



XWD - GUIDELINE - HSE REGULATIONS FOR CONTRACTORS

GERMANY

Guideline

BU Germany

HSE Regulations for Contractors

Requirements for health protection, occupational safety and environmental protection in activities for Harbour Energy Germany GmbH that are subject to mining law

Harbour Energy Germany GmbH guidelines help us to meet requirements in the most efficient way.

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Process Owner	HSEQ
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Commitment	obligatory

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Supersedes

Safety regulations for contractors (WiHo)
Safety regulations for contractors (DEA)

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1 Objectives

Our HSEQ objective is: *Zero Harm* – meaning permanently no damage to people, the environment or our facilities. We can achieve this by monitoring our safety barriers and by promoting a strong HSEQ culture at all levels of the business. Systematic cooperation based on mutual trust is the prerequisite for achieving this goal.

Each principal is responsible for the health and safety of its employees as well as for environmental protection in the division or area under its control, and each employee is obliged to co-operate.

2 Scope of application

These HSE regulations are a binding contractual element of relations with Contractors operating at Harbour Energy for all activities governed by German Federal Mining Act. All activities carried out by Contractors on behalf of Harbour Energy in Germany (with the exception of those activities carried out purely for the Head Office) are generally regarded as mining activities and are therefore subject to mining law. This is not restricted to activities carried out within the boundaries of our company premises, but also includes all activities relating to surface and underground operations and plant components outside the relevant company premises if the operations and plant components are specified in an operating plan of Harbour Energy.

3 Legal foundations / Special features of the German Federal Mining Act

The legal foundations for all mining activities is the **German Federal Mining Act (BBergG)**, including all **mining ordinances** issued or maintained on the basis of this Act in its current version from time to time. The principal mining regulations concerning safety and health protection are:

at German federal level:

- General Federal Mining Ordinance (ABBergV)
- Mining Ordinance on Health Protection of Employees (GesBergV)
- Mining Ordinance for the area of coastal waters and the continental shelf (Offshore Mining Ordinance - OffshoreBergV)
- Documentation Mining Ordinance (UnterlagenBergV)

at federal state level (incl. some significant state-specific variants):

- Deep Drilling Ordinances (e.g. BVOT Lower Saxony, BVOT Schleswig-Holstein)
- General Mining Ordinances (e.g. Mining Ordinance Bavaria (BayBergV))

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- Electrical Mining Ordinances (ElBergV) (do not exist in Bavaria)
- Seismic Mining Ordinances (Seismik-BergV)
- Mining ordinances on occupational safety and occupational health services (these ordinances do not exist in Bavaria)

This list is not exhaustive. In particular, new developments must be anticipated at all times. If Contractors do not have previous experience with relevant mining ordinances, then Harbour Energy is prepared to provide assistance on request.

The operational activities of Harbour Energy are almost exclusively subject to monitoring by the mining authorities. In essence, this means that special mining authorities are responsible for matters for which the labour inspectorates or occupational health and safety authorities would normally be the competent bodies. Examples are the State Mining Authority (LBEG) in Hanover for the states of Lower Saxony, Schleswig-Holstein, Hamburg and Bremen, or the Mining Authority of Southern Bavaria for Upper Bavaria.

At the level of the BVEG (German Federal Association for Natural Gas, Crude Oil and Geothermal Energy), technical regulations will be made available.

3.1 Responsible persons

Overall responsibility for safety and order in operations is vested first and foremost in the mining enterprise Harbour Energy, represented by the company's Board of Management. Responsibility for management and supervision of individual business units can and should be delegated to additional responsible persons (Sections 58 to 62 BBergG, e.g. by work with sour gas additionally for "work with gas hazard"). This transfer or delegation of responsibility (appointment) must be made in writing. In addition, the responsible mining authority must be informed in writing of every appointment, with the information specified in Section 60 (2) BBergG having to be provided (name designation).

Harbour Energy normally exercises this right of delegation with regard to Contractors in such a manner that a responsible person designated by the Contractor will be appointed. The responsibility vested in this person as well as the temporal and local scope of application must be documented in detail in the appointment, and the designation of the person to the responsible mining authority is carried out by Harbour Energy.

To the extent that such appointment also conveys the authority that the Contractor's responsible person may in turn appoint other responsible persons (supervisors), the Contractor must independently complete all associated formalities, in particular the designation of such persons, and report any such appointments to Harbour Energy. More detailed information on this subject is provided in the Annex.

3.2 Operating plan process

All mining activities require an operating plan approved by the competent mining authority. Each responsible person, i.e., including the Contractor's supervisor, must be aware of all the administrative

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acts and documentation (these are essentially operating plan approvals, including the ancillary provisions), insofar as they impact on their tasks and competences.

3.3 Regulations not directly applicable to mining

Mining law applies with priority to activities for Harbour Energy. Only when matters are not regulated by mining law do the relevant ordinances, laws and DGUV regulations of general trade law come into play (e.g. GefStoffV, ArbMedVVV and others). Regulations from the general trade law (laws, ordinances, DGUV regulations) should, however, be used as generally accepted rules of safety engineering. This means that it is advisable to observe them, because this way it can be proven from the outset that a sufficient level of protection is ensured. If these rules are deviated from, at least an equivalent level of protection must be achieved.

