

Banking Commission Annual Meeting Beijing 2019

Legal Committee Meeting

Date: Tuesday, 9 April 2019
2-5pm

Venue: China Ballroom B
China World Summit Wing
1 Jianguomenwai Avenue
Beijing Shi, China 100004

Dial-in code 442 86 434#

Participants: Philippe Berta (acting chair), Georges Affaki*, Frieder Bauer, Ahmed El Hadidi*, Sean Edwards, Xiang Gao, Annette Köhler, Li Ke, Renata Leka, Cristina Rooth*, Sonja Straessle Dillier*, Lorna Strong, Marco Tagliaferri, Eleonore Treu, Ron van Staten*, AbdelGadir Warsama Ghalib, Geoffrey Wynne*, Hong Hai Yaw*
(*by phone)

Guest: Su Bei

Agenda

- 1. Welcome and opening remarks (Philippe)**
- 2. Appointment of recorder for the meeting** (in the alphabetical order of the attached revised list of participants, last reporter being Tabitha Coombe).
- 3. Review and adoption of the report of the 25th meeting and of the agenda for this 26th meeting.**
- 4. Keynote Speaker: Mrs. Su Bei, Judge at the Chinese Supreme Court
“Factoring in Chinese Legislation”**
- 5. Case Summary: PRC Injunctions and negotiation in good faith** – the decision in the disputes relating to letter of credit fraud among C-Star Shipping, Jiangyin Haigang International Logistics and other defendants (Lorna)

[Annex 1 to follow]
- 6. Progress report on on-going projects of the Legal Committee:**
 - a) BRRD article 55 (Ron)**
 - b) Legal Committee webpage (Eleonore)**

c) Payment undertakings (Geoff)

Annex 2: Position paper of the ICC Legal Committee on Irrevocable Payment Undertakings

d) Anti-assignment clauses (Dr Hans Kuhn)

Annex 3 : ICC_Anti-assignment clauses V4

e) Digital trade documents (Ron, Lorna and Eleonore)

7. Report on other ICC Banking Commission task forces and groups:

- Financial Crime Risk and Policy Group (Philippe)
- Uniform Rules for Digital Trade (Geoff)

8. Law developments in the world. Committee members to report noticeable legal developments in their jurisdiction (or internationally).

9. Any other business.

[Rapporteurs intending to use visual aids or to refer to background reading material are invited to send them in advance].