



TACD STATEMENT ON THE NTE REPORT

The US Trade Representative (USTR) recently released its annual [National Trade Estimates Report, 2024](#) (the Report). The Transatlantic Consumer Dialogue (TACD), a forum of leading U.S. and EU consumer organizations, welcomes the new approach to this year's NTE compared to previous years' reports.

The USTR's new approach to identifying trade barriers explicitly recognises that countries have a sovereign right to adopt domestic legislation in furtherance of public purposes. Accordingly, the USTR has dropped mentions of the EU's General Data Protection Regulation, Digital Markets Act (DMA), Digital Services Act (DSA) and proposed Artificial Intelligence Act (AI Act) from a list of digital trade barriers. This is a significant and welcome change, given that these laws serve an important role in ensuring greater protection of consumers rights and interests in the digital ecosystem.

That said, the report does highlight a number of other issues that appear to vitiate its claim that it would not list laws that further public interest purposes. Notably, the report:

- Continues to list the DSA and AI Act, together with Europe's Data Act as barriers to trade in view of the possible effect these laws may have on intellectual property rights.
- Criticizes proposals that aim to ensure the safety and security of cloud services in the EU.
- Undermines various measures adopted by the EU to address the climate crisis and support consumers in the green transition, including (but not limited to):
 - i. the European Farm to Fork Strategy;
 - ii. the Green Claims directive;
 - iii. the Digital Product Passport measure.

While the Report is clearly a step in the right direction, we urge the US and all other governments to avoid using the international trade system as a means to limit the ability of governments to impose public interest regulation. Important public interest policies should not be weakened, undermined or chilled on the grounds that they might violate outdated trade and investment rules.

Governments across the world should be free to adopt measures to protect citizens' fundamental rights and ensure consumer safety.

Rather than constantly challenging each other's public interest policies as trade barriers, TACD recommends that the EU and US explore alternative avenues of engagement. For instance, this could take the form of both jurisdictions agreeing not to challenge each other's climate-change related policies, while proposing the revision of WTO rules to enable governments to take suitable action to tackle the climate crisis.to ensured.

About TACD:

The [Transatlantic Consumer Dialogue \(TACD\)](#) is a forum of U.S. and EU consumer organisations which develops and agrees on joint consumer policy recommendations to the US government and European Union to promote the consumer interest in EU and U.S. policy making.