



“Working Together to Make Trade Work”

OUTREACH November 19, 2012

Thank you for your membership in and work with NAEGA

NAEGA Holiday Hours – The NAEGA office will be closed Wednesday, November 21 through Friday, November 23 in recognition of the Thanksgiving holiday in the U.S. The office will reopen on Monday, November 26. We wish all of our members a Happy Thanksgiving!

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The following events are open to NAEGA member participation

2012 Canada Grain Industry Symposium – November 21-22, 2012 – Ottawa, Canada – The 2012 Canada Grain Industry Symposium, sponsored by the Grain Growers of Canada (GGC) and the Canada Grains Council (CGC), will take place on November 21-22, 2012 at the Delta City Center in Ottawa, Canada. NAEGA members are invited to attend, and NAEGA President Gary Martin & Senior Advisor Kendell Keith will be attending and presenting. More details, including how to register, can be found at the CGC website at www.canadagrainscouncil.ca.

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USAEDC Annual Conference – November 27-28, 2012 – Baltimore, Maryland – The U.S. Agricultural Export Development Council (USAEDC) has announced the agenda for its 2012 Annual Workshop, held in Baltimore, Maryland from November 27-28. USAEDC is a non-profit trade association of U.S. commodity trade associations, farmer cooperatives and state regional trade groups. The approximately 80 members expect USAEDC to assist them in their export promotion efforts, specifically those in conjunction with the U.S. Department of Agriculture Foreign Agricultural Service (FAS). NAEGA, because of our use of the Market Access Program (MAP) is a member of USAEDC.

The annual workshop gives USAEDC members an opportunity to meet with FAS staff and to discuss issues facing U.S. agricultural exports. NAEGA member representatives are encouraged to attend, and if interested should contact the NAEGA office for information on registering. The agenda can be found [through think link](#). This NAEGA effort is tracked on the [NAEGA personal pages](#) and the [MAP Committee webpage](#).

USSEC Regional Meetings – January 2013 - NAEGA’s MAP committee is seeking volunteers who might accept the invitation of the U.S. Soybean Export Council (USSEC) to NAEGA for involvement in their buyer conferences and regional meetings in January 2012. During the regional meetings the USSEC works on project plans through 2014. Around their regional meetings the USSEC arranges for meetings and conferences with buyers of Soybeans and Soybean Products.

We are hoping to accept the invitation and send a NAEGA representative to:

1. Jan 6–9, 2013 USSEC North Asia Regional Meeting & Select Customer Meetings in Guangzhou, China
2. The Jan 11-12, 2013 USSEC Southeast Asia Regional Meeting & Select Customer Meetings in Jakarta, Indonesia

If you or a colleague is interested in representing NAEGA at one of the above, please let us know as soon as possible.

Full Details on Each Event can be found in the Meetings & Events Section of the [NAEGA Member’s Only Page](#) and the [Personal Pages Website](#)

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Current reports on NAEGA actions

Canada, Comment Period Extended on New Phyto Requirements – The Canadian Food Inspection Agency (CFIA) has issued a notice extending the comment period on proposed import policies: D-12-04 - *Phytosanitary import requirements for grain of field crops including pulses, oilseeds, cereals (other than barley, oat, rye, triticale, and wheat), forages and other special crops from all origins except the continental United States*, and D-12-05 - *Phytosanitary*

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import requirements for grain of field crops including pulses, oilseeds, cereals (other than barley, oats, rye, triticale, and wheat), forages, and other special crops from the continental United States.

The requirements were scheduled to be implemented on December 1, 2012. NAEGA and the Canada Grains Council (CGC) are acting to lead consideration of Canada’s major revisions to phyto sanitary import regulation. CGC and NAEGA are working with the Canada-U.S. Grain and Seed Trade Task Group and both U.S. and Canadian governments.

After an open and industry wide November 9 conference call to address D-12-05, NAEGA and the National Grain & Feed Association (NGFA) jointly submitted comments to CFIA. We asked that CFIA provide for more time to define, communicate and consider the impact, including precedent that may be set and unintended consequences that may result from the proposed D-12-05 as well potential related changes.

We are pleased that CFIA has extended the comment period to February 15, 2013. NAEGA will continue to place a priority on addressing phyto-sanitary measures. We are tracking this issue on the [Grades Committee Website](#) and the [NAEGA Personal Pages](#) site.

EU, Letter to USTR on Trade Talks with the EU – NAEGA has joined with a large group of agricultural industry stakeholders in submitting a letter to U.S. Trade Representative (USTR) Ambassador Ron Kirk, expressing support for proposed U.S.-EU free trade agreement (FTA) negotiations, but urging that any resulting agreement would be comprehensive in nature and address important impediments to trade in agricultural products, specifically Sanitary & Phytosanitary (SPS) Measures and Technical Barriers to Trade (TBT).

