

TTIP one year on: Consumers Mean Business

**Multi-stakeholder dialogue hosted by TACD
Tuesday 24 June 2014
Pew Conference Centre, 901 E St. NW, Washington, D.C. USA**

A second stakeholder dialogue meeting addressing in depth the most important issues for consumers and citizens that are being discussed as part of negotiations for a proposed EU-U.S. free trade agreement, known as the Transatlantic Trade and Investment Partnership (TTIP).

08.00 Registration and coffee

08.30 Welcome and Introduction

- Ed Mierzwinski, Consumer Program Director, U.S. Public Interest Research Groups and U.S. Co-Chair of TACD
- Monique Goyens, Director General, BEUC and EU Co-Chair of TACD

08.40 Keynote addresses: The TTIP One Year On

- Ambassador David Thorne, Senior Advisor to the Secretary of State, U.S. Department of State
- Ladislav Miko, Deputy Director General for the Food Chain, DG Health and Consumers, European Commission
- Robert Adler, Acting Chair, U.S. Consumer Product Safety Commission

Questions and answers

09.30 Plenary: Do we need Investor to State Dispute Settlement in TTIP?

The Investor State Dispute Settlement (ISDS) allows businesses to take legal action against governments in private arbitration courts if policies or new legislation risk undermining profits on their investments. TACD and other civil society, as well as some of the EU governments have clearly stated their opposition to ISDS being included in the trade agreement, while negotiators on both sides strongly defend its inclusion. The EU has launched a consultation to seek public views on ISDS, which will still be ongoing at the time of this plenary. The consultation seems designed to improve the ISDS model, rather than abolish it altogether. Questions to be considered by this plenary include:

- *Why is a special private arbitration system to enable investors to sue states needed in democratic countries that have advanced judicial systems and open and inclusive procedures for enacting laws and regulations?*
 - *What is the evidence of how this system has been used in prior trade agreements?*
 - *What is the risk that ISDS would lead to a lowering of standards because governments and states concerned about ISDS suits would avoid adopting laws and regulations to protect consumers and the environment?*
 - *What is the risk that consumers' interests will not be adequately considered in ISDS private arbitration proceedings?*
- **Moderated by Susan Grant, Director for Consumer Protection, Consumer Federation of America and Member of TACD Steering Committee**
 - **Keynote addresses from:**
 - Ignacio Garcia Bercero, Chief TTIP Negotiator, DG Trade, European Commission
 - Robert Weissman, President, Public Citizen (U.S.) and Member of TACD Steering Committee
 - **Followed by panel discussion with additional panellists:**
 - Dan Mullaney, Chief TTIP Negotiator, Office of the U.S. Trade Representative
 - Celeste Drake, Trade and Globalisation Specialist, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
 - Jonathan Stoel, Partner, Hogan Lovells US LLP, Transatlantic Business Council

Questions and answers

11.00 Coffee break

11.15 Breakout sessions

These sessions will examine in detail some of the key sectoral issues being negotiated under the TTIP, with a focus on considering the practical and tangible benefits, if any, to be gained for consumers from these trade negotiations - whether in the form of financial gain, or stronger protections and standards.

1. TTIP: the opportunities and challenges for food policy

Can the TTIP deliver a higher level of consumer protection and well-being or is the right to safe and nutritious foods at risk?

- Led by Henry Uitslag, Consumentenbond (EU) and Caroline Smith de Waal, Center for Science in the Public Interest (U.S.), Co-Chairs of the TACD Food Policy Committee
- Moderated by Helena Bottemiller Evich, Food and Agriculture Reporter, POLICITO Pro

- Short presentations from:
 - Ladislav Miko, Deputy Director General Responsible for the Food Chain, DG Health and Consumers, European Commission
 - Chris Waldrop, Consumer Federation of America and Camilla Udsen, Senior Food Advisor, Danish Consumer Council (joint presentation)
- Group discussion to address:
 - *Food safety*
 - *Consumer information & choice*
 - *Risk management systems*

2. Should financial services be included in the TTIP?

What steps have the U.S. and EU taken to re-regulate the financial services sector after their reckless behaviour caused an ongoing crisis. Will these efforts be helped or hindered by including financial services in TTIP?

- Led by Ira Rheingold, National Association for Consumer Advocates (U.S.) and Isabelle Buscke, Federation of German Consumer Organisations, Co-Chairs of the TACD Financial Services Policy Committee
- Moderated by Ira Rheingold
- Short presentations from:
 - Sven Gentner, Counselor, Economic and Financial Affairs Section, EU External Action Service, European Commission
 - Lisa Donner, Executive Director, Americans for Financial Reform
- Group discussion to address the following questions:
 - *How is financial regulation currently working in the EU and U.S.?*
 - *What is the state of cross border cooperation/ coordination in the financial services sector?*
 - *Is it necessary to have financial services included in TTIP to ensure coordination among financial regulators?*

3. Privacy, data transfers and cross-border commerce

Will discuss data protection rules on each side of the Atlantic, including data flows and safe harbour, as well as the e-commerce provisions in TTIP

