ESF Policy Committee, 19th March 2015.

<u>Resume:</u>

As in past occasions, the main purpose of the ESF Policy Committee meeting was to go through the state of play of on-going trade in services negotiations and initiatives. The discussion underlined a keen interest of ESF members to exchange views on these matters:

- *On TTIP, COM explained the general state of play and purpose of the negotiations. The main concerns from ESF Members were related to the opposition towards TTIP in some MS, transparency for state level measures, MRA for professional qualifications, regulatory cooperation, financial services and telecommunication.*

  [Out of scope]

  [Out of scope]

  [Out of scope]

  [Out of scope]

<u>Details:</u>

- The Policy Committee meeting was chaired by [Art. 4.1 (b)] from TheCityUK with broad participation from ESF committee members. [Art. 4.1 (b)] [Art. 4.1 (b)] (all B1) participated from DG Trade.

TTIP:

- COM informed the Committee about the current state of play of the negotiations, including the 8th round of negotiation and high level contacts such as an upcoming meeting between Commissioner Cecilia Malmström and USTR Michael Froman. COM explained that negotiations are not easy – both on US side (political focus on TPA/TPP) and EU side (difficult discussions in some of the MS). In addition, issues related to the architecture of the services/investment chapter were still not fully solved with strong reluctance on the US side to provide a similar level of transparency for state level measures as in TiSA. On the positive side, it was noted that negotiations on telecommunication services were slowly but constructively moving in a positive direction and discussions on a possible MRA for architects have been held. The next round of negotiations will take place in April. Another round might follow in July.
- The Chair (TheCityUK) wondered about the reasons for the opposition towards TTIP recently seen in the public opinion in some MS, including Germany. Furthermore, questions on regulatory cooperation and the US reservations especially with regard to the sub-central level where asked. As a practical step towards transparency the chair proposed to set up a website informing SMEs on sub-central reservations in the US.
- COM explained the current situation and encouraged ESF members to talk to their respective US-counterparts, incl. Coalition of Services Industries, on these issues to support the negotiation process.

[Out of scope]

[Out of scope]

[Out of scope]

[Out of scope]

From:	[Art. 4.1 (b)] (TRADE)
Sent:	26 March 2015 08:34
To:	SCHLEGELMILCH Rupert (TRADE); [Art. 4.1 (b)] [Art. 4.1 (b)] GARCIA BERCERO Ignacio (TRADE); (TRADE); [Art. 4.1 (b)] [Art. 4.1 (b)] (EEAS-WASHINGTON) (TRADE)
Cc:	
Subject:	ESF/CEPS luncheon meeting; "Why services are critical in TTIP"

-- for Ares registration please --

I participated in the above-mentioned panel discussion attended by roughly 100 participants (incl. a few TPC SI delegates).

Main points of the interventions:

[Art. 4.1 (b)] (CEPS)
- TTIP is the "Cinderella" of TTIP: highly underestimated even though services are 50% value added of EU exports

Pascal Kerneis (ESF)
- Economic importance of services in EU-US trade, incl. investment of which 60% is services-related
- Not many real barriers in EU-US trade, but a few important issues to be addressed where US have not been forthcoming so far: state level measures, maritime, aviation, professional services, FS, mobility

Karel Lanoo (ESF, FS expert)
- US surplus in bilateral trade in FS
- Advantage of inclusion of FS regulatory cooperation in TTIP as opposed to FMRD: clear institutional structure, dispute settlement; EP fear of levelling down EU standards not justified (see his 2014 paper: http://www.ceps.eu/book/financial-services-and-transatlantic-trade-and-investment-partnership)
- COM has been less insisting on inclusion of FS lately

[Art. 4.1 (b)] (IBM, chair of AmCham TTIP Task Force)
- Services as enabler of exports
- TTIP as global standard for digital issues, incl. data flows and localisation in full respect of date privacy

Ian Pritchard (Architects Council of Europe)
- MRA discussions with Canadian architects possibly to be concluded by May this year
- Start of MRA discussions with US architects [Art. 4.1 (a)]

I explained our traditional approach in services/investment negotiations (binding of existing liberalisation and regulatory issues) and then set out challenges in TTIP services/investment negotiations after 8 rounds of negotiations: architecture, capturing US state level (grandfathering, MRAs, regulatory cooperation), how to reconcile different approaches to market access negotiations (reduction of annex II vs. targeted new market access), can we address "new issues" (FS regulatory cooperation, aviation, mobility, e-commerce), parallelism TTIP/TiSA.

Questions from the audience on the chief economist's "mode 5" proposal, relationship TTIP/TiSA and FS.

All in all a good event to highlight the importance of services in TTIP.

[Art. 4.1 (b)]who also attended the conference may want to complement.

[Art. 4.1 (b)]

From: Art. 4.1 (b)
Sent: 26 March 2015 08:36
To: Art. 4.1 (b)
Cc: Art. 4.1 (b)
Subject: TTIP/TiSA: Eurcommerce Trade Committee

-- for Ares registration please --

I participated in the Trade Committee of Eurocommerce to give a general overview of Out of scope /TTIP negotiations.

