

APPLICATION FORM



INVESTMENT GUARANTEES OF THE
FEDERAL REPUBLIC OF GERMANY

► **Direct Investments Abroad**

Please send this application to



PricewaterhouseCoopers GmbH
Wirtschaftsprüfungsgesellschaft

Postfach 30 17 50
20306 Hamburg
Germany

This document is a translation which was
made for the reader's convenience only.
Only the German text is legally effective.

On the basis of the General Conditions for the Assumption of Guarantees for Direct Investments Abroad,
we hereby apply for a guarantee for the investment described in the following in

_____ (country)

A. Investor details

1. Name/company: _____
(in the case of sole proprietorships also name and nationality of the owner)
2. Domicile/address: _____
Address: _____
Homepage: _____
Contact person: _____
Telephone: _____
Email: _____

3. Legal form and year of founding

4. Description of the company's commercial activity

company/product brochure enclosed

5. a) Share capital and shareholders

	name	domicile/address/ nationality	nominal amount in ,000 EUR	%
a)				
b)				
c)				
d)				
e)				

b) Details of group affiliation



c) Further details if in total 25 % or more of company share capital is held directly or indirectly by foreign shareholders



6. Please attach the current annual financial statements (where appropriate also those of the group)

B. Details of the project abroad

1. Object of the project



Where applicable separate memorandum (e.g. feasibility study, internal project presentation enclosed)

2. Name/registered name and domicile of the project company



3. Legal form and year of founding of the project company

4. Shares of the shareholders in the project company **after** the investment

	name	domicile/address/ nationality	nominal amount in ,000 currency:	%
a)				
b)				
c)				
d)				
e)				

separate explanations enclosed

5. Details of the motives for the investment (e.g. opening up a new market, expansion of existing business relations, expansion of capacity, leverage of locational advantages)

separate explanations enclosed

1. Description of project and project site:

Please give a comprehensive description of the project location:

- exact address and coordinates
- industrial zone / commercial zone / greenfield/brownfield development / residential area / agricultural area
- new project / expansion / modernization
- size and land requirements
- earlier and current use of the site and details of ownership

Will there be facilities and installations (port facilities, quarries, plantations, infrastructure etc.) which are not constructed or operated by the project company, but without which the project cannot be installed or expanded and on which the feasibility of the overall project depends? Please give details of who such installations are/were constructed by and who owns and operates them.

Please describe the surrounding area of the location and if possible enclose a detailed map or site plan:

- utilization of the surrounding areas
 - distance to the nearest residential buildings
-

b) Significant social and environmental impacts of the project

 Does the project involve physical or economic resettlements?
yes no not known

 Are there indigenous peoples or minorities who will be affected by the project?
yes no not known

 Are objects of cultural heritage affected by the project?
yes no not known

 Is the project located near a sensitive area?
yes no not known

Are any objections/concerns/critical coverage of the project known to you from any of the following groups:

- NGOs
- the public
- the press
- other interest groups

If yes, which ones?

APPLICATION FORM

7. Details of the impacts of the project

- a) in the host country (e.g. number of jobs created, impact on foreign exchange situation, know-how transfer, environmental, societal and human rights aspects)

- b) in Germany (e.g. on jobs, sales opportunities for the investor's own products or for the purchase of capital goods and subcontracted supplies)

separate explanations enclosed

8. Details of the planned economic development of the project, at least in the next three to five years (planned turnover and earnings, number of jobs, planned exports)

separate presentation enclosed

for investments in existing company annual financial statements enclosed

9. Economic basis for the investments 

(The table below is an example, comparable lists of your own can be enclosed with the application.)

		amount in ,000 EUR
Investments	- intangible assets	
	- land and buildings	
	- machinery and equipment	
	- other fixed assets	
	- working capital	
	- start-up losses	
	-	
	-	
Financing	- share capital	
	- shareholder loans	
	- other loans	
	- local borrowings	
	- funds generated	
	-	
	-	

