

TACD

TRANS ATLANTIC DIALOGUE TRANSATLANTIQUE
CONSUMER DIALOGUE DES CONSOMMATEURS

AGENDA for the 7th Meeting of the Transatlantic Consumer Dialogue

April 16 - 19, 2005, WASHINGTON, D.C.

Saturday 16 / Sunday 17 April

Internal TACD meetings

Venue: Washington Plaza Hotel, 10 Thomas Circle NW

Sunday 17 April

Internal TACD Working Group meetings

Venue: Washington Plaza Hotel, 10 Thomas Circle NW

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| 9.00 – 10.00 | State of TACD – meeting of all members addressed by TACD Steering Committee |
| 10.00 – 12.30 | Simultaneous WG meetings – Food, Internet, IP, Trade (see agendas on pages 7 and 8) |
| 12.30 – 14.00 | Lunch |
| 14.00 – 16.00 | Simultaneous Working Group meetings (see agendas on pages 7 and 8) |
| 16.00 – 17.00 | Cross-cutting meetings <ul style="list-style-type: none">• Digital Rights Management – preparation for discussion of DRM with governments on April 18, and general strategising on DRM issues• Agricultural Dumping – Review of agenda for and expectations for agricultural trade policy workshop on 19 April |
| 17.00 – | Miscellaneous meetings: <ul style="list-style-type: none">• Meeting of EU members on intellectual property• Food WG social event |

TACD Reception

Venue: **Hotel Rouge, 1315 16th Street NW**
19.00 – 21.00 Welcome cocktail / buffet hosted by TACD
Keynote address: Hal Stratton, Chairman of the U. S. Consumer Product Safety Commission
Commissioner Jon Leibowitz, Federal Trade Commission

Monday 18 April

Venue: U.S. Department of State, 2201 C Street, NW

08.15 – 09.00: Coffee, juice and pastries.

Get through security and then informally meet fellow delegates, reserve a seat and collect papers for the meeting

09.00 – 10.40: Opening Session

Building on the Stakeholders Consultation – the Transatlantic Marketplace that consumers need (*open to media*)

The state of U.S.-EU economic relations, the prospects and structure of the forthcoming reinvigorated Transatlantic Economic Partnership, and TACD's role within it.

Moderated by James Guest, President of Consumers Union

- E. Anthony Wayne, Assistant U.S. Secretary of State for Economic and Business Affairs
(Acting as Under Secretary of State)
- Ambassador John Bruton, Head of Delegation of the European Commission to the United States
- Markos Kyprianou, European Commissioner for Health and Consumer Protection
- Highlights of TACD's Recommendations: An invitation to the US and EU to create a TEP that is transparent, participatory and in the consumer interest – an EU and a US TACD Steering Committee member
- General discussion on issues arising from the presentations

10.40 – 11.00 Coffee Break

11.00 – 13.30: Working Group meetings (*closed meetings, discussions unattributable*)

- Trade WG (see page 5 for detailed agenda)
- Internet WG (see page 5-6 for detailed agenda)

13.30 – 14.45: Lunch

14.45 – 17.15: Working Group meetings (*closed meetings, discussions unattributable*)

- Food WG (see page 6 for detailed agenda)
- Intellectual Property WG (see page 6 for detailed agenda)

17.30 – 18.00 Wrap-up and look to the future (*open to media*)

Moderated by Jim Murray, Director of BEUC (TBC)

- Peter Chase, Peter Chase, Director of Regional Affairs, Bureau of European and Eurasian Affairs, State Department - response to the day's discussions
- Veronique Arnault, Head of Unit, DG Health and Consumer Protection, European Commission - response to the day's discussions
- TACD Steering Committee member - response to day's discussions, and announcement of TACD's priorities for the coming year

18.30 Reception at the European Commission Delegation

Venue: 2300 M Street, NW, Washington, DC 20037

Tuesday 19 April

Towards Fairer Food and Agricultural Markets

Venue: German Embassy to the United States, 4645 Reservoir Road NW

The workshop seeks to establish a broad basis of dialogue on food and agricultural policy. It will examine developments in the food chain, EU and US agricultural policy, and the WTO negotiations on reforming agricultural trade. We will discuss how fairer food and agricultural markets can be achieved.

