



## USCIB Washington Update

### Highlighting Key Activities, October – November 2015

During the months of October and November 2015, USCIB staff testified before the U.S. government on China, addressed the OECD on the future of trade, presented to the G20 on investment, briefed Caroline Atkinson in the White House on B20 recommendations, chaired programs at the IGF in Brazil, arranged meetings with Hill staff on customs reauthorization legislation, filed a submission with USTR for the National Trade Estimate, met with U.S. Ambassador to the OECD Daniel Yohannes, and much more. Below are summaries of these and other highlights from the activities of USCIB in Washington, D.C. 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 Global Markets for Trade and Investment***

- ***Mulligan Weighs in on Future of Trade at OECD Global Trade Forum:*** On November 3, 2015, Rob Mulligan, USCIB Senior Vice President for Policy and Government Affairs, spoke on a panel at the OECD Global Trade Forum in Paris addressing the future of trade and whether policy will lead or follow. He explained that international companies

have built global value chains to establish a framework for accessing foreign markets in a flexible and cost-efficient way. When constructing these global networks, companies consider a range of factors such as the potential market for their products, rule of law, strong infrastructure, skilled workforce and regulatory barriers such as localization rules. Governments need to understand how these factors when developing adopting policies to attract trade and investment. Rob suggested that governments should avoid unnecessary regulation and, when it is necessary, regulation should be designed as the least trade-restrictive approach that accomplishes the policy objective. He also stressed that governments should coordinate with each other to ensure that regulations are consistent across countries, as coherent regulatory regimes make it easier for companies to grow and create jobs. Other speakers on Mulligan's panel included Ambassador Jonathan Fried, Canada's Ambassador to the WTO, and Joakim Reiter, Deputy Secretary General of the United Nations Conference on Trade and Development (UNCTAD).

- ***USCIB Sets Meetings with USTR and State for BIAC Secretary General:*** Bernhard Welschke, BIAC Secretary General, came to Washington D.C. on November 11-12, 2015, following his attendance at the USCIB Annual Dinner in New York. In addition to a wide-ranging discussion of the issues BIAC is working on at the OECD with over 15 USCIB member companies, USCIB arranged for Bernhard to meet with Mark Linscott, Assistant U.S. Trade Representative for WTO and Multilateral Affairs. USCIB Vice President for Investment and Financial Services, Shaun Donnelly, accompanied Bernhard to meetings with Deputy Assistant Secretary of State for International Finance and Development Lisa Kubiske, Office Director of the Office of Investment Affairs, Michael Tracton, and several others in the Economic Bureau at the State Department to exchange views on some of the more challenging issues for business at OECD. He also had the chance to meet with Carol Guthrie, Head of the OECD Washington office, to review coordination with USCIB as the U.S. affiliate of BIAC.
- ***USCIB Joins Briefing at White House for Caroline Atkinson on B20 Recommendations:*** On October 22, 2015, Rob Mulligan joined Cindy Braddon (McGraw-Hill Financial), Rick Johnston (Citi), and Michael Goltzman (Coca-Cola), for a briefing at the White House with Caroline Atkinson, G20 Sherpa for the United States. As part of the B20 advocacy effort, the group presented Caroline with the final recommendations of the global business community for the G20 Summit. In the discussion, Mulligan was able to highlight the B20 trade task force recommendations urging ratification and implementation of the WTO Trade Facilitation Agreement and rollback of forced localization protectionist barriers.
- ***U.S. Ambassador to OECD Visits USCIB Washington Office:*** Daniel Yohannes, U.S. Ambassador to the OECD, came to the USCIB Washington office on October 22, 2015, to discuss his plans for a Friends of Inclusive Growth group at the OECD. Yohannes is seeking to ensure that business views on inclusive growth are included as the OECD incorporates the concept across its policy work. The Ambassador is looking to organize CEO programs in Paris and in the U.S. around the middle of next year to provide a venue for discussion of business leaders with the OECD government representatives. USCIB and BIAC have offered to work with him on these programs. USCIB staff highlighted for the Ambassador our [www.businessfor2030.org](http://www.businessfor2030.org) website that includes reports on many business activities that match the UN Sustainable Development Goals and track the inclusive growth objectives of OECD.

