# Workshops on Addressing Conflict of Laws and Facilitating Digital Product Passports (DPPs) in Cross-border Value Chains

## UN/CEFACT would like to invite you to attend:

The United Nations Centre for Trade Facilitation and E-business (UN/CEFACT) under the United Nations Economic Commission for Europe (UNECE)

**The 7th and 8th Working Group Meetings:**

• -30 Apr 9-10:00 am (CET-Geneva) and 5-6:00 pm (AEST) Dr. Susanne Guth-Orlowski, CEO 4TheRecord, Germany: The battery passport and value chain transparency at scale (Zoom)

• –14 May 9-10:00 am (CET-Geneva) and 5-6:00 pm (AEST), Dr. Sagi Peari, the University of Western Australia Law School: 'The UK's Digital Assets Project and Conflict of Laws: Implications for the data transfer in the CRM value chains' (zoom)

• For the zoom link and previous meeting minutes, please refer to the project webpage Critical Minerals Traceability and Sustainability

• For the work-in-progress UN/CEFACT white paper: https://docs.google.com/document/d/1sIT01KuoPFfQ9gMGVSLJxYBvXTzccjETWugflWs-6sY/edit?tab=t.0

**The 6th Working Group Meeting**

• –16 Apr 9-10:00 am (CET-Geneva) and 5-6:00 pm (AEST) , Dr.  Naeem AllahRakha, Tashkent State University of Law, Advocate High Court, Uzbekistan: Cross-border data protection and sharing in CRM-EV value chains (zoom)

• For the zoom link and previous meeting minutes, please refer to the project webpage Critical Minerals Traceability and Sustainability.

**The 5th Working Group Meeting on Addressing Conflict of Laws and Facilitating Digital Product Passports in Cross-Border Value Chain:**

–19 Mar 7-8:00 pm (Sydney Time), Dr. Fabian Sack, Sydney University (Zoom): Life cycle assessment
For the zoom link and previous meeting minutes, please refer to the project webpage Critical Minerals Traceability and Sustainability.

**The 4th Working Group Meeting on Addressing Conflict of Laws and Facilitating Digital Product Passports in Cross-Border Value Chain:**

–5 Mar 12-2:00 pm (Sydney Time), Dr. Yuhong Zhao, Chinese University of Hong Kong: 'The Environmental Damage of Rare Earth Mining: Regulatory Challenges in China.' (Hybrid)
For the zoom link and previous meeting minutes, please refer to the project webpage Critical Minerals Traceability and Sustainability.
For the whitepaper working outline, please refer to here. All comments are welcome. Please contact jeanne.huang@sydney.edu.au.

**The 3rd Working Group Meeting on Addressing Conflict of Laws and Facilitating Digital Product Passports in Cross-Border Value Chain, 12-1:00 pm Wednesday, 19 Feb 2025 (Sydney Time) Prof. Leslie López Arias, Academia de Humanismo Cristiano University, Chile: Mining regulations in Peru/Chile**

For the zoom link and previous meeting minutes, please refer to the project webpage Critical Minerals Traceability and Sustainability.

**The 2nd Working Group Meeting on Addressing Conflict of Laws and Facilitating Digital Product Passports in Cross-Border Value Chain, 7:00-8:00 pm Wednesday, 5 February 2025 (Sydney Time)**

Keynote Speaker: Mrs. Kamola Khusnutdinova, Economic Affairs Officer and Secretary to UN/CEFACT.
For Zoom Link, please contact Associate Professor Jeanne Huang: jeanne.huang@sydney.edu.au.
We will continue working on the white paper outline. All comments are welcome.
Please review the first meeting minute including the proposed white paper outline posted on the project page: Critical Minerals Traceability and Sustainability.

**First Working Group Meeting Agenda**

21 January 2025 (Sydney Time)

10:00 am – 11:00 am AEDT: The UN/CEFACT working group on 'conflict of laws in the critical raw material (CRM) value chains' meeting: Introduction and discussion of the UN/CEFACT White Paper draft outline

Moderator: Associate Professor Jie (Jeanne) Huang, Sydney University School of Law.

This is a hybrid event. Please contact jeanne.huang@sydney.edu.au for zoom details.

