

Ingrid Brocková*

TRANSATLANTIC BUSINESS DIALOGUE

The new Transatlantic Economic Partnership (TEP), launched by the United States (US) and European Union (EU) at their bilateral summit in May 1998, is designed to strengthen transatlantic economic ties, as well as joint cooperation in multilateral fora. The Transatlantic Business Dialogue (TABD), given its demonstrated success in advancing the goal of trade liberalization, is geared up to support a genuine effort by the US and the EU to eliminate trade barriers that continue to hinder bilateral and global trade.

In six years, the TABD has developed from being almost an afterthought proposed in a speech delivered by the late US Secretary of Commerce Ronald Brown in Brussels in November 1994 to a powerful catalyst for trade

* *Ingrid Brocková; Ing. CSc., Ministerstvo zahraničných vecí Slovenskej republiky*

liberalization advancing toward the ultimate goal of a New Transatlantic Marketplace. A revolutionary trade liberalization format – one that is business and not government-driven – the TABD was instrumental in building the new Information Technology Agreement (ITA) and the EU – US Mutual Recognition Agreement (MRA).

In a US Department of Commerce survey, prior to TABD formation, the US and the EU business communities identified regulatory barriers to trade, such as heterogeneous manufacturing standards and product certification bodies, as barriers between the two economies.¹ The survey sparked momentum in the US and EU governments to tackle those issues and set the stage for creating this new paradigm for trade liberalization that is proving to be a faster and more consensus-based method than traditional government-driven negotiations.

The TABD is demonstrating that a regional forum can be a platform to expand its objectives multilaterally just as the Uruguay Round of the GATT, which fostered the World Trade Organization (WTO), was built upon provisions in the US – Canada and NAFTA arrangements.

Transatlantic Economic Relations

The EU – US relationship is based on mutual understanding and the recognition of the importance of both trade and security. America's relationship with Europe has long been the cornerstone of the US economic and foreign policy. Today, America's fortunes remain fundamentally linked with Europe's.

Today, the US – European trade relationship is not only the largest and most important bilateral trade relationship for the United States and the European Union, accounting for over 20 % of total US and 17 % of total EU exports, but is also the largest two-way trade and investment relationship in the world, accounting for 2 trillion in goods and services.

Europe is also the US most important partner in supporting the global trading system. Over the last 50 years every advance in the world trading system has been the result of joint US – European agreement and initiative. When they do not agree – as was the case on the agriculture issues in the Uruguay Round – open trade makes little progress. Joint US – EU leadership can accomplish a great deal. The results speak for themselves: The Uruguay Round, the creation of the WTO, the Information Technology Agreement, the WTO Basic Telecommunications Agreement, and the WTO Financial Services Agreement.

At the May 1998 London US – EU Summit, US President Bill Clinton, EC President Jacques Santer and British Premier Tony Blair announced the Transatlantic Economic Partnership (TEP). The TEP developed out of the 1995 US – EU Summit in Madrid, where Presidents Clinton and Santer announced the launching of a New Transatlantic Agenda (NTA) and established the Transatlantic Business Dialogue (TABD) to define the trade and investment agenda required to bring about a New Transatlantic Marketplace.

The adoption of the NTA has strengthened and enhanced the US – EU partnership. The NTA broadens their cooperation and has the most complete set of cooperative mechanism they have ever had – semi-annual Summit meetings, regular sub-cabinet level meetings, and a broad range of working level contacts.

The NTA has allowed to move the EU – US's commercial relationship forward and to explore ways they can enhance and expand their already close ties. They have given particular attention to building a barrier-free marketplace – to further liberalize and already open trade and investment relationship and better manage their trade disputes. Most importantly, the NTA provides a blueprint for strengthening cooperation between the US and Europe into the 21st century.

The Transatlantic Business Dialogue (TABD)

The TABD is a unique example of entrepreneurial diplomacy by American and European businesses to expand transatlantic trade and investment. This business driven exercise ferrets out concrete obstacles to trade that the US and EU governments can eliminate on an efficient time frame that is understandable to pragmatic business people as well as to the public, which is at best skeptical about the work of government trade negotiations.