- Led by Jeff Chester, Center for Digital Democracy (US) and Kostas Rossoglou, BEUC (EU), Co-Chairs of the TACD Information Society Policy Committee
- Moderated by Kostas Rossoglou, Senior Legal Officer, BEUC
- Short presentations from:
 - Irina Vasiliu, Policy Officer, Data Protection Reform, DG Justice, European Commission
 - Jessica Rich, Director Consumer Protection, Federal Trade Commission
 - Ted Dean, Deputy Assistant Secretary for Services, International Trade Administration, U.S. Department of Commerce
- Group discussion to address the following questions:
 - *Is Safe Harbor fit for purpose, and what measures should be put in place to address its shortcomings?*
 - *How to ensure adequacy of data protection in the US, including in sectors not covered by Safe Harbor?*

- *What are the essential elements to be included in a TTIP e-commerce chapter to encourage cross-border commerce while safeguarding essential consumer protections?*
- *Are the protection rules on each side of the Atlantic compatible, for e.g. on digital product sales, misleading advertising or unfair online practices?*
- *Is TTIP the right place to address data flows?*

12:45 Lunch

14.00 Breakout sessions

1. Pharmaceuticals in the TTIP and the impact on public health and access to medicines

To cover relevant sector(s) part of IP (and public services) issues in TTIP

- Led by James Love, Knowledge Ecology International (U.S.) and David Hammerstein, TACD, Co-Chairs of the TACD IP Policy Committee
- Moderated by David Hammerstein, TACD and Rob Weissman, Public Citizen
- Short presentations from:
 - Ancel.la Santos Quintano, Policy Advisor, Health Action International Europe
 - Mary Critharis, Deputy Chief Policy Officer, U.S. Patent and Trademark Office, Department of Commerce
 - Peter Maybarduk, Director Global Access to Medicines Program, Public Citizen
- Group discussion to address the following points:
 - *Clinical Trial Transparency, trade secrets*
 - *Data Exclusivity*
 - *Pricing and reimbursement criteria*
 - *Patentability criteria*
 - *Creation of a Transatlantic pharmaceutical oversight committee*

2. Chemicals and Nanomaterials

Will discuss the chemicals and nanomaterials sector being considered by the negotiators

- Led by Sylvia Maurer, BEUC (EU) and Jaydee Hansen, Center for Food Safety (U.S.), Co-Chairs of the TACD Nanotechnologies Policy Committee
- Moderated by Sally Greenberg, Executive Director, National Consumers League (U.S.)
- Short presentations by:
 - Baskut Tuncak, Staff Attorney, Center for International Environmental Law
 - Isabel Pastor Arenillas, Attaché Trade and Agriculture, Delegation of the EU to the U.S., European Commission

- William Jordan, Deputy Office Director for Programs, Office for Pesticide Programs , U.S. Environmental Protection Agency
- Group discussion to address:
 - *What would be the desired outcome of the TTIP negotiations with regards to chemicals management, including nanomaterials?*
 - *Possibilities for cooperation in selecting priority substances for safety evaluation and on methods.*
 - *Limitations of cooperation due to differences of the legal frameworks.*
 - *Progress and obstacles regarding regulating nanomaterials on both sides of the Atlantic and possibilities for future cooperation*

15.30 Coffee break

15.45 Plenary: Regulatory Coherence and Regulatory Cooperation

Regulatory Cooperation is described as one of the key cross-cutting chapters of the TTIP, as negotiators anticipate many of the gains from the deal to come from addressing “non-technical barriers to trade” that are erected by regulations and standards that businesses must conform to in order to sell their products and services in each of the two markets. Consumer organisations and other NGOs fear that eliminating such “barriers” will result in the lowering of vital consumer and other protections, while politicians assure the public that existing standards will remain in place. This plenary session will address in particular these questions:

- *What is the evidence of benefits to be delivered by regulatory coherence, and what are they specifically for consumers?*
- *Can an ambitious goal of various forms of regulatory collaboration (mutual recognition, harmonisation, future rule setting, etc) really be achieved without compromising existing standards and if so, how?*
- *Is a trade agreement the best platform for achieving such goals?*
- *What about the democratic deficit? What will be the knock-on effect on the regulation-making powers of democratically elected bodies (parliaments, congress) and independent regulators if rules are set through a trade agreement?*
- **Moderated by Bart Combée, President, Consumentenbond, Netherlands**
- **Keynote addresses:**
 - Dan Mullaney, Chief TTIP Negotiator, Office of the U.S. Trade Representative
 - Monique Goyens, Director General, BEUC and EU Co-Chair of TACD
- **Followed by panel discussion with additional panellists:**
 - Ladislav Miko, Deputy Director General for the Food Chain, DG Health and Consumers, European Commission
 - Alex Hunt, Branch Chief of the Office of Information and Regulatory Affairs, US Office of Management and Budget

- Ignacio Garcia Bercero, Chief TTIP Negotiator, DG Trade, European Commission
- Courtenay Lewis, Trade Representative, Sierra Club

17.15 Concluding plenary: will TTIP bring any benefits for consumers?

- **Moderated by Benedicte Federspiel, Danish Consumer Council and Member of TACD Steering Committee**
- **Discussion with TACD Policy Co-Chairs following break-out discussions and conclusions:**
 - What consumer protection policy was each group most concerned about as being at risk in TTIP negotiations?
 - What consumer regulations or policies could benefit from TTIP?

18.00 Drinks reception and networking
