

# Programme of Action 2013



International Chamber of Commerce

*The world business organization*

# The voice of world business

The International Chamber of Commerce (ICC) is the voice of world business.

ICC champions open cross-border trade and investment, the market economy system and global economic integration as a force for sustainable growth, job creation and prosperity. ICC groups hundreds of thousands of member companies, chambers of commerce and business associations in more than 120 countries.

Because national economies are now so closely interwoven, government decisions have much stronger international repercussions than in the past. ICC expresses business views that support multilateralism as the best way to find effective solutions to global challenges, based on the principles of open markets and rules-based trade and investment.

ICC has direct access to national governments through its global network of national committees consisting of ICC member companies, business associations and chambers of commerce. This network represents ICC at the national level by acting as a liaison between ICC's Paris-based international secretariat and ICC members. The ICC network also formulates the views of the business community in respective countries on issues dealt with by ICC. ICC's international secretariat provides business views to intergovernmental organizations on issues that directly affect business operations. More than 2,000 experts drawn from member companies feed their knowledge and experience into crafting ICC positions.

ICC activities cover a broad spectrum, from arbitration and other forms of dispute resolution to making the case for open international trade and investment, business self-regulation, fighting corruption and combating commercial crime.

## **Writing rules for business**

ICC has a long history of developing voluntary rules, guidelines and codes to facilitate business and spread good practice. These include:

- ICC's Uniform Customs and Practice for Documentary Credits (UCP 600): rules used by banks to finance billions of dollars' worth of world trade every year
- ICC Incoterms® rules: standard international trade definitions used every day in countless thousands of contracts to define the responsibilities of buyers and sellers
- ICC model contracts that make doing business easier for smaller companies that cannot afford big legal departments
- The Consolidated ICC Code of Advertising and Marketing Communications: the global foundation for national self-regulatory systems that monitor marketing practices

## **Policy advocacy**

ICC develops global business policy views on key issues that affect companies' ability to trade and invest across borders and meet the challenges and opportunities of globalization. These issues include: banking, commercial law and practice, competition policy, corporate responsibility and anti-corruption, marketing and advertising, the digital economy, environment and energy, intellectual property, taxation, trade and investment policy, customs and trade regulations, and transport and logistics,

ICC policy work, which can take the form of policy statements to influence intergovernmental discussions, is developed through specialized working bodies composed of business experts. The strength and legitimacy of ICC policy derive from rigorous development through extensive consultation with member companies via the ICC global network.

ICC policy recommendations are communicated to both national governments and intergovernmental organizations (IGOs) – including the United Nations, the World Trade Organization – and forums such as the G20. They are intended to reflect a broad business consensus as represented by ICC, while at the same time making a meaningful contribution to the policy debate from a global business perspective.

## **Working with the United Nations**

ICC enjoys a close working relationship with the United Nations (UN). Since 1946, ICC has held consultative status with the UN and its specialized agencies. With IGOs increasingly involved in matters of concern to the

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business community, it is important that business representatives be “at the table” when these issues are discussed. ICC’s privileged consultative status at the UN and its long experience of being the voice of business in international negotiations enable it to bring the views of world of business to the UN. Extensive consultation with its worldwide, multi-sectoral membership lends ICC’s views special authority and legitimacy. ICC’s Permanent Representative to the UN in New York provides the liaison between ICC and the full range of UN agencies and programmes.

### **Resolving disputes worldwide**

The ICC International Court of Arbitration is the most trusted system of arbitration in the world, with arbitration under its rules on the increase. Since 1999, the Court has received new cases at a rate of more than 500 a year. ICC has also developed a full range of other dispute resolution rules and services for international commerce such as the ICC ADR (Amicable Dispute Resolution) Rules, the ICC Rules for Expertise, the ICC Dispute Board Rules, and the DOCDEX Rules for the settlement of documentary credit disputes.

## ICC policy and commission work

### ICC commissions

ICC commissions are specialized working bodies composed of business experts who examine major issues of practical concern to world business. They prepare policy products, including statements to shape intergovernmental discussions, as well as rules and codes to facilitate international business transactions.