4 General requirements and prohibitions; instructions by Harbour Energy

- All employees are obliged to keep workplaces and premises, common rooms, washing facilities and toilets clean and tidy.
- Orders issued by Harbour Energy supervisory personnel must be obeyed, e.g., in emergencies, imminent danger, etc.
- Each employee (or, in the case of groups of employees, the responsible supervisor) must register with his or her designated supervisor nominated by Harbour Energy before starting work, present his or her safety pass and coordinate the planned deployment with this person. In particular, Harbour Energy must be notified of the number of personnel being deployed and of the location where they are being deployed. Any changes must be reported to Harbour Energy without delay. The Contractor will then receive instructions from the responsible Harbour Energy employee regarding the existing safety regulations and the area of deployment.
- Any hazards or malfunctions of safety equipment that come to notice must be reported to Harbour Energy personnel immediately.
- All traffic areas, in particular escape or rescue routes, access routes to fire extinguishing equipment and fire alarm systems, must be kept clear
- Equipment and materials, especially hazardous substances, may be stored only at the locations assigned by Harbour Energy. Before commencement of the activity, a list of all hazardous substances used, including an indication of the order of magnitude of the respective quantity, must be provided to Harbour Energy on request; in the event of changes, a new list must be provided without a request being necessary. The relevant safety data sheets and operating instructions as well as the associated risk assessment must be kept available. The regulations for transportation of hazardous substances and dangerous goods must be complied with. Only containers marked in accordance with the relevant statutory parameters are to be used for substances / mixtures.
- Safety installations such as safety valves, shut-off valves, electric or mechanical locking mechanisms, protective or other operating equipment may be disabled or shut off only with express written approval from Harbour Energy.

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- Work on electrical systems and electrical equipment may only be carried out by the group of persons recognised in the mining ordinances and other legal regulations as qualified to perform this type of work.
- After provisional or final completion of work, Harbour Energy must be informed of the progress or completion of the work, as the case may be. The workplace must always be left in a safe and tidy condition, without fail.
- This includes, among other things, that
 - disabled safety systems are made functional again (unless otherwise arranged with Harbour Energy supervisory personnel),
 - remaining danger spots or hazardous situations are made secure by means of suitable measures, such as barriers, covers, etc.,
 - barriers, etc. are removed, providing that the relevant hazard no longer exists,
 - waste and other materials no longer required are removed, and
 - any soiling or contamination that may have occurred is removed completely.
- If the Contractor is not in a position to meet these requirements, then he must provide Harbour Energy with detailed information concerning any deficiencies that have not been remedied prior to leaving the place of work. In the event of hazards arising from non-compliance with these requirements, Harbour Energy reserves the right to restore safety, orderliness and cleanliness in the affected area at the expense of the Contractor. Harbour Energy reserves the right to arrange for documented acceptance inspections during or after completion of the work.
- Overnight accommodation on Harbour Energy company premises is not allowed on principle. The only exceptions from this prohibition are sections of operating units where Harbour Energy provides accommodation or has explicitly defined specific locations as suitable for arranging overnight stays.
- There is an absolute prohibition on the consumption of alcoholic beverages and narcotics on Harbour Energy company premises. Any possession of alcoholic beverages or drugs is prohibited.
- Employees must never be in a state induced by alcohol, drug or medication consumption in which they can endanger themselves or others.
- Taking photographs and recording video footage of operational activities requires express permission from Harbour Energy.
- All information obtained in connection with orders must be kept confidential vis-à-vis third parties.
- It is not permitted to sell, distribute or display newspapers, brochures or leaflets on the premises or to hold meetings that are not related to the order placed by Harbour Energy.
- Harbour Energy reserves the right to (temporarily or permanently) exclude persons who behave with gross disregard for safety or who disobey safety rules and regulations from further employment. Any costs incurred as a result shall be borne by the Contractor.
- In addition, Harbour Energy reserves the right to carry out checks regarding compliance with these security regulations and to prevent theft as necessary, and to inspect building sites,

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accommodation, business premises, vehicles, etc., for this purpose. If there is any reason for suspicion in this regard, inspections may also be made of any objects carried by persons.

- Subcontractors must always be listed in the offer submitted to Harbour Energy and are subject to approval by Harbour Energy.

5 Induction measures, written instructions and training sessions

5.1 Induction measures

Various induction measures (e.g., handling of hazardous substances / work equipment) are prescribed in the legal foundations. As a matter of principle, each participating company must independently arrange for the required induction measures for the employees in the company's area of responsibility before work commences. Inductions measures provided by Harbour Energy (e.g. regarding locational or technical aspects) are no substitute for these inductions required of the Contractor.

For specific induction measures, Contractors will be given the opportunity to attend Harbour Energy induction sessions (e.g., gas protection training). Person-specific documentation must be available on location at all times (see chapter 16.2). Time spent attending induction sessions is not paid on principle. It is incumbent on the Contractor to include that time in his calculations.

As part of the work preparation, Contractors may be required to participate in Job Safety Analysis (JSA) sessions. In addition, it is recommended that all Contractors conduct JSAs with their employees on a regular basis.

5.2 Written instructions

For certain facilities and equipment, activities or substances/mixtures, mining regulations and the Ordinance on Hazardous Substances require that written instructions or operating instructions be issued, which should contain information on correct and safe handling and behaviour. They must be observed by everyone required to use the equipment or facilities specified in the instructions, carry out activities or handle substances / mixtures.

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

- a) Harbour Energy has produced the required instructions for the company's own facilities and equipment, activities and substances / mixtures. To the extent that Contractors use the facilities and equipment, carry out the activities or handle the substances / mixtures referenced therein, they will be provided with the Harbour Energy instructions during the induction sessions conducted by Harbour Energy and are obliged to follow them.
- b) Contractors who bring equipment or substances / mixtures onto Harbour Energy premises or carry out activities for which written instructions are prescribed must themselves produce these instructions, conduct inductions and ensure that they are followed. These instructions must be made available on location by the Contractor's personnel.

