



**International Chamber of Commerce**

*The world business organization*

# 2010 Programme of Action

**International Chamber of Commerce**

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## **ICC innovates in a time of challenge**

As expected, 2009 was one of the most difficult years in recent memory, with the worst recession since World War II bankrupting companies, bringing unemployment to record levels, and raising public debt to dangerous heights. Yet as the year ended the massive government interventions in the United States, Europe and Asia succeeded in averting the worst. The recession was declared officially over in the third quarter both in Western Europe and North America, and China and other Asian countries showed unexpectedly robust growth by year's end.

Nevertheless, it would be unreasonable to conclude that sustainable economic growth is around the corner. As the debt crisis in Dubai and the gargantuan public deficits in Greece, Britain, Spain and Ireland indicate, some nasty surprises may well lie ahead. The key challenge for governments in the coming year will be to successfully end their stimulus programmes without plunging their economies back into recession. This will take a delicate balancing act.

One tangible contribution to sustainable growth is to successfully conclude the Doha Round of trade negotiations in 2010. Given a decline in world trade of around 9% in 2009, it is more urgent than ever that world leaders finally summon the political will to complete Doha. The decision by the G20 to guarantee US\$250 billion in trade finance support over the next two years was a welcome step but, as two surveys on trade finance by the ICC Banking Commission clearly showed, the level of world trade must pick up significantly before the world economy can return to a period of sustainable growth.

Yet despite the difficulties and divisions, the international community worked in relative harmony to face the crisis. One encouraging development was the emergence of the G20 as the premier forum for establishing international economic policy. Given that member countries represent 90% of global gross national product, the G20 reflects the new distribution of economic power in today's world. Yet despite commendable efforts by G20 leaders to contain protectionist pressures, any widespread resort to beggar-thy-neighbour measures would derail the recovery, which remains timid in most countries.

Throughout the year ICC actively presented the global business agenda to the leaders of both the G20 and the G8, including private meetings with British Prime Minister Gordon Brown and Italian Prime Minister Silvio Berlusconi, the hosts to the summits.

ICC participated during the course of 2009 in a series of important international conferences, where we presented the views of the global business community. These included the Internet Governance Forum, the Fifth Global Congress on Combating Counterfeiting and Piracy, and the 15th Conference of the Parties to the United Nations Framework Convention on Climate Change. On this crucial topic, we emphasized that sustainable solutions cannot be found or implemented without the creative energy, flexibility and efficiency of the business world.

### **A significant year**

The past year was particularly significant for ICC, marking as it did the 90th anniversary of our founding. We duly celebrated that milestone with international events in Geneva, Paris, Kuala Lumpur, New York and New Delhi. Many national committees organized local events.

But while we recognize the achievements of the past, we need to emphasize the future. The creation of the ICC Research Foundation was one of our forward- looking initiatives. In the same vein, 2010 will see the introduction of revised rules in two key areas – the Uniform Rules for Demand Guarantees that secure monetary and performance obligations in trade contracts, and the ICC Official Rules for the Interpretation of Trade Terms (Incoterms 2010).

In addition, we hope to capitalize more on our rule-writing activities, which are internationally recognized by both governments and multinational institutions and can generate new revenues for ICC which will be very welcome in this difficult economic climate. We need also to make a big effort to promote products deriving from our intellectual property by using new media.

### **Adapting to change**

In a rapidly changing world, companies big and small must adapt to new, often difficult, circumstances. ICC is no exception. Since assuming the role of Secretary General last July, I have insisted that we must take a fresh look at how we operate. Self-questioning is never easy, yet it is essential if organizations, like people, are to evolve and move forward.

The economic crisis has been at times unfairly blamed on the business community as a whole, making our role as the voice of international business more important than ever. The core values that led to the creation of ICC 90 years ago – the promotion of international trade and investment, open markets, and the free flow of capital to bring people together and prevent war – are as relevant today as they were in 1919. We must not lose sight of those values even as we innovate, adapt and experiment to create a stronger, more responsive ICC.

