



GlobalImpact

Notes on Representation & Advocacy



Dear USCIB Members,

Welcome to the next edition of USCIB's **Global Impact** – the newsletter providing you with an update on the advocacy that USCIB does to represent your interests internationally. Over the past few months USCIB has been at the table along with many of our members participating in key intergovernmental deliberations in Rome, Geneva, and Paris – all for the express purpose of ensuring that the voice of U.S. business is heard where policies and regulations affecting your bottom line are determined. I urge you to circulate **Global Impact** within your company and to your peers and ask that you encourage them to contact the policy staff to register comments or questions.

From all of us here at USCIB, thank you for your support.

Peter M. Robinson
President & CEO, USCIB



Preventing Restrictions on the Private Sector at the World Health Assembly

Geneva: World Health Assembly (WHA) – May

USCIB's Norine Kennedy and Helen Medina took part in the 2015 WHA where a controversial proposal to limit participation by the private sector and other non-state actors in the work of the World Health Organization (WHO) was under review. This Framework for Engagement of Non-State Actors (FENSA) unjustifiably restricts the WHO's ability to engage with the private sector in support of its mission. USCIB's position is that FENSA will endanger the WHO's credibility and set a damaging precedent that could discourage ongoing public-private partnerships and private sector involvement in other international fora.

In Geneva, USCIB organized a briefing with U.S. government representatives on the status of the draft FENSA. As a direct result of those efforts, WHO member states opted to continue discussions on FENSA for another year, averting a damaging outcome. Moving forward, WHO members agreed to establish an intergovernmental working group on FENSA and will deliver a conclusion at the 2016 WHA. USCIB will continue to engage where necessary.

Representing USCIB: USCIB's Vice President of Environment, Energy and Strategic International Engagement, Norine Kennedy and USCIB's Vice President of Product Policy and Innovation, Helen Medina.

For more details on this meeting, click [here](#) or contact: Norine Kennedy (212) 703-5052; nkennedy@uscib.org and Helen Medina (212) 703-5047; hmedina@uscib.org.

Protecting International Investment Flows Vital for Economic Growth

Barcelona and Madrid: Bringing U.S. Business Views on the Transatlantic Trade and Investment Partnership (TTIP) – May

USCIB's Shaun Donnelly was back on the road for the State Department as an American expert speaker on TTIP and investment issues in Spain. Shaun was able to lay out U.S. business community views and priorities on the TTIP agenda. The local American embassy programmed Shaun into a series of large formal speeches and conference presentations, small informal sessions with business and student groups, plus press interviews. Shaun was also the keynote speaker at an all-day conference on "TTIP Negotiations: Caught Between Myth and Reality" hosted by leading Spanish think tank CIDOB (Barcelona Centre for International Affairs). Investment and ISDS, which grants an investor the right to use dispute settlement proceedings against a foreign government, figured prominently in most events. Because anti-ISDS sentiments remain high in Europe, U.S. embassies are working with USTR and State to try to get the real story out. Shaun reiterated USCIB's position that ISDS is a necessary legal instrument to truly incentivize and protect international investment flows that are vital for economic growth, development and job creation. Shaun will continue to travel to Europe on relevant speaking tours when necessary. **Representing USCIB:** USCIB's Vice President of Investment and Financial Services, Shaun Donnelly.

For more details on these meetings, contact: Shaun Donnelly (202) 682-1221; sdonnelly@uscib.org.



Paris: ICC Trade and Investment Commission Meeting – April

As a member of the ICC Trade and Investment Commission, USCIB's Rob Mulligan and other members were briefed by the ICC Court of Arbitration and the OECD on issues that are of importance to USCIB:

- ICC Court of Arbitration Secretary General Andrea Carlevaris spoke on the activities of the Court and its efforts to engage the European Commission on issues around ISDS. The ICC Trade & Investment Commission will be working on a statement supporting investment protection and ISDS in trade and investment agreements.
- Susan Stone from the OECD also briefed members on the report they recently completed on localization barriers to trade and the work they are doing on a cross border data flow report due in 2016. The OECD Trade Committee will be looking at the trade impact of restrictions of data and will be looking for business input on the cost of restrictions.

The next ICC Trade & Investment Commission meeting will take place in Geneva during the WTO Public Forum in late September. **Representing USCIB:** USCIB's Senior Vice President of Policy and Government Affairs, Rob Mulligan.