The TABD, since its inception in late 1994, has transformed into a powerful catalyst for trade liberalization in the bilateral arena, advancing two economies toward the ultimate goal of a New Transatlantic Marketplace. “In fact, virtually every market-opening move undertaken by the United States and the EU in the last couple of years has been suggested by the TABD.”⁴² As stated by David L. Aaron, at that time Under Secretary for International Trade at the US Department of Commerce: “... the TABD's work has produced a number of significant successes and continues to provide government with the advice we need.

This government – business dialogue is unique in the world and has contributed immensely to the reduction of trade barriers across the Atlantic.

No other forum has risen so rapidly to become as effective as the TABD. It has become the single most important channel through which business can help shape the bilateral trade agenda of governments.³

The TABD is also demonstrating that a regional forum can be strong platform from which to expand its agenda in the multilateral arena, breaking down barriers and expanding trade on a global scale. The nature of the TABD-government dialogue encourages a more cooperative economic relationship between the US and EU, fostering the type of concerted action by the two bodies required to liberalize trade globally, such as the expansion of the WTO Information Technology Agreement (ITA), progress on the OECD treaty criminalizing corporate bribery, and the implementation of the WTO Technical Barriers to Trade Agreement.

The TABD also played an important role in the conclusion of the WTO Financial Services Agreement. Overall, close to one-third of the TABD recommendations made over the past years have been met by concrete action by the US and EU administrations and more than half are under active discussions between the business and government communities.

The TABD was launched at Seville, Spain in November 1995 at a conference attended by more than 100 US and EU business leaders, the US Secretary of Commerce and senior EU representatives led by the Commissioner for Trade and Industry. At Seville, harvesting “low hanging fruit” in the form of transatlantic trade barriers most visibly affecting the bottom lines of EU and US companies emerged as a key theme for the TABD. In addition to the annual conferences⁴, mid-year meetings have been held each year to review progress and to present new recommendations to the two governments. The 1998 mid-year report reflected the business community’s emphasis on a need for government accountability. It featured a “scorecard” which detailed the degree of the government’s responsiveness to each of the TABD recommendations.

The TABD is organized into four working groups: *Business Facilitation* works towards regulatory convergence in areas including electronic commerce, accountancy standards, export controls and product liability. *Global Issues* focuses on ways to leverage the transatlantic relationship to develop the global trading system *vis-à-vis* the WTO. *Small and Medium-sized Businesses* aim to boost trade opportunities and links at those commercial levels. *The Transatlantic Advisory Committee on Standards and Regulatory Reform (TACS)*, the TABD’s permanent and core working group, eliminates trade barriers that result from standards and regulatory requirements, including duplicative product testing, redundant standards certification, and dif-

fering technical regulations. The ultimate goal of the committee is to fulfill the principle “approved once, accepted everywhere in the Transatlantic Marketplace”.

Non-Economic Benefits: a New Paradigm for Trade Liberalization

The implementation of the MRA signed in 1997 had been a win-win situation for businesses, consumers and workers in both the US and EU. Beyond the purely economic gains to be realized through the fulfillment of the TACS recommendations, the unique business-driven TABD working groups have also produced recommendations on a broad range of issues including taxation, customs facilitation, product liability and international business practices.

The approach of TABD has yielded an even more fundamental public policy contribution by providing a *new paradigm for trade liberalization*. Such a strategy helps to build consensus between businesses, domestically and between regions. While competitors in commerce, the companies involved in the TABD process are learning that there are many issues, particularly in the area of standards and regulatory policy, which can best be solved through cooperation. These issues are not firm-specific, though they are often sector-based. It has been recognized that the solutions, too, are often best pursued at the sector-wide level, and sector specific cooperation has been extended across the Atlantic. The joint recommendations presented by American and European businesses in the annual Mid-Year Progress Report are testimony to the great achievement derived from this new paradigm.

