

Transatlantic Trade and Investment Partnership (TTIP)

Chapter []

Consolidated Proposed

Small and Medium [EU:-Sized] Enterprise (SME) Text

RESTREINT EU/EU RESTRICTED

For inclusion in the preamble of the Agreement:

Recognizing that small and medium [EU:-sized] enterprises (SMEs) [EU:, including micro-enterprises] contribute significantly to economic growth, employment, and innovation, and further recognizing the existing robust dialogue on ways to increase the participation of SMEs in trade and the cooperative work on SMEs, the Parties seek to continue to support the growth and development of SMEs [US: and promote the interests of their employees] by enhancing their ability to participate in and benefit from the opportunities created by this Agreement;

Article X.1: Cooperation to Increase Trade and Investment Opportunities for SMEs

1. The Parties shall continue and build upon the robust dialogue commenced under the auspices of the Transatlantic Economic Council (EU-US SME Dialogue) on ways to increase SME participation in trade and exchange best practices and the cooperative work on SMEs of the International Trade Administration of the US Department of Commerce and the Directorate General for Internal Market, Industry, Entrepreneurship, and SMEs (DG GROW) of the European Commission, which manages the Enterprise Europe Network, pursuant to the Cooperation Arrangement on Small and Medium-Sized Enterprises.

2. In order to enhance SME trade between the Parties and strengthen cooperation in specific areas, including areas identified in the 2012 Joint Statement on EU-US SME Workshops, the Parties shall:

(a) exchange information with the objective of increasing transatlantic linkages and business opportunities between regional innovation clusters through the Cooperation Arrangement on Clusters between the US Department of Commerce and DG GROW;

(b) continue work through the Transatlantic Intellectual Property Rights Working Group to develop and make available tools and resources related to intellectual property rights to inform SMEs and improve their competitiveness;

(c) facilitate the access of SMEs to information on EU and US regulations and other requirements;

(d) exchange information on good regulatory practices that could contribute to an overall improved business environment;

(e) explore opportunities for linkages and exchanges between EU and US programs for SMEs, including entrepreneurial programs, support measures for underserved communities, for example, young, senior, minority, and women entrepreneurs, and other relevant programs;

(f) exchange information on initiatives providing access to finance to support emerging growth companies or encouraging venture capital and investments in small companies in order to increase the competitiveness of SMEs in international markets and expand bilateral trade among EU and US-based small businesses;

(g) exchange information on best practices for increasing the ability of SMEs to do business in the other Party;

RESTREINT EU/EU RESTRICTED

(h) exchange information and best practices on promoting worker-owned cooperatives and other forms of worker-run SMEs; and

(i) address other topics, as decided by the Parties, taking into consideration, among other things, topics that SMEs recommend to the Parties.

3. The Parties may work together, as appropriate, on the matters described in paragraph 2 through the EU-US SME Dialogue, the SMEs Cooperation Arrangement, the Committee on SME Issues established in Article X.4 (Committee on SME Issues), or any other means as the Parties may decide.

Article X.2: Information Sharing

1. Each Party shall establish or maintain its own publicly accessible website or web page containing information regarding this Agreement, including:

(a) the text of this Agreement, including all annexes, tariff schedules, and product-specific rules of origin;

(b) a summary of this Agreement; and

(c) information designed for SMEs that contains:

(i) a description of the provisions in this Agreement that the Party in question considers to be relevant to SMEs; and

(ii) any additional information that the Party considers would be useful for SMEs interested in benefiting from the opportunities provided by this Agreement.

2. Each Party shall include links from the website or web page provided for in paragraph 1 to:

(a) the equivalent website or web page of the other Party; and

(b) the websites or web pages of its own government authorities and other appropriate entities that the Party considers would provide useful information to persons interested in trading, investing, or doing business in that Party.

[US: Where possible, each Party shall endeavor to make such information available in English.]

3. With respect to paragraph 2(b) such information [EU: shall] [US: may] include [EU: , covering both the central level and lower levels of the Federal (US) or Union (EU)]:

(a) customs regulations and procedures [EU: as well as a description of the import, export, and transit procedures informing of the practical steps needed to import and export, and for transit; and the forms and documents required for import to, export from, or transit through the customs territory of that Party];

RESTREINT EU/EU RESTRICTED

- (b) regulations and procedures concerning intellectual property rights;
- (c) [EU: a registry of technical regulations in force (including, where necessary, obligatory conformity assessment procedures); and of the titles and references of standards selected for reference in or use in connection with technical regulations, or proposed for such use; links to lists of conformity assessment bodies, in cases where third party conformity assessment is obligatory] [US: technical regulations and standards relating to import and export];
- (d) sanitary and phytosanitary measures relating to import and export;
- (e) rules on [EU: public] [US: central government] procurement, a database containing [EU: public] [US: central government] procurement notices as well as other relevant information concerning [EU: public] [US: central government] procurement opportunities;
- (f) business registration procedures;
- (g) access to finance;
- (h) information on programs supporting the internationalization of SMEs; and
- (i) other information with the Party considers may be of assistance to SMEs.

