

## **Banking Commission Technical Meeting Paris 2019**

### **27<sup>th</sup> MEETING OF THE LEGAL COMMITTEE**

**[Attendance strictly restricted to Legal Committee members and appointed observers]**

**Date:** 8 October 2019, 9:30 am – 1:00 pm (Paris time)

**[note NEW] Venue:** Clyde & Co LLP, 134 Boulevard Haussmann, 75008 Paris

#### **Agenda**

- 1. Welcome and opening remarks by the Chair.**
- 2. Appointment of recorder for the meeting** (in the alphabetical order of the list of members, Patrick Eberhardt).
- 3. Review and adoption of the report of the 26<sup>th</sup> meeting and of the agenda for this 27<sup>th</sup> meeting.**
- 4. Keynote Speaker: Jenny Giotaki**, Senior Legal Counsel, European Banking Authority, followed by Q&A (Chatham House rules apply).
- 5. Brexit and trade finance.**  
**Rapporteur:** Lorna Strong (10 mn). **Discussion.**
- 6. Synthetic L/Cs in the wake of *Fortis Bank (Nederland) N.V. v Abu Dhabi Islamic Bank 2010 NY Slip Op 52415(U)*.**  
**Rapporteur:** Philippe Berta (10 mn). **Reply** Robert Parson (5 mn). **Discussion.**
- 7. Effectiveness of recourse events in receivables financing, including deferred payment LCs.**  
**Rapporteur:** Andrew Tam (10 mn). **Reply** Sonja Straessle Dillier (5 mn). **Discussion.**
- 8. Progress report on on-going projects of the Legal Committee** (subject to rapporteurs participating in the meeting) – 2 mn per report:
  - a. BRRD article 55:** an update from **Ron van Staten** (joining by telephone).
  - b. Legal Committee webpage:** an update from **Eleonore Treu**.
  - c. Payment undertakings:** report by **Geoff Wynne** (joining by telephone).
  - d. Anti-assignment clauses:** report by **Dr Hans Kuhn**.
  - e. Digital trade documents:** report by **Ron, Lorna and Eleonore**.
- 9. Report on other ICC Banking Commission task forces and groups:**

**Philippe Berta** on Financial Crime Risk and Policy Group, **Geoff Wynne** on Uniform Rules for Digital Trade, **Georges Affaki** on ISDGP.

**10. Governance matters.** Observers who have completed one year and attended at least two meetings of the Legal Committee may apply for full membership.

**11. Any other business.**

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

**Members, observers and guests registered for in-person attendance of the meeting**

1. Frieder Bauer,
2. Philippe Berta,
3. Tabitha Coombe,
4. Patrick Eberhardt,
5. Sean Edwards,
6. Ahmed El Hadidi,
7. Annette Köhler,
8. Natalia Muina Merino,
9. Esther Nin Camps,
10. Robert Parson,
11. Daniel Rodriguez,
12. Cristina Rooth,
13. Mary Rosen,
14. Sonja Straessle Dillier,
15. Lorna Strong,
16. Marco Tagliaferri,
17. Eleonore Treu,
18. Kellie Ann Scott,
19. Hans Kuhn,
20. Ron van Staten,
21. Andrew Tam,
22. Jenny Giotaki,
23. Georges Affaki.