The letter notes that if carried out properly, a U.S.-EU FTA would generate economic growth and create many thousands of new jobs on both sides of the Atlantic. The letter calls for negotiating the type of high-standard, 21st-century agreement that has been central to the Obama Administration’s trade policy efforts in the past, not the type of agreement the EU has negotiated with other trading partners. The EU’s FTAs have excluded agricultural goods it produces and have not addressed a means to address regulatory measures that conflict with both U.S. interests and WTO rules. Examples include the EU’s ban on the use of hormones in cattle to GMO approval and labeling regulations that restrict U.S. corn, soy and refined corn product exports, unscientific restrictions on the use of safe feed additives in pork and beef (ractopamine), imposition of arbitrary sustainability requirements on the production of feedstocks in the U.S. and other countries for biofuels used in the EU, as well as many other unjustified restrictions impacting U.S. agriculture. The letter notes that such measures must be resolved as part of the FTA negotiations.

The letter concludes that negotiations for a U.S.-EU FTA should use the Trans-Pacific Partnership (TPP) negotiation as a template. The full text of the letter has been posted to the [Public Comments & Policy](#) section of the NAEGA public website.

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Iraq, Grain Trade Seminar with Iraq Ministry of Trade – NAEGA co-hosted a November 13-14, 2012 seminar with U.S. Wheat Associates and USA Rice Federation for the Iraq Trade Ministry and Grain Board in Amman, Jordan. The three organizations worked to expand Iraqi understanding of grain trade and U.S. supply.

Member Volunteers Amer Badawi of Columbia Grain, co-chair of the Contracts Committee, Bijan Paksima of Integrated Commodity Logistics Corp along with NAEGA Senior Advisor Sam Bonilla are provided remarks and their expertise at the seminar. Their initial reports indicate that the meeting was very successful and we full reports will be available from the NAEGA team soon.

Americas, USSEC Regional Meeting in Mexico – NAEGA President & CEO Gary Martin attended the recent U.S. Soybean Export Council Americas Buyers Conference and Regional Meeting in Puerto Vallarta, Mexico. Gary gave a presentation entitled “Grain Trade Challenges & Opportunities: Accessing the Environment and Taking Action” to the attendees and met with NAEGA partners from the Americas region. His travelled was assisted with NAEGA Market Access Program (MAP) funding, and his presentation and trip report will be posted to the [NAEGA MAP Committee Website](#) and uploaded to the Documents section of the [NAEGA Personal Pages](#) site soon.

World, NAEGA Comments to USTR on SPS & TBT Trade Barriers – NAEGA has submitted two sets of comments to the Office of the U.S Trade Representative at their request for public input as they compile reports on Sanitary & Phytosanitary (SPS) Measures and Technical Barriers to Trade (TBT). The reports are compiled annually by the Trade Policy Staff Committee with the assistance of public input. One set of comments focused on issues related to SPS measures, and the second on TBT measures that NAEGA has dealt with over the past year:

- The Comments on SPS noted that the ongoing attempts to work with China under the U.S-China General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) Memorandum of Understanding (MOU) on Soybeans signed in early 2011 have not yet yielded the results that were hoped for despite efforts from U.S. industry and Government and that China’s new grain safety & hygienic standards have the potential to negatively impact U.S exports to that country; Canada’s new Phytosanitary regulations, though not yet enacted, were noted as being a potential threat to the trade between the U.S. and Canada; and the International Plant Protection Convention’s (IPPC’s) draft specifications for the International movement of grain would lead to unnecessary and new barriers for trade as long as they are established as a standard, rather than guidance.
- The TBT comments specifically noted Argentina’s trade restrictive measures, including the broad use of non-transparent import licensing requirements that have the effect of unfairly restricting U.S. exports and the application Differential Export Taxes’ on soybeans and soybean products; the EU’s Renewable Energy Directive (RED) and current biotech crop regulations were noted as serious impediments to the trade of U.S. bulk grains and oilseeds to that region, though NAEGA pointed out that we are continuing to work with industry and U.S. government to develop solutions that are acceptable to all parties in these matters;

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and the International Organization (IMO) Maritime Environmental Protection Committee (MEPC) recent failure to extend the compliance date of January 1, 2013 for the creation of adequate reception facilities for environmentally harmful cargo residues was listed as potential technical barrier that can impact trade worldwide, as ports do not have reception facilities for bulk cargo residues, especially those residues contained in several hundred tons of wash water.

