



Highlighting Key Activities, April – May 2016

During the months of April and May 2016, USCIB staff met with U.S. Secretary of Labor Thomas Perez, wrote an op-ed in support of TPP with the Japanese Keidanren, joined an industry letter to Treasury on the proposed section 385, represented U.S. businesses at OECD/BIAC Trade, Investment, and Anti-Bribery meetings in Paris, submitted priority issues for the JCCT, received the President's "E" Award for Exporting Excellence, engaged with Alan Davidson on the Commerce Department's Digital Economy Agenda, 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

Table of Contents:

1. [Trade and Investment – Opening Global Markets for Trade and Investment](#)
2. [ICT Policy – Promoting Sound Policies for New Technologies](#)
3. [Tax – Advancing Tax Policies that Promote U.S. Competitiveness](#)
4. [Customs and Trade Facilitation – Reducing Barriers and Costs from Customs and Border Control Practices](#)
5. [Labor and Employment – Pursuing a Coordinated Strategy for Labor Market Flexibility](#)
6. [Corporate Responsibility – Developing Standards and Principles, Increasing Awareness of Positive Business Impact](#)
7. [China – Supporting Policies and Relationships that Enhance U.S.-China Business](#)
8. [Health – Business Engagement for Balanced International Health and Nutrition Regulations](#)
9. [Product Policy – Ensuring U.S. Products Timely Access to Markets Around the World](#)
10. [Competition – Creating Global Legal Practices for an Open and Competitive Business Environment](#)

11. [Membership](#)

12. [Upcoming Events](#)

13. [Staff List](#)

Trade and Investment – *Opening Global Markets for Trade and Investment*

- ***USCIB CEO Robinson Partners with Japan Keidanren in Seattle Times Op-Ed Supporting TPP:*** USCIB President and CEO, Peter Robinson, joined Kunio Ishihara, Vice-Chairman of the Japanese business federation Keidanren, to publish an [op-ed](#) that appeared in the Seattle Times. The op-ed highlights the economic and geopolitical benefits of the TPP for the United States, Japan and the Asia-Pacific region. Ishihara led a Japanese business delegation to Seattle and other U.S. cities earlier that week of May.
- ***Peter Robinson Blogs on ICC's Strong FDI Policy Statement:*** Peter Robinson also authored an early May blog post “ [International Business Speaks Out Strongly and with One Voice on FDI](#)” on the Investment Policy Central pro-investment web site USCIB shares with the U.S. Chamber and a few other leading U.S. business groups. Peter keys off of the policy statement on Foreign Direct Investment (FDI) recently adopted by the International Chamber of Commerce and its global network of ICC national committees. Staff from USCIB, the U.S. affiliate of the ICC, were heavily involved in the drafting of the ICC document, drawing on our own [USCIB Investment Policy Pillars paper](#) of November 2014
- ***USCIB Seeks Improvements to B20 Trade Taskforce Recommendations at Meetings in Washington D.C.:*** Rob Mulligan, USCIB Senior Vice President for Policy and Government Affairs, participated in the meeting of the China B20 Trade and Investment Taskforce held in Washington, DC on April 17, 2016. In discussing the draft taskforce recommendations for G20 governments, Mulligan expressed strong support for finalizing ratification of the WTO Trade Facilitation Agreement, but raised concerns with the two other draft recommendations. On rolling back protectionist measures he urged the group to include the more targeted focus on forced localization measures that was part of the Turkey B20 recommendations. With regard to the recommendation for a multilateral investment framework, he noted the need for any such framework to be a high-standards approach that provided the same or better protection than is currently provided by many bilateral investment treaties.
- ***USCIB Contributes to Development of BIAC Recommendations on OECD Trade Committee's Future Work Plan:*** As a Vice-Chair of the BIAC Trade Committee, Rob Mulligan participated in the committee meeting in Paris on April 22, 2016 which focused on providing business views to the OECD Trade Committee draft work program for 2017-18. The BIAC recommendations included: doing additional work on cross-border data flows as well as other issues impacting digital trade; building on its services regulatory research work; addressing the trade benefits of regulatory cooperation; working more closely with the OECD Investment Committee on the impact of localization requirements; dealing with health, environment, sustainable development and other

policies that could act as protectionist measures; fighting corruption in trade; and, supporting efforts to move forward in the WTO on plurilateral negotiations.

