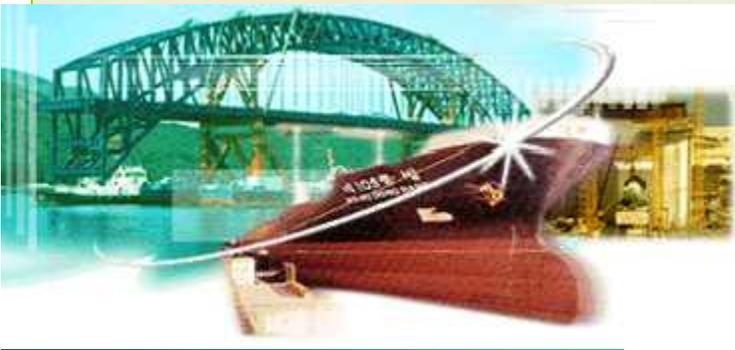




Guide to International Trade Management (제3주)



유 하상

3. 운송방식에 관계없는 조건

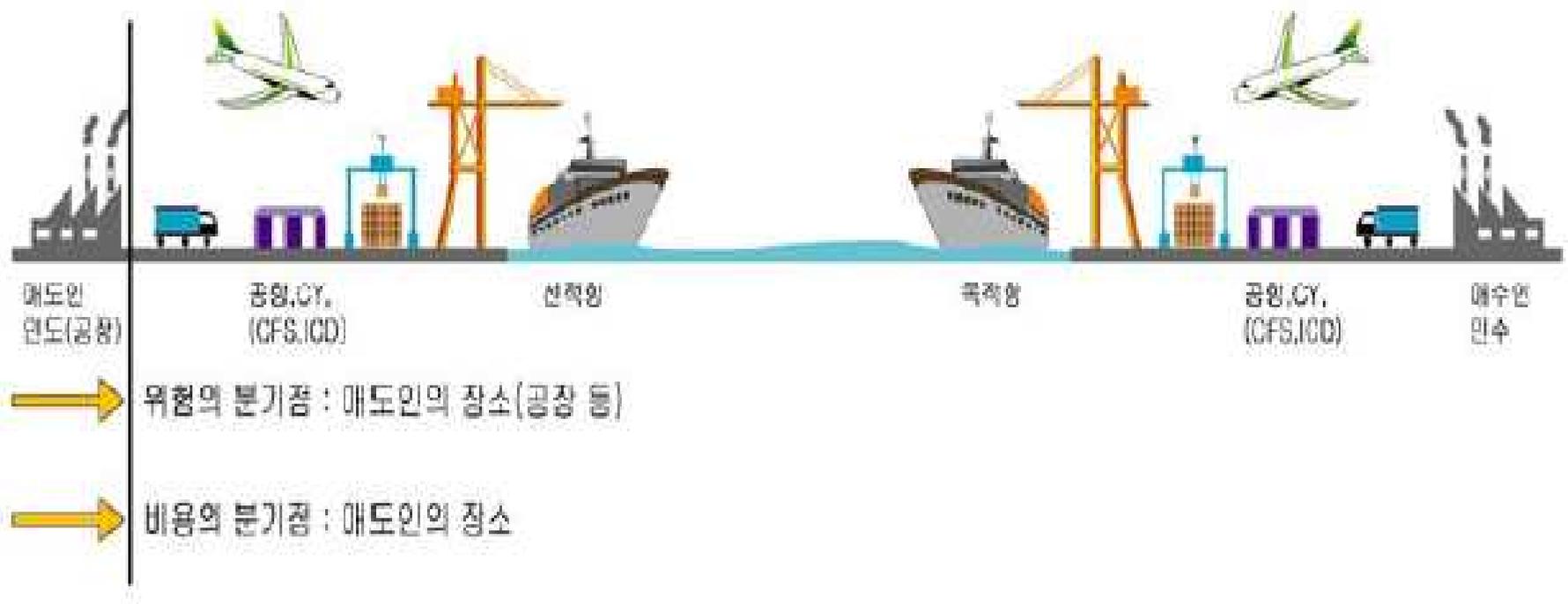
■ 1. EXW

- ❖ 인코텀즈는 운송방식에 따라 2가지로 분류
 - 운송방식에 관계없이 사용할 수 있는 조건 : 7가지
EXW, FCA, CPT, CIP, DAT, DAP, DDP
 - 해상 및 내수로 운송에서만 사용할 수 있는 조건 4가지
FAS, FOB, CFR, CIF

3. 운송방식에 관계없는 조건

1. EXW

EXW(Loco, On spot terms)



IV. 인코텀즈 2010의 개정내용

2. 전운송방식용 조건

1) EXW 조건

- 인코텀즈 2000과 본질적인 내용의 변경은 없음
- Guidance Note에서 국내거래에 적합함을 분명히 하고 있다
- Seller의 공장 등에서 운송인에게 물품을 인도하는 국제거래에서는 FCA조건이 보다 적합하다는 점을 밝히고 있다

3. 운송방식에 관계없는 조건

■ EXW 지침

This rule may be used irrespective of the mode of transport selected and may also used where more than one mode of transport is employed.