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5.3 Training sessions

In many operations sites, special conditions apply (e.g. the requirement for offshore safety training for work carried out on Mittelplate). Person-specific documentary proof must be available on location at all times (see chapter 16.2).

6 Safety and health protection signage

The safety and health protection signage at the operating facilities largely conforms to Annex 4 of the General Federal Mining Ordinance (ABBergV). It is largely identical with the signage according to the workplace regulation (ASR A1.3).

The safety and health protection signage at the operations sites must be observed and may not be removed, changed, concealed or rendered illegible without the consent of Harbour Energy.

7 Occupational safety specialists and company physicians

Contractors must themselves appoint occupational safety specialists (German acronym: Sifa) and company physicians within the meaning of the German Occupational Safety Act (ASiG) in the number stipulated in DGUV regulation 2 and the mining ordinances on occupational safety and company medical services.

The occupational safety specialists and company physicians of all parties are to exchange information and to co-operate as required. At the behest of Harbour Energy, Contractors must have their occupational safety specialists and company physicians attend safety briefings and inspections.

8 Hazard assessment

In accordance with the applicable statutory provisions, the Contractor must carry out an assessment of the risks associated with the work of the employees to be assigned, take and implement the necessary safety measures and check their effectiveness before commencing work (activity-related risk assessment).

Additional hazards might be posed by the facilities or activities of Harbour Energy. If and to what extent such hazards are present will be conveyed to the Contractors' responsible personnel by the Harbour Energy employee in charge prior to initial deployment. However, in individual cases it is incumbent on the Contractors' responsible personnel to obtain specific information from Harbour Energy and carry out their own research in order to be able to assess the foreseeable hazards, strains and exposures.

After the contract has been awarded and in good time before the commencement of work, or on the date specified by Harbour Energy, the Contractor's activity-related risk assessment must be supplemented to include an assessment of the hazards arising from the facilities or activities of Harbour

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Energy. The emphasis here is on taking account of mutual hazards or activities potentially interacting to produce additional hazards.

The Contractor's latest hazard assessments must be made available to Harbour Energy on request.

Hazard assessments must be reviewed on a regular basis. Immediately before starting work, the current environmental conditions must be assessed and evaluated (weather, crane work, presence of third parties, etc.), for example by carrying out JSA sessions.

9 Aptitude tests and occupational healthcare

Pursuant to the ABBergV, the Contractor must ensure that the health of the employees is monitored in an appropriate manner, depending on the health and safety risks present in the workplace. The GesBergV or OffshoreBergV ordinances as well as the regulations of the Ordinance on Occupational Medical Precautions (ArbMedVV) are decisive as guidance for medical examinations.

9.1 Aptitude tests

The GesBergV ordinance prescribes aptitude tests for certain categories of persons/personnel. Aptitude tests must be completed before the start of the work by the following groups of persons, including:

- persons who have to wear Group 2 or Group 3 breathing apparatus during their work, in particular in connection with mine rescue activities or as members of a company fire brigade or gas protection response team,
- persons who carry out work at great heights that involves a risk of falling, in particular on drilling rigs, scaffolding or in shafts, and who cannot be continuously secured against falling by safety equipment, in particular when changing locations, and
- persons carrying out underwater work in which they are supplied with breathing gas by means of diving apparatus, as well as persons acting as dive mission leaders, signalmen or dive assistants.
- persons deployed in offshore operations (aptitude test in accordance with GesBergV).

The relevant aptitude test, including the result, should preferably be included in the safety passport as documentary proof.

9.2 Occupational healthcare

The requirements and specifications of the Ordinance on Occupational Medical Precautions (ArbMedVV) apply as a matter of principle. The basis for such determinations is a carefully conducted risk assessment (especially against the backdrop of possible exposure to benzene/mercury. The relevant preventive healthcare measures should preferably be included in the safety passport as

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documentary proof Contractors are obliged to independently maintain a register of preventive health care measures for their employees.

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9.3 Protection against infection

Persons may only be tasked with the preparation or serving of meals for communal catering if it is proved by a certificate from the health authority or a doctor appointed by the health authority that the persons have been instructed in accordance with the Infection Protection Act and have declared in writing that they are not aware of any facts that would prohibit them from working in this capacity.

10 Provision and use of personal protective equipment

The Contractor is responsible for providing the necessary protective clothing and personal protective equipment (PPE) for his own employees.

Personal protective equipment must bear the CE mark; in the case of category III PPE, the CE mark is followed by the identification number of the certifying body. The equipment must also be accompanied by written information from the manufacturer containing details of use, maintenance, inspection, performance, limits of use, spare parts, expiry dates, etc. The PPE must be used and handled accordingly.

In connection with activities “*within the plant premises*”, employees must generally use the following PPE (BVEG recommendation):

- Safety helmet (DIN EN 397) – if possible, with chinstrap when working at heights
- Protective gloves (depending on activity and risk assessment)
- Safety shoes (at least DIN EN ISO 20345 with safety level S3, ankle high, resistant to mineral oil products, with conductive soles)
- (Dependent on the operations site) eye protection (min. DIN EN 166: optical class: 1, mechanical strength of the lenses: AS)
- Protective clothing covering the entire body (at least EN ISO 11612 performance levels A1, B1, C1 and EN 1149-3 + EN 1149-5). Harbour Energy recommends ensuring good visibility day and night.

