Trans Atlantic Consumer Dialogue

October 28, 2026

Ambassador Jamieson Greer
United States Trade Representative
Office of the United States Trade Representative
600 17th Street NW Washington, DC 20509

RE: Request for Comments on Significant Foreign Trade Barriers for the 2027 National Trade Estimate Report
Federal Register Docket Number 2026-18775

Dear Ambassador Greer:

On behalf of The Transatlantic Consumer Dialogue (TACD), we submit the following comment in response to the request by the Office of the United States Trade Representative (USTR) regarding "Significant Foreign Trade Barriers" ahead of the 2027 National Trade Estimate Report. TACD is a forum of 75+ leading consumer rights, intellectual property rights, digital rights, and trade policy experts across the United States and Europe.

It is the position of TACD that it is not in the interest of the U.S. government to discourage efforts to safeguard competition, privacy, and safety, nor leverage trade policy towards that end.

TACD published an explainer in December 2025, *Understanding Europe's Digital and Competition Laws: Fair, Open and Pro-Innovation,* which describes how the EU Digital Markets Act, the EU Digital Services Act, and UK Digital Competition Laws are a win-win-win for consumers, innovators, and fair markets. These laws promote competition in the digital ecosystem by imposing anti-monopoly obligations regardless of their country of origin. They are pro-consumer and not discriminatory towards U.S. tech companies and ought not to be labelled as such.

At the same time, collaboration between the U.S. and the EU is crucial to further enhance long-term cooperation on consumer rights online, as highlighted in the *TACD Recommendations for EU-U.S. Tech Dialogue* published in September 2026.

Therefore, TACD urges USTR to refrain from targeting these landmark policies, as such actions may undermine the collaborative space needed to address bipartisan issues important to consumers such as online scams, protection of minors, deceptive design, and the safety of products sold in online marketplaces.

Sincerely,

Finn Lützow-Holm Myrstad
Director of Digital Policy,
Norwegian Consumer Council
EU Co-Chair, TACD Steering Committee

Susan Weinstock
President and CEO,
Consumer Federation of America
U.S. Co-Chair, TACD Steering Committee

UNDERSTANDING EUROPE'S DIGITAL AND COMPETITION LAWS:

Fair, Open and Pro-Innovation

Why does it matter?

Eighty percent of consumers in the EU, UK, and U.S. depend on digital services for shopping, information, and social interactions. Yet they cannot fully trust that their rights are respected online. A few powerful online players control access across many digital markets, from commerce and payments to search and social media. This concentrated power limits choice, enables unfair practices, and creates barriers for fair competition and innovation. As users feel less safe and more manipulated online, their confidence falls. New European laws have been relentlessly attacked by Big Tech companies, but in fact these laws aim to raise standards for trust, fairness, and accountability in the digital sphere.

60 % consumers have stopped using online services they felt were unsafe, while **55 %** say they have lost trust in a company because they felt they were manipulated or deceived by its website or app

CHALLENGES IN DIGITAL MARKETS TODAY

Large digital platforms often engage in practices that limit fair competition, consumer choice, privacy, consumer protection and the safety and trustworthiness of the digital space. Examples include favouring their own services over those of competitors in search rankings (self-preferencing), imposing high fees on app developers, creating closed ecosystems that lock in users, deploying dark patterns, processing personal data unfairly and failing to adopt measures to prevent the sale of illegal products.

Barriers to entry combine with unfair commercial practices to make it difficult for competitors to enter the market fairly. Digital markets are especially prone to "market failure", where normal competition breaks down due to factors including first-mover advantage, economies of scale, and network effects. These features let dominant platforms quickly capture users and data. As a result, new challengers struggle to compete, and markets tip toward monopoly power, exposing consumers to abusive practices.

These practices can lead to real harm. **Consumer surveys** show that many people feel they lack control over the content they see online. Markets dominated by a few gatekeepers discourage innovation from startups and SMEs, both in Europe and globally. Intervention is needed to restore fair competition and keep digital spaces open and innovative.

EUROPEAN LAWS PROMOTE INNOVATION AND CONSUMER CHOICE

Fair competition benefits everyone. By preventing gatekeepers from abusing their power, well-designed regulation and enforcement create opportunities for startups and innovators to thrive. Consumers enjoy more choice, lower prices, control over their data, and a safer online environment. Open markets spur creativity, entrepreneurship, and technological advancement.

EU and UK digital laws are non-discriminatory: they apply to specific companies, regardless of their nationality. While most designated gatekeepers and very large online platforms and search engines under these rules are U.S.-headquartered, this reflects their extreme scale and domination of European digital markets rather than geographic discrimination. These laws set commonsense standards for market fairness, ensuring everyone competes by the same rules. They have been applied to companies from Asia, Europe and the U.S. In the case of data protection law, the GDPR regulates European companies more stringently than non-European companies. European companies must abide by the GDPR when processing data of Europeans and non-Europeans, whereas non-European companies operating in the EU must only comply with the GDPR when they process data of Europeans.

