

Implementation of the Economic Initiative of the June 2005 EU-US Summit: Joint EU-US Work Programme

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1. Promoting regulatory and standards cooperation

“Our aim is to build effective mechanisms to promote better quality regulation, minimize unnecessary regulatory divergences to facilitate transatlantic trade and investment and increase consumer confidence in the transatlantic market” (2005 EU-US Economic Initiative)

Objectives:

- Implementation of the 2005 Roadmap for EU-US Regulatory Cooperation (including pursuit of the identified fifteen sectoral initiatives, establishment of the EC-OMB Dialogue, identification of resources and mechanisms to support exchanges of EU and US regulatory experts; and consideration of possible new regulatory cooperation activities); and
- Initiation of a program of events for the high level Regulatory Cooperation Forum called for by the 2005 Summit.

Specific Activities:

a. Implementation of Regulatory Cooperation activities between European Commission and US authorities according to the 2005 Roadmap

(i) Sectoral dialogues with individual work plans/agendas in 15 specific areas: Pursue work on: Pharmaceuticals, Automobile Safety, Information and Communications Technology Standards in Regulations, Cosmetics, Consumer Product Safety, Consumer Protection Enforcement Cooperation, Unfair Commercial Practices, Nutritional Labelling, Food Safety, Marine Equipment, Eco-Design, Chemicals, Energy Efficiency, Telecommunications and Radiocommunications Equipment, Electromagnetic Compatibility, and Medical Devices.

(ii) Horizontal EC-OMB dialogue: Pursue dialogue on general regulatory policies and practices related to better regulation, such as impact assessment methodologies, risk assessment methodologies and public consultation. First meeting: 28-30 September in Washington.

(iii) EU-US Experts Exchange Programme: Promote targeted exchanges of European and US regulatory experts and to identify resources to support such exchanges.

b. Initiation of a work program of the high-level Regulatory Cooperation Forum as described in the annex of the Summit Economic Initiative

Platform for activities related to “how we cooperate” on:

- cross-cutting regulatory cooperation topics: (a) of a general interest to regulators, such as, identifying an agreed set of best cooperative practices (“what works, what does not, what can be improved”) to be attached to the voluntary guidelines; promoting arrangements to support the sharing of confidential information under regulatory dialogues; and identifying anticipated regulatory needs; and/or (b) that are the responsibility of multiple regulatory authorities.
- future cooperative agenda: (a) exchanges of annual Commission and US regulatory work programmes; and (b) facilitating the implementation of regulatory dialogues.

We have identified the initial high-level Regulatory Cooperation Forum events as:

- 1) Conference on Good Regulatory Practices – early 2006, hosted by the European Commission in Brussels;
- 2) Best Cooperative Practices and U.S. and EC Regulatory Workplans – spring 2006, hosted by the USG in Washington D.C.

Participants: Participation will vary depending on the context of the specific event. Government officials should be sufficiently senior and informed to create the necessary political impetus to advance regulatory dialogue. Relevant Commission and US regulators, including participation from US Agencies and Community Regulatory Agencies, should be actively involved in the process. Representatives of Member States and of US sub-federal levels should be invited to events, as appropriate. The involvement of interested stakeholders is important and should be encouraged.

c. Promotion of Regulatory Cooperation outside the 2005 Roadmap

Consideration should be given to expanding the spectrum of EU-US regulatory cooperation activities, and possible links with Forum activities, where appropriate.

Measuring Progress:

Regulators will autonomously set their objectives and assess progress. Compiled work plans, jointly agreed upon by relevant European and US regulators, will constitute priorities for regulatory cooperation to be submitted annually at the EU-US Summit.

Defining Goals for the 2006 Summit:

Based on the objectives set by the regulators, progress achieved on the implementation of the 2005 Regulatory Cooperation Roadmap and the high level Regulatory Cooperation Forum, the 2006 Summit should encourage work on the future priorities for EU-US regulatory cooperation.

Timelines:

Agreed timelines should be developed for activities under the 2005 Regulatory Cooperation Roadmap and for the Forum.

Contacts:

The two sides have identified and exchanged a consolidated list of relevant contacts for regulatory cooperation activities under the 2005 Regulatory Cooperation Roadmap and the Forum. This contact list should be maintained.

