



Safety Regulations for Contractors

Occupational health and safety and environmental protection requirements
in German operating facilities under jurisdiction of mining legislation

DEA Deutsche Erdoel AG

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Responsible persons pursuant to the German Federal Mining Act (*BBergG*)



Safety Regulations for Contractors

1. Objectives and scope

The guiding principle of DEA Deutsche Erdoel AG (hereinafter referred to as 'DEA') is: Everyone is to go home after work just as healthy as when they arrived. It is our firm belief that all accidents are avoidable. Occupational health and safety and environmental protection always take precedence in everything we do. This applies equally to our own employees and to the employees of contractors and subcontractors (hereinafter referred to as 'contractors') that work for us.

In cooperation with the contractors, we implement comprehensive measures that are aimed at achieving this objective.

All activities performed in Germany by contractors under the responsibility of DEA (with the exception of activities performed solely at the headquarters) are generally regarded as mining activities and are therefore subject to mining law. This is not solely limited to the boundaries of our operating facilities.

These safety regulations are directed at all employees – and in particular at the contractor's responsible persons – that are deployed in the course of these mining activities performed by DEA.

The safety regulations consolidate the key regulations and internal rules relating to occupational safety and provide notes about other rules that must also be observed.

These Safety Regulations for Contractors form a binding part of the contract and apply in addition to the General Purchasing Conditions for the Supply of Goods and Services.

2. Mining legislation

The legal basis for all mining activities is the **German Federal Mining Act (BBergG)** together with all **mining ordinances** issued or maintained on the basis of this legislation in their most current version. The key mining ordinances applicable to occupational health and safety are:

On the federal level:

- the General Federal Mining Ordinance (*ABBergV*)
- the Occupational Health and Safety Ordinance for Mines (*GesBergV*)
- the Mining Ordinance for Coastal Waters and the Continental Shelf (Offshore Mining Ordinance – *OffshoreBergV*)
- the Mining Ordinance on Documents (*UnterlagenBergV*)



On the federal state level (sometimes with considerable variations between the states):

- the Deep Drilling Ordinances (*BVOT*) (e.g. *BVOT* Lower Saxony, *BVOT* Schleswig-Holstein)
- the General Mining Ordinances (e.g. Bavarian Mining Ordinance [*BayBergV*])
- the Mining Ordinance on Electrical Installations (*EIBergV*) (does not exist in Bavaria)
- the Mining Ordinance on Seismic Work (*Seismik-BergV*)
- the Mining Ordinances on the Occupational Health and Safety Service and the Company Medical Service (does not exist in Bavaria)

This list is not conclusive. Particular attention must be given to ongoing amendments and updates. Where contractors do not have sufficient experience with the corresponding mining regulations, DEA is willing and able to provide assistance upon request.

DEA's business activities and operations almost all fall within the remit of the mining authority. This essentially means that special mining authorities are responsible for the issues that would normally fall under the auspices of the trade supervisory authorities or the occupational health and safety authorities. For example, the respective authority in the states of Lower Saxony, Schleswig-Holstein, Hamburg and Bremen is the State Office for Mining, Energy and Geology (*LBEG*) in Hanover, while for Upper Bavaria, the mining office of southern Bavaria is responsible.

3. Specific characteristics of mining legislation

3.1) Responsible persons (RP)

Overall responsibility for safety and order on-site lies, in the first instance, with the mining company DEA, represented by the company's Board of Management. Responsibility for the management and supervision of individual divisions can and should be delegated to further responsible persons (Sections 58 to 62 *BBergG*). This delegation of responsibilities (appointment) must be made in writing. Furthermore, the mining office responsible must be informed in writing of each appointment and the information set out in Section 60 (2) *BBergG* shall be provided (nomination).

In respect of contractors, DEA normally utilises this right of delegation insofar as **one** particular responsible person from the contractor's staff is appointed. This person's responsibilities are documented in detail in the letter of appointment and DEA nominates them to the mining authority responsible.

Where, in addition to appointment, the contractor's responsible person is also vested with the power to themselves appoint further responsible persons (supervisors), they shall independently complete all of the associated formalities, in particular the nominations, and inform DEA of these. Further details regarding this issue are set out in the Annex.



3.2) Operations planning procedure

All mining activities require an operations plan that is approved by the mining authorities responsible. Where their duties and authorisations are affected by them, each responsible person – including, therefore, the contractor’s supervisor – must be informed of all administrative decisions (these are primarily operations plan approvals including ancillary provisions).

3.3) Regulations not directly applicable to mining

Individual regulations that are applicable in the field of business and commerce do not formally apply to mining activities (e.g. the German Workplaces Ordinance [*ArbStättV*] to a large extent) but should be considered as generally recognised rules of good engineering practice. In other words, it is recommended that the rules of good engineering practice be observed because this will ensure that a level of protection can be demonstrated from the very beginning. Where it is necessary to deviate from these rules, a level of protection must be achieved that is at least equal.

