

Redefining Possession

Ensuring Reliability and Interoperability in eBLs

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1 Introduction

- The digitalisation of bills of lading is long overdue.
- Benefits: environmental, practical, legal.
- Key challenges:
 - ✓ Redefining possession
 - ✓ Ensuring interoperability
 - ✓ Ensuring reliability

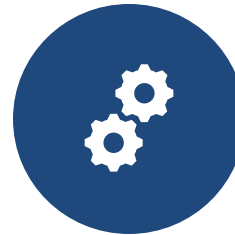
2 Redefining Possession



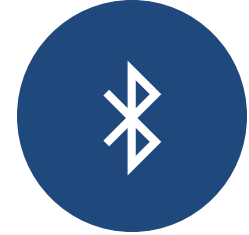
TRADITIONAL
POSSESSION LINKS
DOCUMENT AND
RIGHTS.



ELECTRONIC DATA
CANNOT BE
'POSSESSED'
PHYSICALLY.



FUNCTIONAL
EQUIVALENT:
CONTROL



UETA, MLETR AND RR
DEFINE EXCLUSIVE
CONTROL AS DIGITAL
EQUIVALENT.

3 Uniformity and Legal Instruments

- Rotterdam Rules: refers to control as equivalent to possession.
- MLETR: Article 11 requires a reliable method to ensure control.
- Uniform legal framework is essential for cross-border use.

4 Reliability and Interoperability

Reliability

- Prevent double spending
- Secure and verifiable systems
- Assessment of what a reliable method is both ex ante and ex post

Interoperability

- Avoid 'closed club' systems
- Legal harmonisation is key to ensure interoperability

5 Conclusions

1 Digitalisation is inevitable and necessary

2 Requires legal innovation

- > Redefinition of possession
- > Functional equivalence
- > Cross-border recognition

3 Uniform rules like MLETR are vital