2. Stimulating open and competitive capital markets

“Increase the integration and efficiency of our respective capital markets and work together to make transatlantic financial markets operate seamlessly. To achieve this, both sides will continue to use the EU-US Financial Markets Regulatory Dialogue (FMRD)” (2005 US-EU Economic Initiative)

Objectives:

Identify and discuss potential conflicts of laws and regulations while looking forward to ensure that U.S. and EU financial markets work together, allowing transatlantic financial markets to operate with maximum efficiency.

Specific Activities¹

Recent discussions include:

- Secretary Snow’s meeting with European MEPs in July;
- Meetings between SEC Commissioners and senior EC officials in September and October;
- Financial Services Committee (high level representatives from EU member states which advises EC on Financial Services Action Plan -FSAP) meeting attended by Federal Reserve Board Vice Chairman Roger Ferguson.
- FMRD meeting in July to discuss EU financial market policy priorities for 2005-2010, among other topics;
- SEC-Committee of European Securities Regulators (CESR) dialogue meeting in September to discuss securities market developments; and
- Meeting between the National Association of Insurers Commissioners (NAIC) and Committee of European Insurance and Occupational Pensions Supervisors (CEIOPS) to discuss reinsurance.

These discussions have contributed to the development of policy statements and work programs, such as the Commodity Futures Trading Commission (CFTC)-CESR common work program, agreed upon in June, to facilitate transatlantic derivatives business; and the NAIC White Paper on the pros and cons of reinsurance collateral. The FMRD discussions also have contributed to legislative measures that reflect US-EU cooperation, including the Capital Requirements Directive implementing Basel II approved by the Council and the EP. Another example is the Directive on Statutory Audit, which provides for effective cooperation between EU regulators and US Public Company Accounting Oversight Board (PCAOB). The SEC also brought forward its roadmap for acceptance of International Financial Reporting Standards (IFRS) without reconciliation to US Generally Accepted Accounting Principles (GAAP).

Upcoming discussions will focus on:

- Implementation and enforcement of financial market reforms;
- Promoting convergence of accounting standards;
- Encouraging competition among trade execution venues;
- Promoting deeper and wider capital markets;

¹ The Dialogue does not entail benchmarking, negotiation, *ex ante* deliverables and fully respects the internal decision-making processes of each party. Rather, progress in the Dialogue is demonstrated by carrying on the EU/US discussions and interactions, by achieving accommodations consistent with regulatory independence and supervisory requirements on particular issues where feasible, and by working together to build strengthened global best practices.

- Deregistration reform for non-US issuers in the United States;
- Insurance issues, including the elaboration of Solvency II in the EU and use of collateral for reinsurance in the US;
- Adoption and implementation of Basel II.

Contacts:

Financial Markets Regulatory Dialogue

- U.S. Lead: U.S. Treasury
- EU Lead: DG Internal Market and Services

3. Money laundering and terrorist financing cooperation

“The EU and the US share common concerns in the fight against corporate and financial fraud, money laundering, financing of terrorism, tax evasion, corruption and other malpractices. The Commission and Member States will work together with the US, as appropriate, to encourage adoption of the highest standards of transparency, exchange of information and cooperation among competent authorities” (2005 US-EU Economic Initiative).

The US and European Commission will continue their dialogue on AML/CFT issues through multi-lateral fora such as the Financial Action Task Force (FATF) as well as bilaterally through the US-EU Presidency informal terrorism finance dialogue. The ongoing informal dialogue between the U.S. Treasury and State Departments and DG Internal Market will continue to focus on coordinating AML/CFT legislation in both jurisdictions.

4. Spurring innovation and the development of technology

“The EU and the U.S. will increasingly rely on innovation and advanced technologies to stimulate economic growth and prosperity. Our aim is to increase synergies across the Atlantic as we become more knowledge-based economies.” (2005 EU-US Economic Initiative)

Objectives:

- Encouraging cooperation between sector specific experts, exchanging views on participation in multilateral initiatives using new technologies, and expanding existing ties to promote innovation policy and the commercial application of research output.
- Promoting the widespread use of Information and Communication Technologies (ICT) while tackling exclusion from the information society; harmonizing accessibility requirements and standards at an international level; and facilitating information exchange on existing legislation requirements.
- Establishing a EU-US dialogue on space.
- Establishing a EU-US dialogue on cyber-crime policy.
- Renew and reinforce the EU-US agreement on Higher Education and Vocational Training in the first half of 2006

Specific Activities:

4.1. Basic research and science policy

Objectives: Encourage cooperation between the National Science Foundation and the European Research Council.