The background to this regulation is that in many places at our operating facilities there is the inherent potential for flammable substances to escape. For this reason, all Contractors are required to provide all their employees who must operate in areas at risk of fire or explosion with protective clothing that can withstand a brief exposure to flames and will not continue to burn after exposure to flames (heat and flame protection according to EN ISO 11612) and which is antistatic, so as not to act as ignition sources due to static charging. As a precautionary measure, it is pointed out that such protective clothing is not equivalent to protective clothing for welders or electricians, although the latter must be used if shown to be necessary on the basis of the risk assessment.

For activities outside the above-mentioned plant boundaries, the PPE must be specified and used on the basis of the risk assessment – in consultation with Harbour Energy.

Special PPE must be used depending on the activity and hazards involved. Additional local requirements stipulated by the operating sites may apply.

Special regulations apply in operational areas where emissions of gases containing hydrogen sulphide must be anticipated. Contractors intended to be deployed in these areas will be provided with detailed information by Harbour Energy. Amongst other things, beards are prohibited (any beard growth in the area of all sealing lips of the breathing mask). The necessary escape equipment for self-rescue, which must be carried at all times, is usually provided and maintained by Harbour Energy. The required half-yearly induction sessions must be carried out in accordance with the contractual arrangements.

In addition to the statutory requirements, the PPE to protect against falls from a height (PPEgA) that will be used must satisfy the following technical conditions: Triple self-locking carabiners (e.g., trilock carabiners) must always be used on the PPE (e.g., on the fixed side of the harness). If one-handed operation is necessary (e.g., on the loose side of the harness), the use of double self-locking carabiners (e.g., Fuji carabiners, twistlock carabiners) is permitted. The use of non-self-locking carabiners (e.g., doubly secured screw karabiners) or single secured carabiners is not permitted. Harbour Energy strongly recommends the use of fall protection equipment (HSG) on principle. Especially at drop heights of less than 7.00 m, the conventional strap fall attenuators do not work at all or are not 100% effective. HSG equipment also has additional advantages for drop heights greater than 7.00 m. For work on aerial work platforms, Harbour Energy also recommends the use of (specially approved) HSG equipment.

11 Use of work equipment and tools

11.1 Provision

Pursuant to Section 17 ABBERgV, only work equipment that has been appropriately selected on the basis of the hazard assessment and that complies with the provisions of Annexes I and II of Directive 2009/104/EC may be provided and used. In Germany this directive is implemented via the Operating Safety Ordinance. To the extent that this ordinance is observed, it can be assumed that the mining law regulations are also complied with (presumption of conformity).

11.2 Inspections

The Contractors are obliged to arrange for the prescribed inspections of all work equipment (also PSAgA) themselves, based on the accepted, state-of-the-art technology. Inspections that have been carried out must be documented and made available. The inspection certificates must be presented to Harbour Energy on request. All work equipment subject to inspection must be marked clearly, preferably by means of an inspection tag.

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Contractors must ensure that electrical tools and equipment are tested, e.g., according to ElBergV / BayBergV / DGUV regulation 3. The inspection certificates must be presented to the master electrician or the EMSR supervisor on request before the equipment is used.

In areas subject to explosion hazards, additional requirements must be met (e.g., use of ATEX-certified equipment).

When installing and commissioning electrical systems, special requirements (e.g., according to ElBergV/BayBergV) must be met. Electrical installations must be checked by a specially qualified electrician / expert. Inspection reports including the results of the inspection must be available. The systems may only be connected following approval from the responsible Harbour Energy electrician.

An additional requirement applies on Mittelplate: the most recent inspection of portable electrical equipment during the period of use at Mittelplate must not be more than two months in the past.

12 Coordination of work activities

12.1 Basic delimitation of responsibilities

Section 4 (1) ABergV:

“If employees of several enterprises (*note: this refers to Harbour Energy and Contractors; cf. Section 4 (3)*) work together at one operating unit at the same time and place, each enterprise is responsible for the area subject to that company’s right to issue instructions.” As a matter of principle, each company involved conducts the necessary induction sessions for the employees in its area of responsibility independently.

12.2 Organisational structure for co-operation purposes

12.2.1 Principle

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

Harbour Energy and the Contractors are required to co-operate in taking the necessary measures to ensure safety and the protection of health. Harbour Energy is responsible for the coordination of all safety and health protection measures.

12.2.2 General implementation of co-operation

- a) Harbour Energy initially determines and assesses the hazards to which its own employees are exposed at their respective workplaces and in this context implements appropriate safety and health protection measures.

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- b) Harbour Energy further determines what hazards emanate from its own facilities or activities that could affect the employees of Contractors, and then informs the Contractors accordingly.
- c) Taking into account their own knowledge and the information provided by Harbour Energy, the Contractors determine and assess the hazards to which their own employees are exposed at the respective workplaces and take appropriate health and safety measures in this regard. They can rely as far as possible on the measures already adopted by Harbour Energy. The Contractors inform Harbour Energy of any hazards arising in connection with their own equipment or activities that have the potential to impact on employees or facilities of Harbour Energy.
- d) Harbour Energy takes the information provided by the Contractors into consideration in the company's own determinations and assessments as referred to under a).
- e) For some work activities, especially on construction sites or when using a Contractor's drilling rig, the co-operation between the individual companies is governed by a bridging document/HSE Plan. The information contained therein is binding for all Contractors; furthermore, co-operation in the preparation of the bridging document by Contractors may also be required.

