



**SPECIAL CONDITIONS**

**FOR**

**OUTSOURCED SERVICES**

**Directory**

1. Access to Plant Premises
  - 1.1 BEHR identity (ID) cards
  - 1.2 Work not exceeding one day
  - 1.3 Work lasting several days/contractions' identification
    - 1.3.1 Contractor's ID cards
  - 1.4 Notification for access to our plants
  - 1.5 Picture and mobile phone ban
2. Working Time
3. Vehicles Operated by Outside Contractors
4. Construction Sites
  - 4.1. Setting up the construction site
  - 4.2 Securing of site
  - 4.3 Elevated workplaces
5. Safety Precautions
  - 5.1 General safety regulations
  - 5.2 Responsible supervisors appointed by contractor
  - 5.3. Instruction given to non-Behr personnel prior to commencing work at BEHR GmbH & Co. KG
  - 5.4 Safety precautions taken prior to commencing work
  - 5.5 Personal body protection
  - 5.6 Utilization of equipment and installations belonging to BEHR GmbH & Co. KG
  - 5.7 Work involving naked flames and sparks (welding, grinding, roofworks, etc.)
  - 5.8 Condition when places of work are left
6. Accident Prevention Regulations
  - 6.1 Observance of accident prevention regulations
  - 6.2 Your presence at plant sites of BEHR GmbH & Co KG
  - 6.3 Alcoholic beverages
  - 6.4 Smoking on the plant sites
  - 6.5 Safety of equipment you bring yourself
  - 6.6 What to do in case of an accident
  - 6.7 Scene of an accident
  - 6.8 Notification of an accident
  - 6.9 Questions concerning work safety
7. Handling Hazardous Substances
8. Waste and Residues (German legislation on recycling and disposal of wastes)
9. Protection of water resources
10. Subcontractors
11. Confidentiality and Prohibition on Use of Information
12. Notification of Cases of Damage
13. Risk and Liability
14. Appendix: Appendix 1: Environmental guidelines  
Appendix 2: Confirmation

## **Special Conditions for Outsourced Services at BEHR GmbH & Co. KG**

These regulations apply to all persons and companies contracted by BEHR to perform work, or have worked performed, on BEHR plant premises.

For coordination between BEHR and the outside contractors, for organizational matters and industrial safety as well as to provide a channel for ensuring compliance with company regulations, a department of BEHR is nominated. This is to be responsible for supervising the project and will undertake the tasks set forth in German regulations BGV A1 (VBG 1) §§ 5 and 6, and is authorized to issue orders and monitor performance of the work.

Nevertheless, the authority vested in the coordinator appointed by BEHR in questions of industrial safety does not relieve the management of the outside contractors from their responsibilities in matters pertaining to their employees.

The "Confirmation" document appended to this description of "Special Conditions" forms a constituent part of the contract. It must be signed by the contractor and returned to our Purchasing department. It is not permissible for work to commence until this confirmation has been received.

Environmental protection is a key aim of our corporate policy, and is set forth in our "Environmental Guidelines". The impacts of all company activities and manufactured products on natural life-sustaining resources are considered in their entirety, and duly incorporated into our business practices.

We expect our contractors to support this environmental policy and to comply with the appended "Environmental Guidelines".

### **1. Access to Plant Premises**

#### **1.1 BEHR identity (ID) cards**

Persons who are not employees of BEHR as well as employees of outside contractors may only have access to and stay on the premises if they are in possession of official BEHR ID cards.

#### **1.2 Work not exceeding one day**

For company visits and work not exceeding one day's duration, the gatehouse staff will issue a "Visitor's ID card". This must be attached to the bearer's clothing so that it is easily visible, and returned to the gatehouse staff on leaving the plant premises.

#### **1.3 Work lasting several days/contractors' identification**

For work or visits lasting several days, an application must be submitted in good time in writing by way of the supervisory BEHR department - the BEHR coordinator is named in the contract concerned - for the requisite contractor's ID cards, naming the contractor's responsible contact person. This application must include:

**Company name with address,  
First and family names, date of birth,  
Trade/profession and place of residence of ID card holder,  
Commencement and termination of work.**



### 1.3.1 Contractor's ID cards

The contractor's ID cards will be completed and issued by BEHR, and made available to the contractor. They are not transferable. They are valid only together with the holder's government-issued identity card or passport. The contractor's plant ID card entitles the holder to enter and leave the plant premises. It must be shown to the plant security guards without any special request to do so, and attached to the bearer's clothing so that it is always visible.