A handwritten signature in black ink, reading "Jean Rozwadowski". The signature is written in a cursive style with a long horizontal stroke at the end.

Jean Rozwadowski  
Secretary General

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# POLICY AND BUSINESS PRACTICES

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## *Rules-writing for business*

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### Arbitration

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#### **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 Rules of arbitration, ADR, expertise, dispute boards and other forms of dispute resolution
- study the juridical and other aspects of arbitration and other modes of settlement of disputes of an international nature and examine them in view of current developments and produce reports, guidelines or best practices; and
- promote on a worldwide scale the settlement of international disputes by means of the various forms of ICC dispute resolution.

#### **Projects for 2010**

- Complete the revision process of the ICC Rules of Arbitration.
- Prepare a study the role and needs of states and state entities in arbitration.
- Produce recommendations for the use of tribunal appointed experts in the conduct of arbitration proceedings.
- Finalize the report on the essential features and effects of the production of electronic documents in international arbitration.
- Study the criteria that arbitrators may take into account in exercising their discretion in allocating the costs of the arbitration.

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### Banking Technique and Practice

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#### **Mandate**

To serve as a global forum and rule-making body for the banking community.

#### **Projects for 2010**

- Act as the primary business interlocutor on trade finance.
- Provide timely market intelligence reports, including analysis to support ICC contributions on trade finance in key international fora.
- Continue the drafting of a set of international uniform rules on forfaiting in partnership with the International Forfaiting Association (IFA).
- Revise the International Standard Banking Practice (ISBP) to conform to UCP 600.
- Promote the newly adopted Uniform Rules for Demand Guarantees (URDG).
- Provide business input on international initiatives to combat money laundering and terrorist financing activities.

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### Commercial Law and Practice

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#### **Mandate**

To promote a balanced self-regulatory and regulatory legal framework for international B2B transactions by setting global business standards, and by providing a business viewpoint on commercial rules being developed by intergovernmental organizations

#### **Projects for 2010**

- Finalize the revision of Incoterms 2000.
- Promote the newly adopted Uniform Rules for Demand Guarantees (URDG).
- Provide input as required into the development of key international commercial law initiatives, including the common frame of reference for European contract law.
- Influence international public procurement policies, and develop a new ICC model confidentiality clause for public contracting.
- Develop new ICC model contracts, including a mergers and acquisitions asset purchase model and a subcontracting model.
- Update existing ICC model contracts, including the International Sale model and the Franchising model.

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### Marketing and Advertising

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#### **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 2010**

- Advance self-regulation by promoting the Consolidated ICC Code on Advertising and Marketing Communication Practice, the Direct Selling Code and the ICC/ESOMAR Code of Market and Social Research, and by developing tools to facilitate code implementation.
- Launch and promote the framework on responsible environmental marketing communications
- Develop a framework to provide enforceable global standards for digital media marketing
- Provide business views on key initiatives being developed by international organizations.
- Support the Business Action for Responsible Marketing and Advertising (BARMA) initiative and the development of an ICC/INSEAD educational module.
- Pursue the revision of the ICC Codes to keep them current with changes in marketplace.

## *Trade, investment and globalization*

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### **Competition**

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#### **Mandate**

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

#### **Projects for 2010**

- Continue to reinforce ICC's role as the key business voice in the International Competition Network and contribute to its work in areas such as competition policy implementation, cartels, mergers and unilateral conduct.
- Provide guidance on reform of EU rules on enforcement by private parties and vertical restraints.
- Develop recommendations on due process in competition investigations.
- Prepare a policy statement on the application of competition rules in the context of the global economic crisis.
- Provide input into the development of competition policy in emerging economies.

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### **Intellectual Property**

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#### **Mandate**

To promote a balanced, efficient and sustainable system for the protection of intellectual property.

