



Recommendations to the
**Latvian Presidency
of the Council of the
European Union**

1 January 2015 - 30 June 2015



Message to the Latvian Presidency of the Council of the European Union

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Latvia will take over the rotating presidency of the Council of the EU on 1 January 2015 for the first time since joining the EU on the 1 May 2004. The Latvian presidency coincides with the beginning of Commission President Juncker's term in office and a period of great institutional change which presents both challenges and opportunities to the Presidency. The institutional change is an opportunity to reinvigorate and provide new stimulus to the European project, getting the Union's economy back on track and restoring the public's faith in the EU.

Latvia has unique qualities that it brings to the European Union. Its geo-strategic position provides a critical link in the Baltic region. Latvia is a key country for the EU in the north-east area and in the context of future relations with Russia. Latvia's experience as a recently joined member of the EU provides a fresh outlook on the Union and new solutions to the challenges facing Europe.

We are looking forward to working closely with Latvia before, during and after the Presidency to ensure we reach our common objectives of a stronger and more competitive Europe. This is why I am delighted to present these recommendations to the Latvian government on behalf of AmCham EU and our 163 member companies. These recommendations come from our recently adopted recommendations on 'Accelerating Growth and Vitality in the European Economy' in which we plead for action in five key areas: building skills for the future, furthering integration of the single market, promoting revolutionary change for industrial leadership, developing new models of innovation and entrepreneurship, and fostering Europe's leadership in an integrated global economy. We hope these recommendations will provide concrete input and direction to the Presidency's work programme. We believe that many of the issues raised by AmCham EU in this report are vital to creating sustainable economic growth.

AmCham EU's Presidency Group has already met with a wide range of leading Latvian political stakeholders and will continue to meet with them in the coming months. In our initial discussions it was clear that we share a number of policy objectives and in some areas, we have strong alignment on how to create the momentum Europe needs at this time. Given the current economic challenges facing the EU, we believe that the greatest benefit for business and citizens alike can be gained by driving innovation, continuing the negotiation of bilateral trade agreements, creating financial stability through structural reform and completing the Single Market. The EU needs a budget that supports these goals. Specifically, it should ensure there are sufficient funds to improve investment in the digital economy, support R&D needs and create a better European infrastructure. The member states should be wary of closing themselves off to external investment as the future growth of Europe lies in an open and competitive market.

Our members' priorities for the Latvian Presidency also identify key factors needed to boost the investment climate, as well as to favour economic growth and job creation. One way this can be accomplished is through the EU and US co-operating to find effective ways to encourage growth. We have been encouraged by the progress of the Transatlantic Trade and Investment Partnership (TTIP) discussions and we hope that the Latvian Presidency will continue to help facilitate these and push for more enhanced cooperation between the EU and US.

On behalf of the members of AmCham EU, we look forward to working with the Latvian Presidency and hope that it can bring the enthusiasm and stimulus that Europe needs. AmCham EU wishes the presidency every success!

Latvija 2015. gada 1. janvārī — pirmo reizi kopš iestāšanās brīža ES 2004. gada 1. maijā — pārņems ES Padomes rotējošo prezidentūru. Latvijas prezidentūra sakrīt ar Komisijas prezidenta Junkera (Juncker) amata termiņa sākumu un nozīmīgu institucionālo izmaiņu periodu, kas prezidentūrai vienlaicīgi nozīmē gan izaicinājumus, gan iespējas. Šīs institucionālās izmaiņas ir iespēja atkārtoti rosināt un dot jaunus stimulus Eiropas projektam, atveseļojot Savienības ekonomiku un atjaunojot sabiedrības uzticību ES.

Latvijai ir unikālas īpašības, ko tā spēj piedāvāt Eiropas Savienībai. Tās ģeostratēģiskā atrašanās vieta nodrošina ārkārtīgi nozīmīgu saikni ar Baltijas reģionu. Latvija ir ES svarīgākā valsts ziemeļaustrumu reģionā, ņemot vērā turpmākās attiecības ar Krieviju. Latvijas kā valsts, kas nesen iestājusies ES, pieredze sniedz svaigu skatījumu uz Savienību un nodrošina jaunus risinājumus attiecībā uz izaicinājumiem, ar kuriem sastopas Eiropa.

Mēs ceram uz ciešu sadarbību ar Latviju pirms un pēc prezidentūras, kā arī tās laikā, lai sasniegtu mūsu kopējo mērķi padarīt Eiropu arvien spēcīgāku un konkurētspējīgāku. Tāpēc es ar prieku ASV Tirdzniecības palātas Eiropas Savienībā (AmCham EU) un mūsu 163 biedru vārdā sniež šīs rekomendācijas Latvijas valdībai. Šīs rekomendācijas ir iekļautas mūsu nesen pieņemtajās rekomendācijās „Par izaugsmes un vitalitātes paātrināšanu Eiropas ekonomikā”, kurās par nepieciešamu uzskatām īstenot attiecīgus pasākumus piecās galvenajās jomās: iemaņu attīstīšana nākotnes vajadzībām, vienota tirgus integrācijas turpināšana, revolucionāru izmaiņu veicināšana nozaru vadībā, inovācijas un uzņēmējdarbības jaunu modeļu attīstīšana un Eiropas līderpozīciju stiprināšana integrētā globālā ekonomikā. Ceram, ka šīs rekomendācijas sniegs koncentrētas un skaidras norādes attiecībā uz prezidējošās valsts darba programmu. Uzskatām, ka daudzi no ASV Tirdzniecības palātas Eiropas Savienībā šajā pārskatā ierosinātajiem jautājumiem ir izšķiroši, lai nodrošinātu ilgtspējīgu ekonomisko attīstību.

ASV Tirdzniecības palātas Eiropas Savienībā Prezidentūras grupa jau ir tikusies ar daudziem Latvijas politiķiem un tuvāko mēnešu laikā turpinās uzturēt ar viņiem sarunas. Mūsu sākotnējo diskusiju laikā tika noskaidrots, ka mums ir vienoti politiskie mērķi un atsevišķās jomās mums ir skaidra nostāja par Eiropas virzību. Ņemot vērā izaicinājumus, ar kuriem sastopas ES ekonomika, mēs uzskatām, ka nozīmīgākos ieguvumus uzņēmumiem un iedzīvotājiem nodrošinās inovatīvu risinājumu izstrāde, turpmākas diskusijas par divpusējās tirdzniecības līgumiem, finanšu stabilitātes nodrošināšana ar strukturālu reformu starpniecību un vienota tirgus attīstība. ES ir nepieciešams šiem mērķiem atbilstošs budžets. Jo īpaši ir jānodrošina pietiekami līdzekļi investīciju uzlabošanai digitālajā ekonomikā, izpētes un attīstības vajadzību nodrošināšanai un Eiropas labākas infrastruktūras izveidei. Dalībvalstīm jābūt modrām, lai nezaudētu ārējo investīciju iespējas, jo Eiropas izaugsme nākotnē ir atkarīga no atvērta un konkurētspējīga tirgus.