These Progress Reports symbolize how the Transatlantic Business “Dialogue” transformed itself, effectively, into a Transatlantic Business “Combined Chorus” directed at the two governments. With businesses on both sides of Atlantic presenting a united front *vis-à-vis* their respective governments, government negotiators feel hard-pressed to argue against the benefits of such proposals to their domestic industries.⁵

The structure of the TABD, itself, reinforces the trade expansion constituency. Although the TABD has relied on the role of US and EU CEOs, and their individual companies in the process, it has also taken advantage of existing business organizations and associations in both the EU and the US. The result is a built-in constituency, with strong organizational structures, that is technically knowledgeable and politically available to push for changes in regulation and legislation. In the US, the National Association of Manufacturers, the US Chamber of Commerce, and the European-American

Chamber of Commerce are active participants in the TABD process, providing recommendations, administrative support, and outreach programs to business and industry. Likewise, on the European side, a number of industry organizations – including the *Unione des Confédérations de l'Industrie et des Employeurs d'Europe* (UNICE) and the Transatlantic Policy Network – are actively involved in the process, mobilizing their members and providing input. In addition, the process has empowered the European business community *vis-à-vis* the European Union apparatus in Brussels. Many of the groups involved in the TABD help to provide a bridge across the Atlantic. The TABD has effectively utilized this ready-made support-network for the trade liberalization process to impact and respond to government action.

TACS's sectoral organization provides clarity and concreteness to its proposals, a feat rarely achieved in traditional trade negotiations. By making its recommendations on a sector-by-sector basis, the result promises to be a regulatory system with more clear and enforceable rules of the road. Often disputes over trade agreements result from misunderstanding over exactly what is or is not covered. The more detail included in the future regulatory road map means more clarity, less room for misunderstanding and, thus, fewer disputes down the road. In addition, such specificity is more meaningful to businesses by addressing issues that are specific to their given sectors. While the broad goal of the TACS remains regulatory harmonization, harmonization can mean very different things for different industries. In the automotive sector one goal has been "functional equivalency", a performance-based standard in which there has been substantial progress. In accountancy services, the goal was the mutual recognition of qualifications, an objective largely achieved through the WTO's July 1997 accountancy qualifications recognition guidelines.⁶ Meanwhile, the telecommunications equipment, information technology products, medical devices, pharmaceuticals, and marine sports craft sectors are harmonizing by means of an MRA on testing standards. Through sector-by-sector negotiations, such specifics can be hammered out in detail.

In addition, by giving industry not just a voice, but the initiative in trade negotiations, the agreements reached will more likely fulfill the requirements needed by industry to maintain its global competitiveness. As a business-driven agenda, the TABD can realize the benefits of "subsidiarity", the decentralization of responsibility to those most affected by a given issue, a concept more than familiar to the European and complementary to American federalism. It is more efficient to give the responsibility of identifying barriers to trade and of supplying recommendations to eliminate them to

those that are most intimately affected by – and, therefore, more intimately knowledgeable of – such issues. And when CEOs – whose talents combine decisiveness and organizational skillfulness – sit down to work together, decisions get made decisively. Business knows best way is in its best interests, what is needed to be globally competitive.

Obstacles to Reform

While a major goal of the TABD has been achieved in the form of the MRA, many issues remain to be addressed. First, *the existence of two different regulatory systems in the US and EU*, each with its own structure and history will continue to complicate regulatory convergence. The regulatory framework in the EU, established in 1985 as part of the move toward the Single Internal Market, was intentionally created as a “global approach“ to standards creation, making it more amenable to the principles behind an MRA. Technical rules and standards are means to two ends: (1) to ensure product and worker safety, and (2) to remove internal trade barriers within Europe. Three standards bodies, operating under mandates from the European Commission – the European Committee for Standardization (CEN), the European Committee for Electrotechnical Standardization (CENELEC), and the European Telecommunications Standards Institute (ETSI) – have control over standards-setting within the EU for their respective sectors. Conformity assessment is conducted by “notified bodies“ which are private testing and certification services approved by the relevant standards-setting bodies. A “CE Mark“ – which stands for *Conformité Européenne* – is legally required for the distribution or sale of manufactured goods within the Single Market. The mark certifies that products conform to given standards and ensures the free movement of goods within the EU.

