



# UNCITRAL webinar on "International experiences with the dematerialization of negotiable transport documents"

13-14 April 2021



Online, Zoom



## BACKGROUND

Following the consideration of the proposal by China (A/CN.9/998) and a note by the Secretariat (A/CN.9/1034) on possible future work by UNCITRAL towards the development of a negotiable transport document, UNCITRAL, at its fifty-second session, requested its secretariat to conduct research on legal issues related to the use of railway or other consignment notes, and at its fifty-third session, UNCITRAL requested its secretariat to start preparatory work towards the development of a new international instrument on multimodal negotiable transport documents that could be used for contracts not involving carriage by sea. UNCITRAL concurred with the assessment of its secretariat that the inclusion of electronic transport documents in that work would be particularly timely for supporting the new types of supply chain and logistics models expected to develop in response to the widespread business disruptions caused by the COVID-19.

The results of the exploratory and preparatory work conducted so far by the secretariat indicate that the work on a negotiable transport document should primarily focus on electronic negotiable transport documents (ENTDs) being used for different modes of transportation, not limited to maritime, and different combinations thereof (multimodal transportation). ENTDs intend to encompass also electronic transport documents, which are, although non-negotiable/non-transferable, fulfil functionalities of document of title (e.g., a straight bill of lading).

While UNCITRAL accumulated some expertise and knowledge on the subject of ENTDs in conjunction with its work on the Rotterdam Rules and the Model Law on Electronic Transferable Records (MLETR), relevant laws, regulations, standards, practices and case law have evolved, requiring their new survey. As a first step, the UNCITRAL secretariat is organizing on 13 and 14 April an open webinar to assess ENTD-related legal developments and seek views of the wide legal community on them. The webinar will be held in English, without interpretation.

Interested persons are invited to register at <https://uncitral.un.org/en/webinar-dematerialization-negotiable-transport-documents>. Connection details will be forwarded to the registered participants in due course.

<p><b>Day 1 - Tuesday, 13 April 2021, 9:30 a.m. - 12:30 p.m. CET</b></p> <p><b>Electronic Transferable Records and Dematerialization of Trade Documents</b></p>
<p><b>9:30-9:45</b>  <b>Opening of the webinar and greeting of participants</b></p>
<p><b>9:45-10:45</b></p> <p><b>Electronic transferable records: UNCITRAL standards and domestic experiences</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Kah Wei CHONG</a>, Deputy Senior State Counsel, Attorney-General’s Chambers, Singapore, on “MLETR and its enactment in Singapore”</li> <li>• <a href="#">Prof. GUO Yu</a> 郭瑜, Peking University, on “MLETR: the perspective from China”</li> <li>• <a href="#">Dr. Alan Davidson</a>, Senior Lecturer, TC Beirne School of Law, The University of Queensland, on “MLETR in banking: focus on letters of credit”</li> </ul> <p><b>Q&amp;A</b></p>
<p><b>10:45-11:00 (break)</b></p>
<p><b>11:00-12:20</b></p> <p><b>Regulatory and industry responses to the dematerialization of trade documents</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Oswald Kuyler</a>, Managing Director, Digital Standards Initiative, ICC Asia, on “The ICC perspective”</li> <li>• <a href="#">Hans Huber</a>, PO Trade Finance DLT R&amp;D, Commerzbank, on “Blockchain and other electronic processes for documentary credit in the banking sector”</li> <li>• <a href="#">Xu Jun</a>, Deputy General Manager, Global Transaction Banking Department, Bank of China, Jiangsu Branch, Member of ICC Banking Commission Executive Committee, on “The perspective from China”</li> </ul> <p><b>Q&amp;A</b></p>
<p><b>12:20-12:30</b>  <b>Conclusion and closing</b></p>

<p><b>Day 2 - Wednesday, 14 April 2021, 9:30 a.m. - 12:30 p.m. CET</b></p> <p><b>Dematerialization of Negotiable Transport Documents: challenges and opportunities</b></p>
<p><b>9:30-9:35</b></p>

**Greeting of participants and opening of the second day**

**9:35-10:35**

**International standards for the dematerialization of transport documents**

- [David Sauv](#), Manager, Digital Cargo, IATA, on “The Montreal Convention”
- [Erik Evtimov](#), Deputy Secretary General, CIT, on “The Electronic CIM/SMGS consignment note”
- [Jens Huegel](#), Senior Advisor, IRU, on “The e-CMR”