4. General prohibitions and requirements, instructions issued by DEA

- It is the responsibility of all employees to maintain their workplaces and the company grounds, communal areas, washing facilities and toilets in a clean and orderly condition.
- In emergencies, all instructions given by the DEA’s supervisors shall be followed.
- Before commencing work, each employee (in the case of groups of employees, the respective supervisor) shall register with the DEA supervisor appointed to them. The employee shall show their Personal Safety Logbook and agree with the supervisor upon the planned work deployment. DEA shall be informed, in particular, of the number of employees to be deployed and of the place of work. Any changes shall be notified to DEA immediately. The DEA employee responsible will subsequently provide the contractor with instructions regarding the existing safety specifications and the working area.
- Should any hazards or faults in safety installations be identified, these shall be reported immediately to DEA staff.
- Areas of traffic, in particular emergency escape or rescue routes, access ways to fire-extinguishing installations or fire alarm points shall be kept free of obstructions.
- Equipment and materials, in particular hazardous materials, may only be stored in the areas indicated by DEA. Before commencing work, a list of all hazardous materials to be used shall be submitted to DEA – including information about the amount to be used. Should changes be made to such materials or their amounts, a revised list shall be submitted. The associated safety data sheets and operational instructions together with the corresponding risk assessment shall be held available. The regulations for the transportation of hazardous goods must be observed.



- Safety installations such as safety valves, shut-off valves, electric or mechanical interlocking systems, protective devices or other equipment that forms part of the production facilities may only be rendered inoperable or be operated with the express written authorisation of DEA.
- Work on electrical plants and equipment or electrical installations may only be performed by persons or groups of persons authorised and appointed under the provisions of the mining ordinances and other statutory regulations.
- DEA must be informed of the status or completion of work once the work has been provisionally or finally completed. The work location must be left in a safe and orderly condition in all cases.
- This includes, among others:
 - Safety installations that have been rendered inoperable are rendered operable again.
 - Remaining hazardous areas are secured using appropriate measures such as barriers, covers, etc.
 - Barriers, etc. are removed once the corresponding hazard has been eliminated.
 - Rubbish and materials that are no longer required are removed.
 - Any soiling is cleaned completely.
- If the contractor is unable to ensure compliance with these requirements, they shall inform DEA in detail of the defects that could not be rectified before leaving the work location. In the case of hazards that arise because of non-compliance with these standards, DEA reserves the right to have cleanliness and order restored in the affected areas at the contractor's expense. DEA reserves the right to require a documented acceptance procedure prior to, during or following completion of the work.
- Overnighting on DEA company premises is not permitted under any circumstances. Only such areas of the company's premises in which DEA provides accommodation or expressly allocates locations for setting up overnight accommodation shall be exempt from this rule.
- There is a total prohibition on alcoholic beverages and controlled substances on all DEA premises. Bringing any form of alcoholic beverage or controlled substance to work is strictly prohibited.
- Employees may not be under the influence of alcohol, legal or illegal drugs such that they could endanger themselves or others.
- Photographing or filming company activities or plants/facilities shall require express permission from DEA. No information whatsoever that may be gained in connection with orders may be disclosed to third parties.
- On the company's premises, it is not permitted to sell, distribute or display newspapers, brochures or flyers, or hold meetings/rallies that are not connected with the contract with



DEA.

- DEA reserves the right to temporarily suspend or permanently exclude from further employment persons that display grossly negligent behaviour in respect of safety or that disregard the existing safety regulations. Any costs resulting from this provision shall be borne by the contractor.
- DEA furthermore reserves the right – in respect of observation of these safety regulations and the prevention of theft – to perform the necessary checks and, for this purpose, to visit construction sites, accommodation, the contractor's premises, vehicles, etc. Should there be sufficient grounds to suspect theft, such checks may extend to all items carried by persons.
- Subcontractors must always be notified to DEA at an early stage and approved by DEA.

5. Briefings, written instructions and trainings

5.1 Briefings

Various forms of training measures are stipulated in the underlying legal requirements (e.g. mining ordinances). Each company involved must itself always provide the required training to the employees in its area of responsibility prior to commencing work. This applies even if DEA has already provided the requisite instruction. With regard to specific briefings, contractors will be given the opportunity to participate in DEA training courses (e.g. gas protection training). On-the-spot evidence on a personalised basis must be available at all times (see chapter 16.2).

During the course of work preparation, contractors may be required to participate in brief safety talks (BST) or job safety analyses (JSA). Furthermore, it is recommended that all contractors hold regular BSTs or JSAs with their employees.

5.2 Written instructions

For certain facilities, activities or substances/mixtures, the mining ordinances and the German Ordinance on Hazardous Substances stipulate that written instructions or work instructions be issued and that these should contain information about dealing with these facilities, activities or substances/mixtures in a proper and safe manner. Such instructions must be observed by everyone that uses the facilities, performs the activities or handles the substances/mixtures set out in the instructions.

