



UvA-DARE (Digital Academic Repository)

Governing cross-border data flows

Reconciling EU data protection and international trade law

Yakovleva, S.

Publication date

2021

[Link to publication](#)

Citation for published version (APA):

Yakovleva, S. (2021). *Governing cross-border data flows: Reconciling EU data protection and international trade law*. [Thesis, fully internal, Universiteit van Amsterdam].

General rights

It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations

If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: <https://uba.uva.nl/en/contact>, or a letter to: Library of the University of Amsterdam, Secretariat, P.O. Box 19185, 1000 GD Amsterdam, The Netherlands. You will be contacted as soon as possible.

References

Secondary sources

- Aaronson, S. (2015a). Why Trade Agreements Are Not Setting Information Free: The Lost History and Reinvigorated Debate over Cross-Border Data Flows, Human Rights, and National Security. *World Trade Review*. 14(4), 671-700.
- Aaronson, S.A. (2015b). Match Made in Heaven? The Wedding of Trade and Human Rights, in Martin, L.L. (ed.), *The Oxford Handbook of the Political Economy of International Trade*. Oxford Handbooks Online.
- Aaronson, S.A. (2016a). Digital Protectionism? Or Label the U.S. Government Uses to Criticize Policy It Doesn't Like? Council on Foreign Relations. Retrieved from <https://www.cfr.org/blog/digital-protectionism-or-label-us-government-uses-criticize-policy-it-doesnt>
- Aaronson, S.A. (2016b). Redefining Protectionism: The New Challenge in the Digital Age. *The George Washington University, Institute for International Economic Policy Working Paper Series, Working Paper No. 30*. Retrieved from <https://www2.gwu.edu/~iiep/assets/docs/papers/2016WP/AaronsonIIEPWP2016-30.pdf>
- Aaronson, S.A. (2017). What Are We Talking About When We Discuss Digital Protectionism? Working Paper for the Economic Research Institute of Asia (ERIA). Retrieved from <https://ssrn.com/abstract=3032108>.
- Aaronson, S.A., Leblond, P. (2018). Another Digital Divide: The Rise of Data Realms and its Implications for the WTO. *Journal of International Economic Law*. (21)2, 245–272.
- Acquisti, A. (2010). The Economics of Personal Data and the Economics of Privacy, Background Paper #3, in Joint WPISP- WPIE Roundtable, *The Economics Of Personal Data and Privacy: 30 Years After The OECD Privacy Guidelines*, retrieved from <https://www.oecd.org/sti/ieconomy/46968784.pdf>.
- Acquisti, A., Brandimarte, L., Loewenstein, G. (2015). Privacy and Human Behavior in the Age of Information. *Science*. 347(6221), 509-514.
- Acquisti, A., John, L. K., Loewenstein, G. (2013). What Is Privacy Worth? *The Journal of Legal Studies*. 42(2), 249-274.
- Ahmed, M., Robinson, D., Waters, R. (2015). Obama Attacks Europe Over Technology Protectionism. *Financial Times*. Retrieved from <https://www.ft.com/content/41d968d6-b5d2-11e4-b58d-00144feab7de>.
- Akande, D., Williams, S. (2003). International Adjudication on National Security Issues: What Role for the WTO? *Virginia Journal of International Law*. 43(2), 365-404.
- Alford, R.P. (2011). The Self-judging WTO Security Exception. *The Utah Law Review*. 3, 697-759.
- Andenas, M., Zleptnig, S. (2007). Proportionality: WTO Law in Comparative Perspective. *Texas International Law Journal*. 42, 371-427.
- Andrenelli, A., Cadestin, C., De Backer, K., Miroudot, S., Rigo, D., Ye, M. (2018). Multinational Production and Trade in Services. *OECD, Trade Policy Paper No. 212*. Retrieved from <http://dx.doi.org/10.1787/16ec6b55-en>.

- Antypas, I. (2018). How non-EU actors are lobbying Brussels. *DW.com*. Retrieved from <https://www.dw.com/en/how-non-eu-actors-are-lobbying-brussels/a-46182626>.
- Asinari, M.V.P. (2002). Is There Any Room for Privacy and Data Protection within the WTO Rules. *Electronic Communication Law Review*. 9(4), 249-280.
- Ausloos, J. (2018). The Right to Erasure – Safeguard for Informational Self-Determination in a Digital Society? *PhD Dissertation, KU Leuven CiTiP*.
- Azmeh, S., Foster, C. (2016). The TPP and the Digital Trade Agenda: Digital Industrial Policy and Silicon Valley’s Influence on New Trade Agreements. *London School of Economics and Political Science Working Paper No. 16-175*. Retrieved from <https://www.econstor.eu/bitstream/10419/224801/1/wp175.pdf>
- Azoulai, L., Van der Sluis, M. (2016). Institutionalizing Personal Data Protection in Times of Global Institutional Distrust: Schrems. *Common Market Law Review*. 53, 1343–1372.
- Baker, S. (2020). How Can the U.S. Respond to Schrems II? Lawfare Blog. Retrieved from <https://www.lawfareblog.com/how-can-us-respond-schrems-ii>
- Baldwin, R. (2016). *The Great Convergence. Information Technology and the New Globalization*. Belknap Press.
- Baldwin, R., Cave, M., Lodge, M. (2012). *Understanding Regulation. Theory, Strategy and Practice*. 2nd ed. Oxford University Press.
- Baldwin, R.E. (1986). The New Protectionism: A Response to Shifts in National Economic Power. National Bureau of Economic Research, Working Paper No. 1823. Retrieved from <https://www.nber.org/papers/w1823.pdf>
- Baldwin, R.E. (1989). The Political Economy of Trade Policy. *Journal of Economic Perspectives*. 3(4), 119-135.
- Bamberger D.K., Mulligan, K.A. (2015). *Privacy on the Ground: Driving Corporate Behavior in the United States and Europe*. The MIT Press.
- Barbee, I., Lester, S. (2014). Financial Services in the TTIP: Making the Prudential Exception Work. *Georgetown Journal of International Law*. 45(4), 953-970.
- Bartels, L. (2004). The Separation of Powers in the WTO: How to Avoid Judicial Activism. *International & Comparative Law Quarterly*. 53(4), 861–895.
- Bartels, L. (2015). The Chapeau of the General Exceptions in the WTO GATT and GATS Agreements: A Reconstruction. *American Journal of International Law*. 109(55), 95-125.
- Bartl, M., Irion, K. (2017). The Japan EU Economic Partnership Agreement: Flows of Personal Data to the Land of the Rising Sun Study. *Institute for Information Law, University of Amsterdam*. Retrieved from <https://www.ivir.nl/publicaties/download/Transfer-of-personal-data-to-the-land-of-the-rising-sun-FINAL.pdf>
- Bataineha, A.S., Mizounib, R., El Barachic, M., Bentahar, J. (2016). Monetizing Personal Data: A Two-Sided Market Approach. *Procedia Computer Science*. 83, 472-279.
- Bauer, M., Erixon, F., Krol, M., Lee-Makiyama, H. (2013). The Economic Importance of Getting Data Protection Right: Protecting Privacy, Transmitting Data, Moving Commerce. Study by *ECIPE*. Retrieved from

https://www.uschamber.com/sites/default/files/documents/files/020508_EconomicImportance_Final_Revised_Ir.pdf

