



WHITE PAPER

'Electronic Transferable Records'

Executive Summary

English translation of Management Samenvatting of De adoptie vande UNCITRAL 'Model Law on Electronic Transferable Records' (MLETR) white paper.

International trade makes a significant contribution to the Dutch Gross National Product and to employment. Geopolitical developments – such as Brexit, import tariffs, and increasing competition from foreign ports and airports – require the Netherlands to actively safeguard and strengthen its competitive position in both imports and exports.

Statistics from the CBS (Statistics Netherlands) for 2024 indicate that the combined value of Dutch imports and exports amounts to €1.6 trillion – nearly four times the value of the GNP. These figures leave no doubt as to the critical importance of international trade for the Dutch economy ('BV Nederland'). Legislative support is therefore a necessary condition for maintaining this position.

For many years, financial and physical trade processes have been undergoing digital transformation to increase cost efficiency and to improve and accelerate the highly time-sensitive services relied upon by exporters and importers. This applies equally to their service providers, including financial institutions and logistics companies. Moreover, this development is essential for the effective functioning of government agencies such as Customs Authorities.

Evidence from the United Kingdom shows that small and medium-sized enterprises (SMEs) can achieve a **35% reduction in administrative costs and a 13% increase in international trade when transactions are conducted using digitized trade documents**. Digitalization has also been shown to accelerate the associated financing processes.

A Dutch financial institution has already successfully provided a \$2,885 billion loan using **electronic bills of lading (eBL) as collateral**, governed under English law. At the time, this was not possible under Dutch law, since electronic bills of lading were not yet recognized in the Dutch Civil Code.

In 2021, the ports of Rotterdam and Singapore successfully completed a joint pilot project using electronic bills of lading. This initiative reduced **the processing time for the required end-to-end documentation from 6-10 days to less than 24 hours**. While Singaporean legislation already recognizes eBLs, Dutch legislation does not, preventing full implementation of this highly successful pilot.

It goes without saying that the unnecessary continuation of a 6-10 day processing time imposes enormous (and unnecessary) costs and wasted time on all parties involved – especially Dutch companies.

ICC Netherlands has observed that Dutch legislation concerning ‘Documents of Title’ lags behind that of competing countries such as the United Kingdom, France, and Germany, which have already fully incorporated the UNCITRAL Model Law on Electronic Transferable Records (MLETR) into their legal frameworks.

As a result, further digitalization for Dutch businesses is only possible if Dutch private and commercial law is amended to recognize these Documents of Title. **Swift legislative action is essential to prevent further erosion of the Netherlands’ competitive position** – a process already underway due to the geopolitical and market developments outlined above.

This White Paper provides an overview of the relevant background and developments, the key public and private stakeholders, and the role of international standard-setting bodies in the digitalization of international financial and physical trade flows.

It also sets out **concrete recommendations for amending Dutch private law to recognize the eight key trade documents**, and includes ICC Netherlands’ offer to support the responsible ministries in drafting the necessary legislative proposals. The shared objective of all stakeholders is to ensure that Dutch private law becomes MLETR-compliant as quickly as possible, enabling alignment with neighbouring countries and global trading partners.

Finally, we recommend developing – together with ICC members and partners – an ICC Digital Standards Initiative Roadmap to advance the digitalization of trade processes and to extend these efforts to other trade documents covered under the ICC Digital Standards Initiative (DSI).

De International Chamber of Commerce (ICC) is de institutionele vertegenwoordiger van meer dan 45 miljoen bedrijven in ruim 170 landen. De kerntaak van ICC is om ondernemen mogelijk te maken voor iedereen, elke dag, overal ter wereld. Met een unieke combinatie van belangenbehartiging, praktische oplossingen en het opstellen van standaarden bevorderen wij internationale handel, verantwoord zakelijk gedrag en een mondiale benadering van regelgeving. Daarnaast bieden wij toonaangevende diensten op het gebied van geschiloplossing. Onze leden zijn onder meer ’s werelds grootste bedrijven, mkb’s, brancheorganisaties en lokale kamers van koophandel.