Activities: Extensive cooperation at various levels; U.S. participation in 7th Framework Research Program; “Perspectives in the Future of Science and Technology” conference series.

4.2. Space

Objectives: Promote cooperation on the use of civilian space-based technologies. Exchange of views on participation in multilateral initiatives using space technologies to improve living conditions; increasing access to information and education in developing countries; and EU-US interoperability issues.

Activities: Two preparatory meetings; meeting of the dialogue planned via DVC. Exchange of terms of reference (TOR).

4.3. Nanotechnology

Objectives: Promote science and technology cooperation in nanotechnology; coordinate calls for proposals; and provide for joint review of proposals.

Activities: Coordinated calls for proposals for joint EU-US research and other initiatives and International Dialogue for the Responsible Development of Nanotechnology.

4.4. Higher education and vocational training

Objectives: Renew and reinforce the EU-US agreement on Higher Education and Vocational Training, which includes the Fulbright/European Union programme; boost education cooperation and transatlantic exchanges between citizens.

Activities: Negotiate and conclude a new agreement in the first half of 2006. Launch the implementation of a reinforced cooperation programme, including the Fulbright-Schuman scheme.

4.5. *Innovation policy and commercialization of research output*

Objectives: Build on cooperation between DG Enterprise and the Department of Commerce to promote exchange on innovation policy and on the encouragement of commercial application of output from research.

Activities: Gutierrez-Verheugen exchange on priorities in innovation cooperation; Venture capital event and follow-up; workshops on EU-US Innovation Performance; exchange of information and best practices regarding innovation measurement, policy learning, and cooperation to support firms entering the transatlantic market.

4.6. *e-Accessibility*

Objectives: Promote widespread use of Information and Communication Technologies (ICT) while tackling exclusion from the information society, notably amongst the elderly and people with disabilities; seek harmonization of accessibility requirements and standards at international level; and facilitation of information exchange on requirements of existing legislation.

Activities: Meeting in Brussels in December 2005; Workshop “Demonstrating Conformance with eAccessibility Requirements in ICT Products and Services”, 27 March 2006 in Brussels.

4.7. *Application of innovative technologies*

Objectives: Jointly explore potential impact of Radio Frequency Identification (RFID) on economic growth, business and public policy. Review key issues in the application and development of RFID, the nature of each other’s initiatives, assessments of impact and the possibilities for collaborative research. Examine societal, privacy, technological and regulatory aspects of concern to industry, the public sector and NGOs.

Activities: IT 2010 Conference in London; informal US-EC discussions on RFID; RFID workshop on interoperability first quarter of 2006 in Brussels; OECD/ICCP RFID Forum in Paris; and interagency EU-US RFID DVCs throughout fall and winter.

4.8. *Intelligent Transport Systems*

Objectives: Encourage collaboration on development and take-up of Intelligent Transport Systems/Telematics (ITS) for intelligent vehicles

Activities: Intelligent Vehicle Highway Automation Task Force, eSafety International Coordination Working Group, International Benefits, Evaluation, Costs Committee, World Road Association, International Scanning Program, Intelligent Transport Systems World Congress.

4.9. *Cyber-security*

Objectives: Establish EU-US dialogue on cyber-crime policy, including issues related to the importance of industry-government cooperation, protection of critical information infrastructure, terrorist use of the internet, identity theft, admissibility of electronic evidence and combating online child pornography.

Activities: OECD Working party on Information Security and Privacy (WPISP); Department of Homeland Security (DHS)-German Ministry of Interior conference on Cyber Security; Federal Trade Commission (FTC)-Commission discussions on identity theft; EU-US meetings upon release of EU cyber-crime policy; the High-Tech Crime Subgroup of the G8, at least two committees of the Council of Europe, the London Action Plan regarding spam, the World Summit on the Information Society and several other UN bodies, the Organization for Security and Cooperation in Europe, bi- and multilateral events on critical information infrastructure protection, and bi- and multilateral law enforcement events.

4.10. Internet purchases

Objectives: Continue to work together in the OECD to explore ways to promote establishment of voluntary industry-led mechanisms to provide consumers avenues for addressing problems in international internet purchases.

Activities: Work in OECD; discussions re ways to promote public awareness of available avenues of redress.