- Beattie, A. (2017). EU Trade Data Flows Are Becoming the New GMOs, *Financial Times*, retrieved from <https://www.ft.com/content/9da22968-d8ee-11e7-a039-c64b1c09b482>
- Behsudi, A. (2019). WTO E-Commerce Talks Could Be a Long Slog, *Politico*, retrieved from <https://www.politico.com/newsletters/morning-trade/2019/11/08/wto-e-commerce-talks-could-be-a-long-slog-782169>
- Bergkamp, L. (2002). The Privacy Fallacy: Adverse Effects of Europe's Data Protection Policy in an Information-Driven Economy. *Computer Law & Security Review*. 18(1), 31-47. Retrieved from <https://www.huntonak.com/images/content/3/2/v3/3292/Privacy-fallacy.pdf>
- Besson, S. (2009). European Legal Pluralism after Kadi. *European Constitutional Law Review*. 5, 237–264.
- BEUC. (2020). Letter to Commissioner for Justice Reynders Re GDPR second anniversary – Recommendations for efficient enforcement. Retrieved from https://www.beuc.eu/publications/beuc-x-2020-040_gdpr_second_anniversary_-_recommendations_for_efficient_enforcement_letter.pdf
- Bhagwati, J.N. (1971). The Generalized Theory of Distortions and Welfare, in Bhagwati, J., Jones, R., Mundell, R., Vanek, J., *Trade, Balance of Payments And Growth: Papers in International Economics in Honor of Charles P. Kindleberger*. Amsterdam: North-Holland Publishing Co.
- Bhagwati, J. (1988). *Protectionism*. The MIT Press.
- Bhagwati, J. (1991). Threats to the World Trading Regime: Protectionism, Unfair Trade et al, in Koekkoek, A., Mennes, L.B.M. (Eds.), *International Trade and Global Development: Essays in Honour of Jagdish Bhagwati*. Routledge.
- Bhagwati, J. (1993a). The Diminished Giant Syndrome. *Foreign Affairs*.
- Bhagwati, J.N. (1993b). Fair Trade, Reciprocity, and Harmonization: The Novel Challenge to The Theory and Policy of Free Trade, in Salvatore, D. (Ed.), *Protectionism and World Welfare*. Cambridge University Press.
- Bhagwati, J. (1996). The Demands to Reduce Domestic Diversity Among Trading Nations, in Bhagwati, J., Hudec, R.E. (Eds.), *Fair Trade & Harmonization. Volume 1*. The MIT Press.
- Bhagwati, J. (2007). *In Defense of Globalization*. Oxford University Press.
- Bhala, R. (1998). National Security and International Trade Law: What the GATT Says, and What the US Does. *University of Pennsylvania Journal of International Economic Law*. 19(2), 263-317.
- Bigo, D., Carrera, S., Hernanz, N., Jeandesboz, J, Parkin, J., Ragazzi, F., Scherrer, A. (2013) Mass Surveillance of Personal Data by EU Member States and its Compatibility with EU Law. *CEPS Paper in Liberty and Security No. 62*. Retrieved from <https://www.ceps.eu/wp-content/uploads/2013/11/No%2062%20Surveillance%20of%20Personal%20Data%20by%20EU%20MSs.pdf>.

- Black, J. (2002). Regulatory Conversations. *Journal of Law and Society*. 29(1), 163-196.
- Bollen, Y., De Ville, F., Orbie, J. (2016). EU Trade Policy: Persistent Liberalisation, Contentious Protectionism. *Journal of European Integration*. 38(3), 279-294.
- Bonnan, R. (2010). The GATT Security Exception in a Dispute Resolution Context: Necessity or Incompatibility? *Currents - International Trade Law Journal*. 19(1), 3-12.
- Borrell, J. (2020). Building Global Europe. *Blog by EU High Representative Josep Borrell*. Retrieved from https://eeas.europa.eu/headquarters/headquarters-homepage/84888/building-global-europe_en
- Botwright, K. (2019). Davos Participants Call for Digital Trade Deal, World Economic Forum. Retrieved from <https://www.weforum.org/agenda/2019/01/davos-participants-call-for-digital-trade-deal/>.
- Bradford, A. (2012). The Brussels Effect. *Northwestern University Law Review*. 107(1), 1-68.
- Bridges, K.M. (2017). *The Poverty Of Privacy Rights*. Stanford University Press.
- Brkan, M. (2019). The Essence of the Fundamental Rights to Privacy and Data Protection: Finding the Way Through the Maze of the CJEU's Constitutional Reasoning. *German Law Journal*. 20, 864-883.
- Brown, I. (2016). The Economics of Privacy, Data Protection and Surveillance in Latzer, M., Bauer, J.M. (eds.), *Handbook on The Economics of the Internet*. Edward Elgar Publishing. Retrieved from https://ideas.repec.org/h/elg/eechap/14700_12.html.
- Buchta, A., Kranenborg, H. (2020). Institutional Report Topic 2: The New EU Data Protection Regime in Rijpma, J.J. (Ed.), *The New EU Data Protection Regime. Setting Global Standards for the Right to Personal Data Protection*. The XXIX FIDE Congress in The Hague, 2020 Congress Publications, Vol. 2.
- Burri, M, Polanco, R. (2020). Digital Trade Provisions in Preferential Trade Agreements: Introducing a New Dataset. *Journal of International Economic Law*. 23(1), 187-220.
- Burri, M. (2017a). Current and Emerging Trends in Disruptive Technologies: Implications for the Present and Future of EU's Trade Policy. *Study for the European Parliament (EP/EXPO/B/INTA/2017/6)*. Retrieved from [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603845/EXPO_STUD\(2017\)603845_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603845/EXPO_STUD(2017)603845_EN.pdf)
- Burri, M. (2017b). The Governance of Data and Data Flows in Trade Agreements: The Pitfalls of Legal Adaptation. *U.C. Davis Law Review*. 51(65) 65-132.
- Burri, M. (2017c). The Regulation of Data Flows Through Trade Agreements. *Georgetown Journal of International Law*. 48, 407-448.
- Burri, M., Schär, R. (2016). The Reform of the EU Data Protection Framework: Outlining Key Changes and Assessing Their Fitness for a Data- Driven Economy. *Journal of Information Policy*. 6, 479-511.
- Burri, M. (2013). Should There be New Multilateral Rules for Digital Trade? *World Economic Forum. The E15 Initiative*. Retrieved from <https://e15initiative.org/wp-content/uploads/2015/09/E15-Innovation-Burri-FINAL.pdf>

- Bygrave, L. (2020). The Byzantine Turn in EU Data Protection Law. *International Association of Privacy Professionals, The GDPR at Two: Expert Perspectives*. Retrieved from <https://iapp.org/resources/article/gdpr-at-two-expert-perspectives/>.
- Bygrave, L.A. (2002). *Data Protection Law: Approaching Its Rationale, Logic And Limits*. Wolters Kluwer.
- Bygrave, L.A. (2014). *Data Privacy Law: An International Perspective*, Oxford Scholarship Online.
- Cadwalladr, C., Campbell, D. (2019). Revealed: Facebook's Global Lobbying Against Data Privacy Laws, Guardian. Retrieved from <https://www.theguardian.com/technology/2019/mar/02/facebook-global-lobbying-campaign-against-data-privacy-laws-investment>
- Cameron, I. (2020). European Union Law Restraints on Intelligence Activities. *International Journal of Intelligence and Counter Intelligence*. 33(3), 452-463.
- Cann, Jr. W.A. (2001). Creating Standards and Accountability for the Use of the WTO Security Exception: Reducing the Role of Power-Base Relations and Establishing a New Balance between Sovereignty and Multilateralism. *Yale Journal of International Law*. 26(2), 413-485.
- Cantore, C. M. (2014). 'Shelter from the Storm': Exploring the Scope of Application and Legal Function of the GATS Prudential Carve-Out'. *Journal of World Trade*. 48(6), 1223–1246.
- Cantore, C.M. (2018). *The Prudential Carve-Out for Financial Services*. Cambridge University Press.
- Casalini, F., López González, J. (2019). Trade and Cross-Border Data Flows. *OECD Trade Policy Papers, No. 220*. Retrieved from <http://dx.doi.org/10.1787/b2023a47-en>.
- Cerulus, L., Scott, M. (2019). Europe Seeks to Lead a New World Order on Data. *Politico*. Retrieved from <https://www.politico.eu/article/europe-trade-data-protection-privacy/>.
- Chander, A. (2020). Is Data Localization a Solution for Schrems II? *Journal of International Economic Law* (forthcoming) Retrieved from <https://ssrn.com/abstract=3662626>
- Chander, A., Kaminski, M.E., McGeeveran, W. (2019). Catalyzing Privacy Law. *Minnesota Law Review* (forthcoming), retrieved from <https://ssrn.com/abstract=3433922>
- Chander, A., Lê, U.P. (2015). Data Nationalism. *Emory Law Journal*. 64, 677-739.
- Chen, T.F. (2017). To Judge the Self-Judging Security Exception under the GATT 1994 - A Systematic Approach. *Asian Journal of WTO and International Health Law and Policy*. 12(2), 311-356.
- Chen, Y.-H. (2015). The EU Data Protection Law Reform: Challenges for Service Trade Liberalization and Possible Approaches for Harmonizing Privacy Standards into the Context of GATS. *The Spanish Yearbook of International Law*. 19, 211-220.
- Chiavetta, R. (2018). The Road to GDPR Certifications Won't Be a Short One, It Seems. *International Association of Privacy Professionals*. Retrieved from <https://iapp.org/news/a/the-road-to-seeing-gdpr-certifications-wont-be-a-short-one/>

