

IMPORTANT NOTICE

for Belgium!

For contractors on construction site of BERTSCH Energy GmbH & Co KG

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Geschäftsführer: Mag. Gernot Kranabetter | Dipl. Ing. Dr. Christian Linder
UID-Nr.: ATU35984805 | Steuer-Nr.: 98 023/4819 Finanzamt Feldkirch | FN 15350 z – LG Feldkirch | DVR: 0054631

Werk Nüziders:
T +43 5552 6135-0
F +43 5552 6135-76
Bundesstraße 1
6714 Nüziders | Austria
bertschenergy@bertsch.at

Büro Wien:
T +43 1 79574
F +43 1 79856-22
Baumgasse 68
1030 Wien | Austria
bertschenergy@bertsch.at

Bankverbindung:
Vorarlberger Landes- und
Hypothesenbank AG
IBAN: AT61 5800 0003 8124 6116
BIC/Swift-Code: HYPVAT2B

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Introduction

Ladies and Gentlemen,

Please read the following information carefully and return the completed and signed declaration to us. We ask you to bear in mind, that the points mentioned have the sole purpose to inform you and have no claim to completeness. Compliance with the legal obligations in Belgium, is in the **sole responsibility of each company sending employees to Belgium**. This document therefore can only illustrate the requirements in general terms.

1. Work notification (construction site notification according to Art. 30bis)

As prime contractor, we are obliged to register the project with the Belgian Social Security. This includes not only our own contract, but also all subcontractors and their subcontractors, etc., including the self-employed. We are therefore obliged to report all participating entrepreneurs within the framework of the project.

Therefore, considered to be a contractual obligation that you inform us of all subcontractors directly or indirectly commissioned before commencing work. Please let us know the names/contact details of all subcontractors, the periods of use and the work carried out no later than 1 week before you start work. If other subcontractors intervene for you or for your subcontractors during the execution of the work, we will also have to report this later.

For this purpose, any subcontractor who uses a subcontractor himself must notify the principal in writing beforehand. The sanction for non-notification amounts to 5% of the order value! We reserve the right to withhold any penalty due to failure to notify you or to withhold it from the invoice amount.

2. LIMOSA and A1

In order to avoid fines and translations of various salary documents of your "staff seconded to Belgium", we strongly advise you to report all postings to Belgium before starting work in Belgium. To do this, create an account on the website www.limosa.be and create a Limosa declaration for each seconded employee/self-employed person. This must be presented to our site management on site at the start of construction.

In addition, every posted employee must have an A1 certificate of posting (proof of the social security obligation in the country of posting) and be able to present it on site. **This A1 certificate has to be created in English language.**

We expect you to send us the Limosa notifications of your own staff as well as the notifications of your direct/indirect subcontractors, and also all A1 secondment certificates at least 1 week before the start of the activities to the following e-mail address: meldewesen@bertsch.at.

We would like to point out that without a valid Limosa proof of registration (document L1) and/or A1 dispatch certificate, access to the place of deployment will be denied.

3. Checkin@work (attendance registrations)

We draw your attention to the Checkin@work reporting obligation within the framework of this project. As part of the Checkin@work presence registrations, the Belgian social security system is notified which employees/self-employed persons are present at the place of work on which days. To submit these registrations, a secure access (user name + password) to the website www.socialsecurity.be is required.

Please confirm with the form below that you will carry out the reporting for your own employees and those of your direct and indirect subcontractors yourself.

4. Retention obligation

Before we can pay your bills, we need proof that you have no tax or social security debts in Belgium on the day of payment.

If you do not have a Belgian company number, you must apply to the Belgian tax office for a clearance certificate (see example e-mail below).

If you are registered with a Belgian company number, we can retrieve this information online.

