

3rd LIGHT LTD UK & EUROPEAN DEALER AGREEMENT INCLUDING TERMS AND CONDITIONS

3rd Light Ltd manufactures and distributes pyrotechnics under the brand “Enola Gaye” / “EG”. Enola Gaye pyrotechnics have a wide variety of uses and applications. The range of products has expanded from the original ones that were designed for outdoor combat games such as paintball and airsoft. We understand the changes to our customer demographic and aim to manage the variety of uses for our products, but more importantly the mis-use of our products.

We realise that nearly everyone has a use for our products; however, Enola Gaye will not approve dealers who seek to make general sales, or what we call “Blind Sales”. Therefore, we need to know what type of dealer you intend to be before you are approved. Should your dealer status change we would need your updated seller information. e.g. if you sign up as a ‘Field’ dealer with on field sales only and then open a store offering off site sales and want to sell our pyrotechnics, this would need further approval and would be a change in dealership status.

WHAT TYPE OF DEALER / USER DO YOU WANT TO BE?

COMBAT FIELD. (D1)

Traditionally our pyrotechnic products were developed for this use. The definition of a FIELD for dealer status is: A managed area of woodland/open space/urban environment where players participate in games that are overseen by field staff/referees/marshals. Paintball, Airsoft and Laser combat games would meet this definition. Sales are made to players for use in the games on that field and not to people using the product off field.

COMBAT STORE (D2) (Physical & Online)

Suppliers of equipment either by wholesale or retail to the paintball/airsoft/combat games industry (Does not include army surplus stores).

ONLINE COMBAT STORE (D3) (Online Only).

Suppliers of equipment either by retail to the paintball/airsoft/combat games community.

SPECIALIST STORE (D4) (Physical).

Variants include: Photography stores, Firework Suppliers, Gender reveal, Wedding suppliers, Surplus Stores and other similar venues.

ONLINE SPECIALIST STORE (D5) (Online Only).

Variants include: Photography stores, Firework Suppliers, Gender reveal, Wedding suppliers and other.

PROFESSIONAL USERS (D6)

Media Agencies, TV and Film Production, Sky Dives Teams, Aerial Display Teams, Industrial Testing, security training and Other.

PRODUCT TYPES & RESTRICTIONS (WHAT PRODUCTS DO YOU NEED?)

FIELD ONLY PRODUCTS

DESCRIPTION: Products that are only available for sale and use on fields (See D1).

PRODUCTS: Friction Smoke

RESTRICTIONS: D1 ONLY. SUPPLY AND USE BY OVER 18'S ONLY. OUTDOOR USE ONLY

PEG1 – GENERAL AVAILABILITY PRODUCTS

DESCRIPTION: Products that are generally available within the boundaries of our dealer programme. No registration or training is required by the user. These products are available for retail so long as the guidelines within this agreement are followed.

PRODUCTS: EG25, WP40, EG18, WPPG, EG67, MK5

RESTRICTIONS: Available D1 to D6; SUPPLY AND USE BY OVER 18'S ONLY. OUTDOOR USE ONLY

PEG2 – HIGH END PRODUCTS

DESCRIPTION: Higher spec products that are reserved for approved users, professional training, professional aerial & ground sports, government, police and military training. PEG2 approvals are given by Enola Gaye only please call +44 (0)1189 714470

PRODUCTS: BURST/TWIN VENT, EG18X, CM75, SD75, MK7, Flash Grenade 3.0

RESTRICTIONS: Available only through approved PEG2 dealers. PEG2 Approval by appointment, call +44 (0)1189 714470. SUPPLY AND USE BY OVER 18'S ONLY. OUTDOOR USE ONLY.

PEG2 dealers may be approved for all or individual product types.

MORE DETAILED INFORMATION ON THE TYPES OF DEALER/USER

D1. CONDITIONS OF SALE FOR FIELDS (D1)

Retail sales of Enola Gaye pyrotechnics "on field" are generally simpler as participants of combat sports that have paid an admission fee are considered to be genuine users of the products without any further verification.

Enola Gaye pyrotechnics are classified as P1 articles under CE in Europe. Category P1 products enable users to purchase the product without any knowledge or training requirements, so long as they are 18 years of age or over. The instructions printed on the product being sufficient instructions enough for use.