For more details on the meeting, contact: Rob Mulligan (202) 682-7375; rmulligan@uscib.org.

Paris: OECD and BIAC Trade Committee Meetings – April

USCIB's Rob Mulligan represented USCIB and the Business and Industry Advisory Committee to the OECD (BIAC) at the open sessions of the OECD Trade Committee meeting. OECD papers on cross-border data flows and localization barriers to trade, as well as on post-Bali work program were discussed. On behalf of BIAC, Rob noted that:

- Eliminating protectionist measures such as localization requirements and restriction on data flows would improve trade; and
- He reiterated the need for improving regulatory cooperation, opening services trade, and implementing policies that support operations of global value chains.

During the BIAC Trade Committee meeting, issues related to the Colombian accession to the OECD were discussed as well as the next generation of issues that the OECD should consider in its research. **Representing USCIB:** USCIB's Senior Vice President of Policy and Government Affairs, Rob Mulligan.

For more details on the meeting, contact: Rob Mulligan (202) 682-7375; rmulligan@uscib.org.

Paris: OECD Investment Meetings – March

USCIB's Eva Hampl, together with Kimberly Claman from Citi, attended the OECD's Freedom of Investment Roundtable's all-day conference on Investment Treaties: Policy Goals and Public Support as well as various other investment-related meetings at the OECD. The goal of the conference brought governments, international organizations, the private sector, civil society and academic experts together to assess opportunities and challenges associated with investment treaties and how those treaties can be improved. The various panels were overwhelmingly in support of the general system of IIAs (International Investment Agreements), and even ISDS. Participants concluded that the OECD could do more work on providing data that links IIAs and Foreign Direct Investment (FDI). At the OECD Investment Committee consultation, BIAC presented its case on the Policy Framework for Investment: promoting adherence to the MNE Guidelines and the OECD's role in investment treaties. USCIB voiced its concerns on the OECD draft paper on State-Owned Enterprises (SOEs), stating that it presents a pro-SOE point of view. USCIB will continue to raise its voice where necessary.



Representing USCIB: USCIB's Director of Investment, Trade, and Financial Services, Eva Hampl along with USCIB member Kimberly Claman, Senior Vice President of International Government Affairs, Citigroup.

For more details on the meeting, contact: Eva Hampl (202) 682-0051; ehampl@uscib.org.

Geneva: Investment Policy Group Meeting of the World Economic Forum – March

Once again, USCIB's Shaun Donnelly was raising the U.S. flag for ISDS at a meeting of the Investment Policy Group convened by WEF and the International Centre for Trade and Sustainable Development (ICTSD). He was one of just three business representatives among the group's 25 investment experts working to develop policy recommendations to governments and international organizations across a broad range of trade and investment issues by late 2015. Much of this discussion centered on ISDS, and Shaun reiterated USCIB's position that ISDS is a necessary legal instrument to truly incentivize and protect international investment flows that are vital for economic growth. The Investment Policy Group plans to meet again in June to finalize its recommendations. **Representing USCIB:** USCIB's Vice President of Investment and Financial Services, Shaun Donnelly.

For more details on this meeting, click [here](#) or contact: Shaun Donnelly (202) 682-1221; sdonnelly@uscib.org.

Speaking out for Business Representation in UN Climate Talks

Paris: Business and Climate Summit – May

USCIB's Norine Kennedy attended the first-ever Business and Climate Summit organized by the ICC bringing 1,800 business leaders and policymakers together 200 days before the start of the landmark Paris Climate Conference (COP21). The Business and Climate Summit was the centerpiece of Paris Climate Week and concluded with a coalition of major business networks issuing a joint press release calling on governments to conclude an ambitious agreement at COP21. USCIB believes that if a binding, global climate agreement doesn't work with and for the private sector, then it simply will not work and is calling for:

- Governments to establish a formal role for business to engage in the UN climate negotiations;
- A framework that will allow business to help craft policies that foster private investment in green technologies; and
- Governments to pledge to keep markets open so that these technologies and solutions can spread efficiently and profitably.