Turklāt mūsu biedru prioritātes attiecībā uz Latvijas prezidentūru nosaka galvenos faktorus investīciju klimata uzlabošanai, kā arī ekonomiskās izaugsmes veicināšanai un darba vietu radīšanai. Viens no veidiem, kā to panākt, ir ES un ASV sadarbība ekonomiskās izaugsmes iespēju jomā. Mūs iedvesmojuši panākumi Transatlantiskās tirdzniecības un investīciju partnerības līguma (TTIP) diskusijās, tāpēc mēs ceram, ka Latvijas prezidentūra veicinās šos panākumus un radīs arvien plašākas sadarbības iespējas starp ES un ASV.

ASV Tirdzniecības palātas Eiropas Savienībā vārdā izsakām prieku par Latvijas prezidentūru un ceram, ka tā nodrošinās Eiropai tik ļoti nepieciešamo entuziasmu un stimulus. ASV Tirdzniecības palāta Eiropas Savienībā novēl jums veiksmīgu prezidentūru!

HIGHLIGHT: Accelerating Growth and Vitality in the European Economy: Agenda for Action 2014-2019

AMCHAM EU'S FIVE KEY ACTION AREAS:

Build skills for the future

If Europe is to compete in an ever-changing global environment, policies need to be in place to ensure its citizens are well-equipped to meet the needs of the future marketplace. This will require investment in training and skills development at every stage of workers' lives to remain relevant to the needs of society and the economy.

Drive integration to create an attractive internal market

Europe needs to complete the Single Market, particularly in the areas of services, the digital market, energy and transportation. Efforts also need to be made to improve harmonisation of policies and regulation. The objective should be to make Europe an attractive destination for investment and a hub of economic growth and innovation which contributes to global regulatory and industrial standards.

Embrace revolutionary change for industrial leadership

Europe has built a strong industrial foundation and now is the time to capitalise on its expertise across all sectors including pharmaceuticals, healthcare, energy, transport, aerospace, security, chemicals, biotech and digital technologies. The objective should be to establish policies to keep European industry at the cutting edge to ensure sustainable economic growth.

Develop new models of innovation and entrepreneurship

Innovation and entrepreneurship have been hailed as great drivers of growth. The next generation of entrepreneurs need to be supported and encouraged through incentive programmes. At the same time, fresh models of partnership between governments, businesses and the wider civil society need to be developed and promoted. The objective should be to foster dynamic and flexible thinking to generate economic opportunities for the future.

Lead by example toward global integration

Europe needs to remain a global hub for trade, investment and ideas, while taking advantage of the global economic landscape more systematically. The objective should be to ensure that European industries can compete successfully in an increasingly integrated global economy. The Transatlantic Trade and Investment Partnership (TTIP) agreement offers and opportunity to enhance cooperation between the EU and the US and the possibility of establishing regulatory standards which will have a profound impact on the way business is conducted globally for decades to come.

“Focusing [the] Presidency’s work program on the priority directions of activity of the Presidency: competitiveness and growth of the European Union, use of the European digital potential to strengthen the role of the European Union on a global scale.”

Laimdota Straujuma
Prime Minister of Latvia

Competitiveness

Issue

Recommendations

Single Market

The Single Market is the foundation of European integration and bold efforts are needed to complete it. AmCham EU welcomes the Single Market Act (SMA) I and II, which we believe will help Europe move closer to completing a true EU Single Market. AmCham EU fully supports the review of EU legislation to address inefficiencies and new market developments. In tandem with the SMA proposals, Europe should do more to address the problem of uneven implementation and transposition of existing EU regulations into national law.

Modernisation of the Union Customs Code (UCC)

The Presidency should ensure that the Implementing and Delegated Acts of the Union Customs Code results in effective, simplified, standardised and automated customs procedures throughout Europe. This would benefit business and succeed in balancing the costs introduced by the security requirements adopted in 2005. We support centralised clearance for customs duties and VAT in the EU as originally conceived in the Modernised Customs Code, by having the economic operator deal only with the customs authorities where they are established. Furthermore, the UCC should contain genuine additional benefits above and beyond those currently available to economic operators as this would provide an opportunity for business in the EU to become more competitive in the international marketplace.

Compatibility of EU and US security programmes for customs

Mutual recognition between the authorised economic operator status and the C-TPAT programme should be realised at the earliest opportunity. It should provide real benefits to business and should be used as the basis for all further mutual recognition agreements, thus providing business in the EU with standardised and harmonised procedures on a worldwide basis.

Customs valuation matters

The Presidency should ensure that the EU retains the possibility to use an earlier sale and refrains from expanding the royalties and licence fees to customs duties.

Better regulation

We urge the Presidency to actively promote all key components of the better regulation strategy, including simplification of EU law, reduction of administrative burdens and effective impact assessment.

Energy costs

Please see the **TRANSPORT, TELECOMMUNICATIONS AND ENERGY section**.

Defence industrial and procurement issues

We encourage the Presidency to show leadership in ensuring that European defence markets are opened to allow participation by the global defence industry and to support efforts to foster increased transatlantic defence industrial cooperation.

Promotion of intellectual property

The Presidency should support robust protection of intellectual property (IP). World-class IP protection for all fields of technology, including the market-based development and deployment of these technologies is vital for maintaining European competitiveness. Protection of inventions, content (consistent with international agreements) and the fight against counterfeiting and piracy should be pursued in the EU and third countries.

EU patent and patent litigation system

We encourage the Presidency to give a proper and detailed assessment to the development of the implementing measures of the reform of the European Unitary Patent system.

Competitiveness

Issue

Recommendations

Revision of the Community Trade Mark Regulation and Directive

We encourage the Presidency to continue negotiations on the revision of the Community Trade Mark Regulation and Directive. While supporting the overall aims of this revision, AmCham EU is concerned that some provisions, especially related to goods in transit, require further clarification.

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Economic and Financial Affairs

Issue

Recommendations

Transatlantic convergence in post-financial crisis financial services regulation

The global agenda regulatory reform in the wake of the financial crisis provides an unprecedented opportunity for coordination between EU and US policy-makers in financial services. Four specific issues act as a barrier to trade on EU-US financial services and need to be addressed as a matter of priority:

1. **Extra-territorial application of rules:** This can discourage third country investors from undertaking transactions that risk bringing them into the scope of the legal regime of a jurisdiction that is not their own, distorting economic decision making (e.g. the choice of counterparty) in a way that undermines market efficiency.
2. **Divergence in specific rules and definitions:** In the central clearing of derivatives the EU and US have yet to secure clear consensus on the question of scope, with ambiguity remaining about the treatment of FX products. Furthermore, we are seeing a number of material inconsistencies in the implementation of the Basel III framework. Any divergence of application will distort markets significantly. Uncertainty makes it more difficult and expensive for market participants to plan the significant investment that they need to make to secure compliance.
3. **Divergent time lines for application:** Greater attention needs to be paid to the timetables for the introduction of new rules stemming from the G20 and initiatives such as Basel III, to ensure that global markets are not disrupted by differentiated dates of application in different jurisdictions. Enough time should however be allowed to draw up well thought-through and calibrated rules and implementing measures.
4. **Reciprocity provisions:** We strongly encourage a political declaration by EU and US policy-makers to avoid including provisions requiring 'reciprocal' action by the other regime before market access is granted in future legislation.

