



Provisional programme

Transatlantic trade and investment partnership (TTIP): creating regulatory coherence

Monday 17 – Tuesday 18 February 2014 | WP1307

Trade in goods and services between the EU and the US amounts to nearly \$1 trillion each year, and total bilateral investment between them to nearly \$4 trillion. TTIP aims to remove trade barriers in a wide range of economic sectors to make it easier to buy and sell goods and services between the EU and the US. The agreement could add as much as €120 billion to the EU economy, €90 billion to the US economy, and as much as €100 billion to the rest of the world.

Many of the gains are anticipated to come from tackling non-tariff barriers, on a scale not seen before in a trade deal. If TTIP is to be agreed by 2015 much work has to be done.

The complexity of regulatory barriers and their entrenched nature makes overcoming differences difficult. If TTIP is to reach its full potential and act as a platform for removing regulatory obstacles, regulatory differences must be addressed swiftly. It will not be enough just to identify minor changes and improvements.

The opportunities for regulatory coherence certainly exist. This conference will discuss how TTIP can build on these promising prospects to deliver benefits for businesses and consumers, while not reducing the levels of protection expected in developed countries.

Participants will focus on how to achieve the two main goals of regulatory collaboration: cooperation on future regulations and making existing regulations more compatible across the Atlantic. It will discuss how best to achieve these, with particular regard to delivering a substantive TTIP agreement in 2015.

The dialogue will assess different approaches to regulatory convergence, legal frameworks, enforcement and arbitration of regulatory matters. It will then discuss ways in which these can be supported through institutions, both on either side of the Atlantic and across it.

Finally, participants will be able to frankly discuss where issues have proved challenging, why the challenges occurred and how to avoid the same difficulties arising in future. This will take into account how TTIP can progress as an evolving agreement, and so the conference will assess the long term implications for the array of stakeholders involved.

In association with:

Foreign and Commonwealth Office
Department for Business, Innovation and Skills (BIS)

In association with:

Monday 17 February

1100

Participants arrive

1200-1300

Buffet lunch available

1300-1310

Welcome and introduction

Richard Burge

Chief Executive, Wilton Park, Steyning

Kathryn Hingston

Programme Director, Wilton Park, Steyning

1310-1430

1. Overview and context

What are the benefits of regulatory coherence? The economic benefits of growth and jobs are evident but how significant are they and are there others? Should we focus on all areas or just a selection? Is there another way to get the same benefits?

There is already some convergence between the EU and US systems but how close and consistent are they? What level of cooperation and consistency should be the goal? How can we keep these goals ambitious but realistic? What are the political sensitivities?

Peter Holmes

Reader in Economics, University of Sussex, Brighton

Joseph Francois

Professor of International Economics, University of Bern

Stephen Biegun

Vice President, International Government Affairs, Ford Motor Company, Washington DC

1430-1500

Tea/coffee

1500-1630

2. Regulatory coherence in theory and practice

The scale of the ambition for TTIP in regulatory coherence seems to be unprecedented. What previous examples on regulatory coherence can we draw on for TTIP? Are there any lessons we can draw upon from the creation and development of the EU Single Market, from other cooperation arrangements around the world or from existing transatlantic arrangements?

Good regulatory systems nurture an environment that allows the market to be more open, competitive, and innovative, while still providing appropriate levels of protection. Regulatory coherence should allow these regulations to apply across geographies, finding common acceptable standards and timings in which to implement them. The agreement should not be one side imposing its regulatory system onto the other.

This session will discuss how TTIP regulation should work in theory and develop ideas for how to achieve this in practice, drawing upon experience to date, both successful and less so.

Céline Kauffmann

Senior Economist and Deputy Head, Regulatory Policy Division, Public Governance and Territorial Development Directorate, Organisation for Economic Cooperation and Development (OECD), Paris

Rachel Shub

Senior Director, EU Regulatory Affairs, Office of the United States Trade Representative, Washington DC

Mary McKiel

Former Standards Executive, US Environmental Protection Agency; President and CEO, The McKiel Group, Arnold

1630-1715

Photograph followed by tea/coffee

1715-1845

3. Legal frameworks, compliance and enforcement

The session will assess the current convergence between EU and US frameworks. It will then evaluate the possibilities for future cooperation by discussing three key questions:

- What are the qualities of a good legal framework underpinning regulation?
- Who should make the rules and how?
- Who should enforce the rules and how?

This will include discussion of potential activity at international, national and local levels and how to balance a strong agreement against national democratic accountability.

It will assess whether existing arbitration frameworks are adequate and develop ways in which they could be made more effective at supporting coherence efforts.