Example e-mail for requesting a clearance certificate

telemarc@minfin.fed.be

Obj.: ATTESTATION ART. 403 CIR

*Madame, monsieur,
Dear Sir or Madam,*

*We need a certificate Art. 403 CIR for our company:
We need a certification conform to Article 403 Tax Law for our company:
(Name/Address of your company + e-mail)*

*Please send this certificate by e-mail to our company:
Please send this certification by e-mail to our company:*

*Thank you and best regards,
Thank you and kind regards*

We would like to point out that the certificates of harmlessness have a limited validity period of max. approx. 20 days. The existence of a clearance certificate is a prerequisite for the payment order.

Social security debts:

If you do not employ any staff who are liable to social insurance contributions in Belgium, this is usually sufficient proof that you do not have any social insurance debts (in conjunction with the A1 secondment certificates).

However, if you are active in the "pure" construction sector, including scaffolding and insulation work (Belgian collective agreement 124), you may have to join the Belgian holiday fund OPOC and pay contributions to this organization.

We require from you a certificate from OPOC confirming that you are free of debt or exempt from paying contributions, as the contributions are also considered social security debts.

We expect you to send us the OPOC reports of your own staff and the reports of your direct/indirect subcontractors to the following e-mail address at least 1 week before the start of your activities:

[\[meldewesen@bertsch.at\]](mailto:meldewesen@bertsch.at)

We would like to point out that without valid OPOC messages, access to the site of operation will be denied.

Further information can be found in the official brochure:

https://www.international.socialsecurity.be/working_in_belgium/en/documents/opoc_brochure_D.pdf

5. Invoicing

Please invoice us correctly. For most of our foreign subcontractors, the invoice should be issued NETTO and with our correct company name and Belgian VAT number and with the note "The VAT liability shifts to the client according to Article 51 § 1 5° or according to Article 20 of KB 1".

6. Personnel & Labour Law

We would also like to point out that your seconded personnel are subject to various Belgian labour, social and tax regulations. Please inform yourself accordingly (e.g. working hours, minimum wages, etc.) and implement these provisions.

If you employ staff who are not nationals of an EEA country or Switzerland, special regulations apply with regard to work permits, work cards and residence permits. Please also inform yourself about your obligations in this regard.

The provisions set out in this Important Notice shall be included in the contracts of their direct and indirect subcontractors to the same extent.

7. Safety instructions and registration

As a supplier of BERTSCH Energy you are responsible for your own as well as our safety on site. In order to integrate your services frictionless, you are required to educate yourself about applicable regulations and rules on our construction sites. This includes the online safety instructions, which are to be completed at least 2 weeks before your employees' arrival on site. These instructions have to be completed by everyone of your employees as well as any sub-suppliers you work with that will enter our site. Upon successful completion you will be issued a certificate. The certificate is to be printed and presented at our construction site, upon which each of your employees you will be issued a personal badge. This badge will allow your employees to enter and exit our site for pre-determined time period.

Please bear in mind: Without a valid certificate your employees will not be allowed to enter the construction site! Any additional costs or claims as well as push-backs in schedules will be borne by you.

You can access the safety instructions with the following link:

<https://www.bertsch.at/de/384-bertschenergy-kompetenz-in-energie#widget-390>

Login Password:

JxxxxxxS	- example	_ eng
(project id)	(project name)	(language de or eng)

BAUSTELLENSICHERHEIT

Als Partnerunternehmen oder Besucher unserer Baustelle, sind Sie mitverantwortlich für Ihre und unsere Sicherheit und unseren gemeinsamen Erfolg. Damit Ihre Dienstleistung reibungslos in unsere Prozesse integriert werden, sind bestimmte Regeln einzuhalten.

