

General Business Terms and Conditions for the *top/top12* options of DB SCHENKERsystem

For our options **top** and **top12** not only our general terms of business apply, but additionally the following general business terms and conditions for **top** and **top12** which - in their reach - prioritise our general terms of business.

§1

Scope of Services / Scope of Applicability

1. Arranging for the transport of consignments with a weight of max. 2500 kg to be delivered to the recipient on the workday (i.e. Monday to Friday at working hours customarily accepted in respective country) declared as the delivery date in the schedule.
top = on the stated workday
top12 = by no later than 12:00 noon (local time) on the stated workday
2. If one of the working days in the agreed period of transport is a national holiday in the country in question, the lead time is extended for this day. A list of bank holidays is available under www.dbschenker.com.
3. The geographic scope of applicability is defined by the Scheduler which can be found in the Internet at www.dbschenker.com/pl.

§2

For DB SCHENKER to deliver the service offered, the following conditions must be met:

1. orderly traffic conditions
2. announcement of the consignment to the dispatching branch office by 12:00 noon at the latest
3. readiness of the consignment for pickup at the agreed pickup time.
4. suitable packaging that can withstand transport
5. identification of all packages in each consignment with **top / top12** labels to be affixed directly next to the customer labels, which will contain correct and complete information in legible form on both sender and recipient
6. identification of all carbon copies of the Shipping Order with **top / top12** labels and/or transmission of the corresponding identification by EDI
7. entering of precise information in the Shipping Order, i.e.
 - name and exact address of the sender
 - customer number
 - name of recipient and delivery address (postal code, city or town, destination country, ISO Code)
 - number and type of packages, description of contents, weights and dimensions
 - freight prepayment data
 - necessary insurance coverage
 - readiness of the recipient to accept the consignment during normal working hours up to the latest agreed delivery time.

§3

Customs clearance

1. Customs clearance is subject to the financial standing of the taxpayer. A check will be carried out either by DB SCHENKER or by credit investigation bureaus engaged by DB SCHENKER.
2. A customs examination lasting more than 1 hour, automatically leads to the expiry of the obligation to deliver the consignment within the time limit mentioned in paragraph 1.
3. Within a period of 24 hours after the request from DB SCHENKER, all certificates and documents according to the contractual compass and necessary for customs clearance, as well as possible further necessary information, must be provided to DB SCHENKER in a complete and precise manner; in case of non-compliance with these obligations, DB SCHENKER's commitment, to deliver within the time limit as agreed upon in paragraph 1, expires automatically.

§4

Hazardous goods

In general the acceptance and handling of ADR consignments within **top / top12** is allowed, considering the actual conditions valid for DB SCHENKER's **system**. However, article 6. of the GBTC only applies, if the on-time delivery according to Scheduler, also taking the applicable ADR conditions into consideration, is not prevented by legal regulations and/or administrative provisions, unless DB SCHENKER should have known these.

§5

Exceptions

The above provisions do not apply to:

1. COD consignments
2. National consignments
3. Neutrality orders
4. Consignments with customer notification and consignments for pick-up by the customer
5. Delivery on national holidays (the rules concerning deliveries on national holidays drawn up by the particular DB SCHENKER receiving branch office shall apply)
6. Seaport consignments
7. Consignments for private recipients
8. Transport of sensitive spare parts which are not or insufficiently packed
9. Customs goods (under certain conditions)
10. Waste and other goods requiring special surveillance
11. Temperature controlled goods
12. Personal effects
13. Living animals and plants
14. Perishables
15. Valuables, cash, securities and documents
16. Delivery with tail-lift

§6

Replacement service in the event of over-running of the delivery period

If the delivery cannot be made within the agreed delivery time - even though all the conditions stated above have been met - and the late delivery is based upon a culpably performance of DB SCHENKER or one of its vicarious agents, the substitute delivery service shall be provided at a net price of PLN 1.

§7

Freight prepayment

1. Freight prepayments EXW, CPT, DDU and DDP are permitted.
2. Customs clearance by DB SCHENKER or its agents is a precondition for the freight prepayments DDU and DDP. Customs clearance done by the recipient of the goods is not allowed.

§8

Masses and weights

1. Maximum dimensions of a shipping unit: l = 240 cm, w = 120 cm, h = 200 cm, maximum 5 m³.
2. Maximum weight: 2,500 kg. 1.200 kg per package
3. The calculation of volume complies with the conditions of the dispatching country and are defined by the dispatching branch office.

§9

Prices

1. The most recently revised prices lists for the options **top / top12**, and only these prices lists, shall apply.
2. The rates quoted therein are based on the wages, rates, exchange rates and fuel costs in effect on the day of publication of the price list. Should there be a change in this basis, freight costs may be modified in different ways from country to country. The registration for the INTRA trade statistics and the legal Value Added Tax are not included. The prices are exclusive customs clearance activities, customs duties, EUST and other import duties.

§10

Additional costs for second attempt at delivery

If the recipient (as described under Para. 2, Conditions) is not ready to accept the consignment during normal business hours (up to the agreed delivery time at the latest), 50% of the price listed in Para. 9. Prices, shall be charged for the necessary second attempt at delivery.

§11

Pallet exchange

Pallet exchange is carried out only with standardized EURO flat pallets and standardized EURO skeleton box pallets. The list of countries eligible for pallet exchange is set down by the branch office accepting the order. There is no obligation on DB SCHENKERs part to engage in such an exchange of pallets.