

Supplementary Terms – "Standard Sales and Delivery Terms Berry Superfos"

Notwithstanding any other terms and conditions set out in the Standard Sales and Delivery Terms Berry Superfos including without limitation any Order Confirmation and/or Supply Contract and without limiting the generality hereof, the additional terms and conditions set out in these Supplementary Terms shall apply to any deliverables by Berry Superfos which includes any oxygen barrier technology or the like as follows:

Berry Superfos warrants that products to which the oxygen barrier technology is applied will conform substantially in accordance with the specifications as provided by Berry Superfos together with an Order Confirmation and/or a Supply Contract executed in connection with Berry Superfos' acceptance of a specific order by customer concerning the oxygen barrier technology including oxygen transmission rates of such products.

Save as otherwise set out above it is explicitly agreed and understood by the customer, that Berry Superfos makes no representations or warranties and thus disclaims all liability of whatsoever nature – whether directly or indirectly and irrespective of the basis of such liability – including without limitation with respect to any keeping qualities, storage life, durability, shelf-life or the like of any customer products and/or services that the customer may develop, manufacture, package, store, market, distribute, sell or otherwise make available based on the products and/or services delivered by Berry Superfos pertaining directly or indirectly to the application of any oxygen barrier technology.

Notwithstanding anything to the contrary set out in the Standard Sales and Delivery Terms Berry Superfos including without limitation any Order Confirmation and/or Supply Contract, the customer shall hold harmless and indemnify Berry Superfos against any damages, costs and/or other claims of whatsoever nature and irrespective of the basis hereof made by any third party pertaining directly or indirectly to the customer's use of any Berry Superfos products and/or services including any oxygen barrier technology.

The above exclusion of any representations, warranties and/or liability by Berry Superfos relating to any oxygen barrier technology shall apply in addition to any other limitations and exclusions set out in the Standard Sales and Delivery Terms Berry Superfos including without limitation any Order Confirmation and/or Supply Contract.