- **Donnelly Talks Turkey in Turkey on Strong Investment Agreements:** Shaun Donnelly was the only American business representative and one of just a handful of business speakers at the G20/OECD Global Forum on International Investment in Istanbul, Turkey on October 5, 2015. With co-panelists Deputy USTR Ambassador Michael Punke and BIAC Secretary General Bernhard Welschke, Shaun was a forceful voice for strong international investment agreements, including effective Investor-State Dispute Settlement (ISDS) arbitration provisions. He also made very clear in his presentation that U.S. Business does not support the EU Commission's recent proposals to reduce protections for investors and replace ISDS arbitration with an investment court in the U.S.-EU TTIP agreement currently under negotiation.
- **USCIB Hosts BCTT Investment Working Group Meeting:** For several years, USCIB has been playing a leading role on key Working Groups within the Business Coalition for Transatlantic Trade (BCTT), the umbrella group coordinating business community support for and input into the on-going Transatlantic Trade and Investment Partnership (TTIP) negotiations. On October 15, 2015, USCIB's Shaun Donnelly hosted a meeting of the BCTT Investment Working Group, which he co-chairs, with the U.S. Government lead investment negotiator for TTIP.
- **BCTT Competition WG Consults with U.S. TTIP Negotiators:** USCIB Vice President Shaun Donnelly also co-chairs the BCTT Working Group on competition policy which met November 2, 2015, with the new team of U.S. lead negotiators for the Competition and State-Owned Enterprise chapters of the TTIP. This particular BCTT Working Group coordinates the Coalition's policy work with the U.S. negotiators on two separate but related chapters – traditional competition/anti-trust/anti-monopoly issues, as well as SOEs. The session was an excellent opportunity for interested BCTT members to get our policy concerns across to a new team of U.S. negotiators.
- **HAMPL Represents USCIB at Investment Meetings of OECD and BIAC in Paris:** On October 14-15, 2015, Eva Hampl, USCIB Director for Trade, Investment, and Financial Services, attended the meetings of the OECD Investment Committee and the BIAC Committee on Investment and Responsible Business Conduct. One key issue is widening the adherence to the [OECD Guidelines for Multinational Enterprises](#). The BIAC Committee considered the OECD draft on this issue, as well as a BIAC draft letter responding to the draft. They also discussed the BIAC Proactive Investment Agenda for 2016, including issues such as the [OECD Policy Framework for Investment](#), investor-state dispute settlement (ISDS), investment treaties, and state-owned enterprises.
- **USCIB Leads Business Group for EGA Negotiations in Geneva:** The week of October 29 through November 4, 2015, Eva Hampl was in Geneva on the sidelines of the 10<sup>th</sup> Round of the Environmental Goods Agreement (EGA) negotiations leading a group of companies and associations, including General Electric and the Institute of Scrap Recycling Industries (ISRI), in a series of bilateral meetings. The group met with most EGA negotiating delegations, including Switzerland, Singapore, Norway, Hong Kong, New Zealand, Israel, Canada, Australia, Taiwan, China, Japan, Costa Rica, Turkey, and Iceland. They also met with Ambassador Michael Punke at the U.S. Mission, as well as the U.S. negotiating delegation. Following the round, USCIB hosted an off-the-record briefing with Bill McEnea, Director for Environment and Natural Resources at USTR to discuss the past and upcoming rounds.

