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**Legal Recognition and Implications of Electronic Bill
of Lading in International Business:**
*International Legal Developments and the Legal Status
in China*

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I hereby declare and confirm that this thesis is entirely the result of my own work except where otherwise indicated. I hereby acknowledge the supervision and guidance I have received from Professor Ramaswamy Muruga Perumal. This work has not been submitted anywhere else, either in part or whole, for a degree or other academic credits. I undertake the sole responsibility for any inaccuracy in this declaration.

Yours sincerely,

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Abstract

The bill of lading is one of the most important international trade documents. Electronic bill of lading (EBL) is a new form of bill of lading combining with Electronic Data Interchange (EDI) technology reflecting electronic era in modern business. This thesis explores the characteristics, advantages and challenges of electronic bills of lading, along with the operation and legal mechanism in order to develop a more mature legislation and contractual system of EBL. It can be foreseen that bill of landing will be more widely used with the development of international trading system.

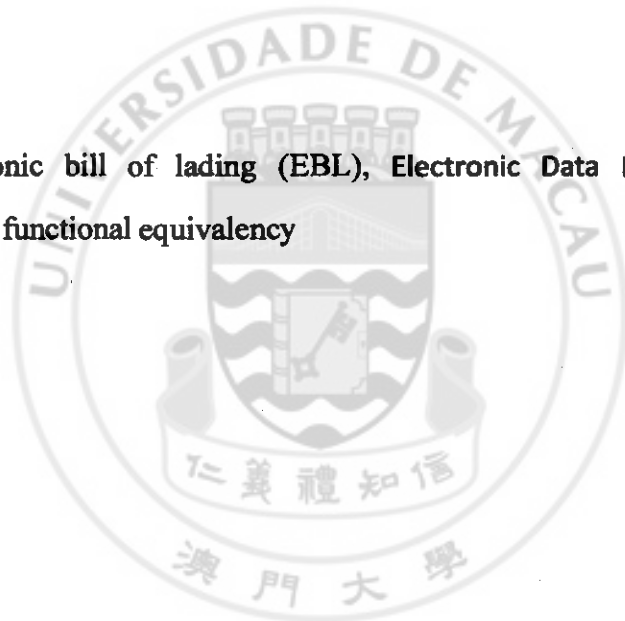
The two major legal issues of electronic bills of lading are legal recognition of electronic form of documentation and functional equivalency of their paper counterpart. Electronic bills of lading are demanded to fulfill the legal requirements as writing, signature and original in digital environment. The bill of lading performs three functions as receipt of goods, contract of carriage and document of title. The functional equivalence requires that these three functions could be replicated in electronic form. To achieve these legal recognitions, several practices such as SeaDocs, CMI Rules and Bolero program have been tried out to seek for a preferable method, which could gain the confidence and trust of international trade parties.

Meanwhile current international and domestic legislation provide few supports directly towards electronic bill of lading especially in the issue of negotiability. But as the increasing recognition of electronic form of transportation documents and perfection of the contractual practice of EBL, there is possibility and necessity for legislation of electronic bill of lading under current legal framework while the concept of control in electronic documentation is introduced. In particular jurisdiction, China, including Hong Kong SAR, has joined Bolero program for further implementation of electronic bill of lading. Despite the lack of exclusive regulations directly towards the issue of electronic bill of lading, general legislation of electronic records including

electronic shipping documents and electronic signature has founded in domestic law. Moreover, China and Hong Kong China and Hong Kong endeavor to establish a mutual legal environment for EBL implementation and the existing practice such as electronic manifests could be a considerable reference.

From the experiences of all the current attempts of legalization and implications of electronic bill of lading, it can be concluded that a practical mechanism for electronic bill of lading should provide a fast, secured, reliable and relevantly easy access EDI system with electronic records which are in conformity with legal requirement and functional equivalency.

Key words: electronic bill of lading (EBL), Electronic Data Exchange (EDI), electronic signature, functional equivalency



Abbreviations

BAL	Bolero Association Limited
BBL	Bolero Bill of Lading
BIL	Bolero International Limited
B/L	Bill of lading
Bolero	Bill of Lading Electronic Registry Organization
CEPA	The Mainland and Hong Kong Closer Economic Partnership Arrangement
CIECC	The China International Electronic Commerce Center
CMI Rules	Comity Maritime International Rules for Electronic Bills of Lading
COSCO	China Ocean Shipping (Group) Company
EBL	Electronic bill of lading
EDI	Electronic Data Exchange
EMAN	Electronic Manifests in Electronic Transactions Ordinance of Hong Kong SAR
eUCP	the Uniform Customs and Practice for Documentary Credits for Electronic Presentation
HK SAR	Hong Kong Special Administrative Region
LOC or L/G	Letter of guarantee
LOG or L/C	Letter of credit
LOI or L/I	Letter of Indemnity
MOFTEC	The Ministry of Foreign Trade and Economic Cooperation of China
Otto	Otto Group
Pilot Measure	Pilot applications of mutual recognition of electronic signature certificates issued by Hong Kong and Guangdong
PRC	People's Republic of China
SeaDocs	Seaborne Trade Documentation System
SWIFT	Society for Worldwide Interbank Financial Telecommunication
TDS	Trader Documentation Service
TOBI	Tradelink Otto Bolero Interface
Tradelink	The Tradelink Electronic Commerce Ltd.
TT Club	Through Transport Mutual Services Limited
UCC	Uniform Commercial Code of United States of America
UCP	the Uniform Customs and Practice for Documentary Credits
UNCITRAL	United Nations Commission on International Trade Law
UNCLD	Uniform Rules of Conduct for Interchange of Trade Data by Tele-transmission

