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İlgi: ICC-TR'den alınan 12.09.2019 tarihli e-posta mesajı ve eki.

Sayın Üyemiz,

İlgi yazı ile Milletlerarası Ticaret Odası'nın (International Chamber of Commerce – ICC) uluslararası ticarete kullanılan, evrensel olarak standartlandırılmış ve malların satışı için dünya çapında kabul gören kuralları belirleyen Incoterms 2020'yi yayınladığı bildirilmektedir.

İlgi yazıda devamla söz konusu kuralların ilk kez 1936'da dünya çapındaki tacirler arasında mal satışı ile ilgili yaygın olarak kabul edilen tanımları ve kuralları belirlemek için ICC tarafından oluşturulduğu ifade edilmektedir. Söz konusu kurallar 1936 yılından beri ICC tarafından periyodik olarak yenilenmektedir.

Daha erişilebilir ve kullanımı daha kolay olan Incoterms 2020'nin; her Incoterms kuralı için ithalatçı ve ihracatçıların sorumluluklarını gösteren grafiklere sahip daha ayrıntılı ve açıklayıcı notlar içerdiği belirtilmektedir. Buna ek olarak söz konusu kurallar belirli bir işlem için en uygun Incoterms kuralının nasıl seçileceğine veya bir satış sözleşmesinin yardımcı sözleşmelerle nasıl etkileşime girdiğine dair daha ayrıntılı açıklamalar içermektedir.

İlgi yazıda son olarak ICC'nin herkes için teknoloji taahhüdüne uygun olarak en son haberler, etkinlik bilgileri ve eğitim fırsatları da dâhil olmak üzere çok çeşitli ve bilgilendirici özellikler içeren özel bir Incoterms 2020 mobil uygulaması sayesinde söz konusu kurallara ilişkin temel bilgilere erişimin her zamankinden daha kolay hale geleceği ifade edilmektedir.

İngilizce olarak Incoterms 2020 kuralları yayını satın almak için ICC Türkiye Milli Komitesi ile (Tel: +90 312 219 42 54 (55-56-57), Faks: 0 312 219 42 58, E-posta: icc-tr@tobb.org.tr) irtibata geçilebilmektedir.

Bilgilerinizi arz/rica ederim.

Saygılarımla,

İsmet SALİHOĞLU
Genel Sekreter

DAĞITIM:

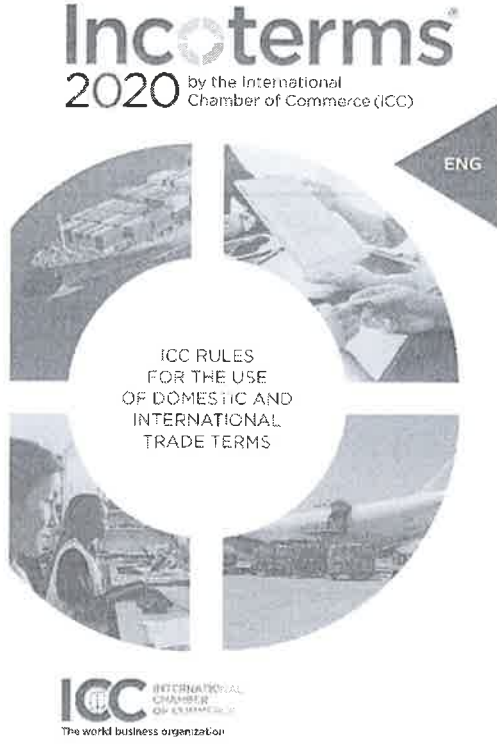
Gereği:

-Tüm Üyelerimiz (Web Sayfasında ve e-posta ile)

