

ICC BANKING COMMISSION

11 July 2023

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- ❖ ICC DRAFT OPINIONS
- ❖ TECHNICAL ADVISORY BRIEFINGS
 - ❖ UPDATES TO ERULES & ISBP
 - ❖ ISBP 821 NEXT STEPS – INITIAL FINDINGS

TECHNICAL ADVISORS: GLENN RANSIER / KIM SINDBERG
SENIOR TECHNICAL ADVISOR: DAVID MEYNELL
EDITOR: GARY COLLYER

Opinions

Summary Opinions

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1 draft opinion to finalise: TA927rev2

Options:

- Approval
- Approval with comment
- Request withdrawal



*Note: a majority viewpoint was expressed during the April 2023 meeting to approve
– a request for re-drafting is not a valid option*

Comments received 22 NC's:

Australia, Austria, Belgium, China, Cyprus, Czech Republic,
Denmark, Finland, France, Germany, Iran, Italy, Japan, Malaysia,
Netherlands, Norway, Portugal, Singapore, Sweden, Turkey, UK,
US

TA927rev2 – Feedback 1/3

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- **Approve existing wording**
 - ❖ **9 National Committees**
 - Our answer to this survey regarding TA927rev2 is the option 1: ‘ACCEPTATION’.
 - We (still) strongly and fully accept the Conclusion – it is the only right one.
 - We still agree with the conclusion stated by the Banking Commission.
 - Accepted.
 - Majority decision.



TA927rev2 – Feedback 2/3

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- **Approve existing wording with comment**
 - ❖ **2 National Committees**
 - Recommend that ISBP 745 paragraph C12 (b) is updated (preferable as part of the ongoing update) to reflect the practice described in Opinion TA927rev2.
 - Discrepancy raised is the result of unsuitable drafting of the L/C not the contents of ISBP.
 - Possible to consider “(f.o.c)” mentioned in the invoice as additional data instead of additional quantities of goods; impossible to infer that “spare parts (f.o.c)” are additional quantities of goods.



TA927rev2 – Feedback 3/3

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- **Request withdrawal**

- **❖ 11 National Committees**

- Invite initiator for withdrawal pending a potential ISBP revision which would also address this topic.
- In favour of asking the initiator to withdraw his request until there is a potential ISBP revision that would address the issue.
- Recommend to withdraw.
- In favour of withdrawal of the query and improving the current wording of the specific topic in the proposed revision of the ISBP, in order to include a proper practice reflecting the case of uncertain description of “additional goods”.



TA927rev2 – ICC China

7

ICC China's option for TA927:

- **We confirmed with the initiator to withdraw the request.**



TA927rev2 – Summary

8

- Approve existing wording – 9 votes
- Approve with caveat – 2 votes
- Request withdrawal – 11 votes



As requested by ICC China (initiator) - to be withdrawn

The issue will be considered for any future ISBP updates

Banking Commission Meetings

Dates for 2023

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Dates for 2023:

- 31 January – video conference ☒
- 18/19 April Banking Commission
Technical meeting ☒
- 11 July – video conference ☒
- 24/25 October Banking Commission
Technical meeting
 - *Deadline for receipt of new queries
15 August 2023*



Technical Advisory Briefings

TA Briefings Team

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First name	Name	Company	NC
Innesa	Amirbekyan	IDBank	Armenia
Eleonore	Treu	ICC Austria	Austria
Pradeep	Taneja	ICC Bahrain	Bahrain
Mireille	Troosters	KBC Bank	Belgium
Hao	JIA	Bank of China	China P.R.
Radek	Dobas	Ceska Sporitelna	Czech Republic
Jussi	Malminen	OP	Finland
Birgit	Karpp	LBBW	Germany
King Tak	FUNG	Stephenson Hardwood	Hong Kong China
Farideh	Tazhibi	ICC Iran	Iran
Andrea	Motalli	Banca Popolare di Sondrio	Italy
Mohammad Imran	Raj Abdullah	Trade Quest Management Sdn Bhd	Malaysia
Miguel Angel	Bustamante Morales	B&P TOYS-TRAINS, S.A. DE C.V.	Mexico
Jesseke	Kollau	Rabobank	Netherlands
Ahsan	Aziz	ICC Pakistan	Pakistan
Paula	Mota Pinto	Novo Banco	Portugal
Natalia	Makarova	ICC Russia	Russia
Mohamed	Atteya		Saudi Arabia
Soh	Chee Seng	Association of Banks in Singapore ABS	Singapore
Helen	Ström Nilsonne	SEB	Sweden
Karam	Bechara	Byblos bank	Syria
Nizardeen	Kumardeen	CIB	United Arab Emirates
John	Turnbull	Bank ABC	United Kingdom
Buddy	Baker	Goldman Sachs	USCIB