Participants raised the following issues:

- British retail association: importance of digital trade; regulatory cooperation: need to capture state level; ENTs in EU schedule
- Norwegian trade association: how realistic is it to get something on maritime in TTIP?
- Eurocommerce: will payments be included in TTIP? (exact request unclear)

Art. 4.1 (b)

MISSIONS REPORT – OM-15-1038438

Subject: TTIP conference and meetings (Budapest, 26/27 March 2015)

Participants : [Art. 4.1(b)]

Summary :

The public debate about TTIP in Hungary is intensifying and moving into the political mainstream.
[Arts. 4(1)(a) third indent and 4.3 first subparagraph]

During my visit, I attended a conference organised by the Institute of Foreign Affairs and Trade (co-organised by the Konrad Adenauer Foundation), had background discussions with government officials (both Foreign Ministry and Prime Minister's office) and briefed press on background.

At the conference, I was on a panel with Elena Bryan ⚡ USTR and state secretary Takacs (PM Office). The keynote speech was held by State Secretary Mikola (Foreign Affairs) who sharply differed from the PMO line. Mikola -who attended the FAC in Riga - said he was very disappointed by the positions of other MS on ISDS and squarly attacked the Commission on transparency, ISDS and other issues. Takacs rectified this a bit later on, clearly struggling not to expose differences between the personalities.

I also had a chat with [Art. 4.1(b)] (TPC FM), and [Art. 4.1(b)] (former FM) and [Art. 4.1(b)] We mainly talked about communications and explored possibilities to improve the sharing of information and communication documents. They promised to further push this in the HU Government.

The press briefing was attended by approximately 10 journalists who were not very familiar with TTIP and its substance.

[financial information - out of scope of the request]

Signature

[Art. 4.1(b)]

(*) Column to be completed if the missions report concerns several participants

From: [Art. 4.1 (b)] (TRADE)
Sent: 01 April 2015 19:29
To: [Art. 4.1 (b)] (TRADE); SCHLEGELMILCH Rupert (TRADE); [Art. 4.1 (b)] (TRADE); GARCIA BERCERO Ignacio (TRADE); [Art. 4.1 (b)] ; NYMAN Jon (CAB-MALMSTROM); [Art. 4.1 (b)] (TRADE)
Subject: Report of meeting between Jean-Luc Demarty and an ESF delegation on 31/03/2015

Report of the meeting between Jean-Luc Demarty and a delegation of the European Services Forum (ESF)

Date: 31 March 2015

Participants:

- Commission: Jean-Luc Demarty (JLD), [Art. 4.1 (b)]
- ESF: Sir Thomas Harris (Chairman of ESF), Pascal Kerneis (ESF), Tilman Kupfer (British Telecom), Ralph Kamphöner (Eurocommerce)

ESF requested the meeting to present their views on [Out of scope] , TTIP, [Out of scope] [Out of scope]

JLD explained the progress made in the TTIP negotiations and the key outstanding issues.

Key issues raised by ESF:

- TTIP:
    - ESF expressed concerns on lack of senior political engagement in TTIP on the US side.
    - While agreeing with the publication of the mandate, they wondered whether an excess of transparency (for instance, the publication of offers) could end up constraining the room for manoeuvre of the negotiators.
    - They stressed that the EU market was more open than the US, notably on aviation, maritime, telecoms of financial services and asked for a level playing field. In their view, the sub-federal level of government should be involved in the negotiations, given that some of the regulatory barriers are at that level.
    - Air transport is a real issue. The fact that inter-Member State flights are considered international transport (and inter-States flights cabotage) creates an asymmetry to the US advantage. EU express delivery companies suffer from their inability to operate their own fleet in the US.
    - Telecoms: access to essential infrastructure in the US at competitive prices is an important issue (BT).
    - Eurocommerce highlighted the importance of direct selling and the barriers to ensure a smooth return of parcels rejected by US consumers following an electronic export transaction.

- o Investment protection, including ISDS, should be part of the agreement between the two largest exporters of FDI in the world. ESF is working on a letter to the INTA in support of that. ESF unhappy with the ISDS filter for financial services in CETA.

[Out of scope]

[Art. 4.1 (b)]

From:	[Art. 4.1(b)] Ignacio (TRADE)
Sent:	01 April 2015 18:04
To:	NYMAN Jon (CAB-MALMSTROM); [Art. 4.1(b)] [Art. 4.1(b)] (TRADE); SCHLEGELMILCH Rupert (TRADE); [Art. 4.1(b)] (TRADE); GARCIA BERCERO Ignacio (TRADE); [Art. 4.1(b)] (TRADE); TRADE LIST B1
Cc:	CAB MALMSTROM ARCHIVES
Subject:	Report of meeting between Commissioner Malmström and an ESF delegation on 31/03/2015

Report of the meeting between Commissioner Malmström and a delegation of the European Services Forum (ESF)

Date: 31 March 2015

Participants:

- Commission: Cecilia Malmström, Jon Nyman (Cab), [Art. 4.1(b)] (HoU B1)
- ESF: Sir Thomas Harris (Chairman of ESF), Pascal Kerneis (ESF), Tilman Kupfer (British Telecom), Ralph Kamphöner

ESF requested the meeting to present their views on [Out of scope] , TTIP, [Out of scope]

Key issues raised by ESF:

[Out of scope]

[Out of scope]

[Out of scope]

- TTIP:
  - They expressed concerns on lack of US engagement at sub-federal level on services commitments, regulatory cooperation and procurement, and recalled well-known barriers in maritime, aviation and legal services. Pascal Kerneis flagged that the EU should not offer CETA if there is not transparency at State level.
  - Sir Harris expressed preparedness to do more work on communicating the benefits of TTIP.

