

MODEL LETTER FOR GUARANTEE FROM BANK OR INSURANCE COMPANY

The guarantee should be emitted and duly signed by a legal representative of a registered bank or insurance copy. It must be enforceable in law, refer to the Agreement with the Commission and the company as beneficiary, recognise the Commission's rights, and indicate the amount to be guaranteed. A guideline example of such a guarantee follows.

LETTER OF GUARANTEE FROM A BANK OR INSURANCE COMPANY OF A BENEFICIARY IN EU SECURITY ACTIVITIES TO THE EUROPEAN COMMISSION

(to be signed by an authorised representative of the bank or insurance company)

- 1) The European Commission (the Commission) will make a payment of € xxxx (*insert the amount in figures and words EUROS*) to [name of Coordinator] having its registered office at.....(the Coordinator). This payment represents the amount of pre-financing that will be paid to the Coordinator as part of the Commission's estimated maximum contribution in Agreement Number.....between the Commission and the Coordinator.
- 2) The Guarantor (Bank) __[name], having its registered offices atand represented for the purpose of the signature of the bank guarantee by its authorised representative[s], hereby irrevocably undertakes to pay to the Commission, upon its first demand, all amounts owed to the Commission by the Coordinator up to a maximum of €xxxx (*insert the amount in figures and words EUROS*), if the latter fails to fulfil its contractual obligations in accordance with the terms specified in the Agreement and any subsequent amendments, as the case may be.
- 3) The Commission may call this guarantee at any time during the period specified under point (5) by registered letter stating that the Coordinator has failed to fulfil its contractual obligations and specifying the amount being claimed. If the amount claimed by the Commission is less than the amount of this guarantee at the moment of the receipt by the Guarantor of the registered letter, the Commission will indicate, in that letter or in any subsequent letter addressed to the Guarantor, whether the balance must remain guaranteed. In the absence of any express written instructions from the Commission with respect to such balance, the Guarantor undertakes to guarantee the balance under the terms and conditions set out in this guarantee.
- 4) The Guarantor will execute the guarantee only on presentation of a registered letter from the Commission, in which the Commission specifies the amount to be repaid in full or in part.
- 5) This guarantee is valid from the date of its signature by the Guarantor up to and including the 60th day after the final payment made by the Commission pursuant to the Agreement.
- 6) This guarantee and the effect given to it are governed exclusively by Belgian law.

- 7) Any dispute between the Commission and the Guarantor relating to this guarantee or to any payment made under it will be brought before the Courts of the European Communities.

Done at (*****), on (*****)

(name, title and signature of the authorised
representative of the Guarantor)

(official stamp of the Guarantor)

MODEL LETTER FOR GUARANTEE FROM PARENT COMPANY

The guarantee should be emitted and duly signed by a legal representative of a parent company whose relation and details of ownership of the beneficiary are clear. It must be enforceable in law, refer to the Agreement with the Commission and the company as beneficiary, recognise the Commission's rights, and indicate the amount to be guaranteed. A guideline example of such a guarantee follows.

LETTER OF GUARANTEE FROM A PARENT COMPANY OF A BENEFICIARY IN EU RESEARCH ACTIVITIES TO THE EUROPEAN COMMISSION

(to be signed by an authorised representative of the parent company)

1. The European Commission (the Commission) will make a payment of €xxxx (*insert the amount in figures and words EUROS*) to [name of Coordinator] having its registered office at.....(the Coordinator). This payment represents the amount of pre-financing that will be paid to the Coordinator as part of the Commission's estimated maximum contribution in Agreement Number.....between the Commission and the Coordinator.
- 2)The Guarantor __[name], having its registered offices atand represented for the purpose of the signature of the bank guarantee by its authorised representative[s], hereby irrevocably undertakes to pay to the Commission, upon its first demand, all amounts owed to the Commission by the Coordinator up to a maximum of €xxxx (*insert the amount in figures and words EUROS*), if the latter fails to fulfil its contractual obligations in accordance with the terms specified in the Agreement and any subsequent amendments, as the case may be.
- 3)The Commission may call this guarantee at any time during the period specified under point (5) by registered letter stating that the Coordinator has failed to fulfil its contractual obligations and specifying the amount being claimed. If the amount claimed by the Commission is less than the amount of this guarantee at the moment of the receipt by the Guarantor of the registered letter, the Commission will indicate, in that letter or in any subsequent letter addressed to the Guarantor, whether the balance must remain guaranteed. In the absence of any express written instructions from the Commission with respect to such balance, the Guarantor undertakes to guarantee the balance under the terms and conditions set out in this guarantee.
- 4)The Guarantor will execute the guarantee only on presentation of a registered letter from the Commission, in which the Commission specifies the amount to be repaid in full or in part.
- 5)This guarantee is valid from the date of its signature by the Guarantor up to and including the 60th day after the final payment made by the Commission pursuant to the Agreement.
- 6)This guarantee and the effect given to it are governed exclusively by Belgian law.
- 7)Any dispute between the Commission and the Guarantor relating to this guarantee or to any payment made under it will be brought before the Courts of the European Communities.

Done at (*****), on (*****)

(name, title and signature of the authorised
representative of the Guarantor)

(official stamp of the Guarantor)