



USCIB Washington Update

Highlighting Key Activities, February – March 2014

During the months of February and March 2014, USCIB staff arranged meetings for members with Angela Ellard, House Ways and Means, and Chris Wilson, USTR Geneva; traveled to France and Holland to brief government and business groups on U.S. business TTIP views; organized a conference in Washington, DC with the OECD on Internet governance and privacy issues; hosted a meeting in Washington, DC for the OECD Director for Tax, Pascal Saint-Amans; had the FTC Chair Ramirez address the Competition Committee; represented USCIB and ICC at the World Customs Organization; and much more. Below are summaries of these and other highlights from the activities of USCIB in Washington, D.C. and globally over the last two months. If you have any questions or comments, or want more information on a specific topic, please contact any of the staff members listed at the end of this brief.

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Trade and Investment – Opening Markets for Trade and Investment

- ***USCIB, Swedish and Danish Counterparts Highlight Investment as Key to TTIP in Letter to the Financial Times:*** USCIB President and CEO Peter Robinson joined CEO of the Confederation of Danish Industry Karsten Dybvad and Urban Bäckström, Director General of the Confederation of Swedish Enterprise in writing a letter to the editor of the Financial Times March 10, 2014. The three organizations' leaders wrote about the importance of investor-state dispute settlement (ISDS) provisions in the Transatlantic Trade and Investment Partnership and similar trade agreements. They argued that ISDS provides foreign investors with the means to challenge unlawful expropriation or discrimination in favor of domestic companies, and nothing more. Read "The 'I' in TTIP Will Create a Global Standard" [here](#).
- ***Trade and Investment Committee Meets with Angela Ellard and Chris Wilson:*** On February 18, 2014, the USCIB Trade and Investment Committee met with Angela Ellard, Chief Trade Counsel, House Committee on Ways and Means and with Chris Wilson, the new USTR Deputy Chief of Mission in Geneva. Angela spoke about the need to move forward with the Trade Promotion Authority (TPA) bill, as well as progress in the TransPacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP). Chris listened to members' concerns about activities within the WTO, as well as outlining his vision for the U.S. becoming a more efficient and effective member.

Members also discussed cross-border data flow issues and WTO Trade Facilitation Agreement implementation.

- ***Shaun Donnelly Talks TTIP in Europe:*** The State Department sent USCIB VP for Investment and Financial Services Shaun Donnelly on a ten day mid-February public speaking tour through France and Netherlands, presenting U.S. business community views on the U.S.-EU Transatlantic Trade and Investment Partnership (TTIP). Shaun spoke with a variety of audiences: business groups, government officials, NGOs, AmChams, university students and the media on the U.S. business community's unequivocal support for an ambitious, comprehensive and high-standard TTIP. Investment and regulatory issues plus agriculture figured prominently in Shaun's sessions. Shaun also did an on-the-record interview session March 19 on TTIP with a group of nine European economic journalists visiting Washington under State Department auspices.
- ***Shaun Donnelly Blog Stresses Investment in TPP and TTIP:*** USCIB is one of seven major trade associations that collaborate to support the Investment Policy Central [website](#) providing a central repository for pro-FDI materials and analysis. Shaun Donnelly used USCIB's week in March to opine on developments in the investment policy world in one blog on TTIP and one about TPP. At the beginning of the fourth round of TTIP negotiations, Shaun [pushed](#) the importance of keeping the investment chapter in TTIP, despite the EU's recently-announced pause for stakeholder consultation. Additionally, in light of the closing of another TPP round early in March, Shaun [also wrote](#) on supporting a strong investment chapter, complete with ISDS protections, through the end-game.
- ***Backgrounding BloombergBNA Journalists on TPP:*** Shaun was one of four experts invited for a two-hour off-the-record session February 28, 2014 with BloombergBNA's impressive team of reporters covering various aspects of the TransPacific Partnership (TPP). The session was a good opportunity to underline four main messages on TPP familiar to USCIB members: strong support for an ambitious, comprehensive, and high-standard TPP; and also to debunk some of the sky-is-falling rhetoric from opponents.
- ***Comparing Notes with our Confederation of Swedish Enterprise (CSE) Partners:*** Shaun Donnelly, USCIB Vice President and International Tax Counsel Carol Doran Klein, as well as Trade and Investment Committee Chair Rick Johnston, Managing Director, Global Government Affairs at Citi, met March 18 over lunch with an eight-person delegation from the Confederation of Swedish Enterprise (CSE) to compare positions, priorities and strategies on a range of trade, investment, and tax issues. CSE has long been a strong voice within Europe and globally for open markets and trade liberalization, and is one of USCIB's key partners on a range of important issues and initiatives.
- ***U.S. and EU Business Groups Coordinating on Investment Issues in TTIP:*** On March 20, 2014 Shaun Donnelly joined a small group of investment experts from around Washington in the first conference call in a series occurring every three weeks with European counterparts from BusinessEurope and leading national associations in Europe active on investment policy issues in TTIP. With attacks on the Investment chapter in TTIP, and especially the investor-state dispute settlement (ISDS) issue, there was broad agreement that close collaboration among leading business groups on both

