

TERMS AND CONDITIONS 业务条款

- START-UP/COMMISSIONING 启动、试车与技术支持条款

1 Validity 有效性

These rates and conditions are valid for assembly, start-up and services carried out by our company. Any deviations are subject to a written agreement.

本合同所涉及的费用和条款适用于机器装配, 启动和我公司提供的技术服务。如有任何变更, 买卖双方应签署书面协议。

2 Costs 费用

The rates charged are indicated below unless a lump sum has been agreed on. They do not include value added tax (VAT), withholding tax imposed under local tax regulations, if applicable.

除非买卖双方达成总价付款协议, 否则费用计算按以下收费标准。此收费标准不包括增值税, 以及地方当局 (政府) 规定的其他任何税费。

3 Terms of Payment 费用支付

Payment is due on receipt of our invoices without discount or deduction unless otherwise agreed upon.

收到我方 (卖方) 的付费通知后应按期足额支付, 不可私自折扣或减免, 除非双方另有协议。

4 Performance/Time Allowed 部分履行许可

Part performance on our part is permissible. We are free to decide whether the job is to be carried out by our specialists, by authorized customer services or by companies commissioned for this purpose.

我方 (卖方) 允许部分履行。我方 (卖方) 有权决定部分工程由我们的专家、我们授权的客户或我方委托的公司完成。

5 Working Hours 工作时间

Standard working hours for our personnel is at present 40 hours per week from Monday to Friday (From 0800 H - 1700 H). Travelling hours and working hours are charged on the same basis, both according to paragraphs 6 and 7.

我方 (卖方) 的标准工作时间为每周40小时 - 从星期一到星期五, 包括旅途时间、工作时间和等待时间。同时参见第6条和第7条。

The customer has to certify the working hours of our service personnel on the respective form presented by our personnel. He also has to certify any waiting and standstill time, for which we are not responsible, and their cause. 我方 (卖方) 公司的技术人员将为工作的按期顺利进行向买方提供相应的时间安排计划。买方必须保证我方人员按该计划的工作时间。我方不承担由于买方的原因所产生的等待和停工责任。

Public holidays in foreign countries, between Monday and Friday, which are not celebrated in China, and on which our service personnel is not allowed to work, are to be certified as waiting time and are charged with 8 hours per day. 从星期一到星期五如遇买方公司国家的法定节假日, 在中国是正常工作日而使我方无法正常工作, 买方应按等待时间计算, 并按每天八小时工作时间支付费用。

6 Rates 费用

6.1 Start-Up / Commissioning 启动/试车

Daily rate/Workman 每人每天 : RMB 4000.00/day (8 working hours) 4000 元/天 (8小时工作日)
RMB 500.00 per hour 500元/小时

6.2 Site supervision for both Mechanical & Electrical Work 现场机械或电气安装指导

Daily rate/Workman 每人每天 : RMB 4000.00/day (8 working hours) 4000 元/天 (8小时工作日)
RMB 500.00 per hour 500元/小时

7 Surcharges 额外费用

7.1 Monday - Friday, Above 40 weekly hours 周一至周五, 每周超过40小时

Surcharges 额外费用 : 0.5 (正常费用的1.5倍)

7.2 Surcharges for work on Saturdays, Sundays 星期六, 星期日加班

Surcharges 额外费用 : 1 (正常费用的2倍)

7.3 Surcharges for Public Holidays 法定节假日加班

Surcharges 额外费用 : 2 (正常费用的3倍)

Public holiday refer to officially declared holiday in the country where the services were rendered.

法定节假日是指买方所在国官方公布的法定节假日

8 Living & Accommodation Expenses 食宿费用

To be organized by buyer. 由买方负责

Living and accommodation expenses are charged for each and are made up of the following lump sum:

a) Accommodation RMB 300 / night, these costs are charged according to hotel bill at cost to buyer.

住宿: 人民币300元 / 晚, 该项费用按所住处花费实际由买方支付。

9 Transport Between Site and Hotel 住地到工作场地的交通费

To be organized by buyer. 由买方负责

If our personnel do not have the possibility of accommodation near the site and the distance between site and hotel is more than 1km, the customer will be charged with transport costs.

