



ESS Engineering Software Steyr GmbH, Berggasse 35, 4400 Steyr, Austria

1 General terms and conditions

1.1 Changes / additional responsibilities

Any changes or additions of responsibilities requested during the course of the project shall be mutually agreed upon and shall be charged separately, based on the sequential written agreements.

1.2 Cancellation

In the event that a contract derived from this quotation is cancelled in whole or partially for reasons within the control of the Customer, the Customer shall notify ESS in writing six weeks prior to the intended cancellation.

All costs that arise including all contractual obligations entered into by ESS until the time of the written cancellation by the Customer, are to be borne the Customer.

1.3 Warranty and liability

ESS warrants the correct performance of the work in accordance with the term of this quotation. Any claim of non-performance or poor performance shall require suitable evidence on by the Customer.

In the event of a justified warranty claim, ESS shall promptly rectify the defect at no cost to the Customer in accordance with the scope offered in the quotation.

ESS's warranty shall, however, be limited to 5 % of the total compensation for the works and services performed.

ESS shall not warrant any parts or performance outside the scope of performance contracted by ESS.

Upon acceptance of the works performed by ESS under this quotation, the Customer will inform ESS and – vice versa- ESS the Customer of any product liability claims of any third party consequent to the contractual development work performed by ESS. ESS will support the Customer in the handling of liability claims of any third party.

In any case, the Customer will be directly liable for any such third-party claims without having recourse to ESS.

No liability will be accepted for any indirect and / or consequential damage, like loss of profit or loss of production.

1.4 Jurisdiction

For this offer, and respectively for contracts as well as disputes arising out of or in connection with this offer, Austrian Law is effective.