INTERNATIONAL CHAMBER OF COMMERCE

Nynne Norman Scheuer
Deputy Secretary General
ICC Danmark
Boersen
1217 Copenhagen K
Denmark

10 December 2013

Subject: Document 470/TA.796

Dear Sirs,

We kindly ask your official opinion to the following query received from one of our member banks. The query is related to documents presented under a documentary credit issued subject to UCP 600:

Quote

The documentary credit in question called for shipment from "ANY NORTH EUROPEAN PORT" and the transport document required in field 46a was: "FULL SET OF CLEAN ON BOARD BILL OF LADING".

We (being nominated bank) received a bill of lading evidencing shipment from Antwerp, which we found to be within the scope of North Europe, since the geographical area of North Europe was not defined in the Credit.

Much to our surprise the issuing bank refused the documents arguing that Antwerp is not within the geographical area or range stated in the Credit.

The issuing bank further argued that Belgium is in Western Europe and not in Northern Europe and quoted an internet website (www.mapsofworld.com) where we could easily recheck.

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We kindly ask you to advise if the discrepancy cited by the issuing bank is correct.

Unquote

ANALYSIS

The documentary credit called for shipment from "ANY NORTH EUROPEAN PORT" and the transport document required in field 46a was: "FULL SET OF CLEAN ON BOARD BILL OF LADING".

The bill of lading evidenced shipment from Antwerp.

The Nominated Bank believed the documents to comply as the geographical area of North Europe was not defined in the Credit.

The Issuing Bank refused the documents arguing that Antwerp is not within the geographical area or range stated in the Credit.

CONCLUSION

Belgium is in Western Europe, not Northern Europe. The document is discrepant.

The opinion(s) rendered on this query reflect the opinion of the ICC Banking Commission's officers based on the facts under "QUOTE" above. They do not necessarily reflect the opinion of the ICC Banking Commission until the Banking Commission renders its approval or disapproval of these opinion(s) at the next scheduled meeting.

The reply given is not to be construed as being other than solely for the benefit of guidance and there should be no legal imputation associated with the reply offered. If this query relates to a matter currently under consideration by the courts, the ICC Banking Commission will refrain from considering it for adoption as an opinion.

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Neither the ICC nor any of its employees, nor any member of the Banking Commission, including the Chairman, Vice-Chairmen or Technical Advisers shall be liable to any person for any loss or damage arising out of any act or omission in connection with the rendered opinion(s).

Yours sincerely,

Thierry Senechal
Senior Policy Manager
Banking Commission

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