### 1.4 Notification for access to our plants

Before starting work, the contractor or his representative must inform the coordinator named in the contract, or this person's representative, of the work to be done and the required safety precautions.

### 1.5 Picture and mobile phone ban

Basically a general picture ban exists on the whole plant sites.

Exceptions are permitted only with approval of the business management, company management, department for public relations or the person responsible of the security being.

## 2. Working Time

The start and end of the working day, as well as any breaks, shall be coordinated with the working hours of the plant, as far as this is possible and practical. If work is to be done outside of normal plant working hours, special approval must be granted by the supervisory BEHR department. If work is to be done on Saturdays, Sundays and public holidays, plant security shall be notified by way of the supervisory BEHR department, stating location, nature and duration of the work to be done, the number of assigned personnel, vehicles, etc. Outside contractors shall ensure that their employees do not go to the place of work until just before the work is to start, and leave the works premises immediately upon its completion, taking the same route.

**It is not permissible for the contractor's personnel to enter any other parts of the plant premises.**

Outside contractors shall ensure that plant IDs for personnel temporarily or permanently withdrawn from work at BEHR are returned to plant security by way of the supervisory department.

## 3. Vehicles Operated by Outside Contractors

Vehicles used by employees of outside contractors for driving to their place of work must be left at the designated parking places. They may only drive onto the plant premises with special permission, and are then subject to the supervision of the plant security staff, including during times of vehicle loading.

## 4. Construction Sites

### 4.1 Setting up the construction site

Setting up the place of work or construction site, erection of scaffolding and construction site fences, barriers, construction site trailers, machinery and equipment, etc. and fixing traffic routes on site shall only be done in consultation and agreement with the supervisory BEHR department. It is particularly important that the places of work and traffic routes are kept clean and tidy.

| At work with formation of dust a “Befahr-Feuer-Erlaubnis” is to be issued (see Pkt. 5.7).

Before bringing any tools and equipment onto the plant premises, the outside contractor shall clearly mark them so that they can be identified as not belonging to BEHR. The contractor bears the risk for any such items.

#### **4.2 Securing of site**

Construction sites, excavations, trenches, manholes and other places where work is being carried out shall be so secured that there is no danger of accidents occurring, including during the hours of darkness. Cordoning off the site using just ropes, chains or wire is not permissible.

When securing excavations, manholes, etc., covers must be safe for walking on and shall be fixed in place. If there is a danger of falling, properly secured railings with handrails shall be provided.

#### **4.3 Elevated workplaces**

Scaffoldings or lifting platforms must be used if working at elevated workplaces (> 2.5 m).

These must correspond with the directives for accident prevention.

Other safety devices (no ladders) that comply with labor protection laws and occupational safety regulations can be used if it is not possible to perform the work from the scaffolding or lifting platform.

### **5. Safety Precautions**

#### **5.1 General safety regulations**

The contractor undertakes to observe all laws as well as regulations imposed by the authorities pertaining to the construction work, for example as issued by the construction authority, and to apply the generally recognized standards and rules of the art. To prevent accidents during work, the contractor shall install equipment, issue instructions and take steps in line with generally recognized codes and regulations on industrial health and safety.

In the interests of personal safety and operational reliability within our enterprise, when carrying out work on our plant premises, the following safety regulations shall be observed:

#### **5.2 Responsible supervisors appointed by contractor**

For all work, the contractor shall appoint a suitably qualified person as supervisor, who is well versed in all aspects of industrial safety and operational reliability, and who has been briefed on the extent of the area of responsibility. This person shall be named to BEHR's coordinator.

#### **5.3 Instruction given to non-Behr personnel prior to commencing work at BEHR GmbH & Co. KG**

The contractor is obligated to instruct his employees on the required directives for accident prevention and other safety and environmental regulations before they start working. This has to be done in the course of safety instructions which must be documented in writing and forwarded to the coordinator before starting work.

#### **5.4 Safety precautions taken prior to commencing work**

It is not permissible to commence work until the supervisor of the outside contractor has satisfied himself that all necessary safety precautions have been taken.

**5.5 Personal body protection**

At places of work where body protection and other safety equipment is necessary, such as safety spectacles, protective gloves, hearing protectors, etc., the contractor shall provide these for his employees and is responsible for ensuring that they are always worn.

