



BUSINESS CONDITIONS for members of AKV EUROPA

Valid from 01.02.2010

AKV EUROPA is an independent Austrian association for the protection of creditors, representing the interests of small and medium sized creditors of the sector freelance, trade and industry. Since 85 years we have been active for the benefit of businesses relating defaulted claims in Austria and abroad.

As a member of the AKV EUROPA, you can dispose of a lot of advantages and benefits:

- Full range of debt management services: Business information reports, debt collection out of court or by legal proceedings, representation and consulting in insolvency cases
- Low-priced business information reports
- Online business information reports 24/7
- 40 free short information by telephone from the AKV data base
- Free supervision of 10 companies p.a. in the context of supervision service
- The possibility of receiving the brochure „AKV-Informationen“ including the „Confidential List“
- Free insertion of 3 offers for sale in the „AKV-Informationen“
- Average success rate in debt collection more than 75%
- No cost for negative extrajudicial collection in Austria and Germany
- Offices all over Austria - best knowledge of the local given facts
- Reduced cost of the lawyer up to 80% in case of irrecoverability of the claim
- Offices all over Austria - best knowledge of the local given facts
- Worldwide relevant contacts
- Reduced agency costs on the insolvency sector by 20%



MEMBERSHIP AND MEMBERSHIP-FEE

Upon signing the declaration of accession and acceptance by AKV EUROPA, you will become an extraordinary member.

Payment of the membership-fee authorizes the members of the AKV EUROPA to take advantage of all services rendered by AKV EUROPA.

A member joining AKV EUROPA in the second half of the year, has to pay only half the annuity. The membership is not temporally limited and can be cancelled by registered mail by 30.09. at the latest for the coming year.

COLLECTION OF DEBTS

GENERAL BASICS CONCERNING THE RECOVERING OF CLAIMS

- 1 If possible, all claims submitted to the AKV EUROPA are collected extrajudicially, in consideration of the legal and economic circumstances.
The AKV EUROPA charges all cost, expense and interest to the debtor.
If the debtor pays these amounts in time, there are no extra cost for the member.
- 2 AKV EUROPA handles the claims according to the directives of the professional association of the property and wealth trustees. The activities of AKV EUROPA according to its statutes are not aimed to achieve a profit, therefore only the real cost are charged.
- 3 The members of AKV EUROPA remunerate the adequate services of AKV EUROPA according to the tariffs of the AKV EUROPA, which are corresponding with the Act BG1996/141 § 3. These cost are charged to the debtor in the name of the AKV-member entitled as compensation according to § 1333 iVm 1295 ABGB.
- 4 As far as the claim, cost and interest cannot be recovered although an order of execution is existing, resp. the irrecoverability is evident, AKV EUROPA only charges minimum cost.
- 5 The AKV EUROPA is authorized to cover interest and charges from incoming payments. The AKV EUROPA is also authorized to compensate incoming payments with receivables owed by the member.
- 6 The member waives the interest, which the debtor is obliged to pay, to the AKV EUROPA. In case of higher amounts of interest the AKV-member receives a part of them according to the current AKV-tariffs.
- 7 The AKV EUROPA is authorized to make payment agreements to hedge the claim of the AKV-member, if required also without contacting the member.
- 8 The member informs AKV EUROPA immediately about incoming payments by the debtor.
- 9 The AKV-member is obliged not to initiate activities which could avoid or complicate the collection of cost and default interest, with which the debtor is charged. Concerning default interest and cost the AKV-member shall not negotiate directly with the debtor or grant reductions and arrangements without agreement of the AKV EUROPA. The debtor should be referred to the AKV EUROPA. In case of contravention the AKV-member is engaged to recompense the cost which have been charged to the debtor.
- 10 AKV EUROPA determines how to handle the files and is entitled to cease the debt enforcement, in case further prosecution is not reasonable.

