

BANKING COMMISSION MEETING -

17th Legal Committee meeting – 21 February 2017
14:00 Paris time / dial-in

[Proposed] Agenda:

1. Opening of the meeting and welcoming remarks by the Chair.
2. Appointment of recorder for the meeting.
3. Review and adoption of agenda for this call.
4. Adoption of the executive summary of the previous meeting (Rome 8 November 2016).
5. **Committee membership:** welcoming new member Hai Hong YAW (DBS) and presentation of observer guest Mary B. Rosen (Wells Fargo).
6. Progress report on on-going projects of the Legal Committee:
 - (i) **CRR Art. 194:** Committee members to report any news on this front and on how the new ICC-commissioned four legal opinions are being received by banks and bank regulators.
 - (ii) **BRRD article 55** – bail-in recognition clause: report by **Ron van Staten** on recent developments. Preparatory reading material to be sent in advance by **Ron**.
 - (iii) **Asymmetrical jurisdiction clause:** Overview (**all**) of new developments in practice, assessing the impact of recent English court and French court decisions (copies attached) and deciding on the need to update the Legal Committee position paper currently posted on <http://www.iccwbo.org/About-ICC/Policy-Commissions/Banking/Task-forces/Banking-Commission-Legal-Committee/>
7. **[Digital trade documents:** Report by Ron van Staten, Stephen Tricks, and Eleonore Treu in relation to contacts with relevant service providers to obtain sharing of database.]

8. **Building the agenda for the Jakarta meeting** on 3-4 April 2017 (precise date and hour yet to be fixed by ICC). Discussing topics for the agenda, speakers to be invited, and the Legal Committee dinner to be organized jointly with the TF on Guarantees.

9. **New Projects:**
 - 9.1. Payment undertaking: assessment of current practice and challenges. Aim of a possible project: white paper, position paper, rules?
 - 9.2. Electronic bills of lading.
 - 9.3. Anti-assignment clauses: contracts v governing law.
 - 9.4. Blockchain: how it might both enrich and impact international trade finance.
 - 9.5. SWIFT-issued avals and acceptance of negotiable instruments (see attached paper by Angelia Chia).

10. Any other business.