## ICT Policy – *Promoting Sound Policies for New Technologies*

- ***USCIB Joins U.S./EU Business Groups in Urging Conclusion of New Safe Harbor Framework:*** On October 13, 2015, USCIB joined 22 U.S. and EU high tech business associations in a joint letter to European Commission President Jean-Claude Juncker. The letter underscored the “serious disruption for thousands of companies” caused by the October 6, 2015, judgment of the European Court of Justice that the U.S.-EU Safe Harbor framework governing transatlantic data transfers is invalid. In particular, the groups called upon the United States and the European Commission to urgently conclude long-running negotiations aimed at strengthening the 15-year-old Safe Harbor framework so that both large and small companies operating in the United States and the EU have an instrument that provides legal certainty.
- ***USCIB Members Guide Further Development of IANA Transition and ICANN Accountability Proposals:*** Barbara Wanner, USCIB Vice President of ICT Policy, and USCIB Member representatives from 21<sup>st</sup> Century Fox, Amazon, AT&T, Facebook, Google, Verizon, VeriSign and others participated in ICANN 54, from October 18-22, 2015, in Dublin, Ireland. Participants ultimately rallied around a multistakeholder-developed proposal to transition the IANA stewardship functions from the Commerce Department’s National Telecommunications and Information Administration (NTIA). USCIB and its members also helped to realize important progress in developing an inter-related, enhanced ICANN accountability mechanism to replace the “backstop” function currently provided by ICANN’s contract with NTIA.
- ***USCIB Submits Comments Regarding Foreign Trade Barriers to Telecommunication and Other U.S. Exports:*** On October 28, 2015, USCIB submitted comments concerning significant barriers to U.S. exports of goods, services, and U.S. foreign direct investment for inclusion in the annual National Trade Estimate (NTE) report. Pursuant to Section 1377 of the Omnibus Trade and Competitiveness Act of 1998, and as requested by USTR this year, we also included comments concerning the operation and effectiveness of U.S. telecommunications trade agreements. Themes running throughout the comments included: (1) the importance of establishing a strong independent regulator with effective enforcement powers; and (2) the importance of keeping borders open to the flow of data and prohibiting the requirement of the use of local data servers or other computing infrastructure.
- ***USCIB Members Play Leading Roles at Internet Governance Forum (IGF):*** USCIB members from 21<sup>st</sup> Century Fox, Amazon, AT&T, Cisco, Facebook, Google, Intel, Microsoft, PayPal, Oracle, The Walt Disney Company, TMG Legal, VeriSign, Verizon, and Wiley Rein, participated in the 10<sup>th</sup> IGF, November 9-13, 2015, in Joao Pessoa, Brazil. Many members served as moderators and panelists in plenary sessions and workshops on such topics as the WSIS+10 Review, ICTs and sustainable development, cybersecurity challenges, zero-rating and net neutrality, ICANN and the IANA transition, and the evolution of Internet governance ecosystem and role of the IGF. In particular, USCIB co-organized and supported workshops which addressed (1) use of mobile telephony, Internet of Things, and other emerging technologies to expand inclusion for persons with disabilities, and (2) how best to optimize the economic and societal benefits realized through cross-border flows of data and information with privacy and security

concerns and respect for intellectual property protections. Barbara Wanner and Jacquelyn Ruff, Vice President, International Public Policy and Regulatory Affairs at Verizon Communications, moderated the first and second workshops, respectively. Kathleen McInerney, Yahoo, Inc., and Ellen Blackler, The Walt Disney Company, had important speaking roles on the trade-related panel.

- ***ICC Digital Economy Committee Meets in Istanbul:*** ICC's Digital Economy Commission met in Istanbul October 7-8, 2015 under the leadership of Commission Chair, and USCIB ICT Committee Vice-Chair, Joe Alhadeff (Oracle) and USCIB ICT Committee Chair Eric Loeb (AT&T). Joe and Eric also joined representatives from several other leading USCIB member companies on panels at a dynamic B20 Digital Economy Forum in advance of the ICC committee meetings. Shaun Donnelly and several other USCIB members joined the ICC and B20 sessions.

