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| **ADVANCE PAYMENT****GUARANTEE** |
| **Model –** |

Warsaw, date …………………………...

……………………………………………………………..

**(name and address of the Guarantee Beneficiary)**

# ADVANCE PAYMENT GUARANTEE

We have been informed that on …………………….. [*date of conclusion of the contract concerned*] your firm concluded with the firm …………………….. [*name and address of the Ordering Party*] (“the Contractor”) the contract No ……………….. [*number of the contract concerned]* for …………………….. [*subject-matter of the contract concerned*] (“the Contract’).

In accordance with the Contract’s terms and conditions your firm is required to make in favour of the Contractor an advance payment amounting to ………………………… [*the sum and currency of the advance payment*] (“the Advance Payment”).

The reimbursement of the Advance Payment, should the Contractor fail to fulfill the Contract, is to be secured by a bank guarantee (“the Guarantee”).

This being stated, we, …A., seated in ……. (hereinafter referred to as „the Guarantor”) entered into the Register of Entrepreneurs of the National Court Register under the number …… maintained by the…….., with Taxpayer Identification Number (NIP) – ….. and share capital, fully paid up, in the amount of …… acting by order of the Contractor, irrevocably and unconditionally undertake to pay to your firm - ……………. [*name and address of the Guarantee Beneficiary*] any amount or amounts up to a global maximum amount of:

……………………………. [*amount and currency of the Guarantee*] (in words: …………….……)[*amount and currency of the Guarantee in words*], immediately upon your first written demand for payment, referring to the Guarantee, containing a statement that the Contractor has failed to reimburse the Advance Payment as required owing to non-performance of the Contract and specifying the amount of your therefrom deriving claim on the Contractor. Your demand for payment containing the a/m statement has to be presented to us with a confirmation of your bank stating that the signatures on this document are legally binding upon your firm (“Bank Confirmation”) and to be submitted to the Guarantor within the validity period of the Guarantee, in its original copy to the address: ,…………..

The Payment Demand can be submitted olso by authenticated SWIFT message (SWIFT address: ) via the Beneficiary’s bank.

The present Guarantee shall be valid from the day the funds being the Advance Payment amounting to ………………... [*amount and currency of the advance payment*] are received in the Contactor’s account No ………….…….., kept in Bank by transfer which should quote our references – ………. . The present Guarantee shall expire automatically and in full on ……………………….. , should your written demand for payment containing the a/m statement with the Bank Confirmation not be in our possession by that time, irrespective of whether the present instrument is returned to us or not.

The return to our bank of the original Guarantee at the address: …………….. before its expiry shall result in the expiration of the obligations hereunder.

With each our payment relating to this Guarantee, our obligation will be reduced pro rata.

The rights resulting from this Guarantee are not transferable.

This Guarantee is subject to the Uniform Rules for Demand Guarantees (URDG 758) of International Chamber of Commerce (ICC).