Table of Contents

DECLARATION OF AUTHORSHIP	I
ACKNOWLEDGMENT	II
ABSTRACT	IV
ABBREVIATIONS	VI
CHAPTER 1 INTRODUCTION TO THE RESEARCH	1
1.1 INTRODUCTION	1
1.2 LITERATURE REVIEW	2
1.3 RESEARCH QUESTIONS.....	6
1.4 RESEARCH OBJECTIVE.....	7
1.5 METHODOLOGY	8
1.6 SCOPE AND LIMITS	9
1.7 THESIS LAYOUT	10
CHAPTER 2 TRADITIONAL BILL OF LADING AND EMERGENCE OF ELECTRONIC DOCUMENTS IN SHIPPING AND INTERNATIONAL TRADE.....	13
2.1 GENERAL INTRODUCTION OF BILL OF LADING	13
2.1.1 <i>Straight bill of lading, bearer bill of lading and order bill of lading</i>	14
2.1.2 <i>Clean bill of lading and letter of guarantee (L/G) issuance</i>	16
2.1.3 <i>Anti-dated bill of lading and advanced bill of lading</i>	19
2.2 CHALLENGES BROUGHT TO PAPER BILL OF LADING AND POSSIBLE SOLUTIONS	21
2.2.1 <i>Challenges brought to traditional bill of lading</i>	21
2.2.2 <i>Possible options for paper bill of lading replacement</i>	22
2.3 EDI REVOLUTION IN SHIPPING DOCUMENTATION.....	24
2.3.1 <i>Legalization of EDI and Internet as core technology of electronic documents</i>	24
2.3.2 <i>Security issues of electronic documents</i>	26
CHAPTER 3 CHARACTERISTICS AND LEGAL RECOGNITION OF ELECTRONIC BILL OF LADING	31
3.1 LEGAL DEFINITION OF ELECTRONIC BILL OF LADING.....	31
3.2 ADVANTAGES OF ELECTRONIC BILL OF LADING	33
3.3 FORMULISM REQUIREMENTS OF ELECTRONIC BILL OF LADING.....	35
3.3.1 <i>Writing requirement</i>	36
3.3.2 <i>Signature requirement</i>	37
3.3.3 <i>Original requirement</i>	38
3.4 FUNCTIONAL EQUIVALENCE OF ELECTRONIC BILL OF LADING	39
3.4.1 <i>Receipt of goods and contract of carriage</i>	39
3.4.2 <i>Document of title and negotiability</i>	41
3.5 ISSUES FOR LETTER OF CREDIT: ELECTRONIC BILL OF LADING AS COLLATERAL	44
CHAPTER 4 CONTRACTUAL AND LEGAL PRACTICE OF ELECTRONIC BILL OF LADING	48

4.1	CONTRACTUAL PRACTICE OF ELECTRONIC BILL OF LADING	48
4.1.1	<i>SeaDocs Project</i>	48
4.1.2	<i>Bolero system</i>	51
4.1.3	<i>Current contractual framework of electronic bill of lading</i>	62
4.2	LEGAL PRACTICE OF ELECTRONIC BILL OF LADING	65
4.2.1	<i>Models of electronic bill of lading under traditional legal framework of Hague Rules, Hague-Visby Rules and Hamburg Rules</i>	66
4.2.2	<i>CMI Rules for Electronic Bills of Lading</i>	72
4.2.3	<i>UNTICRAL Model Law on Electronic Commerce</i>	80
4.2.4	<i>The Rotterdam Rules for the International Carriage of Goods by Sea</i>	83
4.2.5	<i>Domestic experiences of electronic bill of lading</i>	86
4.2.6	<i>Comments on current attempts to legislate for electronic bill of lading</i>	93
CHAPTER 5 IMPLEMENTATION OF ELECTRONIC BILL OF LADING IN CHINA		95
5.1	CURRENT EDI PRACTICE IN CHINA'S SHIPPING INDUSTRY	95
5.1.1	<i>Bolero attempts in Mainland China</i>	96
5.1.2	<i>Bolero attempts in Hong Kong SAR</i>	100
5.2	LEGAL ISSUES AND LEGISLATION RELATED TO ELECTRONIC BILL OF LADING IN CHINA .	102
5.2.1	<i>Legal recognition of electronic form of documents in China</i>	103
5.2.2	<i>Absence of recognition of negotiability in electronic form in Maritime Law of China and Hong Kong SAR</i>	107
5.2.3	<i>Electronic manifest system in Hong Kong SAR: a reference for electronic bill of lading implementation in China</i>	109
5.3	LEGAL POSITION AND POSSIBLE IMPROVEMENTS OF ELECTRONIC BILL OF LADING IN CHINA	111
CHAPTER 6 CONCLUSION		117
BIBLIOGRAPHY		122
PRIMARY SOURCES		122
SECONDARY SOURCES.....		123
1.	<i>Books</i>	123
2.	<i>Articles</i>	123
	<i>-English articles</i>	124
3.	<i>Digital Resources</i>	129