4.11. Countering spam, spyware and malware

Objectives: Strengthening cooperation on enforcement at the bilateral level and cooperating at the multilateral level to raise awareness among third countries about the need to tackle spam.

Activities: OECD activities such as the Spam Task Force and the OECD Consumer Policy Committee Meeting; Joint London Action Plan-Contact Network of Spam Enforcement Authorities (CNSA) workshop on spam enforcement 3-4 November London; London Action Plan; continuing dialogue with INFOSOC; bilateral contacts between the European Commission, the Federal Trade Commission and the Federal Communications Commission; and World Summit on Information Society follow-up.

4.12. Health and medical technologies

Objectives: To exchange information on research and technological developments in molecular imaging; to explore opportunities for joint activities and other potential collaborative efforts.

Activities: U.S. interagency visit to Brussels and Berlin; International Avian Flu Partnership (IPAPI), close cooperation on avian flu capacity building and assistance; Department of Health and Human Services Deputy Secretary Alex Azar visit to Brussels; FDA and Commission work on EU-US Medical Devices Mutual Recognition Agreement; DoC meeting with medical devices and pharmaceuticals associations; EU-US workshop on molecular imaging, and identification of additional areas of discussion is planned in the context of the EC-US Task Force on Biotechnology Research.

Measuring Progress:

Compiled work plans, jointly agreed upon by relevant European and U.S. officials, will constitute priorities for innovation and technology cooperation to be submitted annually at the EU-US Summit.

Defining Goals for the 2006 Summit:

Based on the jointly agreed work plans and the progress achieved on their implementation, leaders at the 2006 Summit should encourage work on the future priorities for EU-US cooperation in fields of innovation and technology.

Timelines:

Agreed timelines should be developed as part of work plans.

Contacts:

The two sides will identify and exchange a consolidated list of relevant contacts for innovation and technology cooperation activities.

5. Enhancing Trade, Travel and Security

"Our aim is to create a more secure and efficient transatlantic and global supply chain by developing and adopting effective, compatible security standards and customs benefits"
(2005 EU-US Economic Initiative)

5.1. Visa exempt travel

Objectives:

- Establish clear and comprehensive Country Road Map processes for all non-Visa Waiver Programme (VWP) EU Member States providing a pathway for non-VWP EU Member States to meet the requirements and to join the U.S. VWP.
- Promote public understanding of and EU member state implementation of VWP requirements.

Specific Activities:

- Develop and implement comprehensive and specific country road maps for all non-VWP EU Member States covering statutory and non-statutory aspects, with appropriate benchmarks.
- Work together to promote visa waiver status and use consular committees in all EU Member States seeking entry into the VWP to further refine individual country plans, including mechanisms for measuring progress.
- EU and EU non-VWP Member States will undertake public campaigns to promote better understanding of VWP requirements.

5.2. “Trusted Person” initiative

Objectives:

- Establish parameters for a mechanism to define a class of "trusted persons" and facilitate transatlantic travel by these persons for business or tourist purposes.

Specific Activities:

- Assess the impact of the pilot “trusted traveller” programs set up in cooperation with individual EU Member States.

5.3. World Customs Organisation (WCO) Council Framework

Objectives:

- The broadest possible adoption and implementation of the WCO Council Framework of Standards for supply chain security and facilitation.

Specific Activities:

- Legislative or regulatory action to implement the WCO Framework of Standards in the U.S. and EU.
- Joint activities to promote adoption and implementation of the WCO Framework in third countries.

5.4. EU Authorised Economic Operator (AEO) and US Customs-Trade Partnership Against Terrorism Programme (C-TPAT)

Objectives:

- Create in-depth knowledge and understanding of US and EU industry partnership programmes.

- Identify similarities and differences in standards and decision making processes between C-TPAT and the EU concept of Authorised Economic Operator.
- Propose security standards and decision-making processes to develop mutually acceptable industry partnership programmes to improve security and facilitation within transatlantic supply chains.

Specific Activities:

- Conduct a joint study comparing C-TPAT and the EU process to authorize companies for customs procedures, including the draft requirements for the new Authorised Economic Operator concept.
- Use the EU-US Expert Group on industry partnerships and trade facilitation to report on the joint study and draft recommendations to the JCCC on achieving mutual recognition between the AEO and C-TPAT.
- Completion and entry into force of implementing regulation outlining the requirements for the AEO, taking into account the report and recommendations of the Expert Group (EU).