- ***HAMPL Attends OECD/BIAC Anti-Bribery Meetings and OECD Integrity Forum:*** The week of April 18, Eva Hampl, Director, Investment, Trade and Financial Services, participated in various anti-bribery-related events in Paris. At a dinner with representatives from the OECD Secretariat, Hampl represented USCIB member views in discussing the OECD work stream related to anti-bribery issues, including the work of the Working Group on Bribery, whose mandate it is to oversee the implementation of the OECD Bribery Convention. Hampl also attended the OECD Integrity Forum, an annual forum that addresses the issues of corruption in their intersection with various issues areas, which focused on trade this year. Business was well-represented at this forum with a representative from the Business and Industry Advisory Committee (BIAC) on almost every panel.
- ***OECD Chief Economist Discusses Global Economic Trends at USCIB:*** Dr. Catherine Mann, chief economist and head of the Economics Department at the OECD met with USCIB members and staff on April 13, 2016. She discussed global trends in economic growth, productivity, and trade and investment, identifying some challenging issues ahead, and interesting work underway at the OECD in those areas. Dr. Mann indicated her interest in finding ways to strengthen private sector input into OECD's work on economics and in other important areas.
- ***USCIB Members Briefed by ICC Ahead of April B20 Meetings:*** On April 15, 2016, USCIB members were provided an update of the work of the B20 this year under Chinese leadership. Members met with Cindy Braddon, who works with Terry McGraw (Co-Chair of the B20 Trade and Investment Taskforce and Chair of the ICC), Jeff Hardy, who leads the work of the ICC G20 Advisory Committee, Louis Bonnier, Senior Policy Adviser for the ICC G20 CEO Advisory Group, and Robert Milner, Senior Adviser to ICC on G20 and a past B20 Sherpa for Australia in 2014.
- ***Donnelly Speaks Out on Manufacturing at Bloomberg Conference:*** USCIB Vice President of Investment and Financial Services, Shaun Donnelly, was a lead panelist in Bloomberg's April 19, 2016 conference on "The Future of Manufacturing". Sharing the panel with senior officials from the Departments of Commerce and Energy, Shaun focused on the key role international investment, both inward and outward flows, can play in strengthening the competitiveness of U.S. manufacturing. Noting that manufacturing today and tomorrow has changed radically from that of a few decades ago, with global value chains, shorter product life cycles, and much increased competition; this new environment requires governments (including the U.S. government) as well as companies to adopt new, more aggressive, more flexible policies and strategies.
- ***AmCham EU Managing Director, Susan Danger, Discusses Cooperation with USCIB on Transatlantic Issues:*** Susan Danger, Managing Director of the American Chamber of Commerce to the EU (AmCham EU), met with USCIB staff on May 20, 2016 to discuss areas for cooperation on transatlantic issues, such as trade, investment (including TTIP), as well as on customs, the Single Market, and the Privacy Shield. There appear to be several areas for potential cooperation in addition to TTIP that USCIB will explore through its EU Committee.

