

Supplementary Conditions of Purchase of Vattenfall N.V. in respect of Safety, Health, Welfare and Environment

Definition

Dangerous substances include substances that could represent a risk to safety, health, welfare, and/or environment ("VGWM") on the grounds of the properties or quantities of the substance. These are substances which are identified as dangerous under Substances Directive 67/548/ EG and Preparations Directive 1999/45/EG.

Article 1 applicability

These "Supplementary Conditions of Purchase" apply in correlation to Vattenfall N.V. (further "Vattenfall") Conditions of Purchase. Where they differ from each other, these Supplementary Conditions of Purchase will prevail.

Article 2 safety provisions and information sheets

1. The supplier must bring to the attention of the personnel working for him all the provisions of the Vattenfall Purchase Conditions, both verbally and in writing.
2. Safety information sheets about dangerous substances must be provided in accordance with the REACH Regulation (1907/2006) Appendix II, that include adequate information regarding:
 - a. the identity of the substance;
 - b. the risks associated with the substances for the safety, the health of persons and the environment;
 - c. the applications of the substance and the measures that have to be taken to assure a safe use.
3. In the event of deliveries of dangerous substances or if dangerous substances are involved in deliveries, the safety information sheet must be issued prior to the first time that the dangerous substances are delivered or used. Based on the information in the safety information sheets Vattenfall will give permission for the delivery of dangerous substances or for the use of them in making deliveries. If there are any changes to the data in the safety sheet, a revised safety information sheet must be issued.
4. Any dangerous substances that are discovered and for which the relevant safety information sheets have not been provided or for the use of which no permission has been given will be removed from the site or from the buildings by or on behalf of Vattenfall. Any costs incurred will not be reimbursed by Vattenfall. Costs incurred by Vattenfall will be for the supplier's account.

Article 3 responsibility and supervision

1. The supplier is responsible for the safety and health of the people charged by the supplier with making deliveries and the supervision thereof.
2. Before deliveries commence, the supplier must make known to Vattenfall the name of the person responsible for monitoring safety.
3. The supplier's safety monitor must be familiar with the VGWM regulations applicable by Vattenfall to the making of deliveries and will ensure that they are available during performance.
4. Vattenfall is entitled to check that the supplier is complying with these VGWM regulations.

Article 4 requirements for materials

1. The supplier will ensure that the equipment and tools to be used comply, at the very least, with the quality, execution and safety requirements imposed by the government and by Vattenfall, including the Machine Directive (EU) and the circumstances described therein. If testing is required, it must be possible to show the certificates and documentation at all times.
2. The equipment and tools must be in a good state of maintenance and should bear the identity of the owner, if possible.
3. Packaging must be sound and must bear clear labelling and danger warnings. Packages that contain gases or dangerous substances must also be in good condition, be put together in a safe manner and bear a clear indication of the content.
4. A ban is in force on the use of asbestos and ceramic fibers. The use of glass wool, slag wool and rock wool is permitted, provided that processing of or with them is carried out using working methods and protective/respiratory equipment that have been accepted beforehand.
5. When providing insulation and/or packing materials the Supplier shall provide a Material Safety Data Sheet (MSDS) according to EC Regulation 1907/2006 and/or an overview of the chemical composition of the materials, clearly showing the fiber diameter of the applied materials and the chemical composition of the respective insulation and/or packing materials. This is also applicable for insulation and/or packing materials which are applied in composite products.

Article 5 use of materials by others

The supplier is not permitted to allow his equipment and tools to be used by anyone other than his own personnel. There may be no departure from this rule without the approval of Vattenfall. Equipment and tools may only be used for the purpose for which they are intended.

Article 6 personal safety equipment

The supplier will himself provide his personnel with the necessary safety equipment. He will ensure that this is in good condition, that it meets and continues to meet adequate standards of hygiene, and that it is used at the prescribed locations.

Article 7 special safety equipment

The supplier and his personnel are obliged to make use of special safety equipment and/or clothing, as required by Vattenfall.

Article 8 working regulations

1. When - in situations where scaffolding, radiological material or dangerous substances are in use - deliveries are made to or in the vicinity of low or high voltage plants, in enclosed spaces, with hoisting and auxiliary machinery or in locations with a risk of fire and/or explosion, Vattenfall's regulations will be applicable as well as government regulations. In addition, the permission of Vattenfall will be needed prior to the commencement of deliveries or parts thereof.
2. Used materials and waste must be removed immediately by the supplier at his expense from the premises of Vattenfall.

Article 9 access and traffic

1. Permission is required for access to Vattenfall sites. Instructions for this must be followed. If the use of access passes is required, these must be kept in good condition and handed in when leaving the premises or when deliveries have been completed. A fee will be charged for a lost pass.
2. Dutch traffic legislation is applicable on Vattenfall's sites. The supplier must adhere to the local regulations.
3. Sites, roads and buildings must be kept in a tidy state. Escape routes must be kept free at all times.
4. The supplier is obliged to keep a record of all the people that he involves in carrying out the work, to the satisfaction of Vattenfall. These records must be submitted to Vattenfall on request.
5. The supplier must require of all the people that he involves in the work that they carry proof of identity (other than a driver's licence) and that they show it if so requested by authorized Vattenfall personnel.

Article 10 safety requirements for the supplier and his personnel

Vattenfall has the right to require the supplier to be in the possession of a valid SCC certificate (Safety, Health and Environment Checklist Contractors) and/or that the operational personnel are in possession of the B-SCC (Basic elements of Safety SCC) certificate and that the supervisors are in possession of the SOS-SCC certificate (Safety for operational supervisors SCC) or equivalent. In the latter case, the equivalence must be demonstrated by the supplier to the satisfaction of Vattenfall prior to commencement of the work. The certificates must be submitted on request.

Article 11 unsafe situations

1. If an unsafe situation or working method is discovered that has been caused by the supplier, Vattenfall has the right to oblige the supplier to alter it immediately; in that case Vattenfall reserves the right to terminate the deliveries without any obligation to pay any form of compensation as a consequence thereof.
2. Cessation of deliveries because of the application of the VGWM regulations will not be regarded as force majeure.

Article 12 calamities

1. The supplier must immediately inform Vattenfall of any calamity and make a written report. This applies in particular if injury and/or damage occurs or could occur to persons and/or goods.
2. The supplier must cooperate fully in any investigation carried out after the calamity and in any report thereof to the competent authorities.

Article 13 safety and health plan

Before commencing deliveries to the Vattenfall site, the supplier will draw up a "Safety and Health Plan" in consultation with Vattenfall

and will submit it in due time to Vattenfall.

Article 14 changes and additions

These conditions and other VGWM regulations in use at Vattenfall may be changed and/or supplemented verbally and in writing at any time by Vattenfall. The supplier is obliged to follow them. There may be differences in regulations from one Vattenfall location to another.