**CMI Questionnaire on Domestic Legislation for Electronic Bills of Lading**

Standing Committee on Carriage of Goods

Part I: Questions for all jurisdictions.

Part II: Questions for those jurisdictions that already have legislation that regulates electronic bills of lading.

Part III: Questions for those jurisdictions that plan to enact legislation that regulates electronic bills of lading.

Section IV: Questions for those jurisdictions that neither have nor plan to enact legislation that regulates electronic bills of lading.

I

I.1 Are electronic bills of lading already used in practice in your jurisdiction?

Yes

I.2 If the answer to I.1 is Yes, which platforms are frequently used (BOLERO, essDOCs, WAVE, etc.)?

essDOCs

I.3 If the answer to I.1 is No, do you think current or future legislation on electronic bills of lading will or would change the situation?

NA

I.4 Are transport documents other than bills of lading or their electronic version used in practice in your jurisdiction?

Yes

1.5 If the answer to I.4 is Yes, what kind of documents (including electronic version) are used?

Other transport documents would include Airway bills, multimodal bills of lading, seaway bills.

1.6 Do you think current or future legislation on electronic bills of lading will or would change the situation? For example, if (paper) bills of lading are currently not often used, would the situation be changed by the possible legislation on electronic bills of lading?

Singapore has amended the Electronic Transactions Act 2010 in 2021 to adopt the UNCITRAL Model Law on Electronic Transferable Records (“MLETR”). Transferable documents under the MLETR would include bills of lading.

II.

*If your jurisdiction already has legislation that enables the use of electronic bills of lading, please answer the following questions.*

II.1 Please specify the legislation. (Name of the statute, official or unofficial citations, paragraph or article numbers, year of enactment/implementation, etc.)

See answer to I.6 above.

II.2 (a) Is the legislation referred to in II.1 based on the UNCITRAL Model Law on Electronic Transferable Records (MLETR)?

Yes

(b) If the answer to question (a) is Yes, is it a simple adoption of the MLETR or are there changes or additions to it? If there are changes or additions, please specify them (including the reason for the changes or additions, if possible).

It is an adoption of the MLETR with some modifications.

(c) If the answer to question (a) is No, please describe the legislation. Is there any other basis for the legislation? Why did your jurisdiction not follow the MLETR?

II.3 Does the legislation referred to in II.1 cover only bills of lading (or similar documents of title) or does it also cover other documents?

Transferable document or instrument is defined in the Electronic Transactions Act 2010 as including a bill of exchange, a promissory note and a bill of lading.

II.4 Does the legislation referred to in II.1 provide the standard of reliability of the system? *See* Article 12 of the MLETR.

Article 12 of the MLETR is adopted in full at Section 16O of the Electronic Transactions Act 2010.

I1.5 Does the legislation referred to in II.1 specify the requirements for the use of electronic bills of lading? If yes, please identify those requirements (e.g., consent of the parties).

Yes, consent is required.

I1.6 Does the legislation referred to in II.1 specify the rights of the holder of electronic bills of lading or the effect of transferring them? If the answer is Yes, do such provisions address specific legal situations or generally declare that the rights or effects are the same as in the case of paper bills of lading?

The Electronic Transactions Act 2010 applies to transferable document or instrument and not just to bills of lading only. Article 10 of the MLETR is adopted in full in the form of Section 16H of the Act (with certain modifications) which provides that where a rule of law requires a transferable document or instrument, that requirement is met by an electronic record. Therefore, the rights and effects of an electronic bill of lading are the same as that of a paper bill of lading.

I1.7 Does the legislation referred to in II.1 provide the requirements for transferring electronic bills of lading (e.g., the method of electronic “endorsement”, etc.)? If yes, please specify the requirements.

Yes. Article 15 of the MLETR is adopted in full in the form of Section 16K of the Act (with certain modifications) and provides that the requirement for endorsement is met if the information required for the indorsement is included in the electronic transferable record in compliance with the requirements for writing and signature.

I1.8 Does the legislation referred to in II.1 distinguish between paper and electronic bills of lading? If yes, please specify how they are treated differently. *See* Article 36(2)(d) of the Rotterdam Rules

It does not appear to distinguish between paper and electronic bills of lading.

I1.9 Does the legislation referred to in I.1 include provisions on scope of application? For example, does it apply to an electronic bill of lading issued by agreement between a carrier and shipper in a foreign jurisdiction that uses a platform specifying foreign law as the governing law?

Section 16P of the Act provides that an electronic transferable record is not to be denied legal effect, validity or enforceability solely on the ground that it was issued or used outside Singapore.

III.

*If your jurisdiction plans to enact legislation that enables the use of electronic bills of lading, please answer the following questions.*

III.1 Please specify the nature of the prospective legislation. For example, does it cover all kinds of electronic documents or digital assets or only electronic bills of lading (or similar documents of title)?

III.2(a) Is the prospective legislation referred to in III.1 based on the UNCITRAL Model Law on Electronic Transferable Records (MLETR) or the principles thereof?

(b) If the answer to question (a) is Yes, will it be a simple adoption of the MLETR, or will there be changes or additions to it? If there will be changes or additions, please specify them (including the reason for the changes or additions, if possible).

(c) If the answer to question (a) is No, please describe the prospective legislation. Will there be any other basis for the legislation? Why is your jurisdiction not following the MLETR?

III.3 Is the prospective legislation referred to in III.1 expected to cover only bills of lading (or similar documents of title) or also other documents?

III.4 Is the prospective legislation referred to in III.1 expected to provide the standard of reliability of the system? *See* Article 12 of the MLETR.

I1I.5 Is the prospective legislation referred to in III.1 expected to specify the requirements for the use of electronic bills of lading? If yes, please identify those requirements (e.g., the consent of parties etc.)

II1.6 Is the prospective legislation referred to in III.1 expected to specify the rights of the holder of electronic bills of lading or the effect of transferring them? If the answer is Yes, will such provisions address specific legal situations or generally declare that the rights and effects are the same as in the case of paper bills of lading?

I1I.7 Is the prospective legislation referred to in III.1 expected to specify the requirements for transferring electronic bills of lading (e.g., the method of electronic “endorsement”, etc.)? If yes, please identify the requirements.

I1I.8 Is the prospective legislation referred to in III.1expected to distinguish between paper and electronic bills of lading? If yes, please specify how they will be treated differently. *See Article 36(2)(d) of the Rotterdam Rules*

1II.9 Is the prospective legislation referred to in III.1 expected to include provisions on scope of application? For example, will it apply to an electronic bill of lading issued by agreement between a carrier and shipper in a foreign jurisdiction that uses a platform specifying foreign law as the governing law?

IV.

*If your jurisdiction neither has nor plans to enact legislation that enables the use of electronic bills of lading, please answer the following questions.*

IV.1 Would there be any benefit to having legislation that enables the use of electronic bills of lading? Is the use of electronic bills of lading possible even without any legislation?

IV.2 Is there any obstacle to enacting legislation that enables the use of electronic bills of lading?