We always recommend that field staff give an active demonstration of the products available to all attendees before activities commence. This allows participants to know and understand the effects produced by the products whether they are personally using the pyrotechnics or happen to be in the proximity of the effects.

The sale of pyrotechnic products should only be made to participants intending to use them at your field. If you are selling them to people that intent to take them off your venue for other reasons, please note section D2 of this agreement. You will also need to notify Enola Gaye of your change of status if you have only registered as a FIELD (D1).

D2. CONDITIONS OF SALES FOR COMBAT STORES (D2)

Retail stores selling Enola Gaye pyrotechnics face to face are regulated by the demographic of their customer. We strongly advise that you check ID of customers who are not known to you as regular participants of games such as airsoft and paintball. Enola Gaye does not condone "blind" high street sales of pyrotechnics i.e. selling pyrotechnics without basic checks of age and use. We support people buying pyrotechnics for genuine uses such as airsoft, paintball, photography, wedding effects, gender reveal etc. However, we do not support those wishing to purchase pyrotechnics just for fun, parties or football games, as often this can easily become misuse or even illegal. Be aware that often those wanting them for football games or other areas of misuse will commonly say they need them for paintball games at their local site.

We make available a "Registration of Use" document that you can have printed off ready for any customers who do not fit the recognised normal uses.

Other forms of ID that Enola Gaye recognises and recommends are:

- UKARA Membership
- UKPSF Membership

- Proof of corporate/business identity relating to the sale
- By completing a registration of use form.

For Online selling restrictions please see (D3).

D3. CONDITIONS OF SALES FOR ONLINE COMBAT STORES (D3)

All online stores retailing Enola Gaye pyrotechnics need to be verified by Enola Gaye and follow the regulations for hazardous transport and storage in the UK and Europe.

AMAZON/EBAY/OTHER SELLING SITES

Enola Gaye pyrotechnics are not allowed to be advertised or sold on any secondary selling sites such as Amazon, eBay or similar. Sales of products can only be via your website that has been approved by Enola Gaye.

SOCIAL MEDIA SELLING

Dealers are prohibited from direct selling on Facebook, Instagram and other social media sites. Dealers will be removed who are found to be making “irresponsible sales” or breaching our online restrictions.

Online dealers are required to ship all products correctly see “Shipping Conditions” in this agreement. Dealer websites that have been approved by Enola Gaye will have at the point of “check-out” the conditions of use and sale. Buyers will also have to tick fields to confirm that they are a minimum of 18 years of age and have read and understood the terms.

This information will be given to the dealer upon website approval and is subject to regular updates.

D4. CONDITIONS OF SALE FOR A SPECIALIST STORE (D4)

The types of specialist store that we approve outside of the traditional combat store can include. Fireworks store, Specialist Photography Suppliers, Special Effects suppliers, outdoor pursuits stores etc.

We do not approve ‘high street’ walk in stores for the sale of Enola Gaye pyrotechnics. There may be some crossover in that some of our specialist store may have high street locations. These are agreed on an individual basis.

We stipulate that you must check ID of customers and understand their intended use for the product. Enola Gaye does not condone “blind” high street sales of pyrotechnics i.e. selling pyrotechnics without basic checks of age and use. We support people buying pyrotechnics for genuine uses such as airsoft, paintball, photography, wedding effects, gender reveal etc. However, we do not support those wishing to purchase pyrotechnics just for fun, or parties or football games as often this can easily become misuse or even illegal. Be aware that often those wanting them for football games or other areas of misuse will commonly say they need them for paintball games at their local site.

We make available a ‘Registration of Use’ document that you can have printed off ready for any customers who you suspect maybe purchasing products for misuse.

Other forms of ID that Enola Gaye recognises and recommends are:

- Proof of corporate/business identity relating to the sale
- By completing a registration of use form.

For Online selling restrictions please see (D3).

D5. CONDITIONS OF SALE FOR ONLINE SPECIALIST STORES (D5)

The types of online specialist store that we approve outside of the traditional combat store can include. Fireworks store, Specialist Photography Suppliers, Special Effects suppliers etc.