## Arbitration

### ► **Mandate**

As a forum for pooling ideas on issues relating to international arbitration and other forms of dispute resolution, the commission aims to:

- Draft and amend ICC’s Arbitration, ADR, Expertise, Dispute Board and other forms of dispute resolution rules.
- Study the juridical and other aspects of arbitration and other modes of international dispute settlement, examine them in view of current developments and produce reports, guidelines or best practices.
- Promote ICC’s various dispute resolution services globally.

### ► **Projects for 2013**

- Complete the study of the role that parties and their in-house counsel can play in improving the time and cost efficiency of international arbitration proceedings.
- Revise the ICC ADR, Expertise and Dispute Board Rules.
- Examine the criteria that arbitrators may take into account in allocating the costs of the arbitration.

# Banking

## ► **Mandate**

To serve as a global forum and rule-making body for banks worldwide, with particular focus on the financing of international trade.

## ► **Projects for 2013**

- Launch the revised International Standard Banking Practice (ISBP) to reflect practices applied under ICC Uniform Customs and Practice for Documentary Credits (UCP 600).
- Complete the drafting of Bank Payment Obligation (BPO) guidelines in partnership with SWIFT.
- Continue the production of the ICC Trade Finance Register
- Follow up on the implementation of the Basel capital framework for trade finance
- Provide timely market intelligence reports, including analysis to support ICC contributions on trade finance in key international forums.
- Issue official opinions on queries on UCP, ICC Uniform Rules for Collections, and ICC Uniform Rules for Demand Guarantees on a biannual basis.
- Develop business policy input on anti-money laundering, the financing of terrorism and economic sanctions.

# Commercial Law and Practice

## ► **Mandate**

To set global business standards for international B2B transactions and provide global business input on commercial rules developed by intergovernmental organizations.

## ► **Projects for 2013**

- Prepare recommendations to improve the legal framework for international procurement.
- Develop new model contracts and checklists, including on joint ventures and methods for internationalizing businesses.
- Provide global business views to the European Commission proposal for a regulation on a Common European Sales Law.
- Contribute to rule-making by the Hague Conference and the European Commission on specific jurisdiction and applicable law issues relevant to business.
- Develop practical tools and expert guidance to promote the effective use of the Incoterms® 2010 rules globally.
- Finalize the development of ICC principles to facilitate commercial negotiations.

# Competition

## ► **Mandate**

To ensure that modern business needs and markets are taken into account in the formulation and implementation of competition laws and policies.

## ► **Projects for 2013**

- Reinforce ICC's role as the main business interlocutor of the International Competition Network (ICN) by organizing a 5<sup>th</sup> ICC-IGN roundtable.
- Finalize global business views on the alignment of premerger control practices from various regions with the Recommended Practices for Merger Notification Procedure of the ICN.
- Further promote the importance of compliance programmes as a tool for competition law enforcement, especially at national level and via ICN, including the development of an antitrust compliance toolkit.
- Provide input on EU reforms, in particular with regards to collective redress, technology transfer agreements, and minority shareholdings.
- Issue recommendations on the improvement of the European Competition Network (ECN) Model Leniency Programme.

# Corporate Responsibility and Anti-corruption

## ► **Mandate**

To develop policy recommendations and practical tools from a global business perspective on corporate responsibility and fighting corruption.

## ► **Projects for 2013**

- Provide global business input into various international initiatives on corporate responsibility and anti-corruption, including the strengthening the UN Convention against Corruption (UNCAC) implementation process, and the application of the OECD Guidelines for Multinational Enterprises.
- Shape G20 deliberations on fighting corruption based on the renewed mandate of the G20 Working Group.
- Complete the ICC "Ethics and Compliance" Training Handbook and launch a series of ICC training seminars
- Contribute to operationalize the UN Guiding Principles on business and human rights.
- Finalize an ICC perspective on the "business case" for corporate responsibility, based on company experience and existing research
- Lead the development of global business views on the continued evolution of corporate responsibility reporting.
- Issue ICC Guidelines on Gifts and Hospitality.

# Digital Economy

## ► Mandate

To promote the global development of the digital economy and stable growth of its underlying information and communication technology (ICT) platform through private sector policy leadership, regulatory advocacy and the promotion of best practice.

