



# GLOBAL DATA ALLIANCE

## TRUST ACROSS BORDERS

### UPDATES

#### HIGHLIGHTS FROM THE WEEK OF MAY 28

**Global Data Alliance Conference Call with EU's DG TRADE:** We hosted a conference call with the European Commission's DG TRADE official leading digital trade and data flows negotiations. Topics discussed included ongoing WTO e-commerce negotiations and the EU bilateral negotiations with the UK and Australia. DG TRADE also invited the Global Data Alliance to provide input into the upcoming EU Trade Strategy expected at the end of the year.

**Response Letter from Australian Minister of Trade, Simon Birmingham:** The Global Data Alliance received a letter from Australia's Trade Minister in response to the letter we sent in February 2020 introducing the alliance. The Minister's letter welcomes additional input from the Global Data Alliance on the critical issue of cross-border data and notes role of digital trade in the Australian economic recovery following the COVID-19 health crisis.

#### UPCOMING MEETINGS and EVENTS

**June 3 – Global Data Alliance Monthly Meeting:** Global Data Alliance members will meet, via conference call, to discuss global policy developments that impact data flows, as well as the Alliance's ongoing and planned projects and activities. As a reminder, our monthly meetings take place at 9:30 am (Eastern time) on the first Wednesday of every month. If you have not received a recurring invitation for the meetings and would like to participate, please contact us.

**June 17 (Tentative) – Global Data Alliance Webinar for WTO Delegations involved in Joint Statement Initiative (JSI) E-commerce negotiations:** The co-convenors of the JSI negotiations (Australia, Japan, and Singapore) have invited BSA and Global Data Alliance members to hold a webinar on cross-border data flow issues for the benefit of WTO delegations in Geneva. We will be in touch with additional details, and to solicit participation by Global Data Alliance member representatives.

**June 18 – Global Data Alliance Conference Call with Digital Attaches:** We will host a conference call with the US Department of Commerce's Digital Attaches covering the EU, France, Germany, and the UK at 3 pm (CET)/9 am (ET). We will introduce the Global Data Alliance, and to discuss BSA and Global Data Alliance priorities in those markets. An invitation with call in details has been sent to members, if you have not received the information and would like to participate, please contact us.

## POLICY DEVELOPMENTS

### AMERICAS

**Brazil – Trade Talks:** USTR has had preliminary trade talks with Brazil, and is exploring what kind of agreement, if any, the United States could enter with Brazil in the near/medium term to facilitate trade between the two countries. As stated in the [US-Brazil joint statement last month](#), the negotiations will address – at least – disciplines relating to trade facilitation and good regulatory practices. It does not yet appear that there is a bilateral commitment to include cross-border data transfers and other digital trade topics among the issues in the final agreement.

Both governments are also discussing cross-border data transfers and other digital trade topics under the auspices of the US-Brazil Commercial Dialogue (“Commercial Dialogue”) led by the U.S. Department of Commerce and the Brazilian Ministry of Economy. We have participated in multiple discussions with both governments on the importance of the dialogue being held by this working group, and [the joint press release](#) on the 18<sup>th</sup> Commercial Dialogue meeting issued last week outlines a plan to “exchange best practices on a list of mutually agreeable digital economy issues including AI, IoT, cross-border data flows, and eCommerce.”

The Global Data Alliance will continue to explore opportunities to engage with both the Brazilian and US governments as discussions involving cross-border data flows progress.

**United States – Trade Agreement with Kenya:** The United States has released its [objectives for the US-Kenya negotiations](#) which echo elements of Kenya’s 2019 [Digital Economy Blueprint](#). Earlier this week, The Global Data Alliance issued a [statement](#) welcoming both countries’ shared commitment to realizing the full potential of these negotiations by, among other things, securing future cross-border digital access to each others’ markets.

### APAC

**Australia-UK Free Trade Agreement:** Australia has solicited comments for its upcoming trade negotiations with the United Kingdom. From our discussions with Australia’s Department of Foreign Affairs and Trade (DFAT) we know that they intend to include digital trade provisions in the negotiations. DFAT has also opened a more wide-ranging solicitation of comments “to inform Australia’s position in the WTO and FTA negotiations into the future.” The Global Data Alliance intends to submit comments in response to both solicitations.

### EMEA

**EU – Data Strategy:** The European Commission is conducting a public consultation on its [European Strategy for Data](#). The European Commission Strategy, released on 19 February, sets the tone and agenda for upcoming policy activities on data issues in Europe for the next five years. While the Strategy is broad and touches upon many issues, it has specific references to the Commission’s international approach to data. We have shared a draft submission with Global Data Alliance members for review and input, and we plan on submitting it to the Commission by May 31, 2020.

**EU – Upcoming Trade Strategy:** The European Commission is rethinking its trade strategy as the EU is assessing the COVID-19 pandemic’s impact on the region’s economy and defining its recovery plans. Trade Commissioner Hogan is expected to make digital trade and data flows an essential pillar of his revamped strategy, expected at the end of the year. DG TRADE specifically invited the Global Data Alliance to provide concrete examples and arguments on the importance of data flows during the formal consultation phase later this spring.

**EU – UK negotiations:** The publication of the UK’s proposed legal texts for the EU-UK FTA has highlighted areas of convergence on digital trade between the two partners. However, negotiations on data flows specifically are contingent on progress in other workstreams such as fisheries and level-playing field. According to DG TRADE, absent movement in these areas, data flows may not be on the agenda of the next round the week of June 1 – the last round currently scheduled before the EU-UK high-level Summit.

## **GLOBAL**

**World Bank Publication:** The World Bank recently issued a “concept note” for a new publication to be entitled, [“World Development Report 2021 – Data for Better Lives.”](#) The concept note appears to adopt a positive view of cross-border data transfer restrictions and data localization barriers. The Global Data Alliance is considering a potential submission to help better inform the World Bank’s evaluation of these matters.

**WTO 2020 Annual Report:** The World Trade Organization issued its [2020 Annual Report](#) on May 28. The report contains a helpful summary of the WTO Joint Statement Initiative plurilateral digital trade negotiations, summarizing negotiating rounds, including those focused on cross-border data transfers and data localization issues.

## **WORK PRODUCT UNDER DEVELOPMENT**

Thank you to members for providing so much helpful feedback on recently published work product. In addition to the data transfer primers on (1) remote work and on (2) remote health services, which have been circulated for review, we are now working on data transfer primers on: (3) pharmaceutical R&D and manufacturing; (4) financial services; (5) supply chain/logistics; and (6) the automotive sector. We have also prepared a submission from the Global Data Alliance on the EU Data Strategy, and we are considering whether to make a submission on the World Bank’s Concept Note regarding the *World Development Report 2021 – Data For Better Lives*. Please feel free to suggest any other topics that you would like us to consider including in our development of sector-specific publications.