Banking Union and the wider reform to EMU

We support the EU institutions and the Eurozone Member States in their efforts to develop a long-term strategy for Economic and Monetary Union. Such a vision for the long-term, with banking, fiscal, economic and political pillars, has the potential to make an important contribution to restoring investor confidence in the short term, to restoring the long-term financial stability that is essential to growth and to re-engaging citizens with the single currency and with the European Union.

The Single Supervisory Mechanism (SSM) is a necessary component of this. It is important to put a robust system in place to enhance the stability of the Eurozone banking sector yet we must not lose sight of the need to continue to develop the EU Single Market for financial services and to nurture global convergence around high regulatory standards.

We believe that in developing this new regime EU leaders should ensure that four key principles are observed. The new regime must:

Economic and Financial Affairs

Issue

Banking Union and the wider reform to EMU (continued)

Recommendations

1. **Deliver high-quality supervision of those banks that are within its remit:** There must be clarity about decision-making processes, so that it is clear to banks themselves, to their clients and to investors where key supervisory decisions will be taken and by which authority.

Adequate resources and appropriate expertise should be made available to those operating the new regime. A full assessment should be made of the additional resources that might be needed and a firm commitment must be made to the timely delivery of these resources.

2. **Preserve and deepen the EU Single Market:** AmCham EU believes that the preservation and deepening of the Single Market should be an explicit objective of the new regime to ensure that supervision takes appropriate account of the need to facilitate banking activity that flows across the 28 Member States. Discrimination between EU banks – or other market infrastructures – based on their location or the identity and status of their supervisor must be avoided. EU regulation and technical standards should be applied equally to all banks, with all EU supervisors held to consistent, high standards.

The European supervisory authorities (ESAs) should retain responsibility for determining the technical standards applicable in all 28 Member States, providing an appropriate balance between the SSM and those that are outside the new regime. The ESAs role in mediating between supervisors should continue and should be applied symmetrically to Eurozone and non-Eurozone supervisors, as should the power to intervene directly in banks where EU law is not being observed



Economic and Financial Affairs

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Banking Union and the wider reform to EMU (continued)

- 3. Contribute to global convergence in financial regulation:** The new supervisory regime has great potential to facilitate improvements to the functioning of global financial markets. It can further simplify the supervisory decision-making processes in the Eurozone, providing third country supervisors with a single interlocutor and providing a coherent Eurozone voice in international standard-setting organisations. Global convergence and openness should be specific objectives of the new supervisory arrangements. This is not a substitute for high standards and a clear focus on financial stability, but rather recognition that Eurozone banks and the wider Eurozone economy benefit from full participation in a global financial market that is based on high, common, standards.
- 4. Contribute to the restoration of confidence in the Eurozone:** Practical and effective mechanisms must be found to ensure that there is appropriate oversight of any banking supervision function that the ECB is granted, without this altering (or being perceived by market participants to have altered) its independence on monetary policy. The independence of the ECB in this core function has been critical both to the delivery of price stability in the Eurozone over the last decade and to market confidence in its crisis-intervention role in more recent times.

Bolstering the role of the European supervisory authorities

As the financial services regulatory landscape develops, the European supervisory authorities' (ESA) role in mediating between supervisors should continue and should be applied symmetrically to Eurozone and non-Eurozone supervisors.

The European Banking Authority should retain responsibility for determining the technical standards applicable in all 28 Member States, with an appropriate mechanism to ensure that decision-making provides a suitable balance between the new Eurozone central supervisor and those that are outside the new regime.

More broadly, a consistent approach to the 'Level 2' technical standards prepared by the ESAs should be developed, enhancing confidence in the consistency of the EU policy-making process.

A holistic approach to EU policy-making; facilitating long term investment

We encourage the Presidency to ensure a holistic approach to EU policy-making, ensuring that legislation designed to restore market confidence is consistent with EU goals to promote long-term investment. Initiatives aimed at facilitating access to finance should take existing financial services regulation into account and vice versa..

“The key for the European energy union is 1) interconnected infrastructure and 2) EU wide pricing mechanism.”

Edgars Rinkēvičs
Latvian Foreign Minister

Economic and Financial Affairs

Issue

Recommendations

Taxation policy

Financial Transaction Tax (FTT): AmCham EU strongly opposes proposals to introduce an FTT under enhanced cooperation. As proposed, an FTT will have serious implications, not just for financial institutions but for the 'real economy' - on businesses in every sector that legitimately use financial instruments in the normal course of their business, for example to manage risk.

International tax coordination: A unilateral EU approach to the direct taxation of multinational companies could create double-taxation problems and provoke concerns about protectionism if it is not coordinated with the ongoing multilateral tax discussion at the OECD level. The OECD is best place for a coordinated and coherent approach to the taxation of multinational companies. We would therefore support the Presidency on working to ensure that the EU engages constructively with other tax jurisdictions, notably through the OECD and ensuring that EU taxation policy is compatible with the ongoing BEPS project.

Value added tax (VAT): We look forward to the Presidency playing a role in fostering the debate and providing political guidance on the future of VAT, especially following the Green Paper initiative and the subsequent European Commission Communication. The revamped EU VAT system must be efficient and neutral for business and as robust and fraud-proof as possible, provided it does not impose a burden on taxpayers. We support initiatives that will help to achieve greater legal certainty and simplify VAT administration within the EU.



General Affairs and External Relations

Issue

Recommendations

Role of the World Trade Organization (WTO)

AmCham EU values a strong WTO that acts as an important guarantor of legal rights in international trade and investment for business and society. This is essential in today's globalised economy, as is the WTO's role to guard against current and future protectionist measures that could slow or reverse economic recovery.

Further market liberalisation and development of multilateral rules would boost global economic recovery for developing and developed countries alike. Given the regrettable failure of the Doha Development Round negotiations to deliver a balanced and comprehensive agreement to date, AmCham EU calls on the Presidency to support alternative routes towards improving market access and the further development and application of WTO principles. It would be beneficial, for example, to rapidly conclude an agreement on trade facilitation, negotiate a plurilateral agreement on services and expand bilateral FTA negotiations.

Transatlantic Trade and Investment Partnership (TTIP)

AmCham EU calls on the Presidency to support the efforts of the European Commission to successfully negotiate the Transatlantic Trade and Investment Partnership (TTIP).

EU bilateral trade relations

The Presidency should support the early conclusion of free trade agreements that are:

- WTO-compatible;
- Ambitious in coverage;
- Balanced;
- Capable of strengthening and complementing the multilateral trading system;
- Contribute to the development of trade and investment friendly standards, rules and principles; and
- Promote better protection of intellectual property rights.