9.00-9.30 Registration

9.30-10.15 **Welcome and overview of the workshop**

Rhoda Karpatkin, *President Emeritus* of Consumers Union

Phil Wall, Agricultural Trade Policy, Bureau of Economic and Business Affairs, U.S. State Department

Jean-Marc Trarieux, Agricultural Attaché, EC Delegation in Washington TBC

Friedrich Wacker, Minister-Counselor for Consumer Affairs, Food and Agriculture, German Embassy to the United States

10.15-10.30 Coffee

10.30-12.15 **Market share concentration in the food chain and consumer interests**

Steve Suppan, Institute for Agriculture and Trade Policy (moderator)

Mary Hendrickson, University of Missouri

Loek Boonekamp, OECD Agriculture Directorate food chain expert

Claudio Lara, Consumers International Latin America Office

12.15-1.30 Lunch

1.30-3.15 **Developments in EU and US Agricultural Policy**

Jill Johnstone, National Consumers Council (moderator)

Notis Lebessis, DG Agriculture, European Commission

Joseph Glauber, U.S. Department of Agriculture

Rasmus Kjedahl, President of BEUC, European Consumers Organisation

Daryll Ray, University of Tennessee-Knoxville

3.15-3.30 Coffee Break

3.45-5.30 **The WTO negotiations, agricultural dumping and TACD's proposals for reform**

Jim Murray, BEUC, European Consumers Organisation (moderator)

Office of the U.S. Trade Representative

Jean-Marc Trarieux, Agricultural Attaché, EC Delegation in Washington

Mark Ritchie, Institute for Agriculture and Trade Policy

Amadou Kanoute, Director of the Consumers International Africa Office

Closing remarks from **Jill Johnstone**, National Consumers Council and **Steve Suppan**, Institute for Agriculture and Trade Policy

TACD is very grateful to the **German Embassy** for providing the venue and refreshments, and to the **Heinrich Böll Foundation** for its support for this meeting.

Tuesday 19 April, 2005

Patents for Poets and Policy Wonks

Venue: Washington Plaza Hotel, 10 Thomas Circle NW

9.00 Introduction: **Felix Cohen** and **Ed Mierzwinski**, (TACD Steering Committee)

9.15 – 9.50 Opening comments by US government and European Commission

- **Jens Gaster**, DG Internal Market, European Commission
- **Paul Salmon**, US Patent and Trademark Office

9:50 - 10.15 What is a patent?

- **Josh Sarnoff**, American University, Washington College of Law

10.15 - 11.00 What should be patented?

Moderator – **Anna Fielder**, Consumers International

- Medicines – **Sarah Lenz Lock**, AARP
- Life forms - **Michael Hansen**, Consumers Union
- Methods of business and finance – **Phil Evans**, Which?

11.00 - 11.15 Break

11.15 – 12.30 What should be patented? (continued)

Moderator – **Karel Pavlik** (Czech consumer organisation SOS)

- Software - **Cornelia Kutterer**, BEUC (European Consumers Organisation)
- Education and teaching – **Manon Röss**, Consumer Project on Technology
- **John Love**, USPTO, TBC

12.30 - 1.30 Lunch

1.30 - 3.00 Patents on standards: What is the reform agenda?

Moderator – **Machiel van der Velde** (Consumentenbond – Netherlands)

- **Brian Kahin**, University of Michigan
- **Daniel Weitzner**, World Wide Web Consortium
- **Michelle Childs**, Consumer Project on Technology

Issues to discuss: Ideas on patents and standards, Ideas on essential interfaces

3.00 - 3.15 Break

3.15 – 4.45 Five miscellaneous policy wonk questions

Moderator – **Rhoda Karparkin** (President Emeritus of Consumers Union)

- World Intellectual Property Organisation TBC
- **Mark Silbergeld**, Consumer Federation of America
- **Brian Kahin**, University of Michigan
- **Stephen Merrill**, National Academy of Sciences
- **James Love**, Consumer Project on Technology

1. What is patent quality, and why is bad patent quality important to consumers?
2. What type of research exceptions are needed?
3. Should governments formally recognize humanitarian exceptions to patent rights?
4. How much can patents differ by field of technology?
5. What is the future of patent harmonization?

4:45 to 5:00 - Open discussion and next steps, chaired by **Machiel van der Velde** and **James Love** (co-chairs of TACD's IP Working Group).