#### **Projects for 2010**

- Actively promote within the World Intellectual Property Organization (WIPO) the proposal for an international instrument on client privilege for IP advice.
- Coordinate cross-sectoral input to negotiations on an international regime on access and benefit sharing with respect to genetic resources in the Convention on Biological Diversity.
- Develop further tools and projects in the ICC IP tool-kit for chambers of commerce.
- Develop business views on the role of IP protection in the development and deployment of clean technologies in collaboration with the Commission on Environment and Energy.
- Publish the tenth edition of the IP roadmap for business and policy makers
- Prepare recommendations on the role of patents in standard setting.
- Develop an issues paper on data exclusivity
- Seek to improve international cooperation and overall quality in the search and examination of patent applications.

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### **Financial Services and Insurance**

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#### **Mandate**

To contribute to the elaboration of sound supervisory and self-regulatory frameworks, and to promote the liberalization of trade in financial services and insurance.

#### **Projects for 2010**

- Develop business recommendations to enhance the stability of capital markets in light of the financial crisis.
- Support a substantive financial services result as part of the Doha Round.
- Launch the scenarios for financial markets developed by ICC and the Institut d'Etudes Politiques.
- Finalize a policy statement on principles for outsourcing in the financial services sector.

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## **Taxation**

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### **Mandate**

To promote an international tax system that eliminates tax obstacles to cross-border trade and investment.

### **Projects for 2010**

- Provide input into the work of the UN Committee of Experts on International Cooperation in Tax Matters.
- Promote ICC recommendations on transfer pricing documentation requirements by organizing a seminar on this subject.
- Prepare business views on the tax treatment of international mergers and takeovers.
- Contribute business input to the work of the Organisation for Economic Co-operation and Development (OECD) on value-added tax on services and intangibles, together with the Business and Industry Advisory Committee to the OECD
- Pursue contacts with non-governmental organizations that advocate tax policy positions.
- Consider with the Commission on Environment and Energy possible work on tax-related climate change measures following the Copenhagen Conference.

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## **Trade and Investment Policy**

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### **Mandate**

To break down barriers to international trade and investment so that all countries can benefit from improved living standards through increased trade and investment flows.

### **Projects for 2010**

- Intensify ICC's advocacy campaign in support of bringing about a successful conclusion of the Doha Round of multilateral trade negotiations in 2010.
- Contribute to advancing the debate on major trade policy issues in a post-Doha world, including through the ICC Research Foundation and in association with relevant think tanks where appropriate.
- Uphold ICC's mission to defend open markets, including the free flow of goods, services and investment, and continue to urge governments to avoid trade and investment protectionism, especially in a global economic downturn.
- Consider further ICC work on trade and climate change following the Copenhagen conference in coordination with the Commission on Environment and Energy.
- Revise and update the ICC Customs Guidelines and the ICC paper on US/EU mutual recognition.
- Promote trade facilitation by providing input into the work of the World Trade Organization (WTO), the World Bank, and the World Customs Organization (WCO) on a variety of topics including customs classification and valuation.

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## **Transport and Logistics**

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### **Mandate**

To promote intermodal transport and competitive, efficient transport markets worldwide.

### **Projects for 2010**

- Advocate the need for investment in transport infrastructure, to help stimulate new economic activity, and so that transport can best meet the needs of world trade.
- Elaborate ICC policy recommendations on the regulation of the environmental impact of transport, including for air transport and vessel emissions.
- Strongly advocate ICC recommendations for the liberalization of all transport modes to governments and intergovernmental organizations.
- Influence new regulations on transport and supply chain security.
- Contribute to the revision of Incoterms 2000.
- Work with the Banking Commission to improve understanding of the ICC rules on documentary credits (UCP 600) in the transport community.