AmCham EU supports the development of constructive dialogue with major trading partners at all levels in order to enhance mutual understanding, economic growth and prosperity.

Trade and investment

AmCham EU welcomes the Joint Statement of Shared Principles for International Investment agreed by the EU and US governments. AmCham EU calls on the Presidency to promote these principles, both within the EU and with third countries. Countries that apply these principles would significantly increase their chances of (re)building business confidence and attracting the investment needed to maintain and create sustainable jobs and prosperity.

Enforcement of intellectual property rights (IPRs) in third countries

Improved protection of IPRs is crucial to encouraging innovation and building a European knowledge-based economy. Continued efforts in the enforcement of IPRs in non-EU countries are essential for the EU and its Member States to compete in the global economy.

Employment, Social Policy, Health and Consumer Affairs

Issue

Implementation of the consumer acquis

Recommendations

The Presidency should ensure that existing consumer-related laws are transposed in national law and properly enforced before considering the adoption of new legislation.

Consumer product safety and market surveillance

We welcome the Commission's proposal to consolidate the highly complex legal framework, to create a level playing field for all sectors and a transparent market surveillance system.

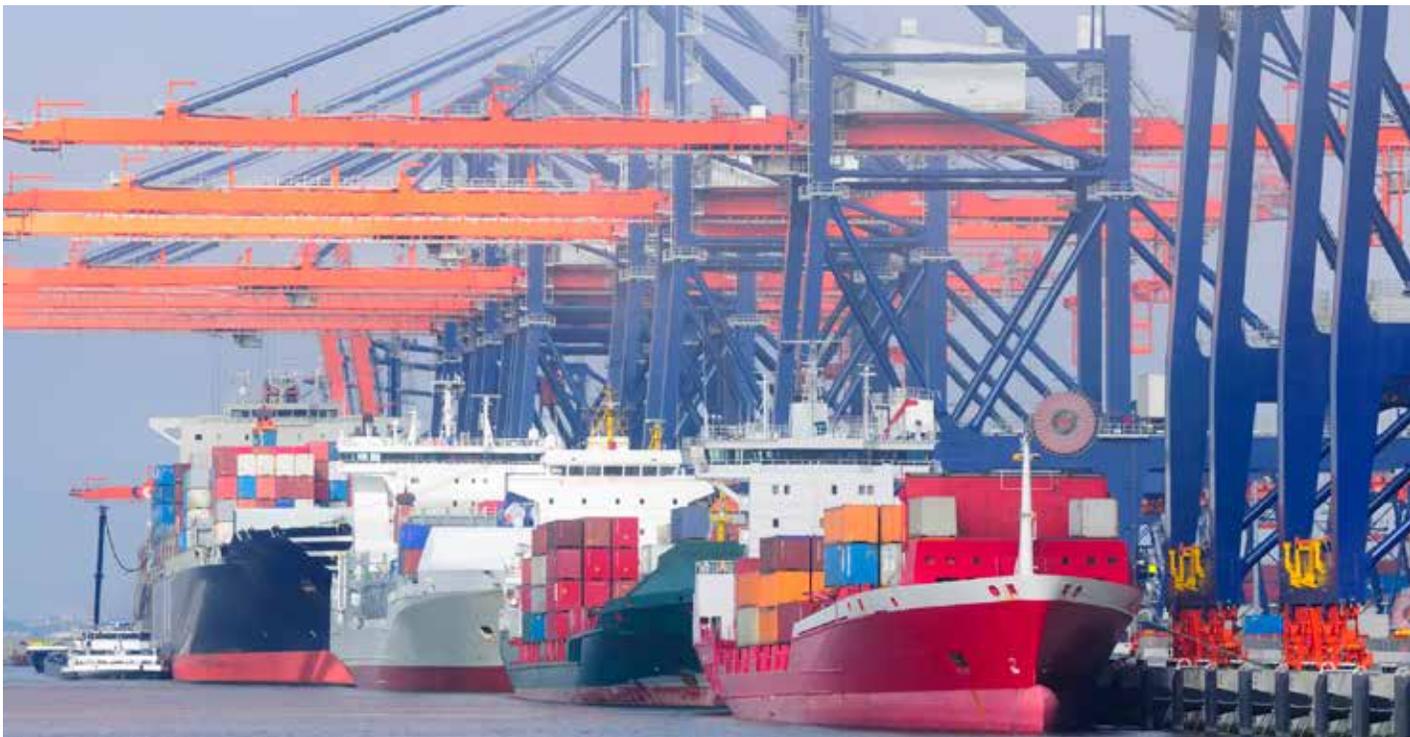
The Presidency should clarify the new legal framework so that market operators and authorities know the rules that apply each product. Proportionality and consistency with other regulations should be the overarching principles of this package.

AmCham EU applauds the European Parliament for including an injury database so that information is accessible to identify where injuries occur, in order to address safety concerns and guarantee consistent level of protection across Europe.

Discriminatory taxation on food and non-alcoholic beverages

The attempts by a number of Member States to introduce special taxes on certain food and beverage products are not an effective approach to tackling complex diet and lifestyle-related problems such as obesity and could be harmful to the competitiveness of the EU and national budgets.

Given the discriminatory nature of food taxes on specific products, they must prove to be necessary, effective and proportional. As none of the taxes introduced in Member States so far have fulfilled these conditions, neither from socio-economic nor from public health perspectives, we would welcome their re-evaluation.



Employment, Social Policy, Health and Consumer Affairs

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Recommendations

Consumer collective redress AmCham EU welcomes the agreement reached on alternative dispute resolution (ADR) and online dispute resolution (ODR). This new mechanism is cost effective and a fair way of settling disputes arising from business-to-consumer contracts. Therefore, AmCham EU considers collective redress mechanisms unnecessary.

Investment in healthcare Investing in healthcare can directly benefit the European economy and competitiveness. This can be accomplished by: striking a balance between cost and investment to encourage innovation; supporting public-private partnerships; empowering citizens to take responsibility for their own health; improving access to medicines with flexible pricing policies and developing smart regulations limited to their purpose.

Pharmaceutical products and the Single Market We are recommending some changes in the governance of pharmaceutical products to allow the Single Market to achieve its full potential. Firstly, there is a need to address inequalities in access to treatment. The Single Market is preventing full implantation of equity-based pricing between markets in Europe and inadequate management of drug shortages. Using cost containment as a guiding principle without considering the health impacts exacerbates this problem. One way to create a practical pricing framework is through the principle of non-extraterritoriality of medicine prices set by governments. Lastly, we believe there should be a centralised authorisation procedure to switch appropriate medicines from prescription to non-prescription status. Legislation should be clarified to ensure that prior central authorisation does not prevent non-prescription status by national boards of health.

