

## NOTES OF THE LEGAL REFORM ADVISORY BOARD MEETING #3

**Date** 24 November 2022, Thursday  
**Time** 14:00-15:00 GMT / 21:00-22:00 SGT  
**Place** Video Conference Call

<b>Present</b>	<b>DSI Legal Reform Advisory Board Members</b> Chris Southworth (Co-chair)* Valentina Mintah (Co-chair)*  Thomas Abell (ADB) Sivaram Superamanian (ASEAN Secretariat) Yesica González (ICC México) Ahmadou Kane (ITFC) Emmanuelle Butaud-Stubbs (ICC France) Inga Mortona (IPCSA) Vashti Maharaj (The Commonwealth) Sue Probert (UN/CEFACT) Oliver Wieck (ICC Germany) Li Yuanzi (ICC China) Shi Jing Cheng (ICC China) Ahma Milot (EBRD) Irina Tyan (EBRD) Satvinder Singh (ASEAN Secretariat)	<b>ICC DSI Management</b> Pamela MAR (Managing Director, DSI) Hannah Nguyen (Director of Digital Ecosystems, DSI) Tianmi Stilphen (Lead, Regulatory Affairs, DSI)  <b>LRAB Observers</b> Isagani Creencia Erna Gerard Hartsink (Chair, DSI Industry Advisory Board)  *Chair of the meeting.
<b>Absent</b>	Wamkele Mene (AfCFTA) Yunn Duval (UN ESCAP) Joy Albright (AEIB) Tod Burwell (BAFT) Trudi Hartzenberg (TRALAC) Sean Edwards (ITFA) Irina Tyan (EBRD)	

### NO. TOPICS

<b>1</b>	<b>Welcome Address</b> LRAB Co-Chair <b>Chris Southworth</b> and <b>Valentia Mintah</b> gave a warm welcome to the attendees and praised the effort that has been made thus far towards widespread MLETR adoption.
<b>RE2</b>	<b>Approval of Meeting 2 Minutes</b> Co-Chair <b>Mr. Southworth</b> moved to approve the minutes for meeting 2. No objections were made. The Minutes were approved.
<b>3</b>	<b>Progress up to date 2022</b>

Managing Director **Ms. MAR** restated DSI's mission and indicated that “**regulatory reform and capacity enhancement**” will be the top priority for 2023. The team has laid all groundwork to achieve KPIs in the near future, including commitment.

*Achievements-*

- **Hannah Nguyen** led education component has seen great success, such as the publication of Standards Toolkit. Another product is The Certificate in Digital Trade Strategy, which is an asynchronous deep dive into digital strategy lectured by 20 experts in digital trade. We have over 100 signups already within the first month of launching, members can enjoy the discount, please contact [stilphen.tianmi@iccwbo.org](mailto:stilphen.tianmi@iccwbo.org).
- **Sue Probert** announced the 2 Working Groups on Key Trade Documents & Data Elements (KTTDE) and Trusted Technology Environment (TTE) under Industry Advisory Board are slated to soft launch their first cut recommendations for templates in Q1 2023 and full release at Future Trade Forum (March 2023).

**2026 Ambitions**

*Standards Utilization Improved*

- Solution leverage foundational standards for trade-related data and processes.

*MLETR Adoption in Prominent Trade Route*

- Functional equivalence for electronic records to their physical counterparts enabled 70-80% of global trade.

*Global Rules for Digital Enabled*

- Rules and Practices enabling global trade processes to be digitalized and leveraged in appropriate instruments and contracts.

*Dematerialization*

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**Regional Updates on Regulatory Reform**

- Special attention is called to the UK's Electronic Trade Document Bill, aims to align to MLETR and remove legal barriers, is currently on a fast-track procedure, expected to come into force in May-June 2023. This bill will provide guidance worldwide, as 80% of bill of lading operate on English Law.

**Europe**

**Germany**

**Oliver Wieck** provided that they delivered their proposal to adopt legislation for German Commercial Law at the beginning of October, which has been received by the ministry.

- There is another proposal being drafted on Certificate for Insurance, which demonstrates increasing interests within the administration.
- Webinar last week fostered a great deal of interest from the business community within the Chambers, and the 170+ attendees were mainly composed of potential users.
- **Mr. Wieck would like to seek advice from the UK on an overarching digitalization strategy to further generate momentum within the German government.**

**France**

**Emmanuelle Butaud-Stubbs** began by sharing that 3 ministers (Economy, Finance and Industrial and Digital Sovereignty; Justice; and Foreign Trade) have officially asked to accelerate the digitalization of international trade and finance operations based on a major recommendation from the White book published by ICC France in the end of June 2022.

