

Global Digital Trends

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What is needed: Governing Digital Trade

1. A commitment to allow international data flows and no data localization.
2. Appropriate Exceptions for legitimate policy
3. Some convergence globally on appropriate regulatory standards
 - » Privacy, cybersecurity, consumer protection
4. Interoperability mechanisms
 - » e.g. Privacy Shield, APEC CBPR

2. Appropriate Exceptions

CPTPP & USMCA

- Data flow commitment subject to GATS Article XIV style exception
- CPTPP exception for financial services information

WTO

- GATS Article XIV
 - » Necessity test . less trade restrictive alternative?
- Prudential exception for financial services

3.