All online stores retailing Enola Gaye pyrotechnics need to be verified by Enola Gaye and follow the regulations for hazardous logistics and Storage in the UK and Europe.

AMAZON/EBAY/OTHER SELLING SITES

Enola Gaye pyrotechnics are not allowed to be sold on any secondary selling sites such as Amazon, eBay or similar. Sales of products can only be via your website that has been approved by Enola Gaye.

SOCIAL MEDIA SELLING

Dealers are prohibited from direct selling on Facebook and other social media sites.

Dealers will be removed who are found to be making 'irresponsible sales' or breaching our online restrictions.

Online dealers are required to ship all products correctly see Shipping Conditions in this agreement.

Dealer websites that have been approved by Enola Gaye will have at the point of check out the conditions of use and sale. Buyers will also have to tick fields to confirm that they are a minimum of 18 years of age and have read and understood the terms.

This information will be given to the dealer upon website approval and is subject to regular updates.

D6. CONDITIONS FOR PROFESSIONAL USERS (D6)

D6 registered users are not actually Dealers (sellers) but come under this programme for Enola Gaye regulation purposes. D6 cannot resell any products but are registered as high or regular consumers of the product and thus professional users.

The professional users list which is not exhaustive is: Theatrical companies, Industrial Testing, Sky Dive teams, Aerial Teams, Fire Service, Police, Military, TV & Film Production Companies etc.

D6 Users can be approved for PEG2 products on an individual basis determined on their requirements.

GENERAL PRODUCT INFORMATION TO BE UNDERSTOOD BEFORE USE OR RE-SALE

SHIPPING & CONDITIONS OF DISTRIBUTION & UNDERSTANDING HAZARDOUS CARRIAGE

If your sales extend further than the end user who is stood in front of you; you are limited by law as to how you can distribute this type of product. Enola Gaye products have been classified, authorised and approved in Europe for transportation by the HSE in the UK. If you need to ship these products to a customer you must use approved packaging and an approved shipper (unless you are delivering them yourself); inconvenient, but it's the law, so don't interpret this any other way. If you wish to distribute these products in full outer carton quantities, contact Enola Gaye for help and guidance on shipping.

- USE a PROPER Dangerous Goods Courier with a dangerous goods account e.g. TNT / Tuffnells
- DO NOT Send these items through the postal system.
- DO NOT take these items on Aircraft or Ferries.
- DO NOT take these items on Public Transport.
- Always ship in the correct certified UN boxes with correct labelling and markings.
- DO NOT ship pyrotechnics to other countries unless you have specific approvals. Some EU countries require additional professional licenses or authorisations which need to be established before shipping e.g. Northern Ireland, Ireland, Spain. Sending pyrotechnics to these countries without proper licenses and authorisations is illegal and will cause you major problems.

These shipping rules apply to ALL pyrotechnics regardless of the manufacturer.

Dealers who choose to ignore the above limitations of distribution will have their dealership status removed.



Shipping these products isn't rocket science but failure to follow the correct procedures may cause harm and result in the shipment being seized or prosecution.

UNDERSTANDING THE PRODUCT

'Cool burn' / 'Cold burn'

The term "cold burning" usually refers to the fact that there is no external flame produced and that the temperature of the cartridge is lower than the military and marine distress smokes (which get very hot) thus reducing the risk of fire. However there is a possibility of fire with ANY smoke grenade and no smoke grenade should be used on or near easily flammable materials. Please see Risks to Property in this agreement.

ALL smoke grenades that produce smoke from a wire/ring pull, friction fuse or similar ignition, produce smoke from a formula that burns without the need for atmospheric oxygen. Once ignited is very difficult to stop, until all composition within is burnt. Due to this, the grenade casing does get hot and the smoke within 6" of the grenade is also hot.

Our smokes produce some sparks on ignition but no visible flame; so, after the initial start-up of the grenade, our Wire Pull Smokes are considered cool burning given the above definition. We always recommend that all users of pyrotechnic products wear gloves and eye protection.

Enola Gaye does not promote the industry term 'cool' or 'cold burn' as we deem it misleading to the general public, so we ask our dealers to avoid using this in their descriptions of the product.

