

Appendix attached to the Orgalim General Conditions S 2022 S regarding the application of German law

Brussels, December 2022

Where the Contract is governed by German Law (cf. clause 52 of the Orgalim Conditions S 2022), the present Appendix shall apply jointly with the "Supplementary Conditions For The Supervision Of Installation And Commissioning Of Mechanical, Electrical And Electronic Products" in order to pay due regard to the provisions of the German Civil Code BGB concerning standard business conditions:

Regarding clause 15

(new para 2 added between "... for the supervision work." and "The Supplier shall in case..."):

"The limitation of liability shall not apply in the case of intent, gross negligence or where an injury or the death of a person is caused through negligence. Furthermore, it shall not apply in cases of negligent breach of a fundamental condition of contract ("wesentliche Vertragspflichten"). In the case of a slightly negligent breach of a fundamental condition of contract, liability shall be limited to reasonably foreseeable damage which is intrinsic to the contract. Nor shall the said limitation of liability apply in the cases of strict liability under the Product Liability Act ("Produkthaftungsgesetz"), for defects causing death or personal injury, or damage to items of property used privately. Furthermore, the said limitation of liability shall not apply in the case of defects the Supplier has fraudulently concealed or whose absence he has guaranteed."

Regarding clause 16

(new para 2 added):

"This exclusion of liability shall not apply in the case of intent, gross negligence or where an injury or the death of a person is caused through negligence. Furthermore, it shall not apply in cases of negligent breach of a fundamental condition of contract ("wesentliche Vertragspflichten"). In the case of a slightly negligent breach of a condition which goes to the root of the contract, the Supplier shall be liable only for reasonably foreseeable damage which is intrinsic to the contract. Nor shall the exclusion of liability apply in cases of strict liability under the Product Liability Act ("Produkthaftungsgesetz"), for defects causing death or personal injury, or damage to items of property used privately. Furthermore, the said exclusion shall not apply in the case of damage attributable to fraudulent concealment or under a specific guarantee granted."

Orgalim represents Europe's technology industries, comprised of 770,000 innovative companies spanning the mechanical engineering, electrical engineering, electronics, ICT and metal technology branches. Together they represent the EU's largest manufacturing sector, generating annual turnover of over €2,480 billion, manufacturing one-third of all European exports and providing 10.97 million direct jobs. Orgalim is registered under the European Union Transparency Register – ID number: 20210641335-88.

Editeur responsable: Orgalim aisbl. All rights reserved © Orgalim - Europe's Technology Industries.

Orgalim aisbl
BluePoint Brussels
Boulevard A Reyers 80
B1030 | Brussels | Belgium

+32 2 206 68 66
legal.publications@orgalim.eu
www.orgalim.eu
VAT BE 0414 341 438

SHAPING A FUTURE THAT'S GOOD