[Art. 4.1(b)]

From: Article 4.1b

Sent: 05 May 2015 16:39

To: Article 4.1b

Cc: Article 4.1 b (GROW); Article 4.1b (GROW); Article 4.1b (GROW); Article 4.1b (GROW); Article 4.1b (TRADE); Article 4.1b (GROW); Article 4.1b ; Article 4.1b ;
Article 4.1b ; Article 4.1b

Subject: Meeting with VdTÜV 14.4.2015: Thank you for considering VdTÜV-proposal for One Stop Shopping Solution for Conformity Assessment [Art. 4(2)] legal opinion "Implementation and Enforceability of TTIP Under U.S. Law"

Attachments: [Art. 4(2)]_Gutachten - Implementation and Enforceability of TTIP Under U.S. Law.pdf; VdTUEV_TTIP zum Erfolg führen_final.pdf; VdTUEV_Making TTIP a success_final.pdf; [Art. 4(2)]_Gutachten - Umsetzung und Durchsetzbarkeit des TTIP-Abkommens nach US-amerikanischem Recht_DE.pdf

Dear 4.1b ,

also on behalf of my colleagues I would like to thank you and your colleagues for the meeting on the 14th of April. We appreciated very much the exchange with DG Trade and DG Grow on conformity assessment issues with respect to TTIP.

A. I take the opportunity to sum up again our idea of "Transatlantic Conformity Assessment" which we advocate to be taken into consideration:

- Assessing the conformity of products for both sides of the Atlantic can be made considerably easier if, in the course of TTIP, assessment bodies at the home location are also authorized to test certain products in accordance with the legal and technical (standard-based) requirements that apply in the other economic area (one-stop shopping).

- The unrestricted validity of the test results in the target country must be guaranteed by TTIP. The necessary competence of the assessment body (company in-house laboratory or test organization) in testing conformity of the product with the legal and standard-based requirements of both markets must be reliably demonstrated by the proven instrument of accreditation at the domestic location. Does a product comply with both the US , as well as the European requirements and its conformity has been verified by an independent, accredited third party body, so a newly introduced transatlantic conformity mark on a voluntary basis can be affixed.

Justification:

The route of "Transatlantic Conformity Assessment" is an efficient instrument in order to ensure the necessary trust in the products of the other economic area. It makes mutual market access immediate, direct and also unbureaucratic and trade is very much speeded up. The One Stop Shopping Solution makes market access particularly easy for small and medium-sized companies, as it opens the possibility of having the conformity of a product tested by an accredited body at the home location, also against the requirements of the target market, thus it eliminates duplicate testing costs. As conformity with requirements above and beyond those of the home country is made visible, the product profile is raised against that of competitors and transatlantic trade is also very much encouraged. The

Transatlantic Conformity Mark promotes widespread identification with the objectives of the trade agreement

B.

[Art. 4(2)]

[Art. 4(2)]

[Art. 4(2)]

[Art. 4(2)]

We wish you every success in the negotiations and are available for additional questions at your disposal.

Best Regards

Article 4.1b
Director Brussels Office
VdTÜV Verband der TÜV e.V.
Nr. im EU-Transparenzregister: 45013506457-28

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TÜV®

From:	[Art 4.1b]
Sent:	02 June 2015 10:28
To:	[Art 4.1b] [Art 4.1b] [Art 4.1b]
Subject:	FW: Meeting with [Art 4.1b], Economics and Security Assessments Unit at NATO

Dear [Art 4.1b] [Art 4.1b]

Could this meeting be registered in ARES? Do I have to send this message to a transparency inbox?

Best regards

[Art 4.1b]

From: [Art 4.1b]
Sent: Thursday, May 28, 2015 1:25 PM
To: [Art 4.1b] [Art 4.1b]
Cc: [Art 4.1b] [Art 4.1b] [Art 4.1b] [Art 4.1b] [Art 4.1b] [Art 4.1b]
Subject: Meeting with [Art 4.1b], Economics and Security Assessments Unit at NATO

FYI,

I had a meeting with Dr [Art 4.1b] of NATO, who was interested in the most recent state of affairs regarding TTIP. I gave a general overview of the current state affairs, including today's vote at INTA. [Art 4.1b] informed me that NATO is following the negotiations closely. She seemed especially keen on obtaining info regarding the energy discussions, as energy security is high on NATO's agenda.

Unlike the previous SG, NATO SG Stoltenberg would be less keen to comment publicly on TTIP. NATO public reports or statements on TTIP are not to be anticipated; DE, FR would oppose any discussions on TTIP at NATO.