11:00 am – 12:00 pm AEDT: Research interview with Dr. David Brown who is a researcher with Mighty Earth and has done a lot of research on deforestation in CRM value chains in Indonesia. For his recent publication, "From Forests to EVs," which he co-authored with Mighty Earth. Kindly refer to https://mightyearth.org/article/from-forests-to-electric-vehicles/. (The interview is not open to the public due to the research ethics requirement)

12:00 pm – 13:00 pm AEST: Lunch

13:00 pm- 14:00 pm AEDT: Professor Philip M. Nichols keynote:

***Does Compliance with the Global Anticorruption Regime Require the Use of Artificial Intelligence?: The Case of Managing Global Critical Raw Material Value Chains***

**Background**

Business firms constantly hear that artificial intelligence has changed the world and that they must either utilize artificial intelligence or fall behind. By extension, this would be true of regulatory compliance as well as operations. This article challenges the mantra of artificial intelligence as a ubiquitous agent of change. It does so through the lens of the global anticorruption regime, a transnational web of laws, regulations and norms that work together to reign in corruption. As this article demonstrates, the global anticorruption regime imposes on business firms a requirement to implement effective and up-to-date antibribery programs. Given the prevailing conception of artificial intelligence as the newly-critical tool for business, it would be easy to interpret "effective" and "up-to-date" as requiring the use of artificial intelligence. To determine whether in fact the global anticorruption regime does, this article undertakes two analyses. First, it carefully determines the systems requirements of the type of artificial intelligence most applicable to antibribery programs – systems that can distinguish between honest and corrupt actors and transactions – and determines the regulatory constraints on the use of artificial intelligence in that way. This article then asks specifically what tasks artificial intelligence would be asked to do as part of an antibribery program, and evaluates the capacity of artificial intelligence to perform those tasks given the already determined system requirements and constraints. These analyses yield a surprising conclusion: in some instances the use of artificial intelligence would be helpful, but for most business firms, particularly for smaller firms or firms that have not experienced bribery, the use of artificial intelligence would not be helpful and could be harmful. Regulators and legal scholars must not think of artificial intelligence as a panacea; its potential use must be analyzed in the context of objectives and the capacities, needs, and limits of artificial intelligence.

Dr. Philip M. Nichols is the Joseph S. Kolodny Professor of Social Responsibility in Business and Professor of Legal Studies and Business Ethics at the Wharton School of the University of Pennsylvania. He was Co-Chair, UN/CEFACT Law Group (United Nations experts committee on electronic commerce and trade facilitation), 1998 to 2005.

**Event page:** https://law-events.sydney.edu.au/event/globalanticorruptionregime_ai/

**Registration:**

https://www.eventbrite.com.au/e/does-compliance-with-the-global-anticorruption-regime-require-the-use-of-ai-tickets-1143595548069?aff=oddtdtcreator

# UN/CEFACT would also like to call for participation:

## White Paper on Addressing Conflict of Laws and Facilitating Digital Product Passports in Cross-border Value Chains

Help draft the white paper on *Addressing Conflict of Laws and Facilitating Digital Product Passports (DPPs) in Cross-border Value* Chains to achieve legal coordination and establish traceability in global trade law. Aligned with regional and global initiatives, the White Paper seeks to address conflicts of law and foster the legal harmonization essential for the DPPs implementation across borders. The white paper will also ensure that DPPs comply with international standards, promoting interoperability and supporting a globally consistent approach. It will focus on the critical raw materials-the EV batteries value chain but will have broad implications for other industries.

The proposed White Paper will (1) present the status quo of conflict of laws in existing national and international laws relating to the implementation of DPPs, and (2) propose solutions for legal coordination and facilitate trade, especially:

1. Analyzing initial uptake of DPPs by industry stakeholders and anticipated impact;
2. Coordinating diversified national laws for cross-border data transfer involved in DPPs;
3. Obtaining mutual recognition of ESG certificates whose data are required by DPPs;
4. Promoting Interoperability between different DPPs; and
5. Incorporating UNTP and other UN/CEFACT industry standards/good practices into international and national trade laws to address legal conflicts in the adoption of DPPs.

Please **provide your name/position/associations/email contacts;**

Please **indicate your expertise;**

Please **choose the ways to participate (multiple choice):**

1. Participate as an active contributor in the working group to draft the White Paper (The group will typically have a one-hour meeting every two weeks from January to May 2025),
2. Participate as an observer in the working group to draft the White Paper,
3. Participate in research interviews, and
4. Any other ways that you think you can contribute.

Deadline to express your EOI is **Friday 17 January 2025**. Please contact the project lead Dr. Jie (Jeanne) Huang (Jeanne.huang@sydney.edu.au) and forward your email to her research assistant Raven Yang (raven.yang@sydney.edu.au).