We are writing to express our deep concerns about the European Union’s aggressive and heavy-handed antitrust enforcement action against American companies. It has become increasingly clear that, rather than being grounded in a transparent legal framework, these various investigations and complaints are being driven by politics and protectionist policies that harm open-competition practices, consumers, and unfairly target American companies.

While we understand that the United States and Europe have different antitrust laws, our respective antitrust authorities historically have operated collaboratively with shared principles, promoting innovation while also protecting consumers, competition, and free markets. The United States is committed to fair Transatlantic cooperation among governments to maintain healthy competition among commercial sectors in a marketplace free of unlawful restraint. However, we are concerned that in some instances American companies are being singled out in Europe for reasons that appear at least partially rooted in concerns about protecting domestic industries.

Over the last several years, the European Commission’s antitrust authority has, often at the urging of local competitors, opened numerous, wide-ranging investigations into American companies. In some cases these investigations have continued even though U.S. antitrust, as well as others around the globe, have found no wrongdoing. This has occurred across industries, from the technology sector to the food industry to the film industry. For example:

- The EC formally filed charges against Facebook in December 2016, accusing the company of making misleading statements as part of its acquisition of the messaging service WhatsApp in 2014.
- The EC levied a $13.5 billion penalty against Apple in August 2016 to punish the company over tax payments made in Ireland, a decision that Ireland itself has deemed as an attempt by the EU to “rewrite the Irish corporation tax rules.”
- The EC in October 2015 ordered Starbucks to pay $34 million in back taxes, even though Dutch authorities denied that the agreement they reached with the company had breached EU law.
- The EC has brought charges against Google’s comparison-shopping service, the “AdSense for Search” platform, and its Android mobile operating system, despite the fact that the U.S. Federal Trade Commission, the Canadian Competition Bureau, and various courts around the world have cleared the company on similar claims.
- The EC brought antitrust charges in 2015 against six American studios (Disney, NBCUniversal, Paramount Pictures, Sony, Fox, and Warner Bros.) for allegedly blocking access to digital content.
- The EC has been formally investigating Amazon for its e-book distribution practices since 2015, as well as for its tax agreement with Luxembourg dating back to 2003.
- The EC ruled against McDonald’s over its tax activity in Luxembourg, which could translate to the company paying $500 million in alleged back taxes even though Luxembourg authorities deny any wrongdoing.

We have been committed to developing an open and fair playing field for companies within the United States and hope to see an increased commitment to open competition in the European Union. Protectionist policies undermine our progress in forging Transatlantic partnerships in trade and investment. We hope that you will closely examine these issues. It is paramount that we ensure that all enforcement is done fairly and
predictably in order to ensure the best results for consumers both in the European Union and the United States.

We are grateful for your consideration of our views and look forward to working together to address these important considerations moving forward.