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- 11 Claims handed over to the AKV EUROPA have to be due, without legal action, correct in reason and height, undisputed by the debtor and have to be without counterclaim. AKV EUROPA handles also litigious claims and tries to get an extrajudicial clarification and recovery.
- 12 Research: For necessary investigations in case of incomplete and changed names or addresses as well as realization of the property of the debtor, the member is charged with the cash expenditure. If the cost surmount the maximum fees of the current tariffs, AKV EUROPA will obtain approval by the member. Every investigation is made in best knowledge and belief, however AKV EUROPA cannot overtake liability for the results of these investigations.
- 13 AKV EUROPA handles every received claim with great accuracy. The observation of limitation has to be done by the member. AKV EUROPA cannot be held responsible for status of limitation.
- 14 In case of bankruptcy of the debtor, the AKV EUROPA is authorized to lodge the claim at the court in charge.

COLLECTION OF AUSTRIAN AND GERMAN DEBTS

Successful recovering

No further cost are charged, in case all expenses and interest are paid.

Recoverable claims

If the debtor pays just the claim and there is no possibility to recover cost and interest abroad resp. to recover them in an economically reasonable way, AKV EUROPA charges the member with cost of intervention according to the current AKV-tariffs.

Cancellation of the order by the member

If the member cancels the order within 5 workdays or if the handing-over of the claim to the AKV EUROPA and payment of the debtor coincide and the AKV EUROPA has been informed about this fact, the member will not be charged with any cost.

In case that the AKV-member disables the AKV EUROPA to continue the handling or withdrawal of the claim, or orders a third party, or agrees payment arrangements without accordance of the AKV EUROPA, or non-response of AKV-enquiries, the AKV-member is liable to pay collection cost charged to the debtor. If legal action has been introduced the member is also charged with the cost for the court and the lawyer.

Collection out of court

Irrecoverable debts

In case that the AKV EUROPA recommends to book out a claim which seems to be irrecoverable due to the financial situation of the debtor, inefficiency of the collection resp. other reasons as (liquidation, death etc.), there are no charges for the member.

Cash expenditures for investigations have to be paid by the AKV-member.

In case of irrecoverability of litigious claims resp. claims demanding clarification, the AKV-member is charged according the current AKV-tariffs.

Legal proceedings

When a claim cannot be recovered extrajudicially, legal actions will be taken after order of the members of AKV EUROPA. The legal actions are executed by our domiciled lawyers. AKV EUROPA takes no liability for a risk of litigation, as well as for the recoverability of claims.

The member has to deposit an advance payment for cash expenditure, lawsuit and execution will be refunded if claim and cost can be recovered.

Only in case of irrecoverability of a legal action the member is charged with the double minimum cost and the emerged cash expenditure for court and lawyers. Our domiciled lawyers charge prices 80% lower than the usual lawyer-tariffs.

COLLECTION OF DEBTS INTERNATIONAL

AKV EUROPA collects debts of its members in all countries under consideration of the international rules and circumstances as well as the legal rules of the country in question; and is also a collection agency authorized by "Österreichische Kontrollbank" and the Austrian Credit Insurance Companies.

Basically the recovery abroad and in Austria/Germany follows the same terms with following differences.

Overlapping / Irrecoverable claims abroad

If the handing over of a claim to AKV EUROPA overlaps with payment of the debtor to the member, AKV EUROPA charges the member with minimum cost according to current tariffs.

If it turns out in an extrajudicial state, that legal action of a claim abroad is not recommendable, AKV EUROPA charges minimum cost according to current tariffs and additional eventual cash expenditure.

In case of irrecoverability of legal action, or order of cessation of lawsuit and execution by the member, AKV EUROPA charges the member with minimum cost according to current tariffs.

Additional to the cost of AKV EUROPA extra expenses may arise due to an eventual engagement of a foreign partner organisation and lawyers, which are only engaged after order our member.

SUPERVISION OF IRRECOVERABLE CLAIMS

AKV EUROPA overtakes the observation of irrecoverable claims in Austria for a flat charge according to the current AKV-tariffs in Austria, if an order of execution already exists. Further treatment and unsuccessful executions are not charged. The premise of supervision is the existence of an order for execution and its unsuccessful result and a minimum claim of EUR 1.000,-. AKV EUROPA reserves its rights to accept the case and the kind of the necessary measures.

REPRESENTATION IN INSOLVENCIES

Legal notice for foreign creditors:

According to § 98 Abs. 1 ZPO the tribunal can assign parties and representatives not having an address in Austria to name an authorized recipient which has to be specified within two weeks at least from the date of delivery of the order of the legal action.