sides of the Atlantic was essential. Initial effort will focus on coordinating positions and strategies, including in responding to the European Commission's public comment process on the Investment chapter.

ICT Policy – Promoting Sound Policies for New Technologies

- ***USCIB Organizes Program with OECD on “Growth, Jobs, & Prosperity in the Digital Age: OECD Shapes the Policy Environment”***: On March 10, 2014 the USCIB Foundation, BIAC and the OECD jointly sponsored [a new program](#) that brought together leading experts from business, government, and the OECD's Directorate for Science, Technology and Industry. Participants discussed how emerging technologies create the potential for greater efficiencies, new business opportunities, economic growth and job creation, as well as risk-based approaches to privacy and security. They also considered the trade policy dimension, including how cross-border data flows are regulated under existing trade rules, and how this could change. Keynote speakers included H.E. Diego Molano Vega, Colombia's Minister of Information Technologies and Communications, and Commissioner Julie Brill of the U.S. Federal Trade Commission. Corporate sponsors included AT&T, Microsoft – whose Innovation & Policy Center served as the venue – and Verizon.
- ***USCIB/BIAC Meeting Focuses on Business Vision for 2016 OECD Ministerial***: Also on March 10, prior to the joint USCIB/BIAC/OECD program described above, the ICT Policy Committee held a special joint meeting with its counterpart committee in BIAC. The purpose was to begin to conceptualize key elements of the Business Vision statement for the 2016 Ministerial of the OECD Committee on Digital Economy Policy (CDEP). This meeting will build upon the 2008 Ministerial in Seoul, “The Future of the Internet Economy,” and address subsequent dramatic changes in technologies, innovation, and the digital economy more generally.
- ***U.S. Government Engages ICT Policy Committee on OECD CDEP Key Initiatives***: On March 11, 2014, Scott Smith, U.S. Department of State, Diane Steinour, National Telecommunications and Information Administration (NTIA), and Tracey Weisler, Federal Communications Commission, discussed informally with USCIB members the status of CDEP initiatives carried over from 2013, such as further analysis of the transition to IPv6 and country case studies that will inform the CDEP's analysis of the economics of copyright in the digital age. USCIB members also offered preliminary views on appropriate themes for the 2016 CDEP Ministerial in Mexico, both March 11 at the consultation and formally on March 18, in response to a request from the State Department for business stakeholder input on the U.S.'s submission to the OECD on themes for the Ministerial.
- ***USCIB Submits Comments to ICANN on ATRT2 Final Report & Recommendations***: On February 21, 2014, USCIB responded to ICANN's request for comments on the proposed Final Recommendations resulting from the second Accountability and Transparency Review (ATRT2). Members offered views on topics as wide ranging as ICANN Board of Directors governance and initiatives aimed at enhancing understanding and transparency of Board deliberations, realizing greater clarity in the Government Advisory Committee's (GAC) processes, and improving public notice and comment procedures. The comments may be accessed [here](#).

- ***USCIB Influences ICC-BASIS Content Submission to NETmundial:*** USCIB members played an active role in shaping ICC-BASIS's recommendations on Internet governance principles and a roadmap for the further evolution of the Internet governance ecosystem submitted on March 7 to the NETMundial Global Meeting on the Future of Internet Governance. This meeting will be held April 23-24 in Sao Paulo, Brazil. A key principle cited by ICC-BASIS as vital to the success of any future model of Internet governance is that policies ensure a safe, secure, open, interoperable, resilient, seamless, and sustainable Internet. The full submission is available [here](#).
- ***USCIB Notes Importance of NTIA Announcement on Transitioning DNS Functions:*** On March 20, 2014, USCIB issued a [statement](#) acknowledging the importance of the announcement made by the National Telecommunications and Information Administration (NTIA) on March 14, 2014 that it intends to transition key Internet domain name functions. USCIB underscored our strong support for the multistakeholder framework for Internet governance, called for maintaining the security, stability, and resiliency of the Internet DNS, and applauded NTIA's opposition to a government-led or inter-governmental organization solution.