- Chow, D.C.K., Sheldon, I. M., McGuire, W. (2019) The Revival of Economic Nationalism and the Global Trading System. *Cardozo Law Review*. 40(5) 2133-2169.
- Christakis, T. (2018) A Fragmentation of EU/ECHR Law on Mass Surveillance: Initial Thoughts on the Big Brother Watch Judgment. *European Law Blog*. Retrieved from <https://europeanlawblog.eu/2018/09/20/a-fragmentation-of-eu-echr-law-on-mass-surveillance-initial-thoughts-on-the-big-brother-watch-judgment/>.
- Christakis, T. (2020). After Schrems II : Uncertainties on the Legal Basis for Data Transfers and Constitutional Implications for Europe. *European Law Blog*. Retrieved from <https://europeanlawblog.eu/2020/07/21/after-schrems-ii-uncertainties-on-the-legal-basis-for-data-transfers-and-constitutional-implications-for-europe/>
- Churches, G., Zalnieriute, M. (2020). Contracting Out' Human Rights in International Law: Schrems II and the Fundamental Flaws of U.S. Surveillance Law. *Harvard International Law Journal Online*, UNSW Law Research Paper No. 20-44, Retrieved from <https://ssrn.com/abstract=3679671>.
- Cinnamon J. (2017). Social Injustice in Surveillance Capitalism. *Surveillance & Society*. 15(5), 609-625.
- Clark, S. (2020). Schrems II Probes Start in Finland. *Global Data Review*. Retrieved from <https://globaldatareview.com/data-privacy/schrems-ii-probes-start-in-finland>
- Clifford, D., Ausloos, J. (2018). Data Protection and the Role of Fairness, *Yearbook of European Law*. 37(1), 130–187.
- Coalition For Privacy & Free Trade (2013). Comments of The Coalition for Privacy and Free Trade to the Trade Policy Staff Committee of the United States Trade Representative. Retrieved from http://www.centerfordigitaldemocracy.org/sites/default/files/Coalition-for-Privacy-and-Free-Trade-Comments-to-USTR-May-9-2013_0.pdf.
- Cohen, G.M. (1992) The Negligence-Opportunism Tradeoff in Contract Law. *Hofstra Law Review*. 20(4), 941-1016.
- Cohen, J.E. (2000). Examined Lives: Informational Privacy and the Subject as Object. *Stanford Law Review*. 52, 1373-1437.
- Coldicutt, S., Sen, N. Testing the GDPR's WTO Readiness. *Linklaters*. Retrieved from <https://www.linklaters.com/en/insights/blogs/tradelinks/testing-the-gdprs-wto-readiness>
- Coleman, D. (2019). Digital Colonialism: The 21st Century Scramble for Africa through the Extraction and Control of User Data and the Limitations of Data Protection Laws. *Michigan Journal of Race and Law*. 24, 417-439.
- Collington, R. (2019). Digital Public Assets: Rethinking Value and Ownership of Public Sector Data in the Platform Age. *Common Wealth*. Retrieved from <https://www.common-wealth.co.uk/reports/digital-public-assets-rethinking-value-access-and-control-of-public-sector-data-in-the-platform-age>
- Cook, G. (2013) Reasonableness in WTO Law. *Latin American Journal of International Trade Law*. 1-26. Retrieved from <https://ssrn.com/abstract=2386632>.
- Cossy, M. (2006). Determining 'likeness' under the GATS: Squaring the circle? World Trade Organization Economic Research and Statistics Division. *WTO Staff Working*

- Paper* ERSD-2006-08. Retrieved from http://www.wto.org/english/res_e/reser_e/ersd200608_e.pdf.
- Costa-Cabral, F., Lynskey, O. (2015) The Internal and External Constraints of Data Protection on Competition Law in the EU. *LSE Law, Society and Economy Working Papers* 25/2015. Retrieved from http://eprints.lse.ac.uk/64887/1/Lynskey_Internal%20and%20External%20Constraints%20of%20Data%20Protection%20_Author_2015.pdf.
- Costa-Cabral, F., Lynskey, O. (2017). Family Ties: The Intersection Between Data Protection and Competition in EU Law. *Common Market Law Review*. 54, 11-50.
- Cottier, T., Delimatsis, P. (2008). Article XIVbis Security Exceptions, in Wolfrum, R., Stoll, P.-T., Feinäugle, C. (Eds.), *Max Planck Commentaries on World Trade Law: WTO - Trade In Services*, vol. 6. Retrieved from <http://ssrn.com/abstract=1280218>
- Cottier, T., Krajewski, M. (2010). What Role for Non-Discrimination and Prudential Standards In International Financial Law? *Journal of International Economic Law*. 13(3), 817–835.
- Cottier, T., Schefer, K.N. (2000). Good Faith and the Protection of Legitimate Expectations in the WTO in Bronckers, M., Quick, R. (eds.), *New Directions in International Economic Law, Essays in Honour of John H. Jackson*. Kluwer Law International.
- Couldry, N., Mejias U.A. (2019). Data Colonialism: Rethinking Big Data’s Relation to the Contemporary Subject. *Television & New Media*. 20(4), 336-349.
- Craig, P., De Búrca, G. (2015). *EU Law: Text, Cases, and Materials*. 6th edn. Oxford University Press.
- Crémer, J., De Montioye, Y.-A., Schweitzer, H. (2019). Competition Policy for the Digital Era. Final Report to The European Commission Directorate-General For Competition. Retrieved from <http://ec.europa.eu/competition/publications/reports/kd0419345enn.pdf>
- Crosby, D. (2016) Analysis of Data Localization Measures Under WTO Services Trade Rules and Commitments. *The E15 Initiative, World Economic Forum Policy Brief*. Retrieved from <http://e15initiative.org/wp-content/uploads/2015/09/E15-Policy-Brief-Crosby-Final.pdf>.
- Cvrcek, D., Kumpost, M., Matyáš, V., Danezis, G. (2006). A Study on the Value of Location Privacy, in Proceedings of the 5th ACM Workshop on Privacy in Electronic Society. Retrieved from <https://dl.acm.org/citation.cfm?id=1179621>.
- Dalla Corte, L. (2020). A right to a rule: On the Substance and Essence of the Fundamental Right to Personal Data Protection in Hallinan, D, Leenes, R., Gutwirth, S, De Hert, P. (Eds.), *Data Protection and Privacy: Data Protection and Democracy*. Hart Publishing.
- Dalla Corte, L. (2019). Scoping personal data: Towards a Nuanced Interpretation of the Material Scope of EU Data Protection Law. *European Journal of Law and Technology*. 10(1). Retrieved from <https://ejlt.org/index.php/ejlt/article/view/672/909>
- Davies, R.B., & Chaitanya Vadlamannati, K. (2013). A Race to the Bottom in Labor Standards? An Empirical Investigation. *Journal of Development Economics*. 103(C), 1-14.

