



*“Working Together to Make Trade Work”*

## **OUTREACH September 10, 2012**

**Thank you for your membership in and work with NAEGA**

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#### **NAEGA Calendar and Member Notices**

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### **The following events are open to NAEGA member participation**

**Biotech Meeting with USDA** —NAEGA will participate in a September 11, 2012 meeting at USDA to discuss biotech policy and international issues.

We have requested the agenda include a review of needed biotech authorizations with a focus in China. The USDA proposed agenda currently includes discussions on:

- International Low Level Presence Meeting and other meetings in Argentina during the week of September 15;
- Draft a U.S. Government paper on asynchronous approval ([current draft available here](#));
- Cartagena Biosafety Protocol meeting in India in October;
- North American Biotech Initiative;
- Like Minded Meeting and Initiative ([NAEGA Co-Signed Letter Available here](#))

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The meeting will be held at 3:30 PM on September 11, 2012 in the USDA South Building Room 3408 in Washington, DC. If you or colleague wants to join us at the meeting, please contact NAEGA so we can forward your name for clearance. If you would like to call in, contact the NAEGA office for call-in coordinates to ensure enough lines are open.

**NAPPO Annual Meeting** – NAEGA plans to support the 2012 North American Plant Protection Organization (NAPPO) Annual meeting, NAEGA is currently assembling sponsorship for dinner or reception at the meetings. NAPPO has been a key part of the discussion on setting standards on the International Movement of Grain, and recommendations from the [Vancouver Workshop where NAEGA presented the U.S. position](#) on the standards will be presented. This and several specific phyto-sanitary pest management issues impacting trade of agricultural products are likely to be discussed at this meeting of government officials from Canada, Mexico and the United States. NAEGA members are welcome to join NAEGA representatives at the meeting in Louisville, Kentucky from October 15-18, 2012. The invitation and draft agenda are posted to the Upcoming Events section of the NAEGA Member’s Only Site and the NAEGA Personal Pages website. More and updated information can be [found at the meeting website](#). Please let NAEGA know if you plan to attend.

*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

**Pacific Region, Request to include Rapid Response in the TPP Agreement** – NAEGA is leading a coalition to support the implantation of “rapid response mechanisms” (RRM) to improve the application of sanitary and phyto-sanitary (SPS) measures and technical barriers to trade (TBT) by governments. The RRM is used negotiations to provide a commercially-meaningful method by which to resolve trade disputes related to plant quarantine and other risk management measures deployed by importing governments.

The collation is currently working to promote to promote the inclusion of a RRM in the Trans Pacific Partnership (TPP). Comments supporting this effort, co-signed by a combination of 15 trade associations and 20 companies with agricultural interests, were submitted to the Office of the U.S. Trade Representative (USTR). Additionally, NAEGA President Gary Martin distributed a handout laying out the case for RRM to TPP negotiators during Private Sector Day on Sunday, September 9 at the TPP Negotiations in Leesburg, Virginia.

The letters to USTR, and the handout for the TPP negotiators, can be found on the [NAEGA Grades & Inspections Website](#) and under TPP Issue Tracking on the [NAEGA Personal Pages site](#). They build on several related efforts over the past 12-18 months to deploy an RRM to link commercial and official actions, improve value chain wide communication, increase the

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application of sound science to provide for the least trade distortive and improved national actions related to SPS and TBT measures.

The TPP is an ideal environment to deploy an RRM and would provide for a launching pad for expanded use. For example, the provisions for a TPP RRM would act as a guide for the RRM concept that is already established in the USDA – China AQSIQ soybean quality MOU we are now implementing. The coalition established by NAEGA is part of sustained effort to include RRM trade agreements. A briefing paper on RRM is available under issue tracking for RRM on the [NAEGA Grades & Inspections Website](#) and the [Personal Pages site](#).

**Global, NAEGA Initiatives-** Several NAEGA initiatives are being coordinated with counterparts via the international Grain Trade Coalition (IGTC). Current collaboration with IGTC includes:

1. The second meeting of the Global Food Market Information Group for the United Nations, Food and Agriculture Organization (FAO) Agricultural Market Information Service (AMIS ) which will be held from October 2 to 4 at FAO Headquarters in Rome, Italy. This meeting will be divided into three parts: (i) a roundtable discussion with representatives of the private sector; (ii) a focused discussion with country focal points on the AMIS work plan; and (iii) a workshop to review the status of the AMIS database.