Tax – Advancing Tax Policies that Promote U.S. Competitiveness

- ***USCIB Shares Views with OECD's Digital Economy Task Force in Paris:*** USCIB Vice President and International Tax Counsel Carol Doran Klein and USCIB's Tax Committee Chair and Corporate Vice President of Worldwide Taxes at Microsoft, Bill Sample (both of whom are Vice Chairs of the BIAC Tax Committee), as well as Chair of USCIB's BEPS Working Group on the Digital Economy and Partner at Baker & McKenzie, Gary Sprague and other members of the USCIB Tax Committee met with members of the OECD's Digital Economy Task Force on January 31, 2014 to discuss the notion of stateless income in the digital economy, why it exists and whether the Base Erosion and Profit Shifting (BEPS) action plan items would reach it. Business made the point that since many of the BEPS action plan items will have an impact on digital economy (hybrids, intangibles, CFC rules, limitation of treaty benefits), these effects should be taken in to account in any additional work addressing digital economy issues. Other topics included the application of PE rules to digital transactions and whether VAT is an acceptable way for countries to generate revenue in the digital economy space. Business emphasized that any discussion of PE rules must also include a discussion of profit attribution. If there are no assets or functions in the jurisdiction, it is not clear how profit would be attributed. As a matter of international tax policy, business made the point that VAT is the appropriate tax to impose by reference to the place of consumption.
- ***BIAC Tax Leadership Meets with Chinese and Indian Tax Authorities on G20/OECD Project BEPS:*** Carol Doran Klein was part of the BIAC delegation that met with the Indian and Chinese tax authorities to discuss the G20/OECD BEPS project in New Delhi and Beijing in February, 2014. In India, with the support of the U.S.-India Business Council, the BIAC delegation met with Mr. Raj Tewari, incoming Chair of the Central Board of Direct Taxes, Mr. Akhilesh Ranjan, the Indian Competent Authority, and Dr. Partho Shome, Special Adviser to the Finance Minister and Chair of the Tax Administration Reforms Commission (TARC). The BIAC delegation made clear that it is committed to making the BEPS project work to meet the concerns of all governments involved, while reinforcing the broader goal of encouraging cross-border trade and investment that will provide jobs and growth. In Beijing, the BIAC delegation met

separately with Mr. Tizhong Liao, Director General of the SAT (State Administration of Taxation) International Tax Department, and with a senior group of SAT officials led by Mr. Wenqin Sang, Mr. Liao's Deputy Director General. Again, BIAC emphasized its commitment to making the BEPS project work, and the discussions ranged over several BEPS topics, including information reporting and the digital economy.

- ***USCIB Hosts Meeting in DC with Pascal Saint-Amans, OECD, on BEPS:*** USCIB organized a meeting of USCIB members with Pascal Saint-Amans, Director of the OECD's Centre for Tax Policy and Administration, during which he updated the committee on the current status of the BEPS Project. He discussed progress on the Country-by-Country Reporting and the Treaty Abuse drafts, among other aspects of the Project, and urged the committee to continue providing input through submission of comments and during upcoming consultations. He invited members to participate in the next BEPS webcast on April 2nd ([register here](#)) where participants will be further updated on Transfer Pricing Documentation and the Template for Country-by-Country Reporting; Tax Treaty Abuse; The Tax Challenges of the Digital Economy; Hybrid Mismatch Arrangements; and how consultations with developing countries on the BEPS project are going so far. Pascal expects that the finalized BEPS papers, following the review of submitted comments and the subsequent consultations, will be adopted by the CFA in June and then presented to the G20 in September.