ICC Chairman (and USCIB Chairman) Terry McGraw and ICC Secretary General John Danilovich wrote an [op-ed on cnbc.com](#) at the end of Paris Climate Week calling for the private sector to be given a recognized role under a future global climate regime, which is a key ingredient to a successful climate agreement. USCIB will continue to attend all UNFCCC pre-negotiating rounds ahead of COP21 and will be on the ground in Paris for COP21 and has launched a far-reaching advocacy campaign: [Campaign 2015](#) on behalf of our members, seeking to ensure that American business has a voice in COP21 as well as the UN effort to elaborate the Sustainable Development Goals and the Post 2015 Agenda, culminating this September in New York. **Representing USCIB:** USCIB's Vice President of Environment, Energy and Strategic International Engagement, Norine Kennedy.

For more details on this meeting, contact: Norine Kennedy (212) 703-5052; nkennedy@uscib.org.



Upholding the Multistakeholder Model of Internet Governance

Geneva: Internet Governance Forum (IGF) Open Consultations and Multistakeholder Advisory Group (MAG) Meeting – May

USCIB's Barbara Wanner represented USCIB at these meetings where two IGF workshop proposals submitted by USCIB were endorsed: "Mobile and IoT Expand Inclusion for Persons with Disabilities" and "Internet Governance 2015: Promoting Trade, Inclusion, and Trust". USCIB emphasized that both go to the heart of key themes of this year's IGF: cybersecurity and trust, the Internet economy, inclusiveness and diversity, and openness. This year's IGF will be held in November in Joao Pessoa, Brazil and USCIB will be in attendance.

Representing USCIB: USCIB's Vice President of ICT Policy, Barbara Wanner.

For more information on the meeting, click [here](#) or contact: Barbara Wanner (202) 617-3155; bwanner@uscib.org.

Geneva: World Summit on the Information Society (WSIS) Forum – May

USCIB's Barbara Wanner, together with the Vice Chair of USCIB's ICT Committee, Joseph Alhadeff (Oracle), and a delegation of USCIB members helped formally launch the 10-year review of the WSIS. Mr. Alhadeff, who also chairs ICC-BASIS (Business Action to Support the Information Society), of which USCIB is a member, delivered remarks at the High-Level segment, emphasizing the importance of the multistakeholder model of Internet governance. He extolled the success of the past decade of WSIS in helping to bridge the digital divide and realize many of the millennium development goals. The WSIS 10-year review will culminate in a High-Level Meeting this December at UN headquarters in New York. USCIB will be collaborating with ICC-BASIS on UN mission outreach initiatives. **Representing USCIB:** USCIB's Vice President of ICT Policy, Barbara Wanner along with the Vice Chair of USCIB's ICT Committee, Joseph Alhadeff (Oracle).

For more information on the Forum, click [here](#) or contact: Barbara Wanner (202) 617-3155; bwanner@uscib.org.

Paris: ICC Digital Economy Commission (DEC) Meeting – March

USCIB's Barbara Wanner, together with the Vice Chair of USCIB's ICT Committee, Joseph Alhadeff (Oracle), and a delegation of USCIB members participated in this DEC meeting. USCIB was influential in key DEC decisions concerning:

- How to address emerging tech issues such as Big Data, cloud, and the Internet of Things (IoT);
- Important Internet governance developments such as the IANA transition and the NETMundial Initiative as well as advocacy strategies for the WSIS Review year;
- Further advocacy on the elements of the EU General Data Protection Regulations (GDPR) focused on its treatment of legitimate interests;
- Development of new privacy-related papers on the "one-stop-shop" aspect of the GDPR as well as de-identification and anonymization;
- A new initiative on regulatory modernization; and
- Strategies related to the release of ICC's Cyber-Security Guide for Business.

USCIB will continue to comment on the above issues and will attend the next meeting of the DEC later this year. **Representing USCIB:** USCIB's Vice President of ICT Policy, Barbara



Wanner along with the Vice Chair of USCIB's ICT Committee (and Chair of the ICC Digital Economy Commission), Joseph Alhadeff (Oracle).

For more information on the meeting, contact: Barbara Wanner (202) 617-3155; bwanner@uscib.org.

Elsewhere in the World.....

Paris: OECD Public Consultations on Mandatory Disclosure and CFC (Controlled Foreign Corporation) Rules – May

USCIB's Carol Doran Klein participated in these meetings where the business community emphasized that the OECD should not require duplicative reporting and should coordinate any reporting required by the mandatory disclosure rules with the master file, local file and country-by-country reporting. USCIB also made the point that if a country has adopted a mandatory disclosure regime and that is the only reporting, then that is the only reporting under that regime that should be required. The OECD seemed sympathetic to this point. The public consultation on CFCs enforced the deep split among countries. There does not appear to be an agreement on whether CFC rules should be protecting the parent jurisdiction's base and also should address foreign-to-foreign base erosion. In the absence of agreement on this fundamental principle, it seems unlikely that there will be agreement on a minimum standard or best practice. **Representing USCIB:** USCIB's Vice President and International Tax Counsel, Carol Doran Klein.