In this respect, a distinction shall be made between the following cases:

- a) DEA has issued the required instructions applicable to its own facilities, activities or substances/mixtures. Where contractors use the facilities, perform the activities or handle the substances/mixtures set out in the instructions, they shall receive the DEA instructions at the briefing and shall be required to observe them.
- b) Contractors that supply the facilities or substances/mixtures to DEA premises or that perform activities for which written instructions are stipulated shall issue and observe these



instructions themselves. These instructions must be held available on-site by the contractor's staff.

5.3 Trainings

Special conditions apply at some sites (e.g. the requirement for offshore safety training for work on Mittelplate). On-the-spot evidence on a personalised basis must be available at all times (see chapter 16.2).

6. Safety signs

The safety and health signage/labelling at the company's facilities shall be based primarily on the provisions set out in Annex 4 of the ABBergV. This is largely identical to the signage/labelling required by the German Workplace Regulation (ASR A1.3).

Contractors undertake to mark equipment or substances/mixtures with the necessary signage/labelling in accordance with the aforementioned regulations.

The safety and health signage/labelling at the company's sites shall be observed and these may not be removed, modified, covered or rendered illegible without approval from DEA.

7. Safety officers and company medical officers

Contractors shall themselves be responsible for appointing safety officers (SO) and company medical officers within the meaning of the German Act relating to Company Doctors, Safety Engineers and other Occupational Safety Experts (ASiG) in the numbers stipulated in DGUV Regulation 2 (of the German Social Accident Insurance umbrella association) or the Mining Ordinances on the Occupational Health and Safety Service and the Company Medical Service.

SOs and company medical officers of all parties involved should exchange information and cooperate as necessary. Upon request by DEA, contractors shall send SOs or company medical officers to the safety briefings or site visits.

8. Risk assessment

In accordance with the applicable statutory provisions, the contractor must, before commencing work, assess the hazards and risks associated with the work of the employees to be deployed, take the necessary protective measures, implement them and check their effectiveness (activity-oriented risk assessment).

After placing the order and in good time before the start of the work or on the date specified by the company, the contractor's activity-oriented risk assessment must be supplemented by the hazards and risks emanating from the plants/facilities or activities of the DEA. The focus here is on the consideration of mutual hazards or activities involving mutually influencing hazards.

Before the initial deployment of personnel, the contractor's responsible person shall be informed



by DEA's responsible person as to whether and to what extent hazards and risks exist that arise from the plants and activities of DEA. In individual cases, however, the contractor's responsible person shall themselves obtain specific information from DEA and undertake their own investigations that will enable them to perform an assessment of the foreseeable hazards and exposures.

Risk assessments are to be reviewed on a regular basis. Immediately prior to commencing work, the current ambient conditions must be checked and evaluated (weather, crane operations, third parties, etc.), e.g. by performing a BST/JSA.

9. Assessments of fitness to work and preventive occupational medical assessments

The contractor shall ensure that the health of their employees is monitored in an appropriate manner in relation to the health and safety risks prevalent in the workplace (see Section 20 ABergV). The basis for establishing a corresponding programme shall be a risk assessment that is carried out with due care and diligence.

9.1 Assessments of fitness to work

The GesBergV provides for assessments of fitness to work for certain groups of persons. Among others, assessments of fitness to work must be completed before starting work for the following groups of persons:

- Persons who have to wear Group 2 or Group 3 respiratory protection during their work, in particular as part of mine rescue operations or as members of a company fire brigade or gas protection brigade
- Persons who perform work involving a risk of falling from a great height, in particular on drilling towers, scaffolding or in shafts, and who cannot be continuously secured against a fall by safety equipment, in particular in the case of a change of location
- Persons who perform subsea work and whose supply of breathing gas is provided by diving equipment as well as people in charge of diving operations or those who work as signallers or diving assistants
- Persons deployed in offshore areas (assessment of fitness to work in line with GesBergV)

The respective assessment including details of suitability shall ideally be documented in the Personal Safety Logbook as evidence that the assessment has been performed.

9.2 Preventive occupational medical assessments

In principle, the requirements and specifications of the German Ordinance on Occupational Medical Prevention (*ArbMedVV*) apply to preventive occupational medical assessments. The respective preventive assessment shall ideally be documented in the Personal Safety Logbook as evidence that the assessment has been performed. Contractors have the duty to independently maintain an index card on preventive health care for their employees.



9.3 Infection protection

Persons may only be employed in the preparation or serving of meals for communal catering if a certificate issued by the health authority or a doctor appointed by the health authority can provide evidence that the persons have been instructed in accordance with the German Infection Protection Act and have declared in writing that they are not aware of any facts regarding a ban on their activities.

10. Provision and use of personal protective equipment

The contractor shall be obliged to provide the necessary protective clothing and personal protective equipment (PPE) for their own employees.

Personal protective equipment must carry the CE mark; for category III PPE, the CE mark is followed by the identification number of the notified body. Furthermore, written instructions from the manufacturer must be included with the PPE and this must provide information regarding the use, maintenance, checking, performance, limitations upon use, spare parts, expiry dates, etc. PPE must be used and handled in accordance with these written instructions.

