

REGULATION OF THE MINISTER OF FINANCE

of 7 November 2001

on the information that should be contained in an application for a promise to enter into a DOKE Agreement and the documents that should be appended to the application

Pursuant to Art. 11 Par. 1 of the Act of June 8, 2001 on Interest-Rate Support for Fixed-Rate Export Credits (Dz. U. No. 73 item 762) the following is ordained:

§ 1. The Regulation sets down detailed information which should be contained in an application by a domestic supplier, foreign buyer or a bank, hereinafter referred to as "the applicants", submitted to the Bank Gospodarstwa Krajowego with the view of obtaining a promise to enter into a DOKE Agreement, as well as the list of documents that should be appended to the application, and the application specimen.

§ 2.1. An application for the issue of a promise by Bank Gospodarstwa Krajowego to enter into a DOKE Agreement, hereinafter referred to as "the application" should be prepared in accordance with the specimen that constitutes Appendix No. 1 to the Regulation.

2. The applicant submits the application along with all the documents referred to in § 3 as well as payment receipt, as specified by separate provisions.

3. If the application and the documents referred to in § 3 have been drawn up in a foreign language, the applicant is obliged to submit their certified translation into the Polish language made by a Sworn Translator.

§3.1. The applicant is obliged to append the following documents to the application:

- 1) documents stating the applicant's legal status and enabling him to carry on business activities, and in particular:
 - a) an excerpt from the Krajowy Rejestr Sądowy (Polish Court Register) or a certificate of an entry in the register of economic activities - in case of a domestic supplier,
 - b) documents certifying that the applicant is in possession of a licence or a permit - in case of a domestic supplier that carries on activities requiring a licence or a permit,
 - c) a permit issued by the proper authorities - in case the export agreement concerns goods whose export is subject to restrictions,
- 2) a document issued by the proper Statistical Office upon granting a REGON statistical identification number to a domestic supplier,
- 3) a document issued by the proper Treasury Office upon granting a NIP taxpayers' identification number,
- 4) an export agreement or a draft export agreement,
- 5) an export credit agreement or a draft export credit agreement,
- 6) an export credit insurance agreement or a draft export credit insurance agreement,
- 7) a statement by the domestic supplier to the effect that the exported goods or services are of domestic origin pursuant to the provisions of Art. 2 pp. 13 and 14 of the Act of June 8, 2001 on Interest-Rate Support for Fixed-Rate Export Credits, listing:

- a) no. of the agreement,
- b) date of conclusion and value of the agreement,
- c) name and address of the client,

- prepared according to instructions contained in Appendix no. 2 to the Regulation.

2. In justified cases Bank Gospodarstwa Krajowego may require the applicant to submit additional documents which will allow for the checking and verification of information contained in the application.

3. Documents should be submitted in their original version and they should be valid on the date of submitting the application, given that an excerpt from the proper register or a certificate of entry in the register of economic activities should be drawn up or certified three months prior to the date of its submission in the Bank Gospodarstwa Krajowego, at the maximum.

§ 4. This Regulation shall enter into force 14 days after its promulgation.

Minister of Finance: *M. Belka*

SPECIMEN

**Application
for the issue of a promise to enter into a DOKE Agreement**

Applicant

.....
(stating the domestic supplier,
foreign buyer, bank -
full and abbreviated name, address,
address for correspondence)

.....
(place and date)

Bank Gospodarstwa Krajowego
Al. Jerozolimskie 7
00-955 Warsaw

Pursuant to Art. 10 Par. 2 of the Act of June 8, 2001 on Interest-Rate Support for Fixed-Rate Export Credits (Dz. U. No. 73 item 762) I am applying for a promise by Bank Gospodarstwa Krajowego to enter into a DOKE Agreement with

.....
.....
(full name and address of a domestic bank, foreign bank or a financial institution granting the export credit)

I hereby declare that all the data and information disclosed below are true and complete. * I also grant my consent for the verification of this data and information by Bank Gospodarstwa Krajowego.

.....
(signatures of the Applicant's officers
authorised to make representations)

* The declaration does not bear reference to pts. I.4, II.8 and III.4 unless it is made by parties to which these provisions pertain. Within this scope, the declaration is made to the best of the applicant's knowledge.

I. Data pertaining to the bank granting the export credit:

1. a) Name/company – full and abbreviated

.....

b) registered seat and address

.....

c) name and address of a branch/organisation unit of the bank granting the credit, telephone number and other means of communication

.....

2. Legal status

.....

3. Data concerning the bank's registration (if it is subject to such registration by jurisdiction pertaining to its seat) – register no. and name of the registry authority

.....

4. Duration of the business, experience in financing foreign trade

.....

II. Data pertaining to the domestic supplier:

1. Name, registered seat, address, telephone number and other means of communication

.....

2. Legal and ownership status

.....

3. REGON statistical number

.....

4. Number of entry in the Krajowy Rejestr Sądowy (Polish Court Register) or the register of economic activities, name and address of the registry/records keeping authority

.....

