



Bank Polski

GENERAL TERMS AND CONDITIONS OF EXECUTION OF PAYMENT ORDERS IN IPKO BIZNES

§ 1

Instructions for transfer orders in PLN to the accounts at other domestic banks, received by the Bank in the iPKO biznes system are executed by the Bank on the following terms and conditions:

- 1) settlements in PLN are executed through the Krajowa Izba Rozliczeniowa S.A. [National Clearing House], hereinafter referred to as KIR S.A. (ELIXIR system),
- 2) settlements in PLN of transfers registered in the iPKO biznes system as large-value orders (SORBNET) are executed through the National Bank of Poland (SORBNET system).

§ 2

Instructions for transfer orders, received by the Bank in the iPKO biznes system, to the accounts of the Customers of PKO Bank Polski SA, are executed immediately on the day on which they were placed, however not later than on the next business day, unless the content of the instruction provides for a later time of execution, subject to § 6 clause 7 and clause 8.

§ 3

Domestic settlements in PLN pertaining to instructions received by the Bank in the iPKO biznes system, placed through the ELIXIR system, are executed subject to § 6 clause 7 and clause 8 in the following manner:

- 1) instructions for transfer orders received on a business day until 02:30 p.m. to be settled in the ELIXIR system - unless the content of the instruction provides for a later time of execution, shall be executed by the Bank on the same business day,
- 2) instructions for urgent transfer orders (i.e. transfer orders directed to other banks, which will be executed in the next ELIXIR system session, provided that they were referred to the Bank at the latest 40 minutes before the KIR S.A. stops accepting orders for a given session), received on a business day until 03:25 p.m. to be settled in the ELIXIR system, shall be executed by the Bank on the same business day,
- 3) instructions for transfer orders received on a business day until 02:30 p.m. to be settled in the ELIXIR system - unless the content of the instruction provides for a later time of execution, shall be executed by the Bank on the same business day, whereas the Bank directs the orders to be settled by KIR S.A. on the next business day,
- 4) instructions for urgent transfer orders received on a business day after 03:25 p.m. to be settled in the ELIXIR system shall not be executed by the Bank,
- 5) instructions for transfer orders received on Saturdays and on public holidays to be settled in the ELIXIR system - unless the content of the instruction provides for a later time of execution, shall be executed by the Bank on the same business day, whereas the Bank directs the orders to be settled by KIR S.A. on the first business day following the non-business days,
- 6) instructions for urgent transfer orders received on Saturdays and on public holidays to be settled in the ELIXIR system shall not be executed by the Bank,
- 7) instructions for transfer orders in PLN on account of social insurance contributions shall be executed by the Bank in accordance with the provisions of points 1, 3 and 5,
- 8) instructions for transfer orders in PLN on account of tax payments for the benefit of tax authorities shall be executed by the Bank in accordance with the provisions of points 1-6,
- 9) orders with a future date of execution falling on a business day shall be executed by the Bank on the day specified in the order,
- 10) orders with a future date of execution falling on Saturdays and public holidays shall be executed by the Bank on the first business day following the non-business days.

§ 4

Domestic settlements in PLN pertaining to instructions registered in the iPKO biznes system as large-value orders placed through the SORBNET system shall be accepted for execution 24 hours a day, 7 days a week. Such transfers are settled on the first possible date on which the SORBNET transfers may be executed, subject to § 6 clause 7 and clause 8, in the following manner:

- 1) orders received on a business day until 03:30 p.m. to be settled in the SORBNET system shall be executed by the Bank on the same business day,
- 2) orders received on a business day after 03:30 p.m. to be settled in the SORBNET system shall be executed by the Bank on the next business day,
- 3) orders received on Saturdays and public holidays to be settled in the SORBNET system shall be executed by the Bank on the first business day following the non-business days,
- 4) orders with a future date of execution falling on a business day shall be executed by the Bank on the day specified in the order,
- 5) orders with a future date of execution falling on Saturdays and public holidays shall be executed by the Bank on the first business day following the non-business days.

§ 5

1. The time of sending the instruction for transfer order to the Bank through the iPKO biznes system shall not mean the time of execution of the transfer.
2. The Bank shall not execute a payment order if there are no available funds on the account to which the payment order pertains, including no available funds for payment of fees or commissions due to the Bank on account of execution of instructions, subject to § 6 clause 7.
3. In order to execute the payment orders rejected by the Bank it is necessary to enter a new correct order in the iPKO biznes system
4. The condition for execution of payment orders is among others:
 - 1) using correct account numbers in accordance with the NRB standard,
 - 2) in the case of large-value orders below the limit amount placed through the SORBNET system, selecting the option "SORBNET" under the item "Manner of execution",
 - 3) in the case of large-value orders the bookmark "single transfer" or the function "payment" should be used.