[Art 4.1b] will draft an internal assessment/report on the topic but could not commit to share her findings with us.

Best regards

[Art 4.1b]

From:	[Art. 4.1 (b)] (TRADE)
Sent:	23 June 2015 13:14
To:	GARCIA BERCERO Ignacio (TRADE)

[Art. 4.1 (b)]

(TRADE)

Cc:	SCHLEGELMILCH Rupert (TRADE)
Subject:	minutes from meeting with theCityUK

Meeting with TheCityUK (Gary Campkin, John Cook) with TRADE (R. Schlegelmilch, [Art. 4.1 (b)]) on 22/06/15

The meeting was an opportunity to exchange views on trade policy issues in the ongoing negotiations. In particular, we raised the following points:

TTIP:
- Strong request by TheCityUK to include **regulatory cooperation** in FS in TTIP ("TTIP without regulatory cooperation in FS will not get support of our members"); Gary Campkin will convey the same message to [Art. 4.1 (b)] during their meeting in July;
- TheCityUK may draft a position paper on mutual recognition agreement for **auditors** in TTIP. At this stage they couldn't take any deeper views on those matters;
- The Commission requested that the FS industry indicates their priorities in TTIP with respect to **classical market access** issues in this sector;

Other issues:

[Out of scope]

From: [Art. 4.1 (b)]   (TRADE)
Sent: 28 August 2015 16:37
To: [Art. 4.1 (b)]   (TRADE); [Art. 4.1 (b)]   (TRADE); [Art. 4.1 (b)]
[Art. 4.1 (b)] (TRADE); [Art. 4.1 (b)]   (TRADE); [Art. 4.1 (b)]   (TRADE); [Art. 4.1 (b)]
[Art. 4.1 (b)] (TRADE); [Art. 4.1 (b)]   (TRADE)
Subject: FYI: Report: mtg with UPS on TiSA/TTIP on postal/customs and on
Vietnam/freight brokerage - 28/08

Report of the meeting with UPS - on TiSA/TTIP on postal/customs issues and on
Vietnam/freight
brokerage services - 28 August 2015

Participants: UPS: [Art. 4.1 (b)] - Government Affairs Manager ; DG TRADE: [Art. 4.1 (b)]
[Art. 4.1 (b)]

Issues raised:
*
[Out of scope]

*   On TTIP - UPS is actively involved in (well progressing and ambitious)
work on the customs issues
(chaired by TAXUD), and signalled that they are ready to cooperate and
contribute on these issues to
set high global regulatory standards also in the postal and courier services
text; no specific barrier
between the EU and US in this field was mentioned.
*
[Out of scope]

[All redactions are made under art. 4(1)(b)]   ■ Ref. Ares(2015)3836026 - 16/09/2015

From: ▒▒▒▒▒▒▒▒▒ (TRADE)

Sent: 16 September 2015 15:56

To: SCHLEGELMILCH Rupert (TRADE); GARCIA BERCERO Ignacio (TRADE);

▒▒▒▒▒▒ (TRADE); ▒▒▒▒▒▒ (TRADE); ▒▒▒▒▒▒ (TRADE); ▒▒▒▒▒▒ (TRADE); ▒▒▒▒▒▒ (TRADE); ▒▒▒▒▒▒ (TRADE); ▒▒▒▒▒▒ (TRADE); (TRADE); ▒▒▒▒▒▒ (TRADE); ▒▒▒▒▒▒ (TRADE); ▒▒▒▒▒▒ (TRADE); ▒▒▒▒▒▒ (TRADE)

Cc: EICHHORN Nele (CAB-MALMSTROM); ▒▒▒▒▒▒ (TRADE)

Subject: Meeting with Atlantic Council of 15/9 - transatlantic digital trade

Attachments: Brussels Research Trip Participants.pdf; Transatlantic Digital Agenda summary June 2.pdf

(for registration in ARES)

Meeting of 15/9/15 with the Atlantic Council's task force on "advancing the transatlantic digital agenda"

Participants Atlantic Council: see attached participants list for their Brussels research trip (please note that co-chair Carl Bildt was not present, but that co-chair William E Kennard, former US ambassador to the EU and former Chairman of the FCC, was present)
COM: Nele Eichhorn and ▒▒▒▒▒▒▒▒▒

Main issues:
- Nele Eichhorn provided a general overview of digital trade issues, including in TTIP and TiSA;
- Ms Frances Burgwell, project director at the Atlantic Council, presented the mission of the task force (see second attachment)
- Members of the taskforce asked the following questions:
  - How does the DSM interact with TTIP?
  - What lessons can TTIP learn from the KOREU agreement?
  - What examples do we have of foreign equity fields in the digital field?
  - How do we measure "digital trade" and how do we assess whether a trade agreement has been successful in increasing digital trade?
  - What were our views on the EP discussions on copyright reform and the general data protection regulation?
  - How can we discuss data flows in trade agreements when privacy legislation that shapes data flows is outside the scope of trade agreements?
  - What is the Commission's view on the Wassenaar agreement on cyber security?
  - How are SMEs taken into account in EU trade policy and negotiations?