- ***AmCham Germany CEO Also Discusses TTIP with USCIB:*** On April 20, 2016, Andreas Povel, the much-respected General Manager of AmCham Germany came to USCIB for a wide ranging discussion with USCIB staff on issues related to trade, investment, financial services, and the Transatlantic Trade and Investment Partnership (TTIP). TTIP is a top priority for all of us in the transatlantic business community, and real challenges remain. TTIP's investment chapter is clearly one of the most challenging areas in the negotiations. We agreed to stay in contact and look for areas for USCIB/AmCham cooperation.
- ***Ziad Haider, State, Seeks Closer Consultation with USCIB on Key Business Issues:*** Ziad Haider, Special Representative for Commercial and Business Affairs for the State Department, came to the USCIB office in Washington, D.C. on April 27, 2016, to meet with several of our Policy Staff. We briefed him on the variety of issues we are working on with different people throughout the State Department and some of the key concerns members are confronting doing business internationally. He outlined the areas of particular focus for him at this time which included innovation and entrepreneurship, commercial advocacy, and intellectual property. He is also engaged on refugee issues and how business can help with addressing the refugee challenges globally.
- ***USCIB Talking (Quietly) with the WTO about Investment Issues:*** Shaun Donnelly was one of a handful of leading investment policy experts around Washington to huddle informally with the WTO's senior staffer in charge of services and investment issues, Hamid Mamdouh, on a quick visit through Washington in mid-May. Our WTO interlocutor professed simply to be on an early survey mission to gauge private sector views in the U.S. and a few other key member countries on what the WTO might consider in terms of future work on investment. Shaun and most other U.S. participants in the informal session pushed back, emphasizing the key questions of ensuring high standards of investment protection in any multilateral work on investment, whether in UNCTAD, the OECD, or the WTO. How could the WTO ensure that any new work on investment would not undercut standards of protection, breadth of coverage, and strength of dispute settlement procedures as found in the U.S. Model BIT?
- ***USCIB Hosts Coalition for Green Trade EGA Briefing with USTR:*** On May 3, 2016 USCIB hosted a Coalition for Green Trade briefing on the Environmental Goods Agreement (EGA) currently being negotiated in Geneva. USCIB's Eva Hampl, co-chair of the Coalition, led the meeting where Jennifer Prescott, Assistant USTR for Environment & Natural Resources and Bill McElnea, USTR's Director for Environment & Natural Resources, provided a readout of the round of EGA negotiations that took place in Geneva the week of April 18. They indicated that discussions on staging continued, with little support for the Chinese proposal on this issue. The EU also released their sustainability impact assessment, which shows China to be the primary beneficiary of a completed EGA. The next round of negotiations will be the week of June 20, 2016.
- ***USCIB Signs Receivables Convention Letter of Support:*** On April 8, 2016, USCIB joined several other associations in signing on to a letter to the Hill in support of the Convention on the Assignment of Receivables in International Trade. The letter asks for expeditious movement toward ratification. The Convention is self-executing, and U.S. ratification of the Convention would not change U.S. law in any material respect,

because U.S. law already reflects the modern legal principles embodied in the Convention.

ICT Policy – Promoting Sound Policies for New Technologies

- **USCIB Enables Engagement with Commerce’s New Director of Digital Economy:** On April 14, 2016, USCIB convened a special meeting with Alan Davidson, the Commerce Department’s new Director of Digital Economy and Senior Advisor to the Secretary of Commerce. This provided an opportunity for USCIB members to engage with Davidson about the Commerce Department’s [Digital Economy Agenda](#). Davidson explained that Commerce rolled out the Digital Economy Agenda to “support the transformative impact of the Internet.” It has four key pillars: (1) a free and open Internet; (2) trust and security online; (3) access and skill-building; and (4) innovation and emerging technologies. A critical complement to this agenda, according to Davidson, is the development of data and methodologies to enable a more accurate measurement of the digital economy, which also is a Commerce Department priority.
- **USCIB Members Help Set 2016 Agenda for ICC Digital Economy Commission:** ICT Policy Committee Vice Chair Joseph Alhadeff, Oracle, who also chairs the ICC Digital Economy Commission (DEC), ICT Policy Committee Chair Eric Loeb, AT&T, Barbara Wanner, USCIB Vice President, ICT Policy, and members of USCIB’S ICT Policy Committee, participated both in person and remotely in the ICC Digital Economy Commission meeting, April 20-21, 2016 in Paris. Importantly, this meeting featured a keynote address by Isabelle Falque-Pierrotin, Chair of the EU Article 29 working Party (WP29) and Chair of the French National Commission on Informatics and Liberty (CNIL). Concerning the EU-US Privacy Shield, Falque-Pierrotin acknowledged that the Shield represents an improvement over the former Safe Harbor framework but noted that the WP29 still has strong concerns about both the commercial aspects and access by public authorities to data transferred under the Privacy Shield. USCIB members influenced key DEC decisions concerning: (1) mapping ICC-DEC strategic goals to the UN Sustainable Development Goals; (2) re-structuring and refining a policy paper, “Regulatory Modernization in the Digital Economy: Developing an Enabling Policy Environment for Innovation, Competition, and Growth;” (3) further developing a paper aimed at improving understanding of the Internet of Everything; and (4) crafting an ICC message to EU members governments (Article 31 Committee) urging their endorsement of the EU-US Privacy Shield framework.
- **Proposed New ICANN Bylaws Receive USCIB Member Scrutiny:** On April 20, 2016, USCIB responded to ICANN’s request for comments on draft new ICANN Bylaws to implement the proposals of the IANA Stewardship Transition Coordination Group (ICG) and Cross Community Working Group on Enhancing ICANN Accountability (CCWG-Accountability) as approved by the ICANN Board on March 10, 2016. USCIB maintained that overall, the ICANN legal team and the external counsels had done a good job of taking complex, publicly supported proposals calling for significant governance changes within ICANN and translating those into new Bylaws that will implement such changes as envisioned by the community. However, members highlighted a few sections which could be changed to greatly improve the new Bylaws and garner full USCIB support, and reiterated its continued commitment to participating in the bottom-up, multi-stakeholder process that produced the March 10 approved proposals.