**Q&A**

**10:35-10:50 (break)**

**10:50-12:20**

**Dematerialized negotiable transport documents: industry and regulatory responses**

- [Prof. Alexander von Ziegler](#), University Zurich, on “The Rotterdam Rules”
- [Paul Mallon](#), Head of Customer Engagement and Legal, Bolero, on "The legal underpinnings of the Bolero Bill of Lading"
- [Marina Comminos](#), Co-CEO & COO, essD°CS, on "The legal underpinnings of the CargoDocs Bill of Lading"
- [Dr. Patrick Vlačič](#), Legal Advisor, CargoX, on "The legal underpinnings of the CargoX Bill of Lading"

**Q&A**

**12:20-12:30**

**Conclusion and closing**



**CHONG Kah Wei** is a senior legislative drafter in the Legislation Division of the Attorney-General's Chambers of Singapore, and has been in the Division since September 2006. Prior to this, he acquired varied experiences in different positions in the judiciary, prosecution service and in a statutory body. He obtained an LLB (Hons) from the National University of Singapore in 1996 and an LLM from Harvard Law School in 2001.

He was the drafter for the 2021 amendments to the Electronic Transactions Act that adopted the UNCITRAL Model Law on Electronic Transferable Records (MLETR) as part of Singapore law. He has participated in the sessions of UNCITRAL Working Group IV (Electronic Commerce) since 2004, and headed the Singapore delegation to the Working Group since 2012.

He participated in the sessions of the Working Group that prepared the MLETR, and also the preceding instrument, the UN Convention on the Use of Electronic Communications in International Contracts.

He has spoken on the law relating to electronic commerce at seminars organized by UNCITRAL in USA, South Korea, the Philippines and Papua New Guinea, and at other seminars in Malaysia and Singapore. He has published articles on this subject in the Singapore Academy of Law Journal and the HUFs Global Law Review.



**Dr. Guo Yu** is an associate professor and the director of the Maritime Law Research Centre of Beijing University. She obtained her master's degree from Shanghai Maritime University, PhD from Beijing University and LLM from University of Cambridge. She joined as faculty at the Law School of Beijing University, where she is teaching since 1996.

Her main research interests are in the fields of maritime law, international commercial law and e-commerce law. She works as arbitrator for several prestigious arbitration organizations both home and abroad. Among the several works of Dr. Guo are: A Study on the Bill of Lading (1997), The Law of International Sale of Goods (1999), The Law of International Economic Organization (1999), Textbook of Maritime Law (2002, 2012 2d. ed.), The Spirit of Maritime Law: Theory and Practice in China (2006), Legal Protection of Personal Data (2012) and Legislation on Electronic Transferable Record: Problem and Solution (2019).



**Dr Alan Davidson** is a solicitor and barrister of the Supreme Court of New South Wales and of the High Court of Australia and continues to practice as a consultant. He has been a member of the Law Faculty, University of Queensland for 24 years. He practiced law for more than a decade before moving into academia full time. He has been acting Head of School at the Queensland University of Technology and Associate Dean at James Cook University before commencing at the University of Queensland. Dr Davidson was appointed as Fellow of IIBLP in 2006. He specialises in International Trade Law and Electronic Commerce Law. In 2011 Dr Davidson was invited to speak at the UNCITRAL Colloquium on Electronic Commerce at UN Headquarters; his topic was Electronic Letters of Credit.

Since 2014 Dr Davidson has been a participant at all UNCITRAL sessions of Working Group IV (Electronic Commerce), and in 2015 was invited to join its Panel of Experts. Dr Alan Davidson is a Director and Fellow of UNCITRAL National Co-ordination Committee Australia (UNCCA) and is its Education Director arranging for Australian Law students to attend UNCITRAL Working Groups.

Dr Davidson presents courses in International Trade Law, International Trade Finance Law, and Law & Technology. He has been a visiting academic in the USA, Thailand, Indonesia, Singapore and China. His books include Social Media and Electronic Commerce Law in 2 editions by Cambridge University Press; The Internet

for Lawyers and The Internet for Accountants. He has more than 200 publications. He has spoken at seminars organised by UNCITRAL RCAP in South Korea, the Philippines, India and most recently Thailand (online).