10. Main legal basis (if necessary also in draft form) in connection with the project

- Statutes and Articles of Association copy(copies) and translation enclosed
- purchase contracts for shares (derivative purchase) copy(copies) and translation enclosed
- relevant resolutions on capital increases copy(copies) and translation enclosed
- loan agreements (including repayment schedule) copy(copies) and translation enclosed
- other contracts (please specify):
-
-

11. Involvement by the public authorities of the host country in the project

- supporting measures separate explanations enclosed
- have the state authorities undertaken to support the project
by making specific declarations? separate explanations enclosed

12. Have other supporting measures for the project been applied for? (Please tick as appropriate)

- export Credit Guarantees of the Federal Republic of Germany ("Hermes cover")
- funding programmes from the KfW Banking Group
- programmes from the International Finance Corporation (IFC)
- programmes from the European Bank for Reconstruction and Development (EBRD)
- programmes from the German Investment and Development Company (DEG)
- other: _____

C. Details of the investment

1. Type(s) of investment(s) to be covered (Please tick as appropriate)

- equity participation
- investment-like loan
- endowment capital for a legally dependent branch office or plant location
- other rights qualifying as assets (please enclose explanation)

2. Amount of investment(s) to be covered

a) equity participation

<input type="checkbox"/> ? par value/nominal value (currency:)	<input type="checkbox"/> ? where appropriate premium or further additional expenses (always give in EUR)	<input type="checkbox"/> ? amount to be spent (always give in EUR)
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b) loan

<input type="checkbox"/> ? loan amount (currency:)	amount to be spent (currency:)
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c) endowment capital

amount to be spent
(always give in EUR)

--

d) other rights qualifying as assets

amount to be spent
(always give in EUR)

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3. Type, amount and date of contributions to the investment(s) (already made and planned)

date (dd.mm.yyyy)	type of contribution (cash or type of contributions in kind)	equity participation/ other form	
		amount in EUR	loan amount (currency:)
Total(s)			

Pursuant to § 7 Par. 4 of the General Conditions, contributions prior to making the application are in principle not eligible for cover. In justified exceptional cases contributions made prior to making the application may, however, also be included in cover. In this case we would ask you to explain the reasons for missing the deadline and to give us information on whether any risk-increasing circumstances have occurred in the project company and in the host country between making the application and the first contribution.

4. Amount and term of the guarantees applied for

	equity participation/ other form	loan
a) amount of capital cover		
 b) maximum rate of annual earnings cover	up to %	up to %
 c) amount and start date of annual earnings cover	% from year	% from year
 d) amount of earnings cover overall	% max. 100 % of a)	% max. 100 % of a)
e) term of guarantee(s) applied for	years standard term 15 years	years normally term of the loan

5. Details of refinancing of the investment(s) to be covered (please tick as appropriate)

- from own funds
 - borrowed funds
- name and registered office of the credit institution:



6. Additional cover applied for

- breach of contract cover pursuant to § 4 Par. 1. lit. b) of the General Conditions
- cover for isolated acts of terrorism
- lifting of exchange rate limitations (only for loans)
- earnings cover under special conditions for BOT models
- consent from the Federal Government for assignment as security of the benefit of the Federal guarantee according to § 22 of the General Conditions
- consent from the Federal Government to pledge the ownership interest in the investment to be covered as security according to § 23 of the General Conditions

D. Special declarations

1. We hereby declare that all the information given in this application form and the enclosures to it are correct and complete to the best of our knowledge and belief. If any changes should occur during the period up to a decision being made on this application which could be material to the assessment of the application, we will promptly inform you accordingly.
2. We are aware that giving any incomplete or incorrect information or failure to correct the information given here may lead to the refusal to assume cover, to the withdrawal from or cancellation of cover by the Federal Government as well as release of the Federal Government from its liability to pay indemnification.
3. We hereby declare that we have read the General Conditions for the Assumption of Guarantees for Direct Investments Abroad in the version of July 2017 and have taken note of its contents, in particular as regards § 15 Par. 3 of the General Conditions.
4. I/we hereby authorize



_____ (Mr/Ms/company)
 to submit all necessary documentation for **obtaining, managing and terminating the investment guarantees** as well as to give legally binding declarations concerning any of these and to accept any declarations from the Federal Government in my/our name and on my/our behalf.

