

TACD

TRANS ATLANTIC DIALOGUE TRANSATLANTIQUE
CONSUMER DIALOGUE DES CONSOMMATEURS

TACD 2006 RECOMMENDATIONS REPORT

As part of its role as a consultative forum to the EU and U.S., TACD makes policy recommendations on issues of concerns to its European and American members.

This report brings together the recommendations made in 2006, as well as those made in the first two months of 2007, to allow the governments to formally respond. The inclusion of the recommendations from early 2007 is in recognition of the fact that many TACD resolutions are adopted in the run-up to its Annual Meetings with EC and U.S. officials. This report is the third of an annual collection TACD's recommendations in a year-end report to governments and the public.

TACD represents the demand side of the two biggest economic blocks in the world - the 735 million U.S. and EU consumers. Its network of 65 EU and U.S. national consumer organisations has a direct paid-up membership of some 20 million consumers.

On both sides of the Atlantic, these groups have long track records of achievement in the consumer protection and safety fields. Many have successful publishing, research and product testing operations as well as advocacy and policy activities and are self-financed; others, according to their cultural traditions, are financed from public or foundation funds. All are independent.

More information can be found at www.tacd.org.

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Nutrition, Obesity and Diet-Related Disease

May 2006, Food-26-07

(this is limited to the recommendations – for the full resolution with footnotes and introduction, go to www.tacd.org/docs/?id=299)

Overall Recommended Approach To Diet-Related Disease

TACD urges the EU and U.S. to address the growing incidence of diet-related disease through a coordinated set of public policy mechanisms. As recognised by the World Health Organisation (WHO) in its Global Strategy on Diet, Physical Activity and Health, it is necessary to promote and protect health by guiding the development of an enabling environment that supports healthy choices. This should include introducing restrictions on food marketing, particularly to children, encouraging reformulation of products to lower the use of unhealthy fats, salt and added sugars, clearer labelling, and improvements in the school food environment.

As one element of a comprehensive public health campaign, the governments of the EU and U.S. should publicly fund social marketing campaigns to promote healthier eating. It is also important that efforts to tackle obesity and diet-related disease are not undermined by other government policies, such as agricultural promotional programs. A co-ordinated, multi-faceted approach is essential.

TACD believes that there are specific actions that can be taken by the governments of the EU and U.S. that will help reduce the incidence of obesity and diet-related disease.

Specific Recommendations

Marketing of foods to children

- TACD urges the governments of the EU and U.S. to strengthen regulations restricting the marketing of foods of low nutritional value (i.e. foods high in fat, sugar and / or salt) to ensure that children are not targeted by producers of such products. Such regulations must address all forms of marketing.
- TACD urges the governments of the EU and U.S. to take measures to stop the marketing of beverages of low or no nutritional value on school premises.
- Within the EU, the revision of the Television without Frontiers Directive provides an opportunity to introduce restrictions for TV advertising of foods high in fat, sugar and / or salt across Europe.
- In the U.S., Congress should rescind limits on the authority of the Federal Trade Commission to regulate in this area and mandate regulatory programs consistent with the First Amendment of the Constitution.
- As part of responsible corporate behaviour, food companies associated with foods high in fat, sugar and / or salt, that sponsor children's sporting events or equipment and activities in schools, should do so without making use of their brand.

Healthier products

- TACD calls for the governments of the EU and U.S. to work with manufacturers and retailers to set binding targets for reducing fat (including saturates and trans fats), added sugars and salt in their products. Governments should ask caterers to do the same for their standardized products, and review the appropriateness of portion sizes.

Clearer and honest labelling

- TACD urges the EU to make the provision of full nutrition information on the back of pack a mandatory requirement. Such information should be based on standardized serving sizes, include a daily reference amount for each nutrient, and be displayed in an easy-to-read format based on consumer testing.
- In the U.S. current requirements for mandatory nutrition labelling should be updated to emphasize calorie content, set daily reference levels for trans fatty acids and added sugars.
- TACD calls for the governments of the EU and U.S. to also develop simplified front-of-pack labelling schemes to be used consistently by the food industry which help consumers to easily identify which foods are high, medium or low in unhealthy fats, added sugars or salt.

