

## **INTERNATIONAL CHAMBER OF COMMERCE POLISH BRANCH**

### **2018 - ADVANCED LEVEL OF DOCUMENTARY CREDIT & GUARANTEE OPERATIONS THROUGH LATEST OPINIONS AND DOCDEX DECISIONS**

#### **BEST INTERNATIONAL PRACTICES BASED ON ICC RULES**

**Dates:** 13 – 14 December, 2018 from: 9h a.m. till 17 h p.m.

**Venue:** Warsaw, Poland

**Fees per participant:**

2337zł (1900zł +VAT) / 2091 zł (1700zł +VAT) for ICC Poland members

**Targeted Audience:**

- Letter of Credit, Guarantee and Trade Finance practitioners
- Credit and Risk staff experts in Trade Finance items
- Relationship Managers, middle management involved in sales and operational support of customers using trade finance services of banks and other FIs
- Auditors, supervisors, product managers involved in Trade Finance missions
- Internal legal counsels, advocates, academics involved in trade finance
- Companies dealing with trade finance products and all other interested parties.

Practical seminar on international best practices in documentary credits and bank guarantees, explaining current developments and issues related to interpretation of UCP 600 and revised ISBP 745E – the ICC rules for Documentary Credits; and also URDG 758 – the ICC Rules for Demand Guarantees.

Workshop will also cover new developments in international trade finance as such, e.g. focusing on AML/CTF, new technological developments, new revisions such as Incoterms 2020.

Significant time will be devoted to operational issues, practical case studies, examples and open discussions on the topics covered.

**Material relevant to the course will be distributed and a certificate of attendance will be delivered to all those who completed the course.**

**Lunch and coffee breaks will be provided during the Seminar. Seminar Language – English**

## **ADVANCED LEVEL OF DOCUMENTARY CREDITS OPERATIONS BEST DOCUMENTARY CREDIT PRACTICES BASED ON ICC RULES**

### **AGENDA**

<b>Registration</b>	<b>08:15 - 09:00</b>
<b>Day One</b>	<b>09:00 - 17:00</b>
<b>Network Break</b>	<b>10:40 - 11:00, 12:30 - 13:30 and 15:00 - 15:20</b>

### **ICC Banking Commission News**

- **ICC Banking Commission new projects:**
  - Revision of eUCP – notes on the most recent Drafts
  - Development of eURC – notes on the most recent Drafts
  - Revision of URBPO – where it leads to?
- **New technological developments:**
  - EssDocs – platform for electronic presentations
  - New developments: Blockchain for trade finance, latest technological development in international trade – thoughts on the issues

### **ICC Banking Commission most recent Opinions explained – Miami and Tbilisi sets**

- Spring 2018 Opinions – explanation of the issues
- Questions and Answers

### **New Incoterms 2020 – introductions to the changes**

- Current stage of the Revision of Incoterms
- Main issues and likely changes

### **Trade Finance compliance, AML, CTF – updates**

- New developments in the area, new guidelines
- Debate

### **Interesting Case studies regarding L/C practice**

- Cases on L/C terms and conditions
- Cases on examination of documents under L/Cs
- Questions and Answers

### **Documentary Credits – Focus on UCP 600 burning issues – What are the most misunderstood provisions in UCP 600? Debate**

- Provisions regarding amendments, confirmation, use of drafts, nomination, negotiation
- Provisions regarding examination of documents, compliance

## **ADVANCED LEVEL OF GUARANTEE OPERATIONS**

### **BEST BANK GUARANTEE PRACTICES BASED ON ICC RULES**

**Day Two**                      **09:00 - 17:00**

**Network Break**            **10:40 - 11:00, 12:30 - 13:30 and 15:00 - 15:20**

#### **News from ICC Banking Commission and SWIFT updates**

- SWIFT release 2019 - introduction
- International standard demand guarantee practice

#### **Bank Guarantees, ICC Rules for Demand Guarantees**

- Bank Guarantee – how it works
- Drafting of various types of guarantees
- Proper wording v. mistakes in practice
- Effectiveness clauses, reduction and termination clauses
- Case studies

#### **Case of determination of compliance under a demand payment guarantee**

- How to examine documents presented under a demand guarantee? What are the risks from the beneficiary's perspective?

#### **Case of counter-guarantee**

- Can the counter-guarantor require the evidence, e.g. the written demands submitted by the Beneficiary to the Guarantor in respect of the claim as its condition to provide payment under the counter-guarantee?