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

- ***Klein Attends Annual Meeting of the U.N.'s Committee of Tax Experts:*** Carol Doran Klein, USCIB Vice President and International Tax Counsel, attended the annual meeting of the U.N.'s Committee of Tax Experts, which took place in Geneva from October 19–23, 2015. The Committee reviewed ongoing work of the subcommittee, including approving the minority report (primarily drafted by Henry Louie of the U.S. and Andrew Dawson of the UK) on the tax treatment of fees for technical services. The Committee also established two new subcommittees. The first new subcommittee will deal with royalties including important issues of the definition of whether payments for software are royalties (and potentially subject to withholding tax). The second subcommittee will deal with alternative dispute resolution mechanisms including arbitration, although some Committee members remain strongly opposed to arbitration.
- ***USCIB Joins Meeting of Task Force on Tax and Development:*** Carol Doran Klein attended the fifth meeting of the Task Force on Tax and Development. The meeting focused on the need for capacity development including the Addis Tax Initiative which hopes to double Official Development Aid (ODA) for capacity building, the role of developing countries in the BEPS process and the need for effective information exchange. An important outcome of the meeting was support for the OECD's inclusive framework on BEPS. This support acknowledges that the OECD is genuinely taking the views of developing countries into account.
- ***Global Forum Endorses Consolidated VAT Guidelines:*** Carol Doran Klein represented USCIB at the Global Forum on VAT, which took place in Paris on November 5-6, 2015. The forum endorsed the consolidated VAT Guidelines that the OECD had approved in July. The Guidelines are an important output of BEPS Action 1 on the digital economy. The forum also recommended additional work on VAT including design and implementation of efficient refund mechanisms, work on cross-border trade in low-value goods, and the interaction of VAT including especially in the area of transfer pricing.
- ***OECD Releases Final BEPS Deliverables:*** The OECD released the final BEPS deliverables on Monday, October 5, 2015. The release of the Final Reports is not the end of the process, although the focus now moves to implementation and monitoring. The OECD plans to release an inclusive framework in January/February of 2016 that will

outline how that process will move forward. USCIB has been reviewing the Final Reports, identifying issues that remain to be resolved and working to develop a process for providing input to the OECD as the project moves to the implementation phase.

### **Customs and Trade Facilitation – *Reducing Barriers and Costs from Customs and Border Control Practices***

- ***USCIB Submits Comments on Customs Proposal to Eliminate Hybrid Filings:*** USCIB submitted comments in response to an October 13, 2015, Federal Register Notice, which included a proposal by U.S. Customs and Border Protection to eliminate the ‘hybrid’ or combined electronic and paper filing. USCIB comments raised concerns about CBPs vetting process, internal analysis, and open questions about the proposal that would force importers to file entries entirely in paper or electronically.
- ***USCIB Leads Customs Bill Hill Meetings:*** Since joining USCIB as Director of Customs and Trade Facilitation on October 5, 2015, Megan Giblin has led numerous meetings to Capitol Hill with members of the USCIB Customs and Trade Facilitation Committee. The main purpose of the meetings has been to seek additional information on the status of the pending Customs legislation. Meetings have taken place with: Natalie Kamphaus, Senior Policy Adviser/Counsel for Rep. Dave Reichert, (who now leads the Ways & Means Trade Subcommittee, Whitney Daffner, Legislative Director for Rep. Pat Tiberi, Jayme White, Chief Adviser on International Competitiveness and Innovation for the Senate Finance Committee, Sahra Su, Counsel for Rep. Kevin Brady. Other meetings included Jason Kearns (Committee on Ways and Means), Everett Eissenstat (Senate Finance Committee), and Kaitlin Sighinolfi (Office of Rep. Charles Boustany).
- ***USCIB Provides Views on Draft ICC Customs and Trade Facilitation Policy Papers:*** On November 9-10, 2015, Megan Giblin represented USCIB at the meeting of the ICC Customs and Trade Facilitation Commission in Paris, France. Event speakers included: John Danilovich, Secretary General of the ICC, Emily O’Connor, Senior Policy Manager at the ICC Commission on Commercial Law and Practice, Sean Doherty, Head of International Trade & Investment at the World Economic Forum (WEF), and Group Head of Supply Chain, Nestle Ltd, Chris Tyas. Giblin presented on pending priority issues at the WCO Harmonized System Review Subcommittee (RSC) as well as the outcomes from the September HS Committee meetings. She also shared USCIB member views on such topics as Incoterms Guidance, customs valuation and transfer pricing, Free Trade Zones (FTZs), and many other topics.
- ***Giblin Represents USCIB at October 2015 COAC Meeting:*** USCIB participated in the October 29, 2015, Advisory Committee on Commercial Operations to U.S. Customs and Border Protection (COAC) meeting. Event speakers included CBP Deputy Commissioner Kevin K. McAleenan; Deputy Assistant Sect. Tax, Trade and Tariff Affairs, Department of the Treasury, among others. Some of the topics discussed at the event included COAC recommendations, ocean cargo, in-transit movements, the Air-Cargo Advance Screening Pilot, North American Single Window, Centers of Excellence and Expertise (CEEs), and Trusted Trader Programs.
- ***USCIB Shares Business Views at USITC Trade Facilitation Roundtable:*** On October 15, 2015, Megan Giblin participated in a U.S. International Trade Commission (USITC)