While the highly centralized EU system lends itself to the coordination necessary for government-to-government MRA negotiations, the EU’s system reflects fundamental differences with the US framework which relies far more on private testing and certification through a loosely organized network of independent testing laboratories and certification bodies.

A second obstacle to the creation of the Transatlantic Marketplace stems from *pressures within the regulatory bodies themselves*. Testing services and certifying bodies on both sides of the Atlantic can feel threatened by regulatory change. Some organizations – including those in the US that operate at the federal level such as the FDA, FCC, and OSHA – strive to maintain control over the certification and standards-setting process, fearing that their respective

jurisdictions could be usurped by the implementation of an MRA that allows exporters to fulfill regulatory requirements without certification directly from these bodies. In addition, such organizations are often more sensitive to Congressional concerns that represent disparate domestic constituencies rather than global interests. For example, in the US, the FDA maintains its presence for internal review procedures versus third-party certification. And the EPA currently has no policy mandate requiring the agency to consider harmonization with international standards in its regulatory activities. These agencies naturally resist reform that might compromise their sovereignty over regulatory matters. However it should be noted that an MRA was finally achieved in June 1997, with the FDA acquiescing partly because it recognized that the MRA reinforced internal reform and helped the FDA cope with budget restraints. In this way, the MRA neither undermines nor supersedes the authority or mission of regulators, but rather strengthens both.

Third, the *two governments' regulatory regimes each have their own supporters who resist change*. In the US, strong grass-roots, citizens' organizations and their Congressional champions wish to maintain a major say in regulatory policy-making. These groups have over the years successfully achieved legislation – such as the Administrative Procedures Act, the Freedom of Information Act, the Federal Advisory Committee Act, and general rights of representation to sue – that give ample time for comment, input, and representation by any interested party but also have the effect of retarding or even blocking regulatory change. These groups, including Ralph Nader's Public Citizen and the Consumers' Union, fear the loss of national sovereignty in regulatory matters. Assuming standards were harmonized, they fear that they would need to get permission from EU bureaucrats to promulgate legitimate regulations that may be needed in the future. Likewise, on the EU side, there is a strong constituency that resists regulatory harmonization. There, the opposition tends to come from sectoral trade associations and consortia that have had the privilege of setting industry and product standards.

Fourth, the TABD faces *resistance by government career negotiators unaccustomed to dealing with standards*, which had been mostly overlooked in the pursuit of other more high-profile initiatives. In the past, some inside the US Trade Representative's office have voiced reservations about the value of expending so much time and bureaucratic resources on the MRA, which required specialized technical knowledge as well as a strenuous final political push to seal the agreement. These skeptics question how long it will be to see benefits materialize. Some US career negotiators felt uncomfortably diverted onto the recent MRA negotiations and away from their traditional

work agenda at the OECD and WTO. Furthermore, in negotiating the MRA, US negotiators had to work with regulators from other US agencies like the FDA, which was unfamiliar terrain. The MRA exercise thus highlighted the need for enhanced interagency coordination. The US TR has increasingly become engaged with TABD's priorities. Given US TR's responsibility to advance inter-agency coordination, its commitment going forward is a critical ingredient to achieving timely negotiations.

On the European side, some negotiators have expressed fear that the implementation of MRAs may slow the process toward global standardization because the agreement applies exclusively to the US and EU. However, the standards bodies involved have played and will continue to play an important role in the movement toward standards harmonization globally. When the US and EU can agree on standards issue, this forms a firm platform for universal agreements. All have worked closely with the International Standards Organization (ISO), the international standards and certification body, in an effort towards global harmonization. The American National Standards Institute (ANSI) has developed a working relationship with the European standards bodies to facilitate the movement toward the harmonization of manufacturing and technical standards. Rather than an impediment, the TACS sees harmonization that emphasizes functional equivalence as an important first step with universal applicability.

A fifth *obstacle are those observers mired in "old think" who try to doom TABD politically by saying that what is good for business must be bad for labor*. Business, in the case of the TABD, is not a synonym for "management" but encompasses both management and labor in pursuit of more "business" – in other words, more trade, commerce, customers, markets, and economic expansion.