Geraldine Emberger

Trade Affairs Manager USA and Canada, European Commission, Brussels

Richard Parker

Professor, University of Connecticut School of Law, Hartford

Ian Yarnold

Head, International Vehicle Standards Division, Department of Transport, London

1900

Reception followed by dinner

Tuesday 18 February

0800-0845

Breakfast and checkout

0845-0900

Facilitated discussion group briefing

Kathryn Hingston

Programme Director, Wilton Park, Steyning

0900-1030

4. Facilitated discussion groups

Each group will discuss key points as they apply to specific goals:

Reforming existing regulations

This group will discuss possible ways of reforming existing regulations to make them more compatible, coherent and reduce duplicative requirements for business. While the economic benefits of such progress are clear, it is important that this is not done while compromising on existing consumer standards. How can these guarantees be built in? Does it have to be done regulation by regulation, or can a more general approach be taken? How can we prove that existing standards are being maintained?

Is it realistic to expect widespread changes to existing regulations?

Is it realistic to adopt a mutual recognition approach?

Finally, what happens when we want to change aligned regulations?

Facilitator: John Cooke, Chairman, Liberalisation of Trade in Services (LOTIS) Committee, TheCityUK, London

Rapporteur: Tom Meredith, Second Secretary, Trade Policy, United Kingdom Permanent Representation to the European Union, Brussels

Developing future regulations

This group will suggest and evaluate steps towards making future regulations more consistent across the Atlantic. It will assess processes for setting standards and aligning regulations. Given that future cooperation would benefit from greater communication, it will discuss how ongoing dialogue can become a more natural part of a regulatory system.

What should a regulation framework look like in five years? How ambitious can we be? Can we make special arrangements for EU and US access to the regulatory process, ahead of other stakeholders? Can we ensure consultation at an early stage such that by the time proposals are presented to other stakeholders they have already been aligned? Is there any way we can incentivise alignment in future regulations, such as through targets? What is 'a living agreement'?

Facilitator: Kathryn Hingston, Programme Director, Wilton Park, Steyning

Rapporteur: Nick Hopkinson, Director, Wilton Park USA Foundation, Steyning

Refining enforcement practice

This group will develop ideas for the future of regulatory enforcement by discussing what an enforcement framework *should* look like and suggesting how to achieve its fruition.

It will discuss the challenges that exist in creating and enforcing frameworks, such as handling differences in implementation. It will also question whether companies, consumers and governments should be able to raise issues directly, and how these should be handled, progressed and reported.

The scope and role of a disputes process will also be considered within this session. Can there be a binding process, or will resolution need to be negotiated?

All groups will need to consider both the EU / US levels, as well as lower levels of government.

Facilitator: Owen Tudor, Head, European Union and International Relations Department, Trades Union Congress (TUC), London

Rapporteur: Cécile Kleve, Senior Trade Policy Advisor, Ministry of Foreign Affairs, The Hague

1030-1100

Tea/coffee

1100-1130

5. Report back from breakout groups

Session leaders or nominated representatives from each group will summarise findings and recommendations to the group at large for wider discussion.

1130-1245

6. Effects along the supply chain and on consumers

Although the beneficiaries of trade deals are often claimed to be mostly big multinational businesses: regulatory coherence should help small and medium enterprises (SMEs) by overcoming barriers which they would otherwise struggle with, and consumers through increased choice and confidence that a high level of protection is provided. What is the best way to find and tackle these obstacles? How can we ensure that these benefits are delivered? How can TTIP deliver benefits in a wide range of sectors, including in areas that have yet to be discussed in any detail in TTIP?

Cross-sector disciplines such as that associated with the setting and use of standards could make a significant contribution to this. How aligned are the US and EU standards systems? Can they become an enabler rather than a barrier to progress?

Peter Chase

Vice President, Europe, US Chamber of Commerce, Brussels

Anna Fielder

Senior Policy Adviser, Transatlantic Consumer Dialogue, London

Scott Steedman

Director of Standards, British Standards Institution (BSI), London

1245-1400

Lunch

1400-1515

7. Conclusions and next steps

The conference will conclude by considering the next steps that are required to turn regulatory coherence in TTIP from a vision to a reality. It will reflect on what businesses, governments and consumers hope to see happen. What actions should be prioritised and by whom should they be taken? Who else needs to be involved? The session will also consider what regulatory coherence within TTIP means for other trade agreements and multilateral institutions.

Finally, the session will consider what this means for the overall TTIP negotiations.

David Henig

Assistant Director, Transatlantic and International Unit, International Affairs, Trade Policy and Export Controls (ITEC), Department for Business Innovation and Skills (BIS), London

Alberto Alemanno

Jean Monnet Professor of EU Law, HEC Paris

1530

Participants depart

This is a preview programme and as such may be subject to change.

This conference is open to those with expertise to share or an interest in the theme; our aim is to have a broad spread of nationalities and institutions represented. There is no cost to attend this conference; participation includes 1 night's accommodation, all meals during the conference and attendance at all sessions.

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