

## ANNEX 1 – DIRECTLY ENFORCEABLE GUARANTEE AGREEMENT

The following guarantee agreement is concluded between

Bank

Street and house number/PO box

Town & postcode

– hereinafter Guarantor –

and

Kombiverkehr Deutsche Gesellschaft für  
kombinierten Güterverkehr mbH & Co. KG  
Zum Laurenburger Hof 76  
60594 Frankfurt/Main

– hereinafter Creditor –

### 1 Object of the Guarantee Agreement

The Guarantor assumes a directly enforceable guarantee as security for the claims which accrue to the Creditor under the ongoing business relationship from the performance of services relating to the organisation and processing of combined rail-road freight transport and the resulting invoices against the

principal debtor \_\_\_\_\_

(hereinafter Principal Liability).

This guarantee is payable on the first written demand at the Creditor's simultaneous declaration that the claim the Creditor has exercised is due for payment and that the Principal Debtor has not followed on its contractual obligations from the above legal relationship to the amount of the claim the Creditor has exercised.

## 2 Maximum Amount of the Guarantee

The guarantee is limited to the maximum amount of EUR   
(in Words:  Euros).

## 3 Waiver of Pleas

The Guarantor waives the plea of failure to pursue remedies pursuant to section 771 and 773 of the German Civil Code (BGB) and the plea of contest and set-off pursuant to section 770 BGB. In the case of section 770 BGB this will not apply if the claim of the principal debtor is undisputed, ready for decision or legally enforceable.

## 4 Continued Existence of the Guarantee

The guarantee is of unlimited duration.

## 5 Severability

For the case that individual contractual clauses should be ineffective, this shall be without prejudice to the legal effectiveness of the remaining parts of the agreement. The ineffective contractual clause shall be considered replaced by that effective provision which comes closest to the economic purpose of the ineffective clause.

## 6 Choice of Law an Venue

This guarantee is governed solely by the laws of the Federal Republic of Germany. The venue is Frankfurt am Main.

### Guarantor

Place

Date

Signature 1

Name in capital letters

Position

### Creditor

Place

Date

Signature 1

Name in capital letters

Position

Bank-/Company stamp

Company stamp

Reset form