'Burn Times'

Burn times are approximate and smoke output and duration can vary with different weather conditions.

'Colours'

The colour of our smoke grenades are only meant as a reference, the colours may vary slightly from advertisements and illustrations shown on the product.

'Indoor / Outdoor'

All current Enola Gaye pyrotechnics are for Outdoor Use Only, this is clearly printed on the labeling.

LIMITING MISUSE

Our smoke grenades have many different uses that include paintball, airsoft, photography and outdoor theatrical, however they also attract the idiots who can cause distress to the general public. Enola Gaye do everything possible to limit the misuse and we ask that our dealers do the same. You should learn to filter the idiots from the genuine users before you make a sale.

If a customer fits into any of these categories then they are not fit to purchase:

1. Under 18
2. Over 18 but appear to be purchasing for minors.
3. Does not have a genuine reason for purchasing the products or if that reason is simply fun or some other flimsy reason.
4. If they are known to you as an idiot.

Genuine users come in many different shapes and sizes; if you are unsure about a person and wish to continue with a sale, have a 'Registration of use' form ready and keep a record of their photo ID; this will usually deter any misusers. You will find that stocking Enola Gaye Smoke for genuine users will

bring new customers to your field or store which will build a loyal base of users who use smoke grenades & pyrotechnics to enhance their game, photography, film, event or training scenario.

RISKS TO PERSONS AND HEALTH

Using any pyrotechnic product carries a risk, treat them with respect and use them as per the instructions and your experience will be a safer one. In our experience, if accidents occur they are always through improper use, storage or transport. Nearly every scenario has been covered in this document to keep you and your customers safe, however no amount of paperwork can cover every eventuality. Below is a list that could lead to injury that we would like you to be aware of and look out for.

POCKETS: It is inevitable that users will place Enola Gaye pyrotechnics in their pockets to carry them, however we strongly advise against this as any pyrotechnics which are ignited in pockets will often burn the skin. For Paintball and Airsoft players plastic clips are available from Enola Gaye which mounts on the marker/gun barrel (or use a small strip of tape to attach grenades to the gun). Otherwise a webbing pouch or similar carrying device that is easily removed from the body is advised; these are also available from Enola Gaye. We only recommend specific Enola Gaye pouches for use when carrying pyrotechnics.

BUNKERS & CONFINED SPACES: Smoke in confined spaces can cause breathing problems; field owners make your staff aware of persons that may be particularly susceptible e.g. Asthma and CPD sufferers plus any potential hazard areas where players may encounter smoke in a confined space i.e. bunkers, tree houses, dug outs etc.

RISKS TO PROPERTY

FIRE: Incidents are rare; however, there are some very basic assessments that you can make before using smoke grenades on your property. If it's been a tinder dry summer and your woodland is in a real need of a drink, your usage should be conservative or restricted to the dirt floor i.e. areas where there is no risk of fire. The highest risk areas on fields tend to be manmade structures, such as wooden bunkers. Fields using smoke grenades should train their staff to be aware of the risks (be it very small) and to look out for telltale signs of smoke other than that produced from grenades.

Your standard firefighting equipment is generally sufficient.

For further information on this please download or ask the office for our Wire Pull Smokes Fire Hazard Assessment Document TC-202.

STAINING: Enola Gaye smoke grenades contain non-toxic dyes. These dyes will cause stains if placed directly against or within approximately 2 - 3 meters of a surface or material. Protective sheets or other sacrificial cover should be placed over valued, special or delicate materials and objects. For example, a natural fibre (cotton) sheet or a metal bucket can be used to protect against damage to a floor. Smoke devices should always be pointed away from clothing especially valuable clothing e.g. wedding dresses. Tests should be conducted to prevent accidental staining. No guarantee is given against staining and Enola Gaye take no responsibility for staining property from the use of smoke grenades.

PRODUCT ADAPTION AND RELABELLING

Dismantling pyrotechnics is illegal unless you are a pyrotechnic chemist and have the correct licenses from HSE, so do not dismantle or adapt Enola Gaye products. Enola Gaye products that have been adapted or dismantled may cause potential hazards and or change the intended effect.