5.5. Air transport security and cargo traffic

Objectives:

- Establish a dialogue on air cargo security policy leading to confidence building and mutual recognition of equivalencies in existing air cargo standards.
- Develop arrangements under the ongoing regulatory dialogues to support sharing of confidential information on air cargo issues.

Specific Activities:

- Continue meetings of the EU-US Air Cargo Working Group.
- Hold a workshop on air cargo screening best practices in January-February 2006
- Conduct joint air cargo security training activities and airport visits in Autumn 2005 and Spring 2006.

5.6. Security-related technologies

Objectives:

- Create a better mutual understanding of EU and U.S. security technology research programs.
- Explore avenues of cooperation in security technology research.
- Share experiences, lessons learned, and best practices.

Specific Activities:

- Establish a security technology working group, which could:
 - promote transparency, by identifying who does what;
 - discuss steps needed to establish cooperative activities;
 - report regularly on progress towards cooperation.
- Facilitate transatlantic participation in security technology R&D activities under EU Frameworks and U.S. programs.

All issues :

Measuring Progress:

Implementers will establish work plans and assess progress on specific activities. The EU-US

Policy Dialogue on Border and Transportation Security will continue to monitor implementation of these activities and the Summit will assess progress in relation to overall objectives.

Defining Goals for the 2006 Summit:

Goals should be defined based on work plans related to specific activities.

Timelines:

Agreed timelines should be developed for specific activities taking into account work plans and Summit goals.

Contacts:

Principal contacts are DGs JLS, TAXUD and TREN and the U.S. Department of Homeland Security.

The two sides have identified and exchanged a consolidated list of relevant contacts.

6. Promoting Energy Efficiency

“The EU and the US will work together, to advance energy security, renewables, energy efficiency and economic development” (2005 EU-US Economic Initiative)

Objectives:

- *Assist developing countries* to access modern and sustainable energy services, with initial focus on Sub-Saharan Africa.
- Establish a framework for international co-operation to develop and apply technologies for long-term *carbon sequestration*.
- A coordinated EU-U.S. approach to *hydrogen*, including through the International Partnership for the Hydrogen Economy (IPHE).
- Co-operation on and harmonization of *nuclear safety* measures, consistent with the Nuclear Safety Convention.
- Define scope and priorities for EU-US cooperation on development and use of *renewable energy and energy efficiency* worldwide.
- Develop *clean transport* technologies markets.
- Establish the Methane to Market Partnership as an effective instrument for developing strategies and markets for the recovery and use of *methane*.

Specific activities:

a. Developing Countries

- i. Intensify the EU/USAID energy and development policy dialogue.
- ii. Support energy policy development in the developing world, especially in Africa.
- iii. Coordinate EU and US energy activities in Africa.
- iv. Encourage private sector contributions to energy poverty reduction.
- v. Develop Public-Private Partnerships to deliver energy services to poor areas.
- vi. Promote energy-related activities in multilateral fora such as the Commission on Sustainable Development (CSD) and World Bank.

b. Carbon Sequestration/Carbon Sequestration Leadership Forum:

- i. Advance R&D cooperation to develop and deploy carbon sequestration systems.
- ii. Mobilize third countries to develop and use carbon sequestration technologies.
- iii. Lead development/implementation of global standards for geological CO₂ storage.
- iv. Explore amending OSPAR (Oslo-Paris Convention) and the London Convention to secure CO₂ storage in undersea geological formations.
- v. Develop proposals for credits/tradable certificates for carbon storage projects.

c. Hydrogen

- i. Develop cooperation on fuel cells under the 2003 Amendment to the DOE/EC Implementing Agreement for non-nuclear energy cooperation.
- ii. Use the IPHE to mobilize third countries to develop and use hydrogen technologies.

d. Nuclear

- i. Review and update the Administrative Arrangements under the 1996 US-Euratom Agreement, finalize outstanding actions, and improve reporting under the agreement.
- ii. Improve bilateral dialogue, and consider establishing EC-US working groups to exchange experiences on implementing standards, regulations, and agreements.