5. We hereby undertake to pay the handling fee without delay after being requested to do so and have taken note that the handling fee may not be set off against the guarantee premium.
6. We have taken note of the explanatory notes on pp. 8 to 10 of this application for the Assumption of Federal Guarantees for Direct Investments Abroad.

_____ (place)

_____ (date)



_____ (company, signature)

1. Observation of legal and regulatory requirements

The Federal Government does not assume guarantees for investments in connection with which project contracts, public commitments, authorisations, registrations or other advantages were obtained by a criminal offence, in particular bribery. If and when such circumstances come to their attention after assuming the guarantee, they have the right to withdraw from the guarantee or to terminate it and are released from their obligation to pay indemnification.

Among other acts, active and passive corruption of public officials (§§ 334, 332 German Penal Code (StGB)) constitute a criminal offence. Criminal liability also extends to corresponding acts by or towards public servants of a foreign country or an international organisation or a person who has been tasked with performing public duties for the foreign country or international organisation. Such persons are to this extent deemed to be equivalent to a German public official (§ 335a Par. 1 StGB). Pursuant to § 299 StGB, active and passive corruption in business transactions are also deemed to be a criminal offence (§ 299 Pars. 1, 2 StGB).

Enhanced due diligence obligations may apply to transactions in the country of investment, insofar as particular risks with regards to money laundering or terrorist financing have been identified for the country of investment (see in particular the European Commission's **list of high-risk third countries** and the so-called "**black and grey lists**" of the **Financial Action Task Force on Money Laundering's**) or if the country of investment is listed in Annex I or Annex II of the **EU list of non-cooperative countries and territories for tax purposes**. The aforementioned lists are revised at different intervals. We would like to draw attention to compliance with any applicable requirements.

The **European Commission's list of high-risk third countries** can be accessed at

https://finance.ec.europa.eu/financial-crime/high-risk-third-countries-and-international-context-content-anti-money-laundering-and-countermeasures_en

and the so-called "**black and grey lists**" of the **Financial Action Task Force on Money Laundering** can be accessed at

<https://www.fatf-gafi.org/en/countries/black-and-grey-lists.html>

as well as the **EU list of non-cooperative countries and territories for tax purposes** can be accessed at

<https://www.consilium.europa.eu/de/policies/eu-list-of-non-cooperative-jurisdictions/>

2. OECD Guidelines for Multinational Enterprises

Attention is drawn to the OECD Guidelines for Multinational Enterprises. The OECD Guidelines for Multinational Enterprises are recommendations addressed by the member governments to multinational enterprises for responsible business conduct. They are legally non-binding, but represent the expectations of the Federal Government concerning the behaviour of German companies (in their activities in a global context).

The National Contact Point for the OECD Guidelines (NKS) can act as a non-judicial grievance mechanism if affected parties allege possible infringements of the Guidelines. The constructive participation of a company in this procedure will be taken into account when deciding whether to assume a guarantee, in particular the Federal Government reserves the right to exclude individual companies which do not respond to such allegations from the assumption of a guarantee.

Further information on the OECD Guidelines, the OECD Guidance on due diligence for responsible corporate behaviour which complements them and the sector-specific guidance, as well as on the NKS, can be downloaded under <http://www.oecd-nks.de>