Roundtable on Trade Facilitation. The off-the-record roundtable provided government, non-profit, and private sector entities an opportunity to discuss the benefits and challenges of trade facilitation. The first session featured presentations, case studies, and opening remarks by Mark Linscott of USTR. The second session was an open roundtable discussion on topics of interest concerning trade facilitation.

### **Marketing and Advertising – Coordinating Ad Policies and Standards Across Countries**

- ***Meeting on APEC Initiative on Advertising Standards and Practice Development:*** Members of the USCIB Marketing and Advertising Committee, USCIB APEC Working Group, and the Grocery Manufacturers Association met in Washington, D.C. on October 20, 2015, with representatives from USTR and the U.S. State Department to provide information on the APEC Action Agenda on Advertising Standards and Practice Development. These groups plan to work in this area for the 2016 Peru host year in wake of the 2015 APEC Summit, which took place in Manila, Philippines from November 15-18, 2015. Following the meeting, the APEC Action Agenda on Advertising Standards and Practices and the Principles for Government's Role in Promoting Effective Advertising Standards were endorsed in the [2015 APEC Ministerial Statement](#), where ministers instructed officials to continue work and discussions on implementation in this area in 2016.

### **China – Supporting Policies and Relationships that Enhance U.S.-China Business**

- ***Hampf Testifies at USTR Public Hearing on China's WTO Commitments:*** Following the [USCIB submission](#) on China's WTO Commitments in late September, Eva Hampf, Director of Investment, Trade and Financial Services, testified on October 7, 2015, before the interagency Trade Policy Staff Committee (PTSC), led by USTR, on issues of importance to USCIB members, including China's Antimonopoly Law, regulatory environment, national treatment and non-discrimination, investment, and IT security measures. A video of the testimony can be found online [here](#).
- ***Audrey Winter, USTR, Briefs USCIB on State Visit of President Xi Jinping:*** On October 27, 2015, USCIB's China Committee hosted a briefing with Audrey Winter, Deputy Assistant U.S. Trade Representative for China Affairs, to discuss the recent State visit of President Xi Jinping. The discussion topics included investment, specifically the U.S.-China Bilateral Investment Treaty (BIT), the Antimonopoly Law, national security law, cybersecurity, general rule of law issues, biotech, State-Owned Enterprises (SOEs), and the U.S-China Joint Commission on Commerce and Trade (JCCT) taking place November 21-23.

