

Dear USCIB Members,



Welcome to the Winter edition of USCIB's *Global Impact* – a quarterly update on USCIB's advocacy activities around the world in support of your interests. Closing out 2015, USCIB was at the table, along with many of our members, at key international deliberations– 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

At a Glance

[COP 21 – Business prevents framing of IP as barrier to green growth](#)

One of the most contentious issues during the climate negotiations at COP21 in Paris revolved around intellectual property rights, as some countries and NGOs sought to frame IPRs as a barrier to the spread of green technology. Thanks to sustained advocacy by USCIB in concert with other groups, the final Paris Agreement provides clarity on markets and does not frame intellectual property rights as a barrier to environmental growth.

[Holding ICANN accountable to stakeholders](#)

In 2014, the U.S. Commerce Department announced that it would devolve its stewardship of the Internet to an international body of stakeholders, the Internet Corporation for Assigned Names and Numbers, raising concerns about whether this new body would be receptive to the interests of business and other groups. As the transition is underway, USCIB helped develop a proposal that will effectively empower business to hold ICANN accountable.

[Pushing for 21st-century trade deals](#)

With progress on several trade agreements, including the Trans-Pacific Partnership with 11 Pacific-Rim countries and the Transatlantic Trade and Investment Partnership with the European Union, many anti-trade groups have sought to stymie these market-opening agreements. A forceful voice for the benefits of a forward-looking global trade agenda, USCIB staff circled the globe to make the case for trade.

[Pushing back against policies that may lead to double-taxation](#)

The tax practices of global companies are increasingly in regulators' cross-hairs. Ongoing efforts by the OECD BEPS project to rewrite global tax rules to prevent tax evasion, and by the UN Committee of Tax Experts to force another regulatory body into that space, have raised concerns that certain proposed policies designed to increase government revenue could result in double-taxation on multinational companies.

[Preventing redundant regulation of chemicals in products, and more...](#)

Review USCIB's engagement at the Fourth Session of the International Conference on Chemicals Management, the United Nations Forum on Business and Human Rights and the ICC Customs and Trade Facilitation Commission Meeting.

[Upcoming USCIB Representation around the World To Be Covered in the Next Global Impact](#)

APEC SOM1 Meetings – Lima; February | OECD VAT Meetings – Paris; February

ICC Trade and Investment Commission Meetings –Netherlands; March | OECD CDEP Meetings – Paris; March



USCIB: The Voice of American Business at COP21

COP 21 – Business prevents framing of IP as barrier to green growth

Paris: UN Framework Convention on Climate Change (UNFCCC) COP21 Summit – December

USCIB's President and CEO, Peter Robinson led an American business delegation along with USCIB's Norine Kennedy to this pivotal COP21 climate conference where the Paris Agreement was finalized. USCIB was on the ground providing critical business recommendations and engagement to the UN through our global network, including the International Chamber of Commerce (ICC) as the business focal point to the UN climate talks, and in partnership with the Major Economies Business Forum (BizMEF). USCIB worked to inform the agreement's outcome, ensuring that its conclusions truly work for business. Throughout COP21, several side meetings and presentations on business climate perspectives were held to make the case for a robust global agreement that works with business to meet the climate challenge, including:

- The official COP21 Business Day (BINGO Day) hosted by ICC to call on governments to seal a deal that will work with the private sector and help them do more to meet the climate challenge. Key speakers included John Danilovich, Secretary General of the ICC and Laurent Fabius, Minister of Foreign Affairs and International Development of France (President-Designate of COP21).
- USCIB and AmCham France convened a high-level business meeting at the halfway point of COP21, which culminated in a joint declaration calling for the UN to provide a recognized interface for business engagement.

For over 20 years, USCIB has been involved in the UNFCCC emphasizing the point that the lynchpin for successful implementation will be private sector involvement at national and global levels. Now, it appears that this hard work is starting to pay off as the Paris Agreement provides clarity on markets, while steering clear of confusion on intellectual property rights protection. For instance, prior to COP21, USCIB had strong concerns that some countries would attempt to address intellectual property in the Paris outcome as a barrier to the transfer of green technology. Thanks to sustained advocacy from USCIB and many other business organizations, the Paris Agreement does not reference IP, and underscores the need for enabling frameworks. Looking ahead, USCIB will assess the Paris outcomes and set priorities for its engagement with the first phase of the Paris Agreement. ***Representing USCIB:*** USCIB's President and CEO, Peter Robinson and USCIB's Vice President of Energy and Environment, Norine Kennedy. For more details on COP21, click [here](#) or contact: Norine Kennedy (212) 703-5052; nkennedy@uscib.org.