ZUGANG SICHERHEITSTEST

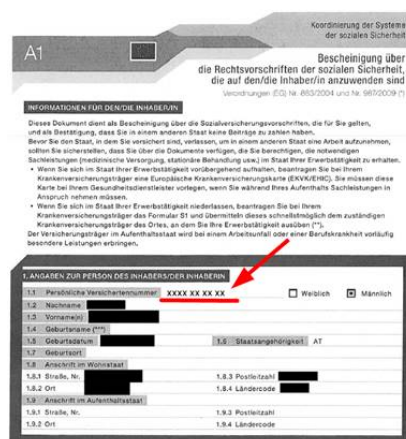
Bitte geben Sie das Passwort für die Sicherheitsschulung ein:

START

Image 1: Login mask for password input

For online registration and access to the safety instructions including the safety test, the following personal information is necessary:

- Name – und last name
- Date of birth
- Job title / function
- Passport photo
- Company name of employer (acc. to company register)
- A1-Form Number



The image shows a sample of the A1 form, titled 'Bescheinigung über die Rechtsvorschriften der sozialen Sicherheit'. It contains fields for personal data (Name, Vorname, Geburtsdatum, Geburtsort, Staatsangehörigkeit) and contact information (Anschrift im Wohnort, Anschrift im Aufenthaltsort). A red arrow points to the 'A1-Form Number' field, which is marked with 'XXXX XX XX XX'.

Image 2: A1- Form example with A1 number marked

8. Summary

- Find out about various Belgian regulations concerning working hours, minimum wages, overtime, etc. and implement them strictly
 - If required by law apply for work permit
- Create Limosa notifications and apply for A1 certificates
- Check out the VAT regulations concerning correct invoicing towards Bertsch
- Inform yourself about the Checkin@work system (Rules and how it works)
 - The necessary site number you will from Bertsch site management

Senden Sie die folgenden Dokumente und Informationen bis spätestens zum genannten Zeitpunkt an die Bertsch Energy GmbH & Co KG per E-Mail (meldewesen@bertsch.at).

- List of names of posted workers (2 weeks before site activities)
- Limosa and A1 certificates in English language of posted workers (2 weeks before site activities)
- Inform us about all directly or indirectly commissioned subcontractors and self-employed persons at the latest 1 week before the start of the activities, stating the type of activity and duration (from... to...) (2 weeks before site activities)
- Inform your direct and indirect subcontractors about the obligations regarding Limosa and A1 and send us all reports/certificates. (2 weeks before site activities)
- Send us certificates of no objection and, if necessary, a certificate from OPOC and, if necessary, join OPOC. (2 weeks before site activities + with every invoice)
- Fill out the following form and send it signed back to us. (at least 1 week after order confirmation)

9. Appendix

9.1 Declaration

DECLARATION for THE BELGIUM

The undersigned

acting as:

for the company:

Street + No.:

Postcode + City:

Email:

hereby declares to comply with all obligations regarding the points mentioned in the document "Important Notice" and to indemnify "Bertsch Energy GmbH & Co KG completely. This applies to any form of loss, liability, damage or expense, claims of third parties, etc., which Bertsch Energy GmbH & Co KG could suffer as a result of an infringement.

We hereby confirm that we do not and will not illegally employ any personnel. We also confirm that we will pay and remunerate our staff on time and in accordance with the Belgian minimum wage.

We undertake to impose the obligations contained in this document, including the Important Notice, on our subcontractors.

Failure on our part to fully comply with obligations of the country and/or to provide Bertsch Energy GmbH & Co KG with the information/documents necessary for the various reports/obligations gives Bertsch Energy GmbH & Co KG the right to terminate the contract with immediate effect. In the event of an immediate termination of the contract, Bertsch Energy GmbH & Co KG reserves the right to claim damages for damages that Bertsch Energy GmbH & Co KG could suffer as a result of non-compliance with the obligations described here and/or other statutory obligations by us or our subcontractors.

Should "Bertsch Energy GmbH & Co KG determine that we do not comply with the various regulations, Bertsch reserves the right to take contractual and/or legal action for any damages. Bertsch Energy GmbH & Co KG will suspend payment of our invoices until clarified with the Belgian authorities. The amounts withheld will not yield any interest.

We shall deliver this document, latest one week after order confirmation to "Bertsch Energy GmbH & Co KG" via E-Mail (meldewesen@bertsch.at).

Created in _____, on _____

(Signature and/or stamp)