

EXPORTER DECLARATION

ALTERNATIVE METHODS FOR ISSUING THE FORM

Under EKN's Buyer Credit Guarantee

Terms defined in EKN's General Terms and Conditions for Buyer Credit Guarantees dated 20 June 2023 shall have the same meaning when used herein.

For those Exporters (including local suppliers) who for various reasons cannot or do not wish to open an EKN Online account, EKN offers two alternative methods for executing and submitting the Exporter Declaration. In addition, the two alternatives are also applicable in case of an Export Contract with more than one Exporter (as the related Exporter Declaration can only be executed by one Exporter in EKN Online).

Alternative 1 – Power of attorney procedure

Enables a company with an existing EKN Online account to execute and submit an Exporter Declaration on behalf of the Exporter(s) (typically an Affiliate) to EKN in EKN Online. Please refer to **appendix 1** for procedure and related documents.

Alternative 2 – Assisted Exporter Declaration (signing in wet ink)

Enables the applicant (the bank) or a company (typically an Affiliate of the Exporter) with an existing EKN Online account to prepare an Exporter Declaration on behalf of the Exporter(s) in EKN Online for manual (physical) signature in wet ink by the Exporter(s). Please refer to **appendix 2** for procedure and related documents.

ALTERNATIVE 1

POWER OF ATTORNEY PROCEDURE

Under EKN's Buyer Credit Guarantee

Terms defined in the general terms and conditions for buyer credit guarantees dated 20 June 2023 shall have the same meaning when used herein.

This alternative enables a company with an existing EKN Online account to execute and submit an Exporter Declaration on behalf of another company (typically an Affiliate) to EKN in EKN Online. This alternative is also applicable in case of an Export Contract with more than one Exporter (as the related Exporter Declaration can only be executed by one Exporter in EKN Online).

- The Exporter executes a “Power of Attorney – Exporter Authorisation” (the “**PoA**”) in favor of an Affiliate that already has an EKN Online account (the “**Online Affiliate**”), authorising it to represent the Exporter in executing the Exporter Declaration. The template PoA is provided in the attached **appendix 1a**. The Exporter enters all the required information into the PoA and has it executed in wet ink by duly authorised representative(s).
- Should the Exporter not be a Swedish legal person, it will be required to submit a legal opinion/certificate (as further described below), evidencing the authority of the signatory/ies of the PoA.
- The original of the PoA shall be sent to EKN, together with the original of a legal opinion/certificate (if required). Please also send an email with a copy of the document(s) to the EKN Agent.
- Based on the executed PoA, the Online Affiliate enters all the required information into the Exporter Declaration and has it executed and submitted to EKN in EKN Online.

There are two alternatives regarding legal opinion/certificate in relation to non-Swedish legal persons:

Legal opinion

Legal opinion addressed to EKN and executed by a reputable external legal counsel on the relevant Exporter's behalf (at the cost of the Exporter, see attached **appendix 1b** (EKN draft Legal opinion – “Power of Attorney – Exporter Authorisation”). However, if the Exporter is a well-known and well-established company, an internal legal opinion may be accepted. Internal legal opinion should primarily be issued by the Exporter's general counsel or equivalent (e.g. company secretary). If an internal legal opinion is considered, please contact EKN.

Certificate

In cases where an internal legal opinion is accepted and the Exporter is domiciled in EU, EES, the US or UK, a certificate may replace an internal legal opinion. The draft certificate shall be executed by a senior legal counsel of the Exporter, supplemented with a relevant signature list/similar document (in English or authorised translation thereof into English), see attached **appendix 1c** (EKN draft Certificate - “Power of Attorney – Exporter Authorisation” EU/EES/US/UK). If a certificate is considered, please contact EKN.

Further to the alternatives above, please note that EKN reserves the right to require an Exporter to provide EKN with a legal opinion executed by a reputable external legal counsel.

Please observe that the text in appendix 1b and 1c may be copied into a word document, and amended as deemed required (provided that the opinions/confirmations remain). Appendix 1a may not be amended.

Power of Attorney – Exporter Authorisation

EKN's Buyer Credit Guarantee

To: The Swedish Export Credit Agency (“**EKN**”)

EKN reference number of the Application for Guarantee: (the “**Application**”)

Unless otherwise defined or set out herein, terms defined in EKN's general terms and conditions for buyer credit guarantees dated 20 June 2023 (the “**General Conditions**”) shall have the same meaning when used in this Power of Attorney.