§ 6

1. The delivery file with orders booked separately received by the Bank in the iPKO biznes system may contain the instructions placed for different dates of execution.
2. If the Bank identifies incorrect entries in the file received by the Bank in the iPKO biznes system, the Bank shall reject the incorrect instruction from the file, subject to clause 5.
3. If the total amount of transfer orders booked separately included in a single file is higher than the funds available in the account to which the payment order pertains, then the Bank shall execute orders up to the amount of funds available in the account.
4. The condition for execution of the delivery file with orders booked jointly received by the Bank in the iPKO biznes system is the following:
 - 1) placing the instruction from the account in PLN to the domestic account,
 - 2) placing the instruction of internal transfer or through the Elixir system in PLN,
 - 3) ensuring that there are sufficient funds available in the account,
 - 4) ordering the instructions included in that file for the same date of execution.
5. If iPKO biznes identifies a past date in the transfer orders, the system shall suggest making an adjustment for a current date or a closest date possible for execution.
6. Domestic orders with a past date shall be executed on the principles applicable for orders with a current date (with the date of execution on the actual day on which the Bank performs the operation) or shall be rejected, depending on the Customer's instruction.
7. If no funds are available for execution of domestic transfer orders, the iPKO biznes system, having previously arranged it with the Customer, shall wait for the funds until the end of the current day or the indicated number of calendar days, taking into account the cut-off times specified in § 3 subpoints 2) and 4) and § 4 subpoint 1). After that time the domestic transfer orders shall be rejected by the Bank.
8. The Customer may indicate an earlier cut-off time than specified in § 2, § 3 subpoints 1) – 6) and § 4 subpoints 1) – 3), until which transfer orders may be placed with a current date of execution in the iPKO biznes system. After that time only orders with a future date may be placed.

§ 7

The conditions for execution by the Bank of an instruction for a sent payment order are specified in the schedule hereto.

DETAILED TERMS AND CONDITIONS FOR EXECUTION BY PKO BANK POLSKI SA OF A FOREIGN TRANSFER ORDER (SENT PAYMENT ORDER)

1. PKO Bank Polski SA, under this order, in accordance with the provisions of the laws of Poland, in this foreign exchange law, the contents of interbank arrangements, applicable international rules, provisions of international law, shall execute and settle a payment order in accordance with the instructions indicated in the order and in accordance with the principles of interbank settlements. If the Person placing an order does not comply with the requirements resulting from the above provisions, principles or arrangements, PKO Bank Polski SA shall not accept the order for execution. If the Person placing an order provides false information, the Person placing an order shall bear the responsibility.
2. The Person placing an order is obliged to provide all information required in the form in an accurate and legible manner. If the Person placing an order does not provide all the required information, PKO Bank Polski SA shall not accept the order for execution.
3. PKO Bank Polski SA shall execute:
 - 1) SEPA payment orders - payment orders:
 - a) executed by the banks, which operate within the SEPA region and which have signed the Agreement for accession to SEPA payment order,
 - b) in EUR,
 - c) containing the SHA cost instruction (fees and commissions due to PKO Bank Polski SA are payable by the person placing an order, and costs of the beneficiary bank and third party banks - by the beneficiary),
 - d) containing the number of the Account Holder's and the Beneficiary's account in the IBAN or NRB structure for payments directed to other domestic banks,
 - e) in case of importing files - imported in XML ISO20022 format.
 - 2) EEA payment order - payment orders in trade with member states of the European Union and Island, Lichtenstein and Norway in the currency of those states:
 - a) in EUR,
 - b) in other currencies of EEA countries,
 - 3) PKO Intercompany Payments - orders to the accounts defined previously by the customer of PKO BP SA, maintained by Kredobank and the banks, the SWIFT BIC code of which begins with the letters NDEA. PKO Intercompany Payments are executed in currencies defined by the Bank. The currency of the PKO Intercompany Payment order must be compliant with the currency of the account of the Person placing an order. The cut off time for PKO Intercompany Payments is 3.30 p.m.
 - 4) Other payments orders - executed by PKO Bank Polski SA regarding which there are no specific requirements provided for in subpoints 1, 2, and 3.
4. Types of payment orders referred to in:
 - 1) point 3 subpoint 1 and 2a are normally executed with *tomnext* value date for the bank (the amount of payment order is placed at the disposal of the bank receiving the payment order on the business day following the day on which the instruction for payment order was accepted), even if the person placing an order selects *spot* value date for the bank, without charging an additional fee for execution of urgent payment order,
 - 2) point 3 subpoint 2b and subpoint 4 are normally executed with *spot* value date for the bank (the amount of payment order is placed at the disposal of the bank receiving the payment order on the second business day following the day on which the instruction for payment order was accepted),
 - 3) point 3 are normally executed with *overnight* value date for the bank (the amount of payment order is placed at the disposal of the bank receiving the payment order on the day on which the Bank received the instruction for payment order).
5. The payment orders referred to in:
 - 1) point 4 subpoint 1 may be executed in an urgent mode, with *overnight* value date for the bank),
 - 2) point 4 subpoint 2 may be executed in an urgent mode, with *tomnext* or *overnight* value date for the bank - the information on currencies in which the specified payment orders may be executed in an urgent mode is provided by the employees of PKO Bank Polski SA.
6. Providing improper, incomplete or incorrect information by the Person placing an order may result in delay, return or improper execution of a payment order by the beneficiary bank or correspondent bank of PKO Bank Polski SA. Any costs related to explanatory correspondence or return of payment order resulting from incorrect filling of an instruction, including currency translation (if any), shall be charged to the PERSON PLACING AN ORDER. The Person placing an order shall also be charged with the costs of third party banks if PKO Bank Polski SA did not collect the NON-STP fee on the day of acceptance of an order and was charged with the costs by the foreign bank, credit institution or domestic bank executing the payment order.
7. Executing of a payment order by PKO Bank Polski SA means transfer of the amount of the payment order specified in the instruction for the benefit of the indicated beneficiary of the payment order, or the amount decreased by the fees and commissions due to PKO Bank Polski SA if the party specified for their payment, in that order, is the beneficiary.
8. On account of acceptance of an order for execution PKO Bank Polski SA shall, on the date of acceptance of the order, taking into account point 9, settle with the Person placing an order:
 - 1) the amount in the currency specified in the order,
 - 2) fees and commissions due to PKO Bank Polski SA if the Person placing an order undertakes to pay them,
 - 3) fee for OUR cost instruction, if the Person placing an order indicated such instruction.
9. For settlement of an order with the Person placing an order the exchange rates from the Table of exchange rates of PKO Bank Polski SA as on the date and at the time of accepting an order are applicable, provided that if along with an order a negotiable