### **Health – Business Engagement for Balanced International Health and Nutrition Regulations**

- ***USCIB Raises Concerns in Meetings with U.S. Officials on OECD Health Work:*** During October and November, USCIB members met with government officials to understand the OECD work related to food, health and obesity. USCIB members were able to provide some insights on the concerns about how the OECD is working on the

topics. October meetings included Steve Neff, Senior Advisor for OECD Affairs, USDA Foreign Agricultural Service, and Jay Variyam, Director of the Food Economics Division at ERS, USDA. In November, members met with Edith Brashares, Acting Director International and Business Taxation, Office of Tax Analysis, U.S. Department of the Treasury.

USCIB members highlighted: 1) That the OECD Health Committee should not be duplicating work done in other international forums. Instead, it should focus on adding value by contributing its substantive expertise to improving the evidence base and evaluating economic costs/impacts of policy options. 2) It will be important to appropriately define “what works” in addressing obesity. The OECD’s analysis of “what works” should address the cost-effectiveness and health impacts of a broad range of responses and not be limited to regulatory interventions. 3) In an increasingly interconnected world where dynamic value chains support the economic development of millions of people at every step, nutrition policy cannot be viewed in isolation. As a general consideration, nutrition policies (and the OECD’s work) are most effective when they focus on total diets and intake of critical nutrients from all sources.

- ***USCIB CEO and Members Meet Bathsheba Crocker on IGO Business Engagement:*** On October 27, 2015, Peter Robinson, President and CEO of USCIB, accompanied by Cindy Braddon (McGraw-Hill Financial), John Huenemann (PMI), Sarah King (Dupont), and USCIB senior staff, met with Assistant Secretary of State for IO Affairs, Bathsheba Crocker and her staff. The group discussed some current priority areas for USCIB, including COP21 and the UN Sustainable Development Goals. The group also expressed our concern with efforts by some international organizations, most notably the World Health Organization (WHO) through its Framework for the Engagement of Non-State Actors (FENSA), to limit or exclude business participation. We agreed to stay in close touch on the WHO’s FENSA negotiations to ensure that its approach does not become more restrictive vis-à-vis the private sector, which has so much to contribute in the health area.
- ***USCIB Co-Sponsors Women’s Empowerment Conference in Rome:*** USCIB co-sponsored an outstanding roundtable session on Women’s Empowerment at the International Fund for Agricultural Development (IFAD) in Rome on October 9, 2015. The session on “Women’s Empowerment: Solutions at the Nexus of Agriculture, Nutrition, and Enterprise” drew an impressive and wide-ranging group of speakers. The President and CEO of Mead Johnson Nutrition, Kasper Jakobsen, and Cherie Blair were headliners, joined by leading agriculture and developments experts and Ambassadors, as well as USCIB’s Shaun Donnelly, who was a lead panelist.

## **Membership**

- ***Membership Meetings:*** The Washington, D.C. membership department and policy staff met with representatives from member companies Starbucks, Wiley Rein, Amazon, and Visa to develop our understanding of 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 PayPal and LL Bean as new members.



## **Upcoming Events:**

**OECD Committee on Digital Economy Policy (CDEP) and its Working Groups –**  
November 30-December 4, 2015, Paris, France

**UN Climate Talks (UNFCCC COP21) –** November 30 - December 11, 2015; Paris,  
France

**OECD Health Committee Meeting –** December 3-4, 2015, Paris, France

**USCIB Visit to ICE IPR Center –** December 4, 2015, Crystal City, VA

**ICC/USCIB Marketing and Advertising Commission Meeting –** December 7, 2015,  
New York, NY

**USCIB Trade & Investment Committee Meeting –** December 9, 2015, Washington,  
D.C.

**2015 Human Rights Summit –** December 9, 2015; Washington, D.C.

**Briefing on APEC and the Future of Asia-Pacific Trade and Economic Growth –**  
December 14, 2015, New York, NY

**UNGA High-Level Meeting on the WSIS 10-Year Review –** December 15-16, 2015,  
United Nations, New York

**USCIB Customs and Trade Facilitation Committee Meeting –** January 12, 2016,  
Washington, D.C.

**APEC Electronic Commerce Steering Group –** February 24-28, 2016, Lima, Peru

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