UN Sustainable Development Goals – *Facilitating Business Engagement on UN Initiatives*

- ***USCIB Meets with State Department on Post-2015 Development Agenda and UN Agencies' Openness to Business:*** Norine Kennedy and Shaun Donnelly had an excellent meeting with senior officials in the State Department's Bureau of International Organization Affairs (IO) on February 3, 2014. Norine brought the IO leadership up to date on USCIB and ICC [efforts to provide constructive business input](#) into the UN's Post-2015 Development Agenda, both directly into the UN processes in New York and bilaterally to the U.S. Government teams working the issue in Washington and to the U.S. Mission to the UN in New York City. USCIB also highlighted to IO growing concerns from some important USCIB members over reduced access for business (in some case less than that accorded NGOs) and even signs of an anti-business bias in some UN bodies and specialized agencies. We agreed to work with IO, the U.S. government generally and the U.S. Missions in New York, Geneva and beyond to address specific problems.

Customs – *Reducing Barriers and Costs from Customs and Border Control Practices*

- ***USCIB Congratulates CBP Commissioner Gil Kerlikowske on Confirmation:*** On March 7, 2014 The United States Council for International Business applauded the U.S. Senate's confirmation of Customs and Border Protection (CBP) Commissioner Gil Kerlikowske in a [statement](#), and sent the new Commissioner a [congratulatory letter](#). His experience as the former Director of the Office of National Drug Control Policy and his expertise will play an integral role in simultaneously securing the border while expediting the free flow of goods across borders. USCIB looks forward to working closely with Commissioner Kerlikowske on measures such as the Centers for Excellence and Expertise (CEEs), the Customs-Trade Partnership Against Terrorism Program (C-TPAT) and the completion of the Automated Commercial Environment (ACE).

- USCIB Applauds President's Executive Order on ITDS:** On February 20, 2014, USCIB [applauded](#) the President's Executive Order on the International Trade Data System that was signed February 19, 2014. The executive order simplifies the export/import process for America's businesses by streamlining the flow of goods across borders by mandating the completion of the International Trade Data System (ITDS) by 2016. ITDS harmonizes the way departments and agencies interact with traders. This will reduce paperwork for U.S. companies in global markets and help create new jobs at home and abroad for Americans. It also comes on the heels of the historic WTO Trade Facilitation Agreement, in whose negotiations the U.S. played a key role.
- USCIB Attends the 53rd WCO Harmonized System Committee Meeting:** From March 4-14, 2014 Director, Customs and Trade Facilitation Kristin Isabelli and Vice President International Trade Regulation Ken Montgomery, TechAmerica attended the 53rd World Customs Organization Harmonized System Committee meeting representing USCIB and the International Chamber of Commerce, which has observer status at the WCO. Highlights from the meeting included a discussion on the Trade Facilitation Agreement, a presentation on light-emitting diode assemblies (LED), a debate on the classification of certain textile articles and a discussion on "Multi Component Integrated Circuits (MCOs). Two new Chairpersons were also elected to the Harmonized System Committee and the Review Subcommittee. The next HSC committee meeting will take place in late September.
- USCIB Meets with WCO Secretary General Kunio Mikuriya:** On February 25, 2014 Senior Vice President, Carnet and Trade Services Cindy Duncan and Director, Customs and Trade Facilitation Kristin Isabelli attended a business roundtable hosted by Customs and Border Protection with World Customs Organization Secretary General Kunio Mikuriya. The discussion focused primarily on strengthening the relationship between the global business community and the World Customs Organization. USCIB welcomed the opportunity to speak with the WCO Secretary General on ongoing global customs initiatives including ATA Carnet. We look forward to working closely with him in the future.
- USCIB Attends CBP 2014 East Coast Trade Symposium:** On March 6-7, 2014 Rob Mulligan attended the 2014 East Coast Trade Symposium. The 800-person event was held in Washington and was widely attended by USCIB members and others in the customs community. Key officials including USTR Ambassador Michael Froman and World Customs Organization Deputy Secretary General Sergio Mujica spoke at the event. Topics of discussion included the completion of the Automated Commercial Environment (ACE), North American competitiveness and a session on public private sector engagement.

APEC- Enhancing U.S. Business Cooperation with the Asia-Pacific Region

- USCIB Policy Staff Update Members on APEC Work:** USCIB hosted a conference call on February 11, 2014 to update members on USCIB's work within APEC prior to the first APEC Senior Officials Meeting (SOM1) of 2014. USCIB staff are active in leading important initiatives throughout APEC's working groups, and the update included: the APEC Chemicals Dialogue, the Customs Virtual Working Group, the Sub-Committee on Customs Procedures of the Committee on Trade and Investment (CTI), the Data Privacy Subgroup, the Cross Border Privacy Rules system, the Energy Ministerial and the

Women in the Economy Forum. On March 6, 2014 USCIB joined the U.S. APEC Business Coalition for a debriefing on the highlights and outcomes of SOM1, which took place February 15-28, 2014 in Ningbo, China.