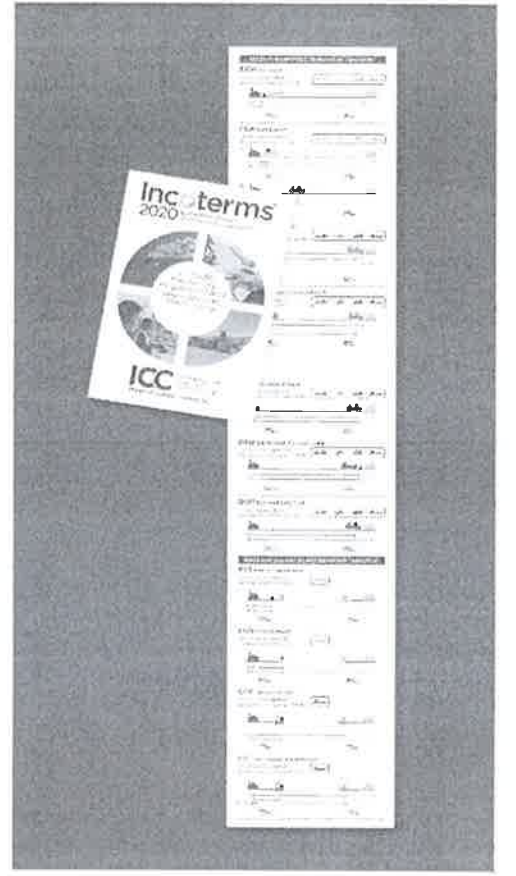
Ek :

1- İlgi yazı ve Eki. (10 sayfa)

Milletlerarası Ticaret Odası (ICC), uluslararası ticarete kullanılan, evrensel olarak standartlandırılmış ve malların satışı için dünya çapında kabul gören kuralları belirleyen Incoterms® 2020,’yi yayınlamıştır.



Incoterms® kuralları, ilk kez 1936'da dünya çapındaki tacirler arasında mal satışı ile ilgili yaygın olarak kabul edilen tanımları ve kuralları belirlemek için ICC tarafından oluşturulmuştur. ICC, bu tarihten beri, uluslararası ticaret sistemindeki değişiklikleri yansıtmak için Incoterms® kurallarını periyodik olarak yenilemiştir.



Daha erişilebilir ve kullanımı daha kolay olan Incoterms® 2020, her Incoterms® kuralı için ithalatçı ve ihracatçıların sorumluluklarını gösteren grafiklere sahip daha ayrıntılı

ve açıklayıcı notlar içermektedir.

Incoterms® 2020, belirli bir işlem için en uygun Incoterms® kuralının nasıl seçileceğine veya bir satış sözleşmesinin yardımcı sözleşmelerle nasıl etkileşime girdiğine dair daha ayrıntılı açıklamalar içermektedir.

Incoterms® 2020'nin piyasaya sürülmesiyle ilgili olarak ICC Genel Sekreteri John W.H. Denton AO, "Incoterms® 2020 kuralları, trilyonlarca dolarlık yıllık küresel ticareti kolaylaştırarak iş dünyasını herkes için daha elverişli bir hale getirmektedir. Dünyanın dört bir yanındaki ithalatçı ve ihracatçıların sorumluluklarını anlamalarına ve maliyetli yanlış anlamalardan kaçınmalarına yardımcı olan Kurallar, uluslararası satış işlemlerinin dilini oluşturmakta ve kıymetli küresel ticaret sistemimize güven duyulmasına yardımcı olmaktadır." açıklamasında bulunmuştur.

ICC'nin herkes için teknoloji taahhüdüne uygun olarak, en son haberler, etkinlik bilgileri ve eğitim fırsatları da dahil olmak üzere çok çeşitli ve bilgilendirici özellikler içeren özel bir Incoterms® 2020 mobil uygulaması ile kurallara ilişkin temel bilgilere erişim her zamankinden daha kolay hale gelecektir.

İngilizce olarak Incoterms® 2020 kuralları yayınını satın almak için komitemizle irtibata geçiniz.-

ICC Türkiye Milli Komitesi

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Incoterms[®]

2020 by the International
Chamber of Commerce (ICC)



KEY MESSAGES
for launch campaign

KEY MESSAGES for launch campaign

VERY IMPORTANT NOTE: Please note that the key messages for Phases 2, 3 and 4 are strictly embargoed until the dates indicated in the document. This means that national committees or other ICC entities should not publish or share this information with anyone before the pre-determined date. It is in ICC's interest that this embargo is adhered to in order to protect the content of the upcoming Incoterms[®] rules and to communicate consistently to your members and communities as one common network. You may start using the key messages for Phase 1 as of now in your own local communications.