Medical devices and *in vitro* diagnostics: making them safer and future proof AmCham EU strongly supports a modern and effective regulatory system for medical devices which ensures a high level of patients' safety while providing timely and continued access to the latest medical technologies. To do this, the following is required: maintain a decentralised authorisation system; regulate the reprocessing of single-use devices; increase harmonisation and coordination across Member States; increase transparency; and better coordinate market surveillance across Member States.

A strategic agenda for the life sciences industry AmCham EU recommends that the Presidency support a European Commission industrial policy framework for the pharmaceutical sector and consults industry and relevant stakeholders to define sector specific actions aiming to boost the competitiveness of the healthcare industry in Europe.

The European Commission Staff Working Document of 2014 presents a valuable assessment of the sector. The pharmaceutical sector is a major driver of the Innovation Union, investing more than any other sector in research and development (R&D), creating directly and indirectly highly-skilled jobs and strengthening Europe's competitiveness in a global market.

As highlighted in the Commission's document, key challenges for the pharmaceutical industry are demographic change, financial constraints of national budgets and increasing competition from outside the EU. To address these challenges, AmCham EU proposes establishing a multi-stakeholder platform to identify inefficiencies in regulations and policies.

Considering the recent developments in the health industry such as personalised medicine, data analytics, eHealth/mHealth, or services, we recommend that the European Commission considers taking a broad approach towards a comprehensive life sciences strategy.

Employment, Social Policy, Health and Consumer Affairs

Issue

Recommendations

Building effective, accessible and resilient health systems in Europe

AmCham EU supports the European Commission's view that health systems play a central role in modern societies in helping people maintain and improve their health. We believe that greater uptake of healthcare innovation in Europe, a more predictable framework for the healthcare industries and a strengthened role for consumers in healthcare are key prerequisites to ensure that EU health systems are more accessible, effective and resilient.

Labour market reform

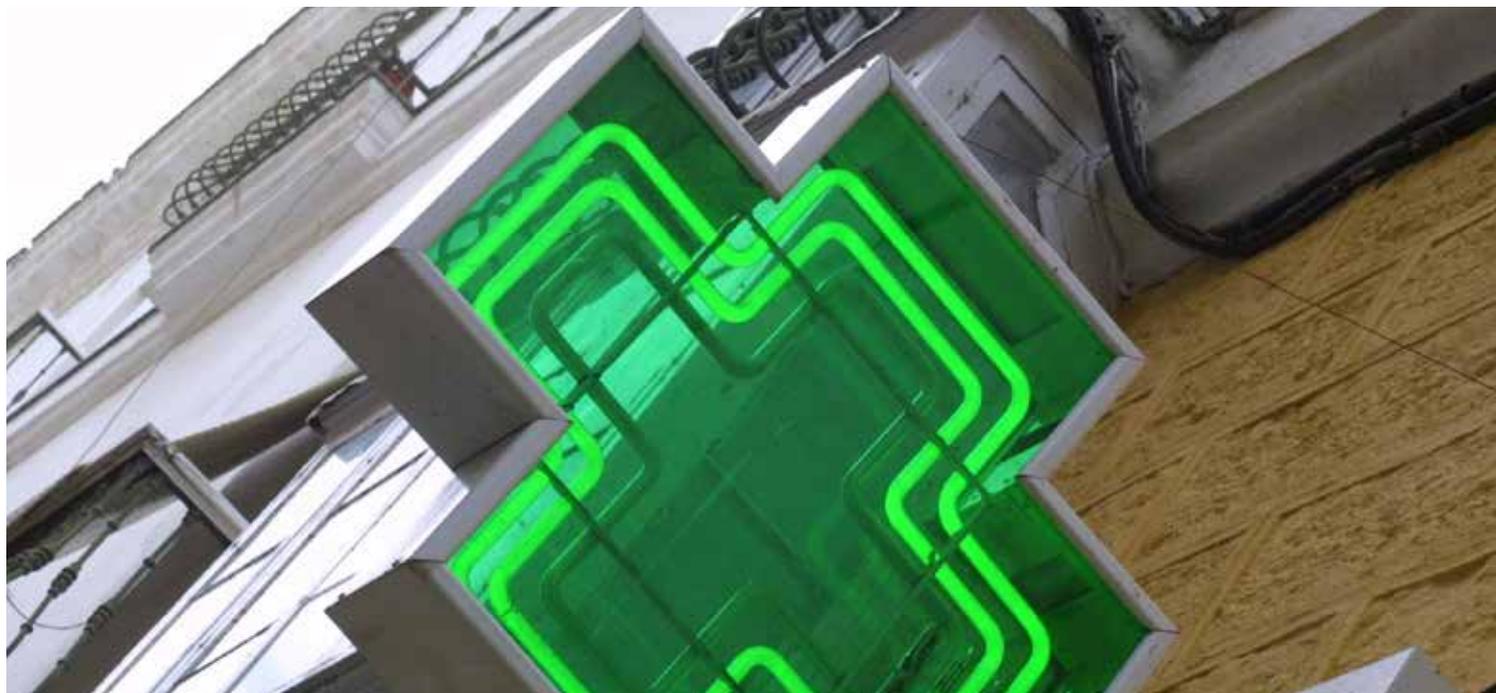
The Presidency should push for further mobility between jobs and countries and improve access to jobs. Today's smart investments in new ideas, technologies and processes will lead to more numerous and high quality jobs in member states. The Agenda for New Skills and Jobs provides the opportunity to implement much needed labour reforms to ensure the long-term competitiveness of the European workforce through flexicurity measures and ambitious reforms designed to promote economic growth and labour markets agility. For Europe to tap the full potential of these developments, policy frameworks must ensure a quick and smooth reallocation of resources, including human capital, from declining activities to emerging ones.

Portability of supplementary pension rights

We welcome the agreement reached on portability of supplementary pension rights. We believe that the agreement will encourage mobility, while avoiding restrictive legislation that negatively impacts the provision of supplementary pension schemes.

Economic migration (intra-corporate transferees)

We welcome the agreement on intra-corporate transferees (ICTs) and the possibility for Member States to define fast-track application procedure for third-country ICTs temporarily assigned to the EU. ICTs may now work on a pan-European basis without having to apply for visas in each Member State in which the ICT will work.



Agriculture and Fisheries

Issue

Recommendations

Agro-Food supply chain

AmCham EU encourages the Presidency to take a holistic and coherent approach to any policy making that impacts the food and agricultural sectors. Also, policies in other sectors should always take food security issues into consideration.

Discriminatory Taxation in the Agro-Food Sector

We are concerned about policy proposals to introduce special taxes on certain food and beverages, to address obesity and unhealthy lifestyles. Taxation is not an effective tool to tackle complex diet and lifestyle-related problems which would unfairly hit lower income groups. It would harm the European economy and the competitiveness of the food supply chain.

Risk Assessment, Management and Communication in the Agro-Food sector

A proper balance between risk assessment, management and communication is of crucial importance for the integrity of the food chain. Risk management decisions must be communicated in a clear and transparent way. At the same time the scientific and technical underpinning of risk management decisions must be demonstrated.