It is suitable for domestic trade, while FCA is usually more appropriate for international trade.

"Ex Works" means that the seller delivers when it places the goods at the disposal of the buyer at the seller's premises or at another named place(i. e., works, factory, warehouse, etc.).

The seller does not need to load the goods on any collecting vehicle, nor does it need to clear the goods for export, where such clearance is applicable.

The parties are well advised to specify as clearly as possible the point within the named place of delivery, as the costs and risks to that point are for the account of the seller.

The buyer bears all costs and risks involved in taking the goods from the agreed point, if any, at the named place of delivery.

EXW represents the minimum obligation for the seller.

Irrespective : 관계없이	collecting vehicle : 수거용 운송수단(차량, 등)
are well advised : 잘 충고되어진다?(=~하는 것이 좋다. 바람직하다.)	
involved in taking the goods : 물품 수령에 수반되는	

3. 운송방식에 관계없는 조건

■ EXW 지침

The rule should be used with care as:

- a) The seller has no obligation to the buyer to load the goods, even though in practice the seller may be in a better position to do so. If the seller does load the goods, it does so at the buyer's risk and expense. In cases where the seller is in a better position to load the goods, FCA, which obliges the seller to do so at its own risk and expense, is usually more appropriate.
- b) A buyer who buys from a seller on an EXW basis for export needs to be aware that the seller has an obligation to provide only such assistance as the buyer may require to effect that export: the seller is not bound to organize the export clearance. Buyers are therefore well advised not to use EXW if they cannot directly or indirectly obtain export clearance.
- c) The buyer has limited obligations to provide to the seller any information regarding the export of the goods. However, the seller may need this information for, e. g., taxation or reporting purposes.

3. 운송방식에 관계없는 조건

■ FCA 지침

FCA



IV. 인코텀즈 2010의 개정내용

2. 전운송방식용 조건

2) FCA 조건

- 인코텀즈 2000과 본질적인 내용의 변경은 없음
- Guidance Note에서 물품의 인도지점을 보다 구체적으로 지정할 것을 권고함

3. 운송방식에 관계없는 조건

■ FCA 지침

This rule may be used irrespective of the mode of transport selected and may also be used where more than one mode of transport is employed.

"Free Carrier" means that the seller delivers the goods to the carrier or another person nominated by the buyer at the seller's premises or another named place. The parties are well advised to specify as clearly as possible the point within the named place of delivery, as the risk passes to the buyer at that point.

If the parties intend to deliver the goods at the seller's premises, they should identify the address of those premises as the named place of delivery, if, on the other hand, the parties intend the goods to be delivered at another place, they must identify a different specific place of delivery.

FCA requires the seller to clear the goods for export, where applicable.

However, the seller has no obligation to clear the goods for import, pay any import duty or carry out any import customs formalities.

Irrespective : 관계없이 collecting vehicle : 수거용 운송수단(차량, 등)
 are well advised : 잘 충고되어진다?(=~하는 것이 좋다. 바람직하다.)
 involved in taking the goods : 물품 수령에 수반되는

3. 운송방식에 관계없는 조건

■ CPT 지침

CPT



IV. 인코텀즈 2010의 개정내용

2. 전운송방식용 조건

3) CPT 조건

- 본질적인 내용의 변경은 없음
- 매도인의 인도서류제공의무에 관한 요건을 강화하는 방향으로 개정
- Guidance Note에서 물품이 인도되는 장소와 지정목적장소를 정확하게 매매계약에서 확정할 것을 권고
- 목적지점까지 정확하게 일치하는 운송계약을 체결할 것을 권고

3. 운송방식에 관계없는 조건

■ CPT 지침

This rule may be used irrespective of the mode of transport selected and may also be used where more than one mode of transport is employed.

"Carriage Paid To" means that the seller delivers the goods to the carrier or another person nominated by the seller at an agreed place (if any such place is agreed between the parties) and that the seller must contract for and pay the costs of carriage necessary to bring the goods to the named place of destination.

When CPT, CIP, CFR or CIF are used, the seller fulfills its obligation to deliver when it hands the goods over to the carrier and not when the goods reach the place of destination.

This rule has two critical points, because risk passes and costs are transferred at different places.

The parties are well advised to identify as precisely as possible in the contract both the place of delivery, where the risk passes to the buyer, and the named place of destination to which the seller must contract for the carriage.

Fulfills : 의무를 이행하다.

Critical : 중요한 갈림길

Hand over : 양도하다. 인계하다

Identify : 밝히다. ㄱ

3. 운송방식에 관계없는 조건

■ CPT 지침

If several carriers are used for the carriage to the agreed destination and the parties do not agree on a specific point of delivery, the default position is that risk passes when the goods have been delivered to the first carrier at a point entirely of the seller's choosing and over which the buyer has no control.

Should the parties wish the risk to pass at a later stage (e. g., at an ocean port or airport), they need to specify this in their contract of sale.