School foods

- TACD urges the governments of the EU and U.S. to prohibit the sale of soft drinks and snack foods of low nutritional value on school premises.
- TACD urges the governments of the EU and U.S. to introduce strict standards for school meals that help to ensure that they meet or exceed dietary guidelines for children.
- TACD urges the governments of the EU and U.S. to provide adequate funding for nutrition education and physical activity programs.
- TACD urges the governments of the EU and the U.S. to establish programs providing for free fruits and vegetables to school-children.
- TACD urges the governments of the EU and U.S. to adequately fund school meals and meal preparation sites, and to prevent the sale of "competitive foods" on school premises.

Corporate behaviour and best practices

- TACD calls on the governments of the EU and U.S. to monitor such corporate behaviour, and encourage corporate policies to be based on best practices throughout the EU and U.S.
- TACD encourages the governments of the EU and U.S. to share best practices by considering the positive effects of actions already taken at various levels.
- TACD calls for multinational companies to introduce positive changes in a consistent manner throughout the EU and U.S., so that consumers throughout the transatlantic marketplace can benefit equally from changes in product reformulation, portion sizes, and marketing practices.
- TACD calls on the food industry to voluntarily take a more responsible approach, but believes that concrete and consistent action to address these problems generally requires legislative solutions.

Economic incentives and disincentives to promote healthier eating

- TACD encourages the governments of the EU and U.S. to explore ways in which subsidies for fruits and vegetables, and existing sales taxes on food, could be sensibly reallocated to promote healthy eating.

Recommendations to the 2006 U.S.-EU Summit

May 12, 2006

(this is limited to the recommendations – for the letter sent to the Presidents, and the full Statement, go to www.tacd.org/docs/?id=300).

RFID

Action by the governments of the EU and U.S. is urgently needed to protect consumers from the potential risks of this technology, including the threat to privacy posed by the enhanced ability to track and profile individuals, the threat of identity theft, and the possibility that RFID could be used to limit competition and consumer choice. Industry codes of conduct may be helpful, but governments must set basic rules that apply to all RFID users and that are legally enforceable.

Internet Purchases

TACD urges the U.S. and EU governments to think about how to work together to increase consumer confidence in cross-border online transactions in a more comprehensive way.

TACD urges the U.S. and EU to ensure that private ADR services meet certain standards set by government.

The Regulatory Cooperation workplan between the U.S. and EU should include a commitment to continue efforts to eliminate barriers to cross-border information sharing and cooperation in cases of fraud and deception and to promote the ability of government agencies to obtain monetary redress for consumers in those cases.

The U.S. and EU should work together to enact clear, consistent payment redress mechanisms to enable consumers to resolve cross-border purchase disputes.

The U.S. should adopt an "Internet Sales Rule" to provide consumers with the same protection in online purchases as they have in other distance-sale situations, such as purchases made by telephone. The U.S. and EU should work together to ensure that there are clear, consistent rules for Internet purchases that assure consumers on both sides of the Atlantic that they will be treated fairly by e-tailers.

The U.S. and EU should also work together to develop appropriate and effective policies to govern online marketing and sales targeting children.

The U.S. and EU should work together to protect children and adults from unsolicited advertisements sent to their mobile devices, provide them the right to cancel subscriptions for premium content or services with short notice, provide them with dispute rights for unauthorized charges, and protect the privacy of their financial, location, and other personal information in mobile commerce transactions.

The U.S. and EU should work together to educate consumers about how they can protect themselves and to take enforcement action against phishing criminals.

Countering spam, spyware and malware

Transatlantic regulatory cooperation in this area [Spam] should be modelled on the European system where consumers need to "opt-in" before they can legally receive commercial email. The U.S. and EU governments should pledge to cooperate more effectively with governments in Eastern Europe, Russia, and other countries in cross-border prosecution of phishing criminals.

Intellectual Property Rights

As part of transatlantic cooperation on competition policy (Joint Work Programme, 9. Competition policy and enforcement), TACD urges the EC and U.S. to consider the detrimental effects that some intellectual property rules have on competition. TACD urges the governments of the EU and U.S. to draw on Better Regulation ideas to examine the economic case for increasing or decreasing the term and scope of IP protection.

Genetically Modified Organisms

We urge the U.S and the EU to de-escalate this conflict [WTO GM suit]and pursue discussions over crop approvals, labelling policy and product tracing in a transatlantic venue where trade interests, health and environmental risks, and societal concerns receive appropriate weight, and where expertise in all these areas is available.