The EU Digital Market Act

The DMA mandates interoperability and requires gatekeepers to allow alternative app stores and payment systems, breaking open closed monopolies and fuelling innovation. Rather than stifling new ideas, the rules allow firms to compete fairly and improve.

Many companies, including American firms, benefit from the DMA because they provide services which compete with those of the large tech companies – known as gatekeepers – regulated under the DMA.

The EU Digital Services Act

The DSA strengthens accountability and user safety online by requiring platforms to act swiftly against illegal content and providing greater transparency and safeguards around content moderation, recommender systems and advertising. The DSA protects free speech by giving new rights to challenge unjustified censorship by powerful online platforms. By strengthening safety, boosting transparency and enhancing user rights, the DSA builds trust and creates fairer opportunities for businesses of all sizes to reach consumers. These standards motivate digital platforms to compete honestly and innovate in ways that put people first.

The designation of Very Large Online Platforms (VLOP) and enforcement of the DSA is non-discriminatory and applies to all companies operating in the EU regardless of where they are based. The Commission has investigated and acted against companies from China, Europe, and the U.S.

UK Digital Competition Laws

The UK's ex-ante digital competition regime, the Digital Markets, Competition and Consumers Act (DMCCA), empowers authorities to address unfair conduct by dominant tech firms with entrenched market power through targeted, evidence-based interventions. By requiring companies to follow principles of fair trading, open choice, and transparency, the approach unlocks new opportunities for businesses and consumers alike. Rather than limiting growth, these rules create room for innovation and fair competition in fast-moving markets.

The Competition and Markets Authority in the UK has a legal duty to ensure such regulations are proportionate and they must be designed in a participative way with input from the regulated firm, as well as other stakeholders. It is integral to the intent of the regime that regulations be designed with an understanding of the firm's business model to avoid regulatory failure and promote innovation across the market.

These regulations complement existing antitrust frameworks by enabling quicker and more transparent enforcement. They were designed with input from businesses and civil society to ensure they are balanced, promote innovation, and protect the freedom of citizens and consumers to communicate and transact freely and fairly.

Importantly, these laws apply equally to companies of any nationalities.

A WIN-WIN FOR CONSUMERS, INNOVATORS AND FAIR MARKETS

Europe's digital and competition laws create a strong, unified framework that promotes market openness and protects consumers and innovators alike: because these goals go hand in hand. Rather than discriminating against companies from any country, these laws foster fairness, competition, and innovation across borders. It is notable that both the EU and the U.S. recognize the importance of regulating the digital economy responsibly. Bipartisan efforts in the U.S., such as the 2023 House Judiciary Committee report and emerging legislation on online safety and platform accountability, reflect shared concerns with Europe about transparency, digital competition, and user protection.

Europe's laws help maintain a well-functioning digital market where many companies can compete and innovate, freeing consumers from the control of walled gardens created by dominant platforms. By ensuring equal rules for all players, these regulations build dynamic digital markets that encourage entrepreneurship and support a healthier digital economy on both sides of the Atlantic.

Trans Atlantic Consumer Dialogue

TACD Recommendations for EU-U.S. Tech Dialogue

September 2026

As the EU and the U.S. are exploring the idea of a Tech Dialogue, the Transatlantic Consumer Dialogue (TACD) proposes key topics to ensure this cooperation delivers for consumers.

Most importantly, any dialogue must remain a platform for sharing information and improving understanding of differing approaches and good practices. It should not be used a tool to secure changes to laws or enforcement outcomes that have been determined through legitimate domestic processes.

Issues of common interest for a potential Tech Dialogue

Scams

A 2026 study conducted by the Consumer Federation of America (CFA) shows that Americans lose over $119 billion per year to online scams. Despite publicly committing to combat fraud, some platforms have allowed scam advertising to persist. For instance, in 2024 Meta reportedly expected more than 10% of its revenue to come from scam advertisements, illegal gambling, and the sale of prohibited goods on its platforms.

Similar concerns have been identified in Europe. Between December 2025 and March 2026, the European consumer organisation BEUC investigated TikTok, Meta, and Google across 13 countries. The investigation found that while nearly 900 instances of suspected fraudulent content were reported, only 27% of reports were removed and 53% were rejected or ignored.

THESE FINDINGS SHOW THAT FINANCIAL SCAMS ARE A COMMON DETRIMENT FACED BY CONSUMERS IN THE EU AND U.S. TACD THEREFORE ENCOURAGES THE EU AND U.S. TO COOPERATE ON SCAM PREVENTION.

