



SUPPLIER CODE OF CONDUCT

The Plug Power Supplier Code of Conduct documents the principles, expectations, and guidelines to establishing and maintaining a business relationship with Plug Power. Plug is committed to partnership with Suppliers that are dedicated to conducting business in a legal, ethical, and sociably responsible manner.

As Plug is engaging in a global supply base, we understand that there are cultural differences among our supplier, however the Supplier Code of Conduct contains universal principles and is expected that all Plug suppliers meet these standards.

This Code of Conduct is intended to define a minimum standard across all the Company's operations. However, where applicable law or regulations require a higher standard or are inconsistent with this Policy, the applicable law or regulations will govern.

This applies to any individual working with and/or performing services for Plug Power, including employees, agents, directors, contractors, and consultants. It also governs Plug Power's oversight of suppliers, including supplier manufacturing facilities or any entity that provides any goods or services on behalf of, at the request of, or in connection with work completed for Plug.

Compliance with this Code of Conduct is subject to audit at the discretion of Plug. Failure to comply may result in discontinuation of current and/or prevention of future partnership between Plug or its affiliates.

Suppliers are encouraged to reach out to their Supply Management contact with any questions related to the appropriateness of any activity connected to their supplier relationship.

Ethics

Suppliers must be committed to the highest standards of ethical conduct when working with their suppliers, workers, customers and other third parties.

Suppliers are required to conduct their business in a responsible and ethical manner and to exercise reasonable care and diligence to prevent any actions or conditions that could result in conflict of interest. In order to comply with the Supplier Code, Suppliers must have high standards for corporate governance, carry out their business honestly and ethically, and operate in full compliance with all applicable laws, rules and regulations.

Suppliers shall not engage in any activity with an employee of Plug which could create a conflict of interest.

Suppliers must comply with all applicable anti-corruption laws and regulations in connection with their work for or on behalf of Plug. Corruption, extortion, embezzlement, bribery and kickbacks in any form are strictly prohibited.

To avoid conduct that creates a conflict of interest and/or other impropriety, Plug expressly discourages suppliers from giving gifts, meals, entertainment, trips, payments to Plug or its employees. Suppliers shall refrain from performing any direct services on terms other than those that are available to the general public for any employee which are outside of the general realm of services engaged by Plug.

Confidential Information / Intellectual Property

“Confidential Information” means any information related to the fact or substance of negotiations, the terms of any agreement between Plug and the supplier, and also including, without limitation, all, or any part of, and originals or copies of, any information, in whatever form embodied that Plug has identified as confidential, and all information concerning Plug’s past, current, and planned products, services, fees, customer financial institutions, customer data, concepts, methodologies, research, business activities, marketing plans, technical and/or platform interfaces. Confidential Information does not include information which: (a) is now generally known to the public or becomes known to the public; provided, however, that it does not become publicly known through disclosure by the supplier; (b) is possessed by the supplier in written form prior to its disclosure by Plug; (c) is received by the supplier lawfully and in good faith from a third party who has no obligation to Plug; or (d) is lawfully and independently developed or acquired by the supplier without reliance in any way on the Confidential Information.

Suppliers may use Plug Confidential Information only for the purposes identified and directed by Plug and must report any actual or suspected violations to Plug. Confidential Information must not be copied or disclosed to any third party except as expressly permitted in writing. Suppliers must safeguard Plug’s Confidential Information using the same standard they employ to safeguard their own information of like kind, but in no event less than a commercially reasonable standard of care. Suppliers will be responsible for any unauthorized use or disclosure of Plug Confidential Information by their employees, agents, and other representatives as well as any other entity receiving or receiving access to Plug Confidential Information from them.

Inclusion / Equal Opportunities

Plug Power is committed to a work environment in which all individuals are treated with respect and dignity. Each employee has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unfair and unlawful discrimination. Therefore, Plug Power expects that all relationships will be business-like and free of bias, prejudice and harassment. Plug Power takes a firm stance in this regard, and all forms of discrimination and harassment on the basis of race, color, sex, religion, national origin, or any other characteristic protected by applicable law, will not be tolerated.

Plug Power also promotes economic inclusion when selecting suppliers, including small and medium-sized suppliers and suppliers owned by women or owned by or that employ workers from members of vulnerable, marginalized, or under-represented social groups.

Health and Safety

Suppliers are required to abide by all local laws, directives, and regulations relating to health and safety in the workplace or in any location other than the workplace where production work is undertaken and to implement changes to accommodate any amendments to these laws, directives, or regulations.

Suppliers are also required to have strict procedures in place that prevent the use of illegal drugs in the workplace or in any other location than the workplace where production or work is undertaken.

Environmental Sustainability

As a developer and manufacturer of alternative energy solutions, Plug Power is committed to ensuring that its operations do not cause damage to the environment or a reduction in access to natural resources. Plug Power requires suppliers to operate in an environmentally responsible and efficient manner and strive to minimize adverse impacts to the environment. Suppliers are expected to conserve natural resources to avoid the use of conflict and critical minerals and to promote activities that include the concepts of reuse and recycling. Suppliers must comply with all laws, regulations, ordinances, rules, permits, licenses, and approvals regarding the environment in their areas or countries of operation.

Child Labor

Plug Power is committed to respecting the rights of children and the elimination of child labor. Suppliers will not use child labor and are required to comply with applicable child labor laws and employ only workers who meet the applicable minimum legal age requirements within their countries of operation.

Compensation, Wages and Working Conditions

Suppliers are required to comply with all applicable wage and hour labor laws and regulations governing employee compensation and working hours in their respective countries of operation. Suppliers must have a disaster recovery plan for emergencies and must ensure that their facilities meet appropriate safety standards.

Forced, Bonded, and Compulsory Labor

Suppliers will not engage in, support, or condone any form of forced, bonded, or compulsory labor. For purposes of this Policy, forced, bonded, and compulsory labor includes, but is not limited to, human trafficking, slavery, debt bondage, indentured servitude, and withholding or threatened withholding of necessities such as food, land, wages, identification documents, etc.

Plug Power will make every effort to refrain from working with business partners who engage in any form of forced, bonded, or compulsory labor.

Freedom of Association and Collective Bargaining Rights

Suppliers must respect the rights of workers and shall have the freedom to associate and engage in collective bargaining through lawfully elected representatives, in accordance with applicable law.

Community and Philanthropy

Plug Power will contribute to the economic development of communities in which it operates through fair, equal and respectful treatment of local citizens, and support for local social and charitable causes.

Suppliers are strongly encouraged to provide resources to support and contribute to the communities and countries in which they operate.

For additional information regarding the Plug Supplier Code of Conduct, suppliers are encouraged to contact our Supply Chain team.