[*Name of Exporter*], registration number ,
 incorporated in [*country of incorporation*], with its registered office at
 [*address, city, country*]

(the “**Exporter**”) hereby appoints the Affiliate named below as the Exporter's attorney-in-fact to act on its behalf in respect of all matters arising in connection with the Exporter Declaration to be submitted to EKN, related to the Application, and to, without limitation:

- submit, sign and execute the Exporter Declaration, which inter alia includes, (i) declarations in relation to fraud and corruption etc. and (ii) certain confirmations, such as responsibility for disclosure of information and the accuracy and completeness of factual information in the Exporter Declaration;
- approve and sign any other document related to the Exporter Declaration;
- notify EKN of changes to the information, relevant for the purposes of the subsequent Guarantee, provided in the Exporter Declaration;
- to represent the Exporter in connection with any indemnification requested by EKN to be paid by the Exporter to EKN as a result of the Exporter's breach of the terms of, or failure to comply with its obligations under, the Exporter Declaration, as further set out in Clause 11.1 of the General Conditions; and
- to represent the Exporter in all other relevant respects vis-à-vis EKN relating to the Exporter Declaration.

In connection with the above appointment of the Affiliate as its attorney-in-fact, the Exporter:

- confirms that, other than as will be described in the Exporter Declaration, the business carried out by it and its Involved Affiliates is in compliance with applicable anti-corruption, anti-bribery, anti-money laundering and anti-terrorist financing laws and applicable Sanctions Laws in relation to the transactions to which the Exporter Declaration relates;
- declares that it acknowledges the importance of its development, application and documentation of the appropriate management control systems that combat bribery;
- declares that neither it, nor any of its Involved Affiliates or any of its Related Parties have been engaged or will engage in bribery in relation to the transactions to which the Exporter Declaration relates;
- declares that any commissions or fees paid, or agreed to be paid, by it or any of its Involved Affiliates to any Related Party in relation to the transactions to which the Exporter Declaration relates, is, or will be, for legitimate services only; and
- confirms that it has read and is familiar with the General Conditions, and specifically undertakes to comply with its obligations under the Exporter Declaration, including the obligations specified in Clause 10 thereof (Undertakings by the Exporter).

The Affiliate's details

Name:

Registration number:

D-U-N-S number:

Address:

ZIP/Postal code:

City/Town:

Country:

Visiting address, if different
from postal address:

Contact persons
(preferably two names):

Phone number:

E-mail:

This Power of Attorney replaces any Powers of Attorney previously issued to the Affiliate in respect of the Exporter Declaration.

This Power of Attorney shall be valid and remain in full force and effect until all obligations and liabilities of the Exporter under the Exporter Declaration have been fully and irrevocably discharged and all EKN's rights relating to the Exporter Declaration have expired.

This Power of Attorney is governed by and is to be construed and applied in accordance with the laws of

Place and Date

Complete name of Exporter

Signature of authorised representative

Signature of authorised representative

Name (in block capitals)

Name (in block capitals)

To:
The Swedish Export Credit Agency (EKN)
 Kungsgatan 36, P.O. Box 3064
 SE-103 61 Stockholm

LEGAL OPINION

In my capacity as _____, I have been asked to provide this legal opinion to the Swedish Export Credit Agency (“**EKN**”).

I am aware that _____ (the “**Exporter**”), has completed and executed a “Power of Attorney – Exporter Authorisation” in favour of _____ dated _____ (the “**Document**”) related to EKN’s Buyer Credit Guarantee provided, or to be provided, by EKN, and I am aware of the contents of such Document.

I hereby give the following opinions:

- (a) The Exporter is duly incorporated and validly existing under the laws of _____ and has full power and authority to execute, deliver and perform its obligations under the Document;
- b) The Document has been duly authorised, executed and delivered by the Exporter;
- c) Under the laws of _____ the actions performed by the attorney-in-fact appointed by the Document will constitute legal, valid and binding obligations of the Exporter; and
- d) _____ authority to act on behalf of the Exporter to agree to the relevant obligations contained in the Document on behalf of the Exporter.

Date:

 Signature

Name (in block capitals)

Title

To:
The Swedish Export Credit Agency (EKN)
 Kungsgatan 36, P.O. Box 3064
 SE-103 61 Stockholm

CERTIFICATE

I am _____ at _____ [the “**Exporter**”] and in this capacity I am familiar with the Exporter’s internal procedures.

I am aware that the Exporter has completed and executed a “Power of Attorney – Exporter Authorisation” in favour of _____ dated _____ (the “**Document**”) related to EKN’s Buyer Credit Guarantee provided, or to be provided, by the Swedish Export Credit Agency (“**EKN**”), and I am aware of the contents of such Document.

At the request of EKN and in order to verify to EKN that the Document has been duly entered into by the Exporter, I am pleased to make the following confirmations:

- (a) The Exporter is duly organised and validly existing under the laws of _____, and has full power and authority to execute, deliver and perform its obligations under the Document.
- (b) The Document has been duly authorised, executed and delivered by the Exporter.
- (c) Under the laws of _____ the actions performed by the attorney-in-fact appointed by the Document will constitute legal, valid and binding obligations of the Exporter.
- (d) The list of authorised signatories for the Exporter [other document evidencing authority] attached hereto is valid and up-to-date on the date hereof.