- Dawson, M., Lynskey, O., Muir, E. (2019). What is the Added Value of the Concept of the ‘Essence’ of EU Fundamental Rights?. *German Law Journal*. 20, 763–778.
- De Brauw Blackstone Westbroek (2018). Pseudonymisation: Big Data Opportunities in the GDPR. *In Context*. Retrieved from <https://www.debrauw.com/newsletter/pseudonymisation-big-data-opportunities-in-the-gdpr/>.
- De Búrca, G. (2012). The ECJ and the International Legal Order: A Re-Evaluation, in Weiler, J., De Búrca, G., *The Worlds of European Constitutionalism*. Cambridge University Press.
- De Meester, B. (2008). The Global Financial Crisis and the Government Support for Banks. *Journal of International Economic Law*. 13(1), 27-63.
- De Terwangne, C. (2009). Is a Global Data Protection Regulatory Model Possible?, in Gutwirth, S., Poulet, Y., de Hert, P., de Terwangne, C., Nouwt, S. (Eds.), *Reinventing Data Protection?* Springer: Dordrecht.
- Delacroix, S., Lawrence, N.D. (2019). Bottom-Up Data Trusts: Disturbing The ‘One Size Fits All’ Approach To Data Governance. *International Data Privacy Law*. 9(4), 236–252.
- Delimatsis, P. (2011). Protecting Public Morals in a Digital Age: Revisiting the WTO Rulings on US – Gambling and China – Publications and Audiovisual Products. *Journal of International Economic Law*. 14(2), 257–293.
- Delimatsis, P. (2012) Financial Innovation and Prudential Regulation: The New Basel III Rules. *Journal of World Trade*. 46(6), 1309–1342.
- Delimatsis, P. (2014). Who’s Afraid of Necessity? And Why it Matters?, in Lim, A.H., De Meester, B. (eds.), *WTO Domestic Regulation and Services Trade*. Cambridge University Press.
- Demetzou, K. (2020). Risk to the ‘Rights and Freedoms’ A Legal Interpretation of the Scope of Risk under the GDPR, in Hallinan, D., Leenes, R., Gutwirth, S., De Hert, P. (Eds.), *Data Protection and Privacy Data Protection and Democracy*. Hart Publishing.
- Determann, L. (2016). Adequacy of Data Protection in the USA: Myths and Facts. *International Data Privacy Law*. 6(3), 244-250.
- Diebold, N.F. (2010). *Non-Discrimination In International Trade In Services: ‘Likeness’ In WTO/GATS*. Cambridge University Press.
- Dinev, T., Hart, P. (2006). An Extended Privacy Calculus Model for E-Commerce Transactions. *Information Systems Research*. 17(1), 61-80.
- DLA Piper (2020). Handbook Data Protection Laws of the World. Retrieved from <https://www.dlapiperdataprotection.com/>
- Docksey, C., Kuner, C. (2020). The Coronavirus Crisis and EU Adequacy Decisions for Data Transfers. European Law Blog. Retrieved from <https://europeanlawblog.eu/2020/04/03/the-coronavirus-crisis-and-eu-adequacy-decisions-for-data-transfers/>.
- Driskill, R. (2012). Deconstructing the Argument for Free Trade: A Case Study of the Role of Economists in Policy Debates. *Economics and Philosophy*. 28,1-30.

- Du, M. (2016). The Necessity Test in World Trade Law: What Now? *Chinese Journal of International Law*. 15, 817-847.
- Duque de Carvalho, S.L. (2019). Key GDPR Elements in Adequacy Findings of Countries That Have Ratified Convention 108. *European Data Protection Law Review*. 5(1), 54-64.
- Dutton, T. (2018). An Overview of National AI Strategies. *Medium.com*. Retrieved from <https://medium.com/politics-ai/an-overview-of-national-ai-strategies-2a70ec6edfd>
- Eben, M. (2018). Market Definition and Free Online Services: The Prospect of Personal Data As Price. *Journal of Law and Policy for the Information Society*. 14(2), 227-281.
- Eckes, C. (2012). Protecting Supremacy from External Influences: A Precondition for a European Constitutional Legal Order? *European Law Journal*. 18(2), 230–250.
- Eckes, C. (2019). *EU Powers Under External Pressure: How the EU's External Actions Alter its Internal Structures*. Oxford Scholarship Online.
- EDRI. (2015). Data Protection and Privacy Must be Excluded From TTIP. Retrieved from <https://edri.org/our-work/data-protection-privacy-ttip/>
- EDRI. (2016). TiSA Leaks Set Alarm Bells Ringing. Retrieved from <https://edri.org/our-work/tisa-leaks-set-alarm-bells-ringing/>
- Eger, J.M. (1978). Emerging Restrictions on Transnational Data Flows: Privacy Protection or Non-Tariff Trade Barriers. *Law and Policy in International Business*. 10, 1055-1103.
- Ehring, L. (2002). De Facto Discrimination in WTO Law: National and Most-Favored-Nation Treatment—or Equal Treatment? *Journal of World Trade*. 36(5), 921-977.
- Ehrlich, S.D. (2010). The Fair Trade Challenge to Embedded Liberalism. *International Studies Quarterly*. 54(4), 1013-1033.
- Eichengreen, B., Irwin, D.A. (2010). *The Slide to Protectionism in the Great Depression: Who Succumbed and Why?* *The Journal of Economic History*. 70(4), 871-897.
- Elsig, M. (2007). The World Trade Organization's Legitimacy Crisis: What Does the Beast Look Like? *Journal of World Trade*. 41(1), 75-98.
- Epstein, C. (2008). *The Power Of Words In International Relations. Birth of an Anti-Whaling Discourse*. The MIT Press.
- Esayas, S.Y. (2012). A Walk in to The Cloud and Cloudy it Remains: The Challenges and Prospects of ‘Processing’ and ‘Transferring’ Personal Data. *Computer Law & Security Review*. 28, 662-678.
- Esty, D.C. (1994) *Greening the GATT: Trade, Environment, and the Future*. Washington, DC: Institute for International Economics.
- Esty, D.C. (2002). The World Trade Organization’s Legitimacy Crisis. *World Trade Review*. 1(1), 7–22.
- European Union Agency for Fundamental Rights and Council of Europe. (2018). *Handbook on European Data Protection Law*. Retrieved from https://www.echr.coe.int/Documents/Handbook_data_protection_ENG.pdf

- Executive Office of the President, Office of the U.S. Trade Representative (2017). Letter to TPP Depository. Retrieved from <https://ustr.gov/sites/default/files/files/Press/Releases/1-30-17%20USTR%20Letter%20to%20TPP%20Depository.pdf>.
- Fabbri, M., Britto, D.G.C. (2018). Distributive Justice, Public Policies and the Comparison of Legal Rules: Quantify the ‘Price of Equity’. *Review of Law and Economics*. 14(3), 1-23.
- Farrell, H., Newman, A.L. (2020a). Schrems II Offers an Opportunity—If the U.S. Wants to Take It. *Lawfare Blog*. Retrieved from <https://www.lawfareblog.com/schrems-ii-offers-opportunity-if-us-wants-take-it>.
- Farrell, H., Newman, A.L. (2020b). Weaponized Interdependence: How Global Economic Networks Shape State Coercion. *International Security*, 44(1), 42-79.
- Ferfer, R.F. (2017). Trade in Services Agreement (TiSA) Negotiations: Overview and Issues for Congress. *Congressional Research Service*. Retrieved from <https://fas.org/sgp/crs/misc/R44354.pdf>
- Ferfer, R.F. (2019). Data Flows, Online Privacy, and Trade Policy. *Congressional Research Service*. Retrieved from <https://fas.org/sgp/crs/row/R45584.pdf>
- Ferfer, R.F., Morrison, W.M., Akhtar, S.I. (2019). Digital Trade and U.S. Trade Policy. *Congressional Research Service*. Retrieved from <https://fas.org/sgp/crs/misc/R44565.pdf>.
- Fernández Pérez, M. (2016). Corporate-Sponsored Privacy Confusion in the EU on Trade and Data Protection. *EDRI*. Retrieved from <https://edri.org/corporate-sponsored-privacy-confusion-eu-trade-data-protection/>
- Ferracane, M., Kren, J., Van der Marel, E. (2018) The Cost of Data Protectionism. *Voxeu.org*. Retrieved from <https://voxeu.org/article/cost-data-protectionism>.
- Ferracane, M.F. (2017). Restrictions on Cross-Border Data Flows: A Taxonomy. *ECIPE Working Paper No. 1/2017*. Retrieved from <https://ecipe.org/wp-content/uploads/2017/11/Restrictions-on-cross-border-data-flows-a-taxonomy-final1.pdf>.
- Ferracane, M.F., van der Marel, E. (2018a). Do Data Policy Restrictions Inhibit Trade in Services. *ECIPE Working Paper No. 2*. Retrieved from <https://ecipe.org/wp-content/uploads/2018/10/Do-Data-Policy-Restrictions-Inhibit-Trade-in-Services-final.pdf>
- Ferracane, M.F., van der Marel, E. (2018b). The Cost of Data Protectionism. *ECIPE Blog*. Retrieved from <https://ecipe.org/blog/the-cost-of-data-protectionism/>
- Finnis, J. (2011). Critical Legal Studies in Finnis, J. (Ed), *Philosophy of Law: Collected Essays*, vol VI. Oxford University Press.
- Fioretti, J. (2018). EU Moves to Remove Barriers to Data Flows in Trade Deals. Reuters. Retrieved from <https://www.reuters.com/article/us-eu-data-trade-idUSKBN1FT2DC>.
- Fontanella-Khan, J. (2013). Data Protection Ruled out of EU-US Trade Talks. *Financial Times*. Retrieved from www.ft.com/content/92a14dd2-44b9-11e3-a751-00144feabdc0.

