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台中市忠明南路 1151 號 電話:04-2262 0983 傳真:04-2262 5619 E/M:leisureinn_tw@yahoo.com.tw

UCP Supplement for Electronic Presentation (V.1.0)

Come into force as from April 1, 2002 Copyright ICC

Article e1: Scope of the UCP Supplement for Electronic Presentation (eUCP).

- a. The UCP Supplement for Electronic Presentation (“eUCP”) supplements the Uniform Customs and Practice for Documentary Credits (1993 Revision ICC Publication No. 500, “UCP”) in order to accommodate presentation of electronic records alone or in combination with paper documents.
- b. The eUCP shall apply as a supplement to the UCP where the Credit indicates that it is subject to eUCP.
- c. This version is Version 1.0. A Credit must indicate the applicable version of the eUCP. If it does not do so, it is subject to the version in effect on the date the Credit is issued, or, if made subject to eUCP by an amendment, on the date of that amendment.

Article e2: Relationship of the eUCP to the UCP.

- a. A Credit subject to the eUCP (“eUCP Credit”) is also subject to the UCP without express incorporation of the UCP.
- b. Where the eUCP applies, its provisions shall prevail to the extent that it would produce a result different from the application of the UCP.
- c. If a eUCP Credit allows the Beneficiary to choose between presentation of paper documents or electronic records and it chooses to present only paper documents, the UCP alone shall apply to that presentation. If only paper documents are permitted under a eUCP Credit the UCP alone shall apply.

Article e3: Definitions.

- a. Where the following terms are used in the UCP, for the purposes of applying the UCP to an electronic record presented under an eUCP Credit, the term:
 - I . “**appears on its face**” and the like shall apply to examination of

the data content of an electronic record.

II. “**document**” shall include an electronic record.

III. “**place for presentation**” of electronic records means an electronic address.

IV. “**sign**” and the like shall include an electronic signature.

V. “**superimposed**”, “**notation**” or “**stamped**” means data content whose supplementary character is apparent in an electronic record.

b. The following terms used in the eUCP shall have the following meanings:

I. “**electronic record**” means:

a. data created, generated, sent, communicated, received, or stored by electronic means;

b. that is capable of being authenticated as to the apparent identity of a sender and the apparent source of the data contained in it, and as to whether it has remained complete and unaltered; and

c. is able to be examined for compliance with the terms and conditions of the credit.

II. “**electronic signature**” means a data process attached to or logically associated with an electronic record and executed or adopted by a person in order to identify that person and to indicate that person's authentication of the electronic record.

III. “**format**” means the data organisation in which the electronic record is expressed or to which it refers.

IV. “**paper document**” means a document in a traditional paper form.

V. “**received**” means the time when an electronic record enters the information system of the recipient designated in the eUCP Credit in a form capable of being accepted by that system. Any acknowledgement of receipt does not imply acceptance or refusal of the electronic record under the eUCP Credit.

Article e4: Format.

The eUCP Credit must specify the formats in which electronic records are to be presented. If the format of the electronic record is not so specified, it may be presented in any format.

Article e5: Presentation.

a.

I. A eUCP Credit allowing presentation of electronic records must

state a place for presentation of the electronic records.

- II . A eUCP Credit allowing presentation of both electronic records and paper documents must state places for presentation of the electronic records and of the paper documents.
- b. Electronic records may be presented separately and need not be presented at the same time.
 - c. If a eUCP Credit allows for presentation of one or more electronic records, the Beneficiary must provide a notice to the bank to which presentation is made signifying when the presentation is complete. Presentation is deemed not to have been made if the Beneficiary's notice is not received.
 - d.
 - i. Each presentation of electronic records must identify the eUCP Credit under which the electronic records are presented. In a presentation consisting of both electronic records and paper documents the presentation of paper documents must also identify the eUCP Credit under which they are presented.
 - ii. A presentation not so identified may be treated as not received.
 - e. If the bank to which presentation is to be made is open but is unable to receive an electronic record on the stipulated expiry date and/or the last day of the period of time after the date of shipment for presentation, as the case may be, the bank will be deemed to be closed and the date for presentation and/or the expiry date shall be extended to the first following banking day on which such bank is able to receive an electronic record.
 - f. An electronic record that cannot be authenticated is deemed not to have been presented.

Article e6: Examination.

- a. If presentation of an electronic record contains a hyperlink to an external system or a presentation indicates that the electronic record may be examined by reference to an external system, the bank examining the electronic record should examine it in the manner indicated. The failure of the indicated system to provide access to the required electronic record shall constitute a discrepancy.
- c. The forwarding of electronic records by a nominated bank pursuant to its nomination signifies that it has checked the apparent authenticity of the electronic records.
- d. The inability of the issuing bank, or confirming bank, if any, to examine an electronic record in a format required by the eUCP Credit or, if no format is required, to examine it in the format presented is not a basis for refusal.

Article e7: Notice of Refusal.

- a.
- I . The time period for the examination of documents commences on the banking day following the banking day on which the Beneficiary's notice that the presentation is complete is received.
 - II . If the bank to which presentation is to be made is open but is unable to receive the Beneficiary's notice that presentation is complete, the time period for the examination of documents commences on the first following banking day on which such bank is able to receive the Beneficiary's notice.
- b. Where presentation is made by electronic records only to the Issuing Bank or the Confirming Bank, if any, the reasonable time for examination of electronic records, and if applicable, giving notice of refusal of electronic records, shall be a reasonable time not to exceed five banking days following the banking day when the Beneficiary's notice that the presentation is complete is received.
- c. If an Issuing Bank, the Confirming Bank, if any, or a Nominated Bank acting on their behalf, provides a notice of refusal of a presentation which includes electronic records and does not receive instructions from the party to which notice of refusal is given within 30 calendar days from the date the notice of refusal is given for the disposition of the electronic records, the Bank may dispose of the electronic records without any responsibility.

Article e8: Originals and Copies.

Any requirement of the UCP or eUCP Credit for presentation of one or more originals or copies of an electronic record is satisfied by the presentation of one electronic record.

Article e9: Date of Issuance.

Unless an electronic record contains a specific date of issuance, the date on which it appears to have been sent by the issuer is deemed to be the date of issuance.

Article e10: Transport.

If an electronic record evidencing transport does not indicate a date of shipment, the date of issuance of the electronic record will be deemed to be the date of shipment. However, if the electronic record bears an addendum or notation that does not evidence the date of shipment or dispatch, the date of the addendum or notation will be deemed to be the date of shipment or dispatch. An addendum or notation showing

additional data content need not be separately signed or otherwise authenticated.

Article e11: Corruption of an Electronic Record.

- a. If there is data corruption of an electronic record that has been received by the Issuing Bank or a Nominated Bank, the bank may inform the presenter and request that the electronic record be re-presented.
- b. If the bank requests that an electronic record be re-presented:
 - I . the time for examination is suspended and resumes when the presenter re-presents the same electronic record in readable form; and
 - II . if the Nominated Bank is not the Issuing Bank, it must provide the Issuing Bank and any Confirming Bank with notice of the request for re-presentation and inform it of the suspension; but
 - III . if the same electronic record is not re-presented within thirty (30) calendar days, the bank may treat the electronic record as not presented.

Article e12: Additional Disclaimer of Liability for eUCP Presentations.

By checking the apparent authenticity of an electronic record, banks assume no liability for the identity of the sender, source of the information, or its complete and unaltered character other than that which is apparent in the electronic record received by the use of a commercially acceptable data process for the receipt and identification of electronic records.