**Oswald Kuyler** is the former Head of Data Strategy of BHP, the world's largest diversified mining company. He has worked on initiatives covering blockchain, electronic documentation in trade, data and analytics, and automation. Before BHP, he was on the leadership team of EOH MS in South Africa, delivering solutions for a diverse customer base globally. He focused on providing solutions that enabled electronic documentation and records management, enhanced collaboration, business process management, and reporting. A technologist at heart with a strong focus on its impact on a corporates balance sheet, he is now focused on further the enabling of trade digitizations through the creation of standards at the international chamber of commerce.



**Hans Huber** is the PO Trade Finance DLT R&D, Commerzbank He has worked in Germany, Japan, and the UK and is currently based in Frankfurt and works in the DLT Lab of Commerzbank, leading DLT based Trade Finance innovation projects. Hans' professional career has always revolved around the reconciliation of business requirements and information technology capabilities. He has worked in Germany, Japan, the US and the UK. He has contributed to many projects in Commerzbank AG, Germany's second largest bank and largest in terms of trade finance market share. Hans is one of the founders of Commerzbank's DLT Lab and oversaw the initiation of a variety of DLT based activities, comprising a collateral management network on Corda, a Cash on Ledger PoC on Corda, an initiative to bring about Self Sovereign Identities on Hyperledger Indy, a pan-European solution to share KYC records on Corda, building an MVP for a trade finance network and other trade related activities, also spanning into the logistics industry.

His participation in the Batavia and Marco Polo program from an early stage on he helped making Commerzbank one of its most active participants.

Having been one of the key drivers in building the Universal Trade Network Hans has contributed to making the undertaking a priority of the global digital agenda of the International Chamber of Commerce as ICC Digital Trade Standards Initiative. The ICC DSI aims to convene the multitude of technical standard setters, policy makers and legislators around world trade to bring about harmonized technical standards, and globally harmonized legislation.



**Ms. XU Jun**, Deputy General Manager of Global Transaction Banking Department, Bank of China, Jiangsu Branch in China, with 28 years' experience in trade finance fields in domestic and overseas banks. Ms. XU is a member of: ICC Banking Commission Executive Committee, ICC Market Intelligent Team, ICC Global Survey of Trade Finance Editorial Team, Global Supply Chain Finance Forum, ICC Guidance Paper on the impact of COVID-19 on trade finance transactions issued subject to ICC rules' Drafting Group, WTO High Level Expert Group on Trade Finance, ICC China Banking Committee Forfeiting and Factoring Expert Team, DCW Editorial Advisory Board. She is also Co-leader of ICC SCF Rules Drafting Team; ICC Observer to Unidroit Factoring Model Law Working Group; ICC DOCDEX expert; Team Leader of ICC China Banking Committee Translation Expert Team. Ms. XU is the writer of dozens of professional books/papers and translator of ICC publications. She was also an invited speaker/panelist in events sponsored by ICC, WTO, UNCITRAL, Unidroit, etc.



**David Sauv** is a manager with the digital cargo team of IATA, driving the digital transformation of the air cargo industry.

He is now driving the ONE Record and Interactive Cargo projects, two innovative industry initiatives to enable true data sharing among air cargo stakeholders and to make cargo talk with the use of connected devices.

He has over 10 years of experience in business transformation, innovation and project management. David has a track record of successfully defining and implementing initiatives that meet business strategies and help organizations to be more competitive.



**Erik Evtimov** studied law at the Universities of Sofia and Bern. He was awarded a Master of European Law (LL.M. Eur.) following post graduate studies in European law at European Institute of the University of Saarland. Erik qualified as a lawyer in Sofia. A doctorate (Dr. iur.) was conferred on him by the University of Bern in 2003 with the distinction "magna cum laude".

Erik has worked as a Senior Legal Adviser in the General Secretariat of the International Rail Transport Committee (CIT) since 2004. Erik was elected as Deputy Secretary General in 2011. He is chairman of the CIT/OSJD CIM/SMGS Legal and Expert Group and of the CIT Working group on Multimodality.