- Foroohar, R. (2019). Nations Move to Avoid Global Ecommerce ‘Splinternet’. *Financial Times*. Retrieved from <https://www.ft.com/content/3a8b7458-1fe5-11e9-b2f7-97e4dbd3580d>
- Fortnam, B. (2017). EU Punts on Data Flow Language in Japan Deal, Leaving Position Unresolved, *Inside US Trade*. Retrieved from <https://daytona.law.miami.edu:2742/inside-us-trade/eu-punts-data-flowlanguage-japan-deal-leaving-position-unresolved>.
- Foucault, M. (1971a). *The Archeology of Knowledge and The Discourse Of Language*. (Sheridan Smith. A. M. trans., Pantheon Books, 1972).
- Foucault, M. (1971b). The Order Of Discourse, *Reprinted in Young, R., (ed.), (1981). Untying The Text: A Post-Structuralist Reader*.
- Friedman, T.L. (1999). *The Lexus And The Olive Tree: Understanding Globalization*. Farrar, Straus and Giroux.
- Gáspár-Szilágyi, S. (2015). The ‘Primacy’ and ‘Direct Effect’ of EU International Agreements. *European Public Law*. 21(2), 343-370.
- Gee, J.P. (2010). *An Introduction to Discourse Analysis: Theory and Method*. 3d ed., Routledge (ebook).
- Geist, M. (2018). Data Rules in Modern Trade Agreements: Toward Reconciling an Open Internet with Privacy and Security Safeguards. *Center for International Governance Innovation*. Retrieved from <https://www.cigionline.org/articles/data-rules-modern-trade-agreements-toward-reconciling-open-internet-privacy-and-security>.
- Gellert, R., Gutwirth, S. (2013). The Legal Construction of Privacy and Data Protection. *Computer Law & Security Review*. 29, 522-530.
- Gervais, D.J. (2010). *The Trips Agreement*. 4th Ed., Sweet & Maxwell.
- Global Services Coalition Statement on Digital Trade. (2017). Press Release. Retrieved from <http://www.esf.be/new/wp-content/uploads/2017/10/Global-Services-Coalition-Statement-on-Digital-Trade-Final-16-Oct-2017.pdf>
- Goldfarb, A., Trefler, D. (2019). Artificial Intelligence and International Trade, in Agrawal, A., Gans, J., Goldfarb, A., *The Economics of Artificial Intelligence: An Agenda*. University of Chicago Press, retrieved from <https://www.nber.org/books/agra-1>.
- Goldfarb, A., Tucker, C.E. (2011). Privacy Regulation and Online Advertising, *Management Science*. 57(1), 57-71.
- Gomes, L. (2003). *The Economics And Ideology of Free Trade: A Historical Review*. Edward Elgar.
- González Fuster, G. (2014) *The Emergence of Personal Data Protection as a Fundamental Right of the EU*. Springer.
- González Fuster, G. (2016) Un-mapping Personal Data Transfers. *European Data Protection Law Review*. 2(2), 160-168.
- González, J.L., Jouanjean, M.-A. (2017). Digital Trade: Developing a Framework for Analysis. *OECD Trade Policy Papers* 205. Retrieved from <https://ideas.repec.org/p/oec/traaab/205-en.html>.

- Granger, M.-P., Irion, K. (2018) The Right to Protection of Personal Data: The New Posterchild of European Union Citizenship? in de Vries, S., de Waele, H., Granger, M.-P., (Eds.), *Civil Rights and EU Citizenship*. Cheltenham: Edward Elgar Pub. Retrieved from <https://hdl.handle.net/11245.1/606d4e50-508e-4841-b290-fde00a336621>.
- Greenberg Center for Geoeconomic Studies (2017). The Rise of Digital Protectionism. *Council on Foreign Relations*. Retrieved from <https://www.cfr.org/report/rise-digital-protectionism>.
- Greenleaf, G. (2012). The Influence of European Data Privacy Standards Outside Europe: Implications for Globalization of Convention. *International Data Privacy Law*. 2(2), 68-92.
- Greenleaf, G. (2017a). European' Data Privacy Standards Implemented in Laws Outside Europe. *Privacy Laws & Business International Report*, 149, 21-23. Retrieved <https://ssrn.com/abstract=3096314>.
- Greenleaf, G. (2017b). Questioning 'Adequacy' (Pt I) – Japan. *Privacy Laws & Business International Report*. 150, 6-11. Retrieved from <https://ssrn.com/abstract=3096370>.
- Greenleaf, G. (2018a). Convention 108+ and the Data Protection Framework of the EU. Paper presented at Convention 108+ Tomorrow's Common Ground for Protection, Council of Europe, Strasbourg, 21 June. Retrieved from <http://www.ssrn.com/link/UNSW-LEG.html>
- Greenleaf, G. (2018b). Japan: EU Adequacy Discounted. *Privacy Laws & Business International Report*. 155 8-10. Retrieved from <https://ssrn.com/abstract=3276016>.
- Greenleaf, G. (2018c). Japan's Proposed EU Adequacy Assessment: Substantive Issues and Procedural Hurdles. *Privacy Laws & Business International Report, UNSW Law Research Paper No. 18-53*. Retrieved from <https://ssrn.com/abstract=3219728>.
- Greenleaf, G. (2019). Global Data Privacy Laws 2019: 132 National Laws & Many Bills. *Privacy Laws & Business International Report*. 157, 14-18. Retrieved from <https://ssrn.com/abstract=3381593>.
- Gürses, S., van Hoboken, J. (2018). Privacy After the Agile Turn, in Selinger, E., Polonetsky, J., Tene, O., *The Cambridge Handbook of Consumer Privacy*. Cambridge University Press.
- Hahn, M.J. (1991). Vital Interests and the Law of GATT: An Analysis of GATT's Security Exception. *Michigan Journal of International Law*. 12(3), 558-620.
- Hakimi, M. (2020). The Integrative Effects of Global Legal Pluralism, in Schiff Berman, P. (ed.), *The Oxford Handbook of Global Legal Pluralism*. Oxford University Press.
- Hall, W., Pesenti, J. (2017). Growing The Artificial Intelligence Industry In The UK. *Report for Government of the United Kingdom*. Retrieved from <https://www.gov.uk/government/publications/growing-the-artificial-intelligence-industry-in-the-uk>
- Handler, P. (2013). 'Legal History' in Watkins, D., Burton, M. (Eds.), *Research Methods in Law*. Routledge.
- Handley, K., Limão, N. (2017). Trade Under T.R.U.M.P. Policies, in Bown, C.P. (Ed.), *Economics And Policy in the Age of Trump*. eBook.