Services – Austrian insolvency proceedings

- Preparatory work determined to evaluate the insolvency
- Notification of the claim at insolvency court
- By express permission: Assertion of claims for segregation of property and for preferential treatment (reservation of title etc.)
- Creditor meetings
- Conferences with the administrator and judges of insolvencies, debtors in voluntary agreements and their representatives
- Attending all meetings until the end of the procedure
- Constant information for all the creditors represented by AKV EUROPA

- Activity of AKV EUROPA in boards of creditors, advisory boards and in boards of trustees
- Transmission of the final report
- Supervision and remittance of the received quotas

For these services members receive a reduction of 20% according to AKV-tariffs. This reduction is guilty for the representation in every insolvency proceeding.

These fees include all activities of AKV EUROPA in the particular insolvency until its closure as well as the recovery of the quota and remittance to the creditor; also extrajudicial clarification of debatable claims are included. Cash expenditures for court charges and fees for eventual copies are charged additionally.

Concerning debt settlement proceedings we recommend to lodge claims over EUR 1.000,- due to economical reasons.

Representation in insolvencies abroad

Filing these claims is reasonable from an amount of EUR 1.000,-. The fees according to the AKV-tariffs for insolvencies with a surcharge of 50% and additional cost for eventual intervention of foreign lawyers.

Reinstated claims

If a claim has already been filed in an insolvency by AKV EUROPA and the claim is reinstated, we charge an all-inclusive price according to current tariffs for the new declaration of this claim. This price also includes additional claims which meanwhile have been added until a total sum of EUR 3.000,-. Claims exceeding this sum as well as claims of new creditors have to be charged according to the current AKV-tariffs.

Sued claims

If a claim is sued by AKV-encashment department and the debtor becomes bankrupt in Austria, the declaration of this claim is made - independent from the amount of the claim - for a fixed price according the current AKV-tariffs.

INFORMATION ABOUT FIRMS

Weekly „AKV-Informationen“

In the brochure „AKV-Informationen“ all new insolvencies in Austria are published:

Voluntary agreements, bankruptcies and private bankruptcies with exact data and dates; hearings and waiver of procedures.

Furthermore, the „Confidential List“ shows all debtors who are in financial difficulties so that AKV-members can react in time. Please note that all correspondence and information provided by the AKV EUROPA will be written in German.

In addition every member of the AKV EUROPA has the right to offer his goods and services in the „AKV-Informationen“ three times each year for free. „AKV-Informationen“ are provided only in German.

In case you order the „AKV-Informationen“ during the year, only the proportionate part in full quarters of a year is calculated. The subscription is not restricted for a certain time and notice can be given at the end of a year for the coming year.

Short information by telephone

Each member of AKV EUROPA can access 40 short information by telephone for free, coming from the data base of AKV EUROPA.

Further short information are charged quarterly according to current tariffs. The short information are only in German.

Written Business information **Information about firms in Austria**

Within the scope of a business information AKV EUROPA delivers a current rating of the creditability of the firm in question. This rating is based on facts that are known to our agency due to our investigations.

According to requirements it is possible to choose between standard individual information, express individual information or 24-hours-information. Eventual additional cash expenditures are charged separately.

Information about firms abroad

AKV-business information for foreign companies are split in different regions. The time for researching depends on our contacts in the particular country. Prices and delivery-times can change because of this circumstance.

Online Business Information

AKV-Members with an online-subscription can request information on our homepage about firms in Austria or abroad 24/7. Online-Information are provided by Dun & Bradstreet Information Services GmbH.

Tendering report

For tendering resp. personal need the AKV EUROPA delivers business information reports with rating at a fixed price according to the current tariffs. The necessary balance and documentation has to be furnished by the AKV-member.

Cadastral register and commercial register – individual survey of Austrian companies

They are charged, independent of length, according to the current AKV-tariffs.

Supervision service of Austrian companies

Being an independent association for the protection of creditors, AKV EUROPA is busy all over Europe for its members, with focus in Austria.

The member of AKV EUROPA delivers the order by mail or by post and can use this service exempt of charge for 10 Austrian companies each year. Each additional order has to be charged.