- There will be an official kick-off on December 8<sup>th</sup> to emphasize the multifaceted interests of different groups.
- French parliament ought to decide what to include in the law, and decree respectively before providing a further update on the parliamentary landing.
- There will be a webinar organized by French-speaking employers on MLETR in the first trimester of 2023.
- **Ms. Butaud-Stubbs would like to seek advice from Germany on the status of the insurance certificate because France does not currently have any big-name insurers, and she would like to see improvement in this area.**

**Mr. Southworth** noted that there is a growing number of industry working groups, mostly led by the banking industry. This is excellent progress and provides the beginnings of a strong implementation ecosystem for LRAB to work with.

**Thomas Abell** underscored “improving trade and supply chain” as key priority for ADB, which includes trade flow improvement as well as environment and social protection to address the global climate issue. MLETR Advocacy Initiative provides funding through technical assistance grant.

- Country Partnership Strategy (CPS) has been building satisfactory momentum within Georgia and China. Expecting more Central Asia countries to join in 2024.
- Many regional groups are very aligned with ADB’s goals, especially those groups that are trade-focused.
- ADB leaders are willing to publish a joint statement to support the MLETR alignment effort and promote more country-specific implementations.

**Mr. Southworth** highlighted that the ADB model is a good example of best practice action from a multi-lateral development bank and can provide valuable guidance for other MDBs seeking to implement legal reform.

### Latin America

**Yesica Gonzalez** began by giving an update on Latin America in general, where the National Committees decided to form an alliance in 2023 to better land regional implementation.

- ICC Mexico has proposed a bill (undergoing discussion) that reforms various general law prohibitions on using credit instruments in the field of electronic promissory notes, this will pave the road to MLETR alignment in the near future.

**Satvinder Singh** listed three foundational efforts/top priorities: (1) prepare for capacity building for the 7 member countries for MLETR adoptions; (2) establish digital identities for SMEs; (3) payment connectivity.

- Upcoming agenda: Economic Minister is hasting the legislators to produce a study that will set the framework for the possibility of a digital agreement between 10 ASEAN states, by the end of Q1 2023.
- Digital agreement means binding in the ASEAN context.

**Luca Castellani** complemented the scope of MLETR applications, from the national level to cross-border applications. Broader applications will empower wider acceptance.

- Upcoming agenda: when implementing national law on ETR, we must take in consideration of other nations’ laws due to choice of law clauses.

**Ahma Milot** recently took over the MLETR effort, he is working on a blueprint to guide MLETR adoption and implementation from the legal perspective. Additionally, he would like to produce a data-driven business case to promote further adoption.

**Ahmadou Kane** shared that they are expecting a survey from a West African law firm on the current progress of digitalization of the 16 African countries operating in the OHADA zone with comparable jurisdiction, first draft by Jan 2023.

#### Asia

**Li Yuanzi** updated on behalf of **Yu Jianlong**. The Trade Digitalization Working Group of ICC China, which was established in June 2022, is working on three research set to finish by mid-2023:

**Mr. Southworth** concluded regional updates by providing another UK update - The Center for Digital Trade & Innovation has been commissioned by the UK government to work with the Thai government Electronic Trade Digitalization Agency [ETDA], to support the implementation of its draft legislation and wider implementation. This will entail 3 workshops on best practices in Jan, Feb, and Mar 2023 and conclude with a roadmap to implementation and bilateral or trilateral interoperability pilots in late 2023/4

#### Commonwealth

**Vashti Maharaj** updated the LRAB on Tonga and Commonwealth's progress.

- Both Tonga and Samoa implemented National E-commerce Strategy that is aligned with the Pacific E-Commerce Strategy and Implementation Framework in the past few months.
- Ms. Maharaj forwarded that her role is to ensure the key players involved in this process are brought on at early stages and their objectives are met along the way.
- Event preview: Caribbean, early 2023; Inter-ministerial with the trade ministers in mid-2023.

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#### Digital Trade Readiness Index (DTRI)

**Ms. MAR** noted that Digital Trade Readiness Index is designed to evolve the Monitoring Framework. This multi-dimensional Index surveys a country's digital readiness with its regulatory progress, local existing hardware and software capacity, and the private sector's capabilities.

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#### Conclusion

**Mr. Hartsink** gave an update on the progress of the **Industry Advisory Board**.

**Ms. MAR** proposed that DSI would assess existing materials and share the business case for policymakers and businesses to help LRAB members advocate for trade digitalization.

### LRAB Meeting #4 proposal- Tuesday, Jan 31, 2023

November 2022

**Chris Southworth**  
Chair of the LRAB

**Valentina Mintah**  
Chair of the LRAB