Representing Members on Internet Governance Issues

Holding ICANN accountable to stakeholders

Joao Pessoa: Internet Governance Forum (IGF) – November

USCIB's Barbara Wanner and several USCIB members attended the 10th IGF to advocate on Internet governance issues relating to cybersecurity, the Internet economy, inclusiveness, diversity, human rights, critical Internet resources and others. Here are the key business messages that emerged during this IGF:



- **Future of the IGF.** Business made the case for extending the IGF mandate for at least another 10 years to assure that Internet governance goals are aligned with the UN's Sustainable Development Goals (SDGs) which, in varying degrees, all rely on ICTs.
- **ICTs and Internet for sustainable development.** Attainment of all 17 UN SDGs would rely on ICTs and the Internet and therefore on private-sector investment in technology, innovation and entrepreneurship.
- **Bringing the next billion online.** Policy support for swifter access; reducing ICT investment risks; enhancing capacity building; facilitating local business innovation; encouraging local content creation; and strengthening institutional capacities are all necessary in order to bring the next billion online.
- **Importance of new links to link activities.** The discussions that take place at the IGF have ultimately led to more informed policy and decision-making within stakeholders' respective communities and organizations because they are not meeting to negotiate or finalize official or binding texts so they can speak frankly and openly.
- **Multistakeholder strength.** The inclusion of all stakeholders, including business, lowers the risk of unintended consequences, increases legitimacy, and facilitates implementation.

In addition, USCIB co-organized and supported two workshops that addressed (1) the 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. **Representing USCIB:** USCIB's Vice President of ICT Policy, Barbara Wanner along with representatives from several USCIB members including 21st Century Fox, Amazon, AT&T, Cisco, Facebook, Google, Intel, Microsoft, Oracle, PayPal, TMG Legal, VeriSign, Verizon, the Walt Disney Company, and Wiley Rein. For more details on this meeting, click [here](#) or contact: Barbara Wanner (202) 617-3155; bwanner@uscib.org.

Dublin: Internet Corporation for Assigned Names and Numbers (ICANN) Annual Meeting – October

USCIB's Barbara Wanner represented USCIB member interests at this meeting as a member of the Business Constituency, a stakeholder group representing the private sector in discussions with ICANN on Internet Governance. This ICANN meeting was critical as the Internet community is preparing for the transition of the Internet's stewardship from the Internet Assigned Numbers Authority (IANA) of the U.S. Commerce Department to the global multistakeholder community.

During this meeting, some 1,800 participants from government, business, civil society and the technical community rallied around a proposal to develop an ICANN accountability mechanism to replace the "backstop" function currently provided by ICANN's contract with the Commerce Department's National Telecommunications and Information Administration (NTIA). This is important because USCIB and other stakeholders have underscored that any new model of domain name system (DNS) management must include mechanisms to ensure it is accountable to the global stakeholder community since NTIA announced it would transition key Internet functions and domain names to the global stakeholder community in March, 2014. USCIB has also emphasized that the transition process must be thoughtfully conceived so as to not in any way compromise the principles set forth by NTIA for the IANA transition. These include:

- Supporting and enhancing the multistakeholder model;
- Maintaining the security, stability and resilience of the Internet DNS;

- Meeting the needs and expectations of the global customers and partners of the IANA services; and
- Maintaining the openness of the Internet.

The proposal developed in this Dublin meeting was an important step in developing a mechanism that will effectively empower business and other stakeholders to hold ICANN accountable and USCIB will continue to monitor developments in this space. **Representing USCIB:** USCIB's Vice President of ICT Policy, Barbara Wanner. For more details on this meeting, click [here](#) or contact: Barbara Wanner (202) 617-3155; bwanner@uscib.org.

Speaking out on Trade & Investment Policy

Pushing for trade deals that make globalization work for America

Paris: OECD Global Trade Forum – November

USCIB's Rob Mulligan weighed in on the future of trade at the OECD's global trade forum, which convened representatives from government, business and the OECD for a discussion on the prospects of future trade flows and the impact of government policy on economic growth. Speaking on behalf of the Business and Industry Advisory Committee (BIAC) to the OECD and of USCIB member companies, Rob 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 rule of law and localization rules, and it is important for governments to understand how these factors drive the way companies pursue global markets. Rob stressed the point that governments should avoid unnecessary regulation, and when it is necessary, it should be designed as the least trade-restrictive approach that accomplishes the policy objective. Rob called on governments to 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.