- Hardinges, J. (2018). What is a data trust? *Open Data Institute*. Retrieved from <https://theodi.org/article/what-is-a-data-trust/> (last accessed 6 June 2020),
- Heath, J.B. (2020). The New National Security Challenge to the Economic Order. *Yale Law Journal*. 129, 1020-1098.
- Helberger, N., Zuiderveen Borgesius, F., Reyna, A. (2017). The Perfect Match? A Closer Look at the Relationship Between EU Consumer Law and Data Protection Law. *Common Market Law Review*. 54(5), 1427-1465.
- Herbert Smith Freehills LLP (2018). Indonesia Proposes Amendments to Its Data Localisation Requirement. *Lexology*. Retrieved from <https://www.lexology.com/library/detail.aspx?g=a116020b-cee3-433f-b62b-a5e988477d8e>
- Hervey, T., Cryer, R., Sokhi-Bulley, B., Bohm, A. (2011). *Research Methodologies in EU and International Law*. Hart Publishing.
- Hilf, M., Puth, S. (2002). The Principle of Proportionality on its Way into WTO/GATT Law in von Bogdandy, A., Mavroidis, P.C., Mény, Y. (eds.), *European Integration and International Co-Ordination*. Wolters Kluwer.
- Hodson, S. (2019). Applying WTO and FTA Disciplines to Data Localization Measures. *World Trade Review*. 18(4), 579-607.
- Hon W.K., Millard, C. (2012). Data Export in Cloud Computing—How can Personal Data be Transferred Outside the EEA? The Cloud of Unknowing, Part 4. *SCRIPTed*. 9(1), 25-63. Retrieved from <http://script-ed.org/wp-content/uploads/2012/04/hon.pdf>
- Hoofnagle, C.J., Van der Sloot, B., Zuiderveen Borgesius, F. (2019). The European Union General Data Protection Regulation: What It Is and What It Means. *Information & Communications Technology Law*. 28(1), 65-98.
- House Hearing. (2001). The EU Data Protection Directive: Publication for the US Privacy Debate, Serial No. 107-19, Retrived from https://books.google.nl/books?printsec=frontcover&vid=ISBN0160658942&redir_esc=y#v=onepage&q&f=false
- Howse, R. (2002). From Politics to Technocracy—And Back Again: The Fate of the Multilateral Trading Regime. *American Journal of International Law*. 96, 94-117.
- Howse, R. (2007). *The WTO System: Law, Politics & Legitimacy*. Cameron May Limited.
- Howse, R. (2012). Regulatory Measures, in Daunton, M., Narlikar, A., Stern, R.M. (eds). *The Oxford Handbook on the World Trade Organisation*. Oxford Handbooks Online.
- Howse, R. (2016). The World Trade Organization 20 Years On: Global Governance by Judiciary. *European Journal of International Law*. 27(1), 9-77.
- Howse, R., Langille, J. (2012). Permitting Pluralism: The Seal Products Dispute and Why the WTO Should Accept Trade Restrictions Justified by Noninstrumental Moral Values. *Yale Journal of International Law*. 37, 367-432.
- Howse, R., Langille, J., Sykes, K. (2015). Pluralism in Practice: Moral Legislation and the Law of the WTO After Seal Products. *The George Washington International Law Review*. 48, 81-150.

- Howse, R., Nicolaïdis, K. (2001). Legitimacy and Global Governance: Why Constitutionalizing the WTO is a Step Too Far in Porter, R.B., Sauve, P., Subramian, A., Zampetti, A.B. (eds.), *Efficiency, Equity, and Legitimacy: The Multilateral Trading System at the Millennium*. Brookings Institution Press.
- Howse, R., Nicolaidis, K. (2003). Enhancing WTO Legitimacy: Constitutionalization or Global Subsidiarity? *Governance: An International Journal of Policy, Administration, and Institutions*. 16(1), 73–94.
- Howse, R., Trebilcock, M.J. (1996). The Fair Trade - Free Trade Debate: Trade, Labor, and the Environment. *International Review of Law and Economics*. 16(1), 61-79.
- Huberman, B.A., Adar, E., Fine L.R. (2005). Valuing Privacy: The Value of Privacy. *IEEE Security & Privacy*. Retrieved from <http://www.cond.org/deviance.pdf>.
- Hudec, R.E. (1990). *The GATT Legal System and World Trade Diplomacy*. 2nd ed. Butterworths.
- Hudec, R.E. (1998). GATT/WTO Constraints on National Regulation: Requiem for an Aim and Effects Test. *The International Lawyer*. 32(3), 619-649.
- Hunt, M. (2019). Trudeau outlines Canadian data privacy reforms. *Global Government Forum*. Retrieved from <https://www.globalgovernmentforum.com/trudeau-outlines-canadian-data-privacy-reforms/>
- IAPP-EY (2019). Annual Privacy Governance Report. *International Association of Privacy Professionals*. Retrieved from <https://iapp.org/resources/article/iapp-ey-annual-governance-report-2019/>.
- International Association of Privacy Professionals. (2017). European Commission Reviewing all 12 Adequacy Decisions. Retrieved from <https://iapp.org/news/a/european-commission-reviewing-all-12-adequacy-decisions/>
- Irion, K., Yakovleva, S., Bartl, M. (2016). Trade and Privacy: Complicated Bedfellows? How to Achieve Data Protection-Proof Free Trade Agreements. *Independent study commissioned by BEUC et al*. Retrieved from https://www.ivir.nl/publicaties/download/trade_and_privacy.pdf.
- Irion, K. (2016). A Special Regard: The Court of Justice and the Fundamental Rights to Privacy and Data Protection. *Amsterdam Law School Legal Studies Research Paper No. 2016-35, Institute for Information Law Research Paper No. 2016-04*. Retrieved from <https://ssrn.com/abstract=2836910>.
- Irion, Williams. (2019). Prospective Policy Study on Artificial Intelligence and EU Trade Policy. Retrieved from https://www.ivir.nl/publicaties/download/ivir_artificial-intelligence-and-eu-trade-policy.pdf
- Irion, K. (2020a). Panta Rhei: A European Perspective on Ensuring a High-Level of Protection of Digital Human Rights in a World in Which Everything Flows. *Amsterdam Law School Legal Studies Research Paper No. 2020-38 Institute for Information Law Research Paper No. 2020-04*. Retrieved from <https://ssrn.com/abstract=3638864>.
- Irion, K. (2020b). Schrems II and Surveillance: Third Countries' National Security Powers in the Purview of EU Law. *European Law Blog*. Retrieved from

<https://europeanlawblog.eu/2020/07/24/schrems-ii-and-surveillance-third-countries-national-security-powers-in-the-purview-of-eu-law/>.

- Irwin, D.A. (1996). *Against The Tide: An Intellectual History of Free Trade*. Princeton.
- Irwin, D.A., Mavroidis, P.C., Sykes, A.O. (2008). *The Genesis of the GATT*. New York: Cambridge University Press.
- Jackson, J.H. (1969). *World Trade Organization and the Law of GATT*. Indianapolis: Bobbs-Merrill.
- Jackson, J.H. (1989). *The World Trading System: Law and Policy of International Economic Relations*. MIT.
- Jackson, J.H. (1998). *The World Trade Organization. Constitution and Jurisprudence*. The Royal Institute of International Affairs.
- Jarreau, J. S. (1999). Interpreting the General Agreement on Trade in Services and the WTO Instruments Relevant to the International Trade of Financial Services: A Lawyer's Perspective. *North Carolina Journal of International Law and Commercial Regulation*. 25(1), 1-74.
- Järvinen, H. (2016). BEUC and EDRi Urge the EU Commission Not to Undermine Citizens' Privacy in Trade Agreements. *EDRi*. Retrieved from <https://edri.org/our-work/beuc-edri-urge-eu-commission-not-undermine-citizens-privacy-trade-agreements/>.
- Jentzsch, N., Preibusch, S., Harasser, A. (2012). Study On Monetising Privacy: An Economic Model For Pricing Personal Information. *ENISA*. Retrieved from <https://www.enisa.europa.eu/publications/monetising-privacy>.
- Joinson, A.N., Reips, U.-D., Buchanan, T., Paine Schofield, C.B. (2010). Privacy, Trust, and Self-Disclosure Online, *Human-Computer Interaction* 25(1), 1-24.
- Kanetake, M, de Vries, S. (2018). EU-Japan Economic Partnership Agreement: Data Protection in the Era of Digital Trade and Economy, *Renforce Blog*. Retrieved from <http://blog.renforce.eu/index.php/en/2018/12/18/eu-japan-economic-partnership-agreement-data-protection-in-the-era-of-digital-trade-and-economy/>.
- Kaplow, L., Shavell, S. (2001). Fairness Versus Welfare. *Harvard Law Review*. 114(4), 961-1388.
- Keller, P. (2011). *European and International Media Law: Liberal Democracy, Trade and New Media*. Oxford University Press.
- Kerber, W. (2016). Digital Markets, Data, and Privacy: Competition Law, Consumer Law and Data Protection. *Journal of Intellectual Property Law & Practice*. 11(11), 856-866.
- Kerkmeester, H. (2000) Methodology: General, in Bouckaert, B., De Geest, G. (Eds.), *Encyclopedia of Law And Economics Volume I: The History and Methodology of Law and Economics*. Edward Elgar Publishing.
- Kerry, C. F. (2019). Breaking Down Proposals for Privacy Legislation: How Do They Regulate? *Brookings Institute*. Retrieved from <https://www.brookings.edu/research/breaking-down-proposals-for-privacy-legislation-how-do-they-regulate/>