In connection with the performance of commercial activities, employees must generally be equipped with:

- a protective helmet (DIN EN 397)
- protective gloves (depending on the activity and risk assessment)
- safety shoes (at least DIN EN ISO 20345 with safety level S3, ankle-high, resistant to mineral oils and with soles that are electrically insulated)
- (depending on operational site) eye protection (at least DIN EN 166: optical class: 1, mechanical strength of the lenses: AS)
- protective clothing covering the whole body (at least EN ISO 11612 performance levels A1, B1, C1 and EN 1149-3 + EN 1149-5). DEA recommends ensuring good visibility day and night.

The background for this specification is that in many places in our plants there is a basic possibility of flammable substances escaping. All contractors are therefore required to equip their employees that must enter or remain in potentially explosive zones with protective work clothing that is capable of resisting short-term exposure to flame and that cannot continue to burn autonomously following exposure to flame (heat- and flame-retardant in line with EN ISO 11612) and that is anti-static for the purpose of avoiding sources of ignition caused by static build-up. As a precautionary measure, it is noted that such clothing does not include protective wear for welders or electrical engineers – this must also be provided and used in accordance with the results of a risk assessment.

Local requirements also apply at the corresponding sites.

Special regulations apply to areas of the plant where the occurrence of gases containing hydrogen sulphide must be expected. Contractors to be employed in such areas of the plant will receive



detailed information from DEA. The necessary personal escape apparatus – that is always to be carried – will normally be provided and maintained by DEA. The required half-yearly instruction and training in the use of such apparatus shall be provided on the basis of the contractual arrangements.

The PPE to be used for protecting against falls from a height must – over and above the statutory requirements – fulfil the following technical requirements: Three-fold self-locking karabiners must always be used (e.g. Trilock karabiners) with PPE against falls from a height (e.g. on the fixed side of the fall arrest harness). If single-handed operation is necessary (e.g. on the loose side of the fall arrest harness), the use of two-fold self-locking karabiners is permitted (e.g. Fuji karabiners, Twistlock karabiners). The use of non-self-locking karabiners (e.g. double-secured screw karabiners) or single-locking karabiners is not permitted. For drop heights of up to 7 m, DEA recommends the use of retractable-type fall arresters.

11. Use of work materials and equipment

11.1 Provision

According to Section 17 ABergV, only such work materials and equipment may be provided and used that have been selected for the specific purpose while taking the risk assessment into consideration and that comply with the regulations set out in the Annexes I and II to Directive 2009/104/EC. This directive is implemented in Germany through the German Ordinance on Industrial Safety and Health. Provided that this ordinance is observed, it can also be presumed that the mining regulations are also complied with.

11.2 Inspections

Contractors shall be obliged to carry out the prescribed inspections of all work materials and equipment (including PPE against falls from a height) themselves and based on the recognised rules of technology. All performed inspections must be documented and be available for review. The test certificates shall be submitted to DEA upon request. All work equipment subject to inspection must bear a unique labelling, preferably an inspection sticker.

The contractors must ensure that electrical equipment is tested e.g. in accordance with ElBergV / BayBergV / DGUV Regulation 3. The inspection protocols shall be submitted to the master electrician or EI&C supervisor prior to using the equipment and without any request being necessary. Only once approval has been given by DEA may the equipment be used.

Additional requirements must be met in areas with an explosion hazard.

A further requirement applies to Mittelplate: portable electrical equipment must have been inspected no longer than two months prior to its use on Mittelplate.



12. Coordination of work

12.1 General demarcation of responsibilities

Section 4 (1) ABergV:

“If the employees of several companies (*note: these include DEA together with the contractors; see Section 4 [3]*) are operating together at the same time and place at a particular site, then each company shall be responsible for the area for which it has supervisory authority.” Each company involved shall itself always provide training/instruction to its employees that are deployed in the respective area of responsibility.

12.2 Organisation of cooperation

12.2.1 Basic principle

Pursuant to Section 4 (1) (2) and Section 4 (2) ABergV:

DEA and the contractors are required to cooperate with regard to the measures necessary for ensuring safety and occupational health. DEA shall coordinate all of the safety and occupational health measures.

12.2.2 General implementation of cooperation

- a) DEA shall initially determine and assess the hazards to which its own employees are exposed at the respective workplaces and in this connection shall take the appropriate measures necessary for ensuring safety and occupational health. This shall be documented in the occupational health and safety document of the respective site.
- b) DEA shall furthermore determine which hazards are associated with its own plant and equipment or activities that could also affect the employees of contractors. DEA shall inform the contractors of these.
- c) The contractors shall – while taking into consideration their own findings and the information provided by DEA – determine and assess the hazards to which their own employees are exposed at the respective workplaces and in this connection shall take the appropriate measures necessary for ensuring safety and occupational health. Where possible, these can be based upon the measures already implemented by DEA. The contractors shall inform DEA of the hazards associated with their own plant and equipment or activities that could also affect the employees or plant and equipment of DEA.
- d) DEA shall take into consideration the information provided by the contractors in the determinations and assessments set out under a).
- e) In the case of some work, in particular on construction sites or when using a drilling rig belonging to a contractor, cooperation between the individual companies shall be governed using a bridging document. The information set out in the bridging document shall be binding



for all contractors. The contractors may furthermore be required to assist with the drafting of the bridging document.