- iii. Complete Euratom accession to the Generation IV International Forum (GIF) Framework Agreement, when agreed.

e. Renewable Energy and Energy Efficiency

- i. Promote globally accepted standards for energy efficiency improvements in information and communication technology and consumer electronics.
- ii. Harmonize standards to increase market share of efficient lighting technologies.
- iii. Share experiences on market transformation policies, and explore cooperation in this area
- iv. Exchange views on public procurement as a tool to foster energy efficiency.
- v. Renew the agreement EU-US agreement on the Energy Star Program.
- vi. Cooperation on second generation bio-fuels, including standards for bio-ethanol.
- vii. Set up an EU-US mechanism to assist developing countries to invest in renewables and efficiency, including through the G8, UN and World Bank.
- viii. A joint workshop on second generation bio-fuels, with industry participation, as a forum where industrial partnerships can be built.
- ix. Establish procedures for simultaneous calls for research proposals. Organize workshops to create a better interface between research communities.

f. Clean Transport

- i. Strengthen cooperation between the U.S. Clean Cities Program and the EC CIVITAS Initiative.
- ii. EC/US-DOE workshop to review current co-operation and define work program.

g. Methane/Methane to Markets Partnership

- i. Use the Partnership to mobilize third countries on methane technologies.
- ii. Explore possibilities for the European Commission to join the Partnership.
- iii. Prepare basis document on EU-US cooperation to promote methane recovery and use in major emitting countries.

For all issues:

Measuring Progress:

Implementers will establish work plans and assess progress on specific activities. The Summit will assess progress in relation to overall objectives.

Defining Goals for the 2006 Summit:

Goals should be defined based on work plans related to specific activities.

Timelines:

Agreed timelines should be developed for specific activities taking into account work plans and Summit goals.

Contacts:

Principal contacts are DG TREN and the U.S. Department of Energy.

7. Intellectual Property Rights (IPR)

7.1. Fight against Counterfeiting and Piracy

“Growing global piracy and counterfeiting threatens the competitiveness of innovative industries, the livelihoods of creative artists and workers, and the health and safety of consumers in the European Union, the United States and beyond. We are committed to effectively combating piracy and counterfeiting at home and abroad” (2005 EU-US Economic Initiative)

At the 2005 EU-US Summit, leaders agreed that working more effectively among ourselves to combat piracy and counterfeiting is a priority. Leaders highlighted our commitment to strengthen cooperation by:

- Promoting Strong and Effective Enforcement Internally and at our Borders;
- Strengthening Cooperation to Reduce Global Piracy and Counterfeiting; and
- Fostering Public-Private Partnerships to Protect Intellectual Property.

Objectives

An IPR Enforcement Cooperation Strategy and report on actions taken to date will be produced for the 2006 EU-US Summit.

A working group is being established to develop the strategy, and using existing channels where appropriate, by focusing on:

- customs cooperation/border enforcement,
- strengthening cooperation with and in third countries through coordinated training and diplomatic efforts with respect to enforcement,
- public private partnerships and awareness; and,
- relevant aspects of work on enforcement done in other fora (like Asia-Pacific Economic Cooperation (APEC) guidelines, EU and Member State IPR strategies).

The working group will be named by January 30, 2006.

Specific Activities

The working group should consider the following and additional ideas, consistent with the Summit Statement “EU-US Working Together to Fight Against Global Piracy and Counterfeiting”, in preparing the IPR Enforcement Cooperation Strategy.

Customs Cooperation/Border enforcement.

1. Cooperation on a Border Security Initiative: Working cooperatively on a specific enforcement initiative to help build networks among border security agencies, facilitate sharing and concrete application of effective border enforcement techniques, generate lessons learned, and provide measurable results of reducing counterfeiting through enforcement. Customs officials should focus on specific goods.

2. Consensus on a Best Practice for IPR Detection: Exchange new innovative border enforcement techniques to supplement current customs IPR efforts and provide an opportunity for participants to consider comparable programs within their own systems. Exchange of ideas in this venue could encompass the sharing of best practices, lessons learned and relevant operational programs with the goal of cooperating on a joint-effort that will strengthen the targeting of IPR infringing products.

3. Increased Information Exchange on Border IPR Enforcement: This could be accomplished in the framework of the EC-US Customs Co-operation agreement via a regular exchange of information.

The above work would be handled through the Joint Customs Cooperation Committee, a forum that is already established to direct customs cooperation, and that is developing a joint EC-US strategic plan for Customs enforcement activities which would be incorporated in the broad IPR Enforcement Cooperation Strategy envisioned herein.

Strengthening Cooperation and Enhancing IPR Enforcement in third countries.

