

Supplement – SUPPLEMENTARY DEFINITIONS - JULY 2017

The following definitions shall apply:

End of installation: = Proper and, in particular, complete completion of the contractually agreed installation & assembly work.

Putting into Operation/Commissioning (in short „IBN“): Commissioning shall be deemed to have been positively completed by the Contractor if both the Cold Test and the Hot Test have been properly completed in accordance with the contractually agreed provisions. The positively completed IBN also formally signifies the end of Commissioning & Putting into Operation.

- Cold Test: Unless otherwise agreed, the cold test shall be deemed to have been successfully completed when the entire scope of deliveries and services (= the respective complete plant including all its components and essential parts) without operating utilities in individual as well as fully integrated interlocking operation with all functionalities etc. has been successfully tested, all plants, parts as well as actuating/control- and protective devices etc. have been positively checked for proper functioning and the nominal/setpoint values have been completely set accordingly. Furthermore, all control circuits must have been preset to function as specified and positively checked.
- Hot Test: Unless otherwise agreed, the Hot Test shall be deemed to have been successfully completed following the Cold Test, if the entire scope of deliveries and services (= the respective complete plant including all its components and essential parts) with all operating utilities (esp. incl. production material or Primary Material) has been successfully started up under the agreed operating parameters with all contractually specified functionalities over the contractually defined period of time.

Positive completion of Trial Operation: After the end of Putting into Operation/Commissioning - Successful operation of the entire scope of deliveries and services (= the respective complete plant including all its components and essential parts) with all operating utilities (esp. incl. production material or Primary Material) in full and unrestricted continuous industrial operation by the Customer under the agreed operating parameters over the contractually defined period with all contractually specified functionalities.

Positive completion of the Performance Test: Successful operation of the entire scope of deliveries and services (= the respective complete plant including all its components and essential parts) with all operating utilities (esp. incl. production material or Primary Material) in full and unrestricted industrial continuous operation by the Customer under the agreed operating parameters over the contractually defined period of time with all contractually specified functionalities and achievement of all contractually agreed performance values and specifications (e.g. production of defect-free and saleable material, etc.).

Final Acceptance: As agreed individually (in particular in any Record of Negotiations). Unconditional Final Acceptance within the meaning of the contractual agreements has the same effects as Unconditional Acceptance (in particular, however, the handover and acceptance of the scope of deliveries and services within the framework of the contractual agreements).

Acceptance: Unless a specific Final Acceptance has been contractually agreed or expressly agreed otherwise in individual cases, Acceptance shall be deemed to be the unconditional Acceptance of the entire scope of deliveries and services by the Customer.