Atlantic Council

Task Force on a Transatlantic Digital Agenda: Research Trip to Europe – Participant Biographies (Brussels)

Mr. Carl Bildt
Chairman, Global Commission on Internet Governance
Co-Chair, Task Force on Advancing a Transatlantic Digital Agenda

Carl Bildt is Chairman of the Global Commission on Internet Governance and Co-Chair of the European Council on Foreign Relations. He previously served as Prime Minister of Sweden from 1991 to 1994 and Foreign Minister from 2006 to 2014. From 1992 to 1999, he was Chair of the International Democrat Union (IDU). Bildt has been noted internationally as a mediator in the Balkan conflict, serving as the European Union's Special Envoy to the former Yugoslavia in June 1995, Co-Chairman of the Dayton Peace Conference in November 1995, and High Representative for Bosnia and Herzegovina from December 1995 to June 1997. From 1999 to 2001, he served as the United Nations Secretary-General's Special Envoy for the Balkans and was a member of the International Balkan Commission. Most recently, Bildt has criticized Russia's aggressive foreign policy in Eastern Europe, and has been a strong advocate for peaceful resolutions to the Eastern Ukrainian and Syrian conflicts. He was one of the architects of the European Union's Eastern Partnership, along with former Polish Foreign Minister Radosław Sikorski.
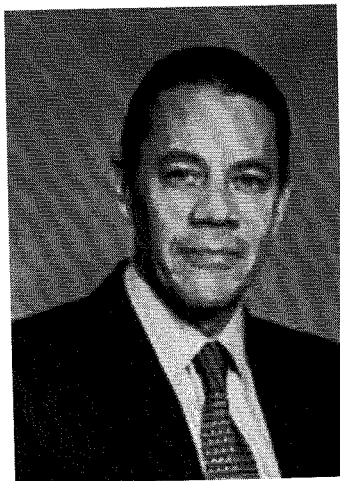
The Hon. William E. Kennard
Chairman, Velocitas Partners LLC
Co-Chair, Task Force on Advancing a Transatlantic Digital Agenda

William E. Kennard is cofounder and chairman of Velocitas Partners, LLC, an asset management firm. Before founding Velocitas Partners, Kennard was US Ambassador to the European Union. Appointed in November 2009, he promoted transatlantic trade and investment and worked to eliminate regulatory barriers to commerce. Kennard graduated Phi Beta Kappa from Stanford University. After earning a law degree at Yale, he joined the firm of Verner, Lipfert, Bernhard, McPherson and Hand (now DLA Piper), where he was a partner and member of the board of directors. He served as general counsel of the US Federal Communications Commission from 1993 until 1997, and as chairman from 1997 to 2001. Prior to his appointment as US Ambassador, he was managing director of the global private equity firm the Carlyle Group, where he led investments in the telecommunications and media sectors. Kennard serves on the boards of directors of AT&T, Inc., Ford Motor Company, MetLife, Inc. and Duke Energy Corporation. A former member of the University Council, he was named Successor Trustee in 2014.
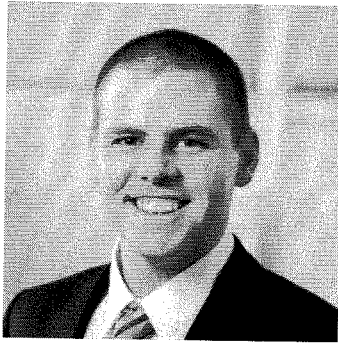
Mr. Tyson Barker

Rapporteur, Task Force on Advancing a Transatlantic Digital Agenda

Tyson Barker most recently served as Senior Advisor to the Assistant Secretary for European and Eurasian Affairs at the State Department. Prior to that, he was Director of the Transatlantic Relations Program at the Bertelsmann Foundation Washington office. He is a Truman National Security Fellow, a Young Leader at the Atlantik Bruecke, and was named one of the top 99 foreign policy leaders under 33 by Diplomatic Courier Magazine in 2011.
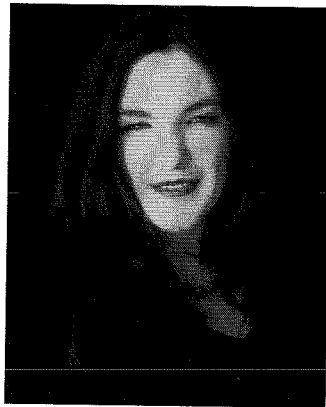

Ms. Melissa Blaustein *(tentative)*
Founder, Allied for Startups

Melissa Blaustein is Founder of Allied for Startups, a global network of startup policy associations whose goal is to make the voice of startups heard in government. Before founding Allied for Startups, Blaustein worked as Client Lead at 270 Strategies. Prior to this, Blaustein was Social Media Consultant for UN Women, and part of the International Outreach and Partnership program of France Digitale. She has worked as a Compliance Analyst at the G20 Research Group and a Lead Analyst at BRICS Research Center, and interned at the White House in Digital Strategy.
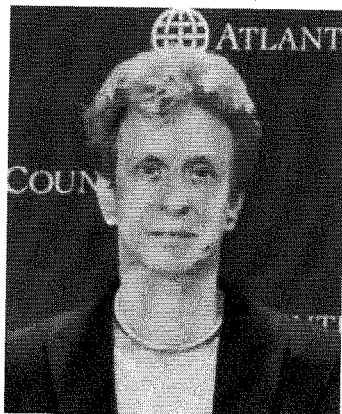

