

## NOTES OF THE LEGAL REFORM ADVISORY BOARD MEETING #4

For reference only; not for publication.

**Date** 31 January 2023, Tuesday  
**Time** 13:30-15:00 GMT / 20:30-22:00 SGT  
**Place** Video Conference Call

Present	DSI Legal Reform Advisory Board Members	ICC DSI Management
	Chris Southworth (Co-chair)* Carmen Ortiz (ADB) Sivaram Superamanian (ASEAN Secretariat) Emmanuelle Butaud-Stubbs (ICC France) Vashti Maharaj (The Commonwealth) Sue Probert (UN/CEFACT) Oliver Wieck (ICC Germany) Joy Albright (AEIB) Tod Burwell (BAFT) Trudi Hartzenberg (TRALAC) YU Min (ICC China) Ahma Milot (EBRD) Satvinder Singh (ASEAN Secretariat)	Pamela MAR (Managing Director, DSI) Hannah Nguyen (Director of Digital Ecosystems, DSI) Tianmi Stilphen (Lead, Regulatory Affairs, DSI)
		<b>LRAB Observers</b> Luca Castellani (UNCITRA)
		*Chair of the meeting.

Absent	Valentina Mintah (Co-chair)* Wamkele Mene (AfCFTA) Yesica González (ICC México) Gerard Hartsink (Chair, DSI Industry Advisory Board) Sean Edwards (ITFA) Irina Tyan (EBRD) Ahmadou Kane (ITFC)
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NO.	TOPICS
1	<b>Welcome Address</b> DSI Managing Director <b>Pamela MAR</b> welcomed to the attendees
2	<b>Administrative Matters</b>  <b>Approval of Meeting 3 Minutes</b> Co-Chair <b>Chris Southworth</b> moved to approve the minutes for meeting 3. No objections were made. The Minutes were approved.
3	<b>Meeting 3 Recap</b>  DSI Regulatory Affairs Lead <b>Tianmi Stilphen</b> recapped all the action items from Meeting #3, which all items have either been completed or are currently in the works.

*2023 Q1 Key Objectives-*

- G7 → G20 mobilization; Intensified National Committee engagement;
- Publish: MLETR Tracker; Trade Modernization/Readiness Index

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**Regional Updates on Regulatory Reform**

**ICC UK-Mr. Southworth** confirmed that Electronic Trade Document Bill is on track to become the Electronic Trade Documents Act in May/June 2023, removing all legal barriers to digitalizing commercial documents and aligning English Law to the MLETR framework, which covers 80% of the Bill of Lading world-wide.

**Euro Bank for Reconstruction & Development (EBRD)-Ahma Milot** together with his legal reform team will be publishing (end of Feb) a blueprint for legal reform for MLETR, which is also a promotional piece hoping to convince the governments to get involved in this concerted effort. This can also be used as an assessment for countries to better evaluate their adoption progress.

- Problems of digital trade (end-to-end life cycle of global trade) → MLETR vision  
→ Full implementation of MLETR and interoperability

**ICC China-Yu Min** updated on behalf of **Yu Jianlong**. The most recent survey of China's law on ETRs found that currently there are not any overarching laws regulating ETRs. Most eBLs in China follow eUCP and the guidelines of individual platforms. Most of the major commodity exchanges have their own e-Warehouse receipt system and follow their own rules.

- Plan to communicate with Min of Justice, and Commerce to speed up the legislative process of ETRs adoptions based on MLETR.

**ICC France-Emmanuelle Butaud-Stubbs** shared that the official project between France's three ministries and ICC France has been officially kick-off in January. There are now 3 WGs, legal, advocacy, and fintech working collaboratively to produce the final report by the end of March.

For legal reform: the Ministry of Justice gave an official answer to a legal analysis based on the French Civil Code, encouraging more changes to be more in compliance with MLETR. These changes are not advised to be directly introduced to the civil code. Two vehicles: (1) code-specific introduction, relatively more lengthy; (2) autonomous adoption.

Other accomplishments & Upcoming agenda

- in-depth bilateral engagement with Germany; Franco-Britain Initiative
- Seeking capacity-building support from Africa, in particular, training programs.
- Market preparation: seeking partners for pilot programs for paperless maritime corridors.

**ADB-Carmen Ramirez** updated on behalf of Steve Beck. ADB remains highly committed to MLETR advocacy, with special attention to China, Georgia, and Vietnam.

The first regional capacity building program in PRC China received very positive reviews from over 120 participants invited by MOFCOM. Vietnam and Georgia will replicate this model, but the consultation session will be in person.

**Mr. Southworth** highlighted the replicability of this model in promoting regional progress.

**ICC Germany-Oliver Wieck** provided that the insurance certificate proposal submitted last year is now fully implemented, which is an essential step towards digital trade.

- Upcoming agenda: WG aims to gather all involved parties in trade digitalization process to discuss needs on every level to start a joint-initiative.

- **Market participation:** Ministry of Economic Development expressed interest in collaboration, specifically on the National Trade Certification Initiative and market preparation in the Southeastern European counties.

**Int'l Islamic Trade Finance Corporation (ITFC)-Joy Albright** 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 first week of Feb. Currently, an agreement is being finalized between ITFC and African Export-Import Bank (next month). In light of the discrepancies between governing laws, Western Africa will start with 2 blocks to test how to best advocate for paperless trade in the region.

**Commonwealth-Vashti Maharaj** updated the LRAB on a [major upcoming event](#) with high level trade and legal reform official attendance to publicly endorse MLETR effort thus far in the Caribbean region.

**US-Tod Burwell** shared that four states have already adopted the UCC amendments, another 4 have raised this on their legislative agenda, and currently working on getting a comprehensive schedule for all states to include this on their legislative calendars.

**AfCFTA-Trudi Hartzenberg** informed that The AfCFTA Digital Trade Taskforce is meeting this week to finalize the zero draft of the Protocol on Digital Trade, in preparation for the start of the negotiations. Provisions on electronic trade documentation are expected to be included in this draft (providing support to the provisions in the Annexes to the Protocol on Trade in Goods, dealing with customs and trade facilitation - which also provide for electronic trade documentation).

**Industry Advisory Board-Hannah Nguyen** brought updates from IAB regarding the output of the 8 essential Key Trade Document and Data Element WG. In addition to the detailed analysis, the WG also perform cross-cutting analysis to recommend best practices to ensure interoperability and compatibility. Final draft will be circulated by the end of April and there will be an official launch at the Future Trade Forum in March.

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#### **Conclusion & Action Items**

- **Market preparation post MLETR adoption demands dedicated attention.**
- **More frequent progress update from LBAB members on both ICC and DSI newsletter.**

**LRAB Meeting #5 proposal- Thursday, April 27, 2023 13:30-15:00 GMT / 20:30-22:00 SGT**

January 2023

**Chris Southworth**  
Chairman of the LRAB

**Pamela Mar**  
Managing Director, DSI