

REPORT: Meeting with Trans-European Business Council on mode 4 in TTIP, Brussels- 22 November 2013

EC side: Marco Dueerkop, Maria Zuber, Mirek Galar

TABC: [ART. 4.1b], accompanied by:

[ART. 4.1b], Accenture
[ART. 4.1b] and [ART. 4.1b], Deloitte
[ART. 4.1b], IBM
[ART. 4.1b], Fragomem
[ART. 4.1b] and [ART. 4.1b], Oracle

The aim of the meeting with representatives and experts of the Trans-European Business Council (including companies Deloitte, Fragomen, Accenture, IBM and Oracle) was to discuss short-term mobility issues that might be addressed in the TTIP negotiations. Before meeting DG TRADE, TABC met with DG HOME to discuss the draft Intra-Corporate Transferee Directive.

The discussions focussed on four issues, namely 1) different patterns of movements between the EU and the US, 2) problems encountered during such movements, 3) possible US' asks and 4) the strategy that should be applied, in particular as regards different players.

TABC supported the idea that mobility issues should be addressed ambitiously and definitely they need to be on the agenda of TTIP, in particular given that the Immigration Reform seems to be stalled for the moment.

Representative of Oracle explained how L1 visa blanket petition works, which facilitates greatly the EU intra corporate transfers, however the procedure to get L1 visas under the blanket petition still lasts 6 weeks and is costly. But for smaller companies it is almost impossible to be eligible.

Further, from the EU perspective TABC highlighted in particular the need for:

- exemption from H-1B quota, as quotas are exhausted very quickly, sometimes obliging an employee to wait for a year before being able to go back, which is very damaging
- extension of benefits to employees of EU's entities regardless their nationality
- fast track procedures,
- creating similar visas for the EU citizens as TN visas for professionals of NAFTA countries, which may be requested by the Canadians at the border
- extending family reunification rights (rights to work for spouses of professionals in speciality occupations /under H-1 B visas/, covering partners /not spouses/),

On the US side, particular problems concern:

- intra-EU mobility, in particular a) lack of transparency as regards different requirements in MS for work permits and b) social security requirements,
- Schengen rule of short term stay without a visa for 90 days within 180 days, which causes complicated situations for frequent visitors, leading often to overstays. Further it also is cumbersome for border guards counting stamps and checking the exact number of days.

Such legitimate short visits seem to lack flexible coverage by rules, and in view of increase of such short term movements this will become more even problematic in the future,

- problems of access to the EU faced by students and graduates,
 - need for extension of benefits to employees of the US' entities regardless their nationality
- TABC representatives will meet on 5 December the USTR. As a strategy, TABC representative need to be firm on mobility, conveying the message that trade in services should not be regarded as an immigration issue.