Both sets of comments noted that NAEGA, along with our partners in industry, is working to promote the inclusion of a Rapid Response Mechanism (RRM) in future trade agreements. RRM is a transparent and commercially-meaningful method to help governments implement the least trade distortive measures and resolve trade interruptions related to sanitary and phyto-sanitary (SPS) measures and technical barriers to trade (TBT). The comments have been posted to the [Public Comments & Policy](#) section of the NAEGA public website, and each is a part of our continued issue tracking on both [NAEGA Committee Webpages](#) and of [NAEGA Personal Pages](#) website.

World, NAEGA MAP Trip Reports Posted – The Market Access Program (MAP) trip report for the recent NAEGA missions to Rosario, Argentina by NAEGA President Gary Martin and Rome, Italy by Gary Martin & NAEGA Senior Advisor Kendell Keith have been submitted to USDA/FAS and is now available for NAEGA members to view. MAP activity is tracked under the MAP committee and the trip reports are available on the [NAEGA personal pages](#) site and the [MAP Committee Website](#).

NAEGA is considering making comments on the following items. Please contact us with your advice or suggestions:

2013

January

9 – Comments due to BIS on proposed 180-day Deadline to Complete Voluntary Self-Disclosures: http://www.ofr.gov/OFRUpload/OFRData/2012-27206_PI.pdf

February

15 – Comments to the Canadian Food Inspection Agency (CFIA) on draft directives D-12-05 & D-12-05: http://www.naega.org/images/pdf/CFIA_Draft_D-12-05.pdf

NAEGA Actions on Current Issues are tracked on both the Member’s Only Section under their relevant committee pages and the on the Personal Page’s site. Updates to tracked issues are posted in this section.

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New Issues & Opportunities for NAEGA Consideration

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SEC & Department of Justice Issue FCPA Guidance – The Securities and Exchange Commission (SEC) and the Department of Justice (DOJ) have released guidance on their approach to Foreign Corrupt Practices Act enforcement. “A Resource Guide to the U.S. Foreign Corrupt Practices Act,” is a 120 page guide providing information on the FCPA, a reference tool for all companies doing business abroad. It is available on both the [SEC](#) and [DOJ](#) websites.

The Guide addresses a wide variety of topics, in significantly more detail than any prior undertaking. It includes basic information; such as who and what is covered by the FCPA (under both the bribery and accounting provisions), and information of interest to the most sophisticated readers, such as:

1. The breadth of the definition of “foreign official,” including the SEC/DOJ view of what constitutes a department, agency or instrumentality of a foreign government;
2. What constitutes improper gifts or travel and entertainment expenses;
3. How successor liability applies in the mergers and acquisition context;
4. Third party vetting processes and practices; and
5. The hallmarks of an effective corporate compliance program.

The Guide uses a number of hypotheticals and examples of actual enforcement actions and matters the SEC/DOJ have declined to pursue, giving insights into how the SEC/DOJ would approach enforcement concerning certain aspects of the FCPA. It also includes a summation of SEC and DOJ considerations on the resolution of an FCPA matter, including cooperation credit and remedial approaches such as compliance monitors.

CPB Issues Update on ACE Initiatives – U.S. Customs and Border Protection (CBP) has issued an update on the functionality already implemented in the Automated Commercial Environment (ACE) as well as near-term priorities for other ACE deliverables, such as Cargo Release. ACE is currently in an operations and maintenance phase but CBP recognizes that additional functionality is necessary to achieve broad participation and is therefore committed to working with ACE stakeholders to develop business cases for remaining functionality in order to secure the additional funding needed to implement it. The goal of the ACE effort is to achieve an automated single window system that supports a competitive global economy, efficient trade processing, collection of federal revenue, and safe and secure trade flows.

Simplified Entry is the first phase of Cargo Release. CBP is currently conducting a pilot test of Simplified Entry in the air transportation mode that eliminates the current CBP Form 3461 used to make entry and replaces it with a streamlined set of data – 12 required and three optional data elements – submitted earlier in the process. The pilot is currently operational at airports in Indianapolis, Chicago, Atlanta, Seattle, San Francisco, Oakland, Los Angeles, Dallas/Ft. Worth, Houston, Miami, Newark, New York/JFK and Boston, with plans to expand it to airports in Memphis, Detroit and Anchorage. A total of 20 filers are now participating, and as of October 18 there had been approximately 27,500 simplified entries successfully filed for nearly 600 importers. Cargo Release will provide the trade community with a more automated and modern process that streamlines data requirements, removes paper and provides for expedited import decisions by federal agencies.

