

IEIT WORKING PAPER SERIES

신용장 대금지급을 위한 서류심사에서 비서류적
조건(on-documentary conditions)의 적용

김능우

WP-2020-004

경제통상연구원

July 2020

이 논문은 2020년도 경제통상연구원의 지원을 받아 수행된 연구임

신용장 대금지급을 위한 서류심사에서 비서류적 조건(non-documentary conditions)의 적용

김능우 부산대학교
경제통상연구원
전임연구원

Application of Non-Documentary Conditions in Document Review for Payment of Letter of Credit

Neung-Woo. Kim

Institute of Economics and International Trade, Pusan Nat. University, South Korea

목차

- I. 서론 II. 비서류적 조건과 관련한 은행의 인수·지급의무
III. 비서류적 조건의 유효성을 인정한 사례 IV. 비서류적 조건의 유효성 판단기준 V. 결론

Abstract

If the terms of the letter of credit do not specify the documents to be presented by the beneficiary, the question arises as to whether they should be viewed as non-documentary conditions. Non-documentary conditions are recognized for their validity on the basis of the principle of party autonomy. That is, the terms stated by the parties to the L/C in accordance with the principle of party autonomy should be respected, even if they are non-documentary.

However, if the Bank acknowledges the validity of the non-executive conditions in accordance with the principle of party autonomy, it may raise the question of whether it can be regarded as a legitimate refusal to pay if the Bank refuses to accept or pay on the grounds of inconsistency between the non-executive conditions on the L/C and the presented documents.

Therefore, it is important to note that the extent to which a bank may be involved in determining whether non-documentary conditions are valid, i.e. the discretion of a bank may vary depending on the issuing bank or the confirming bank. This is because even if the letter of credit specifies non-documentary conditions, the validity of the non-documentary conditions may be recognised if they can be determined through bank records or within ordinary operating practices.

Keywords: ISBP745, L/C, Non-Documentary Conditions, UCP600

이 논문은 2020년도 부산대학교 경제통상연구원의 지원을 받아 연구되었음.