



## Analysis of current working method for paper waybills for the digitalisation of processes

### The existing paper waybills for road transport combine several purposes:

- ✓ **the waybill gives instructions to the carrier**
  - is part of the transport contract
- ✓ **the waybill provides information about the cargo**
  - relevant for the carrier and government inspectors
  - relevant for the consignee
- ✓ **the waybill details the transfer of liability between sender, carrier and consignee for this shipment**
- ✓ **the waybill is proof of delivery**
  - part of the contract of sale of the goods for sender and buyer
  - part of the transport contract between sender and carrier
- ✓ **the waybill provides information for inspecting authorities**
  - about the shipment
  - about the (combined) transport

This document aims to provide insight into those objectives, how the data in the fields relates to them, and what the duties of the parties are. Understanding this background will help when designing digital variants of waybills.

#### Underlying legislation

The underlying legislation imposes minimum obligations, which are actively monitored and enforced: they may vary from country to country. Depending on the cargo, there may be all kinds of additional requirements for the documentation: for instance, for hazardous substances. Legislation on professional transport can also result in additional requirements.

#### Other legislation

Other legislation falls under in rem jurisdiction. This is not actively monitored: it is designed to streamline business transactions and to serve as a reference in conflicts before the courts. A CMR convention falls under that category. General conditions that are widely accepted, such as the General Transport Conditions (AVC) in the Netherlands serve the same purpose. As with other business agreements, the parties may agree further arrangements bilaterally.

Transport is a consequence of trade. In the terms of delivery of a purchase agreement, the buyer and seller agree who will transport the shipment. The waybill sets out many of the arrangements around the transportation of the shipment, as part of the delivery.

#### From paper to digital

At a time when paper documents were all there was, it made perfect sense for the carrier to also carry the information, including all the information for which the sender is responsible. In a digital age, buying and selling are increasingly taking place digitally, and the carrier's role reverts to its core: transporting a shipment from origin to destination. For the carrier, the main issue then becomes the transfer of liability: from the moment of loading the shipment to releasing the shipment to the consignee. Inspectors need to be able to perform checks, including alongside truck.

Developing new digital forms that serve all the underlying goals will require a number of further steps. If you want to introduce innovations you can, but that does require a good knowledge of the applicable law. This document aims to provide insight into existing practices and legislation.

#### Note:

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