



**Virtual Meeting on Thursday, 12 May 2022, 14.00 – 16.00 (CEST)**  
**(Microsoft Teams)**

**Executive Summary**

**1. Welcome and introductory remarks**

**Ercüment Erdem** (Chair) welcomed some 102 participants from the 33 countries to the seventh virtual CLP Commission meeting, hoping that the next meeting may be a hybrid in-person/virtual meeting in Rome.

**2. Update of Model Online B2C Sale Conditions**

Working Group Chair **Mariaelena Giorcelli** (Italy), joined by ICC Germany members Christoph von Burgsdorff and Robert Burkert, set out issues needing update in light of January 2022 changes to EU Directives.

In light of the January 2022 changes to the EU Sale of Goods Directive ((EU) 2019/771), the existing Working Group will do a targeted update of the ICC Model Online B2C Conditions of Sale and the accompanying EU Annexes document, both of which are limited to covering tangible, movable goods.

Given the increasing number of tangible goods that incorporate digital elements (smart watches, etc.), the CLP Commission will explore creating a new workstream to address digital goods and services in light of January 2022 changes to the Digital Content Directive ((EU) 2019/770). If you are interested in participating in a scoping discussion, please advise Emily O'Connor ([emily.oconnor@iccwbo.org](mailto:emily.oconnor@iccwbo.org)) + Whitney Jolivet ([whitney.jolivet@iccwbo.org](mailto:whitney.jolivet@iccwbo.org)).

**3. Incoterms® 2020**

**Christoph Martin Radtke**, Co-Chair of Incoterms® 2020 Drafting Group (France) led the discussion on Incoterms®-related network activities.

ICC NCs and ICC headquarters undertake a range of activities related to increasing understanding of the rules:

- Training in Francophone Africa in partnership between regional NCs and ICC France.
- New German-language [interactive tool](#) to help traders choose the right Incoterms® 2020 rule, created by ICC Germany and its member law firm Luther.
- Article from ICC Argentina on use of Incoterms® 2020 rules in domestic sales (attached and available on the [Incoterms app](#)), and survey on use of the Incoterms® rules in the LATAM region, expected in the coming months.
- New ICC tool just released, [Incoterms® 2020 Checklist and Flowchart – Choosing the right Incoterms® 2020 rule](#)



Some challenges arise repeatedly in global use of Incoterms® rules, depending on regional practices. Suggestion to collect examples and with a view to possibly issuing high-level ICC guidance. Examples include:

- Carriers in C-sales charge buyer for variety of transport-related costs (landing fees, etc), which should be for the C-seller as part of its transport cost obligations. (See [Incoterms® 2010 Q+A](#) publication.)
- DAP European buyer is charged for customs formalities at border, which should be for D-seller as part of its customs costs obligations.

Users are invited to send examples of systemic/recurring challenges related to regional practice to Emily O'Connor ([emily.oconnor@iccwbo.org](mailto:emily.oconnor@iccwbo.org)) + Whitney Jolivet ([whitney.jolivet@iccwbo.org](mailto:whitney.jolivet@iccwbo.org)).

#### 4. **Briefing from ICC Lead Economist – Melanie Laloum**

**Melanie Laloum**, ICC's first ever Lead Economist (ICC) briefed the group on economic trends, risks, and the effects of geopolitical events on economic recovery, as well as on how businesses can prepare for future scenarios.

The presentation is available [\[here\]](#).

#### 5. **Global Policy Department update: Sustainable Trade + Trade Finance**

**Sandra Hanni**, Global Policy Lead – Climate + **Tomasch Kubiak**, Policy Manager – Banking (ICC) presented ground-breaking ICC project to develop a global framework to define, measure, and assess sustainable trade and trade finance transactions.

The second phase of work is underway after [initial position paper](#) launched at COP 26 in November 2021, with the aim of a deliverable in time for the UN General Assembly in September 2022.

The presentation is available [\[here\]](#).

#### 6. **ICC Digital Standards Initiative (DSI): Briefing on latest developments**

**Hannah Nguyen**, Director – Digital Ecosystems, DSI (ICC) briefed the assembled on the evolution and current focus of the DSI in its mission to establish a globally harmonised digital trading environment, including the recent release of joint DSI-WTO [Standards Toolkit for Cross-Border Paperless Trade](#). and progress on efforts to drive adoption of the UNICTRAL Model Law on Electronic Transferable Records (MLETR).]

The presentation is available [\[here\]](#).



## 7. Update: ICC Arbitration + ADR Commission

**Helene van Lith**, Secretary of the Commission on Arbitration and ADR gave a briefing on recent activities and focus areas of the Commission, including the three primary Commission Task Forces: (i) ADR + Arbitration, (ii) Corruption in International Arbitration, and (iii) Disability Inclusion in International Arbitration.

The presentation is available [\[here\]](#).

## 8. EU Digital Agenda – Data Act

**Christian Steinberger**, Vice Chair of the CLP Commission, updated on the draft EU Data Act published in February by the European Commission. The Data Act proposes to grant broad access to non-personal data, imposing far-reaching obligations on data owners to share data with other businesses and public sector bodies through data-sharing contracts subject to a ‘fairness test’. The European Parliament and Council are currently considering the matter.

Members are invited to send concrete examples of how the proposed Data Act data-sharing requirements might create inefficiencies and impede the free flow of trade to Emily O’Connor ([Emily.oconnor@iccwbo.org](mailto:Emily.oconnor@iccwbo.org)) + Whitney Jolivet ([whitney.jolivet@iccwbo.org](mailto:whitney.jolivet@iccwbo.org))

The presentation is available [\[here\]](#).

## 9. Promoting ICC model contracts

Emily O’Connor, Director - Trade and Investment (ICC), led a discussion on efforts to raise awareness and reach a wider audience with ICC model contracts, internally within ICC, with the network of ICC national committees (NCs) and the public. The CLP Commission community can be a powerful engine of outreach as well.

Avenues for outreach currently being explored include the series of periodic ICC national committee knowledge sharing sessions; the ICC Institute of World Business Law; the ICC Academy; the ICC Arbitration Commission, and possible distribution through a Swedish legal services start-up. Other ideas very welcome.

## 10. Next meetings

- October 2022 in Rome (TBC). Ideally in-person/hybrid CLP Commission meeting + joint ICC-Unidroit conference on force majeure/hardship. Details to follow.
- Q2 2023: Date and format/venue to come.