



EUROPEAN UNION
DELEGATION TO THE UNITED STATES OF AMERICA

The Head of Delegation

Washington, 02 December 2011

Subject: Minutes of EU Trade Counselors Meeting of 30 November 2011

TEC debrief with Philippe Meyer, Head of Unit, DG TRADE

Philippe Meyer, along with Lutz Guellner and Geraldine Emberger gave a brief summary of the outcomes and achievements of the Transatlantic Economic Council on November 29th.

- Philippe pointed out that the TEC merely represents a portion of the ongoing regulatory co-operation between the EU and US. The TEC provides a political platform and a process that can be used whenever necessary. This year, participation was good on both sides and there were useful discussions and stronger engagement than in the past. He outlined a number of deliverables in this year's TEC, along with a pipeline of issues to be discussed and completed in 2012.
- A joint statement on the TEC has been produced and disseminated, an annex containing specific statements on various TEC deliverables is currently being worked on and will be uploaded to the website by Monday.

Achievements

- (1) One of this year's major TEC achievements included the completion of negotiations regarding **mutual recognition of respective secure shippers programs between the EU and US**. While the final text of the agreement has so far not been made public, Commissioner Semeta, DG TAXUD and US Customs and Border Patrol officials were able to clinch a deal on the principle of mutual recognition at the very end of the TEC. This will then, have to be transposed into binding legislation, which it is hoped will be achieved by the middle of next year. Philippe noted the countless businesses and exporters in the EU and US who have been awaiting this agreement. The TEC provided the political visibility and momentum necessary to allow Commissioner Semeta to clinch the deal.
- (2) Another important achievement is the **work-plan on e-mobility** incorporating industry feedback on some of the most pressing needs to ensure convergence of EU and US efforts in this area. Since last TEC it was possible to develop cooperation among the two governments and outreach to the respective standard setting bodies. The signature of a letter of intent announcing the establishment of

two electric vehicle/smart grid interoperability centers will help to promote a common approach by ensuring standard setting is based on similar science and research.

- (3) The signature of the **Energy Star agreement** was also facilitated by the TEC.

Priorities for next year:

- (1) **Nanotechnology** will be a key topic because of its economic impact, its importance for businesses and consumers and the fact that both sides are at the beginning of the legislative process involving various agencies and DGs. A new working group has been created for this.
- (2) There has been a rapid growth of **cloud computing** services. The TEC outlined future cooperation between the EU and US, notably in the context of the Information Society Dialogue.
- (3) The TEC also included a robust discussion on how to ensure **accessibility of critical raw materials** and the need for transparency and predictability for trade.
- (4) A discussion took place on the **Information, Communication and Technology (ICT) principles** developed during last year's TEC and how to take forward and promote the implementation of the principles with third countries.
- (5) The TEC also included an agreement to develop **principles in the area of investment** that can be used with third countries to ensure adequate protections for EU and US investors, along with independent legal frameworks for dispute resolution. While these principles are not yet finalized, the end of February 2012 was outlined as a target date for completion.

The TEC lunch was described as strategic in nature with TEC principals present. The main discussion revolved around the North African region, with a debrief by Dennis Ross, the White House special envoy to the region. Discussions were predominantly political in nature, with topics including lessons from the past, the current situation in Egypt and the way forward for it, the EU's experience of transition with new Member States; the latter considered useful for North African countries.

High-Level Regulatory Cooperation Forum (HLRCF)

- Geraldine Emberger remarked that the Forum encouraged discussion between the US and EU, resulting in co-operation on standards and agreement on a "Building Bridges" document which seeks to advance cooperation in the regulation of new technologies and outlines ways of bridging institutional incompatibilities to ensure as close coordination as possible.
- A dialogue on nanotechnology has been proposed to happen twice a year under the auspices of the HLRCF. An interim report is set to be produced, although the details are not yet sorted. Nanotechnology and electric vehicles, among other sectors, were discussed at the Forum.
- The US gave an overview of some of the findings and feedback received from last August's Federal Register public request for comments on areas for possible regulatory

and standard-setting collaboration between the EU and US; however, a final US government report on the findings is expected later next year.

- Roberto Peña mentioned that there had been an emphasis on the US's relations with 3rd countries, and the US-side gave an overview of their regulatory cooperation with Mexico and Canada. The recent UNECE summit in Geneva was discussed as a model for EU and US close coordination leading to a successful outcome and agreement with third countries. HLRCF participants also discussed how close regulatory coordination between the US and EU could be carried forward in discussions with third countries and international fora.

Questions

- Philippe explained that the Transatlantic Working Group on Jobs and Growth established by the EU-US Summit will be chaired by Commissioner De Gucht and USTR Kirk. The Working Group will be tasked with exploring options for furthering transatlantic economic relations. There is a significant level of ambition and "all options" were declared on the table. The US seems to be open to all, provided an emphasis on enhancing job-creation and economic growth. The level of ambition of the project must be carefully defined before it is embarked upon. Economic benefits and political feasibility would also be weighed in any project. A fact sheet was agreed that defines a very broad scope for the work of the group. The US had rejected the explicit reference to "public procurement" in the factsheet.
- ETS was raised in the dinner among TEC principals on Monday evening;
- Zeroing was raised in the bilateral between Com. De Gucht and USTR Kirk, with De Gucht taking a firm and frank stance on the issue. The two sides are in contact; however, no real solution has so far been achieved.
- A list of attendees at the TEC was requested and is provided for reference below.

Principals in Attendance at the TEC Plenary

EU

DG Trade Commissioner Karl de Gucht
DG TAXUD Commissioner Algirdas Semeta
DG Energy Commissioner Gunther Oettinger
DG Trade Director General Jean-Luc Demarty
DG Environment Director General Karl Falkenberg
DG ENTR Director General Heinz Zourek
Joint Research Center Director General Dominique Ristori
EEAS Managing Director of the Americas Christian Leffler
Polish Undersecretary of State in the Ministry of Foreign Affairs Beata Stelmach
Sec Gen Deputy Secretary General Marianne Klingbeil
DG INFSO Deputy Director General Antti Peltomaki
DG SANCO Director Michael Scannell

US

Deputy National Security Advisor Mike Froman
USTR Ron Kirk
Energy Secretary Steven Chu
Commerce Secretary John Bryson
OIRA Administrator Cass Sunstein
FDA Administrator Margarete Hamburg
Office of Science and Technology Policy Director John Holdren
Undersecretary of State Robert Hormats
Deputy USTR Miriam Sapiro
US Ambassador to Brussels William Kennard
US Ambassador Verveer
Customs and Border Protection Assistant Commissioner Thomas Winkowski
National Coordinator for Health IT Farzad Mostashari
Assistant Secretary of Energy David Sandalow

Additional Principals Attending TEC Strategic Lunch Discussion

EU

EU Ambassador to the US João Vale de Almeida

US

Middle East Advisor to the White House, Dennis Ross
Special Advisor to Deputy National Security Advisor Froman, Janis Lazda