12.2.3 12.2.3) Work involving special hazards / permit to work and work authorisation

Within existing facilities, DEA shall define which activities shall be classified as work involving special hazards and that may therefore only be performed once a written permit to work has been issued and a responsible person has approved commencement. The procedures and protective measures to be complied with before, during and following completion of such work are to be set out in writing (Section 9 ABergV).

This shall not, in principle, exclude DEA or the contractors from classifying other work as requiring permission and approval on the basis of the risk analyses carried out – they are, in fact, required to do so.

The following activities, in particular, may be classified as work involving special hazards:

- 1) Work performed in confined or difficult to access spaces, inside containers or pipes
- 2) Work performed in areas with an explosion hazard
- 3) Work performed in areas with a fire hazard
- 4) Work performed in areas with a gas hazard
- 5) Work performed on gas pipelines
- 6) Working with CMR substances
- 7) Hazards due to ionising radiation
- 8) Blasting operations
- 9) Work performed on a plant that is in operation
- 10) Civil engineering work
- 11) Work that is normally free of risks, which overlaps with other working procedures and which could therefore present a serious hazard

Permit-to-work certificates are used to grant permission and authorisation for work performed within DEA's area of responsibility. More detailed information will be provided to the contractor during the course of the briefings held on-site by DEA.

13. First aid

13.1 First aiders

Each contractor shall ensure, that

- all of their supervisors and a sufficient number of further employees receive training in first aid, that such first aid training is repeated at intervals not exceeding two years and that a record of such training is maintained;



- skilled electrical engineers and other persons that regularly work on electrical plant and equipment or machinery and that could be exposed to danger through direct contact with such equipment receive initial training in first aid and the actions to be taken in the case of accidents involving electrical current, and that such training is repeated annually;
- at workplaces where three or more persons are regularly employed, there is at least one person present that has received training in first aid;
- first-aid logs are provided and all instances in which first aid was given, together with the details of all accidents, are entered. If there is no separate accident book available on site, the employee can document the first aid that was performed in the DEA accident book.

13.2 First aid material

In many operational areas, DEA keeps first aid material which may be used by anyone if needed. Removal of such material must be reported immediately to DEA in order that the material may be replaced.

On independent construction sites, the contractor shall ensure that the necessary first aid supplies and equipment are provided.

14. Accidents and incidents

14.1 Actions in the case of accidents and incidents

In the case of an incident, the following procedure must be followed:

- Secure the incident site and observe self-protection.
- Rescue persons from the danger area if necessary.
- In the case of incidents with serious consequences, the DEA control room must be informed immediately, which then alerts internal and external rescue forces if necessary. In all other cases, the responsible person at DEA has to be informed immediately.
- First aid is to be administered without delay.
- If possible, combat danger.
- Rescue workers must be received and instructed.

If several helpers are on-site, one helper coordinates the simultaneous processing of the individual steps.

The statutory immediate reports to the mining authorities responsible will be made by DEA.



14.2 Written incident report

As soon as possible after verbal notification, DEA must be provided with a short, written report of the incident (at least including the date, time, location, name of the contractor, contact person, consequences of the incident, type of injury in the event of personal injury, description of the timeline of the incident). Furthermore, the number of lost calendar days that were caused by the individual notifiable and non-notifiable accidents shall be reported.

14.3 Accident report

Where a reportable accident has occurred (personal injury resulting in an incapacity to work of more than three calendar days), the contractor shall forward two copies of the accident report to both the Employees' Social Accident and Insurance Association responsible for the **contractor** and to the **mining authority responsible**. DEA shall also be sent a copy of this accident report. Analogously, the procedure stated above shall also apply to occupational illness – provided that the cause of such illness is presumed to have resulted from the mining activities of DEA.

14.4 Procedure for treatment by an accident insurance physician

Parties injured in an accident and that require medical assistance shall be referred to an accident insurance physician, provided that it is not immediately necessary for other doctors to be consulted. Lists of local accident insurance physicians are available at DEA facilities. In the case of areas of activity outside DEA facilities, contractors must themselves prepare and display directories of important telephone numbers of accident insurance physicians, hospitals, fire stations, police stations, etc.

14.5 Incident investigation

Contractors shall investigate the causes of incidents and inform DEA in **writing** of the results of the investigation together with the measures implemented to prevent such incidents from recurring in future. This information must reach DEA as soon as possible, but within one month of the occurrence of the accident at the latest. Where necessary, DEA shall provide assistance with the accident investigation and in determining the necessary preventive measures.