Sanitary and phytosanitary obstacles to trade and innovation

The divergence between the EU's approach to risk assessment, risk management and risk communication measures and that of its main trading partners leads to significant sanitary and phytosanitary trade barriers. It is of utmost importance to make progress on these obstacles, in particular with regards to plant protection products, maximum residue levels, and agricultural biotechnology crops. What's needed is a more effective and progressive regulatory framework that would address these obstacles and promote innovative solutions.

Sustainability aspects of international trade in agricultural products

As sustainability of agricultural raw materials and greening of the supply chains are increasingly coming under the focus of the EU Institutions, environmental law-making is a potentially new non-tariff barrier to international trade. The establishment of new trade agreements is the right moment to address certain potential/current barriers by seeking convergence and cooperation.



Justice and Home Affairs

Issue

Recommendations

Data protection

We believe that privacy laws need to be globally consistent and clear and that the EU should take a holistic approach maintaining a globally competitive legislative environment. To facilitate growth and innovation in the EU (and globally), the right balance needs to be struck between data protection and innovation in technology and business models. The current review of data protection legislation in Europe presents an unparalleled opportunity to craft a state-of-the-art data protection framework that better protects Europe's data subjects while avoiding unworkable and prescriptive rules that stifle innovation rather than foster it. We believe that the final outcome cannot be rushed and that while the principles set forth in the proposal are of great value, they should take into account and weighted against additional criteria needed to make the EU a leader in the digital space. The rules have to be future proof, balanced and easy to understand and applicable,

We support efforts to ensure a more harmonised framework governing data protection throughout the EU and creating a 'one-stop-shop' for compliance. This will help progress towards a Digital Single Market.

We also welcome proposals to develop a risk-based approach on types and uses of data as a way to more effectively and efficiently protect personal data, while at the same time ensuring rules are flexible and simple enough to encourage the development and take-up of innovative new services, rather than prescriptive and burdensome. By favouring a risk-based approach it will be possible to ensure that measures to prevent or mitigate risks of processing are proportionate with the risks identified and that the legislative framework will be able to respond to future technological advances.

There are many different types of data and many ways of collecting and using data and the rules on consent, profiling, privacy by design, purpose limitation and data minimisation among others, must leave sufficient flexibility to enable legitimate and beneficial business models while empowering users to exercise meaningful control over their own personal data. Processing data should trigger appropriate protections given the context and sensitivity of the data. Otherwise, the EU risks not being able to capitalize on the potential of new data uses.

Of utmost importance is a free flow of data across national and international borders as to ensure the effective running of services and computing models like the cloud. New rules that enable secure, simplified data transfers are also essential for European competitiveness, therefore the transfer mechanisms must be carefully considered to ensure they work for all stakeholders. AmCham EU believes that data subjects, controllers and processors would be better served by an accountability based system that requires data exporters to protect European data regardless of where it is located, allowing recognition of companies that invest in comprehensive privacy policies, procedures and standards. We also encourage the development of shared solutions through EU-US bilateral meetings and in multilateral organisations, as a pragmatic path towards resolving the current issues.

Justice and Home Affairs

Issue

Recommendations

Integrated border management

We urge the Presidency to strike a balance between border security, the need for more efficient and rapid movement of travellers and the individual's basic rights and privacy. A clear EU legal framework for sharing, retaining and storing data related to border protection needs to be created. This will help companies develop innovative technical solutions to meet security as well as data protection requirements.

Common European Sales Law (CESL)

We welcome the initiatives of the European Commission aimed at strengthening the Single Market and easing cross-border transactions. From this perspective, We support the Commission's intention to improve the quality and coherence of European contract law in the framework of the better regulation agenda. However, AmCham EU members consider that the proposal as it stands would create greater legal uncertainty and confusion with respect to the current legal framework. We are concerned with the scope of the proposal and with its relationship with other relevant rules, in particular article 6 of the Rome I Regulation. The European Parliament's proposal to reduce the scope to online contracts makes this additional layer of regulation, on top of the Consumer Rights Directive which has almost the same scope, not useful. The proposal is also highly complex and difficult to implement. AmCham EU questions the need and the effectiveness of the proposal to reach its aim.



Transport, Telecommunications and Energy

Issue	Recommendations
Energy strategy	We support plans to complete a functioning, transparent and liberalised single energy market, increase energy efficiency and promote sustainable energy whilst preserving the competitiveness of energy-intensive industries and ensuring a secure energy supply through external energy relations.
Energy costs	Addressing the wide impact of Europe's high energy costs should remain a top priority of the Presidency with a view to defining and rolling out concrete measures to support the competitiveness of the manufacturing industry, in particular energy intensive industries..
2030 Framework for Climate and Energy.	Please see ENVIRONMENT section.
Energy efficiency review	<p>We ask the presidency to:</p> <ul style="list-style-type: none">• Give particular attention to significant energy-saving opportunities in the buildingssector. Energy efficient renovation of existing building stock can generate cost savings to both private and public purses, increase energy security, create a significant number of local jobs and bring about a range of environmental benefits.• Revised full implementation of the Energy Performance of Buildings Directive and the Energy Efficiency Directive; and• Support ambitious national renovation strategies and public sector renovation plans in the Member States.
Energy liberalisation	<p>Liberalisation of the electricity market has not created more competition and in many cases prices have risen to unsustainable levels. The Presidency should work closely with the European Commission in finalising the Single Market Energy Package and the recommendations stemming from the 2050 EU Energy Roadmap.</p> <p>Industry needs long-term contracts to ensure predictability and allow investment planning.</p>
Shale gas	Shale gas could play an important role in the EU energy mix and policy-makers should consider its importance to the EU's security of energy supply and its economic competitiveness, as well as its potential role in meeting greenhouse gas (GHG) reduction objectives. Considering the fast-paced development of new extraction technologies, it is important that the EU remains technically aligned to achieve competitive advantages in Europe. The regulatory framework underlying shale gas exploration in Member States should be based on science-based facts and subsidiarity.
Energy taxation	The Presidency should build on the progress made by previous presidencies on new mechanisms for enabling and harmonising minimum rates of energy taxation across Member States.

Transport, Telecommunications and Energy

Issue

Recommendations

External dimension of EU energy policy

The safe and continuing supply of energy to Europe is necessary for the region's economic competitiveness and to keep attracting investment into the EU.

The EU's external energy policy should:

- Raise industry and business competitiveness;
- Ensure security of energy supply in line with growing global demand and competition for energy sources; and
- Continue to tackle climate change through the de-carbonisation of the global economy.

Future of transport

A level playing field in the revised EU policy for transport should be ensured, as well as a balanced approach towards all modes of transport. The following principles should be reflected in EU policy:

- The European economy is dependent on reliable, affordable transport and without it, economic recovery will be threatened;
- Investments are needed in transport infrastructure and in fleet renewals;
- Co-modality and a level playing field need to be ensured through a holistic approach; and
- Cost efficiency can and must be at the heart of any solution to decrease CO₂ emissions and increase safety in the transport sector.