If one of the following criterias appears, the member will be informed immediately:

- Relevant changes in company register have been made
- Debt collection out of court through the AKV-encashment department
- Debt collection of court through the AKV-encashment department
- During debt collection executive proceedings have been known
- A proposal for compulsory settlement has been made
- A petition for bankruptcy has been filed
- Compulsory settlement has been adjudged
- Bankruptcy proceedings have been adjudged
- Bankruptcy proceedings have not been adjudged due to the lack of assets
- Bankruptcy proceedings have not been adjudged as the company is not insolvent
- Further information, e.g. an upcoming bankruptcy, but also important, negative changes which our encashment, insolvency or information departments notice

General basics on business information

AKV EUROPA has the right to refuse an information inquiry in special cases or only give oral information.

All information delivered by the AKV EUROPA will be basically written in German.

Cash expenses for telefax and telephone are charged separately.

The AKV EUROPA is released from its responsibility regarding the accuracy and completeness of these information and from consequences of decisions made by a member.

Forwarding of any business information to other parties is strictly forbidden. Otherwise the member is being hold liable.

If it is necessary to translate information received by the AKV EUROPA, additional cost for translation will be added.

Every information is treated with great carefulness and checked about its correctness. However, AKV EUROPA cannot be held responsible for the consequences of a decision which is made following such information.

The reports are for use of the inquiring member only; its contents may not be handed over to other persons; it is not allowed to refer to such an information, even in legal proceedings. If done so the inquiring member has to bear the cost which may have arisen for the AKV EUROPA.

GENERAL

Instruction relating the protection of personal data

The AKV-member declares by the appointment of AKV EUROPA explicit to have overriding legitimate interests in processing and transmission of the relative personal data as defined by the Federal Act concerning the Protection of Personal Data. The AKV-member agrees to the processing and transmission of these personal data. The transmission of personal data is a part of the legitimate intentions of AKV EUROPA.

Concerning the personal data transmitted by the AKV EUROPA, AKV-members are bound to secrecy as defined by the Federal Act concerning the Protection of Personal Data and to particular carefulness in using them and guarantees further the use of the transmitted personal data by their employees and vicarious agents under strict observance of the legal requirements.

IMPORTANT INSTRUCTION FOR CREDITORS ABROAD:

According to § 98 Abs. 1 ZPO the tribunal can assign parties and representatives not having an address in Austria to name an authorized recipient which has to be specified within two weeks at least from the date of delivery of the order of the legal action.

Jurisdiction and applicable law

Place of jurisdiction will be exclusively Vienna, in accordance with the law of Austria.

Every alteration requires written consent from AKV EUROPA.



TARIFFS for members of AKV EUROPA

Valid from 1.2.2010 / all rates in Euro without value added tax (VAT)

MEMBERSHIP AND MEMBERSHIP-FEE

Membership-fee/year	EUR	138,00
Submembers (subsidiaries, branches) p.a.	EUR	38,50
Weekly AKV-Informationen		
For 1 year per E-Mail	EUR	145,00

COLLECTION OF DEBTS

No charging of cost

Cost, capital and interest are payed by the debtor

Splitting of interest

Splitting of interest 50/50 at a surplus amount of EUR 135,--

Austria and Germany

No cost when a noncontentious claim is irrecoverable and collected only extrajudicially

Cancellation of collection within 5 workdays - no cost

Claim	Cost of intervention claim is recoverable	Minimum cost judicial*)
to EUR 350,--	EUR 18,--	EUR 16,--
to EUR 1.000,--	3% of the claim (min. EUR 22,--)	EUR 20,--
to EUR 5.000,--	2% of the claim (min. EUR 42,--)	EUR 40,--
to EUR 10.000,--	1,5% of the claim (min. EUR 100,--)	EUR 50,--
from EUR 10.001,--	0,5% of the claim (min. EUR 150,--)	EUR 90,--