**5.6 Utilization of equipment and installations belonging to BEHR GmbH & Co. KG**

Unauthorized use of plant equipment and installations, in particular machines, vehicles, hoists, cranes and electrical systems, is not permitted.

Should the use of such equipment and installations be necessary, the designated coordinator shall be notified in good time, for permission to be granted beforehand?

Transportation of working material in passenger elevators is strictly forbidden. This shall only be transported in the goods elevators installed for this purpose.

**5.7 Work involving naked flames and sparks (welding, grinding, roof works, etc.)**

During welding and grinding, suitable anti-dazzle screens shall be set up. The space beneath welding and grinding works shall be cordoned off. An adequate supply of fire extinguishing agent shall be provided. Use of fire extinguishers belonging to the plant is only permissible on agreement. If extinguishers are used, they must be handed to plant security immediately for refilling.

**These works may only be done following approval in writing by having the form "Befahr-Feuer-Erlaubnis" filled out by the responsible plant manager or his authorized representative.**

**5.8 Condition when places of work are left**

At the end of each working shift and when the work is completed, places of work shall be tidied up and properly secured against access. Any hand tools, items of equipment, superfluous working material, garbage and scrap, etc. shall be removed.

**6. Accident Prevention Regulations****6.1 Observance of accident prevention regulations**

In our enterprise, we attach great importance to safety. The contractor is required to adhere to the relevant accident prevention regulations.

**6.2 Your presence at plant sites of BEHR GmbH & Co. KG**

You may only stay in those locations of our plants where you are required to perform work under the terms of the contract awarded by us. You are forbidden to enter any other sections of the plant.

You may only use cell phones in connection with the performance of your business and you must keep your calls to a minimum.

**6.3 Alcoholic beverages**

The consumption of alcohol endangers both you and other people. The consumption of alcoholic beverages is forbade for employees of the contractor.

**6.4 Smoking on the plant sites**

The smoking is permitted only at the stated places.

**6.5 Safety of equipment you bring yourself**

Your tools, machines and other equipment shall comply with the relevant safety regulations.

Transportation of objects in plant buildings is only permitted using electric powered industrial trucks.

Industrial trucks may only be driven by a person holding a valid driver's license. The license must be carried by the driver at all times. Before starting work, a copy of said license must be retained by the Behr project manager.

**6.6 What to do in case of an accident**

If despite all precautions an accident occurs, you must inform our plant security staff immediately under the internal plant emergency number 333. You must state:

**Who is reporting the accident?**

**What has happened?**

**Number of persons injured**

**Nature of injuries?**

If you suffer just a minor injury and are still mobile, you can naturally go yourself to the plant medical center.

**6.7 Scene of an accident**

As far as is possible while removing persons to a place of safety, the scene of an accident shall not be interfered with until after all particulars of the accident have been recorded by BEHR.

**6.8 Notification of an accident**

You shall submit to our Safety organization for their information a copy of the notification of the accident which you send to your employers' liability insurance association.

**6.9 Questions concerning works safety**

The Safety organization is to be informed about any accidents.

If any points concerning industrial protection and work safety are unclear, please contact the head of the

**Safety organization, Mr. Friedrich.**

**Telephone: 2459**

He will give you any information you require.

**7. Handling Hazardous Substances**

If the outside contractor brings substances onto the premises that cause environmental pollution and may fall under specific provisions for their handling as set out in legislation, officially-imposed conditions or employers' insurance regulations, the outside contractor undertakes to ensure that these provisions will be adhered to.

As early as at the time of offer submittal, the current EU safety datasheets shall be appended. A decision will be reached in consultation with BEHR's Safety organization on whether it will be possible to perform the work during normal working hours.

**As far as the technical possibilities allow, no nuisance shall be caused by emissions of dust, noise and odors.**

**8. Wastes and Residues (German legislation on recycling and disposal of wastes)**

Should during the course of the work and due to working materials brought onto the premises, wastes and residues arise, these shall be recovered for use or removed by the outside contractor in compliance with relevant standards and legislation. As defined by laws on recycling and wastes, the outside contractor will be regarded as the owner of these wastes and residues.

If wastes arise from demolition and dismantling of plants and buildings, during planning, the proper recovery or disposal of these must be clarified together with BEHR's environmental protection department.

Use of waste containers belonging to the plant is only allowed in exceptional cases and only with the express permission of the BEHR supervisory department. In such cases only the waste containers designated for this purpose shall be used. Upon completion of the works, the place of work shall be cleared and left clean.

