



Beryllium Science & Technology Association

10 May 2013

Mr. Douglas Bell
Chair, Trade Policy Staff Committee
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, DC 20508

Re: Comments on the Transatlantic Trade and Investment Partnership

Dear Mr Bell,

In response to the April 1, 2013 Federal Register notice (78 Fed. Reg. 19566), BeST, the Beryllium Science & Technology Association wants to submit comments in support of the negotiation of a Transatlantic Trade and Investment Partnership (TTIP) agreement between the European Union and the United States. BeST is the trade organisation based in Brussels, Belgium, representing the entire beryllium sector in the European Union.

We support the effort to negotiate a TTIP agreement, which will be beneficial not only to the trade and use of beryllium, but will have a positive impact on innovation and our economies in general. Today, there is a need for a particular transatlantic policy towards critical or strategic raw materials, of which beryllium is an important part.

A central point of these comments is that the Office of the U.S. Trade Representative (USTR) should ensure a critical materials policy is part of the TTIP negotiations framework. This is particularly relevant for beryllium which is the only strategic material identified by the USA and one of fourteen materials identified by the EU as critical. The ongoing supply and trading of beryllium containing materials between the EU and the USA is only one example of a critical raw material whose value to society is being jeopardized by unnecessary regulatory activities in EU countries. BeST encourages the inclusion of language in the agreement specifically related to critical or strategic raw materials, as explained in detail in the annex.

Thank you for your consideration of this submission.

Yours sincerely
M. Bruggink

Maurits Bruggink
Director EU Affairs

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Position Statement Transatlantic Trade and Investment Partnership

6 May 2013

The Beryllium Science and Technology Association (BeST) is a nonprofit organization, based in Brussels and represents the suppliers of Beryllium in the EU market, as well as traders and industries who rely on the unique properties of beryllium to manufacture life saving and reliable products.

The mutual economic and national security interests of the European Union (EU) and the United States of America (US) and their leadership in innovation, manufacturing and technology-dependent services are inextricably linked to reliable access to and use of critical materials. These sovereign interests dictate forming a close EU-US alliance in protecting the sourcing, engineering, use, recycling, and recovery of critical materials. Therefore, Transatlantic Trade and Investment Partnership (TTIP) negotiators must elevate to a high priority the creation of a favorable critical materials policy in the proposed TTIP agreement for the following reasons.

BeST wishes to underscore its concurrence with the HLWG's focus on promoting modifications of regulations that serve as non-tariff barriers to trade. BeST joins the many other industries and industry associations in applauding the "aim to achieve ambitious outcomes" involving "innovative approaches" to resolve regulatory issues and other non-tariff barriers through cooperation in achieving the goals of a TTIP agreement.

A focus on current regulatory barriers to trade that restrict innovation, job creation and economic growth should be pursued as a priority in the negotiations. The inability of the US and EU to agree on a common regulatory framework for assessing and managing environmental and worker protections is a particular concern and, at the same time, an opportunity for TTIP to address. This is particularly relevant for beryllium which is the only strategic material identified by the USA and one of fourteen materials identified by the EU as critical. The supply of beryllium containing materials is only one example of a critical raw material whose value to society is being jeopardized by unnecessary regulatory activities in EU countries.

Continued EU-US Leadership in Innovative Technology is Paramount and Inseparable from Critical Materials.

Critical materials are transforming renewable and traditional energy, acoustical, computational, medical, transportation, microelectronics, telecommunications, aerial imaging, aerospace, and other high-technology products and systems. These materials hold the key to future applications that will move ideas from the research laboratory to products in

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commerce. The European Commission (EC) currently has identified 14 critical materials, one of which is beryllium. The US Department of Defense has identified beryllium to be the only critical and strategic material for national security.

The 14 EC-designated materials should be the starting point for EU-US leaders to build a beneficial policy framework for critical materials in a TTIP agreement.

A EU-US critical materials policy agreement is essential for maintaining transatlantic leadership in innovation, technology development and manufacturing of high-efficiency products and for sustaining long-term economic growth. The ability to engineer critical materials in unique ways that can separate innovators from competitors should be a high priority among EU countries and the US wishing to remain technology leaders.

EU-US leadership behind an evolving, innovative services sector likewise is dependent on technology. Technology is necessary to enhance the value of intellectual products, delivery of services, and transformation of essential functions of both government and civilian providers.

A EU-US Critical Materials Policy Framework in TTIP is Essential for Removing Barriers to Technology Innovation and Product Development.

TTIP discussions should lead to the EU and the US establishing policies that preserve the availability and broad applicability of critical materials in their respective research development and regulatory systems. Removing obstacles along technology development pathways that impede advancement, including the sourcing, engineering, use, recycling, recovery, and regulation of critical materials must be a high priority for the EU and the US.

Regarding regulatory cooperation, the EU and the US should support general principles articulated by other industry trade associations to reduce non-tariff barriers to trade. It is truly necessary for TTIP to incorporate discrete principles of transparency, stakeholder involvement, risk management, and regulatory impact analyses in focusing on raw materials. The EU and the US will strengthen the free movement of goods among industrialized nations in applying these principles in practice. In order for the US and EU to maintain their leadership edge in innovative technologies, the substantial regulatory differences that exist between the US and EU must be addressed head on, in particular related to critical raw materials. They are interfering with innovation, technology development and market expansion for products that are able to enhance nearly every aspect of our lives. Many of these regulatory encumbrances are due to momentum from past decisions reflected in laws that are not keeping up with the rate of technology advancement and the needs of people represented by these great trading partners. New science that is better able to inform regulators is replacing notions of what was theorized to be needed to protect the public. If rules do not change to reflect the realities of international competitiveness, both the US and EU will be at a higher risk of losing their technology advantage.

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A favorable critical materials policy must be a high priority for TTIP. The 14 critical materials listed by the EC should be the starting point for inclusion in a TTIP agreement. An opportunity to modify the list should be incorporated in the policy framework as the EU and the US identify additional critical materials in the future.

Successful TTIP negotiations should reflect an affirmative transatlantic policy bias promoting the sourcing, engineering, use, recycling, and recovery of critical materials. The degree to which critical materials are data rich or data lean with regard to their assessment profiles should not disadvantageously place them in an imbalanced position with regard to other materials in commerce. These principles should be reflected as overriding values and be viewed as absolutely essential for continued EU and US leadership in technology development.

Conclusions

Negotiations must result in a provision requiring the development and incorporation of a EU-US critical materials policy. The policy should establish create a uniform list of critical materials and a regulatory framework that will ensure the continued supply and production of critical materials within the US and within the EU.

The emerging regulatory actions in Europe (REACH CoRAP, OEL Germany, OEL Europe, OELs in member states, RoHS, Cancer Directive Revision, Classification & Labeling) illustrates the overwhelming obstacles to near-term and future transatlantic trade for beryllium. These proposed actions to restrict the markets for beryllium reflect the current regulatory environment for just a single critical material. The negative regulatory environment is having a multiplier effect when other critical materials are considered.

Negotiations must incorporate discrete principles of transparency, stakeholder involvement, risk management, and regulatory impact analyses when addressing matters related to raw materials, especially critical raw materials.

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