

**Division of responsibilities
in order to ensure the safe conditions of work and coordination work**

to be performed by

.....

hereafter referred to as **the Contractor**

ordered by

CEMEX Polska Sp. z o. o. , ul. Krakowiaków 46, 02-255 Warszawa,

hereafter referred to as **the Ordering Party**

at the Mining Plant in

concluded on in

In order to ensure the safe conditions of work and work coordination in accordance with the applicable regulations, it is agreed that:

1. The Contractor as “an entity that, as part of their professional activity, performs entrusted activities in the mining plant operation” shall be located within the Mining Work department for railway track work or in the Mechanical Department for mechanical work.
2. The control and supervision of the work being done shall be kept, on behalf of the Contractor, by their own personnel – whereas that kept on behalf of the Ordering Party shall be in line with the organization chart of the MP.
3. In order for the work to be performed in a safe manner, the Contractor shall ensure the following supervision:
 -, tel.:
4. The control of the work being done shall be kept, on behalf of the Ordering Party, by:
 - MP Operation Manager (MPOM) - tel.:
 - Deputy MP Operation Manager - tel.:
 - Supervisor of specialization - tel.:
5. In order to ensure the safe conditions of work and work coordination, the following division of responsibilities is agreed:
 - the Ordering Party shall be responsible for ordering the Contractor to perform work in a scope, place and time as specified,
 - the Contractor shall be responsible for the correct organization of work as well as ensuring safe and hygienic conditions of work in the area where it is being performed,
 - the Ordering Party shall be responsible for protecting this area against the hazards that arise from operation.
6. The Ordering Party’s and the Contractor’s management shall collaborate in respect of:
 - safe methods of performing the work as ordered,
 - deviation from the assumed way and scopes of the work to be done,
 - procedure in the event that hazards to employee’s health and life arise.

The management of the Ordering Party, CEMEX Polska sp. z o.o., shall be represented by:

– MP Operation Manager (MPOM) - tel.:

The management and supervisors of the Contractor shall be represented by:

- - tel.
7. Prior to starting work at the Chalk Quarry MP, the Contractor's employees shall be trained by:
 - the H&S Department of Cemex Polska sp. z o.o. in the general H&S conditions
 - mining supervisors of the Ordering Party in:
 - the health and safety rules as applicable at the mining plant
 - the housekeeping and discipline of work, organization of work
 - the fire safety regulations
 - the safe operation regulations and occupational risk present in the workplace or at worksites (from means of transport, power and mechanical equipment and others)
 - the health protection – the obligation to wear work clothing and use personal protective equipment
 - the safety document, to the extent necessary
 - the operation plan, to the extent necessary
 - the necessary job instructions for safe work
 - the prevention of occupational risk, including workplace hazard assessment
 - supervisors of the Contractor in ongoing safe performance of work.
 8. Prior to starting the work, the Contractor is obliged to produce the safe work instructions for the worksites or workplaces and the detailed job descriptions for each operation supervisor to define their duties, rights and responsibility, and shall deliver them to each employee against acknowledgment of receipt after they are approved by the Mining Plant Operation Manager.
 9. The Contractor undertakes to have and update the documents regarding: medical examinations, qualifications, licenses, job descriptions, job instructions and training certificates of all the employees that work or are present in the Chel'm Chalk Quarry Mining Plant.

Before introducing the Contractor into the work area, the Ordering Party is obliged to provide copies of these documents to the MP Manager.
 10. The Contractor is obliged to conduct the occupational risk assessment process for every worksite and the people that do a given job should be familiarized with its results. The assessment results, which form the basis for the Contractor's employees to use appropriate protective equipment, shall be discussed by the Contractor with the operation supervisor of H&S specialization. All the parties are obliged to inform each other of the occurrence of a potential occupational risk.
 11. Before starting work and after finishing it, the Contractor is obliged every time to make an entry in the MP's external companies' work record book and inform the shift foreman-coordinator about this. The entry includes the date, time of starting and finishing the work, name of a company and place of work performance, given and family name of a person that manages the team on a given shift, number of people introduced to the MP Plant, confirmed by a signature, and number of people leaving the MP, also confirmed by the signature of the same person.
 12. The materials, devices and equipment required for repair, maintenance and operation of the production machinery and equipment shall be supplied using the Contractor's means of transport on roads as designated in the wheel and track transportation regulations or by rail.
 13. If a hazard for human life and health, extraordinary environmental hazards or MP safety hazards arise, all the employees, including the Contractor's and the Ordering Party's supervisors, are under an obligation to stop the work, in part or in full, and warn the people in danger immediately as well as securing the danger area. The MPOM is to be notified of the above immediately.

14. If an accident or a failure occurs, every employee is under an obligation to inform a supervisor immediately and start giving first aid to the injured.
15. The Contractor is obliged to report any accident to the MPOM immediately.
16. Due to the location of a drinking water intake for the town of Chełm, the change or make-up of machinery and equipment oil is forbidden in the MP.
In the event that a leak of oil derived products is discovered, one should follow *The Procedure for the Contamination of the MP Area with Oil Derived Products*.
17. The machinery and equipment used for the performance of the work ordered has to be in operational condition, which should be documented with a valid record in a vehicle card, and allowed for operation by the Mining Plant Operation Manager.
18. The Ordering Party cooperates with the Contractor in organizing safe and hygienic conditions of work as well as in responding to hazards and emergencies.
19. In addition, the Contractor's obligations include compliance with the H&S regulations and rules applicable at Chełm Cement Plant, including but not limited to:
 - Compliance with the provisions of the Geological and Mining Law, including *Regulation of the Minister of Economy of 8 April 2013 on the detailed requirements concerning the conduct of operations of open-pit mining*.
 - Performing the work in accordance with the internal instructions and rulings issued by the Mining Plant Operation Manager with regard to the organization and the safety conditions of work in the Mining Plant as well as the H&S Requirements in relation to the Contractors of CEMEX Polska sp. z o.o.
20. The Contractor is forbidden to introduce a sub-contractor to the Mining Plant without prior agreement with the Chełm Chalk Quarry Management and without drawing up the rules of coordination of work for the sub-contractor.
21. The Contractor's employees that perform the activities entrusted to them in the operation of the MP bear the responsibility as provided for in art. 181, 184 and 185 of the Geological and Mining Law act. Pursuant to art. 189 of the act, the cases as stipulated by the cited articles shall be ruled on the basis and in the course as stipulated by the Code of Misdemeanor Procedure.
22. The Contractor's failure to comply with the rules and discipline applicable at the Chalk Quarry MP shall result in immediate withdrawal of the Contractor from the plant due to the Contractor's fault.

Cemex Polska sp.z o.o.

The Contractor:

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1.....

2.....

2.....

Attachment no. 1 – Mining Plant Organizational Structure