



K+S e-logistics General User Conditions for Spot Transactions for Lorries

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The K+S AG ("K+S") - acting at the same time for the whole K+S Group - provides an electronic Spot Market-place (SMP) through the web site www.emaks.de, which allows for bids to be placed for transport services that have been requested by K+S. In order to be able to offer the above-mentioned transport services through the SMP, you must accept the following K+S e-logistics General User Conditions for Spot Transactions and the Transport Conditions for Lorries from K+S. We recommend that you print out the general conditions and the transport conditions for your files.

1. General Conditions

The service contractor is responsible for operating all the necessary equipment in order to gain access to the internet and to the web site. The service contractor will gain access to the SMP through his "request number" which he will receive from K+S by E-Mail, together with the Spot request.

The SMP for transport services is available for a defined amount of time, that will be determined by K+S at its own discretion. The web server (www.emaks.de) will mainly be available on working days (except Saturday) from 08.00 a.m. to 18.00 p.m. The possibility of any short disconnections from the Server cannot be excluded.

The time window, in which the Spot request is located, will be referred to as the "request phase" herein.

Any times mentioned will be in accordance with Central European Time, taking into consideration any legal time changes (summer/winter time).

The offer from the service contractor will only be binding if the service contractor accepts the general user conditions and the transport conditions, it is in a) Euro/t or b) as a flat rate in Euro/lorry for each transport service requested, the service contractor accepts the additional conditions that are listed for the transport service requested and that the offer is made unconditionally and without reservation.

K+S carries no liability for any kind of damage which has been caused by the disruption, inaccessibility or closure of the web site www.emaks.de.

2. Spot request

Any transport requirement from K+S will be sent by E-mail to the relevant service contractors. The choice of service contractor lies at the sole discretion of K+S.

The E-mail will contain the transport requirement, the time period in which the request should be answered in order for the offer to be valid, the web address to which the offers can be sent, and the "request number" specific to the transport requirement that has been requested.

The "request number" that has been sent per E-mail will only be valid for the actual transport requirement that has been requested and will be used for identification purposes as well as a password to gain access to the SMP. The "request number" will no longer be valid when the request phase has been concluded.



The service contractor is under an obligation to keep his "request number" confidential. The service contractor is also under an obligation only to grant access to the SMP to persons within its organization or company who have an eligible and official interest therein. The service contractor will be wholly responsible for ensuring that the "request number" is not used by a third party as a result of its acts or omissions.

3. Request phase

Each bid will be treated as an offer from the service contractor. Bids are possible in a) Euro/t or b) as a flat rate in Euro/lorry.

At the request phase, K+S will describe one or more transport services for which the service contractor can give a bid. The service contractor can only make his bids for the requested transport services through the SMP. There is no limitation for the bids in the request phase. Amendments and corrections are always possible during the request phase.

The offers that are present at the end of the request phase are binding freight bids, to which the transport service contractor is bound for three months.

4. The acceptance of offers

K+S will decide at its own discretion if and which bids it will accept. The transport contract comes into force when a bid has been accepted.

5. Transport allocation

The basis for the service to be provided is the agreement that is reached following the offer and acceptance. Any additional agreements will be set out in the shipping contract to be sent by K+S.

6. Data Protection

K+S will electronically save and process any data received from the service contractor in the request phase. The service contractor consents to this.

Confidentiality

K+S will only use the above-mentioned data for its own purposes and will especially not give this data to other service contractors. The service contractor is under an obligation to keep confidential any knowledge of data that it has obtained from the request.