Dr. Frances G. Burwell
Vice President for European Union and Special Initiatives, Atlantic Council
Project Director, Task Force on Advancing a Transatlantic Digital Agenda

Prior to joining the Council, Burwell was Executive Director of the Center for International and Security Studies at the University of Maryland, and also served as Founding Executive Director of Women in International Security. She is the principal author or rapporteur of several Atlantic Council publications including Transatlantic Leadership for a New Global Economy; Transatlantic Transformation: Building a New NATO-EU Security Architecture; Law and the Lone Superpower: Rebuilding a Transatlantic Consensus on International Law; and The Post-9/11 Partnership: Transatlantic Cooperation Against Terrorism. She is the co-editor (with Ivo H. Daalder) of The United States and Europe in the Global Arena.

Ms. Sarah Drinkwater
Head, Google Campus London

Sarah heads up Campus London, Google's physical space for early stage entrepreneurs, offering 40,000 registered members founders a support network, mentoring, workspace and more. Previously, she ran a global team of community managers around Google Maps and launched the UK's first baby-friendly startup school with Campus for Mums. Before that, she worked in social media for big brands and startups, and was a features journalist for UK magazines and newspapers.
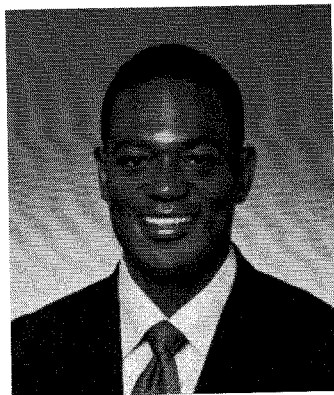
Dr. Dean C. Garfield *(tentative)*
President and CEO, Information Technology Industry Council

Garfield has worked to foster a policy environment that embraces cutting-edge research, game-changing technologies, and national economic champions as central to the foundation for sustained job creation and growth. Prior to joining ITI, Garfield served as Executive Vice President and Chief Strategic Officer for the Motion Picture Association of America (MPAA). He also served as Vice President of Legal Affairs at the Recording Industry Association of America (RIAA). He helped to develop the organization's comprehensive intellectual property policy and litigation strategies and managed several of the United States' most important intellectual property cases, including the Grokster/Kazaa case, from its filing to its resolution at the Supreme Court.

Mr. John Higgins
Director General, DigitalEurope

John Higgins CBE was appointed Director General of DigitalEurope, the association for the digital technology industry in Europe, in November 2011 following nine years leading its UK member association, Intellect. In 1995 he was appointed CEO of the Rocket Networks, a California based dot.com that provided the world's first online recording studios. He returned to the UK in 1998 and became director general of the Computing Services and Software Association, one of Intellect's predecessors. The Queen appointed him a Commander of the British Empire (CBE) in 2005 for his services to the UK IT industry.

Mr. Paul Hofheinz
President and Executive Director, Lisbon Council

After a distinguished career in journalism, Paul Hofheinz cofounded the Lisbon Council, where he researches, supervises research and hosts events on topics ranging from innovation, knowledge-economy, human capital, and financial-market reform to economic development and European politics. Previously, Hofheinz worked as a writer and editor at The Wall Street Journal. In 1998-1999, he was managing editor of Central European Economic Review, published by The Wall Street Journal Europe.

Mr. Hosuk Lee-Makiyama
Director, European Centre for International Political Economy

Hosuk Lee-Makiyama is the director of European Centre for International Political Economy (ECIPE). He was named "One of the 20 most influential people for open internet" by the readers of the Guardian UK in 2012. He was the first author to argue for a WTO case on internet censorship in China. Prior to joining ECIPE, he was an independent counsel on regulatory affairs, competition and communication; Senior Advisor at the Ministry of Foreign Affairs; and representative of Sweden and the EU member states towards the WTO and the UN. Lee-Makiyama is also a Fellow at the department of International Relations at the London School of Economics.

Dr. Joshua Meltzer *(tentative)*
Fellow, Global Economy and Development, Brookings Institution

Dr. Joshua Meltzer is a fellow in Global Economy and Development at the Brookings Institution and an adjunct professor at the Johns Hopkins School for Advanced International Studies. Dr. Meltzer is also a reviewer for the Journal of Politics and Law. Prior to joining Brookings, Dr. Meltzer was a trade negotiator and legal advisor with the Australian Department of Foreign Affairs and Trade. He was also posted as a diplomat to the Australian Embassy in Washington DC where he was responsible for trade and climate change issues.

Dr. Michael Nelson
Adjunct Professor, Communication, Culture and Technology, Georgetown University

Michael R. Nelson works on Internet-related global public policy issues for CloudFlare. Prior to joining CloudFlare in early 2015, he was a principal technology policy strategist in Microsoft's Technology Policy Group and prior to that was a senior technology and telecommunications analyst with Bloomberg Government. In addition, since January, 2009, Nelson has been teaching courses in the CCT Program at Georgetown University. Prior to joining the Georgetown faculty, Nelson was director of Internet Technology and Strategy at IBM, where he managed a team helping define and implement IBM's Next Generation Internet strategy. He also served as director for Technology Policy at the Federal Communications Commission and special assistant for Information Technology at the White House.