Representing USCIB: USCIB's Senior Vice President of Policy and Government Affairs, Rob Mulligan. For more details on this forum, click [here](#) or contact: Rob Mulligan (202) 682-7375; rmulligan@uscib.org.

Istanbul: G20/OECD Global Forum on International Investment – October

USCIB's Shaun Donnelly was the only American business representative and one of just a handful of business speakers at this day-long panel on investment. 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 TTIP agreement currently under negotiation. USCIB is a lead voice advocating for ISDS and will continue to do so in various forums. **Representing USCIB:** USCIB's Vice President of Investment and Financial Services, Shaun Donnelly. For more details on this forum, click [here](#) or contact: Shaun Donnelly (202) 682-1221; sdonnelly@uscib.org.

Geneva: Environmental Goods Agreement (EGA) Negotiations – October

USCIB's Eva Hampl led a business group to the 10th round of the EGA negotiations at the World Trade Organization (WTO). Eva attended this round on behalf of the Coalition for Green Trade, which USCIB co-chairs with the National Association of Manufacturers (NAM) and the National Foreign Trade Council (NFTC). The Coalition has consistently pushed for an ambitious agreement looking to build on the APEC

list of 54 products, expanding the list of products, as well as negotiating parties and making sure that the agreement takes into account the complexity of global supply chains and can serve as a platform to spur technological innovation. During this round, USCIB used the opportunity to drive home these messages in a series of bilateral meetings with most EGA negotiating delegations including Switzerland, Singapore, Norway, Hong Kong, New Zealand, Israel, Canada, Australia, Taiwan, China, Japan, Costa Rica, Turkey and Iceland. USCIB's delegation also met with Ambassador Michael Punke at the U.S. Mission, as well as the U.S. negotiating delegation. Following this negotiating round, USCIB hosted an off-the-record briefing with Bill McElnea, Director for Environment and Natural Resources at USTR to discuss upcoming negotiating rounds. The EGA negotiations will be continuing in 2016 in Geneva. The aim remains for an ambitious outcome of a comprehensive agreement that promotes economic growth, improves environmental outcomes, and advances innovation. USCIB will continue to be active with the Coalition for Green Trade and will report out to members on any EGA related issues. **Representing USCIB:** USCIB's Director of Investment, Trade and Financial Services, Eva Hampl. For more details on these negotiations, contact: Eva Hampl (202) 682-0051; ehampl@uscib.org.

Paris: OECD Investment Meetings – December

USCIB's Eva Hampl represented USCIB members at the stakeholder consultation with the OECD Investment Committee (in a joint session with the OECD Working Party on Responsible Business Conduct). Eva also attended an all-day workshop surrounding the implementation of the Policy Framework for Investment (PFI), OECD's updated guidelines to help national governments and regional groups create the right conditions to attract domestic and foreign investment. At the consultation, Eva's comments covered issues such as investment agreements and the importance of investment protection, the inextricable link of trade and investment, and future OECD work on State-Owned Enterprises (SOEs). The day-long discussion on PFI implementation covered everything from reform and challenges to implementation, to practical measures, monitoring tools, and discussing effective partnerships. During the workshop, Ambassador Lisa Kubiske, U.S. Deputy Assistant Secretary of State for International Finance and Development, spoke on coping with the challenges of implementation through partnerships, including collaboration between private and government actors, which is vital for the successful implementation of the PFI. USCIB has been actively involved in the PFI update and will continue to play an active role in the implementation of this important document. **Representing USCIB:** USCIB's Director of Investment, Trade and Financial Services, Eva Hampl. For more details on these negotiations, contact: Eva Hampl (202) 682-0051; ehampl@uscib.org.

Advocating for Sound and Consistent International Tax Policy

Monitoring policies that may lead to double-taxation

Geneva: Annual Meeting of the UN Committee of Tax Experts – October

USCIB's Carol Doran Klein attended this meeting as an observer where the Committee reviewed ongoing work, including 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 one 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 will continue to observe these meetings to ensure the work of the UN's Committee of Tax Experts reflects business concerns.

Representing USCIB: USCIB's Vice President and International Tax Counsel, Carol Doran Klein. For more information on this meeting, contact: Carol Doran Klein (202) 682-7376; cdklein@uscib.org.

Paris: Global Forum on VAT – November

USCIB's Carol Doran Klein represented USCIB at this forum where the consolidated VAT Guidelines that the OECD had approved in July were endorsed. 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. USCIB will continue to monitor developments on BEPS and VAT and will represent members' interests when necessary. **Representing USCIB:** USCIB's Vice President and International Tax Counsel, Carol Doran Klein. For more information on this meeting, contact: Carol Doran Klein (202) 682-7376; cdklein@uscib.org.