- ***APEC-TEL Receives USCIB/ICC Recommendations on Regulatory Modernization:*** On May 31, USCIB responded to a request from the U.S. Department of State for input concerning regulatory challenges in the telecommunications sector for consideration by the APEC Telecommunications and Information Working Group (APEC-Tel) and its June 16, 2016 meeting in Tacna, Peru. As encouraged by members of the ICC Digital Economy Commission (ICC-DEC), USCIB provided the ICC-DEC's policy paper, "Regulatory Modernization in the Digital Economy: Developing an Enabling Policy Environment for Innovation, Competition, and Growth," which had just been approved by the ICC Executive Committee. USCIB members played a leading role in the restructuring and refining of this paper.

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

- ***USCIB Partners on Joint Letter to Indonesian Minister of Communications:*** On May 25, 2016, USCIB joined with NFTC to submit a letter to the Indonesian Minister of Communication and Informatics addressing recently proposed regulations that would change the tax treatment of certain digital economy transactions.
- ***USCIB Joins Letter to Treasury Concerning Proposed Section 385 Regulations:*** USCIB signed a letter to Treasury on the recently proposed regulations under section 385 on the distinction between debt and equity. These regulations are extremely controversial and have generated enormous concern in the business community. The proposed regulations would severely hamper a company's ability to determine the appropriate levels of debt and equity within its structure and would potentially create far-reaching collateral consequences. The [trade association letter](#) is the first in a series of responses that the USCIB Tax Committee expects to submit. Additional responses may include a letter to OMB on the burden associated with the proposed regulations and a comprehensive response to the proposed regulations.

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

- ***USCIB Receives President's "E" Award for Exporting Excellence:*** On May 16, 2016, USCIB [was recognized](#) as one of 123 organizations to receive the President's "E" Award for exporting excellence. Secretary of Commerce Penny Pritzker honored USCIB during the ceremony for our work as an advocate of open markets and promoter of U.S. exports. In addition to USCIB's policy work promoting growth, jobs and open markets, USCIB is the National Guaranteeing Association for the ATA Carnet, a customs document under which merchandise can be temporarily imported duty-free into the United States and many other countries.
- ***Customs Committee Launches Customs Valuation Task Force:*** In response to considerable member interest, over the course of April and May, USCIB launched a Customs Valuation Task Force to leverage USCIB's role at the World Customs Organization (WCO) through the ICC. The first conference call for the group was held on April 24, 2016, where USCIB members John Bescec (Microsoft), Bill Methenitis (Ernst &

Young), and Mark Neville (International Trade Counsellors), who serve as part of the ICC delegation to the WCO Valuation Committee, provided an update of the most recent Valuation Committee meeting.

- ***USCIB Meets with OR&R Executive Director on Implementation of Customs Bill:*** Members of USCIB's Customs and Trade Facilitation Committee met with CBP Office of Regulation & Rulings Executive Director, Alice A. Kipel, twice in the month of May to discuss implementation of the recently enacted Trade Facilitation and Trade Enforcement Act of 2016. On May 3, discussions focused on changes to Consumptive Demand provisions and other reporting deadlines, while on May 24, Kipel briefed members on the IP provisions of the legislation.
- ***Engagement with CBP Continues on ACE/ITDS:*** On April 4, 2016, USCIB Customs and Trade Facilitation Committee members met with CBP Senior Trade Advisor, Maria Luisa Boyce, and CBP Office of International Trade Assistant Commissioner, Brenda B. Smith. Discussions surrounded the continued rollout and implementation of the Automated Commercial Environment/International Trade Data System (ACE/ITDS), following transition deadlines at the end of March and scheduled for June.