4. Collaborating on technical assistance: Exchange of information on assistance efforts aimed at strengthening IP systems and enforcement. Cross-participation in seminars and training, when appropriate, will help to enhance awareness on intellectual property enforcement and to better use existing resources. Topics to discuss will focus in particular on effective law enforcement, border enforcement and examples of best practices for training judges, prosecutors, investigators and administrators. Such information exchange should also cover sharing assessments regarding the institutional capacity of the countries concerned and ways to enhance their commitment to enforcement measures

5. Collaboration and coordination regarding third countries: Coordinate efforts on a common enforcement message, sent through diplomatic channels. Efforts could be joint where beneficial or merely coordinated bilaterally.

6. Collaboration in the Trade Related Intellectual Property Services (TRIPS), World Intellectual Property Organisation (WIPO) and WCO frameworks: Exchange information and explore mutual support on enforcement related initiatives in the framework of TRIPS. We will constructively consider modalities for enhanced and effective European Community participation in WIPO/WCO activities relating to intellectual property rights enforcement.

Public-Private Partnerships and Awareness.

7. Enhancing Industry/Government Cooperation and Information-sharing: Using joint industry/government anti-counterfeiting and anti-piracy groups, such as the Trans-Atlantic Business Dialogue (TABD) IPR Working Group to provide the business sector with regular access to government, create opportunities to share information and work together to fight against IP theft, and help ensure that overall efforts are complementary. Governments could also partner with private sector organizations to publish online comprehensive information on securing and protecting IP rights to assist domestic rights holders in navigating their own government's resources, and to provide greater transparency for foreign rights holders. The United States' www.StopFakes.gov, as well as the European Commission's IPR Enforcement Survey, whose results will soon be published are possible examples.

Measuring progress:

- Possible mutual support for the respective initiatives.
- Number of exchanges (operational information/risk management techniques/officials) and possibly increased customs seizures)
- Number of coordinated enforcement messages
- Contacts with all relevant stakeholders.

Defining Goals for the 2006 Summit:

Endorsement of the IPR Enforcement Cooperation Strategy and report on actions taken to date.

Timelines:

- JCCC meeting in early 2006
- Working Group to prepare overall strategy named by January 30, 2006
- Strategy drafted by April/May 2006
- EU-US Summit

7.2. International Substantive Patent System

"To enhance the effectiveness and efficiency of the patent system more generally, the EU and the US will work together to ensure progress in international fora"(2005 EU-US Economic Initiative)

Objectives:

Enhance the effectiveness and efficiency of the patent system generally to promote innovation, employment and competitiveness, building on the good contacts which are already underway.

Specific Activities

Enhance exchange of views on how to best move forward to arrive at an effective and efficient international substantive patent law system. This includes cooperation within WIPO and support of the plurilateral "Alexandria process".

Measuring progress

- Number of bilateral meetings (including video conferences) on the above issues.
- Contacts between officials involved on both sides of the Atlantic.

Contacts:

- US Lead: USPTO
- EU Lead: DG MARKT

8. Investment

“We agree to discuss any significant remaining obstacles to transatlantic investment that the other party identifies, and will consider how to address and reduce such obstacles with a view to promoting closer transatlantic economic integration” (2005 EU-US Economic Initiative)

Objectives:

With a view to promoting greater transatlantic economic integration and growth, jobs, competitiveness and consumer benefits,

- identify and consider how to reduce remaining obstacles to transatlantic investment;
- provide efficient and easily accessible information on investment regimes and policies to attract investment, with a special focus on informing small and medium enterprises.

Specific Activities:

Initial discussion of issues by experts foreseen for first quarter of 2006 on the following issues:

1. Consider and reduce remaining obstacles to transatlantic investment:

- a) Identification of main obstacles in close consultation with business and industry.
- b) Consideration of actions to reduce these obstacles.

2. Provide information on investment regimes and policies to attract investment

- a) EU: information on information tools on the EU investment regime, such as the Euro Info Centres (EICs) and Euro Info Correspondence Centres (EICC)s).
US: Information on how investment promotion is handled in the U.S.
- b) Consider ways to improve the exchange and dissemination of information (ex: develop the network of EICC)s in the US).

Measuring progress:

Regular contacts between officials with a view to reach Summit Goals.

Get feedback from industry.

Defining Goals for the 2006 Summit:

- To be determined during experts' discussions.
- Stocktaking of actions to improve mutual information on investment regimes.

Timelines:

To be determined.

