

NON-DISCLOSURE STATEMENT

by the accredited testing laboratory of Bossard AG – STS 0370, (Ident-Nr. 5582)

hereinafter referred to as “**accredited testing laboratory STS 0370**”

For the purpose of preventing the unauthorized disclosure of Confidential Information as defined below, the accredited testing laboratory STS 0370 agrees to enter into a confidential relationship with respect to the disclosure of certain proprietary and confidential information («**Confidential Information**»).

1. Confidential Information

For purposes of this Statement, Confidential Information shall include any and all information or material, drawings, whether oral, in written, graphic or electronic form or marked as confidential or not, that has been disclosed to the accredited testing laboratory STS 0370, in particular information that could have commercial value or other utility in the respective business in which the disclosing party is engaged.

2. Obligations of Receiving Party

The accredited testing laboratory STS 0370 is responsible for the handling of all confidential information obtained or generated during the performance of the test activities. The accredited testing laboratory STS 0370 has to inform the customer in advance, of the information it intends to place in the public domain. With the exception of one of the points listed in point 3, or when agreed between the laboratory and the customer (e.g. for the purpose of responding to complaints), all other information is considered proprietary information and shall be regarded as confidential.

Information about the customer obtained from sources other than the customer itself (e.g. complainant, regulators) shall be confidential between the customer and the accredited testing laboratory STS 0370. The provider (source) of this information shall be confidential to the accredited testing laboratory STS 0370 and shall not be shared with the customer, unless agreed by the source.

Personnel, including any committee members, contractors, personnel of external bodies, or individuals acting on behalf of the accredited testing laboratory STS 0370, shall keep confidential all information obtained or created during the performance of testing activities.

3. Exclusions from Confidential Information

The accredited testing laboratory's obligations under this Statement do not extend to information that is:

- a) publicly known at the time of disclosure or subsequently becomes publicly known through no fault of the accredited testing laboratory STS 0370;
- b) rightfully in the possession of the accredited testing laboratory STS 0370 prior to the time of disclosure or obtained from a third party lawfully entitled to disclose it;
- c) learned or independently developed by the accredited testing laboratory STS 0370 through legitimate means other than from the customer (disclosing party) or the customer's representatives;
- d) requested by law, regulatory requirement, a court or other governmental body; or
- e) is disclosed by with the other customer's prior written consent.

4. Property of Confidential Information

The Confidential Information is and shall remain the property of disclosing party.

5. Time Periods

The obligation of confidentiality shall expire five years after the transmission of each Confidential Information or at least three years after the expiry of this Statement.