Competition – *Creating Global Legal Policies for an Open and Competitive Business Environment*

- ***FTC Chair Ramirez Meets with USCIB Competition Committee:*** At the February 20, 2014 meeting of USCIB's Competition Committee, Chair Michael Blechman, Kaye Scholer, and Vice Chair Jim Rill, Baker Botts passed the torch to new Chair John Taladay, Baker Botts, and new Vice Chair Jennifer Patterson, Kaye Scholer. USCIB's Senior Vice President for Policy and Government Affairs Rob Mulligan marked the leadership transition by welcoming Taladay and Patterson and recognizing Blechman and Rill's contributions over the past 20 years. The committee also hosted Chairwoman Edith Ramirez of the U.S. Federal Trade Commission for remarks over lunch regarding the global policy direction of the FTC's antitrust activities and her recent meetings with officials from China's antitrust agencies.

International Product Policy – *Science-Based Policies to Protect Business and Facilitate Market Access*

- ***USCIB Product Policy Meeting Covers APEC, Chemicals Work:*** On March 18, 2014 USCIB organized an International Product Policy Working Group meeting, which was hosted by the American Cleaning Institute in Washington DC. This meeting served as an important stock-taking and organizing meeting for the International Product Policy group. Helen Medina, Senior Director, Product Policy & Innovation, reported out to members on recent developments in the APEC Chemical Dialogue meetings that occurred in Ningbo, China in February. Several important projects and work-streams are also emerging in APEC, including a Marine Debris Proposal and a Regulatory Cooperation Workshop, both of which were introduced by the American Chemistry Council. USCIB will provide input to the survey on APEC's Global Harmonization System, as well as USCIB's own Innovation and Transparency Survey. USCIB will also continue working on and monitoring Korea's chemical legislation and the UN Environment Programme's Chemicals in Products project.

Membership

- ***Membership Meetings:*** The DC Membership department and policy staff, along with USCIB President and CEO Peter Robinson, met with representatives from member companies 3M, Caterpillar, General Mills, MasterCard, Nissan North America, and PepsiCo to better understand their policy priorities for the next year and beyond, and to see how USCIB can better serve their policy needs.
- ***New Members:*** USCIB has recently welcomed the following new members: Brown-Forman Corporation, Eaton Corporation, Johnson Controls, MasterCard, Semiconductor Industry Association, and Sidley Austin LLP.

Upcoming Events

- **World Telecommunications Development Conference (WTDC)**
March 31-April 11, 2014, Sharm el Sheikh, Egypt (TBC)
- **USCIB Customs and Trade Facilitation Committee Meeting**
April 1, 2014, Sandler Travis & Rosenberg Offices, Washington, DC
- **ICC Commission on Corporate Responsibility and Anti-Corruption**
April 2, 2014, Paris, France
- **WSIS Action Lines Forum**
April 14-17, Geneva, Switzerland
- **USCIB Corporate Responsibility Committee Meeting**
April 15, 2014, Washington, DC
- **USCIB Labor and Employment Policy Committee Meeting**
April 16, 2014, Washington, DC
- **Global Multistakeholder Meeting on the Future of Internet Governance**
April 23-24, Sao Paulo, Brazil
- **ICC Banking Commission Meeting**
April 27-30, 2014 Dubai, United Arab Emirates
- **ICC Commission on Trade and Investment Policy**
May 6, 2014, Paris, France
- **U.N. Commission on Science and Technology for Development**
May 12-16, Geneva, Switzerland
- **APEC 2nd Senior Officials Meeting (SOMII)**
May 14-15, 2014, Qingdao, China
- **Internet Governance Forum (IGF) Open Consultations and Multistakeholder Advisory Group (MAG) Meeting**
May 19-21, Paris, France
- **WSIS+10 Open Consultations, Final Preparatory Meeting**
May 28-31, Sharm el Sheikh, Egypt (TBC)
- **ILO International Labor Conference**
May 28-June 18, 2014, Geneva, Switzerland
- **ICC Digital Economy Commission Meeting**
June 10-11, Paris, France
- **WSIS+10 High-Level Review Event**
June 10-13, Geneva, Switzerland
- **OECD Committee on Digital Economy Policy and its Working Groups**
June 16-20, Paris, France

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