Labor and Employment – Pursuing a Coordinated Strategy for Labor Market Flexibility

- ***USCIB's Goldberg Addresses Skills Gap at U.S.-China Labor Dialogue:*** USCIB Senior Counsel, Ronnie Goldberg, spoke at the 2016 U.S.-China Labor Dialogue on May 16, 2016, hosted by the U.S. Department of Labor. She addressed the skills gap, and the importance of training and apprenticeships, highlighting that the G20 is launching an apprenticeship initiative which recognizes the value of the Global Apprenticeship Network (GAN), founded by the IOE and BIAC.

Corporate Responsibility – Developing Standards and Principles, Increasing Awareness of Positive Business Impact

- ***Secretary of Labor Thomas Perez Addresses Joint Labor and Corporate Responsibility Meeting:*** USCIB members and government officials gathered in Washington, D.C. on May 3 and 4, 2016, to review several important upcoming events and initiatives regarding labor policy, business and human rights, and corporate social responsibility. The meetings were headlined by a briefing from U.S. Secretary of Labor Thomas Perez, and also featured as speakers Eric Biel and Mark Mittelhauser of the Bureau of International Labor Affairs, Lewis Karesh, Assistant USTR for Labor Affairs, Bama Athreya of USAID's Center of Excellence on Democracy, Human Rights and Governance and acting division chief of labor and employment rights; Prairie Summer of USAID's Global Development Lab; Ana Aslan, global coordinator of the Better Work Program at the U.S. Department of Labor; and Josh Kagan, senior labor advisor for trade policy at the U.S. Department of Labor.
- ***Meyerstein Speaks on Panel at Society for International Development Conference:*** On May 23, 2016, Ariel Meyerstein, USCIB Vice President for Labor Affairs, Corporate Responsibility & Corporate Governance, spoke on a panel at the annual conference of

the Society for International Development. The panel, titled “Poverty Reduction and Sustainable Development Challenges”, also featured Casey Dunning from the Center for Global Development, Augusto Lopez-Claros from the World Bank Group, and was moderated by Michael Blakely of Nathan Associates.

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

- ***USTR Briefs USCIB China Committee on SOEs and TPP:*** On April 28, 2016, the USCIB China Committee met at the offices of Foley & Lardner LLP, led by the USCIB China Committee Chair, Tad Ferris, Partner at Foley Lardner. In addition to USCIB’s draft submission of our priority issues for the 2016 U.S.-China Joint Commission on Commerce and Trade (JCCT), the Committee discussed the upcoming Strategic and Economic Dialogue (S&ED), as well as the Foreign NGO Activities Management Law, which was passed by the Standing Committee of China’s National People’s Congress the same day of our meeting. Last year, USCIB signed on to a multi-association letter raising several concerns about the draft law at the time. The law, which affects associations conducting activities in China will go into effect on January 1, 2017. The Committee also heard from Daniel Watson, Deputy Assistant U.S. Trade Representative for North America at USTR, and head negotiator on Competition and SOEs for the Trans-Pacific Partnership (TPP), who spoke on the issue of State-Owned Enterprises with a view to China.
- ***USCIB Raises Priority Issues for Business in 2016 U.S.-China JCCT Submission and Hearing with Commerce and USTR:*** In April, USCIB submitted the [USCIB Priority Issues for the 2016 U.S.-China Joint Commission on Commerce and Trade \(JCCT\)](#), which is the primary forum for addressing bilateral trade and investment issues and promoting commercial opportunities between the United States and China. The submission addresses important issues business face in China related to the anti-monopoly law; audiovisual; certification, licensing and testing barriers; express delivery services; government procurement; intellectual property rights; the regulatory environment; standards; state-owned enterprises; technology policy; tax regulation; and insurance. On May 12, 2016 Eva Hampl participated in a meeting with other organizations, hosted by Under Secretary of Commerce for International Trade Stefan Selig and Deputy United States Trade Representative Robert Holleyman. The purpose of the meeting was to discuss potential trade and investment issues to address through the 2016 JCCT. The meeting provided the opportunity to highlight a few priority issues for our members that could benefit from U.S. government engagement through the JCCT process. The JCCT will take place toward the end of the year.