BACKGROUND

A global communications campaign will be launched in March 2019 leading up to the worldwide launch of Incoterms[®] 2020 in September. The campaign will be divided into four parts to build launch momentum and visibility as follows:

PHASE 1 | March 2019

Launch buzz: indicate second half of 2019 for release + entry into force of new Incoterms[®] rules on 1 January 2020

PHASE 2 | April 2019

Awareness raising: indicate Autumn 2019 for release + entry into force of new Incoterms[®] rules on 1 January 2020

PHASE 3 | June 2019

Indicate early September 2019 as release date + announce that the new rules will soon be available + begin to communicate on the formats that will be made available. ICC Headquarters to also announce pre-order information

PHASE 4 | End of August 2019

Indicate official date of release + announce main changes in the rules, as well as a call to action to purchase

PURPOSE AND USE OF THE KEY MESSAGES

These key messages aim to help campaign promoters—including ICC leadership, staff, ICC national committees, the International Court of Arbitration and the ICC Academy, to communicate consistently, accurately and in sync about the launch of Incoterms[®] 2020. They are intended to be used in the development of communication collateral, including social media posts, press releases, web stories, speeches and interviews.

▶ PHASE 1 | Starting March 2019

KEY MESSAGE 1

Facilitating trade through the development of a set of trade terms was one of ICC's first initiatives

- > Incoterms® is short for "international commercial terms".
- > In the 1920's, ICC conducted studies, examining the use of trade terms. The findings highlighted disparities in interpretation and led to the publication of the first version edition of the Incoterms® rules in 1936 by ICC.
- > When ICC first introduced the Incoterms® rules they caused a sensation in the international business world by bringing coherence to a commercial and judicial system that diverged widely from one country to another.
- > The launch of Incoterms® 2020 will take place in the second half of 2019, ICC's Centenary year, as the organization looks towards the next century of global trade.

KEY MESSAGE 2

Incoterms® rules are applied by companies for countless business transactions worldwide supporting ICC's vision to enable business to secure peace, prosperity and opportunity for all

- > ICC is committed to do all it can to remake the case for global trade integration given that multilateral rules-based trade has fuelled seven decades of unprecedented job creation and poverty alleviation.
- > The Incoterms® rules are an essential part of ICC's work and help set ICC apart from other international business organisations.
- > The Incoterms® rules help trade flow by helping traders avoid costly misunderstandings by clarifying the tasks, costs and risks involved in the delivery of goods from sellers to buyers.
- > Changes in the rules through the years have been made to adapt the terms to new developments in world trade. In all cases, revisions have been made to ensure that the wording of the Incoterms® rules clearly and accurately reflect trade practice.
- > To keep pace with the ever-evolving global trade landscape, the latest update to the trade terms is currently in progress and is set to be unveiled in the second half of 2019 for entry into force on 1 January 2020.

KEY MESSAGE 3

Since their inception, the Incoterms® rules have been developed and maintained by experts and practitioners brought together by ICC.

- > Incoterms® rules are recognised by UNCITRAL as the global standard for the interpretation of the most common terms in foreign trade.
- > The Incoterms® 2020 Drafting Group is made up of nine experts, including ICC's Trade and Investment Directors: three from Asia, two from America and four from Europe.
- > Four members of the Drafting Group represent users of Incoterms® rules, the other five are lawyers specialising in the field of international trade.
- > The inclusion and significant participation of users from Asia in the drafting process is a deliberate and positive development for the review of Incoterms® rules.
- > Since the beginning of the work in 2016, the Drafting Group has received, analysed and discussed over 3,000 comments from ICC national committees.
- > A first global consultation took place in November 2016 followed by consultations with ICC national committees in April and October 2017 and May 2018.
- > Two 'user' global consultations took place in Beijing (2017) and London (2018).
- > The international editorial board met 12 times between July 2016 and September 2018. The text is now under review by the ICC Executive Board.