Ms. Orlie Yaniv *(tentative)*
Director, Government Affairs and Policy, FireEye

Prior to joining FireEye, Orlie Yaniv served as special assistant for Internet Governance in the Office of the Department of Defense Deputy Chief Information Officer for Cybersecurity. She also served as the first director of the DoD Globalization Task Force (GTF), responsible for developing and implementing a strategy for mitigating national security risks arising from the increasing globalization of the information and communications technology infrastructure. Before beginning her career with the government, Yaniv was a corporate attorney with law firms in Washington, DC and Los Angeles, California.

Atlantic Council

Advancing the Digital Agenda: Turning a Transatlantic Challenge into Opportunity

Overview

The digital economy offers both Europe and the United States significant opportunities for future economic growth, especially if European and American markets can be streamlined into a single transatlantic digital market. Yet, digital issues are also the source of strong transatlantic discord—over privacy, taxation, market share, and many other matters, especially in light of revelations of NSA surveillance and European antitrust efforts. As the European Commission moves forward with its Digital Single Market (DSM) proposal to better integrate the digital economy and boost economic growth in Europe, the Atlantic Council will explore the importance of creating a transatlantic digital marketplace, the challenges such a task will face, and the opportunities it might bring to both sides of the Atlantic.

The Challenge

The creation of a Digital Single Market is one of the Juncker Commission's main priorities, and is designed as a key driver of future economic growth. The Internet economy is one Europe's great opportunities to kickstart its recovery. It has been estimated that building a unified European DSM would be worth an additional 4 percent of GDP—an extra $1500 for each European citizen.[1] But Europe faces a choice: it could create a digital Fortress Europe; or it could create a digital marketplace that provides a platform for Europe's digital tech pioneers to go global— creating many jobs and sustainable economic growth. In the US, a single digital market already exists, and is one of the core drivers of US economic growth. But the United States would also benefit from greater global integration, to continue building its strength in innovation, jobs, and growth.

The ongoing negotiations for a Transatlantic Trade and Investment Partnership (TTIP) remind us of the importance of the transatlantic market. But trade today is no longer solely about goods and services, as even "traditional" industries now must focus on information and data flows. Maintaining the free flow of data across the Atlantic— and even around the globe—is of great importance to both businesses and governments. And individuals, as consumers, now find themselves connected across vast distances, both to friends and family, and to valuable services.

Yet the US and European Union—the two leading digital powers—are far from unified in their approach to the digital marketplace. Differences over data protection, anti-trust, net neutrality, data mining, data localization, and security have led to much tension, and need to be addressed openly and frankly. The stakes are too high, in terms of boosting economic growth, protecting shared values, and stimulating innovation, to simply let the situation drift. This is even clearer when viewed from a global perspective: although transatlantic differences seem great at first, they pale when compared to digital regulation and control of the internet in other areas of the world. Europe and the US face an important choice: work together in creating a digital market, or find their position eroded as leaders in the digital world.

How are We Going to Respond?

In light of this challenge, the Atlantic Council will convene a Task Force of digital experts and policy leaders to:
- Examine the extent and origins of these digital policy disagreements,
- Explore the potential of a transatlantic digital marketplace.
- Identify the obstacles and challenges facing such a transatlantic DSM, and
- Identify recommendations for addressing those challenges.

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[1] http://europa.eu/rapid/press-release_SPEECH-14-610_en.htm?locale=en

The Task Force will convene in a series of four high-level workshops, meeting with senior US and European policymakers, leading private sector representatives (including startups and SMEs), and independent experts over the course of 2015.

We will host four meetings in Brussels, Berlin, Warsaw, and Washington, DC to fully gauge the opinions of thought leaders in government, academia, and private industry both in Europe and the United States. The Washington workshop is tentatively scheduled for one day during the week of July 20th, with a dinner on the preceding evening. The three European meetings will take place during the week of September 14. In each European city, the workshop will be accompanied by additional meetings with policymakers and other key individuals. Core members of the task force will participate (either in person, via video conference, or through sending a designated representative) in all four meetings on both sides of the Atlantic, as schedules allow.

Taking the best ideas from the workshops, the Atlantic Council will prepare and present a short (approximately 10 page) report in late 2015 that will:
- Explore the importance of the Internet economy in both the US and the EU;
- Explore the extent of common US-EU digital interests and points of divergence;
- Examine nature of transatlantic differences over digital issues;
- Outline what a "transatlantic digital single market" might look like;
- Identify barriers/impediments to a potential "transatlantic digital single market," and map out pathways to reduce or avoid them;
- Map out ways of safeguarding individual and consumer privacy protections, even while reflecting the need for legitimate intelligence-gathering; and,
- Explore the strategic nature of the Transatlantic Digital Agenda given the rapid rise of digital actors in emerging economies along with restrictive Internet policies that limit the freedom of expression in other parts of the world.

