.), these as well as the written commission from the Agent, must be carried.

Before using the works equipment of the Principal, special permission and instructions are required. Works equipment provided by the Principal are to be inspected before use for visible defects. Any defects detected are to be immediately reported to the respective contact person of the Principal.

3.11 Hazardous Substances

In a timely manner, before the start of the activity, risk assessments are to be submitted by the Agent to the Principal in accordance with the GefStoffV [Dangerous Substance Directives] for the hazardous substances used. The current safety data sheets for the hazardous substances used are to be held available and are to be presented at the request of the Principal. With the acceptance of the assignment, the Agent shall confirm that it has the necessary skills in accordance with the GefStoffV. Risk assessments, current safety data sheets and operating instructions (in accordance with the GefStoffV) are to be kept available on site.

The Agent is held responsible for occupational health and safety measures during activities involving dangerous substances in its area of work.

Only those quantities of hazardous substances required for the respective working day may be kept ready on site. The storage of large quantities is to be coordinated with the Principal. The Agent must take away with it any remaining hazardous substances.

3.12 Transportation and Storage on the Works Premises

For transportation and storage, only the routes and storage areas allocated by the Principal may be used. Transportation within the plant is to be undertaken with the required load securing measures.

3.13 Security Pass

Each employee deployed must carry with him during his activities a verification document (security pass). This shall, in addition to the data pertaining to the individual, at least contain security-relevant information on qualifications, training courses, commissioning and occupational health checks. This security pass is to be presented at the request of the Principal. The Agent shall ensure that the records are up to date.

The security pass should preferably follow the sample of the WEG (Wirtschaftsverbandes Erdöl- and Erdgasgewinnung e.V. [Germany's Trade Association for Natural Gas and Petroleum Extraction]) and DGMK (Deutsche Wissenschaftliche Gesellschaft für Erdöl, Erdgas and Kohle e.V. [German Society for Petroleum and Coal Science Technology]) (ISBN 978-3-921744-14-7).

3.14 Occupational Health Checks

The Agent is responsible for ensuring that only employees with the full physical capacity and required occupational health checks are deployed for the Assignment. Included in the above are also vaccinations insofar as they are legally required. These are to be documented in the security pass.

3.15 Cases of Active Implants

In certain areas, there are electro-magnetic fields, which can impair the function of active implants (e.g. pacemakers, defibrillators, insulin pumps, brain-stimulators, etc.) under certain circumstances. For persons with active implants, special measures are required to avoid impairing the functioning of implants and the consequent dangers to health. The Agent must therefore provide a list of persons with an active implant to the Principal in a timely manner before the start of the work. Persons with active implants who are not listed in a timely manner before the start of the work shall be denied access. The Agent shall take appropriate steps to ensure that these instructions are complied with.

3.16 Accident and Damage Reports

Each accident which leads to a cessation of the work of the injured person must be reported to the respective contact person of the Principal.

During time out from work of at least one work shift due to an accident, a written accident report must be sent to the Principal within three working days via the supplier portal or alternatively, to the e-mail address: fremdfirmenunfaelle@enbw.com.

The accident report must include a description of the course of events, the nature and severity of the outcomes of the accident, the hitherto determined causes of the accident, as well as the measures provided for future prevention. Following final clarification of the accident, a final report is to be sent to the Principal. This responsibility also applies to accidents happening to the Agent's Subcontractors.

A copy of the report is to be promptly sent to the following e-mail address: fremdfirmenunfaelle@enbw.com.

In case of fatal accidents, electrical accidents and accidents with a life-threatening injury, this report also must be sent immediately, however at least within 24 hours, to the following e-mail address: fremdfirmenunfaelle@enbw.com.

The Agent must immediately inform the Principal about all accidents and cases of damage (in accordance with § 18 BetrSichV), so that the Principal can fulfil his duty of disclosure to the authorities.

Furthermore, the above-mentioned accidents are to be reported via the supplier portal, or alternatively to the e-mail address: fremdfirmenunfaelle@enbw.com on an annual basis by the end of January of the following year:

This obligation also applies to Subcontractors. Based on these data, the accident rate (LTIF – lost time injury frequency) per 1,000,000 working hours shall be established.

Additional criteria or terms and conditions of notification of the respective Principal are described in the specifications.

3.17 Alcohol and other Intoxicants

The possession and consumption of alcoholic drinks and other intoxicants are forbidden. Persons who are under the influence of alcohol or other intoxicants shall be denied access or may be dismissed from the work site.

3.18 Legal Consequences in the Event of a Breach

In case of breach of these Additional Occupational Health and Safety Conditions of Supply, the Principal is authorised, regardless of further legal and contractual regulations, to dismiss the employee(s) of the Agent/Subcontractor from the work site.

The Principal moreover reserves the right to further sanctions, such as for example, entry in the EnBW Supplier Database, audits of the Agent, long-term prohibition of assignment of employees and Agent.

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Energie Baden-Württemberg AG