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

- ***USCIB Submits Comments on WHO FENSA and Raises Concerns with HHS:*** USCIB and the Global Health Council held a joint meeting on April 18, 2016 at PricewaterhouseCoopers in Washington D.C. to have a dialogue with U.S. government representatives from the Department of Health and Human Services (HHS), Department of State, U.S. Department of Commerce, Office of the U.S. Trade Representative, and

U.S. Department of Agriculture. Members of USCIB and the Global Health Council were able to express concerns regarding the World Health Organization's Framework of Engagement with Non-State Actors (FENSA) in advance of the World Health Assembly (WHA) meetings in Geneva (May 22-28). Following this joint meeting, USCIB's Eva Hampl also delivered USCIB comments on the WHO FENSA during an HHS Listening Session on May 6, 2016. If you would like to read USCIB's comments at the HHS Listening Session, please contact Helen Medina (hmedina@uscib.org). Helen Medina attended the 69th session of the WHA and served as coordinator for U.S. business.

Product Policy – Ensuring U.S. Products Timely Access to Markets Around the World

- **Product Policy Working Group Briefed by U.S. and Canadian Governments:** USCIB's International Product Policy Working Group held a meeting on April 22, 2016 at the American Cleaning Institute to discuss various work streams pertaining to chemicals in products. The meeting began with a briefing on the U.S. and Canada Joint Regulatory Cooperation Council by several representatives from both the U.S. and Canadian government, including U.S. EPA, Department of Labor, and Health Canada. Additionally, Tad Ferris, Foley & Lardner and Chair of the USCIB China Committee provided an update on chemical regulatory issues in China. Nate Sponsler, Gap, provided an update on footwear and textile work in the chemicals management space. American Chemistry Council's Greg Skelton and Michelle Orfei provided updates on the most recent Bureau meetings of the Strategic Approach to International Chemicals Management, as well as updates on the Stockholm Convention.

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

- **Competition Committee Discusses Trade and Antitrust Issues with FTC and USTR:** On April 4, 2016, the USCIB Competition Committee met at the offices of Baker Botts LLP, where Committee Chair John Taladay, Partner at Baker Botts, updated members on recent and upcoming OECD and BIAAC activities, and USCIB Competition Committee Vice-Chair Jennifer Patterson, Partner at Kay Scholer LLP, provided an update on the ICC. OECD Competition Committee Week will take place in Paris June 13-17. Members also received updates on competition developments in Brazil, Canada, South Korea, and South Africa, followed by an update on the ABA SAL Antitrust Procedures Project. Paul O'Brien from the U.S. FTC then provided the group with updates on the current and future work of the International Competition Network (ICN). The meeting concluded with an off-the-record panel discussion on the role of trade in antitrust due process issues, moderated by James Rill of Baker Botts, and featuring Randy Tritell from the FTC and Daniel Watson from USTR.

Membership

- **Membership Meetings:** The Washington, D.C. membership department and policy staff met with representatives from member companies LL Bean, QUALCOMM, Tyco, Pfizer,

Amazon, and Avon 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 Bonhams, Adecco Group North America, and Pvh Corp. as new members.

Upcoming Events:

OECD Forum 2016, Paris, France – May 31-June 1

USCIB Tax Committee Meeting, Washington, D.C. – June 6

2016 OECD International Tax Conference, Washington, D.C. – June 6-7

OECD Working Party on Private Pensions (WPPP) Meeting, Paris, France – June 6

BIAC Private Pensions Ad Hoc Group Meeting, Paris, France – June 6

OECD Workshop on Optimizing Global Value Chains in Environmental Goods and Services, Paris, France – June 8

BIAC China Task Force Meeting & OECD Consultation, Paris, France – June 10

OECD Competition Committee and Working Group on Bribery Joint Meeting, Paris, France – June 14

OECD Competition Committee Meeting, Paris, France – June 15-17

BIAC/OECD Hackathon, “Connected Communities, Connected Lives,” Cancun, Mexico – June 20-21

OECD Committee on Digital Economy Policy (CDEP) Ministerial, Stakeholder Day, Cancun, Mexico – June 21

OECD Committee on Digital Economy Policy (CDEP) Ministerial, Cancun, Mexico – June 22-23

USCIB Trade and Investment Committee Meeting, Washington, D.C. – June 23

OECD Committee on Digital Economy Policy (CDEP) Meeting, Cancun, Mexico – June 24

ICANN 56, Helsinki, Finland – June 27-30

IGF Open Consultation and Multistakeholder Advisory Group (MAG) Meeting, New York – July 12-14

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