transaction of exchange of convertible currencies, the individual exchange rates of sale or purchase of convertible currencies for the Polish currency or other convertible currency are applicable for settlement of the amount of an order.

10. A payment order executed by PKO Bank Polski SA on the basis of the accepted order shall be sent as a payment message with the value date for the bank selected by the Person placing an order (*spot, tomnext, overnight*), taking into account point 4 subpoint 1, provided that the order was accepted until the cut off time determined by PKO Bank Polski SA. The order accepted after the specified cut off time shall be executed by PKO Bank Polski SA with the value date selected by the Person placing an order extended by the next business day. The cut off time for executing foreign payment orders is 2.15 p.m., subject to point 3 subpoint 3. The cut off times of accepting instructions for payment orders and dates on which the transferred funds are placed at the disposal of the bank receiving the payment order, referred to as the value date for the bank, are announced at the branches of the Bank as Announcements.
11. PKO Bank Polski SA shall collect fees and commissions due for execution of this instruction in accordance with the Table of Bank Fees and Commissions applicable at PKO Bank Polski SA on the date of acceptance of the order for execution from the party indicated in this instruction for their payment. Information on any collected fees are provided by the employees of PKO Bank Polski SA.
12. PKO Bank Polski SA shall execute the payment order in accordance with the instructions placed by the Person placing an order in the order by selecting the bank (banks) intermediating in execution of this order with due care and in the manner enabling proper execution of instructions included in the order. PKO Bank Polski SA shall not be held liable for non-performance or improper performance of the placed orders, caused in particular by force majeure, strikes, international legal limitations or breakdown of IT systems beyond PKO Bank Polski SA
13. PKO Bank Polski SA shall not be held liable for:
 - 1) incorrect instructions indicated in the order by the Person placing an order,
 - 2) errors in the translation or interpretation of the title of payment order made by the Person placing an order,
 - 3) goods or services or intangible property rights or provision or failure to provide appropriate goods, services or intangible property rights for which the payment was made by payment order,
 - 4) the amount of commissions and fees as well as other costs collected by third party banks that process the payment order,
 - 5) non-performance or improper performance of the placed orders, caused in particular by force majeure, strikes, international legal limitations or breakdown of IT systems beyond PKO Bank Polski SA.
14. The condition for execution of an order by PKO Bank Polski SA is the following:
 - 1) the Person placing an order must have the funds available in the bank account (bank accounts), enabling settlement of the amount of an order and any costs of execution of the payment order on the basis of that order,
 - 2) PKO Bank Polski must be provided with explanations enabling to confirm compliance of the order with the applicable provisions of law.
15. If in accordance with the Foreign Exchange Law, the Person placing an order is obliged to have a foreign exchange license in order to execute a payment order, the Person placing an order is obliged to place an "Instruction for execution of a sent payment order" personally at the branch of the Bank, and not with the use of iPKO biznes service or Call Center.
16. In the case of reimbursement of funds for the benefit of the Person placing an order, such reimbursement is made to the account indicated in that instruction.
17. The Person placing an order gives his/her consent for processing of the details which apply to him/her, and in particular his/her personal details, by PKO Bank Polski SA and by its subcontractors in connection with execution of that instruction.