## ► Projects for 2013

- Initiate a business/government dialogue on the use of ICTs in international trade.
- Advocate cross-sectoral and global business priorities on privacy policy and regulatory frameworks (EU, Council of Europe, US, APEC).
- Create a policy briefing tool that highlights global business priorities for the digital economy, with guidance for governments supported by a compendium of business actions and practice.
- Promote the policy statement on best practice for modernization of Mutual Legal Assistance Treaties (MLAT) with respect to law enforcement assistance interactions, to avert the trend of government infrastructure/storage mandates.
- Highlight the contribution of a private sector-led multi-stakeholder Internet and ICTs, to job creation and economic growth, in intergovernmental forums (G8, G20, UN, Internet Governance Forum, Council of Europe).
- Alert governments to the consequences of government policies on new technologies and business models, as well as on innovation, growth, competitiveness and job creation. (Cloud Computing, Internet of Things, Machine to Machine, Voice over Internet Protocol).
- Inject global business input on the preparatory process for the International Telecommunication Union (ITU) World Telecommunications Policy Forum (WTPF).
- Convey business priorities through the Internet Corporation for Assigned Names and Numbers (ICANN) in light of the new generic top-level domain (gTLD) expansion plan.

# Environment and Energy

## ► Mandate

To develop policy recommendations and tools to address major global environmental and energy issues, including climate change, green economy, sustainable development and make a substantive contribution to key intergovernmental discussions in these areas.

## ► Projects for 2013

- Promote the ICC Green Economy Roadmap globally and via the establishment of an online platform with best practice examples and calls for collaboration.
- Illustrate a green economy best practice on resource efficiency based on one selected value-chain.
- Propose practical approaches to accelerate the adoption of energy efficiency practices in emerging markets via small and medium sized enterprises.
- Develop initial recommendations on sustainable infrastructure financing and investment.

# Intellectual Property

## ► **Mandate**

To promote efficient intellectual property systems that support international trade, encourage investment in creation and innovation, and facilitate sustainable economic development.

## ► **Projects for 2013**

- Prepare the 2014 edition of the ICC Intellectual Property Roadmap and promote the 2012 edition in different languages at various events around the world.
- Prepare a report on the positive role of IP - especially patent - protection in supporting innovation and technology development and diffusion as the first phase of a project to allow business to help steer national and international discussions towards a more positive approach to IP as a tool for development.
- Ensure business input on the implementation of the Convention on Biological Diversity's Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits from their Utilization.
- Launch a series of ICC lectures on intellectual property law and its role in developing new businesses.
- Prepare an issues paper on IP issues raised by social networks and virtual communities [to be confirmed and defined at IP Commission meeting end October]
- Prepare a paper on trade secrets protection [to be confirmed and defined at IP Commission meeting end October]

# Marketing and Advertising

## ► **Mandate**

To promote high ethical standards in marketing by business self-regulation through ICC international marketing codes, and formulate world business positions and initiatives to address government actions that affect marketing and consumer protection.

## ► **Projects for 2013**

- Work with APEC and ICC's global network to advance understanding of the ICC Marketing Code and advocate its use as the basis for the output instrument of the APEC Committee on Trade and Investment dialogue on self-regulation in advertising.
- Raise awareness and use of the ICC Framework for Responsible Environmental Marketing Communications among policymakers as a preferred alternative to conflicting guidance or labelling standards that confuse consumers and deter companies from advertising environmental benefits.
- Map emerging issues and existing policy tools on digital interactive media to assess whether ICC guidance requires further interpretation to support business and policymakers in adapting to developments to preserve consumer confidence and protection.

# Taxation

## ► Mandate

To promote transparent and non-discriminatory treatment of foreign investment and earnings that eliminate tax obstacles to cross-border trade and investment.

## ► Projects for 2013

- Lead global business input into the work of the United Nations Committee of Experts on International Cooperation in Tax Matters, including on the UN Model Convention and the UN Practical Manual on Transfer Pricing for developing countries.
- Contribute business views to the work of the Organization for Economic Co-operation and Development (OECD) on topics of a global reach including on the transfer pricing of intangibles for income tax purposes, in cooperation with the Business and Industry Advisory Committee to the OECD.
- Produce business recommendations on tax transparency and exit taxes.
- Monitor developments on international tax reform and establish ICC as the main forum for source taxation countries.
- Promote ICC environmental taxation principles and organize jointly, with the Commission on Environment and Energy, a seminar on fiscal frameworks and environmental policy-making to further advance the debate on the use of tax-related climate change measures.