我方 (卖方) 人员没有可能靠近工作场地住宿, 并且住地距工作场地超过1公里, 由买方支付交通费。

10 Travelling Expenses 旅费

- By Air 乘飞机

The customer will be charged with travelling costs, VISA application fees (if required) and freight for tools and any other equipment. We are entitled to select means of transport.

买方支付交通费和签证申请费，我们有权选择交通方式。

We charge as follows: 各费用如下:

- a) Flight 航空客仓 : Economy class (applicable only for flights less than 6 hours) or 经济舱或
: Business class for 商务舱
- For flying time exceeding 6 hours or 飞行小时超过6小时
- If economy class is not available for flying time < 6 hours . 经济舱客满
- b) If other means of transport are used, local prices will be charged. 如需要其它交通方式，按当地价格计算
- c) Transfer costs to and from Shanghai airport at RMB 400.00 be charged 上海机场来回400元人民币

11.0 Journey Home During Time On Site 现场调试期间的回家探亲

Our personnel are entitled to one free journey home after a period of 2 months uninterrupted work on site. If several days holiday coincide such as Spring Festival, Mid-Autumn Festival, etc, the journey home will take place on those days.

我方工作人员工作两个月后有权回家探亲。如果在此期间恰逢春节、中秋节等，探亲时间可相应替代。

The customer will be charged with costs for these journeys home according to Paragraph 6, 7 and 10.

按第6、第7、第10条，由买方支付探亲费用。

12.0 Instructions Given To Our Personnel 对我方人员的指派

Our personnel exclusively receive instructions from ourselves. Our approval is required for any work to be carried out which was not originally scheduled.

我方人员完全由我方管理。任何未事先协议的工作都必须由经我方同意才可实施。

We cannot accept any liability if damage is caused by our personnel when doing this work. Furthermore, we are not responsible for other people working together with our personnel.

在做这项工作时，我方不承担任何由我方人员与我方人员一同工作的其它人员所造成的损坏责任。

Welding work and heat treatment must always be approved in writing by the customer. Our personnel are instructed to utilize our forms specially for this purpose and to ask the customer for his approval and signature.

焊接和热处理必须由买方书面同意并签字后实施。

13.0 Customer Assistance 卖方协助

- The customer is asked to lend our personnel the necessary assistance to guarantee smooth running of assembly or start-up. This involves:
为了保证项目的顺利进行，在机器安装和启动期间，买方向我方人员提供如下必要的协助：
- Ensuring that all necessary measures have been taken so that our personnel are able to begin working upon arrival and to complete his task without delay.
采取任何必要的措施使得我方工作人员可以在抵达后立即开始工作，不造成不必要的拖延。
- Ensuring that all necessary steps with regards to protection of personnel and equipment have been taken.
为我方人员和设备提供一切必要的安全保护。
- Taking security measures on site, in particular covering and shielding of gaps in the ceiling or other dangerous place.
在一切危险的工作环境中提供必要的安全保护措施。
- Instructing our personnel in specific safety regulations.
向我方人员提供安全指导及管理。
- Making available necessary scaffolding, heating, illumination, water supply, compressed air, electricity (3 Phase AC 380V/415V, 50Hz and 220V, 50Hz) or (AC 440V, 60 Hz, 3 Phase and 220V, 60 Hz) with the necessary connections near customer's terminal.
提供所有必要的脚手架、取暖、照明、饮水、压缩空气、380V, 50 / 60 Hz 三相交流电、220V, 50 / 60 交流电。
- Making available calibration weights and scales for control purposes.
提供必要的称重、计量设备。
- Organizing suitable dry and lockable rooms for storage of tools and other equipment.
提供必要的干燥、可上锁的房间以便存放工具和其它设备。
- Making available suitable heated room with electricity, washing facilities (toilet), First Aid.
提供适于居住的、有生活用电，洗浴设施及急救设施的房间。
- Transporting of installation components to the site & protection of the same against damage of all kinds.
运送安装器械到工作场所，采取一切措施防止可能会有的装备损坏。

14.0 Miscellaneous 完整性

Our general business terms form an integral part of our Supervision / Technical Service / Start-Up Commissioning conditions.

以上所有各项构成了一个完整的，不可分割的监督管理，技术服务，试车运行以及设备启动的条款体系。