He was chairman of the UNECE Informal Group of Experts on Unified Railway Law and is a member of various working groups and committees of the CIT, of the Community of European Railway and Infrastructure Companies (CER) in Brussels, of the International Union of Railways (UIC) in Paris and of the Intergovernmental Organisation for International Carriage by Rail (OTIF) in Bern. He was formerly a lawyer in the legal department of Caritas Schweiz having been an academic assistant at the Institute for European and International Economic Law at the University of Bern and a Project Manager at the World Trade Institute in Bern. He led projects for the United Nations Institute for Training and Research (UNITAR) in the Central Asian Republics and for the Stability Pact for South Eastern Europe (SPSEE) in the countries of South-Eastern Europe. In 2004, he was an intern in the Cabinet of the Advocate General Juliane Kokott in the European Court of Justice (ECJ).

He is a lecturer in European and International Rail Transport Law at the University of Bern and visiting lecturer at the University Lumiere2 Lyon (Université Lumière Lyon 2) in Rail Transport Law. From 2001 to 2005 he was Secretary of the Swiss section of the European Community Studies Association (ECSA Suisse).



**Jens Hügel** is Senior Adviser at IRU. He joined IRU in 2001 as Head of Economic Affairs and later became Head of Economic Affairs, Road Safety and Intermodal Transport. He currently heads the Sustainable Development and Goods Transport section of IRU and has done so since 2008.

After studying at the University of Groningen, Netherlands and Texas A&M University, College Station, United States, he graduated from the University of Frankfurt a.M., Germany, with a degree in Geography. Following postgraduate research he was employed by Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ German Technical Cooperation) as Political Advisor.



**Alexander von Ziegler** is a Partner in Schellenberg Wittmer's Dispute Resolution Group in Zurich and he also heads the firm's Trade and Transport Group as well as the Insurance Practice Group. He also acts as mediator. Alexander also is Professor for International Trade, Transport and Maritime Law at the University of Zurich.

Alexander von Ziegler was Secretary General both of the International Union of Marine Insurers (IUMI) and of the Comité Maritime International (CMI). He also acts as board member and former president of a number of national associations in the fields of trade and transport as well as delegate for Switzerland at International Organizations such as UNCTAD / UNCITRAL and the International Chamber of Commerce (ICC) for the revision of INCOTERMS.



**Paul Mallon** is both the co-founder of Bolero and the co-inventor of the innovative Bolero patent. Prior to joining Bolero, Paul was General Counsel and Company Secretary of TT Club, which is a leading global insurer of marine liability risks for ship owners, logistics providers, ports and terminal operators.

As a Maritime law expert specialising in Bills of Lading, Paul is the architect of the Bolero Rulebook and Bolero's legal structures. He also acts as General Counsel and Company Secretary.



**Marina Comminos** started her legal career as a trainee solicitor with Clifford Chance in 1998. She qualified into the Maritime and International Trade Group in March 2000. Her areas of expertise include dispute resolution (including charterparty, bills of lading and building contract disputes), commodities and international trade, and pollution regulation. Marina joined essDOCS on a part time basis in June 2006 as General Counsel and took a full time role as Head of Solution Delivery in January 2013. In November 2013, Marina was appointed COO, and in September 2018, was named Co-CEO & COO, taking on joint Company leadership duties with Co-CEO & CRO, Alexander Goulandris.

Marina obtained a 2:1 in her bachelor degree in Government and Law from the London School of Economics and completed the Legal Practice Course with Distinction. In 1997, she obtained an LLM in Maritime Law from University College London with Distinction and was awarded the Derby/Bryce Prize in Law for obtaining the highest marks in the Faculty of Laws across the University of London.

Marina is admitted to practice as a Solicitor in England and Wales.

Marina is a member of the Law Society of England and Wales, and a member of the ICC Commercial Law & Practice Commission.



**Patrick Vlačič** has been practicing and lecturing maritime, insurance and transport law since 1997, after passing the bar exam. Since 1997 he has been working at the Faculty of Maritime Studies and Transport at the University of Ljubljana, from assistant to associate professor. In the meantime, he was also a CEO of Airport Portorož in 2002 and 2003 and Minister of Transport in the Government of the Republic of Slovenia from 2008 to 2012. He has been dealing with paperless business in transport mainly since April 2018, as he is also a legal advisor at CargoX, the company that enables blockchain document transfer.