TACD is very grateful to the **Rockefeller Foundation** and the **Open Society Institute** for its support for this meeting.

Working Group meetings with governments, Monday April 18 – detailed agendas

Trade Working Group, 11.00 – 13.30

Introductions and review of the meeting agenda, WG Co-chairs (5 mins)

1) REACH (1 hour)

Follow Up on TACD REACH recommendations:

- i) US government efforts to ensure balanced stakeholder consultation on REACH
 - ii) EPA efforts to consider the pros and cons of a REACH-like approach, costs of inaction on the chemicals front
 - iii) Policy recommendations to strengthen the REACH proposal
- Officials: US - John Shoaff (EPA), David Eastmond (Department of State) Penelope Naas (Department of Commerce); EC - Antti Karhunen (DG Enterprise)

2) Services (30 mins)

- i) What progress has been made in the Working Group on Domestic Regulations?
- ii) How do the US and EC see the implications of the Antigua Decision on the domestic situation in the US?

Officials: US - Robert Downes (State, Economic and Business Affairs); EC – Christian Burgsmüller (DG Trade)

3) US-EC Regulatory Cooperation (30 mins)

Response to recomms 1-5 in TACD Stakeholder Submission, and discussion of how they can be incorporated into EC-US model. (This will also cover some of the points raised in the opening plenary session).

- i) open transparent consultation model with parity for all stakeholders
- ii) recognise lack of regulation as impediment to trade and harmonize up
- iii) refrain from new trade disputes, resolve old ones

Officials: US - James Sanford (USTR); EC - Antti Karhunen (DG Enterprise)

Also present for various agenda points: EC - Véronique Arnault (DG Health and Consumer Protection), Peter Berz and Iren Borissova (EC Delegation to the US)

Internet Working Group, 11.00 – 13.30

Introductions and review of the meeting agenda, WG Co-chairs (5 mins)

1) Spam (45 mins)

- i) TACD will briefly review concerns about spam
- ii) The EU and US governments are asked to provide updates on the implementation of spam laws, to assess their effectiveness thus far, and to address what, if any, measures are being taken to harmonize spam laws and increase their effectiveness
- iii) The EU and US governments are asked to provide updates on spam enforcement activities, followed by discussion about what roles consumer organizations can play in cooperation with the governments to help enforce consumers' spam rights
- iv) The EU and US governments are asked to provide updates on their educational efforts, followed by discussion about what roles consumer organizations can play in cooperation with the governments to help educate the public.

Officials: US - Hugh Stevenson (FTC) and Elizabeth Shelton (Department of State), Lauren Saadat (Department of Commerce); EC – Anna Snow (EC Delegation to the US)

2) Airline passenger data (45 mins)

- i) TACD will briefly present concerns about EU and US government plans to share and use airline passenger data for security and law enforcement purposes
- ii) The EU and US governments will provide updates about the status of those plans, followed by discussion about the issues and how consumer organizations

can play a more active role in representing the public view as the decision making process continues.

- iii) Officials: US - Ted Kloth (State, Economic and Business Affairs), Maureen Cooney (Department of Homeland Security); EC - Lars-Olof Hollner / Christopher Ross (EC Delegation to the US)

3) Radio-Frequency Identification - RFID (40 mins)

- i) TACD will briefly present privacy and other concerns in regard to RFID
- ii) The EU and US governments will provide information on any legislation, rulemaking, or other government activities in regard to RFID, followed by discussion about the issues and how consumer organizations can play an active role in representing the public view as the governments formulate policies on this subject.

Officials: US - Cecily Holiday (Department of State), Hugh Stevenson (FTC); EC – Anna Snow, Telmo Baltazar (EC Delegation to the US)

Food Working Group, 14.45 – 17.15

Introductions and review of the meeting agenda, WG Co-chairs (5 mins)

1) GM foods (1 hour 10 mins)

- i) EU and US approach to co-existence and GM-free zones
- ii) WTO trade dispute
- iii) Codex discussions on GM labelling
- iv) GM and cloned animals - status within US

Officials: US - Debbie Malac (State, Economic and Business Affairs), EC – Basil Mathioudakis (DG SANCO)

2) Obesity and diet-related disease (1 hour 10 mins)