#### **Case of improper specification of expiry under a guarantee**

- What if the guarantee has an expiry and presentation period for a claim? Whether it was correct for an issuing bank to refuse a claim under a demand guarantee on the basis that the demand was not presented within the time for presentation?

#### **Case of a claim made by SWIFT under a counter-guarantee**

- If the guarantee (or counter-guarantee) allows a presentation of a claim by SWIFT message – what should be properly considered?

#### **Court Cases on guarantees – how to prevent disputes?**

- Recent significant English law cases on guarantees

**About the Trainer:**



Mr. Pavel Andrlé, BSc., LL.M is a **Secretary to the Banking Commission of ICC Czech Republic** which he regularly represents at the ICC Banking Commission meetings abroad. He chaired the working groups of ICC CR which revised translations of UCP 500, UCP 600, eUCP, ISP98, URDG 758 and other Banking Commission documents as well as Incoterms 2010 into Czech language.

He has been deeply involved in the revision of UCP as a **member of UCP 600 Consulting group** being formed by over forty experts from all over the world.

He was involved in development of URBPO as a member of the ICC Banking Commission **Consulting group on BPO**. Nowadays, he is a member of ICC **Task Force on Guarantees**, also a member of the new ICC Banking **Commission Consulting group for Forfeiting** (which developed the new ICC rules for Forfeiting in cooperation with former IFA, today's ITFA). **In**

**years 2010-2011 he also served as a member of the ICC Banking Commission Group of Experts which drafted the official ICC Banking Commission Opinions on ICC Rules.**

Mr. Andrlé worked closely with Mr. Miroslav Subert, a member of the Incoterms 2010 Drafting Group, during the revision of Incoterms and cooperated in the official translation of Incoterms 2010 into Czech language. He has delivered numerous seminars on the Incoterms 2000 and Incoterms 2010, both in Czech Republic and abroad. In October 2014, Mr. Andrlé was appointed as a **Secretary to the Commission on Commercial Law and Practice of ICC Czech Republic.**

Mr. Pavel Andrlé is an international trade and finance consultant and lecturer. He has worked for a number of leading local and international banks in various positions (for instance as trade finance specialist, head of trade finance, trade finance risk manager, in-house trainer). Frequent Lecturer in Documentary Credits, Bank Guarantees & Trade Finance for Banking Institute, Institute of Foreign Trade Transport & Forwarding, ICC CR and Economic Chamber of Commerce of Czech Republic. Regular facilitator in seminars abroad in English for ICC National Committees, bank associations and chambers of commerce world-wide.

Mr. Andrlé has lead or participated in number of seminars held in Bangladesh, Cambodia, Vietnam, India, Sri Lanka, Nepal, China, Philippines, Singapore, Sierra Leone, Zambia, Uganda, Ghana, South Africa, Nigeria, Albania, Poland, Serbia, Bulgaria, Romania, Slovakia, U.K., Ireland, Lithuania, Latvia, Malta, Georgia, Croatia, Turkey, Russia, Mongolia, Uzbekistan, Azerbaijan, UAE, Trinidad and Tobago, Dominica, etc. (in more than 45 countries of the world). He is author of the publication „*Documentary Credits – a Practical Guide*“ published by Grada Publishing, a.s. (6 editions). He has written a „*Commentary to UCP500 in the light of ISBP and other ICC Banking Commission documents*“ and „*Commentary to UCP600*“ published by ICC CR (all in Czech language). Recently his book on „*Examination of documents under Documentary Credits*“ has been published in the second updated edition (in English language).

He is appointed ICC CR expert to reply to enquiries related to Documentary Credits and Trade and Structured Finance – development of technical assistance consultancy services of ICC CR to banks, carriers, insurance companies and traders. It includes advisory services and in-house technical assistance in banks and companies.

He is frequent DOCDEX Expert of ICC Centre for Expertise with ICC International Arbitration Court, ICC Paris, also an arbitrator with Vilnius Arbitration Court, Lithuania. He has been active trainer under Global Trade Finance programme of IFC (International Finance Corporation – a member of World Bank Group). Mr. Andrlé also serves at the lead tutor in the Finance of International Trade with the *electronic* Business School International (eBSI). Mr. Pavel Andrlé can be contacted at [pa@cmail.cz](mailto:pa@cmail.cz) or [andrlé@icc-cr.cz](mailto:andrlé@icc-cr.cz)