

BANKING COMMISSION MEETINGS - JAKARTA

**18th Legal Committee meeting on 4 April 2017
15h00-18h00**

Venue:

Shangri La Hotel,
Kota BNI JL. Jend.
Sudirman Kav. 1,
Jakarta, 10220

Room: Surabaya, level 3

Agenda:

1. Opening of the meeting and welcoming remarks by the acting Chair.
2. Appointment of recorder for the meeting.
3. Review and adoption of agenda.
4. Adoption of the executive summary of the previous meeting (call report 21 February 2017).
5. **Meeting with the expert** [LGS Lawfirm – Mochamad Fajar Syamsualdi]
 - a Islamic Trade Finance
 - b Origins of Indonesian commercial/financial law and dispute resolution
6. Report by Sean Edwards and Eleonore Treu on prospects for website for the Legal Committee.
7. Presentation by Professor Gao Xiang on recently-issued PRC Supreme Court rules on independent guarantees [rules to be sent in advance].
8. Progress report on on-going projects of the Legal Committee:
 - (i) **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**.
 - (ii) **Digital trade documents:**
 - a. Electronic Bills of Lading. Report by Ron, Eleonore, Lorna and Stephen on the proposed legal survey regarding the ability of banks to take security over electronic bills of lading.
 - b. Formation of ICC Working Group on Digitalisation in Trade Finance. [Update from Acting Chair.]

- (iii) **Payment undertakings:** report by Geoff Wynne on first steps of the working group towards producing a white paper.
 - (iv) **Anti-assignment clauses:** report by Sean Edwards on questionnaire to be sent to volunteer Committee members on the enforceability of anti-assignment clauses under their national laws.
- 9. Presentation by Stephen Tricks on National Bank Of Abu Dhabi v BP Oil International Limited [2016] EWHC 2892 (Comm) (available at <http://www.bailii.org/Ew/Cases/Ewhc/Comm/2016/2892.html>).
- 10. Any other business
 - a Presentation of updated Legal Committee paper on asymmetrical jurisdiction clauses (Stephen)

Legal Committee dinner jointly with Task Force on Guarantees on 3 April 2017.