Sixth, there has been some concern on the part of *consumer, environmental, and labor advocacy groups that the TABD process is moving too fast*, leaving such organizations unable to digest and respond effectively to the dialogue's recommendations. This problem must be addressed by governments sponsoring hearings and individual businesses sponsoring dialogues with their customers (e.g. consumers) and workers (e.g. labor). The July 1996 public hearings on the recommendations in the automotive sector are a model for providing organizations the opportunity to participate without slowing progress unnecessarily. Similarly, in October 1996, the Food and Drug Administration (FDA) held an unprecedented hearing for interested parties to comment on the US pharmaceutical MRA proposal. The US TR has also pushed for formation of a Transatlantic Consumer Dialogue and a Transatlantic Labor Dialogue.

What is also needed is a public relations and press campaign to educate the public, labor, government officials, regulators, legislators, and consumer and environmental special interest groups about the unequivocally negative effects of regulatory trade barriers. The TABD states clearly that its intention is not to lower levels of protection for health, safety, and the environment; regulatory reform is not the same as deregulation. Instead, the goal is to eliminate the costs of duplicative testing and standards certification, which offer no additional health of safety protection to the consumer, only higher prices.

Last, and perhaps, most important, the two governments must make the political commitment to continue acting on future TABD recommendations. The TABD originated as a joint initiative of the two governments, and the two business communities rapidly organized themselves to take advantage of the unique opportunity they were offered. The business communities of the TABD have committed themselves to the process. The conclusion of the annual mid-year Progress Reports, their continuing efforts to deepen and widen their agenda, are all testimonies to their commitment.

Planning for TABD's future demands thinking pragmatically in keeping with TABD's approach of "harvesting low hanging fruit" first in the following framework:

- Be consistent with the goal of trade expansion in both the Transatlantic context and globally;
- Be constructive from a commercial viewpoint for both American and European-based firms;
- Be compatible with older goals of consumers and worker protection in both regions;
- Reinforce both US and European foreign policy goals.

The Transatlantic Economic Partnership

The two governments have taken an important step in demonstrating their commitment to the process. In May 1998, President Clinton, EC President Santer and Prime Minister Blair launched a new bilateral framework, the Transatlantic Economic Partnership (TEP), building on the NTA. A new agenda was set to strengthen the bilateral economic ties, expanding trade and investment across the Atlantic and reinforcing cooperation within multi-lateral fora. The new initiative hopes to build on the two-way trade in goods and services and the combined investment in each other's economies. The TEP outlines a three-pronged market-opening approach⁷:

- Achieving near-term market access gains for goods, services, and agricultural products;
- Promotion of multilateral and bilateral trade liberalization through the WTO and other international institutions for the reduction or elimination of barriers that hinder the flow of goods, services, and capital;
- The expansion and deepening of the transatlantic dialogue between representatives of non-governmental, parliamentary, and governmental organizations on trade and investment issues.

The new initiative covers more than a dozen areas where the US and EU will negotiate the reduction and elimination of existing trade barriers or improve regulatory cooperation in areas such as services, industrial tariffs, agriculture, global electronic commerce, intellectual property rights, investment, government procurement, and business facilitation. The initiative will also improve the efficiency and effectiveness of regulatory procedures with regard to food safety and the approval of biotechnology products.

The key objectives underlined in the new bilateral agenda reflect many of the priority goals promoted by the TABD. In fact, the TABD, bottom-up formula has been made a key component of the new initiative.

The TABD recognizes the opportunities for advancing its agenda by intensifying the bilateral relationship through this new TEP framework. However, the measure of success of the TEP is success:

“To the degree that the TEP initiative accelerates implementation of TABD recommendations already undertaken by the two government authorities, and deepens government commitment to carry out recommendations that the TABD hopes to continue to generate, is the degree to which TABD supports the process...”⁸

The TABD has urged TEP negotiators to complement and support the pragmatic, results-oriented approach of the TABD by providing a stable framework for the transatlantic marketplace and continuing in their commitment to facilitate further progress on TABD recommendations. TABD participants eagerly await for the two governments to prove that the political commitment expressed in the TEP agenda – by demonstrating true progress as well as a practical timetable for the future – is genuine and will not prove to be as frustratingly protracted as the MRA process.