12.2.3 Work involving special risks / permission and approval

At existing operations sites, Harbour Energy determines which activities are classified as work involving special risks and may therefore only be carried out once a written permit has been issued and a person in charge has authorised the commencement of work. The procedure as well as the protective measures to be observed before, during and after completion of the work must be set out in writing (Section 9 ABergV).

This does not preclude, as a matter of principle, the possibility of Harbour Energy or the Contractors categorising additional work activities as requiring written permission and approval for work to begin, based on their own risk assessment.

For example, the following work activities may be categorised as work activities involving special risks by Harbour Energy:

- 1) Work in tight spaces or in spaces that are difficult to access, inside containers or pipelines
- 2) Cutting, welding and hot work in areas subject to fire / explosion hazards
- 3) Work in areas subject to a gas hazard.
- 4) Work on gas pipelines
- 5) Risk of exposure to ionizing radiation
- 6) Blasting operations
- 7) Work on plant components while in operation
- 8) Civil engineering work
- 9) Normally non-hazardous work activities which overlap with other work activities, thereby potentially creating a serious risk

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Within the scope of responsibility of Harbour Energy, permit slips are used for permission and approval to commence work. Additional details will be made available to the Contractor by Harbour Energy during the induction on site.

13 First aid

13.1 First-aid responders

All Contractors must ensure that

- all their supervisors and a sufficient number of other employees are trained in providing first aid, and that they receive refresher first aid courses at intervals of no more than two years, and that there is documented proof of such training,
- qualified electricians and other persons regularly working on electrical installations or equipment who may be exposed to danger through direct contact receive initial first-aid training that is repeated annually, and that they also receive instructions on how to respond in the event of accidents caused by electric current,
- at least one person trained in first aid is present at workplaces where two or more persons work on a regular basis,
- that first-aid logbooks are kept available on site in which that all first-aid measures rendered as well as injuries are recorded. In the event that a separate first-aid logbook is not available on location, the employee can document the first-aid measure in the Harbour Energy first-aid logbook.

13.2 First-aid material

Harbour Energy provides first aid material in many areas of the operating areas, which is available to anyone who needs it. Removal of such material must be reported to Harbour Energy immediately so that replacement can be arranged.

On independent construction sites, the Contractors are responsible for providing the necessary first-aid material.

14 Accidents and incidents

14.1 Behaviour in the event of accidents and incidents

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In the event of incident, the prescribed procedure is as follows:

- secure the location where the incident happened and observe self-protection (once persons have been rescued and safety measures implemented, the location may no longer be changed)
- rescue any persons remaining in the danger zone
- for incidents with grave consequences, the Harbour Energy control station must be notified immediately. The control station, in turn, will alert internal and external rescue services as required. In all other cases, the incident must be reported to the responsible staff member of Harbour Energy without delay
- first-aid measures must be rendered immediately
- if possible, take measures to combat the danger – while observing selfprotection
- rescue services must be received on site and briefed on the prevailing situation

If several helpers or first responders are on site, then one of them is to coordinate the simultaneous execution of the individual steps.

The prescribed immediate reports to the competent mining authorities will be handled by Harbour Energy.

14.2 Written incident report

Immediately following the verbal notification, Harbour Energy must be provided with brief written information on the incident (usually on the working day following the day of the incident, stating as a minimum the date, time and place of the incident, the name of the Contractor, the contact person, any consequences of the incident, the type of injury in the event of personal injury, a description of the course of the incident). This also applies to first aid cases and near misses with a high potential of damage and/or injury. The number of calendar days of absence resulting from the individual accidents – whether subject to notification or not – must also be reported.

14.3 Reporting of accidents

In the event of an accident subject to notification (personal injury with incapacity to work lasting more than three calendar days), the Contractor must send one copy of the accident report to the employer's liability insurance association responsible for him and one copy **to the authority responsible for the mining operation**. A copy of this report must also be sent to Harbour Energy. If the cause of an occupational illness is suspected to be linked to working in the mining operations of Harbour Energy, then Harbour Energy must be informed about the content of the report.

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14.4 Procedure involving accident insurance consultants

Injured persons requiring medical attention must be presented to specially qualified physicians known as *Durchgangsärzte*, i.e. medical referees or accident insurance consultants, unless other doctors need to be consulted without delay. Lists of such accident insurance consultants available nearby are kept at Harbour Energy operating sites. For work activities carried out outside Harbour Energy operating sites, the Contractors must prepare and put on display their own lists of important telephone numbers for accident insurance consultants, hospitals, fire brigade, police, etc.

14.5 Incident analysis

The Contractors must investigate the causes of incidents and inform Harbour Energy **in writing** as soon as practicable but no later than within one month about the results of the investigation and about measures taken to prevent similar incidents. Where necessary, Harbour Energy will participate in the investigation and in the determination of measures, or will conduct its own investigations.

14.6 Environmental incidents

In the event of soil or water contamination or non-permissible emissions, suitable safety measures must be taken immediately and the responsible person at Harbour Energy according to the alarm plan must be informed.

14.7 Other incidents or events

If any damage to property, theft or other types of events happen to occur, then suitable safety and security measures must be taken immediately and the responsible person at Harbour Energy must be informed accordingly.

15 Environmental protection

15.1 Substances hazardous to water

The Contractor must inform Harbour Energy about plans to use substances that are hazardous to water (see also the section on hazardous substances). When handling substances hazardous to water, the requirements of the Water Resources Act and the relevant subordinate water law regulations (in particular the Ordinance on Installations for Handling Substances Hazardous to Water - AwSV) must be observed. Options / criteria for storage must be coordinated with Harbour Energy.