14.6 Environmental incidents

Should pollution of the ground or water arise, or should impermissible emissions occur, then the appropriate containment measures shall be implemented immediately and the responsible person at DEA informed.

14.7 Other incidents

Should material damage, theft or other events occur, immediate measures shall be implemented to safeguard the affected area and the responsible person at DEA informed.



15. Environmental protection

15.1 Substances hazardous to water

When handling substances hazardous to water, the requirements set out in the German Federal Water Act and the subordinate, relevant water regulations shall be observed.

15.2 Waste disposal

The requirements of the German Closed Substance Cycle Waste Management Act shall be complied with. The expected generation of all types of waste must be notified to the responsible person at DEA before commencing work. The details regarding the disposal of waste shall be discussed together with them.

15.3 Emissions reduction

Influencing the environment outside the immediate working area through activities such as demolition, chiselling, sand blasting, paint spray mists, etc. shall be limited to the minimum possible level by implementing the appropriate measures.

When operating machines and tools, it must be ensured that the generation of emissions (noise, vibrations, gases, fluids) is kept to a minimum and measures shall be undertaken that will limit noise to the lowest possible level. The regulations set out in the Technical Instructions on Noise Abatement (*TA Lärm*) and Technical Instructions on Air Quality Control (*TA Luft*) shall be observed.

15.4 Energy efficiency

Minimisation of power consumption has to be ensured when operating equipment. Within the framework of DEA's own energy management, DEA always pays attention to efficient and resource-conserving work performance.

16. Other regulations

16.1 Occupational safety and health management system (OHS-MS)

Contractors providing commercial services for DEA are generally required to have a valid, externally certified occupational health and safety management system (OHS-MS) in place and to provide evidence of this at the latest prior to executing the order, but usually when submitting an offer. As confirmation, all generally approved certificates like SCC, OHSAS 18001 / ISO 45001 and procedures from Employees' Social Accident and Insurance Associations (e.g. "Sicher mit System") are accepted.

For contractors with less than ten employees, a certified occupational health and safety management system may be waived with the approval of the DEA site commissioning the work. These contractors must submit the written risk assessments of the work to be performed in



accordance with chapter 8 to DEA for examination and approval no later than the dates specified in the previous paragraph.

16.2 Personal Safety Logbooks

All contractors must at all times be able to provide on-the-spot personal evidence that the prescribed

- instruction or training has been given,
- first aid training has been completed, and
- preventive occupational medical assessments and assessments of fitness to work have been performed.

This evidence should ideally be available in the form of **Personal Safety Logbooks** issued by the German Federal Association of Natural Gas, Crude Oil and Geothermal Energy Producers (*BVEG*; formerly *WEG*) and the German Society for Petroleum and Coal Science and Technology (*DGMK*). The contractor should issue these logbooks to each employee and keep them updated. These logbooks may be obtained from:

STRÖHER DRUCK
H.-H.-Warnke-Strasse 15
29227 Celle, Germany
Tel.: +49 5141 9859-0
Fax: +49 5141 9859-59
www.stroeher-druck.de

16.3 Foreign-language employees

The contractor shall stipulate a common language of communication in situations where people that speak different mother tongues are employed together. Employees must be capable of correctly understanding instructions issued in this common language and be able to make themselves clearly understood in this language.

In order to ensure clear communication with the client, there shall be at least one responsible person in attendance that is proficient in the common language and that can speak, read and write German.

17. Exceptions

Deviations from the provisions set out in these safety regulations shall only be permitted if DEA has issued written approval of them.



Annex

Responsible persons pursuant to the German Federal Mining Act (BBergG), in particular responsible persons of contractors

The following discusses the considerations and legal principles underlying the appointment of responsible persons of a contractor and the essential conduct that can be derived therefrom.

According to the BBergG – Bundesberggesetz (German Federal Mining Law), the operator has the responsibility for the entire activity in the operational areas under Mining Supervision. The operator is the party in whose name or on whose behalf the mining operation is conducted.

The scope of the responsibility arises, in particular, from the Federal Mining Law, the Mining Ordinances, the directives of the mining authorities and the approved work schedules. Thus, among other things, the operator bears the responsibility for each person that is active in the operation, namely for each person working in the plant at the request or with the approval of the operator, regardless of the existence of an industrial work relationship.

For its support, the operator may and must appoint persons responsible for the management or supervision of operational facilities or parts thereof. These persons must have the required reliability, skills and physical aptitude and they must possess the required authorisations. In addition, within the area of applicability of the Mining Ordinances of the German states, the following stipulations apply to facilities which employ persons of another native language:

For facilities in which people with various native languages are employed, the operator must define one lingua franca. Employees assigned work on their own must comprehend the instructions given in the lingua franca correctly and be able to make themselves clearly understood in this language. The following applies in addition:

- Tiefbohrverordnung - BVOT (Ordinance on Deep Hole Drilling) of the Federal States of Lower Saxony, Schleswig-Holstein, Berlin, Bremen and Hamburg: At least one responsible person or person authorised to give instructions who is present must have a good command of the lingua franca and be able to speak, read and write German.
- Bayerische Bergverordnung - BayBergV (Bavaria Mining Ordinance): The Contractor shall ensure that responsible persons and persons authorised to give instructions have a good command of the lingua franca and are able to speak, read and write German.