Adjusting TABD to Post Cold War Geography in Europe

The US foreign policy toward Europe has been largely shaped by the geography of the membership in the North Atlantic Treaty Organization

(NATO) enlarged to include three new countries – Poland, the Czech Republic and Hungary. Military and security issues, to be sure, will remain important in the 21st century, but US leadership also must adjust policy to the ever-growing importance of trade in every part of the globe. While businesses forge ahead, government must keep up. It is absolutely unacceptable for US trade policy planners to treat the European trade relationship as merely a source of bilateral agricultural conflict, or at best, an afterthought. Congress must act too; Rep. Robert Matsui (D-CA) observed that in his 18 years of service, he cannot recall a single Ways and Means Committee hearing on US – Europe trade.⁹ In addition to raising trade negotiators' consciousness to US – EU relations, the TABD should initiate a dialogue that expands beyond the old 1945 lines drawn in Yalta to include new democratic market economies.

Half a century ago, the Marshall Plan resurrected Europe from the Second World War. That era is long gone. Big government programs have been supplanted by private foreign direct investment. Invigorating the economies of Europe, especially those nations about to enter NATO, requires another form of economic outreach, one that is business and commercial, not government sponsored. Just as NATO expansion brings security, TABD's equivalent expansion to include the new NATO economies would enhance trade and prosperity, while also serving as a natural agent for helping the new NATO countries modernize their economies.

This initiative is critical from both the EU and the US foreign policy points of view. US relations with the emerging markets of Europe requires more than bilateral and more than an indirect policy of encouraging the European Union to take in new members from the East. When the EU expanded to include Greece in 1981, Portugal and Spain in 1986 and Austria, Finland and Sweden in 1995, it disadvantaged American commercial interests and created a rippling of trade frictions across the Atlantic. Further EU expansion has been distracted by the exercise in deepening EU integration via the European Monetary Union. However, in December 1997, the European Commission recommended that EU admit as new members other candidate countries on various timetables. Meanwhile, US commercial interests are being compromised when EU entities enjoy preferential tariff treatment from EU applicant nations at the expense of American business. For example, the US accounts for one fourth of all foreign investment in Poland, and yet EU members face a preferentially lower tariff duty than the 15 percent average levied against US companies. This disadvantages US imports, and discourages American retail investment because European retailers can more

cheaply source Western European imported goods. The TABD acting as a forum to discuss the prospective membership of these Eastern European countries could avert such problems. The TABD should also play a helpful role in the expansions of both the NATO and the EU. For example, the TABD might assist by advancing intellectual property rights protection and harmonizing the new economies' technical standards with those of the US – EU MRA and other means of aligning standards.

Conclusion

The TABD process has so far proven to be a faster, more consensus-based method of setting priorities than traditional government-to-government negotiations and has the potential to produce agreements that are more politically sustainable. Despite the formidable obstacles still facing the TABD and the TACS, their accomplishments to date are a testimony to the effectiveness of the bottom-up, business-driven approach to trade talks. The TABD is a model of efficiency and action. The breakthrough MRA demonstrated that this dual business-driven agenda could result in government action in both the US and EU. The utilization of existing industry organizations and associations has provided valuable input and built-in constituency able to influence and respond to government action or inaction. The process itself has fostered a collaborative relationship between firms, domestically and across the Atlantic, to find common solutions to common problems. The implementation of the TACS' recommendations to reduce regulatory barriers to trade will lead to more exports, higher economic growth and more jobs across the Atlantic. In turn, the Transatlantic case serves as a significant basis for eventual multilateral expansion – a win-win situation for all.

Critical to the long-term success of the TABD are member confidence, resolution, and above all patience in the eventual implementation of its recommendations. Clearly, the business community and government are two very different “animals“ with different agendas and objectives. The business community must be patient with governments that do not operate at the speed of business; international agreements – with all their constituent interests represented – do not happen overnight. Meanwhile, government must appreciate that when it comes to setting priorities in commercial policies, business does have a very definite comparative advantage.