15.2 Waste disposal

The requirements of the German Closed Substance Cycle and Waste Management Act must be observed. The anticipated quantities of waste of all types must be communicated to the responsible

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person at Harbour Energy before work commences. The details of how waste is to be disposed of must then be discussed with that person.

15.3 Reducing emissions

The impact on the environment outside the immediate working area by activities such as demolition, chiselling, sandblasting, paint spraying, etc. must be limited to the lowest possible level by taking appropriate measures.

When operating machinery and tools, care must be taken to minimise emissions (of noise, vibrations, gases, liquids) and measures must be implemented to minimise noise. The requirements of the German Technical Guideline for Noise Reduction (TA Lärm) and the German Technical Guideline on Air Quality (TA Luft) must be observed and compliance must be evaluated in co-operation with Harbour Energy prior to the work being carried out.

15.4 Energy efficiency

The lowest possible energy consumption must be ensured when using appliances. As part of Harbour Energy's own energy management, Harbour Energy consistently ensures that work procedures are carried out in an efficient manner designed to conserve resources.

16 Other regulations

16.1 Occupational Health and Safety systems (OHS)

Contractors providing commercial services for Harbour Energy are required to have a valid, third-party-certified Occupational Health and Safety system (OHS) in place on principle, and this must generally be documented as part of the submission of bids. All generally recognised certification procedures, such as SCC, OHSAS 18001 / ISO 45001 and procedures of professional / trade associations (e.g., *Sicher mit System*) constitute acceptable proof.

In the case of Contractors with fewer than ten employees or after an individual risk assessment shows that there is a very low risk (e.g., selected work activities inside office buildings, selected outdoor work activities in non-hazardous areas, etc.), the need for a certified occupational health and safety management system may be dispensed with subject to the consent of the commissioning Harbour Energy operations site. These Contractors must submit to Harbour Energy the legally prescribed written risk assessments for the work to be performed no later than the dates referred to in the previous paragraph, in accordance with Chapter 8, for examination and approval.

16.2 Safety passes

All Contractors must at all times be able to provide evidence on the spot, in person, that prescribed

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- induction sessions or training courses were completed
- first-aid training was completed
- precautionary occupational health measures were implemented and aptitude tests completed.

This evidence should preferably be provided in the form of the **safety passes** issued by the German Federal Association for Natural Gas, Oil and Geoenergy (BVEG, formerly WEG) and by the German Scientific Society for Petroleum, Natural Gas and Coal e.V. (DGMK), which are issued and maintained by the Contractor for each employee. These passes are available from:

STRÖHER DRUCK
 H.-H.-Warnke-Straße 15
 29227 Celle
 Tel: 05141-9859-0
 Fax: 05141-9859-59
www.stroeher-druck.de

16.3 Monthly reporting of hours worked

The Contractors must report to Harbour Energy the actual total of hours worked on a monthly basis, and no later than the third day of the following month.

16.4 Employees speaking languages other than German

In the event that persons with different mother tongues are employed, the Contractor must define a common language. The employees must be able to correctly understand the instructions given in this common language and to make themselves understood clearly in that language.

In order to ensure efficient communication with the principal, at least one responsible person or person authorised to give instructions must always be present at the deployment location who speaks this common language and can also speak, read and write German.

17 Exceptions

Departures from the instructions contained in these safety regulations are only permitted with written approval from Harbour Energy.

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18 Annex

Persons responsible pursuant to the German Federal Mining Act (BBergG), in particular persons responsible on the part of Contractors

The following is a list of the aspects and legal principles that lead to the appointment of the responsible persons of an external company and the essential course of action to be derived for them.

According to the German Federal Mining Act, the principal is responsible for the entire operations at the relevant sites subject to supervision by the mining authorities. A principal is defined as the person or entity in whose name or on whose behalf the mining operation is managed.

The scope of responsibility is derived in particular from the German Federal Mining Act, from mining ordinances, from orders of the mining authorities and from approved operating plans. Thus, amongst other things, the responsibility for each and every employee in the enterprise, i.e., for every person who works in the enterprise on behalf of or with the consent of the principal, regardless of the existence of an employment relationship, is vested in the principal.

For support purposes, the principal can and must appoint persons as responsible persons for the management or supervision of operations or parts thereof. These persons must have the necessary reliability, expertise and physical fitness and have the necessary authorisations. In addition, the following stipulations apply within the scope of the mining ordinances of the federal states with regard to facilities in which persons with different mother tongues are employed:

In facilities where persons with different mother tongues are working, the principal must define a common language. Employees tasked with activities to be carried out independently must be able to correctly understand the instructions given in this common language and to make themselves understood clearly in that language. The following also applies:

- Deep Drilling Ordinances (BVOT) of the German federal states of Lower Saxony, Schleswig-Holstein, Berlin, Bremen and Hamburg: at least one responsible person or person authorised to give instructions present on site must have a command of the common language and also be able to speak, read and write German.
- Mining Ordinance of the German federal state of Bavaria (BayBergV): the principal must ensure that responsible persons and persons authorised to give instructions have a command of the common language and can speak, read and write German.

Thus, the principal has the right to delegate some of its duties and responsibilities arising from laws, regulations, etc., if the principal cannot or does not wish to carry them out directly itself (e.g., for technical or space-related reasons). The principal or the subordinate responsible persons who are authorised to do so shall make use of this right of delegation when appointing further responsible

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persons from the ranks of the mining company as well as a Contractor in accordance with Sections 58 (1) No. 2 and 62 BBergG.

