

# United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

August 22, 2023

Mr. Gerard de Graaf  
Senior Envoy for Digital to the U.S.  
Head of EU San Francisco Office  
1 Post Street  
San Francisco, California 94104

Dear Mr. de Graaf:

As the Ranking Member of the U.S. Senate Committee on Commerce, Science and Transportation (the “Committee”), I write regarding the European Union’s (“EU”) decision to open an office in San Francisco, California in September of last year. It appears that the EU opened this office with the primary purpose of establishing a regulatory enforcement bureau on U.S. soil.

Last fall, the EU opened the San Francisco office—the only secondary office the EU has ever opened in a country where it already had a delegation<sup>1</sup>—stating that it was necessary “to strengthen transatlantic technological cooperation and to drive the global digital transformation based on democratic values and standards.”<sup>2</sup> The timing of the office’s establishment, however, suggests more is at play. The EU’s San Francisco office opened its doors six weeks after the European Council approved the Digital Markets Act (“DMA”) and four weeks before the European Council approved the Digital Services Act (“DSA”). Those two laws will impose unprecedented, sweeping regulations on certain large technology companies—almost all of which are based in the United States. Moreover, members of the EU parliament visited nearby Silicon Valley to discuss the DMA and DSA just months before the San Francisco office opened.<sup>3</sup> Evidently, before the EU recently focused its regulatory efforts on U.S. technology companies, “transatlantic technological cooperation” did not require that EU officials have an office on the West Coast.

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<sup>1</sup> Luca Bertuzzi, *New EU Office in the Silicon Valley Mulls Big Tech Diplomacy*, Euractiv (Jul. 29, 2022), <https://www.euractiv.com/section/digital/news/new-eu-office-in-the-silicon-valley-mulls-big-tech-diplomacy/>.

<sup>2</sup> EEAS Press Team, *US/Digital: EU Opens New Office in San Francisco to Reinforce Its Digital Diplomacy*, European Union External Action (Sept. 1, 2022), [https://www.eeas.europa.eu/eeas/usdigital-eu-opens-new-office-san-francisco-reinforce-its-digital-diplomacy\\_en](https://www.eeas.europa.eu/eeas/usdigital-eu-opens-new-office-san-francisco-reinforce-its-digital-diplomacy_en); see also General Secretariat of the Council Delegations, *Council Conclusions on EU Digital Diplomacy*, Council of the European Union (Jul. 18, 2022), <https://data.consilium.europa.eu/doc/document/ST-11406-2022-INIT/en/pdf> (noting that the purpose of “EU Digital Diplomacy is to ... [i]mprove the EU’s capability to monitor global digital regulatory activity, international data flows and the data privacy of EU citizens, patterns of digital trade, partnerships between third countries and their effects on the competition framework in the global market for digital technologies and services”).

<sup>3</sup> *MEPs From Internal Market Committee Conclude Visit to Silicon Valley, US*, European Parliament (May 30, 2022), <https://www.europarl.europa.eu/news/en/press-room/20220519IPR30303/meps-from-internal-market-committee-conclude-visit-to-silicon-valley-us>.

Additional facts indicate that the EU likely opened the San Francisco office to ensure that U.S. businesses comply with its new draconian regulations. Most obvious is your selection as the head of the EU San Francisco office and “Senior Envoy for Digital to the U.S.” given your previous roles as the DMA’s and DSA’s chief architect and head cheerleader.<sup>4</sup> And although the EU’s press team has repeatedly claimed the office will “reinforce the EU’s cooperation with the United States on digital diplomacy,”<sup>5</sup> this office will be staffed not with experienced diplomats, but rather young Europeans who are “passionate about digital policies and tech regulation.”<sup>6</sup> At the least, the office is serving its announced purpose of “promot[ing] EU standards and technologies, digital policies and regulations and governance models” on foreign soil.<sup>7</sup> For example, less than two months after opening, the office hosted a “briefing” on the DMA.<sup>8</sup> What is more, members of the EU’s San Francisco office are reportedly having policy meetings with lawmakers from liberal, regulation-happy states like California and Washington, because they recognize that the U.S. Congress does not support replicating Europe’s misguided policies.<sup>9</sup>

But as the head of the EU San Francisco office, you may have let the cat out of the bag—as we say in the U.S.—before the office even opened. In July 2022, in response to the European Council’s announcement of the forthcoming San Francisco office, you explained that the EU’s “role is to try and facilitate the implementation and the compliance” with European regulations of U.S. companies, like the DMA and DSA.<sup>10</sup>

So that the Committee may better understand the actions that the EU’s San Francisco office is taking to “facilitate the implementation and the compliance” of American companies with European regulations, please provide written answers and documents in response to the following questions no later than September 5, 2023.