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Notes:

1. *US Department of Commerce Subcommittee on Europe, Europe White Paper, November 3, 1995, p. 1.*
2. *Acting Under Secretary of Commerce for International Trade, Timothy J. Hauser, Testimony before the Subcommittee on Trade of the House Committee on Ways and Means, Washington D.C., July 23, 1997.*
3. *Under Secretary of Commerce for International Trade, David L. Aaron, testimony before the Subcommittee on Trade of the House Committee on Ways and Means, Washington, D.C., July 28, 1998.*
4. *In November 1996, TABD members met in Chicago to expand and deepen the process. The Chicago conference succeeded on several fronts. It significantly influenced the results of the WTO conference in Singapore in December 1996, which led to the new ITA and produced a resolution on EU business practices with respect to Cuba, which became a key factor in allowing the Clinton Administration to avoid Title 3 suits pursuant to the economic sanctions required by the Helms-Burton Act. One of the most important outcomes of the Chicago conference was the agreement reached to base an MRA on the assumption that existing certification mechanisms in the US and EU are mutually trustworthy. Establishing and maintaining trust and confidence on both sides of the Atlantic is just as critical to the TABD's success, and in turn US–EU relations overall, as the technical language of the MRA itself.*

The next TABD conference, in November 1997 in Rome, brought TABD members together once again to advance their agenda. The most important achievement was the result of TABD's continued efforts to encourage their respective governments to sign the agreed package of MRA, which reaped fruit in May 1998 as both governments signed the Agreement. In addition, the TABD strongly influenced the US and EU member countries of the OECD to conclude a convention to criminalize the bribery of foreign officials.

The agenda of the 4th TABD in USA in November 1998 was the confirmation of the support from the industry side for the TEP and for the WTO dispute settlement system as well as promoting business support in the EU and the USA for a new Round of comprehensive negotiations in the WTO (i.e., the Millennium Round).
5. *As stated by Sir Leon Brittan, Trade Commissioner, "Where (businesses) agree, there will be a powerful incentive for the EU and US to act on their recommendations...If (both sides) are able to identify areas which they think (two governments) should work on, the pressure on governments to proceed will be almost irresistible". It is incumbent on the two governments to explain why they do not act when the US and EU business executives, who are competitors in the marketplace, can agree on recommendations for government action.*
6. *The WTO Council on Trade in Services approved a set of guidelines that are intended to overcome the national differences in accountancy licensing systems and to facilitate the recognition between member countries of the licensing, certification, education and experience of accountants. These guidelines are voluntary and non-binding, and may be useful for other professions that are interested in facilitating their international presence. US TR Press Release, July 2, 1997.*
7. *The White House, Office of the Press Secretary (London, England), May 1998.*

8. *Joint TABD Response to the Federal Register Request from the Office of the US TR for comments on the TEP, July 6, 1998.*
9. *Representative Robert Matsui, (D-CA), remarks at the Subcommittee on Trade of the House Committee on Ways and Means Testimony, Washington D.C., July 23, 1997.*

Resumé:

Ingrid Brocková: *Transatlantický obchodný dialóg*

Transatlantický obchodný dialóg (TABD) je súčasťou širokej agendy americko-európskych vzťahov zastrešovaných tzv. *Novou transatlantickou agendou (NTA)*, začatou v roku 1995 (November, Seville). Bilaterálne hospodárske vzťahy USA a EÚ predstavujú takmer 50 percentný podiel svetového obchodu, transatlantický tok obchodu a investícií sa pohybuje denne vo výške zhruba 1 mld. USD. Európa a USA sú tradičnými partnermi v presadzovaní zmien v globálnom obchodnom systéme.