## **Corporate Responsibility and Anticorruption**

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### **Mandate**

The Commission has two main functions:

- to define the role of business in the context of globalization and changing societal expectations, and develop world business views on key corporate responsibility issues; and
- to encourage self-regulation by business in confronting issues of extortion and bribery, and to provide business input into international initiatives to fight corruption.

### **Projects for 2010**

- Track developments and provide world business input in major international initiatives on corporate responsibility including:
  - the Global Compact
  - the ISO Working Group on Social Responsibility
  - the mandate of the UN Special Representative on business and human rights.
- Develop an ICC perspective on the “business case” for corporate responsibility, based on company experience and existing research.
- Further develop the Commission’s work on supply chain responsibility.
- Prepare with other relevant organizations a training tool, known as “RESIST”, to help private sector compliance managers react to solicitation of bribes.
- Draft ICC guidelines on the use of third parties.
- Provide business input to strengthen the UN Convention against Corruption (UNCAC) implementation process.
- Make recommendations for revisions to the ICC rules on anticorruption to take into account UNCAC.

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## **Environment and Energy**

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### **Mandate**

To develop business recommendations on major environmental and energy issues, and maintain ICC as the primary business interlocutor and partner in key intergovernmental negotiations and deliberations in these areas.

### **Projects for 2010**

- Develop business positions on climate change based on outcomes of the 15<sup>th</sup> United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties meeting in Copenhagen, including issues such as: energy markets and security, technology transfer, carbon markets, and financing.
- Lead Business delegation at UNFCCC 16<sup>th</sup> Conference of the Parties meeting.
- Lead business participation in the UN Sustainable Production and Consumption process by representing business interest on Advisory Committee of the Marrakech Process and working towards the development of 10 year Framework of Programmes.
- Lead business delegation to the UN Convention on Biodiversity Conference of the Parties meeting in Japan.
- Coordinate business positions and achievements for 18th session of the UN Commission on Sustainable Development.

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## **Electronic Business, IT and Telecoms**

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### **Mandate**

To promote the continued use of information and communication technologies (ICTs) through policies, standards of practice and guidelines to encourage the growth of e-commerce, competition, growth, predictability, compliance and, the secure and free flow of information.

### **Projects for 2010**

- Update and adapt existing policy positions to encourage legal, regulatory and policy environments that facilitate the use of ICTs for economic growth and social development.
- Advocate ICC positions on key international initiatives, including the removal of regulatory barriers to the deployment of new technologies, telecoms liberalization, and information and network security.
- Develop an issues paper on cloud computing.
- Convey business priorities regarding the technical management and coordination of the domain name system through the Internet Corporation for Assigned Names and Numbers (ICANN) and other forums.
- Advocate global business priorities and ICC tools to ensure appropriate data protection mechanisms while facilitating global data flows by advancing initiatives with APEC, OECD, EU, Council of Europe and others
- Work through ICC’s BASIS initiative to strengthen multistakeholder dialogue and contribute business expertise on internet governance and ICTs for development.

## *Special projects*

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

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#### **Mandate**

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

#### **Tasks for 2010**

- Conduct and publicize research on the value of IP-based industries to economic growth, emphasizing the risks to counterfeiting and piracy.
- Support the development of higher international standards in the enforcement of IP rights by providing input into the negotiation of an Anti-Counterfeiting Trade Agreement (ACTA).
- Improve national intellectual property enforcement regimes by creating BASCAP country-level action.
- Develop guidance for stronger IP enforcement in Free Trade Zones.
- Launch a global awareness campaign to educate consumers on the harms of counterfeiting and piracy and to provide business associations with a toolkit of media and education materials for local dissemination.
- Develop and promote tools for more effective IP management, including the *IP Guidelines for Business*, best practices for supply chain intermediaries, and cost-benefit assessments of effective IP theft deterrents.
- Co-host the Global Congress on Combating Counterfeiting and Piracy – the single most important annual summit aimed to generate recommendations to national governments.

