



AGENDA

November 29, 2012

Fueled by the 2012



10:25 Speaker

Antitrust Implications of Cross Border Codes

How might cross border code systems dampen innovation or create barriers to entry? How can stakeholders mitigate these problems at the design and implementation phases? How does the cross border context affect competition concerns?

William E. Kovacic

Professor

George Washington University Law School

Former Chairman

Federal Trade Commission

10:45 Break

11:00 Case Study

APEC's Cross Border Privacy Rules (CBPR) System

The APEC CPBR is a new, multi layered system built on an enforceable privacy code of conduct. Participating businesses submit their corporate privacy policies and practices for review and certification by third parties, and are subject to ongoing compliance monitoring and supervision as well as government enforcement. How does APEC's CBPR system protect consumers' personal information in cross border data flows? What roles do the major stakeholders – industry, civil society, government, and consumers – play at each stage?

MODERATOR:

Markus Heyder

Counsel for International Consumer Protection

Federal Trade Commission

PANELISTS:

Paula J. Bruening

Vice President

Global Policy Centre for Information

Policy Leadership

Hunton & Williams LLP

Frances J. Henderson

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Oversight

Daniele Chatelois

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APEC Data Privacy Subgroup

Senior Policy Advisor

Digital Policy Branch

Industry Canada

Joshua Harris

Vice Chair

APEC Data Privacy Subgroup

Chair

APEC's CBPR Joint Oversight Panel

Associate Director

Office of Technology and E Commerce

U.S. Department of Commerce

12:15 Lunch

1:30 Case Study

OECD Guidelines for Multinational Enterprises (MNE)

The OECD MNE Guidelines provide guidance for corporations on responsible business in several areas, including human rights, employment, the environment, competition, and consumer interest. Observance of the Guidelines by businesses is voluntary and legally unenforceable; however, there are governmental National Contact Points (NCPs) that address complaints and encourage compliance. What types of consumer issues have the NCPs addressed? How does the non binding nature of the Guidelines impact the ability of interested parties to settle their issues? What lessons are there from other multi stakeholder initiatives on corporate social responsibility?

MODERATOR:

Peter Avery

Secretariat

OECD Committee on Consumer Policy

PANELISTS:

Clifford Henry

Member

Stakeholder Advisory Board to the U.S. NCP

Associate Director

Corporate Sustainable Development

Proctor & Gamble

Jonathan Kaufman

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Gwenann Manseau

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Office of the Chief Counsel for International

Commerce

U.S. Department of Commerce

Alan K. Yu

U.S. NCP for the OECD Guidelines

U.S. Department of State



2:45 Case Study

Toy Safety and Food Safety

U.S. agencies increasingly use a mixture of enforcement and policy tools to achieve their consumer protection objectives in areas that involve global supply chains, such as food and product safety. To what extent do the Consumer Products Safety Improvement Act (CPSIA) (2008) and the Food Safety Modernization Act (FSMA) (2011) sanction the use of third party standards and codes to certify compliance with U.S. consumer safety laws? What are the product

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4:15 Panel

Best Practices and Metrics

Which of the elements discussed in the forum determine the legitimacy and effectiveness of cross border codes of conduct? Are certain indicators more important than others? What role does enforceability play? Is there a systematic