- Key, S.J. (2003). *The Doha Round and Financial Services Negotiations*. American Enterprise Institute Press.
- Kiss, A. (2006). Abuse of Rights in *Max Planck Encyclopedia of Public International Law*.
- Kokott, J., Sobotta, C. (2012). The Kadi Case – Constitutional Core Values and International Law – Finding the Balance? *European Journal of International Law*. 23(4), 1015–1024.
- Komaitis, K. (2017). The ‘Wicked Problem’ of Data Localisation. *Journal of Cyber Policy*. 2(3), 355-365.
- Kondor, D., Hashemian, B., De Montjoye, Y.-A., Ratti, C. (2018). Towards Matching User Mobility Traces in Large-Scale Datasets. *IEEE Transactions on Big Data*. Retrieved from <https://arxiv.org/pdf/1709.05772.pdf>.
- Koops, B.-J. (2014). The Trouble with European Data Protection Law. *International Data Privacy Law*. 4(4), 250-261.
- Koskeniemi, M. (2009). Fragmentation of International Law - The Function and Scope of the Lex Specialis Rule and the Question of ‘self-Contained Regimes’: An Outline. Retrieved from https://legal.un.org/ilc/sessions/55/pdfs/fragmentation_outline.pdf.
- Kotzur, M. (2009). Good Faith (Bona fide), in *Max Planck Encyclopedias of International Law*.
- Krisch, N. (2012) *Beyond Constitutionalism: The Pluralist Structure of Postnational Law*. Oxford University Press.
- Kuner, C. (2007). *European data protection law: corporate compliance and regulation*. Oxford University Press.
- Kuner, C. (2009). Developing an Adequate Legal Framework for International Data Transfers, in Gutwirth, S., Pouillet, Y., de Hert, P., de Terwangne, C., Nouwt, S. (Eds.), *Reinventing Data Protection?* Springer: Dordrecht. Retrieved from <https://ssrn.com/abstract=1464323>
- Kuner, C. (2010). Regulation of Transborder Data Flows under Data Protection and Privacy Law: Past, Present, and Future. *TILT Law & Technology Working Paper No. 016/2010*. Retrieved from <http://ssrn.com/abstract=1689483>.
- Kuner, C. (2011). Regulation of Transborder Data Flows Under Data Protection and Privacy Law: Past, Present, and Future. *OECD Digital Economy Papers No. 187*. Retrieved from https://www.oecd-ilibrary.org/science-and-technology/regulation-of-transborder-data-flows-under-data-protection-and-privacy-law_5kg0s2fk315f-en.
- Kuner, C. (2013). *Transborder Data Flows and Data Privacy Law*. Oxford: Oxford University Press.
- Kuner, C. (2015a). Data Nationalism and its Discontents. *Emory Law Journal*. 64, 2089-2098.
- Kuner, C. (2015b). Extraterritoriality and Regulation of International Data Transfers in EU Data Protection Law. *International Data Privacy Law*. 5(4), 235-245.
- Kuner, C. (2017). Reality and Illusion in EU Data Transfer Regulation Post Schrems. *German Law Journal*. 18(04), 881-918.

- Kuner, C. (2018). International Agreements, Data Protection, and EU Fundamental Rights on the International Stage: Opinion 1/15, EU-Canada PNR. *Common Market Law Review*. 55(3), 857-882.
- Kuner, C. (2019). The Internet and the Global Reach of EU Law, in Cremona, M., Scott, J. (Eds.), *EU Law Beyond EU Borders: The Extraterritorial Reach of EU Law*. Oxford University Press Online.
- Kuner, C. (2020a). Data crossing borders: Data Sharing and Protection in Times of Coronavirus. *Information and Policy Center Blog*. Retrieved from <https://infolawcentre.blogs.sas.ac.uk/2020/04/27/data-crossing-borders-data-sharing-and-protection-in-times-of-coronavirus-christopher-kuner/>.
- Kuner, C. (2020b). Schrems II Re-Examined. *Verfassungsblog*. Retrieved from <https://verfassungsblog.de/schrems-ii-re-examined/>.
- Kuner, C. (2020c). The GDPR and International Organizations. *AJIL Unbound*. 114, 15-19.
- Kuner, C. (2020d). The Schrems II judgment of the Court of Justice and the future of data transfer regulation. *European Law Blog*. Retrieved from <https://europeanlawblog.eu/2020/07/17/the-schrems-ii-judgment-of-the-court-of-justice-and-the-future-of-data-transfer-regulation/>.
- Kuner, C., Cate, F.H., Millard, C., Svantesson, D.J.B. (2013). PRISM and privacy: will this change everything? *International Data Privacy Law*. 3(4), 217–219.
- Kuneva, M. (2009). Keynote Speech – Roundtable on Online Data Collection, Targeting And Profiling. *European Commission: Press Corner*. Retrieved from https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_09_156.
- Kurtz, J. (2016). *The WTO and International Investment Law. Converging Systems*. Cambridge University Press.
- Lamp, N. (2015). How Some Countries Became ‘Special’: Developing Countries and the Construction of Difference in Multilateral Trade Lawmaking. *Journal of International Economic Law*. 18(4), 743–771.
- Lang, A. (2007). Reflecting on Linkage: Cognitive and Institutional Change in the International Trading System. *Modern Law Review*. 70(4), 523-549.
- Lang, A. (2011). *World Trade Law After Neoliberalism*. Oxford University Press Online.
- Lang, A. (2019). Protectionism’s Many Faces, The Yale Journal of International Law Online. 44, 1-7, retrieved from https://cpb-us-w2.wpmucdn.com/campuspress.yale.edu/dist/8/1581/files/2018/12/Lang_YJIL-Symposium_Protectionisms-Many-Faces_12.08.18-qedo7n.pdf
- Lauterpacht, H. (1958). *The Development of International Law by the International Court*. Stevens & Sons.
- Ling, A. (2016). Why TiSA Should be in The Global Consumer Spotlight, BEUC. Retrieved from <https://www.beuc.eu/blog/why-tisa-should-be-in-the-global-consumer-spotlight/>
- Le Roux, G. (2017). TTIP Negotiations, Policy Convergence, and the Transatlantic Digital Economy. *Business and Politics*. 19(4), 709–737.

- Leblond, P. (2016). CETA and Financial Services. What to Expect? *CIGI Papers No. 91*. Retrieved from https://www.cigionline.org/sites/default/files/cigi_paper_no.91_web.pdf
- Lee, E. (1997). Globalization and Labour Standards: A Review of Issues. *International Labour Review*. 136(2), 173-190.
- Lee, P. (2020). When Law Diverges From Reality: How Are Organizations Responding to 'Schrems II' in Practice? *International Association of Privacy Professionals*. Retrieved from <https://iapp.org/news/a/when-law-diverges-from-reality-how-are-organizations-responding-to-schrems-ii-in-practice/>
- Lee, P.S.N. (2016). The Rise of China and Its Contest for Discursive Power. *Global Media & China*. 1, 102-120.
- Lenaerts, K. (2019). Limits on Limitations: The Essence of Fundamental Rights in the EU. *German Law Journal*. 20, 779–793.
- Lenaerts, K. (2012). Exploring the Limits of the EU Charter of Fundamental Rights. *European Constitutional Law Review*. 8(3), 375-403.
- Leroux, E.H (2002). Trade in Financial Services under the World Trade Organization. *Journal of World Trade*. 36(3), 413–442.
- LeSieur, F. (2012). Regulating Cross-Border Data Flows and Privacy in the Networked Digital Environment and Global Knowledge Economy. *International Data Privacy Law*. 2(2), 93-104.
- Lesser, I. (2006). Discursive Struggles Within Social Welfare: Restaging Teen Motherhood. *The British Journal of Social Work*. 36(2), 283–298.
- Lessig, L. (1999). *Code and Other Laws of Cyberspace*. Basic Books.
- Lippman, D. (2020). Trump Says he Plans to Ban TikTok in the U.S. *Politico*. Retrieved from <https://www.politico.com/news/2020/07/31/trump-plans-to-ban-tiktok-389956>.
- Long, A. (2016). Why TiSA Should Be in the Global Consumer Spotlight. Retrieved from <https://www.beuc.eu/blog/why-tisa-should-be-in-the-global-consumer-spotlight/>
- Luo, D., Wang, Y. (2020). China - Data Protection Overview. *One Trust Data Guidance*. Retrieved from <https://www.dataguidance.com/notes/china-data-protection-overview>
- Lynskey, O. (2013). From Market-Making Tool to Fundamental Right: The Role of the Court of Justice in Data Protection's Identity Crisis, in Gutwirth, S., Leenes, R., de Hert, P., Pouillet, Y. (eds.), *European Data Protection: Coming of Age*. Springer.
- Lynskey, O. (2014). Deconstructing Data Protection: The 'Added-Value' Of A Right To Data Protection in the EU Legal Order. *International and Comparative Law Quarterly*. 63, 569–597.
- Lynskey, O. (2015). *The Foundations of EU Data Protection Law*. Oxford University Press.
- Lynskey, O. (2020). General Report Topic 2: The New EU Data Protection Regime in Rijpma, J.J. (ed), *The New EU Data Protection Regime. Setting Global Standards for the Right to Personal Data Protection*. The XXIX FIDE Congress in The Hague, 2020 Congress Publications, Vol. 2.

