

Anti-American Antitrust: How Foreign Governments Target U.S. Businesses

JAMES CZERNIAWSKI, Head of Emerging Tech Policy, Consumer Choice Center

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Dear Chair Fitzgerald, Ranking Member Nadler, and Members of the Committee:

On behalf of the Consumer Choice Center, I thank you for the opportunity to provide our view on a matter that we feel should be deeply concerning for American consumers, this Committee, and members of Congress who care about economic freedom and U.S. leadership in the world. What we are witnessing today is not a good-faith disagreement over competition policy. It's a sustained and deliberate campaign by foreign governments, many of whom are longstanding allies of ours, to weaponize antitrust and competition law against America's most successful companies.

This is conduct that should outrage us.

American firms are being targeted and penalized, not because they have caused serious and significant harm to consumers, but simply because they are American and are wildly successful, unlike the governments overseeing weaker and less innovative economies that seek to punish them for that success. Under the guise of "competition policy", our allies are engaging in discriminatory regulation and protections pointed directly at U.S. businesses and their consumers. This subcommittee should call practice for what it is: anti-American Antitrust.

What's at stake is far more than the profitability of a handful of technology companies. It's about whether the rule of law will be replaced by politicized enforcement, whether consumer welfare will be replaced by bureaucratic micromanagement. It's about whether or not this government will sit by as American companies and consumers are forced to subsidize foreign regulatory regimes explicitly designed to weaken them.

For decades, U.S. antitrust laws have been grounded in a clear and principled framework: the consumer welfare standard. Under this approach, antitrust enforcement asks a simple but critical question: Does the conduct in question harm consumers through higher prices, reduced output, diminished quality, or suppressed innovation?

This standard did not emerge by accident. It was an outgrowth of tackling arbitrary enforcement to ensure that antitrust law serves the interests of competitors rather than competition. Courts are responsible for determining liability with evidence of proven harms, not speculation, to inform the remedies needed.

The consumer welfare standard is about lawful enforcement. It reflects the practical understanding that size does not equate to monopoly power and that innovation often produces market leaders precisely because consumers reward better products and services.

Unfortunately, many foreign jurisdictions, notably the European Union, don't follow such simple and effective principles. They would rather lead with a system of administrative control, guided by theories of harm that are untethered from prices, output, or actual harms to consumers. This divergence is the foundation under which the EU carries out its discriminatory treatment of American firms.

The EU's competition regime has increasingly become an exercise of industrial policy masquerading as antitrust enforcement. Nowhere is this clearer than in the Digital Markets Act. The DMA doesn't require proof of monopoly power nor consumer harm as understood in U.S. law. Rather, it imposes sweeping obligations on firms arbitrarily designated as "gatekeepers" based largely on size and user base.

Unsurprisingly, the companies that have gotten the designation have predominantly been American firms. These firms are globally leading because they're innovative and produce goods and services that consumers around the world enjoy. European firms are conspicuously absent. Perhaps that is because the bloc doesn't have many world-leading companies to boast about and be worthy of such generous designations as "gatekeeper". This is simply protectionism dressed up in legal language.

Antitrust law must be applied impartially. Conduct needs to be treated equally. It is a shame that the Europeans have abandoned this core principle. Instead, regulators consistently target American firms and slap them with enormous fines. The United States has largely been welcoming for any firms to do business within its borders, and if the country were to start intentionally targeting foreign companies, there would be outrage. Yet, when our allies do

this, and we raise the point, they pretend it's about protecting consumers and then proceed to hide behind the idea of "European sovereignty". In the meantime, they continue to impose massive costs with impunity that ultimately fall on American consumers.

Complying with the regulatory regimes installed by the Digital Markets Act (DMA) and the corresponding Digital Services Act (DSA) requires companies to redesign products, fragment services, redirect engineering teams, and maintain a massive compliance infrastructure.

Higher operating costs lead to higher prices. Innovation gets slowed down as products are subjected to even more review. The uniqueness of products dwindles down as consumers are subjected to lowest-common-denominator style products. American consumers are paying the price in the form of diminished quality and lost innovation, in no small part because overseas regulators are eating up more of our companies' time and resources by going through checklist exercises than building things people enjoy.

Innovation thrives when firms are empowered to experiment, integrate new features, and quickly scale those successful ideas. The foreign *ex ante* regulatory model treats each of these as a criminal, finding them guilty of harm before they are ever rolled out. Vertical integration is transformed into "self-preferencing". Data use becomes "exclusion."

Under this framework, American firms are being punished not for harming consumers, but for outcompeting rivals.

The message that is being sent to our great innovators is abundantly clear: build something successful, and the regulators will look for excuses to tear you apart.

The impact of this regulatory regime doesn't just have an impact on large firms. It chills startup formation and incentivizes founders to seek acquisition rather than build and be subjected to bureaucracy. Rather than protecting consumers as they portend to claim their actions do, foreign regulators seemingly are trying to lock markets into a static structure, protecting less efficient competitors at the expense of consumers.

It is impossible to ignore the monetary incentives at play. Fines imposed on U.S. firms have become a significant source of revenue for foreign governments. As one person pointed out, in 2024, the fines levied against American tech companies, coming in at €3.8 billion, were greater than the tax revenue paid by public internet tech companies at €3.4 billion.¹ Recently, Elon

¹ https://x.com/da_fant/status/1998090511807381613?s=20

Musk's X was fined €140 million for being found in violation of the DSA.² As I explained on GBNews shortly after the fine was announced, this wasn't about the changes to the blue check that Elon instituted shortly after purchasing Twitter; this was about the EU enforcing its blueprint of control on an American company.³ By comparison, TikTok, which was also under investigation for potential violations under the DSA, avoided a similar outcome by submitting to concessions by regulators. And that is the point: submit to our command and control or face steep punishment.