The parties are also well advised to identify as precisely as possible the point within the agreed place of destination, as the costs to that point are for the account of the seller. The seller is advised to procure contracts of carriage that match this choice precisely.

If the seller incurs costs under its contract of carriage related to unloading at the named place of destination, the seller is not entitled to recover such costs from the buyer unless otherwise agreed between the parties.

CPT requires the seller to clear the goods for export, where applicable.

However, the seller has no obligation to clear the goods for import, pay any import duty or carry out any import customs formalities

Default position: 채무불이행 지점 incur : 손해를 입다. (비용을 지출하다)
Not Entitled to recover : 구상할 수 없다 (권리가 없다, ~할 자격이 없다)

3. 운송방식에 관계없는 조건

■ CIP 지침



IV. 인코텀즈 2010의 개정내용

2. 전운송방식용 조건

4) CIP 조건

- 인코텀즈 2000과 본질적인 내용의 변경은 없으며 보험관련 내용을 제외하고는 CPT조건과 차이 없음
- 매도인의 의무조항 상의 A3항의 보험과 관련하여 재정비 하였음

3. 운송방식에 관계없는 조건

■ CIP 지침

This rule may be used irrespective of the mode of transport selected and may also be used where more than one mode of transport is employed.

"Carriage and Insurance Paid to" means that the seller delivers the goods to the carrier or another person nominated by the seller at an agreed place (if any such place is agreed between the parties) and that the seller must contract for and pay the costs of carriage necessary to bring the goods to the named place of destination.

The seller also contracts for insurance cover against the buyer's risk of loss of or damage to the goods during the carriage.

The buyer should note that under CIP the seller is required to obtain insurance only on minimum cover.

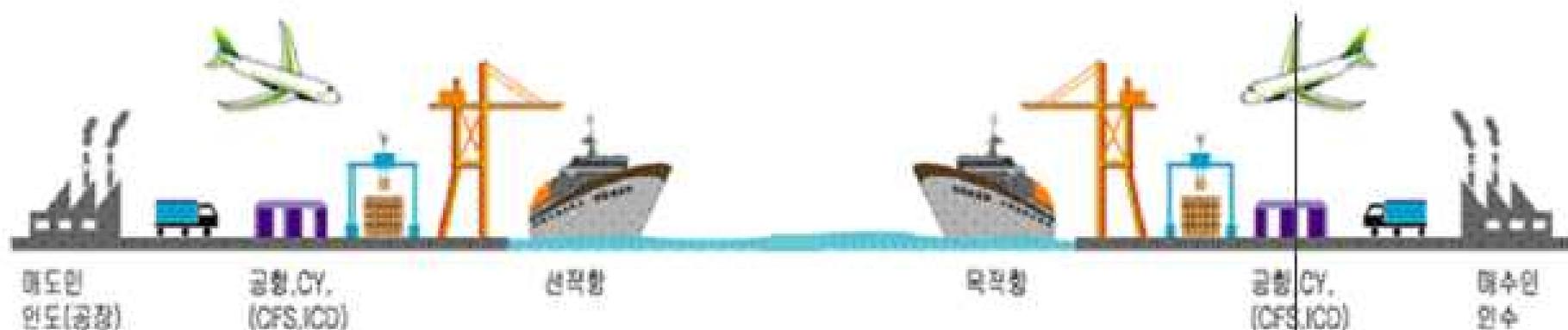
Should the buyer wish to have more insurance protection, it will need either to agree as much expressly with the seller or to make its own extra insurance arrangements.

Obtain : 획득하다.

3. 운송방식에 관계없는 조건

■ DAT 지침

DAT



위험의 분기점 : 양하한 물품을 지정항구나 목적지의 지정터미널에서 인도할 때

비용의 분기점 : 양하한 물품을 지정항구나 목적지의 지정터미널에서 인도할 때

터미널

- 부두, 창고
- CY, 도로
- 철도
- 항공화물터미널

3. 운송방식에 관계없는 조건

■ DAT 지침

This rule may be used irrespective of the mode of transport selected and may also be used –where more than one mode of transport is employed.

"Delivered at Terminal" means that the seller delivers when the goods, once unloaded from the arriving means of transport, are placed at the disposal of the buyer at a named terminal at the named port or place of destination.

"Terminal" includes any place, whether covered or not, such as a quay, warehouse, container yard or road, rail or air cargo terminal.

The seller bears all risks involved in bringing the goods to and unloading them at the terminal at the named port or place of destination.

Unloaded : 양하된 짐을 부리다

3. 운송방식에 관계없는 조건

■ DAT 지침

The parties are well advised to specify as clearly as possible the terminal and, if possible, a specific point within the terminal at the agreed port or place of destination, as the risks to that point are for the account of the seller.

The seller is advised to procure a contract of carriage that matches this choice precisely.

Moreover, if the parties intend the seller to bear the risks and costs involved in transporting and handling the goods from the terminal to another place, then the DAP or DDP rules should be used.

DAT requires the seller to clear the goods for export, where applicable.

However, the seller has no obligation to clear the goods for import, pay any import duty or carry out any import customs formalities.