5. NIP taxpayer's number

.....

6. Pertaining to suppliers who are not legal entities:

a) Name and surname of the owner/ names and surnames of the partners, and their addresses

.....

b) NIP taxpayer's numbers of the persons enumerated in a)

.....

c) PESEL statistical numbers of the persons enumerated in a)

.....

7. Name and address of the bank running the supplier's principal account

.....

8. Indication of the size of the supplier's business in accordance with the Law on Economic Activity (small, medium, large-sized enterprise)

.....
9. Principal scope of the supplier's activities and duration of the business

.....
10. The supplier's experience in export activities (when did the entity start exporting, what goods are being exported, to what markets, share of income from export in the total income for the past calendar year)

.....
III. Data pertaining to foreign buyer:

1. Name, registered seat, address

.....
2. Legal and ownership status

.....
3. Data concerning registration – number, name and address of the registry authority

.....
4. Information concerning up-to-date import of goods from Poland (when did the entity start importing, principal Polish partners, what goods are being imported)

.....
IV. Information pertaining to the export agreement/ potential export agreement:

1. Name of goods or services subject to export

.....
2. Destination country for the goods/services

.....
3. Value of the export agreement, in accordance with Art. 2 pt. 9 of the Act

.....
4. Terms of payment, including:

a) percentage of cash payments in the total value of the export agreement and date of payment

.....
b) percentage of deferred payments in the total value of the export agreement and date of deferred payment

.....
5. Percentage of raw materials of foreign origin in the exported goods

.....
6. Delivery date; if delivered in batches – indication of the delivery dates for the principal batches

.....

7. Date of commencement of co-operation between the parties to the export agreement

.....

8. Indication of the negotiation's progress (e.g. preliminary agreement, long-term co-operation agreement)

.....

V. Information pertaining to the export credit agreement/ potential export credit agreement:

1. Parties to the credit agreement

.....

2. Amount of credit, currency

.....

(say:)

3. Type of credit facility

.....

4. Credit repayment period

.....

5. Frequency and number of principal and interest instalments

.....

6. Proposed manner of credit utilisation (lump sum, tranche)

.....

7. Fixed interest rate (if it varies from CIRR)

.....

8. Anticipated date of running the export credit facility, which will be used as the reference date for calculating the repayment of the principal and interest dates

.....

VI. Information pertaining to the insurance/ potential insurance of the export credit:

1. Scope of insurance coverage by KUKA (supplier credit, buyer credit, trade risk, political risk)

.....

2. Form of insurance (direct, reinsurance)

.....

3. Other insurance envisaged in connection with the credit agreement and the export agreement (apart from KUKA)

.....

4. Percentage of insurance coverage

.....

5. Date of submitting an application for the individual insurance of an export credit to KUKA S.A.

.....

6. Date of issue and validity of the insurance promise

.....

7. Date of conclusion, parties to and no. of the export credit insurance agreement

.....

8. The sum of debts insured in the currency of the credit (including the principal, interest on the credit, bank fees and other dues)

.....

9. Repayment period for the insured credit (counted from the moment when the exporter has fulfilled his contractual obligations till the last instalment is repaid)

.....

10. Repayment timetable for the insured credit

.....

VII. Other optional information provided by the Applicant:

1. Concerning an application to the Committee for Export Insurance Policy for permission to cover the export credit by the DOKE Programme in spite of KUKKE's refusal to insure the credit due to the value of the export agreement

.....

2. Concerning an application to the Minister of Finance for permission to depart from the conditions which have to be fulfilled in order to cover the export credit by the DOKE Programme

.....

3. Other circumstances which may have influence on a decision to subsidise interest on export credit from the state budget

.....

The Application was drawn up by:

.....

(Name, surname, telephone number, position)

.....
(signatures of the Applicant's officers
authorised to make representations)

SPECIMEN

**Declaration Issued by a Domestic Supplier
on the domestic origin of the exported product**

We hereby declare that all the goods/services delivered and performed under Agreement no.

.....

dated

concluded with the following:

(Client)

.....

.....

(Address)

.....

.....

(Value)

.....

.....

are goods/services * in the meaning of Art. 4 pts. 1 and 2 of the Act dated January 8, 1993, Law on the Goods and Services Tax and Excise Tax (Dz. U. No. 11, item 50, amended) which have been obtained or manufactured on the territory of the Republic of Poland

- without any raw materials or ingredients of foreign origin*
- with raw materials or ingredients of foreign origin, but the maximum percentage share of these raw materials or ingredients of foreign origin in the whole final product, exported under the export agreement, does not exceed the required level and enables it to be deemed a domestic product – in accordance with the Regulation of the Minister of the Economy dated August 6, 2001, on the Maximum Percentage Share of Raw Materials or Ingredients of Foreign Origin in the Final Product Exported Under the Export Agreement, Which Enables It to Be Deemed a Domestic Product (Dz. U. No. 101 item 1097).*

Date

.....

(Signature and seal)

* Cross out the non-applicable items