### *Advisory group*

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### **Corporate Economists Advisory Group (CEAG)**

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#### **Mandate**

To analyze major international economic issues and advise the ICC Chairmanship.

#### **Projects for 2010**

- Contribute economic analysis to inform ICC's assessment of the global economic crisis and its policy implications for maintaining open trade and investment worldwide,
- Review and analyze latest international economic policy developments with a particular focus on key initiatives for strengthening the global economy.
- Contribute to ICC's input towards the 2010 G8/G20 leaders' summits.

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

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#### **Mandate**

To project the views of global business on critical information society issues, notably Internet governance and information and communications technologies (ICTs) to spur development, in forums created at the World Summit on the Information Society (WSIS).

#### **Tasks for 2010**

- Advocate business positions and coordinate presence at the Internet Governance Forum (IGF) in Lithuania and all preparatory processes.
- Provide business input to the WSIS follow up and action lines activities.
- Represent world business in the UN Global Alliance for ICT and Development (GAID).
- Coordinate opportunities for business representatives to profile priorities and positions in global discussions and events on Internet governance and ICTs for development.
- Raise awareness about business interests in these global discussions, and expand BASIS membership.

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## ICC DISPUTE RESOLUTION SERVICES

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- Further the use of ICC dispute resolution services, and especially the pre-arbitral referee procedure, arbitration, expertise, Docdex, dispute boards and ADR.
- Modernize existing procedures and practices to better meet the needs of users.
- Strengthen the promotion of ICC dispute resolution services worldwide.

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## ICC INSTITUTE OF WORLD BUSINESS LAW

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### **Mandate**

To act as a think-tank in the business law community; to provide research, training and information to the legal profession, executives and academics concerned with the development of international business law, and particularly arbitration.

### **Projects for 2010**

- Offer more advanced training and conferences.
- Modernize training working materials to better meet the needs of participants.
- Use the 30th Anniversary of the Institute as an opportunity to expand its visibility as a think-tank and reinforce its reputation of excellence.

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## ICC SERVICES

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### **ICC Events**

#### **Objective**

To promote ICC's expertise to a wider audience through events such as seminars and conferences, and raise awareness of ICC rules, services and policy work.

#### **Projects for 2010**

- Develop training seminars to support the launches of the new versions of Incoterms and ICC rules on demand guarantees (URDG).
- Continue to support the International Court of Arbitration in the development of its activities, through conferences and seminars worldwide, in particular for specialized industries and the young generation of practitioners.
- Explore new possibilities offered by social media and new technologies.

### **ICC Publications**

#### **Banking**

- ICC Uniform Rules for Demand Guarantees (URDG 758)
- Guide to ICC Uniform Rules for Demand Guarantees
- Annual Survey of Letter of Credit Law and Practice 2010 (Institute of International Banking Law and Practice)

#### **Commercial Practice/Trade Policy/Investment**

- Incoterms 2010
- Model International Mergers and Acquisitions Contract
- Model International Franchising Contract, Update

#### **Law and Arbitration**

- ICC Court of Arbitration Bulletin

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## NATIONAL COMMITTEES

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### **Mandate**

Strengthen ICC representation across the globe by reinforcing its network of national committees.

### **Projects for 2010**

- Support national committees in their activities, including event management, promotion of ICC services, brand marketing, membership recruitment and policy advocacy towards governments.
- Assist the five ICC Regional Consultative Groups.
- Organize the twice-yearly meeting of all ICC Permanent Heads of national committees to promote best practice among national committees.
- Further implementation of the ICC Charter.
- Facilitate NCom's contribution to the implementation of ICC's Strategy exercise.
- Encourage collaboration among national committees.

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## COMMUNICATIONS

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### **Mandate**

To promote ICC, its products, its services and its policies in the media, to strengthen internal communication, and to establish ICC as the advocate of world business in the public debate on global economic issues.