**9. Protection of water resources**

When handling substances that pose a danger to water resources, it shall be ensured that these will neither seep into the ground nor enter the sewer system.

If these substances have to be disposed of on the site, BEHR must give permission beforehand. In cases where the position is uncertain, the situation must be resolved by BEHR's environmental protection department.

**10. Subcontractors**

Part of the work may only be let to subcontractors by the contractor with the consent in writing of the BEHR supervisory department.

Once notification of consent has been received, these Special Conditions are to be sent to the subcontractor, and he shall confirm their validity by signing Appendix 1. Only then will the subcontractor be permitted to take up his work.

**11. Confidentiality and Prohibition on Use of Information**

- 11.1** BEHR and the contractor mutually agree that any information obtained from the other contractual party represents corporate and business secrets, and mutually undertake not to allow any third parties to have access to this information, and to ensure that it is kept confidential. This will also include placing the contractor and other agents of the recipient under an obligation to maintain strict confidentiality.

**11.2** The contractor undertakes that without the prior written consent of BEHR, he will not himself make any use of, exploit, register as a patent or utility design, or permit third parties to have access to the experience and know-how acquired by BEHR of which he becomes aware while engaged on this contract and in connection with this work, nor to the information and documents he receives.

**12. Notification of Cases of Damage**

The outside contractor as well as his agents shall on their own initiative find out themselves the telephone numbers of the fire department and emergency services, and to inform their employees working in the plant accordingly. This is especially important if any work is to be performed outside of normal plant working hours.

These emergency telephone numbers shall be used following all occurrences that require prompt help.

Any damage arising during the course of the work shall be reported immediately to the supervisory BEHR department and to BEHR's Safety organization.

**13. Risk and Liability**

The outside contractor undertakes to comply with statutory provisions and officially-imposed conditions applying to the construction work as well as with the generally recognized standards and rules of the art.

The outside contractor bears the risk, up to the time of final acceptance of the works, during transportation of all tools and equipment, storage and work processes as well as for the services and installations to be provided.

The outside contractor is liable for any damages incurred by BEHR resulting from violations of the regulations set out in the above and as provided by the provisions of the German Civil Code.

The contractor is liable in particular for all personal injuries and property damage caused by him and his employees and incurred by BEHR and its employees as well as by third parties. Without prejudice to this stipulation, BEHR is entitled to be shown evidence that the contractor has taken out liability insurance with a sufficient amount of cover.

signed Karl Friedrich

Manager Safety and environment protection

## **The environmental guidelines at BEHR GmbH & Co. KG**

1. We want to use the resources (as e. g. raw materials and energy) economically and avoid waste.
2. We want to avoid environmental damage and keep effects on the environment which are economically justifiable as slight as possible; this will be done by using the best technical devices.
3. As regards the protection of the environment, our staffs are our most important partners. They are being informed of and instructed in the importance of their jobs for the environment.
4. We are developing products and manufacturing processes which are as environment-friendly as possible and by foresight planning, are permanently trying to increase their environmental harmlessness.
5. The equipment and running of our factories is as environment-friendly as possible, as we observe all relevant laws and regulations. Possible effects on the environment are permanently being determined and judged.
6. In a continuous improvement process and in harmony with our environmental policy, we are promoting the further development of our management System as well as the development of environment-friendly manufacturing processes and products.
7. Our business partners and contract parties are being involved in our efforts to protect the environment.
8. We will regularly inform the public about activities relating to the environment and are declaring ourselves for an open and trustful dialogue with authorities.



## SPECIAL CONDITIONS FOR OUTSOURCED SERVICES

### CONFIRMATION

This form is an integral part of the individual order, general order or special agreement, and it must be signed and returned together with order confirmation to BEHR.

We, the company \_\_\_\_\_ confirm

by the signature below, that the "Special Conditions for Outsourced Services" of BEHR GmbH & Co. KG have been received, and note has been taken of the contents. We undertake to make the instructions and regulations contained therein known to our employees and to ensure that these will be complied with. We are liable for all damage arising from any failure to observe these instructions and regulations.

Coordinator for <b>works safety</b> of the contractor	Responsible supervisor of the contractor

To the extent necessary for safety, our employees are also answerable to the above-named company officers in accordance with the German statutory provisions BGV A1 § 6. These special conditions will remain valid for each assignment at all Behr factories until you are provided with a revised version.

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(Date)

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(Stamp and signature)