Trade in Services

TACD opposes the expansion of GATS coverage to health and education and any other expansion that does not safeguard consumers' rights to safety and to universal access to essential basic services. TACD has long held that the imposition through the GATS of "necessity tests" or requirements to only implement measures that are "the least trade restrictive" should be rejected, and we urge you to oppose the development of any such disciplines.

A model to build upon: open multi-stakeholder discussions with best practice approaches

Instead of closed-door regulatory negotiations, we urge the administrations to convene meetings of multiple government, civil society, and business interests for the purpose of exploring and finding sensible problem-solving approaches.

Transparent Procedures

TACD continues to advocate for greater transparency with regards to "early warning" discussions on trade-related complaints and discussion involving regulatory cooperation between the EU and U.S. The EU-U.S Economic Initiative and Regulatory Roadmap must be managed in a way that ensures the public is made aware of the existence of these discussions with clear avenues for public input into the agenda and the outcomes.

TACD urges the European Commission and U.S. Government to continue holding stakeholder consultation meetings, such as those that form part of the Regulatory Cooperation Forums, and to broaden those stakeholders invited, so that a broad array of interested parties and technical experts are brought into the discussions.

Letter on Passenger Name Records

September 12, 2006

(this is limited to the recommendations – for the full letter go to www.tacd.org/docs/?id=303)

TACD urges the governments of the United States and the European Union:

1. To abide by the decision of the European Court of Justice and establish an adequate legal basis, consistent with EU and U.S. privacy law, to protect the privacy of air traveler information.
2. To undertake a comprehensive study on the effectiveness of air traveler profiling and the alternative techniques that could be pursued to promote air travel safety and protect the privacy of passengers.
3. To publish on an annual basis a report on the implementation of any PNR transfer arrangements established, which includes a reporting of complaints received and resolution procedures.

Simplified Nutrition Labelling

February 2007, Food-27-07

(this is limited to the recommendations – for the full resolution and footnotes go to www.tacd.org/docs/?id=309)

Recommendations

TACD believes that a simplified labelling scheme should be based on the following principles:

1. It should be based on scientific criteria developed by experts while also taking into account the need for effective, simple communication and consumer research as to what is the most useful and easy to understand approach;
2. It should be prominent, on the front of pack, and complement the nutrition information on the back of the pack;
3. It should enable consumers to easily make comparisons between different products within a food category, as well as across food categories;
4. No product groups should be excluded *a priori* from a simplified labelling scheme, although the consumer is likely to find it more beneficial for processed foods;
5. It should be mandatory, because a proliferation of supposedly 'simple' corporate labelling schemes in the U.S. and Europe, or nationally developed schemes will only add to consumer confusion;
6. The underlying criteria of such a scheme should be endorsed by an independent body (e.g. EFSA or the U.S. National Academy of Sciences) and a harmonised format should be developed by DG SANCO or the U.S. FDA in consultation with key stakeholders including consumers, industry, public health and communication experts;
7. It should put the nutrition information into context by indicating whether or not a product is high, medium or low in key nutrients as established by scientific research;
8. It should include an interpretative element (i.e. traffic light system indicating the levels of nutrients or the overall nutritional value of food products), in addition to factual information to enable consumers to have an 'at-a-glance' assessment of the nutritional value of the food and a preliminary comparison of products.
9. It should be based on the nutrients that are of most public health significance and, in order to keep the information clear and immediate, it should include a limited number of nutrients including fat, saturated fat, sugar and salt.
10. It should be backed up by clear government advice on what to eat for a healthy diet and how to use the labelling scheme;
11. While ultimately developed for pre-packaged food, the scheme should be extended to catering outlets serving standardized menu offerings and its use in other catering outlets should be explored.

Food Products from Cloned Animals

February 2007, Food-28-07

(this is limited to the recommendations – for the full resolution, including detailed reasons for concern and footnotes, go to www.tacd.org/docs/?id=308)

With regard to the use of animal clones and their progeny in the food supply, the TACD makes the following recommendations to the EU and U.S. Governments:

1. Prior to any cloning for commercial purposes, TACD calls for the EU and U.S. governments to sponsor an open and transparent public discourse on the economic, ethical and social impacts and issues associated with the use of such technologies. Such discourse should fully analyze any purported benefits of animal cloning, should inform the governments and the public about whether and why cloning should be allowed and, if so, how it should be used
2. Prior to any use of animal cloning for commercial purposes, which TACD believes is currently inappropriate, TACD calls for the EU and U.S. governments to establish a system of mandatory approval that will assess the safety of all foods produced or derived from cloned animals and/or their offspring. Such a pre-market mandatory approval process should be transparent and allow for public input before any safety determination is made. Until a particular cloned animal and its progeny has been evaluated under such a regulatory process, products from those cloned animals and their progeny should not be allowed into the food supply. As well as a safety assessment, the approval process should utilize the Precautionary Principle and include an analysis of other legitimate factors, such as social and ethical considerations (see TACD resolution Food-16-00, www.tacd.org/docs/?id=18). TACD reiterates that the Precautionary Principle applies in cases where the scientific evidence is not conclusive to determine the level of protection but there is a necessity to take measures for the purposes of protecting public health, safety, or the environment. (See TACD position paper Food 9PP-99, www.tacd.org/docs/?=15).
3. TACD currently believes that there is a paucity of publicly available scientific evidence concerning the safety of cloning on the welfare of animals, food products derived from those animals, and the impact on agricultural management practices. Furthermore, appropriate regulatory agencies shall conduct a thorough safety assessment, including a cost/benefit assessment as well as an assessment concerning the impact on sustainable agriculture. It must be guaranteed that this assessment for a particular cloned animal be conducted in a transparent and participatory manner, and publicly-available information must be used.
4. Consistent with existing principles, regulations and practices, the governments of the EU and U.S. should maintain prohibitions on the use of cloned animals and their progeny in organic production.
5. If cloned animals or their offspring are used for food production, TACD calls upon the EU and U.S. governments to establish mandatory labeling and traceability of such products. Such information should allow consumers to exercise their choice to eat or not eat food made from this technology.

Identity Theft, Phishing and Consumer Confidence

February 2007, Infosoc-33-07

(this is limited to the recommendations – for the full resolution, including risks for consumers and e-commerce and recommendations to businesses, go to www.tacd.org/docs/?id=306)

TACD resolves that the EU and U.S. governments should:

1. Enact laws to explicitly prohibit using malware and spyware as well as remote manipulation of external computers or servers for the purpose of ID theft. New laws on ID theft and phishing should be more specific and provide rigorous punishment.
2. Enact or - where applicable - update national laws to deal with ID theft holistically. This should include:
 - ▶ legal sanctions (including criminal legal sanctions) against intrusion in private computers or external computer systems
 - ▶ general duties on companies to adopt adequate security policies and procedures and to inform customers when their data has been compromised (for example, as required by the California law on security breaches)
 - ▶ provisions to enable individuals to place “freezes” on their credit reports to strictly control access to their sensitive personal information and thereby reduce the risk of identity theft
 - ▶ requirements for businesses to provide assistance when customers’ data has been compromised as a result of security breaches.
3. Promote research and provide incentives for the development of best practices to combat phishing, ID theft and other types of high-tech fraud via the Internet.
4. Better coordinate anti-fraud prevention initiatives and measures internationally and within the EU by, for instance, implementing recommendations in the EU Fraud Prevention Action Plan.
5. Provide incentives and regulatory guidance to spur industry to further invest in the security of their systems and their brands.
6. Require Certification Authorities to ensure that the entities to which they issue certificates actually exist and meet the relevant security standards, and to provide clear information in the certificates about the identities and locations of the certified entities. Certification Authorities should also be required to be independently monitored on a regular basis to ensure that they are fulfilling those obligations.
7. Require financial institutions to implement effective procedures for authenticating online access to accounts and closely monitor the effectiveness of the procedures they use.
8. Assign the liability for financial damages caused by ID theft or phishing to the respective companies or service providers involved and not to consumers unless they are proven to have acted negligently.
9. Mandate the deployment of Internet provider-based spam filters.
10. Support the development (with consumer participation) of common standards on web authentication.