### **Projects for 2010**

- Increase awareness among senior business executives of the valuable services that ICC provides to world business, especially through its rules-writing function and special projects by presenting highlights in an annual report.
- Initiate and execute new projects to help improve internal communication at ICC.
- Target CEOs in ICC's growing media outreach campaign.
- Develop ICC's website as well as new online tools in order to most effectively communicate with the media and public and disseminate news releases and articles.
- Produce by-lined ICC opinion pieces and letters to leading international publications.
- Increase the use of television exposure to showcase ICC activities to international viewers.
- Assist national committees to develop domestic coverage of ICC initiatives by emphasizing their own national priorities and concerns.
- Work with national committees and secretariat staff to help ensure ICC's image is promoted in a consistent fashion, including the correct use of all ICC logos and other branding materials.

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## WORLD CHAMBERS FEDERATION (WCF)

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### **Mandate**

To provide the global forum for chamber of commerce fostering the exchange of best practice and experiences, building personal relationships between chamber leaders, and exploring the development of new products/services to support chambers at a local level.

### **ATA Carnet**

- Encourage chambers and like organizations, especially in Latin America and Asia, to be more proactive in convincing their governments to ratify the Istanbul Convention and implement the ATA System.
- Manage the smooth functioning of the ATA network providing guidance, support and training, as well as sharing of experience and know-how, in particular in the field of information technology.

### **Certificates of Origin**

- Reinforce the role of chambers as competent authorities in delivering COs by setting up an international support structure for this task.
- Expand online advice and education for chambers in delivering COs.

### **Membership & Transnational Chamber Partnerships**

- Create a Transnational Chambers of Commerce Profile booklet.
- Establish an online e-library of capacity building and training material of chambers.
- Develop the Young Chamber International initiative.

### **World Chambers Congress**

- Commence preparations for the 7<sup>th</sup> World Chambers Congress, to be held during the week of 6-10 June 2011, Mexico City, including the 2011 World Chambers Competition and securing sponsorship for these events.
- Select the co-host of the 8<sup>th</sup> World Chambers Congress (2013) – Africa/Middle East region.

### **World Chambers Network (WCN)**

- Expand awareness and development of the ChamberTrust "business seal" programme into new regions/countries.

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## **ICC COMMERCIAL CRIME SERVICES (CCS)**

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### **Mandate**

To provide services aimed at preventing fraud and malpractice.

### **International Maritime Bureau (IMB)**

- Develop an on-line risk assessment module for members based upon updated analyses of high-risk commodities and trades.
- Develop a tool to disseminate key information to the chartering market on performance of participants.
- Provide in-depth analyses of piracy trends in key high-risk areas for shipowners and charterers.

### **Financial Investigation Bureau (FIB)**

- Provide members with a structured analysis of high-risk transactions to enable better investment decisions.
- Develop and implement a new extranet facility to provide an online first response to members' queries.

### **Counterfeiting Intelligence Bureau (CIB)**

- Develop a live counterfeiting seizure map and reports to provide a unique online resource of up to date information to users throughout the world
- Develop a secure information-sharing portal for members to improve the quality of response against counterfeiting.

## 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 trade and investment across frontiers and help business corporations 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 last century. The small group of far-sighted business leaders who founded ICC called themselves "the merchants of peace".

ICC has three main activities: rules-setting, dispute resolution and policy. 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.

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 vital technical and sectoral subjects. These include financial services, information technologies, telecommunications, marketing ethics, the environment, transportation, competition law and intellectual property, among others.

ICC enjoys a close working relationship with the United Nations and other intergovernmental organizations, including the World Trade Organization and the G8.

ICC was founded in 1919. Today it groups hundreds of thousands of member companies and associations from over 130 countries. National committees work with their members to address the concerns of business in their countries and convey to their governments the business views formulated by ICC.

For information on how to join ICC, visit the ICC website ([iccwbo.org](http://iccwbo.org)) or contact the ICC Membership Department in Paris.

### **International Chamber of Commerce**

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