The report will be released in both Washington and Brussels at the end of 2015.

Task Force:
The Atlantic Council Task Force will be evenly divided between European and American voices, primarily from the independent academic and think tank community. A core group of 5-6 members of the task force (or their representatives) will travel to each meeting to provide a consistent perspective, and ensure the report accurately reflects all conversations.

Task force members will be able to participate in the workshops described above either in person or via Google Hangout. The task force members will also contribute their substantive expertise and insights to the report, and will comment on the report drafts during the autumn of 2015.

The Report:
The report will be drafted a rapporteur charged by the Atlantic Council, taking the best ideas and suggestions from the group. We will seek to achieve consensus, but the report will explicitly underline that the task force members do not specifically agree with all the conclusions and recommendations. Task force members will be thanked and acknowledged in the report for their participation in the sessions and invaluable contributions to the final report.

Our report will be released at two launch events in Washington and Brussels in the fall, featuring senior policymakers and legislators as keynote speakers followed by panel discussions to include task force members. These events will be held on-the-record, open to the public, webcasted, and recorded to ensure the maximum audience and reach of the report.

Expected Impact:
Capitalizing on the expertise of the task force, the report will be an opportunity to change the conversation about digital issues both in Washington and in Europe—moving from discord to productive dialogue to active policy engagement. Rather than focusing on the challenges and disagreements across the Atlantic, we must emphasize the golden economic and strategic opportunity that would be missed if either side attempts to handle digital issues on their own. By definition the Internet economy, driven by data, goes beyond national boundaries – it is vital that the United States and Europe confront their challenges frankly and work together productively to maximize economic prospects.

Distribution and Outreach:
Working with our partner organizations, the Atlantic Council will implement a comprehensive communications strategy with press outreach to top-tier international news outlets, including newspapers with global audiences and international news networks. In-person events will be accompanied by an ambitious web strategy using videos and blogs to underline the importance of the digital economy and of the strategic imperative of working together across the Atlantic to promote shared values.

- **Congressional Outreach** – The Atlantic Council will schedule short briefing sessions on the report with staff on key committees and interested Member offices. We will also work with Members of Congress to circulate a "Dear Colleague" letter underlining the importance of transatlantic cooperation on digital issues to be sent to each office following the launch of the report.
- **European Institutions** – We will work closely with members of the European Parliament, Commission, and Council to engage on the issue during and after the task force meetings. Follow up meetings will take place during report drafting and after the report has been finalized to brief interested Members of European Parliament and Council/Commission staff on the findings of the task force and policy recommendations.
- **Online Distribution and Media** – The report will be released online on the Atlantic Council's webpage and will be included in the TTIP Action newsletter which reaches over 12,000 readers on both sides of the Atlantic each week. A robust traditional and social media outreach plan will also be developed in cooperation with partners and working group members.
- **Public Outreach** – Throughout the project, we will release a series of infographics highlighting the importance of data and the digital economy in terms of jobs and the reliance of the "traditional" economy on information-sharing through a coordinated social media plan. These will be accompanied by press releases and op-eds to spread the message that the entire economy depends on interconnectivity, the Internet, and strong transatlantic protections for data and personal privacy.

For More Information:
If you have any questions about the project, please contact:

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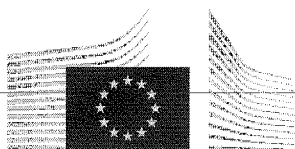
EUROPEAN COMMISSION
Directorate-General for Trade

Directorate E - Neighbouring countries, USA and Canada
USA and Canada

Brussels,
USA and Canada

Meeting Report

Meeting Orgalime – 06 10 2015

Participants:

ORGALIME: ███████, ███████████ and ███████████.

Commission : I. García Bercero, █████████████, ████████████████, ██████████,
███████, ███████, ███████, ███████████.

- Commission debriefed ORGALIME on the status of negotiations, particularly TBT and Engineering chapters and requested further input from ORGALIME on their offensive interests: revision of the NRTL program and possible areas for cooperation => ideally agreeing on common standards to be upgraded to international standards afterwards.
- Commission noted the need to achieve a balanced outcome in this area and highlighted importance of the single standard in the internal market.
- ORGALIME recalled interest on mutual recognition of test certificates for components among NRTLs, but although they acknowledge the importance of the issue, they cautioned against paying a high price for it. They also warned against accepting conflicting standards in the internal market => Internal market is key in the success of the EU engineering industry.
- Higher uptake of international standards in the US would be the ideal solution for ORGALIME.
- ORGALIME suggested that maybe it is worth sounding other US Agencies apart from OSHA, in particular EPA and FCC. However, with no specific suggestions on possible areas for cooperation.
- ORGALIME's perception is that US has no appetite for regulatory cooperation in the engineering sector => neither industry nor Agencies. They noted that certification industry & standardisers have more weight in fixing US positions than the manufacturing industry.
- According to ORGALIME cooperation on standardisation does not make sense if not done together with Regulatory cooperation.
- Eventually, they agreed to continue looking for areas to be further investigated: notably with NEMA and some sectors: agriculture and construction equipment.