



U.S. Chamber Digital Trade Priorities

1. Cross-Border Data Flows

The ability to move data across borders—and access information across borders—is essential to the 21st century economy. No company, regardless of sector, can do business, let alone engage in international trade, without the ability to transfer data. The free flow of data is essential to the creation of global value chains that increase efficiency and permit companies of all sizes to access the global market. The worrisome proliferation of data localization measures around the globe is counterproductive to data protection and poses a threat to economic growth and new market opportunities. To counter the spread of digital trade barriers, policymakers need to commit to support the free flow of data internationally.

2. Data Protection

The need to protect data and respect privacy is not in dispute. Privacy protection means different things to different people in different contexts. Prioritizing protection of personal data at the expense of legitimate uses of those data only serves to harm consumers and limit innovation. An optimal regulatory model avoids a one-size-fits-all approach to data protection in favor of a more nuanced approach that recognizes differences among industries in their use of data, enables legitimate business uses of personal data, empowers consumers to make informed choices, and enables cross-border data flows.

3. Data Governance & Innovation

Data is central to the digital economy—and so are the laws, regulations, and standards that govern how data is collected and used. Data drives innovation, which in turn promotes economic growth and rising incomes. It is imperative that governments recognize that data is a resource companies create through substantial investments—it is made, not found—and it enhances competition in the marketplace. Governments should refrain from imposing onerous data sharing, access, ownership, and other policies to regulate non-personal data.

4. Promote Trust and Innovation in Artificial Intelligence

Artificial intelligence is an important contributor to the global digital economy, and fostering public trust and trustworthiness in AI technologies is necessary to advance its responsible development, deployment, and use. Governments should work together in this rapidly evolving sector and commit to flexible, risk-based frameworks that encourage AI innovation and collaborate across borders to advance sound and interoperable practices. When appropriately regulated, AI has the potential to act as a force for good, tackling challenges and spurring economic growth for the benefit of consumers, businesses, and society.

5. Foster Sound Regulatory Environments

Regulation in response to the digital transformation of the economy is a given—industries recognize this, and society demands it. However, careful deliberation is essential to well-informed regulatory decisions. New regulations, designed with flexibility to account for new opportunities and challenges, might be necessary as the digital economy develops. However, it is equally possible that existing regulatory frameworks will remain effective in mitigating potential risks or, conversely, hinder

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incumbent economic actors, spurring the need for less regulation due to increased competition. In all cases, rulemaking can only be adopted after a deliberative and consultative process governed by good regulatory practices that allow businesses and workers to trade, invest, and innovate with confidence.

6. Non-Discrimination

The principle of non-discrimination is foundational to any trade agreement—digital or otherwise. Companies from countries with a demonstrated commitment to open markets and nondiscriminatory rules have made greater strides in the creation and development of new digital products than other countries. Companies that have succeeded in bringing outstanding products to market should not be unfairly placed at a competitive disadvantage as punishment for their success; nor should countries whose policy environment fosters such success be subject to discriminatory treatment.

7. Ban Forced Technology Transfers and Ensure Technology Choice

Forced localization, local content requirements, and compelling technology transfer as conditions of market access are discriminatory in nature and violate the standards of the global rules-based trading system. These policies deter investment, stifle innovation, and deprive an economy of the transformative benefits of digital products and services. Further, companies should not be forced to transfer their technology—including source code and proprietary algorithms—to competitors or governments. Companies should be able to rely upon technologies they deem optimal for their business operations and not be limited to local and at times less competitive technologies.

8. Advance Risk-Based Industry Solutions to Cybersecurity

Cyberattacks undermine trust in an economy that is increasingly reliant on technology. Governments and business agree that international law applies to cyberspace, and applying that law is essential to an open, interoperable, secure, and reliable information and communications infrastructure that supports international commerce, strengthens international security, and fosters free expression and innovation. Governments that view the private sector as a valued partner and engage in deep collaboration across borders are best positioned to safeguard their citizens and their economies. To respond to the fast-changing threat landscape, policies need to focus on flexible, risk-based approaches to cybersecurity that leverage international standards and frameworks, enabling the private sector to develop solutions that address specific cyber needs and scale them across national borders. Encryption is increasingly seen as a valuable tool to enhance privacy and security in the digital ecosystem, and policies need to support it. Encryption policies and procedures should be technology neutral, reasonable, and fully capture views across multiple sectors of the business community.

9. Abide by Market-Driven International Standards

Standards are at the heart of digital products and play a growing role in digital services. Far too often, government policies fail to recognize the trade facilitating, self-regulatory attributes of a private-sector market approach to standards development in recognized international standards bodies and consortia. Governments should advance standards policies that support open and competitive markets where companies can compete on the merits. Standards development led by the private sector is the best way to promote common, technically sound approaches that deliver technology solutions and achieve policy objectives. Such standards should be voluntary, open, transparent, globally recognized, consensus-based, and technology-neutral.

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10. Prioritize Internet Access, Consumer Choice, and Good Governance

Governments around the world are making increased investments in digital infrastructure. While more investment is needed, unencumbered access to the Internet and a competitive, interoperable, and inclusive online environment is critical to economic and social development. The Internet is the modern marketplace, and an open Internet allows companies and customers to reach one another on a global scale. Government limitations that restrict barriers to legitimate commerce only serve to constrain the power of the Internet to support sustainable and inclusive economic growth. At the same time, safeguards need to be in place to ensure that online platforms and marketplaces can operate at scale to host a wide range of lawful speech and commerce.

11. Protect Intellectual Property

The digital economy is home to creative minds that bring forth amazing products and services. Innovation and creativity drive growth, investment, and competition. In our rapidly evolving digital age, protection for cutting-edge digital products and services is critical. Patents, copyrights, trademarks, and trade secrets (including proprietary algorithms) all play central roles in technological competitiveness, protecting jobs and encouraging growth as businesses of all sizes can engage in trade in digital goods and services. This enables private sector investment in long-term, high-risk, resource intensive projects that advance the state of the art.

12. Modernize Customs for the Digital Era

Small business and e-commerce are huge drivers of economic growth and job creation for every economy. Antiquated, burdensome, complex, and costly customs procedures make it difficult for businesses to compete by slowing delivery times and raising transaction costs. Modern approaches to customs that address this problem by raising de minimis thresholds, providing more efficient clearance for low value shipments, and streamlining customs procedures will support supply chains that increase economic competitiveness. Trade agreements should continue to prohibit customs duties on digital products, which is especially useful to small and mid-sized businesses that would not be able to compete on a global scale if they were required to pay those duties.

13. Improve Trade Facilitation with Digital Technology

Digital trade is only possible with the advent of paperless trade, interoperable payment systems, and secure authentication methods. Digital trade agreements should embrace paperless trade since it reduces administrative barriers across borders, which maximizes the benefits of trade and foreign investment for all parties. Similarly, countries should work to improve e-invoicing and e-payment systems to ensure that they are interoperable so that the processing of payments remains efficient and reliable. Lastly, parties must agree on standards for electronic signature and authentication methods to protect consumers as well as transactions in the e-marketplace.

14. Seek Intergovernmental Cooperation and Accountability

Connectivity is at the heart of the digital economic revolution. This connectivity is a key ingredient in the rising tide of international trade and investment that is boosting incomes and the creation of good jobs. In this context, policy leadership within governments and among governments is essential to securing our shared prosperity. From international forums to bilateral dialogues and trade agreements, governments must make high-standard commitments and agree to be held accountable to them.