Elsewhere in the World.....

Preventing redundant regulation of chemicals in products, and more...

Geneva: Fourth Session of the International Conference on Chemicals Management (ICCM4) – October

USCIB's Helen Medina led a member delegation to ICCM4, where over 450 delegates from governments, international organizations and non-governmental organizations and industry participated in this decision-making body for the Strategic Approach to International Chemicals Management (SAICM). Several important decisions were made at ICCM4 on promoting the 2020 goal "that chemicals are used and produced in ways that minimize adverse effects on human health and the environment." Members agreed that USCIB was indispensable in the negotiations and laid the foundation for a leading role for industry as the SAICM process moves forward to the next ICCM and the development of a new process beyond 2020.

One particular area where USCIB made a mark was in the Chemicals in Products (CiP) program. USCIB was successful in making interventions to ensure that a separate CiP secretariat would not be created and that the UN Environment Programme, in cooperation with the CiP Steering Group, would continue to develop in an open and inclusive manner. The CiP program will move into the implementation phase as a voluntary initiative that would be open to SAICM stakeholders' input and would also be flexible enough to accommodate existing and developing industry schemes. USCIB will monitor developments as the process moves forward to the next ICCM. **Representing USCIB:** USCIB's Vice President of Innovation and Product Policy, Helen Medina along with representatives from several USCIB members including American Cleaning Institute, American Petroleum Institute, Boeing, and the Toy Industry Association. For more information on the meeting, click [here](#) or contact: Helen Medina (212) 703-5047; hmedina@uscib.org.

Geneva: United Nations Forum on Business and Human Rights – November

USCIB's Ariel Meyerstein participated in this Forum that convened hundreds of government officials, business leaders, civil society representatives and representatives from the UN and other international organizations to track progress and promote policy coherence around business and human rights, specifically on the UN Guiding Principles on Business and Human Rights. The Guiding Principles established a framework under which states are obligated to protect human rights, while businesses, both foreign and domestic, are responsible for respecting these rights throughout their operations. The



principles also propose a framework for greater access to effective remedy for human rights victims. Prior to the Forum, USCIB and nine other business organizations issued a statement supporting respect for human rights as a critical component of implementing the UN's recently adopted Sustainable Development Goals.

While at the Forum, Ariel served as a panelist on several panels including "Unpacking the Guiding Principles in Investment Disputes", "Measuring and Tracking Businesses' Implementation of the Guiding Principles", and "Access to Remedy – Roles and Responsibilities of States Concerned in Crossborder Cases". Ariel also moderated a panel on "SMEs, Informality and Human Rights: Challenges and Solutions". USCIB will continue to monitor developments on the implementation of the UN Guiding Principles and will represent U.S. business where appropriate. **Representing USCIB:** USCIB's Vice President of Labor Affairs, Corporate Responsibility and Corporate Governance, Ariel Meyerstein. For more information on the Forum, click [here](#) or contact: Ariel Meyerstein (212) 703-5056; ameyerstein@uscib.org.

Paris: ICC Customs and Trade Facilitation Commission Meeting – November

USCIB's Megan Giblin represented USCIB at this meeting where she shared USCIB member views on topics such as Incoterms Guidance, customs valuation and transfer pricing, and Free Trade Zones (FTZs) to name a few. Featured speakers at this meeting 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 Chris Tyas, Group Head of Supply Chain, Nestle Ltd. Megan also presented on pending priority issues at the World Customs Organization (WCO) Harmonized System Review Subcommittee, where USCIB together with ICC represents members' views at the quarterly subcommittee meetings. USCIB will continue to monitor developments at the ICC and WCO and will report back to members. **Representing USCIB:** USCIB's Director of Customs and Trade Facilitation, Megan Giblin. For more details on this meeting, contact: Megan Giblin (202) 371-9235; mgiblin@uscib.org.

Upcoming USCIB Representation around the World

- **APEC SOM1 Meetings – Lima, Peru; February, 2016**
Barbara Wanner bwanner@uscib.org; Megan Giblin mgiblin@uscib.org; Helen Medina hmedina@uscib.org
- **OECD VAT Meetings – Paris, France; February, 2016**
Carol Doran Klein cdklein@uscib.org
- **ICC Trade & Investment Commission Meetings – The Hague, Netherlands; March, 2016**
Shaun Donnelly sdonnelly@uscib.org
- **OECD CDEP Meetings – Paris, France; March, 2016**
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