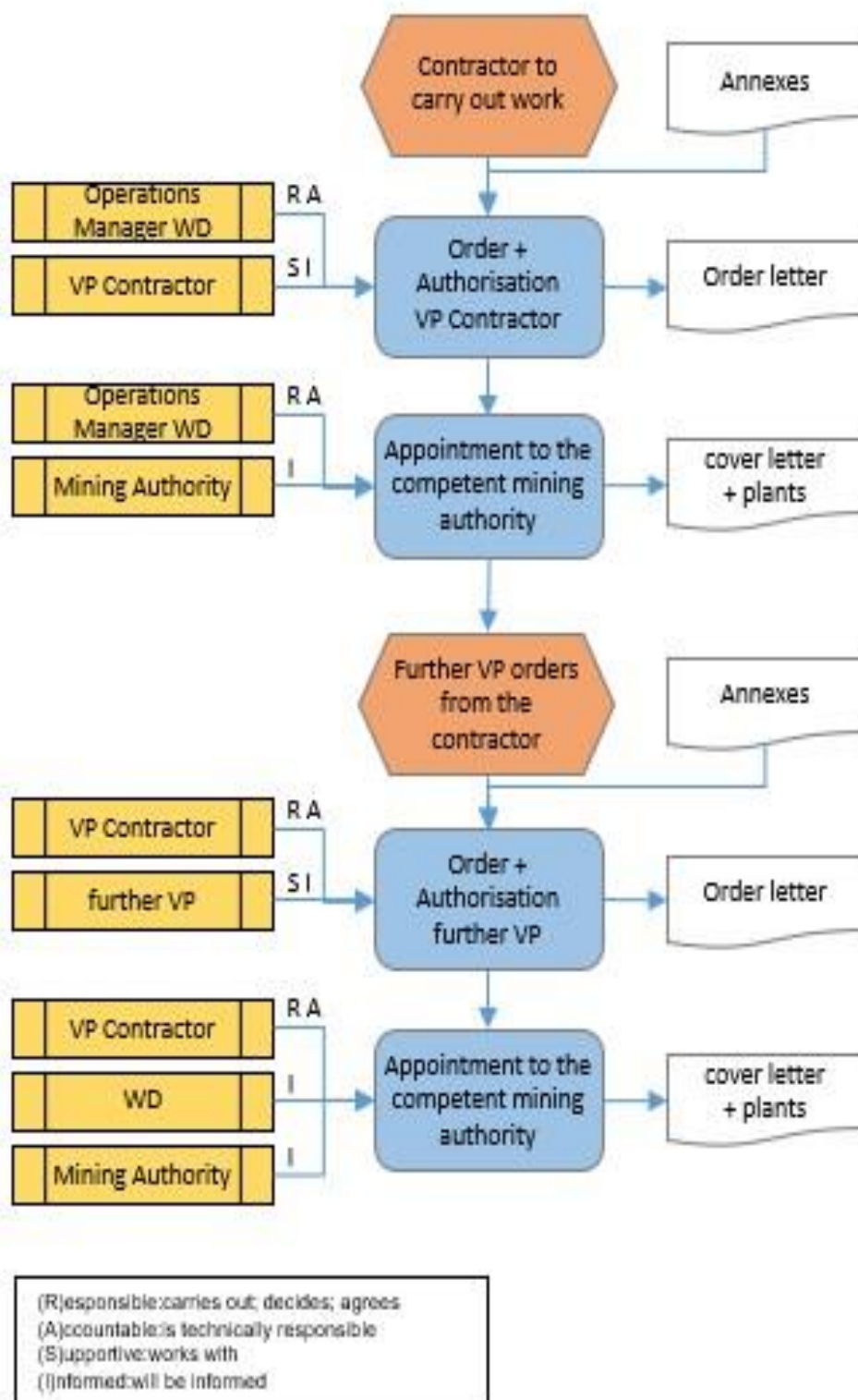
The appointment of responsible persons must be in written form. The letter of appointment sets out the relevant duties and powers.

With the signature confirming mutual agreement, the Contractor's appointed responsible person accepts the responsibilities and duties arising from the regulations for the scope thereof defined in the letter of appointment. The appointed person must ensure compliance with occupational safety and technical safety regulations in the performance of the work assigned to him/her or their company. However, the ultimate overall responsibility of the mining company for safety and order in operations remains in place even if responsible persons have been appointed (Section 62 sentence 2 BBergG).

An appointment of a responsible person on the part of a Contractor generally also includes the authority to appoint or delegate subordinate persons as responsible persons (supervisors). As a rule, therefore, only one relatively high-ranking person from a Contractor is appointed directly by the mining company, and subordinate responsible persons are appointed by the Contractor himself.

All appointed responsible persons are to be reported by name to the competent mining authority in compliance with the requirements of Section 60 (2) BBergG. To the extent that the appointment of a Contractor's responsible person also conveys the authority to appoint other subordinates as responsible persons and he or she exercises that authority, then he or she must independently complete the procedure for the designation of such persons, and notify Harbour Energy in the form of a copy of the relevant letter. In summary, the following principle applies: the person who appoints must also provide the name(s) in question. Appointments and designations by name must always be kept up to date.