NAEGA will participate along with other IGTC member associations in the roundtable discussion between AMIS and representatives of the private sector to exchange views and promote dialogue on world agricultural markets. NAEGA Senior Advisor Kendell Keith is assembling a NAEGA report in this regard and plans to represent NAEGA at the meeting and provide formal remarks. The meeting will include several presentations from the private sector and the audience will be composed of roughly 70-80 senior government representatives. The main goal of the meeting is to build a stronger dialogue between the public and private related to AMIS.

There is the possibility that a Rapid Response Forum (RRF) meeting on the current food and grain market situation will be organized during but separate from the AMIS meeting. The RRF is composed of Senior Officials from countries participating in AMIS. It is designed to promote early discussion among decision-level officials about critical market conditions to encourage the coordination of policies and the development of common strategies.

2. International Plant Protection Convention (IPPC) - NAEGA, working with colleagues from IGTC expects to meet with IPPC officials regarding the Draft Specification on International movement of grain. IGTC is setting up a meeting for members attending the AMIS meeting with Celine Germain who will be the officer in charge of grain standard setting and Craig Fedchock, the Coordinator of the IPPC Secretariat.

The IPPC Standards Committee had approved a draft Specification for the standard for member consultation in May 2012. The Specification was out for member consultation

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this summer (comments closed on 31 July 2012). IPPC has compiled the comments into a document entitled “[IPPC Grain Standard Comments](#)”. An IPPC appointed steward will review the comments and present some draft recommendations to the [Commission on Phytosanitary Measures](#) (CPM) and the [Standards Committee](#) (SC) in November 2012 suggesting a way forward. The SC will revise these recommendations and present them to CPM-8 (2013) where IPPC hopes to get a decision on how to proceed with this standard.

3. In Rosario, Argentina from September 17-21, NAEGA President Gary C. Martin will attend and speak at several international meetings related to biotech and trade. Meetings with government officials and stakeholders are planned to address many of the priorities of the NAEGA Biotech committee. NAEGA will host a luncheon on September 20 as part of an Inter-American Institute for Cooperation in Agriculture effort to seek consensus among the governments of the Americas on major issues to be addressed at the Cartagena Protocol on Biosafety COP/MOP 6: <https://bch.cbd.int/mop6/>
4. NAEGA member volunteers Paul Green and Diana Felner will join an IGTC team in Hyderabad, India for the COP/MOP. For the Hyderabad meeting, Diana and Paul will advocate IGTC strategy and positions that have been established to address: Article 8 Notification Requirements: IGTC supports GIC position, Articles 15/16 Risk Assessment/Risk Management, Article 17 - Unintentional Transboundary Movements, Article 18.2 (b) and (c) - Handling/Transport for Contained and Environmental Release. Article 18.3 – Handling, Transport, Packaging and Identification of LMOs, Article 26 Social Economic Considerations: and Article 30 – Subsidiary

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

### **September**

**11** – Comments Due to USDA/APHIS on petitions from multiple parties for nonregulated status for nine biotech events. A full list of the events and how to comment is available the on APHIS Federal Register Page here: <https://www.federalregister.gov/agencies/animal-and-plant-health-inspection-service>

**21** – Comments due to USTR on U.S.’s request for consultation with Argentina on import requirements: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-04/pdf/2012-21729.pdf>

**28** – Comments due to USTR on the U.S. WTO Complaint against Argentina’s restrictive trade measures: <http://www.gpo.gov/fdsys/pkg/FR-2012-09-04/pdf/2012-21729.pdf>

### **October**

**9** – Comments due to the Bureau of Industry and Security (BIS) on whether the foreign policy-based export controls in the Export Administration Regulations should be modified, rescinded or extended for another year:

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<https://www.federalregister.gov/articles/2012/09/07/2012-21571/effects-of-foreign-policy-based-export-controls>

9 – Comments due to the Bureau of Industry and Security (BIS) on the effectiveness of its licensing procedures for exports of agricultural commodities to Cuba:

<https://www.federalregister.gov/articles/2012/09/07/2012-21523/effectiveness-of-licensing-procedures-for-agricultural-commodities-to-cuba>

9 – Comments due to the Canadian Food Inspection Agency (CFIA) on their new draft directive D-12-01 on Weed Seeds, describing the phytosanitary requirements to prevent the introduction of plants regulated as pests in Canada:

[http://members.wto.org/crnattachments/2012/sps/CAN/12\\_1695\\_00\\_e.pdf](http://members.wto.org/crnattachments/2012/sps/CAN/12_1695_00_e.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

**U.S. & EU Seeking Public Comment on Reducing Regulatory Burdens** – The U.S. and the European Union (EU) are requesting public comments on ways to promote greater transatlantic regulatory compatibility. A joint solicitation states that the two sides are seeking to reduce excessive regulatory costs, unjustified regulatory differences and unnecessary red tape while respecting each other's right to protect public health, safety, welfare and the environment. As authorities work on these issues within the High Level Regulatory Cooperation Forum (HLRCF), the Transatlantic Economic Council (TEC) and the High Level Working Group on Jobs and Growth (HLWG), they are also inviting ideas from the private sector on how greater compatibility could be achieved in particular economic sectors. For each sector, commenters should provide the following information:

- Names of the relevant U.S. and EU regulatory agencies
- Citations to the relevant regulatory and/or statutory provisions for each jurisdiction
- A description of the regulatory differences to be addressed, including any information on negative effects and the entities or stakeholders affected
- Possible solutions for bridging these differences, including both the substance of the solution and the proposed procedure for reaching it
- Any steps that the EU and/or U.S. should consider to address horizontal and/or sectoral differences that may be impeding deeper regulatory compatibility

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- An assessment of the effects of enhanced regulatory compatibility (quantified benefits and costs, if possible, or else qualitative descriptions), the likelihood of these effects occurring and the time period over which they would occur

The information gathered will be used when the two sides define priorities and explore next steps in the HLRCF this year and will contribute to the work of the HLWG by assisting in the identification of both immediate and longer-term goals and mechanisms to accomplish them. In addition, these and other issues will be discussed at a meeting later this fall involving EU and U.S. regulators, economic policy agencies and stakeholders, which could take place in the context of the HLRCF. Comments are due October 31, 2012. Details, which include instructions on how to submit comments, are [available through this link](#).

**USTR Requests Consultation with Argentina on Import Requirements** - The Office of the U.S. Trade Representative (USTR) has announced that on August 21, 2012, the U.S. officially requested consultation with the Government of Argentina on new measures for the importation of goods into this country, and it is requesting comments from the public concerning issues raised in this dispute.

According to the notice, the major issues raised by the USTR are:

- The new requirement that all imports into Argentina are subject to a non-automatic import license through the Declaración Jurada Anticipada de Importación (“DJAI”).
- The requirement that certain goods imported into Argentina are subject to other product-specific nonautomatic import licenses.
- The requirement that certain imports undertake certain commitments, including to limit imports, to balance imports with exports, to make or increase investments in production facilities in Argentina, to increase the local content of products manufactured in Argentina, to refrain from transferring revenue or other funds abroad and/or to control the price of imported goods.

Although public comments will be accepted during the course of the dispute, those wishing to submit comments to USTR regarding the disputer should be submit them on or before September 21, 2012, to ensure consideration by the USTR. The full notice, including information on how to comment, is available [through this link](#).

**U.S. BIS Conducting Annual Review of Foreign Policy-Based Export Controls** - The U.S. Commerce Department’s Bureau of Industry and Security (BIS) is seeking public comments for its annual review of whether the foreign policy-based export controls in the Export Administration Regulations should be modified, rescinded or extended for another year. These controls apply to a range of countries, items, activities and persons. Among the criteria considered in determining whether to extend U.S. foreign policy-based export controls are the following:

1. The likelihood that such controls will achieve their intended foreign policy purposes, in light of other factors, including the availability from other countries of the goods, software or technology proposed for such controls;

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2. Whether the foreign policy objective of such controls can be achieved through negotiations or other alternative means;
3. The compatibility of the controls with the foreign policy objectives of the United States and with overall U.S. policy toward the country subject to the controls;
4. Whether the reaction of other countries to the extension of such controls is not likely to render the controls ineffective in achieving the intended foreign policy objective or be counterproductive to U.S. foreign policy interests;
5. The comparative benefits to U.S. foreign policy objectives versus the effect of the controls on the export performance of the United States, the competitive position of the United States in the international economy, the international reputation of the United States as a supplier of goods and technology; and
6. The ability of the United States to effectively enforce the controls.