▶ PHASE 2 | Starting mid-April 2019

KEY MESSAGE 1

ICC is the international body that drafts and maintains the Incoterms® rules, there is no better place to learn about them than from the source.

- > Because ICC's member companies and associations are themselves engaged in international business, ICC has authority in making rules that govern the conduct of business across borders.
- > Correct use of the Incoterms® rules helps provide the legal certainty upon which mutual confidence between business partners must be based. To help trade practitioners use them correctly, ICC—as the originator and developer of the Incoterms® rules—issues official publications and provides training on the rules.
- > ICC has a long history of developing rules of practice for business. ICC rules are developed by experts and practitioners brought together by ICC in a thorough consultative process, they are globally accepted and have become the standard in rules-setting for international business.

KEY MESSAGE 2

ICC rules adapt to the ever-evolving global trade landscape

- > ICC has updated the Incoterms® rules to keep pace with the ever-evolving global trade landscape. Revisions have been made to ensure that the wording of the Incoterms® rules clearly and accurately reflects present-day trade practices.
- > Incoterms® 2020 is set to be released in Autumn 2019, following a two-year update process by an ICC expert drafting group comprising lawyers, traders and company representatives from around the world.
- > The updated rules will enter into force on 1 January 2020.

KEY MESSAGE 3

The correct use and application of the Incoterms® rules is vital to trade professionals

- > Before ICC developed the Incoterms® rules, terms were often subject to varying interpretations in different countries, often giving rise to disputes and litigation.
- > Used in both international and domestic contracts for the sale of goods, the Incoterms® rules simplify the drafting of contracts for the sale of goods and help avoid misunderstandings by clearly setting out certain obligations of buyers and sellers.
- > A potentially very costly mistake for example is for parties to choose an Incoterms rule without understanding where the goods are 'delivered' under the chosen rule, which is where risk of loss of or damage to the goods moves from seller to buyer.

▶ PHASE 3 | Starting mid-June 2019

KEY MESSAGE 1

Incoterms® 2020 will launch in September 2019, reflecting developments in world trade over 10 years

- > ICC has updated the Incoterms® rules to keep pace with the ever-evolving global trade landscape.
- > Revisions have been made to ensure that the wording of the Incoterms® rules clearly and accurately reflects present-day trade practices.

KEY MESSAGE 2

Incoterms® rules help make the prospect of doing business globally less daunting for small business

- > Incoterms® rules are used daily in contracts for the sale of goods around the world, by enterprises of all sizes, from MNEs to individual practitioners.
- > Every day, millions of small businesses use the Incoterms® rules to provide more certainty and clarity when trading across borders.
- > To promote correct usage of the rules by everyone, everywhere, every day, ICC has undertaken to make the Incoterms® 2020 rules even easier to access and understand.

KEY MESSAGE 3

Incoterms® 2020 can be pre-ordered from [date to be provided at later time], allowing users to secure copies as soon as release date comes around

- > Insert information regarding where to pre-order.
- > The new rules and complementary information will be available in a range of digital and hard copy formats—including via the dedicated Incoterms® rules app and online course by the ICC Academy. The various formats will be available at a range of price points and through a broad range of distribution channels, including ICC's newly launched e-commerce platform [name to be announced].

▶ PHASE 4 | August 2019

KEY MESSAGE 1

The new Incoterms® rules are more accessible and easier to use

- > The Explanatory Note to each Incoterms® 2020 rule includes enhanced graphics to help users understand the features of each rule, as well as upgraded tips for use and issues to watch out for.
- > The new rules also include a more detailed and user-friendly Introduction, providing users with a helpful overview and discussion of key issues in the use of the rules, including how to choose the right rule for a given transaction and how the sale contract interacts with ancillary contracts often used in deals for the sale of goods, such as contracts of carriage or insurance.
- > To allow users to compare the essential features of various rules at a glance, the Incoterms® 2020 publication for the first time also includes an Article-by-Article presentation of the rules, making it easy to see, for example, where the risk for the goods passes from seller to buyer in each of the 11 Incoterms rules
- > The 10 articles that appear in each of the 11 Incoterms® 2020 rules have been reordered, so that the articles more closely track the sequence of issues as they arise in a typical sale of goods. This also means that some key elements of each rule appear earlier in the rule, for example, the article setting out where 'delivery' occurs—which determines the passage of risk from seller to buyer—is now in article A2/B2 instead of article A4/B4.
- > In some cases, key information in an Incoterms® rule has been consolidated and/or repeated for easier reference. For example, costs for seller and buyer are consolidated in article A9/B9 of each rule, and individual costs also appear in each article under which a particular cost arises, such as paying for carriage (article A4/B4) or export formalities (article A7/B7).