International

Claim	Cost of intervention claim is recoverable	Minimum cost	
		extrajudicial*)	judicial*)
to EUR 500,--	EUR 50,--	EUR 20,--	EUR 100,--
to EUR 1.000,--	EUR 50,--	EUR 40,--	EUR 100,--
to EUR 10.000,--	3% (min. EUR 50,--)	EUR 50,--	EUR 100,--
to EUR 20.000,--	2% (min. EUR 300,--)	EUR 60,--	EUR 120,--
from EUR 20.001,--	1,5% (min. EUR 400,--)	EUR 70,--	EUR 130,--

Cost of investigation: Incoming cash expenditure up to max. EUR 30,--

*) Additional court and lawyer fees

Observation of irrecoverable claims: Supervision service for observation

Minimum claims of EUR 1.000,--

Annual fee of EUR 20,-- per case and per year

Success fee of 30% of the recovered amount

REPRESENTATION IN INSOLVENCIES

Services in Austrian insolvency proceedings

The cost in the above mentioned proceedings are based on the filed claims.

For non-members the cost increase by 25%.

Claim EUR	Reduced cost for members	Claim EUR	Reduced cost for members	Claim EUR	Reduced cost for members
to 399,--	14,40	from 7.000,--	116,--	from 25.000,--	212,--
from 400,--	19,20	from 8.000,--	124,--	from 30.000,--	228,--
from 600,--	27,20	from 9.000,--	132,--	from 35.000,--	248,--
from 800,--	35,20	from 10.000,--	140,--	from 40.000,--	256,--
from 1.000,--	39,20	from 11.000,--	148,--	from 45.000,--	264,--
from 1.500,--	48,00	from 12.000,--	156,--	from 50.000,--	272,--
from 2.000,--	60,00	from 13.000,--	164,--	from 60.000,--	280,--
from 3.000,--	72,00	from 14.000,--	168,--	from 70.000,--	288,--
from 4.000,--	88,00	from 15.000,--	172,--	from 80.000,--	304,--
from 5.000,--	100,00	from 17.500,--	180,--	from 90.000,--	320,--
from 6.000,--	108,00	from 20.000,--	192,--	from 100.000,--	on request

Additional court fees for filing the claim at court currently EUR 20,--

Representation in insolvencies abroad

The cost are based on our tariffs for members with a surcharge of 50%.

Reinstated claims

Flat charge of EUR 15,-- and additional court fees of presently EUR 20,--. This fixed salary covers also new claims up to EUR 3.000,--.

Claims in addition and claims of new creditors are settled according to the current AKV-tariffs.

Filing of claims already legally proceeded by AKV EUROPA

Independent from the claim. A flat charge of EUR 15,-- and additional court fees of EUR 20,--

INFORMATION ABOUT FIRMS

Short information by phone

Each member can access 40 short information by telephone exempt from charges coming from the data base of AKV EUROPA

Further information: Each request EUR 4,50

Written business information

Information in the country

Kind of information	Term	Cost
Standard individ. inform.	5 workdays	EUR 63,--
Express individ. inform.	3 workdays	EUR 126,--
24-hours-information	24 hours	EUR 189,--

Information abroad

Regions	Countries	Cost
Region 1	Andorra, Belgium, Germany, France, Great Britain, Ireland, Italy, Liechtenstein, Luxemburg, Monaco, Netherlands, Portugal, San Marino, Switzerland, Spain	EUR 79,--
Region 2	Poland, Slovakia, Czeck Republic, Hungary	EUR 98,--
Region 3	Greece, Finland, Norway, Sweden, USA, Canada	EUR 138,--
Region 4	Bosnia, Denmark, Gibraltar, Greenland, Island, Croatia, Malta, Slovenia, Turkey, Cyprus, Albania Baltic Sea region, Bulgaria, Georgia, Kosovo, Macedonia, Montenegro, Romania, Serbia, GUS	EUR 178,--

All other countries on request

Within: 5-7 days

Online-Information

After free registration worldwide online-information 24/7

Starting from EUR 25,-- each request. Information about prices and conditions: auskunft@akveuropa.at

Report concerning call for tender

Fixed price: EUR 25,--

Subscription service for observation of Austrian companies

Exempt from charges for max. 10 companies a year

Each further company additional EUR 10,--

Cadastral register - single survey

Fixed rate for each serial number EUR 10,--

Commercial register - individual supervision

Fixed rate each company EUR 10,--