1. Please describe the actions the EU San Francisco office has taken to further the implementation of the DSA and DMA.
2. Have any U.S. federal government employees or officials visited the EU San Francisco office since September 1, 2022? If so, please provide:
  - i. The names and titles of each individual;

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<sup>4</sup> Luca Bertuzzi, *supra* note 1; Bill Echikson, *Europe’s New Tech Ambassador Will Not Apologize to Silicon Valley*, CEPA (Sept. 29, 2022), <https://cepa.org/article/europes-new-tech-ambassador-will-not-apologize-to-silicon-valley/>; Gerard de Graaf (@EUinSF), TWITTER (Nov. 16, 2022 10:00 AM), <https://twitter.com/EUinSF/status/1592895288272130048>.

<sup>5</sup> EEAS Press Team, *supra* note 2.

<sup>6</sup> European Union in the U.S. (@EUintheUS), TWITTER (Jun. 6, 2023, 4:05 PM), <https://twitter.com/EUintheUS/status/1666174390122291202>.

<sup>7</sup> Delegation of the European Union to the United States, *U/S Digital: EU Opens New Office in San Francisco to Reinforce its Digital Diplomacy*, PR Newswire (Sept. 1, 2022), <https://www.prnewswire.com/news-releases/usdigital-eu-opens-new-office-in-san-francisco-to-reinforce-its-digital-diplomacy-301616554.html>; *Opening of the European Union Office in San Francisco*, Consulate General of France in San Francisco (Sept. 29, 2022), <https://sanfrancisco.consulfrance.org/opening-of-the-european-union-office-in-san-francisco>.

<sup>8</sup> Gerard de Graaf (@EUinSF), TWITTER (Nov. 3, 2022, 8:33 PM), <https://twitter.com/EUinSF/status/1588328451030732800>; Gerard de Graaf (@EUinSF), TWITTER (Feb. 7, 2022, 5:12 PM), <https://twitter.com/EUinSF/status/1623082346139291654>.

<sup>9</sup> Luca Bertuzzi, *supra* note 1.

<sup>10</sup> *Id.*

- ii. The date(s) on which the visit(s) occurred; and
  - iii. The purpose of the visit(s).
3. Have any officials or employees from a U.S. state government, including elected officials, visited the EU San Francisco office since September 1, 2022? If so, please provide:
  - i. The name and title of each individual;
  - ii. The date(s) on which the visit(s) occurred; and
  - iii. The purpose of the visit(s).
4. Have any employees or representatives of U.S. companies visited the EU San Francisco office since September 1, 2022? If so, please provide:
  - i. The name and title of each individual;
  - ii. The date(s) on which the visit(s) occurred; and
  - iii. The purpose of the visit(s).
5. Has any member of the EU San Francisco office met with U.S. federal or state government officials or employees or representatives of a U.S. company in a location other than the EU San Francisco office since September 1, 2022? If so, please provide:
  - i. The name and title of each representative of the European Union;
  - ii. The name and title of each individual from the federal government, state government, or U.S. company who participated in the meeting;
  - iii. The date(s) on which the meeting(s) occurred;
  - iv. Where the meeting(s) occurred; and
  - v. The purpose of the meeting(s).
6. Please provide all documents and communications between the EU San Francisco office and any employee or representative of a U.S. company regarding: (i) DMA, (ii) DSA, (iii) General Data Protection Regulation, (iv) the Artificial Intelligence Act, (v) European Data Act, (vi) European Data Governance Act, or (vii) the European Strategy for a Better Internet for Children.
7. Please provide all documents and communications between the EU San Francisco office and any office or employee of the U.S. federal government or a U.S. state government regarding: (i) DMA, (ii) DSA, (iii) General Data Protection Regulation, (iv) the Artificial Intelligence Act, (v) European Data Act, (vi) European Data Governance Act, or (vii) the European Strategy for a Better Internet for Children.

Sincerely,



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Ted Cruz  
Ranking Member