The contractor may also delegate part of its duties and responsibilities assigned to it by laws, ordinances etc., provided it cannot or does not want to carry them out itself (for example for technical or areal reasons). The contractor or the subordinate responsible and authorised persons will make use of this right of delegation when they appoint other responsible persons from among the employees of the operator or of a contractor under Section 58 (1) No. 2 and Section 62 BBergG.

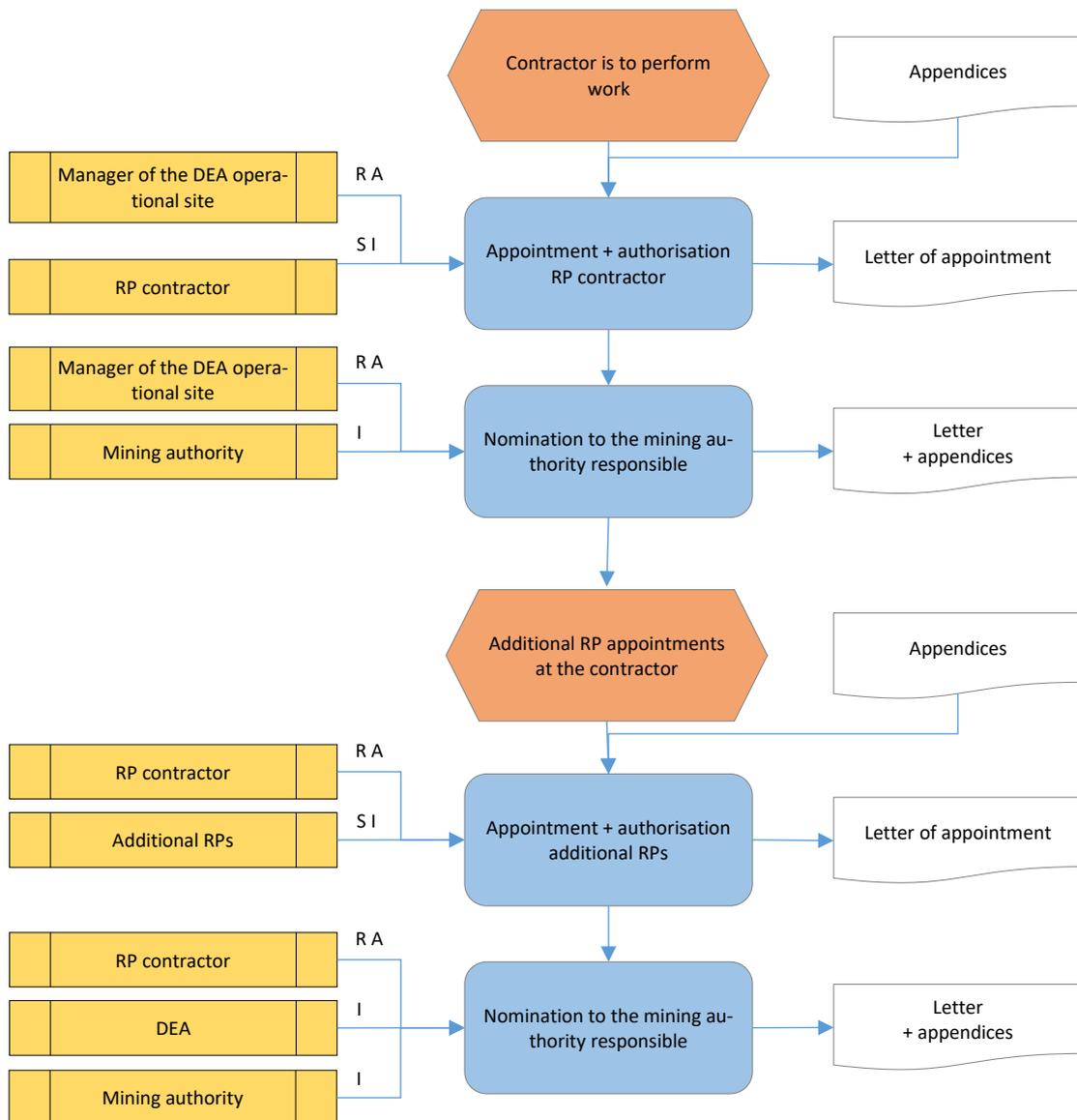


The appointment of responsible persons must be made in writing. The text of the appointment must include the tasks and authorisations.