# Trade and Investment Policy

## ► Mandate

To promote an open global economy that encourages cross-border trade and investment by business to foster job creation sustainable development, and improve living standards.

## ► Projects for 2013

- Contribute to defining the World Trade Agenda and shaping G20 deliberations on trade and investment.
- Encourage moving towards a multilateral framework for international investment to foster a predictable, secure and stable climate for FDI that will contribute to global economic growth and job creation.
- Develop business views to stem trade and investment protectionism, especially in a challenging economic environment.
- Begin developing recommendations on the issue of forced localization.

### **Committee on Customs and Trade Regulations**

- Provide input into the work of the World Customs Organization (WCO) on customs valuation and classification including through the WCO Private Sector Consultative Group.
- Build on the success of the inaugural ICC Symposium on Trade Facilitation and hold follow-up event.
- Organize a seminar on transfer pricing and customs valuation.
- Produce ICC Guidelines for Traders and increase dissemination of ICC Customs Guidelines to national customs administrations.
- Revisit the impact of customs duties on trade in intellectual property and services.
- Map out work on rules of origin to address the growing number of bilateral/regional FTAs.

## Transport and Logistics

### ► **Mandate**

To encourage the development of intermodal transport and competitive, efficient transport markets worldwide.

### ► **Projects for 2013**

- Influence policies regulating the environmental impact of transport towards the adoption of a global solution for air transport and vessel emissions.
- Advocate for the harmonization of security regulations, particularly aviation.
- Working with the ICC International Maritime Bureau, build on the Call to Action on Piracy (CAP) to address the root causes of maritime piracy.

## Special projects and groups \_\_\_\_\_

ICC special projects are intended to complement commission work by increasing the outreach of policy products developed by commissions.

### Business Action for Responsible Marketing and Advertising (BARMA)

### ► **Mandate**

To facilitate the spread of self-regulation and reinforce its effectiveness through two avenues – promoting greater application and reach of ICC’s internationally-agreed codes for advertising and marketing practice, and providing training resources to foster better understanding of code compliance.

### ► **Projects for 2013**

- Identify and seize opportunities to increase awareness of the Consolidated ICC Code of Advertising and Marketing Practice and to encourage adoption where local codes are updated or new self-regulatory mechanisms are established based on ICC’s globally-recognized best practice standards.
- Promote use of the recently revised ICC/INSEAD module in university marketing programmes around the world.
- Adapt the BARMA educational module into training seminar material for industry professionals and policymakers and develop a marketing plan to rollout use in target markets.
- Continue to support promotion efforts of the revised Consolidated ICC Code and ICC’s CodesCentre.com resources.

## Business Action to Stop Counterfeiting and Piracy (BASCAP)

### ► **Mandate**

To raise public awareness of the economic and social harm of counterfeiting and piracy and to encourage governmental efforts to combat them.

### ► **Projects for 2013**

- Prepare and publish country reports on the value of intellectual property, the economic and social risks from counterfeiting and piracy and country-specific recommendations for India, Russia and Kenya.
- Illustrate the positive relationship between strong IP rights enforcement and attracting Foreign Direct Investment (FDI), concentrating on Kenya as a model.
- Develop recommendations to stem the abuse of Free Trade Zones by counterfeiters.
- Outline the roles and responsibilities of supply chain intermediaries in the fight against counterfeiting and piracy.
- Suggest ways of using the proceeds of crime legislation by governments as a tool to leverage IPR enforcement.
- Launch the BASCAP “I Buy Real, Fakes Cost More” campaign in all 27 countries of the European Union, along with candidates from Africa, Asia, North and South America.
- Co-host the Seventh Global Congress on Combating Counterfeiting and Piracy to be held in April in Istanbul, Turkey.