Internet Security

February 2007, Infosoc-34-07

(this is limited to the recommendations – for the full resolution, including the problem for consumers and e-commerce and recommendations to businesses, go to www.tacd.org/docs/?id=306)

TACD resolves that the governments of the EU and U.S. should:

1. Enforce and, where necessary, improve or enact laws that oblige providers of electronic products and services to safeguard the security of electronic products and services through appropriate measures. The notion of appropriate measures must be further clarified and specified through the establishment of dynamic and technologically neutral standards.
2. Properly monitor and enforce legal obligations for Internet Service Providers to provide for safe networks and to inform consumers about possible security breaches in their systems.
3. Make providers of electronic products and services legally accountable for losses as a result of damage caused by not taking the appropriate security measures. This works as an incentive for the industry. National regulatory authorities (NRAs), private attorneys and consumers should have the legal instruments to be able to ask for compensation on behalf of individual consumers as well as through class actions.
4. Issue a coherent action plan for Internet security, which includes technology-neutral, dynamic standards for security products and services to comply with, and a certification scheme for privacy and security enhancing technologies developed and monitored by the industry and enforced by National regulatory authorities (NRAs) taking into account recommendation 5 of the TACD resolution on ID Theft, Phishing and Consumer Confidence.
5. Require security to be the default setting. Of course TACD prefers the industry to secure its products, services and networks from its own initiative (as recommended in the TACD resolution on phishing, ID Theft and Consumer Confidence). However, in this regard, TACD is of the opinion that there should be regulation to ensure that the default security setting is part of the level playing field. This regulation provides the means to ensure the weeding out of commercial initiatives that provide and contribute to insecure digital products, services and networks.
6. Establish effective enforcement mechanisms to prevent large-scale economic damages as a result of security breaches.
7. Raise awareness amongst consumers as well as SME's about security measures and existing rights and remedies through information campaigns in partnership with privacy and consumer groups, taking into account recommendation 10 of the TACD resolution on Phishing, ID Theft and Consumer Confidence.

Digital Rights Management, The Sequel

February 2007, IP-03-07

(this is limited to the recommendations – for the full resolution, including the a detailed background paper, go to www.tacd.org/docs/?id=307)

TACD Resolves:

To request that the governments of the United States and the European Union endorse the following principles for DRMs, which are focused on consumer rights. These principles can be implemented in a number of ways, but several may require legislative changes, for example to limit the sale of DRM-protected content that does not live up to reasonable consumer expectations and allow for the removal of DRMs from content or devices if DRMs do not live up to these expectations.

TACD asks the EU and U.S. governments to endorse the following principles for DRMs and, where appropriate, legislate accordingly:

1. Principle of fairness

Consumers require fair access to, and fair use of, content. Normal consuming of content in the digital environment requires users to engage in time-shifting, place-shifting and limited sharing of a work. Therefore DRMs must respect consumer rights contained in the exceptions and exclusions in copyright law. They may not create a risk of losing access to a work due to discontinuation of a service or lack of a right to back-up copies of the work. DRMs shall not define social entities such as ‘household’ and ‘families’ in their technology more narrowly or restrictively than has been defined in local law or custom. DRMs shall not block the use of assistive technologies employed by disabled people. Finally, software producers should be allowed to make and distribute software that enables consumers to make use of their lawful rights and exceptions to copyright.

2. Principle of end-user creativity

Fair access and use to content includes the ability to transform that content. Innovation, cultural and economic prosperity can only flourish if creativity is not unduly inhibited. Users need to be allowed to interact with the work. DRMs should not limit legitimate forms of building (remix, tweak, comment) upon creative works.

3. Principle of Transparency

Consumers require sufficient information about any impact a DRM system may have on, for example, the potential uses of a work and the interoperability with devices in order to make informed product choices. Consumers must be given proper information on relevant product characteristics, including relevant restrictions on the work, effects on interoperability, and any modifications the DRMs may make to a user's devices. Consumers should also be made aware of applicable laws that would penalize them for circumventing DRMs. This information must not be hidden in small print or long and legalistic license agreements and it should be given prior to agreeing to a contract.

4. Principle of proportionality

The impact of DRMs on functionality should be limited to what is necessary to protect copyright and should not otherwise affect a consumer's use of the works.

5. Principle of privacy and data protection rights

DRMs should be compliant with data protection rules and privacy rights. The individual should be able to use the media without first having to disclose personal information, or consent to marketing or other secondary uses of their personal information. DRMs should not use registration, usage data, or other personal information for secondary purposes without first obtaining the individuals' informed and voluntary consent. DRMs should be able to guarantee the anonymity of the user.

6. Principle of internet safety and security

The practical use of DRMs on the Internet may pose threats to consumers' security settings and therefore to the economic interests of consumers. DRMs must not result in unnecessary vulnerabilities to consumers' equipment or personal information.

7. Principle of Interoperability

The lack of interoperability between different DRMs requires consumers to either purchase their content from one specific provider or use more than one device or platform to access their content. Consumers should be able to purchase content from any provider and use it on any device.