Core TA Team

David Meynell
Gary Collyer
Glenn Ransier
Kim Sindberg

Published Briefings

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Technical Advisory Briefing

Published

**1. Non-documentary conditions in Documentary Credits
subject to UCP 600**

**13 January
2022**

2. Meaning of ‘without delay’ in UCP 600

6 April 2022

**3. Reducing discrepancy rates under Documentary
Credits**

27 June 2022

**4. Documents presented by a nominated or confirming
bank under UCP 600 and lost in transit**

**23 September
2022**

**5. Modifications and Exclusions under Documentary
Credits subject to UCP 600**

**7 December
2022**

6. ICC Guidance Papers

6 March 2023


7. Title of Invoice

7 July 2023

Future Briefings

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- In draft – No. 8 Handling of Certificates under Documentary Credits subject to the UCP 600
- Forthcoming?
 - Presentation of documents direct to issuing bank (Briefing no. 9)
 - Issuing Bank charges
- Reminder to send requests for future Briefings to Tomasch.KUBIAK@iccwbo.org and davidmeynell@aol.com

 TECHNICAL ADVISORY BRIEFING

Technical Advisory Briefings from the ICC Banking Commission.

Click on the red icon below to download the desired Technical Advisory Briefing.

Filter:

Briefing	Subject	Download (EN)	Download (CH)
Technical Advisory Briefing 7	Title of Invoice		
Technical Advisory Briefing 6	ICC Guidance Papers		
Technical Advisory Briefing 5	Modifications and Exclusions under Documentary Credits subject to UCP 600		
Technical Advisory Briefing 4	Documents presented by a nominated or confirming bank under UCP 600 and lost in transit		
Technical Advisory Briefing 3	Reducing discrepancy rates under Documentary Credits		
Technical Advisory Briefing 2	Meaning of 'without delay' in UCP 600		
Technical Advisory Briefing 1	Non-documentary conditions in Documentary Credits subject to UCP 600		

Updates: eRules & ISBP

ICC eRules

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- eUCP Version 2.1 & eURC Version 1.1 published 29 June 2023
- Pending: appendix for eUCP providing recommendations for SWIFT MT700 Field requirements in respect of a credit subject to eUCP Version 2.1



ISBP 2023

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- New publication no. 821
- Published 3 July 2023
- Ensures alignment with published ICC Opinions, and allows for all relevant material to be contained in a single publication.

International Standard Banking Practice

for the Examination of
Documents under UCP 600

A graphic featuring a dark blue background with a network of glowing blue lines and dots, resembling a digital or financial network. The letters 'ISBP' are prominently displayed in large, white, bold font in the center. A solid blue triangle is positioned at the bottom right of the graphic.

ISBP



ICC Publication No. @821E
ISBN: 978-92-842-0657-5

The Future of ISBP 821

No further work on ISBP 821

19

6 votes

Comments:

- Align with latest opinions whenever there is a gap between practice and the written text; on an ongoing basis whenever Opinions are published.
 - Recommend that ISBP be revised when needed.
 - No further work, except for a review of paragraph C12 which is required in our opinion, given the recent discussions on draft opinion TA927.
 - No need for any new elaborations; additional provisions, papers, etc. often cause problems, arguments, confusion.
-
- With the advent of new Opinions, changes in practice regarding document inspections under UCP 600 cannot be left unchecked. Therefore, it cannot be left as “No further work”.

Full review of ISBP 821 retaining the scope as “examination of documents” only

20

6 votes

Comments:

- Supported.
- If this structure requires a full review as well, we are not sure, but would be willing to support in the work if needed.
- Favour limiting the document to practices for examination of documents.
- Recommend small Working Group to review and report to NC's.

