

NOFOTA

Netherlands Oils, Fats and Oilseeds Trade Association

TO ALL MEMBERS

Rotterdam, 18 February 2011
(EJ/MB, C1102-026)

Dear Members,

After due reconsideration of the Circular letter to all members dated 21st December 2010, we have come to the conclusion that the Changes to the NOFOTA Trading Rules per 1-1-2011, as announced under items 1 - 2 and 3 on page 2 of this circular were either unintentional, premature or still under consideration.

Therefore and much to our regret, we have to revoke and withdraw these changes as from 01 March 2011.

Instead, the Council agreed to change Clause 19.1 of the NOFOTA Trading Rules per 01-03-2011 and to harmonize this Clause with Clause 25.4 as follows (adding is in bold):

Clause 19.1 – Complaints and Quality Arbitration:

"If in the opinion of the buyer the quality is not in accordance with the standards specified in the contract, he must – within three weeks after the quality was determined in accordance with the contract – lodge a complaint with the seller, if possible together with a copy of the analysis report. The complaint shall give the reasons for complaining and specify the amount of the claim. The buyer shall apply for arbitration within three weeks of the definite rejection of his complaint by the seller, **exceptional cases, at the discretion of the arbitrators excepted. The buyer applying for arbitration shall notify the seller of the application for arbitration at the same time .**

In a string complaints and applications for arbitration shall also be allowed after expiry of the aforementioned periods provided that the first complaint or application for arbitration was made in good time and the subsequent complaints or applications for arbitration were made immediately upon receipt of the preceding complaint or application."

For good order's sake, we would like to take the opportunity to stress that no changes are made to the current Clause 25.4 and that possible changes to Rule 7.1 of the Rules for Arbitration and the Rules for Arbitration in general are still under consideration.

We sincerely apologize for any inconvenience this may have caused.

Yours faithfully,

The Council of NOFOTA