Date:

 Signature

Name (in block capitals)

Title

ALTERNATIVE 2

ASSISTED EXPORTER DECLARATION (SIGNING IN WET INK)

Under EKN's Buyer Credit Guarantee

Terms defined in the general terms and conditions for buyer credit guarantees dated 20 June 2023 shall have the same meaning when used herein.

This alternative enables a party with an existing EKN Online account to prepare an Exporter Declaration on behalf of the Exporter(s) in EKN Online for manual (physical) signature in wet ink by the Exporter(s). In addition, this alternative is also applicable in case of an Export Contract with more than one Exporter (as the related Exporter Declaration can only be executed by one Exporter in EKN Online).

- The assisted Exporter Declaration (signing in wet ink) is available in EKN Online for any party having an EKN Online account.
- The party preparing the Exporter Declaration (who needs to have an EKN Online account) may be (i) the applicant (the bank), (ii) an Affiliate of the Exporter or (iii) one of the Exporters in the underlying Export Contract.
- Further instructions are set out in the assisted Exporter Declaration in EKN Online.
- The original of the Exporter Declaration shall be sent to EKN, together with the original of a legal opinion/certificate (if required). Please also send an email with a copy of the document(s) to the EKN Agent.

There are two alternatives regarding legal opinion/certificate in relation to non-Swedish legal persons:

Legal opinion

Legal opinion addressed to EKN and executed by a reputable external legal counsel on the relevant Exporter's behalf (at the cost of the Exporter), see attached **appendix 2a** (EKN draft Legal opinion – Form “Exporter Declaration”). However, if the Exporter is a well-known and well-established company, an internal legal opinion may be accepted. Internal legal opinion should primarily be issued by the Exporter's general counsel or equivalent (e.g. company secretary). If an internal legal opinion is considered, please contact EKN.

Certificate

In cases where an internal legal opinion is accepted and the Exporter is domiciled in EU, EES, the US or UK, a certificate may replace an internal legal opinion. The draft certificate shall be executed by a senior legal counsel of the Exporter, supplemented with a relevant signature list/similar document (in English or authorised translation thereof into English), see attached **appendix 2b** (EKN draft Certificate – Form “Exporter Declaration” EU/EES/US/UK). If a certificate is considered, please contact EKN.

Further to the alternatives above, please note that EKN reserves the right to require a party to provide EKN with a legal opinion executed by a reputable external legal counsel.

Please observe that the text in appendix 2a and 2b may be copied into a word document, and amended as deemed required (provided that the opinions/confirmations remain).

To:
The Swedish Export Credit Agency (EKN)
Kungsgatan 36, P.O. Box 3064
SE-103 61 Stockholm

LEGAL OPINION

In my capacity as _____, I have been asked to provide this legal opinion to the Swedish Export Credit Agency (“**EKN**”).

I am aware that _____ (the “**Exporter**”), has completed and executed the form “Exporter Declaration”, dated _____ (the “**Exporter Declaration**”) related to EKN’s Buyer Credit Guarantee to be provided by EKN, and I am aware of the contents of such Exporter Declaration.

I hereby give the following opinions:

- (a) The Exporter is duly incorporated and validly existing under the laws of _____ and has full power and authority to execute, deliver and perform its obligations under the Exporter Declaration;
- b) The Exporter Declaration has been duly authorised, executed and delivered by the Exporter; and
- c) _____ [has/have] authority to act on behalf of the Exporter to agree to the relevant obligations contained in the Exporter Declaration on behalf of the Exporter.

Date:

Signature

Name (in block capitals)

Title

To:
The Swedish Export Credit Agency (EKN)
Kungsgatan 36, P.O. Box 3064
SE-103 61 Stockholm

CERTIFICATE

I am _____ at _____ [the “**Exporter**”] and in this capacity I am familiar with the Exporter’s internal procedures.

I am aware that the Exporter has completed and executed the form “Exporter Declaration”, dated _____ (the “**Exporter Declaration**”) related to EKN’s Buyer Credit Guarantee provided, or to be provided, by the Swedish Export Credit Agency (“**EKN**”), and I am aware of the contents of such Exporter Declaration.

At the request of EKN and in order to verify to EKN that the Exporter Declaration has been duly entered into by the Exporter, I am pleased to make the following confirmations:

- (a) The Exporter is duly organised and validly existing under the laws of _____, and has full power and authority to execute, deliver and perform its obligations under the Exporter Declaration.
- (b) The Exporter Declaration has been duly authorised, executed and delivered by the Exporter.
- (c) The list of authorised signatories for the Exporter [other document evidencing authority] attached hereto is valid and up-to-date on the date hereof.

Date:

Signature

Name (in block capitals)

Title