



## TACD POSITIVE CONSUMER AGENDA

NEW RULES FOR THE GLOBAL ECONOMY

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 @TACD\_Consumers

The Transatlantic Consumer Dialogue (TACD), a coalition of more than 75 EU and U.S.-based consumer organisations, states that free trade agreements must be reimagined. They are criticised because they now go far beyond the realms of trade and have become enforceable governance agreements negotiated by trade experts with limited transparency.

It is our firm belief that trade agreements should be limited to trade matters - cutting tariffs and improving market access - while governance issues such as dialogues between regulators should be dealt outside of trade agreements. Both should be more transparent and serve the interests of consumers and society generally.

### A New Approach to Trade Agreements

These critical changes are essential to deliver a positive trade agenda:

**Separate cooperation between regulators from the work of trade negotiators**

The latter should focus on eliminating remaining tariffs and other actual trade barriers; while the former should work together **outside** the context of trade negotiations, in areas such as e-commerce, product and food safety, enforcement of consumer laws, etc.

**Condition trade on safeguarding rights and protections**

Increased market access in trade agreements should be conditioned on partners satisfying minimum consumer, labour, environmental protections and human rights. These should be provided by existing international agreements or achieved through cooperation among regulators

**Ensure transparency and inclusiveness in trade negotiations**

All trade negotiations and regulatory dialogues must be developed and take place in transparent, open and inclusive manner. Legislators, stakeholders and citizens must be able to monitor what is on the table and provide input

## Key Recommendations for a Positive Transatlantic Trade Agenda

**Establish dialogues between EU and U.S. regulatory authorities aiming at protecting and benefiting consumers.** These dialogues can and must be addressed outside of trade agreements, by experts of the respective sectors. They can be structured per sectors such as e-commerce, telecoms, food safety, product safety, pharmaceuticals, etc; Member State and U.S. state-level regulators need to be included for their competency areas

**Work towards positive, actionable outcomes of such dialogues,** for example by establishing an effective rapid alert system for unsafe consumer products and consumer protection, or processes for sharing emergency information related to detected food safety risks

**Prevent burdening regulators with bureaucratic complicated processes** for regulatory dialogues that could result in long delays and weakening of needed protections to prevent public harm ('regulatory chill effects')

**Ensure enforceable and substantive labour and environmental rights and standards.** Globally such standards exist, but they lack effective enforcement. Conditioning trade agreements on their implementation would make them enforceable

**Explicitly state in negotiating mandates** that the goal of the agreement is to enhance consumer well-being and secure current and future levels of consumer protection

**Make both trade agreements and dialogues between regulators more transparent and inclusive.** To achieve this goal we recommend to rethink the drafting processes of EU trade mandates and US trade authority, increase transparency during trade negotiations and elaborate country positions through on-the-record public processes

## Rules That Must be Kept Out of Trade Agreements

**Investor-state dispute settlement in any form** – whether based on the U.S. Model Bilateral Investment Treaty or the European Commission's 'Investment Court System' (ICS) proposal

**Rules or trade-offs that could limit consumer product protections** – such as rules that require imports of products that do not meet domestic safety standards, or limits on labelling regimes that provide consumers with essential market-choice information

**Rules that undermine ongoing or future efforts to re-regulate the financial sector**

**Rules that mandate transfers of personal data without ensuring stringent protections**

**Further rules on patents and copyright protections** – given that the WTO already requires countries to enact lengthy patent and copyright protections

The detailed TACD vision paper on consumer friendly trade agreements is available at: <http://tacd.org/positive-trade-agenda/>