

Advance Payment Guarantee No. _____

We have been informed that you, _____, hereinafter called the BUYER, [have concluded the contract No. _____ of _____, hereinafter called the CONTRACT, with]¹ _____, hereinafter called the SELLER, according to which the SELLER will deliver to the BUYER²

_____ (goods as described in contract / order) _____,

hereinafter called the GOODS,

in the total value of _____.

As agreed, the BUYER shall make an advance payment to the SELLER in the amount of ____ % of the total value i.e. _____, hereinafter called ADVANCE PAYMENT, against receipt of a bank guarantee in the same amount in favour of the BUYER.

In consideration of the aforesaid, we, COMMERZBANK Aktiengesellschaft³, hereby issue the guarantee on behalf of the SELLER towards the BUYER in the maximum amount of

(in words: _____)

and undertake irrevocably

without consideration of any objections and defences of the SELLER or third parties irrespective of the validity and legal effect of the CONTRACT⁴ and waiving any objections arising therefrom

to refund to the BUYER any amount claimed from us by the BUYER up to the maximum amount of this guarantee upon receipt of the BUYER's first demand in writing, in which the BUYER simultaneously confirms that the SELLER^{Fehler! Textmarke nicht definiert.} has not delivered the GOODS and has failed to comply with its obligation to repay the ADVANCE PAYMENT.

¹ If reference to an "order" instead of a "contract" is requested, replace the text between [...] as follows: "have given the order no. _____, dd. _____, hereinafter called the ORDER, to"

² in case delivery is effected from another party or to another party amend this clause accordingly

³ insert address if opened by swift

⁴ In accordance with preamble, replace CONTRACT by ORDER

It is a condition for claims and payment to be made under this guarantee that the ADVANCE PAYMENT has been received by us in the full amount and without reserve in favour of the account no. _____ of the SELLER.

Upon credit of the ADVANCE PAYMENT to an account other than the mentioned account, claims for payment under this guarantee will not be honoured.

[The obligation under this guarantee shall be reduced by ___ % ⁵ of the value of each delivery, to be evidenced to us by providing copies of the commercial invoice(s) for the GOODS referring to the CONTRACT⁴ as well as copies of the _____⁶ _____.]⁷

The obligation under this guarantee shall expire [as soon as the original of this guarantee has been returned to us by the BUYER or a third party for discharge, but it expires in any case at the latest]⁸ on _____. Any claim for payment complying with the above conditions must be received by us within the validity period of this guarantee.

⁵ Unless otherwise agreed, X% corresponding to the proportion of the advance payment to the total value.

⁶ Name of Transport documents according to agreed means of transport or generally "transport documents"

⁷ delete if not applicable

⁸ [...] not applicable in case of electronic transmission of the guarantee