KEY MESSAGE 2

Incoterms® 2020 provides for the demonstrated market need in relation to bills of lading with an on-board notation and the FCA Incoterms® rule

- > Where goods are sold under the FCA rule for carriage by sea—which is advisable for containerised goods—sellers or buyers (or their banks where the sale involves a letter of credit) may want a bill of lading (BL) with an on-board notation, even though delivery under FCA is completed before the goods have been loaded on board the vessel.
- > To provide for this demonstrated market need, FCA in article A6/B6 of Incoterms® 2020 now provides for an additional option. The buyer and the seller can agree that the buyer will instruct its carrier to issue an on-board BL to the seller after the loading of the goods, at which point the seller is obliged to give the on-board BL to the buyer, typically through the banks.

KEY MESSAGE 3

Incoterms® 2020 aligns different levels of insurance coverage in CIF and CIP

- > In the Incoterms® 2010 rules, the two rules that impose insurance requirements—CIP and CIF—required seller to obtain insurance cover for the benefit of the buyer at a minimum level, covering a number of standard listed risks as set out in Clauses (C) of the Institute Cargo Clauses (Lloyd's Market Association/International Underwriting Association).
- > In the new rules, the minimum cover status quo remains in effect for CIF, which is much more likely to be used in the maritime commodity trades, but the default insurance requirement under CIP has moved to more comprehensive 'all risks' cover, as set out in Clauses (A) of the Institute Cargo Clauses (Lloyd's Market Association/International Underwriting Association).

KEY MESSAGE 4

Incoterms® 2020 includes arrangements for carriage with own means of transport in FCA, DAP, DPU and DDP

- > In the Incoterms® 2010 rules, it was assumed throughout that where the goods were to be carried from the seller to the buyer, they would be carried by a third-party carrier engaged for the purpose either by the seller or the buyer, depending on which Incoterms rule was used.
- > It became clear in the deliberations leading to Incoterms® 2020, however, that there were some situations where a buyer or seller might wish to use its own means of transportation to move the goods, and thus the Incoterms® 2020 rules now expressly allow the relevant party either to make a contract of carriage or simply to arrange for the necessary carriage.

KEY MESSAGE 5

There is a change in the three-letter name for DAT (delivered at terminal) to DPU (delivered at place unloaded)

- > In the Incoterms® 2010 rules, the only difference between DAT (Delivered at Terminal) and DAP (Delivered at Place) was that in DAT the seller delivered the goods unloaded from the arriving means of transport into a "terminal" (very broadly defined to be any place, whether covered or not), whereas in DAP, the seller delivered the goods when the goods were placed at the disposal of the buyer ready for unloading from the arriving means of transport.
- > In order to emphasise both the reality that the place of destination under DAT could be any place and not only a terminal, and that the primary difference between DAT and DAP was whether the seller had to unload the goods in order to deliver them, the name of the rule DAT has been changed to DPU (Delivered at Place Unloaded).

KEY MESSAGE 6

Incoterms® 2020 includes security-related requirements within carriage obligations and costs

- > Incoterms® 2010 was the first version to come into force after security-related concerns became so prevalent in the early part of this century; security-related requirements made a rather subdued entry into the Incoterms® 2010 rules, through articles A2/B2 and A10/B10.
- > The shipping practices put in place to deal with such security concerns are now much more established and as a result, an express allocation of security-related obligations has now been added to articles A4/B4 and A7/B7 of each Incoterms® rule. The costs incurred by these requirements are also now given a more prominent position in the costs article, A9/B9.