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CBP is also planning to establish ACE as the single processing platform for all export manifest and commodity transactions. Current plans call for the development of an automated export manifest system for all modes, which will involve coordination with the Census Bureau and other PGAs involved in export licensing and commodity transactions. A pilot test using the Document Image System capability, which allows for an emailed submission and automated processing of export manifests in the ocean mode of transportation, was launched in March and has now been expanded to all seaports and ocean carriers. CBP has provided no further details on the operation or results of this pilot. The full report from CBP is [available through this link](#).

CBP Commercial Operations Advisory Committee Meeting in December – The Advisory Committee on Commercial Operations (COAC) of U.S. Customs and Border Protection (CBP) will hold an open meeting on December 4, 2012 in Washington, D.C. The COAC will hear from subcommittees and will then review, deliberate, provide observations and formulate recommendations on how to proceed on the following topics:

- Trade Facilitation Subcommittee: CBP’s Trade Transformation initiatives and the role of the customs broker in regard to the Centers of Excellence and Expertise
- Role of the Broker Subcommittee: Various aspects of CBP’s effort to revise the role of the customs broker in the CBP regulations
- Automated Commercial Environment Strategic Communications Working Group: How CBP should proceed in communicating with the trade community as the agency shifts to ACE.
- Intellectual Property Rights Enforcement Subcommittee: Guidance on new tools to be used at ports of entry to help identify counterfeit products, the distribution chain management and serialization pilot project, and modification of the CBP recordation database of federally registered trademarks, trade names and copyrights.
- Antidumping/Countervailing Duties Subcommittee: Term-end report and the impact of trade enforcement and trade intelligence initiatives.
- Update from CBP’s Agriculture Programs and Trade Liaison on the July 2012 USDA/Animal Plant Health Inspection Service and CBP Joint Stakeholder Conference.

The COAC will also discuss the following initiatives and subcommittee topics:

- National Strategy for Global Supply Chain Security
- 21st Century Border Management and Beyond the Border initiatives
- Air Cargo Advance Screening pilot, including the operational involvement of freight forwarders and next steps in drafting a proposed rule
- Incentives for U.S. exporters to participate in the Customs-Trade Partnership Against Terrorism

Prior to the COAC taking action on any of these topics members of the public will have an opportunity to provide comments orally or, for comments submitted electronically during the meeting, by reading the comments into the record. To facilitate public participation, CBP is requesting that public comments on these issues be submitted in writing no later than November

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26. The Federal Register notice announcing the meeting, which includes details on submitting a request to comment publicly at the meeting, [is available here](#).

If you would like more information or wish to provide comments on any of these news topics monitored by NAEGA, please contact us.

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NAEGA Calendar & Member Notices

November

21-22 – Ottawa, Ontario, Canada – 2012 Grain Industry Symposium: “2012: The Dawn of a New Era in Canada’s Grain Industry” – Gary Martin & Kendell Keith attending and presenting, NAEGA members invited to attend: www.canadagrainscouncil.ca

27-28 – Baltimore, Maryland – 2012 USAEDC Annual Workshop – NAEGA members invited to attend: <http://usaedc.org/events.cfm>

December

4 – Washington, DC – Public Meeting of the Advisory Committee on Commercial Operations (COAC) of U.S. Customs and Border Protection

6 – London, United Kingdom – IGC "Roundtable Discussion the trade issues caused by GMO/LLP issues"

9-11 – Omaha, Nebraska – NGFA 2012 Country Elevator Conference & Trade Show

12-18 – Dubai, UAE – 2012 USSEC Middle East Regional Meeting & Select Customer Meetings

2013

January

6-9 – Guangzhou, China – USSEC North Asia Regional Meeting & Select Customer Meetings

11-12 – Jakarta, Indonesia - 2013 USSEC Southeast Asia Regional Meeting & Select Customer Meetings

February

20 – Washington, DC – U.S. Coast Guard ASP User’s Meeting – Hosted by NAEGA at the NAEGA offices

March

17-19 – San Francisco, California – NGFA Annual Convention

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TBD - San Francisco, California – NAEGA Annual Meetings

November

12-15 – Lisbon, Portugal - 6th International Conference on Coexistence between Genetically Modified (GM) and non-GM based Agricultural Supply Chains: www.gmcc13.org

Member Notices

The New NAEGA.org – NAEGA’s public website at www.NAEGA.org has been redesigned and launched as of June 18, 2012. The new NAEGA.org features a more user-friendly interface, a better search engine, and integration with the NAEGA Personal Pages website. The new site also features social media tools for sharing public NAEGA actions on a wider scale. NAEGA accounts have been established at LinkedIn and Twitter, and stories on the public site can be shared on Google Plus. NAEGA members and staff should take the opportunity to enhance their experience with a NAEGA Members Personal Page. NAEGA Director of Operations Patrick Hayden is will assist you to setup and maintain your NAEGA Personal Page.

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