With their signature acknowledging their understanding of and agreement with the appointment, the appointed responsible person of the contractor, in accordance with the regulations, takes over the duties and responsibilities described in the appointment. The person must ensure that the occupational and technical safety regulations will be observed in the performance of the work assigned to this person or their company. The ultimate overall responsibility for safety and order in the plant remains with the mining company even when responsible persons have been appointed (Section 62 [2] BBergG).

Generally, the responsible person of the contractor is authorised by the appointment to appoint other, subordinate responsible persons (supervisory persons). As a rule, only a contractor's person relatively high in the organisational hierarchy will be appointed directly by the mining company, and the responsible persons subordinate to this person will be appointed by the contractor itself.

The names of all appointed responsible persons must be notified to the competent mining authority, observing the requirements of Section 60 (2) BBergG. If a responsible person of a contractor has been given the authority through their appointment to appoint subordinate responsible persons and makes use of this authority, he/she shall provide the name on their own and notify DEA of this by means of a copy. To sum up, the principle applies: Whoever appoints must also notify the name. The appointments and nominations must always be kept up to date.



(R)esponsible: carries out, decides on or accepts
 (A)ccountable: is technically responsible for
 (S)upportive: contributes to
 (I)nformed: is informed about



The responsible person must ensure flawless execution of the work not only from a technical but also from a safety point of view. To this end, adequate supervision must be exercised. The General Federal Mining Ordinance stipulates the following principles concerning supervision and the responsible person involved is always taking the place of the operator:

1) The operator must make sure that at least one responsible person is, or within a relatively short time can be, present, in the operational facility as long as employees are working there. (Section 5 [1] No. 2 ABergV).

2) A person appointed to supervise must visit occupied workplaces at least once every shift (Section 5 [2] ABergV).

3) If an employee is working alone in a workplace, adequate supervision must be ensured (Section 5 [3] ABergV). This requirement is considered to have been met:

- if the work place is visited twice every shift by a person appointed to supervise; should this occur only once, the employee must be contacted by telephone or radio;
- if, in case of non-hazardous work, the workplace is visited only once per shift by a person appointed to supervise and, in addition, a telephone or radio connection with the employee exists.

4) According to Section 5 (4) ABergV, the foregoing regulations do not apply when individual employees are involved exclusively in maintenance or simple repair work, monitoring tasks or in other non-hazardous and unchanging work in a safe workplace that in and of itself does not change, and

- a responsible person can always be reached by telephone or radio or in some other manner **and**
- the responsible person appointed for the workplace in question gets in touch with the employee at least once every shift.

5) For work performed by several employees together and without constant presence of a responsible person, the operator must make sure that one of the employees is authorised to issue instructions (Section 5 [5] ABergV). This is the foreman in accordance with current regulations.

6) Work involving unusual hazards requires the presence of a supervisory person at the workplace. Examples of such work are work inside tanks, work involving a gas hazard and work with flames in areas exposed to an explosion hazard.

If a responsible person participates in the work, he/she relinquishes the supervisory tasks and, hence, can at the most function as foreman or the person authorised to give instructions. In this case, their superior or some other skilled responsible person can take over supervision according to the foregoing regulations. If the person acting as foreman or person authorised to issue instructions continues their cooperation for a longer period of time and then again resumes exclusively their supervisory tasks, he/she is once again a responsible person in accordance with the BBergG – Bundesberggesetz (German Federal Mining Law).



A person working alone cannot at the same time be a responsible person, because it is not possible to supervise oneself. In such a case, supervision according to the above-stated regulations must be ensured.

In especially justified individual cases, supervisory duties can be exercised by responsible persons of the employer. Such supervision, however, can ensure correct performance of work only from a safety standpoint and not from a technical one. Such procedure, however, should be rather an exception and must be agreed to in all details depending on the situation, preferably in writing, before work begins.

If in operational facilities under Mining Supervision, the contractor uses subcontractors, then the operator assumes over-riding responsibility also for these persons. In such a case, the operator must either exercise its supervisory duty directly or make use of its right to appoint responsible persons and thus delegate the direct supervisory duty, assuming the mining company has provided this right.

Note again that a person authorised to appoint other responsible persons, once their right of delegation has expired, is not completely free of the responsibility placed on them by the Mining Act (Section 62 [2] BBergG).

With the acknowledgement of the agreed-to appointment, the contractor's responsible person takes over not only primarily the responsibility for the working personnel, but he/she is also responsible that the duties specified in the ordinances, administrative acts, etc. are carried out. They must inform themselves of these duties.

Thus, the Mining Ordinances require, for example, that persons carrying out specific activities must be given written instructions or subjected to preventive medical examinations. The responsible person must ensure the testing of equipment and devices specified in the Mining Ordinances at regular intervals. This person must define the type and scope of tests, as well as the procedure for reporting of defects or damages found, in a written instruction.

The points covered here indicate only part of the duties/tasks of appointed responsible persons of a contractor and their position within the framework of the Mining Law. These points should prompt it to familiarise itself with the pertinent passages of the Mining Law.

Should questions arise, the regionally responsible persons of DEA are prepared and in a position to provide the necessary explanations.