It was under the guise of the DSA that then Commissioner Thierry Breton had the gall to send a letter to Elon Musk, warning him of the company's obligations under the DSA ahead of a planned interview with then-candidate Donald Trump.⁴

There is no sign of the Commission stopping either. Recently, the Commission announced a new DMA-driven investigation. This time, the target is Google, another successful American tech company.⁵

This is not about competition policy. It's a new welfare program driven by economic rent extraction.

Foreign antitrust regimes increasingly assert extraterritorial control over global business practices. Companies are forced to redesign products worldwide to comply with foreign mandates, even when those mandates conflict with U.S. law or values. This is regulatory imperialism, and it actively undermines U.S. sovereignty. It allows foreign bureaucracies to dictate how American companies innovate and compete, far beyond their own borders. If allowed to continue, it will balkanize global markets and erode the very benefits of scale that have driven innovation and lower prices for years.

Adding insult to injury, this "world-leading" regulatory approach by the Europeans has done little to improve their competitiveness in the digital economy one iota. That failure is not due to American misconduct; it's the entirely predictable outcome of regulatory environments hostile to risk-taking and growth. Rather than focus on improving outcomes for their consumers, foreign governments have chosen to handicap American success and punish American consumers.

That choice can no longer be indulged by American consumers and markets.

² https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2934

³ <https://youtu.be/7J5QqD998rq?si=Od5cqX8Ee5Sunffg>

⁴ <https://x.com/ThierryBreton/status/1823033048109367549>

⁵ https://x.com/EU_Commission/status/1998354372745482413?s=20

The Trump administration deserves strong praise for its willingness to confront these abuses head-on. Rather than allowing such discriminatory treatment of U.S. firms, this administration has reaffirmed a basic principle: American firms are entitled to fair treatment, not just at home, but abroad as well.

The President has been a staunch critic of the E.U., threatening to impose tariffs on the bloc due to their unfair targeting of American firms.⁶ In February at the Munich Security Conference, Vice President J.D. Vance called out the censorious nature of the E.U.⁷ This summer, Secretary of State Marco Rubio sent out a cable instructing diplomats to work on repealing or amending the DSA.⁸ The Under Secretary of State, Sarah Rogers, has been fantastic in pointing out the issues at play.⁹

Standing up to allies isn't about being antagonistic; it's about showing leadership. It's a critical reminder that economic injustices, especially those that are hidden under the veil of consumer protection and regulation, will be met with resistance. It's critical that the whole of government is involved in pushing back against the Brussels effect and its intentional and egregious negative impact on American firms and consumers alike.¹⁰

This subcommittee has a critical role to play. Antitrust law is a powerful tool, and its misuse abroad should inform against similar efforts here at home.

Congress should firmly reject efforts to impose such ex-ante regulatory regimes on U.S. law. Ideally, Congress should seek to codify the consumer welfare standard as the foundation of American antitrust, and uphold it wherever possible. Congress should support targeted trade responses aimed at tackling protectionist misuse of antitrust law and regulatory authority.

⁶ Bade, Gavin and Ramkumar, Amrith. "Trump Threatens New Tariffs on countries that tax tech companies." Wall Street Journal. August 26, 2025.

https://www.wsj.com/politics/policy/trump-threatens-new-tariffs-on-countries-that-tax-tech-companies-cf5ae48f?gaa_at=eafs&gaa_n=AWEtsqd5yYIO2Pcl3qw3JEJljWBANK8A_r72SOeHkiRpgdh3J2RbzkOLy-Z9uGSgDog%3D&gaa_ts=69405858&gaa_sig=vt3KBC_xKF1xTJ5kF51Y3TIK6ICfHiuas18iqOx6O2yrF6pb0RIZRDuONPXdYEwAzb8g7rTThb8uBdGCENgFdO%3D%3D

⁷ The White House. "Vice President Vance Delivers Remarks at the Munich Security Conference. February 14, 2025.

<https://www.youtube.com/live/pCOsgfINdKg?si=Mwcmcgbmj2AhCXj0>

⁸ Pamuk, Humyera. "Rubio orders US diplomats to launch lobbying blitz against Europe's tech law." Reuters. August 7th, 2025.

<https://www.reuters.com/sustainability/society-equity/rubio-orders-us-diplomats-launch-lobbying-blitz-against-europes-tech-law-2025-08-07/>

⁹ <https://x.com/UnderSecPD/status/1996975061215973434?s=20>

¹⁰ Czerniawski, James. "The US Must Restrain Brussels to Win the AI Race." National Interest. November 24, 2025. <https://nationalinterest.org/blog/techland/the-us-mustThe whole of government must be restrain-brussels-to-win-the-ai-race>

What foreign governments like the EU are doing to American companies today is not principled antitrust enforcement or protecting consumers. It's blatant economic opportunism meant to support a protectionist industrial policy.

It should outrage the committee that our allies, nations that receive enormous benefits from access to American markets and innovation, are deliberately and maliciously targeting U.S. firms for punishment rather than undertaking serious reform efforts to be competitive in the 21st century.

The United States must not be complacent in the face of this conduct. We must defend the foundational principle that success is not a crime.

Antitrust must remain what it was meant to be: a shield for competition, not a sword to be selectively wielded against American excellence. We stand ready to work with you and your staff to ensure that America continues to lead on the global stage in emerging technologies.