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## Restrictions to Cross-Border Data Flows: A Taxonomy

by *Martina F. Ferracane, Research Associate*

**Brussels, Belgium, 27th November 2017** - Strict privacy regimes, requests to use local data centres and outright bans to transfer data abroad are a few examples of policies imposed recently that restrict data from crossing national or regional borders. This paper is the first one to propose a comprehensive taxonomy of these restrictions, which has a bearing on international trade law.

Restrictions on cross-border data flows may affect countries' legal commitments under various trade agreements, including the General Agreement on Trade in Services (GATS). This taxonomy can be the basis of further legal and economic research to assess the legitimacy and necessity of these under international trade law.

The objectives behind these restrictions can be diverse. They include privacy, cybersecurity, national security, public order, law enforcement, taxation, and industrial development, among others. However, these objectives can be achieved with different policies, and it is legitimate to ask whether a certain type of restriction on data flows is the least trade-restrictive measure available to achieve that objective, or is even necessary to fulfil the policy objective at all.

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Media Contact: Martina Ferracane at [martina.ferracane@ecipe.org](mailto:martina.ferracane@ecipe.org)