Do not relabel Enola Gaye pyrotechnics, re-labelling of pyrotechnic products will void any CE certification and product insurance.

Enola Gaye do not accept any liability for any products that have been dismantled, adapted and/or relabeled. Products that have been dismantled, adapted and/or relabeled will be void of any warranty given by Enola Gaye.

Dealers reselling or supplying products that have been adapted or relabeled WILL be removed from the dealer program.

STORAGE

All pyrotechnics should be stored in their original outer cartons/boxes that we deliver them to you in; you should also reseal or keep the boxes shut once opened.

Unfortunately, there will be some local regulations that you will have to follow; these do change per country and county so **YOU MUST** check with your local authority and or national authority (e.g. in UK this is trading standards or local fire service in metropolitan areas and Health and Safety Executive nationally. In the UK you can store up to 5KG NEQ (Net Explosive Quantity) without any registration or license, which equates to 1 outer carton of Wire Pull[®] Smokes (100 units). If you are storing for a short period of time or only a limited quantity then there are simple things you can do to be legal; for example, do not store pyrotechnics in rooms where people work, live or sleep; Do not store with other flammable materials like fuel. For more detailed information on storage contact Enola Gaye or read the guidance on the Enola Gaye website.

ENOLA GAYE WHOLESALE PRODUCT GUARANTEE

At Enola Gaye we pride ourselves on our products, our range of colored smoke grenades and paint/bb grenades are the best available in the world. Our products are tested throughout every production stage and therefore have more approvals worldwide than any other commercial smoke grenade. If you are anything other than happy with your Enola Gaye products we will either change over the defective products or credit your purchase upon return of the goods (Contact Enola Gaye if you wish to return products and we will advise you on the procedure and issue your returns number, see product returns below). In nearly all cases, defective products are a result of damage from carriage or incorrect use; we ask all of our customers to check carefully the condition of the cases upon delivery and report any problems with condition or missing items as soon as possible but within 7 days from date of delivery.

We appreciate all feedback regarding the appearance and performance of our products both good and bad and encourage you to get in touch with us if you have any comments.

PRODUCT RETURNS

In the unlikely case that you need to return Enola Gaye pyrotechnics then you must contact the office first. You will be asked to describe the problem and reason for return and be given a returns number. When returning pyrotechnics, you **MUST**:

- Use the inner and outer packaging that the products were sent in.
- Ensure the products are packed securely and cannot move in transit.
- Ensure that the package is correctly labelled.
- Ensure that the returns number is on the outside of the box.



- Use a courier capable of carrying Class 1 Dangerous Goods. Do not send through the postal system.

On receiving your returns, they will be tested to ascertain the problem. We will of course refund or replace the goods if the problem is identified. However, if the goods are not found to be faulty no credit, refund or replacement will be made and the goods will be returned to you at your cost. In most cases regardless of the outcome we do not reimburse carriage charges and/or local taxes. If the products are not returned correctly i.e. illegally, or as instructed then no credit, refund, or replacement will be given regardless of the outcome of the tests.

GENERAL

Enola Gaye (3rd Light) reserve the right to change, modify or remove any of these terms without notice.

Documentation from Enola Gaye (3rd Light Ltd) shall always prevail in the event of any discrepancy between these terms and conditions and dealer's documentation.

Dealers have to be 18 years minimum age; we reserve the right to demand proof of age. It is the dealer's responsibility to remain apprised of changes to this agreement and our terms and conditions.

Enola Gaye (3rd Light Ltd) reserve the right to deny dealership status. Dealers/Fields must carry reasonable and adequate liability insurance and agree to provide proof of insurance upon request from Enola Gaye.

All dealer applications are subject to current and ongoing verification.

It is the dealer's responsibility to inform their staff of the information and any regulations in this document.

Whilst Enola Gaye will help, it is the dealer's responsibility to keep up to date with the regulations surrounding the storage, transport use and sale of pyrotechnics within their own country.

*I/We have read and understood this Dealer Agreement (SA-413 V2 10.18) and agree to abide by all the terms and conditions stated within.

COMPANY:

NAME :
(Official Representative)

SIGNED :

DATED :