Freight transport logistics

We welcome the inclusion of logistics in transport policy and ask for the following:

- **Level playing field:** each transport mode should compete fairly on the basis of its own advantages and challenges with the focus placed on the best practices and technologies available worldwide;
- **Infrastructure:** new and improved infrastructure is needed to reduce disruptive events and optimise capacity utilisation. Revenues generated by infrastructure charging should be reinvested into transport infrastructure;
- **Expectations:** the full supply chain – including customer expectations– must be considered; and
- **Transatlantic cooperation:** inter-operability of logistics standards should be a priority.

EU project bonds

AmCham EU supports the European project bonds and public-private partnerships. Well-managed pilot programmes can demonstrate the leverage factor and could significantly contribute to reversing the net decline in European investment over the last 30 years.

EU project bonds are part of the toolbox, but they cannot replace Member States' responsibilities for public investment and structural reform. They should be supplementary to a strong European commitment to the completion of TEN-Ts/TEN-Es, a strong regional policy, an ambitious lending policy from the European Investment Bank and the earmarking of revenues.

EU project bonds should not lead to financial market distortion or market access restrictions; they should support the EU's objectives while protecting the principles of technology neutrality.

Transport, Telecommunications and Energy

Issue

Recommendations

Aviation biofuels

We support the conclusions of the 'Future of Transport White Paper', which states that sustainable biofuels can play a role in addressing emissions from aviation.

Measures to support aviation biofuel development and commercialisation should include a practical implementation of the 'zero rating' provision, accounting for the use of biofuels in the aviation ETS Directive that is consistent with the aviation fuel distribution system. We support a purchase-based methodology, as indicated by the regulation on ETS monitoring and reporting and a practical interpretation by Member States of the regulation's related guidelines in order to ensure consistent application of the methodology.

Europe needs to integrate the different and fragmented incentives for renewable energy/sustainable biofuels into a consistent framework that allows all carbon reduction technologies to compete on an equal basis. This would enable the business and investment communities to respond to demand for sustainable aviation biofuels. We support strong and stringent sustainability criteria and globally harmonised sustainability standards for aviation biofuels.

Urban mobility

We support the following principles related to urban mobility:

- Using existing potential to improve air quality: air quality in cities has already significantly improved in recent years. Additional measures (green/environmental zoning, window times and urban charging) should go through cost-effectiveness, efficiency and proportionality tests.
- Setting consistent and regionally harmonised city access standards: transport and logistics activities do not commence or stop at the borders of urban areas, but are in most cases part of international supply chains. If city access restrictions are deemed appropriate – as a last resort to combat congestion and reduce CO2 emission levels – these restrictions should be consistent and regionally harmonised.
- Supporting economic activity: striking a good balance between residential development and commercial activity is fundamental to making cities economically viable and attractive. As the origin/destination of most passenger and freight transport; urban areas should be equipped for good access to public transport and efficient delivery networks to supply shops and businesses.

“Latvia has been working and will be working to improve its transportation and logistics sector offering the best services for our customers and shippers.”

Edgars Rinkēvičs

Latvian Foreign Minister

Transport, Telecommunications and Energy

Issue

Recommendations

Rail package

We believe that the rail market reform should go hand in hand with maintaining a level-playing field across all modes of transport with the necessary infrastructure investments. Rail network management and ownership should be separate from operational activities and an independent regulator is needed.

Air Quality Package - Medium combustion plants (MCP) and National Emissions Ceiling Directive (NEC)

MCP

We believe there should be no overlap between installations subject to the MCP and those subject to IED (ex: smaller installations associated with IED installations.) This would only entail double reporting and not add to any additional reductions of air pollution from PM, NO_x and SO_x.

We are also concerned this overlap would undermine the effective integrated management of emissions at plant level (bubble concept) by singling out specific components.

Regarding the provisions allowing for stricter limits in areas of higher air pollution (so called 'hot spots'), AmCham EU is concerned about the lack of clarity surrounding the identification of these geographical zones and on the additional measures that will be required. The process of selecting 'hot spots' must be managed in a predictable manner since the emissions limit foreseen are very demanding.

NEC

Although we understand that the NEC Directive is primarily directed at Member States, AmCham EU would like the Presidency to ensure there is a fair burden sharing among different emitting sectors.

The European Commission wants greater progress reducing emissions from agriculture, households (boilers) and small industrial installations by 2025. AmCham EU believes it would not be effective to place the entire burden on industry to make up for the fact that it may be hard for Member States to enforce reductions from agriculture and households.

"Latvia is leading the way at European level in areas such as the digital economy, broadband development and opening access to data."

Angel Gurría
Secretary-General of the OECD

Transport, Telecommunications and Energy

Issue

Broadband and spectrum:
towards a Digital Single
Market

Recommendations

Broadband

We support a comprehensive policy approach to foster high investment levels in both fixed and mobile next generation access infrastructures. We agree that this is a prerequisite for Europe not to lag behind other parts of the world, thus maintaining a solid digital platform for innovation.

The Presidency should continue to encourage the targeted use of European and national funds to help finance the deployment of fixed and wireless broadband networks. It is however important that public sector funding does not create disincentives for private investment in new areas and/or distort competition in already competitive broadband markets.

We advocate for the creation of a more consistent regulatory environment in information and communications technologies. Today, there is still a high-level of fragmentation in European communications markets mainly due to divergent regulatory approaches to comparable market situations. We support work aimed to tackle remaining obstacles to the completion of a full Digital Single Market.



Transport, Telecommunications and Energy

Issue

Recommendations

Broadband and spectrum: towards a Digital Single Market (continued)

Spectrum

Spectrum management should be seen as a priority because of the explosion in growth of mobile broadband traffic; the potential and benefits of wireless broadband for closing the digital gap are tremendous and favour the emergence of new services and applications for the benefit of the consumer and the EU economy.

It is also important that EU and US authorities coordinate and study measures for enabling the growth of the wireless sector, in particular looking into issues around innovation and freeing-up additional spectrum. Spectrum is the lifeblood of mobile Internet and supply is not keeping up with consumer demand. The most important thing that governments can do is release more spectrum so that consumers can continue to drive the market they created by unleashing the power of technology.

The Presidency should support a Wireless Action Plan that finds more spectrum and ensures further harmonisation of spectrum management throughout the Member States bringing closer assignment conditions across Europe.

Cloud computing

We welcome the European Commission strategy document, 'Unleashing the Potential of Cloud Computing in Europe'.

We call on policy-makers to consider opportunities for facilitating responsible global information flows by evaluating interoperability of EU and US frameworks and by developing a global policy framework for the cloud. Greater harmonisation or interoperability across existing EU and global legal regimes will further enable businesses to adopt new technologies and implement new business models that can spur economic growth and provide societal benefit.