9. Competition policy and enforcement

“... our authorities will explore ways to allow them to exchange certain confidential information, including with respect to international cartels” (2005 EU-US Economic Initiative)

Objectives:

Conclusion of an Agreement with the United States which allows the exchange of confidential information in investigations under the respective competition laws.

Specific Activities:

Ongoing contacts with the US authorities.

- Competition policy annual bilateral consultations (Washington, September 21, 2005) and other ad hoc meetings.
- Difficult legal issues relating to different enforcement procedures (criminal cartel enforcement in the U.S; administrative system in the EC) and rights of defence in cartel cases need to be resolved

No goals for 2006 or timelines foreseen for now.

Contacts:

- U.S. Lead: Department of Justice and Federal Trade Commission
- EU Lead: DG COMP

10. Procurement

“The EU and the U.S. should reinforce their co-ordination and co-operation with a view to fostering progress in plurilateral negotiations on government procurement, both via the GPA and via expansion of GPA membership. In addition, taking into account progress in other fora, notably the GPA, both sides will consider how to go beyond existing and future GPA commitments at the EU-US bilateral level. This could include enhancing the use of electronic procurement on both sides” (2005 EU-US Economic Initiative)

Objectives:

- Reinforce EU-US co-ordination and co-operation in the context of plurilateral negotiations on government procurement, both via the GPA and via expansion of GPA membership.
- In addition, taking into account progress in other fora, notably the GPA, both sides will consider how to go beyond existing and future GPA commitments at the EU-US bilateral level.

Specific Activities:

1. Commission and US authorities to discuss how to foster progress in ongoing GPA review.
2. Commission and US authorities to identify any legal, practical and technical difficulties encountered by their respective suppliers when tendering in the US or EU. The use of electronic procurement on both sides will be given due consideration in this context.
3. Commission and US authorities to discuss how to generate support, especially among non-OECD countries, for expanding membership in the GPA.

Measuring progress:

1. State of play of GPA negotiations
2. Identification of any legal, practical and technical barriers to cross border procurement between both Parties and consideration of ways to address them.
3. Identification of countries of interest and consideration of a strategy.

Defining Goals for the 2006 Summit:

- Stocktaking on activities 1, 2 and 3.

Timelines:

1. and 2. By 2006 Summit.
3. Report by 2007 Summit; possibly stakeholder events as from 2007.

11. Services

11.1. Mutual recognition of qualifications

“We encourage competent authorities on both sides to look into the mutual recognition of professional qualifications, notably in sectors where economic interest or need has been substantiated by suppliers and/or users of professional services, such as is the case in the field of architectural services” (2005 EU-US Economic Initiative)

Objectives:

Promote mutual recognition of professional qualifications in sectors where economic interest or need has been substantiated by suppliers and/or users of professional services.

Specific Activities:

- Commission and US authorities, in accordance with each side’s legal systems, to encourage professional associations to submit specific, concrete and feasible recommendations for pursuing mutual recognition in their sectors.
- Commission and US authorities to encourage EC regulators (Commission in contact with MS regulators) and US regulators to exchange information on regulatory regimes in those sectors where professions on both sides have shown a specific interest in pursuing mutual recognition
- Commission and US authorities, in close cooperation with all relevant regulators and professional associations, to identify best means for achieving mutual recognition in sectors where economic interest or need has been substantiated, in line with circumstances pertinent to each sector
- Commission and US government, in close cooperation with relevant regulators and professional associations, to consider options to promote progress in the field of architectural services, where an inter-professional arrangement between EC and US professional associations was signed on 18 November 2005.

Measuring progress:

- Number of professions having submitted specific, concrete and feasible recommendations.
- Extent to which each side’s requests for information have been satisfied
- Identifying best means to promote mutual recognition in relevant sectors.
- Status of preparatory work for negotiations connected to inter-professional arrangement in the field of architectural services.

Defining Goals for the 2006 Summit:

- Stocktaking on activities 1, 2, and 3.
- Ministerial support for progress in the field of architectural services

Timelines:

Will be developed as appropriate.

11.2. Air transport services

“We should continue cooperation on aviation issues, including safety, security and liberalization, including achievement of a comprehensive first-step EU-US air services agreement as soon as possible” (2005 EU-US Economic Initiative)

Objectives:

Conclude comprehensive EU-US air services agreement

Defining Goals for the 2006 Summit:

Signing the EU-US air services agreement before the next EU-US summit.