

Bridge over troubled water consumer protection in the digital sphere

**Multi-stakeholder forum hosted by TACD
04 June 2019**

The Pew Charitable Trusts
901 E St NW, 10th floor
Washington, DC 20004, USA

07.40 Registration and coffee

08.30 Introduction: Yes we can – consumer dialogue across the water (*Americas room – 2nd floor*)

Showcasing 20 years of the TACD network, challenges and achievements by its EU and US Chairs.

- Monique Goyens, EU TACD Co-Chair - on fighting deregulation
- Ed Mierzwinski, US TACD Co-Chair - on consumer challenges in a digital world

09.00 The case for privacy/data protection laws in the US (*Americas room – 2nd floor*)

In the United States, a series of major privacy and security problems -- including massive data breaches at Experian, along with revelations that Cambridge Analytica and Russian influence agents exploited Americans' personal data to try to influence their votes -- have increased momentum for a federal data protection law. GDPR, and the passage of California Consumer Privacy Act, have only added to the pressure. Many large technology companies are now pushing for federal legislation even as they lobby to limit its power and pre-empt stronger state laws. This session will focus on what a U.S. federal data protection law might look like, how it might be enforced and how states, inspired by California, are introducing their own privacy bills.

Part 1: Panel discussion with (in alphabetical order):

- Jaryd Malbin, DuckDuckGo
- Laura Moy, Georgetown Law Center on Privacy and Technology
- Nicole Ozer, American Civil Liberties Union of California
- Johnny Ryan, Brave

Part 2: In conversation with The Honorable Rohit Chopra, Commissioner, U.S. FTC

This session will be moderated by Natasha Singer, New York Times

10:20 Privacy for all: consumers take action (*Americas room – 2nd floor*)

Exposing the Cayla doll who spies on its owners, setting standards for privacy protection in “smart” appliances, or taking legal actions to ensure rights are respected, consumer and privacy groups on both sides of the Atlantic have been researching the business practices of mining and using personal data, and demonstrating clearly why strong laws are needed. This session will showcase the innovative work by a number of TACD member organisations on both sides of the Atlantic.

Panellists (in alphabetical order):

- Christine Bannan, Electronic Privacy Information Center (EPIC)
- Justin Brookman, Consumer Reports
- Els Bruggeman, Euroconsumers
- Ailidh Callander, Privacy International
- Finn Lutzow-Holm Myrstadt, Norwegian Consumer Council

This session will be moderated by Klaus Mueller, VZBV

11.15 Coffee break

11.30 Breakout sessions

1. **Digital trade: are consumer rights at risk?** (*Americas room – 2nd floor*)

76 countries have launched the largest e-commerce negotiations of the years to come. The US and EU are part of them. At the same time the EU and the US are engaged in bilateral trade discussions. Are we going to finally see an outcome where consumers benefit and protections are prioritised? How can such trade negotiations be ambitious for consumers? The session will discuss how to do things differently this time round.

Panellists (in alphabetical order):

- Tomas Baert, Delegation of the European Union to the United States
- Maryant Fernandez-Perez, The European Consumer Organisation (BEUC)
- Burcu Kilic, Public Citizen
- David Snead, I2Coalition

This session will be moderated by Doug Palmer, Politico

2. **Benefits and risks of open banking** (*London room – 4th floor*)

Open banking is one of the biggest, most recent technological developments in retail finance. In open banking systems consumers give third parties access to their financial data. These third parties (banks, FinTechs and other innovative service providers and intermediaries) then analyse consumers' financial data and make payments or manage consumers' funds and offer personalised services. The promise is that data sharing will make life more convenient for consumers. However, a clear legal framework for a consumer-friendly open banking environment is still missing in both the EU and the US. This session will explore how to ensure consumers are in control of their financial data.

Panellists (in alphabetical order):

- Farid Aliyev, The European Consumer Organisation (BEUC)
- David Friedman, Federal Deposit Insurance Corporation (FDIC)
- Linda Jun, Americans for Financial Reform
- Josh Rubin, Betterment

This session will be moderated by Ira Rheingold, National Association of Consumer Advocates (NACA)

13:00 Lunch

14.00 Breakout sessions continued

1. Who has the safest food? (London room – 4th floor)

The US and EU all sometimes claim that they have the safest food supply in the world. Yet each keeps having disturbing safety scandals: last year 5 people dead and more than 200 sick in the US from eating contaminated romaine lettuce, 4 dead from listeria in smoked salmon in three EU countries, and almost 150 people sick from salmonella found on cucumbers in the UK. This session, in the style of a TV game show, will seek to answer the question: who really has the safest food, and will trade agreements make this better or worse?

EU and US team leaders:

- Sue Davies (Which?) – EU contestant
- Monique Goyens, The European Consumer Organisation (BEUC) – EU contestant
- Thomas Gremillion (Consumer Federation of America) – U.S. contestant
- Sarah Sorscher, Center for Science in the Public Interest – U.S. contestant
- Brian Ronholm, Wilson Sonsini Goodrich & Rosati (U.S. respondent)
- Lorenzo Terzi, Delegation of the European Union to the United States (EU respondent)

Host: Jean Halloran, Consumer Reports

Scorekeeper: Anna Fielder (TACD)

2. Competition and access to medicines (Americas room – 2nd floor)

High prices of new and old medicines, from Epipens to combat severe allergic reactions to insulin for diabetes, can affect individuals' life and health as well as put extra burdens on both private insurance and strained national health systems. Competition policy can prevent market abuses and help balance the possible negative effects of intellectual property protections. This session will discuss the role of competition law and enforcement in ensuring affordability of medicines and stimulating innovation, from the EU and US perspectives.

Panellists (in alphabetical order):

- Els Bruggeman, Euroconsumers
- Afton Cissell, Staff to Congressman Lloyd Doggett
- James Love, Knowledge Ecology International
- John Rother, National Coalition on Health Care

This session will be moderated by Peter Maybarduk, Public Citizen

15.30 Coffee break

16:00 Platforms power - competition and data (Americas room – 2nd floor)

With Facebook owning WhatsApp and Instagram, and Amazon buying Whole Foods and the Washington Post, there is a trend towards corporate concentration in the digital economy, with strong potential for harmful impacts on consumer choice and access to information, as well as the potential threat to the functioning of the democratic institutions. The way in which market dominance is traditionally measured is no longer fit for purpose; both the US and the EU authorities are currently investigating these issues, but the way they address them could be different. Discussions in this session will focus around bridging the differences between US and EU antimonopoly systems; cooperation between authorities; and intersection with consumer and data protection laws.

Panellists (in alphabetical order):

- Maria Coppola, Federal Trade Commission

- Agustin Reyna, The European Consumer Organisation (BEUC)
- Charlotte Slaiman, Public Knowledge
- Rainer Wessely, Delegation of the European Union to the United States

This session will be moderated by Robert Weissman, Public Citizen

17.30 Closing, followed by cocktail reception and networking