3. UN Guiding Principles on Business and Human Rights

Reference is further made to the UN Guiding Principles on Business and Human Rights, which were adopted by consensus in 2011 by the UN Human Rights Council as the globally recognized framework for the duty of governments to protect and the responsibility of companies regarding business and human rights. The central element is the duty of due diligence anchored in them for companies to respect human rights in their supply and value chains. The Federal Government has committed itself to implementing the UN Guiding Principles in Germany and passed the National Action Plan for Business and Human Rights (NAP) on 21 December 2016. The Federal Government expects that all companies will implement the duty of human rights due diligence in appropriate form in their global activities. Due regard for social sustainability and human rights is also a high priority in the promotion of foreign trade. With the NAP, the Federal Government has set itself the task of further intensifying the detailed review for investment guarantees with respect to compliance with human rights aspects in alignment with the requirements set out in greater detail in the NAP. Greater independence and visibility are being given in the audit to human rights, which were already represented as a partial aspect of the environmental and social screening procedure. Where this proves necessary, the screening process will now be augmented by a project-specific human rights due diligence.

The UN Guiding Principles can be accessed at

<https://www.auswaertiges-amt.de/blob/266624/b51c16faf1b3424d7efa060e8aaa8130/un-leitprinzipien-de-data.pdf>

and the National Action Plan at

<https://www.auswaertiges-amt.de/blob/297434/8d6ab29982767d5a31d2e85464461565/nap-wirtschaftsmenschenrechte-data.pdf>

4. German Sustainability Code (Deutscher Nachhaltigkeitskodex (DNK))

In addition, we draw attention to the German Sustainability Code (DNK) adopted in October 2011 after a comprehensive dialogue with various stakeholders by the “Council for Sustainable Development”, an advisory body set up by the Federal Government. This Code is intended to help companies in implementing the German sustainability strategy by making available to them an instrument to ensure transparency in sustainability reporting. After making a voluntary declaration of compliance companies can describe, in a structured form according to international reporting standards, to what extent they fulfil the criteria for sustainable business practice laid out in the DNK; these criteria draw among other sources on the principles of the “OECD Guidelines for Multinational Enterprises”. This encourages a better comparability of the main efforts by companies towards achieving sustainability, a factor which is important for the capital and financial markets.

The recommendations of the Council can be accessed in detail at

<https://www.nachhaltigkeitsrat.de/en/>

5. Data privacy notice

5.1 Data controller

PricewaterhouseCoopers GmbH Wirtschaftsprüfungsgesellschaft
Friedrich-Ebert-Anlage 35-37
60327 Frankfurt am Main
E-Mail: DE_Kontakt@pwc.com
Telephone: +49 69 9585-0
Fax: +49 69 9585-1000

Data protection officer

PricewaterhouseCoopers GmbH WPG
Dr. Tobias Gräber, Datenschutzbeauftragter
Friedrich-Ebert-Anlage 35-37
60327 Frankfurt am Main
E-Mail-Kontakt: DE_Datenschutz@pwc.com
Telefon: +49 69 9585-0

5.2 Data processing and origin of data

PwC processes your personal data for the purpose of fulfilling the tasks necessary for carrying out the application process for the assumption of guarantees for direct investments abroad as well as, when a guarantee has been assumed, for the purpose of managing it. For this, all the information contained in the application form is processed as well as all further information communicated during the application process to the parties involved in the process. The data processed includes details of enquirers, applicants, policyholders or further persons involved in the application process and/or their relevant contact persons. The personal data processed includes in particular the first and last name, contact details such as address, company position, email address and telephone number of those involved in the application process. In addition, in the case of natural persons the economic data provided by the applicant together with the application or other persons involved in the application process is processed. This includes in particular details of the economic circumstances, income and asset situation, bank data as well as professional circumstances of the applicant or other persons involved in the application process.

5.3 Purpose and legal basis of data processing

The legal basis for the processing of the personal data described above is Article 6 Par 1 (e) in conjunction with Article Art. 6 Par. 3 GDPR; such processing is necessary in order to perform a task which is in the public interest. The assumption of guarantees for direct investments abroad is a measure intended to promote economic activity using public funds. The funds for this are made available in the Federal budget and the assumption of a guarantee is made on the basis of the regulatory arrangements for this purpose laid out in the Guidelines for the Assumption of Guarantees for Direct Investments Abroad. PwC has been mandated to manage the scheme pursuant to § X. of the Guidelines for the Assumption of Guarantees for Direct Investments Abroad. Under this mandate, PwC is empowered to receive and to give declarations on behalf of the Federal Government in the application process.