## Business Action to Support the Information Society (BASIS)

### ► **Mandate**

To promote global business priorities on the range of Internet governance and information and communications technologies (ICTs) issues that contribute to economic and social development, in forums established by the UN World Summit on the Information Society (WSIS) and preserve the multi-stakeholder approach to these issues.

### ► **Projects for 2013**

- Actively contribute to the Internet Governance Forum (IGF) 2013 and its preparatory processes to ensure business views are taken into consideration.
- Preserve the multi-stakeholder approach to Internet and ICT issues and business' role.
- Advocate business positions in the WSIS +10 review process, WSIS +10 review events at UNESCO and ITU in February and May, respectively.
- Contribute business expertise and positions to the UN Commission on Science and Technology for Development (CSTD), and all WSIS follow up activities in ECOSOC and UN General Assembly.
- Highlight the key role of business in innovation and job creation in global discussions and events on Internet governance and ICTs for development.



# ICC G20 Advisory Group

## ► **Mandate**

To provide a CEO-led platform to raise the visibility of ICC's policy work and inject world business input into the work of the G20 on an on-going basis.

## ► **Projects for 2013**

- Develop and consolidate global business policy views on key elements of the G20 agenda.
- Conduct a globally inclusive appraisal of business views on G20 priorities, including consultations with businesses worldwide.
- Produce reports that complement ICC policy work, including the ICC G20 Business Scorecard, the ICC Open Markets Index and the ICC Global Survey of Business Policy Priorities.
- Communicate at CEO-level business priorities to G20 leaders, sherpas and ministers.
- Ensure effective world business input into the work of the G20 leading up to the G20 Summit in Russia in 2013, including working with the Russian government, business associations, World Economic Forum and others to organize the 2013 G20 Business Summit.

# Group on Economic Policy (GEP)

## ► **Mandate**

To advise ICC and its leadership on global macro-economic issues and their implications for world business.

## ► **Projects for 2013**

- Prepare ICC recommendations on macro-economic issues, dealing with both short and long-term aspects of the global economic crisis.
- Develop global business perspectives on financial/economic regulation, economic stabilization, job creation and open trade and investment.

# Permanent Representative to the United Nations (UN)

## ► **Mandate**

To promote business views at the UN through substantive engagement with UN agencies, departments and programmes and participation in intergovernmental deliberations.

## ► **Projects for 2013**

- Coordinate ICC input into the post 2015 UN Development Agenda.
- Launch e-newsletter on business and the United Nations.
- Convey business input through UN Private Sector Steering Committees for the Office of Least Developed Countries and the Office of Financing for Development.
- Provide business speakers to UN high-level meetings through engagement with ICC's International Secretariat and global network.

## The International Chamber of Commerce

ICC is the world business organization, a representative body that speaks with authority on behalf of enterprises from all sectors in every part of the world.

The fundamental mission of ICC is to promote open international trade and investment and help business meet the challenges and opportunities of globalization. Its conviction that trade is a powerful force for peace and prosperity dates from the organization's origins early in the 20th century. The small group of far-sighted business leaders who founded ICC called themselves "the merchants of peace".

ICC has three main activities: rule setting, dispute resolution, and policy advocacy. Because its member companies and associations are themselves engaged in international business, ICC has unrivalled authority in making rules that govern the conduct of business across borders. Although these rules are voluntary, they are observed in countless thousands of transactions every day and have become part of the fabric of international trade.

ICC also provides essential services, foremost among them the ICC International Court of Arbitration, the world's leading arbitral institution. Another service is the World Chambers Federation, ICC's worldwide network of chambers of commerce, fostering interaction and exchange of chamber best practice. ICC also offers specialized training and seminars and is an industry-leading publisher of practical and educational reference tools for international business, banking and arbitration.

Business leaders and experts drawn from the ICC membership establish the business stance on broad issues of trade and investment policy as well as on relevant technical subjects. These include anti-corruption, banking, the digital economy, marketing ethics, environment and energy, competition policy and intellectual property, among others.

ICC works closely with the United Nations, the World Trade Organization and intergovernmental forums including the G20.

ICC was founded in 1919. Today it groups hundreds of thousands of member companies and associations from over 120 countries. National committees work with ICC members in their countries to address their concerns and convey to their governments the business views formulated by ICC.

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