Scope of ISBP 821 to be extended beyond examination

21

8 votes

Comments:

- If an extended ISBP will reduce the number of queries – it might be an good idea.
- Also appropriate for a full review of the newly aligned ISBP text.
- Due to inadequate uniform standardised practices in many banks, problems frequently appear in documentary credit processing other than document checking:
 - Advising of credit: explicit responsibility or obligation of each bank at this stage?
 - Presentation of documents: essential elements indicated in a covering letter?
 - Honour in another currency than that stipulated in the original credit?
 - Return of refused documents, timelines?
 - Expiry in country of beneficiary?
 - Transfer – standard practice?
- As UCP 600 has been in force since July 2007, and if it is not being revised in the foreseeable future, there may be other interpretative issues that have arisen or will arise.
- Whether ISBP should be extended beyond examination, we do not have any strong opinions.
- We do not see the need to expand the scope beyond examination of documents.
- Potential value in publishing recommended practices beyond examination, but see this as having a different purpose as standardisation of these practices is less important; more of a collection of best practices.

Drafting of separate independent guidance publications covering issuance, advising, confirmation, amendment

22

2 votes

Comments:

- Support drafting of separate independent guidance publications covering issuance, advising, confirmation, amendment, before moving on to a full revision of ISBP and its extension to other areas.
- Drafting guidance on issuance, advising, confirmation and amendment is not necessary.
- Instead, the ICC might tighten the cooperation and/or promote more actively the recognised training programs such as the CDCS or the lighter web-based DC Master.
- Also a possibility, but it would be easier from the user's point of view if they were simply compiled into an ISBP in the interpretation of UCP 600, rather than being separate publications.

To be noted

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The following guides are already published by the ICC Academy:

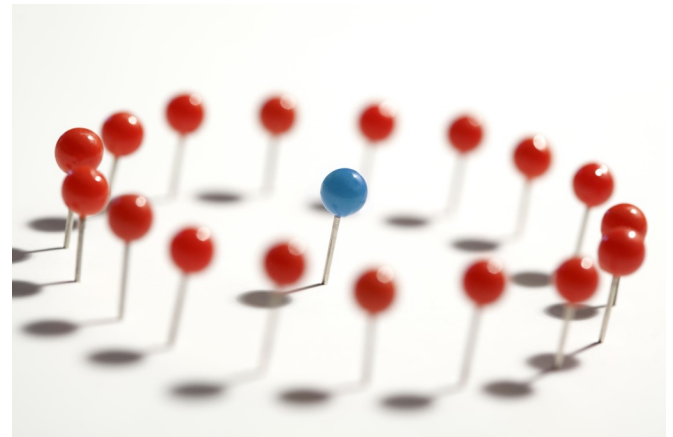
- **Types of Documentary Credit – a Comprehensive Guide**
 - <https://icc.academy/types-of-documentary-credit-a-comprehensive-guide-2019/>
- **11 Questions That Will Help You Master Documentary Credits**
 - <https://icc.academy/11-questions-that-will-help-you-master-documentary-credits/>
- **Documentary Credits: Rules, Guidelines & Terminology**
 - <https://icc.academy/documentary-credits-rules-guidelines-terminology/>
- **What is Trade Finance? (Including COVID-19 update)**
 - <https://icc.academy/what-is-trade-finance/>



ISBP 821 – Summary

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1. Full review and extend beyond “examination” – **8** votes
2. No further work – **6** votes
3. Full review of existing format – **6** votes
4. Independent guidance publications – **2** votes



ISBP 821 – next steps

25

- Only 8 votes to extend ISBP beyond examination of documents
- Conversely, 6 votes for no further work and 6 votes to review existing format
 - Is this an acceptable mandate for such a significant amount of work?
- Guidance Papers are already available @ ICC Academy
 - Are these sufficient?
 - Do we need more?
- Update ISBP in respect of “new” Opinions
 - Frequency?
 - Need to avoid updating ISBP too often



To be discussed with SteerCo

❖ Decision to be provided at October 2023 Global Banking Commission meeting in Paris