4. Each Party shall include [EU: a link] [US: links] from the website or web page provided for in paragraph 1 to a database that is electronically searchable by tariff nomenclature code and that includes the following information with respect to [EU: access to its market, covering both the central level and lower levels of the Federal (US) or Union (EU)] [US: tariff measures imposed by the Party]:

[EU: Tariff measures and tariff-related information]

(a) rates of duty and quotas (including most favored nation (MFN) [EU: 'erga omnes' rate for countries not MFN] and preferential rates and tariff quotas);

[EU:

(b) tariff nomenclature related excise duties;

(c) tariff nomenclature related taxes (value added tax/ sales tax);

(d) tariff nomenclature related customs or other fees;]

[EU: (e)] [US: (b)] other tariff measures, [US: and]

[EU: (f)] [US: c)] rules of origin [EU;] [US.]

[EU-

(g) duty drawback, deferral, or other types of relief that reduce, refund, or waive customs

RESTREINT EU/EU RESTRICTED

duties;

(h) criteria used to determine the customs value of the good, in accordance with the WTO Customs Valuation Agreement;

(i) country of origin marking requirements, including placement and method of marking;

Tariff nomenclature related non-tariff measures

(j) tariff nomenclature information needed for import procedure

(k) tariff nomenclature related non-tariff measures or regulations.]

5. Each Party shall regularly, or when requested by the other Party, review the information and links referred to in paragraphs 1 to 4 that it maintains on its website or web page to ensure they are up to date and accurate.

6. [EU: no fee shall apply for access to the information provided pursuant to paragraphs 1 to 4 for any person in either Party.]

Article X.4: Committee on SME Issues

1. The Parties hereby establish a Committee on SME Issues, comprising [EU: officials] [US: government representatives] of each Party.

2. The Committee on SME Issues shall:

(a) [EU: ensure that SME needs are taken into account in the implementation of the Agreement] [US: discuss the matters described in paragraph 2 of Article X.1.2 (Cooperation to Increase Trade and Investment Opportunities for SMEs),] and consider ways to increase trade and investment opportunities for SMEs by strengthening cooperation [EU: on SME issues between Parties] [US: in these and other areas of importance to SMEs];

(b) [EU: discuss the matters described in paragraph 2 of Article X.1 (Cooperation to Increase Trade and Investment Opportunities for SMEs),] and build on those for an effective implementation of the agreement while avoiding duplication of work with other EU-US cooperative activities on SMEs;

[US: identify ways to assist SMEs in the Parties' territories to take advantage of the commercial opportunities under the Agreement;]

[US: (c) meet with representatives of SMEs, as needed, to obtain feedback on the impact of the Agreement on SMEs, and discuss any matters arising under the Agreement of interest to SMEs;]

[EU: (c)] [US: (d)] [EU: monitor the implementation of the provisions on information sharing of Article X.2 (Information Sharing) to ensure that the information provided by the Parties is up to date and relevant for SMEs. The Committee may]

RESTREINT EU/EU RESTRICTED

recommend additional information that the Parties may include in the websites or web pages to be maintained in accordance with Article [EU: X.2] [US: X.3 (Information Sharing)];

[EU: (d)] [US: (e)] [EU: discuss any other matter arising from the implementation of the Agreement of interest to SMEs. This includes:
- discussing the monitoring and implementation of the Agreement as it relates to SMEs;
- be informed of the work of other committees and working groups established by the Agreement, including the Regulatory Cooperation Body, and present to these committees and working groups specific issue of particular interest to SMEs in their areas, while avoiding duplication of work programs; and
- identifying appropriate possible solutions to improve the ability of SMEs to engage in trade and investment among the Parties;
[note: appropriate provisions for contacts with the SME committee shall be placed in the other committees]

[US: review and coordinate with the work of other committees and working groups established by the Agreement to avoid duplication of work programs and to identify appropriate opportunities for cooperation to improve the ability of SMEs to engage in trade and investment among the Parties;]

[EU: (e)] [US: (f)] [EU: develop a close interaction with relevant SME stakeholders, at least once a year, by meeting in conjunction with an EU-US SME Dialogue to provide information and receive and discuss feedback on the implementation of the Agreement and its impact on SMEs, on the basis of input from stakeholders]

[US: exchange information to assist the Parties in monitoring implementation of the Agreement as it relates to SMEs];

[EU: (f)] [US: (g)] submit a regular report of its activities and make appropriate recommendations to the {*overarching institution of the TTIP*} [EU: for its consideration]; and
[EU: *[Note: to be aligned with the practice of other committees]*]

[EU: (g)] [US: (h)] consider any other matter pertaining to SMEs as the Committee on SME Issues may decide.

3. The Committee on SME Issues shall convene within one year after the Agreement enters into force and thereafter meet as necessary, and shall carry out its work through the communication channels decided by the Parties, which may include electronic mail, videoconferencing, or other means.

4. The Committee on SME Issues shall coordinate its work with the cooperative activities undertaken by each Party pursuant to the US-EU SME Dialogue and the [EU: administrative arrangements on SME cooperation] [US: SMEs MOU]. The Committee on SME Issues [EU: shall

RESTREINT EU/EU RESTRICTED

endeavor to meet] [US: may convene] in conjunction with meetings of the US-EU SME Dialogue and [EU: of the administrative arrangements on SME cooperation] [US: the SMEs MOU].

[US: 5. The Committee on SME Issues may seek to collaborate with experts and external organizations, as appropriate, in carrying out its programs and activities.]

[US: Article X.X: Dispute Settlement

No Party shall have recourse to dispute settlement under this Agreement for any matter arising under this Chapter.]