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Protection of minors

In 2026, 25% of teens in the EU exceeded six hours of screen time on school days and 46% on weekends, with social media accounting for the largest share of use. In the U.S., in 2025 nearly one in five adolescents reported being, or knowing someone who was, in a romantic relationship with an AI-enabled avatar. More than twice as many said they used AI companions as friends (42%) or for relationship advice (43%), mental health support (42%), escaping reality (42%), or medical advice (37%).

The online world and AI have become intertwined with children's everyday lives. And those children are increasingly paying the toll: the U.S. suicide deaths among 10–24-year-olds increased by 62% between 2007 and 2021, a period that corresponded closely with widespread smartphone adoption among teens. AI companions have also been linked to harmful behaviours, including self-harm, drug use, suicidal ideation, delusions, and paranoia, as well as homicide and murder-suicide.

However, it is important to note that harmful online practices do not only harm children: they harm everyone. In the EU, only 43% of consumers feel in control of their online choices, 55% have lost trust in a company after feeling deceived, and 31% report spending more time or money than intended due to addictive design features. Service providers will not always know whether their users are children. The best avenue to protecting *children* online is to protect *everyone* online by addressing the unfair structural systems upon which many online platforms and technologies are built. One immediate step should be to make privacy-preserving designs the default for all accounts, adults, *and* children.

OVERALL, THIS TECH DIALOGUE SHOULD ADDRESS THE ROOT OF THE PROBLEM: THE PRIVACY-ERODING, ADDICTIVE AND ENGAGEMENT-DRIVEN BUSINESS MODELS OF THE MAJOR PLATFORMS OPERATING IN THE TRANSATLANTIC MARKET.

Deceptive design

Deceptive designs are interfaces designed to push consumers into making choices that may not be in their best interest. They can cause financial harm, undermine autonomy and privacy, increase cognitive strain, and erode trust in markets.

Despite these risks, 97% of the most popular websites and apps used by EU consumers employed at least one deceptive design pattern in 2022, most commonly: hidden information, preselection, nagging, difficult cancellations, or forced registration.

These unfair practices are seldom deployed on their own. Interface designs often incorporate multiple types of deceptive design simultaneously.

This is demonstrated by a 2023 study from BEUC which found that 61% of consumers across eight EU countries sometimes felt pressured by a website or app to make a purchase, with nearly half ending up buying products or services they did not mean to. 54% said they also had been forced to create an online account to make a purchase, although they did not want to.

THE EU AND U.S. NEED TO USE THE OPPORTUNITY PROVIDED BY A TECH DIALOGUE TO ESTABLISH A CLEAR AND COMPREHENSIVE HORIZONTAL PROHIBITION ON DECEPTIVE DESIGN ACROSS ALL DIGITAL SERVICES.

E-Commerce, Product Safety, and Customs

TACD encourages the dialogue to cover e-commerce and customs and explore cooperation activities that could contribute to improved protection for consumers against unsafe products. This is an area of common interest. In 2025, around 5.9 billion low-value parcels purchased through e-commerce platforms entered the EU.

In 2026, around 15 million parcels coming from abroad, mostly China, entered the EU every day, and in the 2024, before the *de minimis* exception was lifted, 1.37 billion packages entered the U.S. through this loophole. Enforcement actions conducted by TACD members revealed widespread non-compliance with EU product safety rules.

The U.S. faces a similar challenge. By September 2025, the Consumer Product Safety Commission (U.S.) issued 376 recalls and safety warnings, exceeding the 2024 total with three months to go in the year. Nearly two-thirds involved products from China.

THE EU AND THE U.S. HAVE BOTH TAKEN MEASURES TO ADAPT THEIR CUSTOMS CHECKS AND REMOVED RESPECTIVE DE MINIMIS EXEMPTIONS TO ADDRESS THE MASSIVE INFLUX OF CHINESE PARCELS. HAVING AN EXCHANGE ON THIS PROCESS AND HOW SUPPLY CHAINS ADAPTED COULD BE VALUABLE FOR BOTH SIDES.

How the potential dialogue should operate

Transparency and engagement

- The EU and the U.S. must not repeat the mistakes from the Transatlantic Trade and Investment Partnership (TTIP) negotiations era. Cooperation dialogues, just like trade talks, must be transparent and subject to public scrutiny. Agendas of meetings and progress reports should be published along with the list of participants. This information should be easily accessible to the public. EU and U.S. public interest groups should be regularly consulted as well as briefed about the progress of the cooperation.

TO ENSURE LONG-TERM COOPERATION, THE EU AND THE U.S. NEED TO GUARANTEE INDEPENDENT OVERSIGHT OF LAWS THAT PROTECT CONSUMERS, AND JOINTLY SEEK VIEWS, INSIGHTS, AND EXPERIENCES FROM PUBLIC INTEREST GROUPS.