

# Declaration of authorisation, undertaking and prevention of corruption of the exporter for letter of credit confirmation insurance

V1.0, as of 6 May 2009

Schweizerische Exportrisikoversicherung  
Assurance suisse contre les risques à l'exportation  
Assicurazione svizzera contro i rischi delle esportazioni  
Swiss Export Risk Insurance



Place/Date	Reference
Sender company	Export good
Contact person	Project
Street	Country
Postcode/Place	Buyer
Telephone	
E-mail	

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## Declaration of authorisation:

(hereafter "financial institution") intends to confirm a letter of credit from (foreign bank) in the amount of (currency/amount). This letter of credit shall serve to settle all payments for the above-mentioned delivery/service which we are to render pursuant to the export contract of (date) with (buyer) (hereafter referred to as "export transaction").

We hereby confirm that the Swiss value added of this delivery and/or services is %.

We authorise the financial institution to apply to SERV for letter of credit confirmation insurance in order to cover the letter of credit.

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## Declaration of undertaking:

1. In the event that SERV accepts the cover of the letter of credit, which is in our interest, we hereby irrevocably undertake to
  - 1.1 fully and accurately present to the financial institution all material circumstances of relevance to the confirmation of the letter of credit and SERV's acceptance of the letter of credit confirmation insurance and to immediately notify the financial institution of any changes or circumstances that might negatively influence the export transaction or the execution of the letter of credit (risk aggravating factors);
  - 1.2 provide SERV with information regarding the status of the export transaction and the execution of the letter of credit and other circumstances that may be of importance to the letter of credit confirmation insurance at any time.
2. We undertake to fully reimburse SERV on first demand for all indemnification paid in connection with claims made under the letter of credit confirmation insurance on the basis of the above declaration of authorisation including five percent interest from the date of SERV's payment,
  - 2.1 in the event that we have breached any of the obligations listed under items 1.1 and 1.2 above, and
    - a) SERV, duly acting in accordance with its obligations, would not have assumed the letter of credit confirmation insurance, or would not have assumed it to the extent that it did, or would only have assumed it on different terms, or
    - b) breach of obligation committed following the granting of the letter of credit confirmation insurance resulted in an obligation to pay indemnification;

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- 2.2 in the event that we, or persons acting on our behalf such as employees or agents, have committed a criminal act in connection with the conclusion or execution of the export contract (in particular acts of bribery of foreign public officials or representatives of international organisations).

Prior to demanding reimbursement payment, SERV shall grant us the opportunity to respond within 30 days.

We hereby renounce the right to offset the reimbursement obligation against counterclaims.

3. The federal administrative law of Switzerland is applicable. The Federal Administrative Court shall have sole jurisdiction over disputes in connection with this declaration of authorisation and undertaking (Art. 35 let. a of the Swiss Administrative Court Act).

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## Exemption from bank secrecy:

We herewith release the financial institution from bank secrecy with regard to all of its information obligations to SERV pursuant to SERVG, SERV-V, the GTC A and the insurance policy, and authorise it to make all necessary notifications to SERV, to provide information and grant access to the respective documents.

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## Declaration of prevention of corruption

The applicant is aware that for insurance to be granted and be valid, it is a prerequisite that Swiss legal provisions are and will be complied with in connection with the export contract forming the basis of the letter of credit for which cover is sought under this application.

We confirm that

1. neither we nor anyone acting on our behalf, such as employees or agents, have been engaged or will engage in acts of bribery of foreign public officials or of representatives of international organisations or have committed or will commit any other criminal offence, in order to either induce the conclusion of the export contract or an unbecoming advance in connection with the export contract forming the basis of the loan agreement for which cover is sought under this application;
2. we are not listed on the publicly available debarment lists of the following international financial institutions: World Bank Group, African Development Bank, Asian Development Bank, European Bank for Reconstruction and Development and the Inter-American Development Bank;
3. neither we nor anyone acting on our behalf in connection with the export contract forming the basis of the loan agreement for which cover is sought under this application, such as employees or agents,
  - 3.1 are currently under charge in a national court or
  - 3.2 within a five-year period preceding the application

# Declaration of authorisation, undertaking and prevention of corruption of the exporter for letter of credit confirma- tion insurance

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- a) have been convicted in a national court or
  - b) been subject to equivalent national administrative measures
- for a violation of laws against bribery of foreign public officials of any country or representatives of international organisations.

## Duty of disclosure

We commit ourselves to, during the financing institute's application procedure and after the insurance applied for has been granted, giving full and accurate information about any circumstances of the export transaction that are materially relevant to the granting of the export credit insurance. This also includes answering SERV's questions regarding the identity of persons who are or were involved on their behalf in arranging the export contract (agents), and the reason for and amount of any payments to those persons.

## Information

We have taken note of Art. 102, 322 ter, 322 quinquies, 322 septies and 322 octies of the Swiss Penal Code, Art. 4 let. a and 23 of the Federal Act on Unfair Competition as well as of Art. 26 of the Federal Act on the Swiss Export Risk Insurance.

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Place and date

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Legally binding signature of the exporter/company stamp