TABD predstavuje úspech vzájomnej hospodárskej spolupráce USA a EÚ. Spochiava v komunikácii vládneho a súkromného sektora, ktorý vyúsťuje do liberalizovanej legislatívy a budovania tzv. Nového transatlantického trhu. Je cieľený na elimináciu obchodných bariér a na prispievanie do procesu liberalizácie svetového obchodu. Prelomom vo vývoji TABD bolo podpísanie dohôd o vzájomnom uznávaní testov a certifikátov v oblasti telekomunikácií, farmaceutických výrobkov a elektrotechnickej výroby (1997). Novými výzvami TABD sú o. i. oblasti, ako je elektronický obchod prispievajúci k vytvoreniu predvídateľného legislatívneho prostredia a ku konštruktívnemu dialógu vláda – súkromný sektor. TABD, na ktorom participujú významné ekonomické subjekty na oboch stranách Atlantiku, pracuje v štyroch pracovných skupinách:

- vytváranie vhodného obchodného a podnikateľského prostredia (konvergencia regulačných rámcov EÚ a USA);
- globálne otázky (spolupráca na pôde WTO);
- rozvoj malého a stredného podnikania (vytváranie podmienok pre rozvoj);
- poradný výbor v oblasti štandardov a reformy regulačného rámca (eliminácia duplicity v certifikácii, testovaní, technických regulačných opatreniach).

Aj napriek úspechom TABD existujú určité prekážky pri jeho ďalšom rozvoji, ako je existencia dvoch rozdielnych regulačných systémov v USA a EÚ; rezistencia k zmenám v inštitucionálnom zabezpečovaní harmonizácie regulačných politík (certifikácia, štandardizácia a pod.); riadenie ľudských zdrojov (expertíza); politické aspekty prehlbovania TABD (záujem napr. odborárskych asociácií a i.); požiadavky environmentálnych združení, záujmo-

vých skupín zameraných na dodržiavanie pracovných štandardov a ich obavy z rýchlosti progresu TABD; politická vôľa vlád oboch strán aplikovať doporučená TABD. Tieto by sa mali stať východiskom pre budúcnosť TABD v smere a) ďalšieho presadzovania obchodnej expanzie v transatlantickom kontexte a v kontexte globálnom; b) konštruktívnosti k požiadavkám amerických a európskych firiem; c) kompatibilnosti so starými cieľmi spotrebiteľov a odborárskych záujmov; d) umocňovania cieľov americkej a európskej zahraničnej politiky.

Ďalším rozvinutím TABD je tzv. *Transatlantické ekonomické partnerstvo (TEP)* iniciované na EÚ – U.S. summite v Londýne v roku 1998. TEP smeruje k rozpracovaniu niektorých záverov a doporučení TABD v oblasti liberalizácie obchodu tovarov, služieb, poľnohospodárskych výrobkov. Rozširuje TABD o dialóg s mimovládnyimi subjektami, parlamentnou komunitou a vládnymi organizáciami.

V období po skončení studenej vojny – prijatím troch krajín regiónu strednej a východnej Európy do NATO a intenzifikáciou prístupového procesu kandidátskych krajín do EÚ – stáva sa aktuálnou otázkou potenciálne rozšírenie TABD i o nové demokratické trhové hospodárstva. Dôvodom k tomuto kroku je i postavenie amerických hospodárskych záujmov, ktoré sa dostávajú do polohy diskriminačnej v dôsledku existencie preferenčných zmlúv s EÚ.

TABD dokázal počas existencie svoju opodstatnenosť – je optimálnou metódou nachádzania kompromisov a konsenzu než tradičné negociácie vlád jednotlivých krajín. Má potenciál produkovať zmluvy, ktoré sú stabilnejšie a politicky dlhodobejšie udržateľné. TABD je dôkazom efektívnosti prístupu z „dola-hore“, z úrovne podnikateľskej ku vládnej. TABD je dnes modelom efektívnosti a akcieschopnosti. Eliminácia bariér vzájomného obchodu a jeho liberalizácia evidentne vedú k zvyšovaniu exportu, vyššiemu hospodárskemu rastu a vytváraniu pracovných príležitostí na oboch stranách Atlantiku. TABD je „win-win“ riešením pre všetky na ňom participujúce zložky. Jeho neoceniteľným prínosom je zblíženie politik súkromného a vládneho sektora a stanovovanie spoločných priorít.