BIS is particularly interested in receiving comments on the economic impact of proliferation controls. BIS is also interested in industry information relating to the following:

1. Information on the effect of foreign policy-based export controls on sales of U.S. products to third countries (i.e., those countries not targeted by sanctions), including the views of foreign purchasers or prospective customers regarding U.S. foreign policy-based export controls.
2. Information on controls maintained by U.S. trade partners. For example, to what extent do U.S. trade partners have similar controls on goods and technology on a worldwide basis or to specific destinations?
3. Information on licensing policies or practices by our foreign trade partners that are similar to U.S. foreign policy based export controls, including license review criteria, use of conditions, and requirements for pre- and post-shipment verifications (preferably supported by examples of approvals, denials and foreign regulations).
4. Suggestions for bringing foreign policy-based export controls more into line with multilateral practice.
5. Comments or suggestions to make multilateral controls more effective.
6. Suggestions for measuring the effect of foreign policy-based export controls on trade.

Parties submitting comments are asked to be as specific as possible. Comments are due October 9, 2012. The full Federal Register notice is [available through this link](#).

**U.S. BIS Seeking Input on Licensing of Agricultural Shipments to Cuba** – The U.S. Commerce Department’s Bureau of Industry and Security (BIS) is requesting public comments on the effectiveness of its licensing procedures for exports of agricultural commodities to Cuba. Those submitting comments are asked to be as specific as possible. BIS will include a description of these comments in the biennial report it is required to submit to Congress under the Trade Sanctions Reform and Export Enhancement Act of 2000. This report must also include the number and types of licenses applied for and approved, the average amount of time elapsed from the date of filing of a license application until the date of its approval, and the extent to which the licensing procedures were effectively implemented. Comments are due October 9, 2012. The full Federal Register notice is [available through this link](#).

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**U.S. FMC to Meet on Container Freight Rate Indices & Pacific Charges** - The Federal Maritime Commission (FMC) will hold a partially open meeting on September 12, 2012 in Washington, D.C. The open session of this meeting will include discussion of the following.

- Requests to develop and release container freight rate indices for U.S. agricultural exports based on a sampling of service contracts filed with the FMC.
- Briefing on Logistica De Las Americas Conference.
- Amendments to the Commission's Rules of Practice and Procedure.
- Passenger Vessel Operator Financial Responsibility Requirements for Nonperformance of Transportation.

The closed session of the meeting will address rate and surcharge trends in the trans-Pacific trade. Full details on the meeting are available at the [Federal Register Website](#).

*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**

### **September**

**10-11** – Santa Fe, New Mexico – NGFA Board of Directors meeting

**11** - USDA meeting with NAEGA to discuss Biotech policies

**12** – Washington, DC – Public hearing by the International Trade Commission on the U.S.-Trans-Pacific Partnership Free Trade Agreement Including Canada and Mexico: Advice on the Probable Economic Effect of Providing Duty-Free Treatment for Imports. Details on attending are here: <http://www.gpo.gov/fdsys/pkg/FR-2012-08-10/html/2012-19636.htm>

**17-22** – Rosario, Argentina – Global LLP Initiative Industry Day meeting – Gary Martin attending and presenting

**20** – Washington, DC – Industry Biotech Roundtable at USDA

**26-28** – New Orleans, Louisiana – Dry Bulk Terminal Group Annual meeting – Westin Hotel New Orleans, NAEGA invited to attend

### **October**

**1-5** – Hyderabad, India – COP/MOP 6 to the Cartagena Protocol on Biosafety. Member volunteers Paul Green and Diana Felner will join the International Grain Trade Coalition (IGTC) effort at the meetings.

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**2-4** – Rome, Italy - Agricultural Market Information System (AMIS) Roundtable meeting <http://www.amis-outlook.org/> – NAEGA planning to attend

**3** – Washington, DC – Annual Inter-agency Trade Policy Staff Committee hearing on China WTO Compliance

**15-18** – Louisville, Kentucky – 2012 North American Plant Protection Organization (NAPPO) meeting: <http://www.nappo.org/en/>

### **November**

**6-7** – London, United Kingdom – CropWorld 2012 Grains Congress –NAEGA invited to attend and Gary C. Martin to attend and present. <http://www.cropworld-global.com/page.cfm/Link=12/t=m/goSection=4>

**13-14** – Amman, Jordan – Seminar with Iraq Minister of Trade - [Current agenda available here](#)

### **December**

**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

### **2013**

#### **March**

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

**TBD** - San Francisco, California – NAEGA Annual Meetings

### **Member Notices**

**The New NAEGA.org** – NAEGA’s public website at [www.NAEGA.org](http://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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