For more information on the meeting, contact: Carol Doran Klein (202) 682-7376; cdklein@uscib.org.

Rome: UN Food and Agriculture (FAO) Private Sector Mechanism Meeting – May

USCIB's Helen Medina, along with USCIB members and representatives from nearly 60 countries met at the UN FAO to discuss business priorities on food security, agriculture trade, and other issues affecting nutrition. The Private Sector Mechanism is a network that coordinates input from business into the UN Committee on World Food Security. It gives business the ability to provide governments with information on the programs and/or partnerships they have in place to address issues affecting food security and nutrition. These meetings both inform the policy discussion and spark ideas on how the private sector can continue to work with governments to combat global hunger and nutrition challenges. Also on the agenda was a discussion on possible side events at the October UN Committee on Food Security meeting related to empowering women in agriculture and supply chains and the important linkages between trade and food security. USCIB and other industry groups will showcase the benefits of trade and explain that it is an important component of the agriculture and food system. **Representing USCIB:** USCIB's Vice President of Product Policy and Innovation, Helen Medina along with representatives from several USCIB members including Coca-Cola, Grocery Manufacturers Association, and Mead Johnson.

For more information on the meeting, click [here](#) or contact: Helen Medina (212) 703-5047; hmedina@uscib.org.



Singapore: ICC Permanent Heads Meeting – March

USCIB's President and CEO Peter Robinson and Helen Medina were in attendance and urged the ICC leadership to further build on the ICC's unique expertise, access to, and influence in IGOs such as the World Health Organization in order to:

- Advance its members' interests;
- Enhance business participation and influence in key IGOs;
- Promote public/private partnership and cooperation; and
- Grow opportunities for constructive involvement of the business community in shaping and implementing policy at the international level.

Mr. Robinson encouraged attendees to raise the voice of international business to counter the increasing marginalization of business views across many areas. He stressed the need for greater policy coherence, a more universally open and welcoming attitude toward the private sector, and more opportunities to make the case for the meaningful and recognized engagement of business wherever possible.

USCIB also hosted a breakfast meeting with ICC National Committees from the APEC region to discuss mutual policy interests and ways to further collaborate. From that meeting it was agreed that going forward the group would:

- Coordinate and share information about upcoming APEC events;
- Work on items or events of mutual interest related to APEC;
- Further promote and raise awareness of ICC and ICC National Committees in APEC activities; and
- Raise awareness with other ICC National Committees and invite them to join us.

Several ICC National Committees are already working with USCIB on the subject of facilitating global value chains (GVCs) within the Asia-Pacific. A proposal was submitted for an APEC trade policy dialogue which will take place in Cebu, Philippines that would focus on localization barriers to trade and look at a range of industries and issues such as impacts on infrastructure, services and intellectual property rights. USCIB will work with ICC National Committees to shape the agenda and provide speakers, with the expectation that recommendations will emerge for continued work in this area. **Representing USCIB:** USCIB's President and CEO, Peter Robinson, and USCIB's Vice President of Product Policy and Innovation, Helen Medina.

For more details on these meetings, contact: Helen Medina (212) 703-5047; hmedina@uscib.org.

Upcoming USCIB Representation Around the World

- **Bonn Climate Conference – Bonn, Germany; June, 2015**
Norine Kennedy nkennedy@uscib.org
- **ICC Marketing & Advertising Commission Meeting – Paris, France; June, 2015**
Jonathan Huneke jhuneke@uscib.org
- **OECD Committee on Digital Economy Policy (CDEP) Meetings – Paris, France; June, 2015**
Barbara Wanner bwanner@uscib.org
- **International Labor Conference – Geneva, Switzerland; June, 2015**
Ariel Meyerstein ameyerstein@uscib.org



- **OECD Forum – Paris, France; June, 2015**
Rob Mulligan rmulligan@uscib.org
- **Third International Conference on Financing for Development (FfD3) – Addis Ababa, Ethiopia; July, 2015**
Ariel Meyerstein ameyerstein@uscib.org