European and US companies have a substantial economic need for cross-border data flows between countries and regions with very different privacy regimes. An interoperable international privacy regime that recognises differing privacy rules (such as the US multi-stakeholder process) to the greatest extent possible and honours these rules would greatly accommodate companies operating in multiple jurisdictions and facilitate global economic growth.

Participation in international standards organisations and adoption of globally-accepted standards relating to cloud computing are important elements in ensuring that the full benefits of cloud computing can be realised.

Transport, Telecommunications and Energy

Issue

Recommendations

Cybersecurity/ Network and Information Security (NIS)

We believe that governments and industry have a mutual desire to maintain and improve network and information security. The threat landscape is in constant evolution and the private sector requires flexibility to respond without heavy-handed regulation stifling security innovation. The government has an important role to ensure the legal framework is conducive to information sharing; recognising the global nature of cyberspace and framing policy accordingly; positioning the EU alongside its strategic partners; strengthening coordination between public sector security institutions; conducting cyber exercises to improve preparedness; adopting appropriate legal frameworks and providing resources to go after cybercriminals and undertaking education and awareness activities to better inform and equip citizens and businesses.

With that in mind, we have voiced concerns with the Commission's proposal for a NIS Directive, highlighting in particular the risk of a move away from working in partnership with industry and bi-directional sharing of information and resources toward disproportionately top-down, uni-directional requirements on industry. That, we think, would threaten to undermine trust and weaken, as opposed to strengthen security. We believe the European Parliament's first reading made very good and important steps towards restoring the right balance between setting a common and harmonious baseline of risk-based requirements, preserving sufficient flexibility for compliance and at the same time encouraging effective cooperation between the public and private sectors. We encourage the Presidency to carefully consider the Parliament's report and to drive the Council discussions towards an agreement along similar lines.

More in particular, we believe that the proportionate, necessary and effective way of scoping the Directive is to focus it on critical operators only. The provisions applying to the market operators should provide adequate safeguards against uncontrolled disclosure of vulnerabilities and other sensitive information. Additionally they should be so designed as to limit the risk of fragmented enforcement and of interference in the design and manufacture of products.

Moreover, we remain concerned that certain initiatives envisaged in the Commission Communication on cybersecurity published alongside the draft directive to achieve a Single Market for cybersecurity products could undermine existing international agreements, for example on product assurance, and prescribe solutions and procedures that could end-up weakening security and erecting new market barriers quite inconsistently with the efforts that the EU is otherwise deploying to prevent or remove such barriers in third countries.

Internet governance

The decentralised and multi-stakeholder process has enabled the Internet's evolution across the world and it will be crucial for the Internet's future success. Given the rapid pace of technological change, any framework for Internet governance needs to be guided by fundamental principles for international cooperation. To protect and preserve the economic and social opportunity made possible by Internet investment and innovation, it is absolutely crucial for the Internet governance process to be transparent and open to all stakeholders. Accordingly, multi-stakeholder organisations involved in Internet-related issues have shared common characteristics, such as open stakeholder participation, consensus-based decision-making, information sharing, outreach and collaboration.

Environment

Issue

Recommendations

Climate change and 2030 Climate and Energy Roadmap

We have a keen interest in EU energy and climate policies and promote a balanced approach between the objectives of security of supply, sustainability and competitiveness to transition to a low-carbon economy at the lowest possible cost.

(Also relevant for the Energy and Competitiveness Councils)

We believe that in order to re-launch investments and drive the move towards a low carbon economy the EU must improve the governance, clarity and predictability of the 2030 climate and energy package.

We therefore support:

- The completion of the internal energy market;
- A diverse mix of energy sources, including renewables, nuclear, coal and conventional and unconventional oil and gas;
- Leveraging the potential of energy efficiency;
- Investing in infrastructure; and
- Integrating the external dimension of energy and climate policies.

Nanomaterials

Nanotechnologies are considered the new industrial revolution with extremely promising results and a potentially competitive edge for Europe. If regulation is too rigid it could stifle the development of technology that has the potential to be a driver of growth in the transatlantic market.

AmCham EU is currently waiting to assess the Commission's communications and policy proposals to construct a suitable EU-wide regulatory approach for nanotechnologies for each industry sector. We believe that:

- The development of national requirements at Member State level will harm legal certainty and the free movement of goods;
- Harmonisation of EU regulation with international and US regulatory authorities should be developed as far as possible; otherwise growth opportunities associated with nanos might simply bypass Europe;
- Nanomaterials regulation should be science-based, technically suitable and enforceable; and
- The Presidency should work toward establishing legal certainty to ensure a stable and harmonised market for nanomaterials.

REACH substances vs articles debate

Since the adoption of the REACH Regulation our members have been working toward compliance. This is of paramount importance and requires an enormous effort. Our members based their tools, processes and certification systems on the current text, i.e. putting into place the systems to get information on substances of very high concern (SVHC) in articles as supplied, at the level of 0.1% of finished article. This approach was confirmed by the European Commission Legal Service opinion of 2007. We are concerned by the current discussions and the persistence of some countries to deviate from this interpretation. We would like to reiterate that REACH is a regulation and that uniform interpretation of its provisions is key for compliance.

We urge the European Commission (CARACAL, ECHA) to end the debate on thresholds, to strictly read articles 7 and 33 as confirmed by the existing legal service opinion and to enforce REACH based on the approach of 0.1% SVHC being applied to the article as supplied, be it an article manufactured in the EU or an imported article, a complex article or a simple article.

Environment

Issue

**SVHC Roadmap:
More predictable and
efficient regulation of
substances, through the
risk management option
analysis**

Recommendations

In 2013 the Commission released an 'SVHC Roadmap to help streamline the process of targeting substances under REACH.

The objective is to help ensure there is no duplication of effort between Member State authorities and that the right procedures of REACH are selected to regulate the identified risks.

We applaud the Commission document and its objectives, particularly when it proposes to extend this assessment to asking whether EU sectoral legislation may not, in some cases be a better regularly tool to manage risk than REACH.

We are active on this debate, raising awareness of the document and subsequent implementation plan by ECHA, with national authorities active in sectoral legislation. We encourage the Presidency to keep this document in mind as it addresses sectoral legislation that impacts the availability of chemicals on the Single Market.

**Resource efficiency and
EU circular economy**

We look forward to the release of the Commission's 'circular economy report' as it recognises the need to consider waste a resource and will hopefully lead to an EU economy that is as close to waste-free as possible and allows for sustainable consumption.

Industry is increasingly mindful of its impact on natural resources and understands that building a market where waste is a resource will require a transformation in both commercial and individual behaviour and suggests that this is not yet well enough considered in everyday choices by EU citizens.



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For further information on any issue listed in this document please feel free to contact **Karim Lesina**, the Presidency Group Chair at presidency@amchameu.eu. For specific policy areas, the chairs of our sectoral committees listed above would be happy to discuss any of the issues in more detail.



AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate US investment in Europe totalled €2 trillion in 2013 and directly supports more than 4.3 million jobs in Europe.

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