8. Principle of competition and innovation

DRMs should allow innovation and facilitate new business models that fulfil previously unaddressed demand. They should give consumers the new choices that were the promise of the digital age. DRMs must not be used to lock consumers into old business models and to limit consumers' choices in services and devices. Consumers must have real options for purchasing rights to works at different price points. The menu of options must not be unduly limited by content producers using market power or acting jointly to restrict choices.

9. Principle of consumer rights

Consumers must have clearly defined and enforceable consumer rights that cannot be overridden by contract terms, DRMs or other technological measures.

Among the consumer rights that should be clearly expressed are:

- the right to private copy
- the right to fair commercial practices
- the right to be informed and refunded for faulty products
- the right to privacy and data protection
- the right to free speech

A simple and speedy alternative dispute resolution system should be established for DRM disputes so consumers do not have to rely on costly litigation for low value disputes, whilst retaining the right to use court action as a last resort.

10. Principle of circumvention / removal

Consumers should be allowed to circumvent DRMs if any of their usage rights are not respected. If circumvention is technically not possible service providers must provide consumers with access to the protected content in a way that lives up to these principles. Generally, service providers that offer DRMs that do not live up to the above mentioned principles should have a legal obligation to take unlawful DRMs from the market and give customers their money back or access to the protected content in a way that lives up to these principles.

Horizontal Regulatory Initiatives in EU-US Regulatory Cooperation

February 2007

(this is limited to the recommendations – for the full resolution and position paper go to www.tacd.org/docs/?id=311)

TACD RECOMMENDATIONS

1. The EC and EU member states should not adopt centralized political review and control of regulations, regulatory impact assessments, or information collections, in the mode of OMB's Office of Information and Regulatory Affairs. Primary responsibility for implementing legislation and developing regulations to protect the public should continue to reside with the agencies charged with those responsibilities, which have the resources and expertise to exercise them most wisely.
2. TACD calls on participants in the EU-U.S. horizontal regulatory dialogue not to pursue the goal outlined in the initial April 2002 TEP Guidelines on Regulatory Cooperation and Transparency Implementation Roadmap of harmonizing impact assessment methodologies and assumptions used in impact assessments. Although the EC has developed its own impact assessment requirements and guidelines, it would be contrary to the Precautionary Principle for the EC to adopt proposals such as the pending OMB bulletin on risk assessment methodologies, which would eliminate precautionary methods such as use of worst-case assumptions (like environmental risk assessments that pinpoint exposure levels based on the most exposed person rather than the average exposure). Additionally, it has been documented that U.S. economic impact assessments routinely overestimate regulatory costs and underestimate regulatory benefits. (Although OIRA has tried to disprove the empirical observations with a skewed study of its own, it has been subsequently discredited.) Simply adopting skewed U.S. impact assessment assumptions would skew European assessments in a manner that would essentially create a transatlantic policy reward to the lobbying efforts of U.S. industry.
3. Information resource management must be a two-way street, so that calls for "administrative cost reduction" or "paperwork reduction" are balanced against an imperative that no such policy will threaten the quality, quantity, or utility of information needed to protect the public. Any such initiatives should avoid arbitrary reductions in time spent complying with information collection requirements, avoid centralized political review and control of information collection, and instead focus on electronic reporting and the use of sensors and other modern technologies that enable us to gather needed information more efficiently.
4. Too many of the U.S. initiatives, such as the OMB peer review guidelines and the draft guidelines for risk assessment, establish onerous requirements for government assessments that do not apply to industry assessments, such as scientific studies offered in support of licensing or other applications. Additionally, some U.S. policies (such as the Small Business Regulatory Enforcement Fairness Act) grant business interests a seat at the table for policy development that consumer and labor representatives do not enjoy. The EU-U.S. dialogue should counsel the U.S. on correcting these imbalances in its policies, and the EC and EU member states should not replicate those imbalances in their own policies.
5. The Precautionary Principle should apply in cases when the scientific evidence is not conclusive enough to determine a level of protection but there is a necessity to take measures for the purposes of protecting public health, safety, or the environment. The TACD once again calls on the U.S. to incorporate the Precautionary Principle in regulatory decisions involved in consumer health and safety and the environment. The U.S. and the EU should include the Precautionary Principle as an agenda item in the EU-U.S. horizontal regulatory dialogue.