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The responsible person must ensure that the work is carried out in a technically sound as well as safe manner. This requires appropriate supervision to be put in place. The German General Federal Mining Ordinance lays down the following essential rules for supervision, with the relevant responsible person being substituted for the principal throughout:

- 1) The principal shall ensure that at least one responsible person is present at the working location, or can be present within a reasonably short time, for as long as there are employees working on the relevant site (Section 5 (1) No. 2 ABBergV).
- 2) Occupied workplaces must be visited at least once during each shift by a person appointed to supervise (Section 5 (2) ABBergV).
- 3) If an employee is working alone at a workplace, appropriate supervision must be ensured (Section 5 (3) ABBergV). This requirement is deemed to be met if
 - the workplace is visited twice in one shift by a person appointed to supervise; if this only happens once, then the employee must be monitored by telephone or radio;
 - in the case of non-hazardous work, the place of work is visited once in one shift by a person appointed to supervise and there is a telephone or radio connection with the employee.

According to Section 5 (4) ABBergV, the above regulations do not apply if individual employees are exclusively tasked with maintenance or simple repair work, with monitoring tasks or with other non-hazardous and constant work at a non-hazardous place of work where conditions remain virtually constant, and if

- a responsible person is reachable by telephone, radio or otherwise at all times and can be present within a short time, **and**
 - the responsible person appointed for the particular workplace contacts the employees at least once per shift.
- 5) In the case of work carried out jointly by several employees without the constant presence of a responsible person, the principal must ensure that one employee is authorised to issue instructions (Section 5 (5) ABBergV). This would be the foreman, as contemplated by the regulations applicable to date.
 - 6) For work involving special hazards, a supervisor must be present at the workplace. Examples of such work are entering containers, work involving gas hazards and working with open flames in areas with potential explosion hazards.

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If the responsible person is actively involved in the work being carried out, he/she relinquishes the supervisory duties and can therefore at most be regarded as a foreman or person authorised to give instructions. In this case, the person superior to him/her or another competent responsible person must assume the supervision in accordance with the above rules. If the person who is only acting as foreman or person authorised to give instructions ceases to be involved in the work for a longer period of time and again exclusively performs his/her supervisory duties, he/she is again a responsible person within the meaning of the German Federal Mining Act.

A person working alone cannot be a responsible person at the same time, as it is [logically] not possible to supervise oneself. In this case, supervision according to the rules mentioned above must be ensured.

In specially justified individual cases, the supervisory duties may be performed by responsible persons of the principal. However, in that case supervision will be confined to behaviour in compliance with safety regulations, and does not extend to include the technically sound execution of the work. However, this situation should remain the exception and must be agreed in detail, if possible in writing, on a case-by-case basis before work begins.

If a Contractor uses subcontractors to carry out the work in companies that are subject to supervision by mining authorities, he shall also bear primary responsibility for these persons. In this case, he must either fulfil his supervisory duty directly or make use of his right to appoint responsible persons and thus delegate the direct supervisory duty, provided the mining company has granted him this right.

However, it should again be pointed out here that a person authorised to appoint further responsible persons cannot, by exercising his right to delegate, completely release himself from the responsibility assigned to him by mining law (cf. Section 62 sentence 2 BBergG).

With the consensual acknowledgement of the appointment, the Contractor's responsible person not only assumes primary responsibility for the personnel deployed, but is also responsible for compliance with the obligations listed in the regulations, administrative acts, etc. It is therefore incumbent on this person to be informed about the relevant obligations.

For example, the mining ordinances require that persons performing certain activities must be given written instructions, or that they must undergo occupational health examinations. The responsible person is responsible for ensuring that certain equipment and aids specified in the mining ordinances are subject to regular inspections. The responsible person must specify in a written instruction the type and scope of the inspection, and the procedure for reporting any damage or defects discovered.

The points mentioned above can and should only describe part of the duties/tasks of the appointed responsible persons of a Contractor as well as his position within the scope of mining law. They are intended as an incentive to familiarise oneself with the relevant passages of the mining law.

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For any questions and queries that may arise, the regional responsible persons at Harbour Energy are available to provide the necessary explanations.

Any changes in the designations of the Contractor's responsible persons (e.g., departure as a result of termination of employment, etc.) must be reported to Harbour Energy, along with any new designation that may ensue.

So wird beispielsweise in den Bergverordnungen gefordert, dass Personen, die bestimmte Tätigkeiten ausüben, schriftliche Anweisungen auszuhändigen sind oder dass sie arbeitsmedizinischen Vorsorgeuntersuchungen zu unterziehen sind. Die verantwortliche Person ist dafür verantwortlich, dass bestimmte, in den Bergverordnungen genannte Geräte und Hilfsmittel in regelmäßigen Abständen einer Prüfung zu unterziehen sind. Von ihr ist Art und Umfang der Prüfung sowie das Verfahren zur Meldung festgestellter Schäden bzw. Mängel in einer schriftlichen Anweisung festzulegen.

Die aufgeführten Punkte können und sollen nur einen Teil der Pflichten/Aufgaben der bestellten verantwortlichen Personen eines Auftragnehmers sowie dessen Stellung im Rahmen des Bergrechts aufzeigen. Sie sollen Anregung sein, sich mit den zutreffenden Passagen des Bergrechts vertraut zu machen.

Bei auftretenden Fragen sind die regional zuständigen verantwortlichen Personen der Harbour Energy bereit und in der Lage, notwendige Erläuterungen zu geben.

Jede Änderung bei der Namhaftmachung von VP des Kontraktors (z.B. Weggang durch Kündigung etc.) ist Harbour Energy mitzuteilen und eine ggf. neue Namhaftmachung einzuleiten.

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