Neither automated decisions nor profiling are involved.

In addition, PwC processes the personal data involved in order to fulfil its legal obligation to properly keep correct records and documentation as well as to retain such records for the periods stipulated by, among others, the provisions of tax, accounting or commercial and company law for corporations. This processing is done on the basis of Art. 6 Par. 1 lit. c) GDPR. PwC meets the legal requirements under, among others, professional, tax and commercial and company law with its record-keeping, documentation and archiving practice.

5.4 Categories of recipients of personal data

Within the framework of the application process and ongoing administration and support after a guarantee has been assumed, data will be transferred to third parties:

During the application process PwC communicates information, working results and documentation to those involved in the process, to the responsible ministries as well as to further stakeholders. Recipients can therefore in particular be the public authorities involved in the assumption of Federal guarantees (e.g. the Federal Ministry for Economic Affairs and Climate Action and the Federal Ministry of Finance) and the non-public actors involved by the Federal Government in the promotion of foreign trade. In addition to these, for instance parties involved within the framework of the guarantee relationship as well as, if an event of loss occurs, those involved in recourse or restructuring procedures or involved reinsurers may also be recipients of personal data.

In addition, PwC will also make personal data available to public authorities, courts of law or other similar bodies to the extent that PwC is required to disclose such personal data to public authorities, courts of law or other similar bodies by law or under a judicial or official order.

PwC makes use of further companies of the PwC network in the pursuance of its activities such as network-internal IT service providers who provide services for the operation, maintenance and updating of the IT systems and applications used by the companies of the PwC network. These are principally PwC IT Services Ltd. domiciled in the UK. In addition, PwC uses external service providers who make available general IT services or IT systems, which are used in the processing of every transaction conducted under the Federal Government mandate.

5.5 Period of storage

PwC will store and process your personal data as long as it is necessary for the fulfilment of the purposes described in this data privacy notice. To the extent that your personal data are the object of legally prescribed retention periods or form part of records which are subject to legally prescribed retention periods, PwC will store such data for the legally prescribed retention periods.

5.6 Your rights as a data subject

To the extent permitted by applicable data protection laws and regulations, you have the following rights vis-à-vis PwC:

The right to information: You can at any time request information from PwC on whether and what personal data is stored about you. This information will be provided to you by PwC free of charge. The right to information does not exist, or only exists to a limited extent, if and when information requiring secrecy would be disclosed by it, e.g. information covered by an obligation to professional confidentiality.

The right to rectification: If the personal data concerning you stored by PwC is incorrect or incomplete, you have the right at any time to request PwC to correct such data.

The right to erasure: You have the right to request PwC at any time to delete the personal data concerning you if and to the extent that such data is no longer needed for the purpose for which it was collected. The right to erasure does not exist to the extent that statutory obligations preclude deletion of the data concerned or its processing is necessary in order to assert, exercise or defend legal claims.

The right to restriction of processing: You have the right to request PwC to restrict the processing of personal data concerning you.

The right of data portability: Art. 20 GDPR grants you a right to data portability in as far as personal data has been provided on the basis of the consent of the person concerned or a contract concluded with them or it is processed by means of automated procedures. This right does not however exist to the extent that such data processing is carried out in order to perform a task which is in the public interest.

The right to object: If the processing of your personal data by PwC is carried out on the basis of Art. 6 Par. 1 lit. f) GDPR you can object at any time to the processing by PwC. You can assert all the rights described above towards PwC by addressing your specific request to the Data Protection Officer of PwC using the contact data given above.

5.7 The right to file a complaint with the relevant data protection authority

Pursuant to Art. 77 GDPR you have the right to file a complaint with the data protection authority if you are of the opinion that the processing of your personal data infringes the data protection regulations.