- i) approaches adopted by EU and US to tackling obesity and diet-related disease
- ii) Comparison of transatlantic marketing practices of multinational food companies
- iii) restrictions on the marketing of less healthful foods to children
- iv) reducing the use of trans fatty acids
- v) labelling issues (nutrition labelling, nutrition and health claims, fortification)

Officials: US - Hugh Stevenson (FTC), EC – Basil Mathioudakis (DG SANCO)

Intellectual Property Working Group, 14.45 – 17.15

Introductions and review of the meeting agenda, WG Co-chairs (5 mins)

1) Copyright

- i) Digital Rights Management
Discussion of how consumers are effected by DRM systems and Technical Protection Measures (TPMs), and how these new copyright technologies relate to fair use and access to knowledge. (45 minutes)

Officials: US - Michael Shapiro (U.S. Patent & Trademark Office); EC – Jens Gaster (DG Health and Consumer Protection)

- ii) Broadcasting Rights Treaty
Exploration of how such a treaty could effect ownership of information, and how discussions are progressing in WIPO. (30 minutes)

Officials: US - ; EC – Jens Gaster (DG Health and Consumer Protection)

2) Funding of Research and Development (R&D)

Presentation and discussion of TACD's proposals for a new trade framework related to medicines. This proposal is made in the context of the Doha Declaration that public health is more important than intellectual property, and with the aim of producing an R&D system that reduces drug prices and drives investment into addressing health priorities. (45 mins)

Officials: US - ; EC – Jens Gaster (DG Health and Consumer Protection)

Internal Working Group agendas, Sunday April 17, 2005

Food Working Group

10.00- 10.15 Introductions

10.15- 11.15 Developments on EU and US approaches to obesity/ diet-related disease including issues to raise with governments (including discussion lead by Harris Lazarides on the promotion of nutrition education in primary and secondary education (for teachers and children) as well as addressing the problem of school cafeterias / vending machines)

11.15 - 11.30 Discussion of trans fat resolution

11.30 - 11.45 Future TACD work on nutrition including Possible Generation Excess II

11.45 - 12.30 GM developments, including issues to raise with governments

- Co-existence and GM-free zones

- WTO dispute

- Codex and GM labelling

12.30 – 2.00 Lunch (including a 45-minute informal session for Food WG members to share with each other what they are doing at the national level)

2.00 - 2.30 GM developments and issues to raise with governments continued

- GM and cloned animals

2.30 - 2.45 Future TACD work on GM - how do we take it forward?

2.45 - 3.00 Update from Caroline Smith de Waal

3.00 - 3.30 BSE developments

3.30 - 4.00 Any other issues and future ways of working

Intellectual Property Working Group

(draft)

- Discussion of forthcoming IP conferences on Access to Knowledge (May 12-13, London), Funding of Research and Development (June 13-14, New York), Relationship between creator and consumer (December 5-6, Paris).
- Preparation for IP WG meeting with government officials on Broadcasters Treaty and R&D Funding
- Preparation for April 19 Workshop "Patents for Poets and Policy Wonks"
- Priorities for the IP WG over the next year

Internet Working Group

10.00– 10.30	Introduction
10.30– 11.30	Review of current priorities and preparation of meeting with governments
11.30– 12.30	Discussion of proposals for new priorities and decision about voting procedure
12.30– 14.00	Lunch
14.00– 14.30	Voting on new priorities
14.30– 15.30	Discussion and decision about changing the name of the WG
15.30– 16.00	Any other business, i.e. Data Protection Conference and possible funding

Trade Working Group

10.00- 11.00	Future of Trade work in TACD <ul style="list-style-type: none">▪ Report of the Steering Committee discussion
11.00- 12:30	REACH (chemicals regulation policy) <ul style="list-style-type: none">▪ review of TACD resolution and activity▪ U.S. and EU updates▪ preparation for the meeting with governments
12.30– 1.30	Lunch
1.30 - 3.00	Services <ul style="list-style-type: none">▪ review TACD resolution and activity▪ update on WTO GATS negotiations (request and offer state of play for the May 2005 deadline; domestic regulation)▪ update on WTO GATS disputes, particularly U.S. Antigua – gambling▪ update on EU services directive▪ preparation for meeting with governments
3.00 – 3.45	Regulatory co-operation <ul style="list-style-type: none">• review of TACD resolutions and activity;• preparation for meeting with governments
3.45 – 4.00	Other business