- MacDonald, D.A., Streatfeild, C.M. (2014) Personal Data Privacy and the WTO. *Houston Journal of International Law*. 36(3), 625-653.
- Macenaite, M. (2017). The ‘Riskification’ of European Data Protection Law through a Two-Fold Shift. *European Journal of Risk Regulation*. 8(3), 506-540.
- Madiega, T. (2020). Digital sovereignty for Europe. European Parliament Research Service Ideas Paper Towards a more resilient EU. Retrieved from [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651992/EPRS_BRI\(2020\)651992_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651992/EPRS_BRI(2020)651992_EN.pdf)
- Maldoff, G. (2016). Top 10 operational impacts of the GDPR: Part 8 – Pseudonymization. *International Association of Privacy Professionals*. Retrieved from <https://iapp.org/news/a/top-10-operational-impacts-of-the-gdpr-part-8-pseudonymization/>.
- Manak, I. (2019) U.S. WTO E-Commerce Proposal Reads Like USMCA. *International Economic Law and Policy Blog*. Retrieved from <https://worldtradelaw.typepad.com/ielpblog/2019/05/us-wto-e-commerce-proposal-reads-like-usmca.html>.
- Manancourt, V. (2020). The EU Court Ruling That Could Blow up Digital Trade. *Politico*. Retrieved from <https://www.politico.eu/article/us-china-data-flows-at-risk-in-top-eu-court-ruling/>
- Manokha, I. (2009) Foucault’s Concept of Power and the Global Discourse of Human Rights. *Global Society*. 23(4), 429-452.
- Manyika, J., Lund, S., Bughin, J., Woetze, J., Stamenov, K., Dhingra, D. (2016). Digital Globalisation: The New Era of Global Flows. McKinsey Global Institute. Retrieved from <https://www.mckinsey.com/~media/McKinsey/Business%20Functions/McKinsey%20Digital/Our%20Insights/Digital%20globalization%20The%20new%20era%20of%20global%20flows/MGI-Digital-globalization-Full-report.pdf>.
- Marceau, G., Trachtman, J.P. (2002). The Technical Barriers to Trade Agreement, the Sanitary and Phytosanitary Measures Agreement, and the General Agreement on Tariffs and Trade: A Map of the World Trade Organization Law of Domestic Regulation of Goods. *Journal of World Trade*. 36(5), 811-882.
- Marceau, G., Trachtman, J.P. (2014). A Map of the World Trade Organization Law of Domestic Regulation of Goods: The Technical Barriers to Trade Agreement, the Sanitary and Phytosanitary Measures Agreement, and the General Agreement on Tariffs and Trade. *Journal of World Trade*. 48(2), 351-432.
- Marchetti, J.A. (2011). The GATS Prudential Carve-Out in Delimatsis, P., Herger, N. (Eds.), *Financial Regulation at the Crossroads: Implications for Supervision, Institutional Design and Trade*. Alphen aan den Rijn: Kluwer Law International.
- Marr, B. (2018). Here’s why data is not the new oil. *Forbes*. Retrieved from <https://www.forbes.com/sites/bernardmarr/2018/03/05/heres-why-data-is-not-the-new-oil/>.
- Marthews, A, Tucker, C. (2017). Government Surveillance and Internet Search Behavior, retrieved from <https://ssrn.com/abstract=2412564>.
- Martines, F. (2014). Direct Effect of International Agreements of the European Union. *European Journal of International Law*. 25(1), 129-147.

- Mattoo, A., Meltzer, J.P. (2018a) International Data Flows and Privacy: The Conflict and Its Resolution. *Journal of International Economic Law* 21(4), 769-789.
- Mattoo, A., Meltzer, J.P. (2018b) International Data Flows and Privacy The Conflict and Its Resolution. *World Bank Policy Research Working Paper* 8431, retrieved from <http://documents.worldbank.org/curated/en/751621525705087132/pdf/WPS8431.pdf>
- Maurer, T., Morgus, R., Skierka, I., Hohmann, M. (2015). Technological Sovereignty: Missing the Point? In Maybaum, M., Osula, A.-M., Lindström, L. (eds.), *7th International Conference on Cyber Conflict: Architectures in Cyberspace*. NATO CCD COE Publications. Retrieved from <https://www.ccdcoe.org/uploads/2018/10/Art-04-Technological-Sovereignty-Missing-the-Point.pdf>
- Mavroidis, P.C. (2013). Driftin' Too Far From Shore – Why the Test for Compliance With the TBT Agreement Developed by The WTO Appellate Body is Wrong. *World Trade Review*. 12(3), 509-531.
- Mavroidis, P.C. (2015). Sealed with a Doubt. EU, Seals, and the WTO. *European Journal of Risk Regulation, Symposium on the EU-Seal Product Case*. 3, 388-395.
- Mayer, F.C. (2015). The Force Awakens: The Schrems Case From a German Perspective. *Verfassungsblog*. Retrieved from <https://verfassungsblog.de/the-force-awakens-the-schrems-case-from-a-german-perspective-2/>.
- McCrenanor, N. (2018). Pseudonymisation is the GDPR's 'Escape Hatch'. *IT Governance Blog*. Retrieved from <https://www.itgovernance.eu/blog/en/pseudonymisation-is-the-gdprs-escape-hatch>.
- McGrady, B. (2009). Necessity Exceptions in WTO Law: Retreaded Tyres, Regulatory Purpose and Cumulative Regulatory Measures. *Journal of International Economic Law*. 12(1), 153-173.
- McRae, D. (2000). GATT Article XX and the WTO Appellate Body, in Bronckers, M., Quick, R., *New Directions in International Economic Law, Essays in Honour of John H. Jackson*. Kluwer Law International.
- Meddin, E. (2020). The Cost of Ensuring Privacy: How the General Data Protection Regulation Acts as a Barrier to Trade in Violation of Articles XVI and XVII of the General Agreement on Trade in Services. *American University International Law Review*. 35, 997 -1036.
- Messerlin, P.A. (1981). The Political Economy of Protectionism: The Bureaucratic Case. *Weltwirtschaftliches Archiv*. 117, 469-496.
- Meyer, D. (2018). In the Wake of GDPR, Will the U.S. Embrace Data Privacy? *Fortune*. Retrieved from <https://fortune.com/2018/11/29/federal-data-privacy-law/>.
- Miadzvetzkaya, Y. (2019). What are the Pros and Cons of the Adequacy Decision on Japan? *KU Leuven CiTiP Blog*. Retrieved from <https://www.law.kuleuven.be/citip/blog/what-are-the-pros-and-cons-of-the-adequacy-decision-on-japan/>
- Micallef, J. A. (2019). Digital Trade in EU FTAs: Are EU FTAs Allowing Cross Border Digital Trade to Reach Its Full Potential? *Journal of World Trade*. 53(5), 855–870.

- Milberg, S.J., Smith, H.J., Burke, S.J. (2000). Information Privacy: Corporate Management and National Regulation. *Organization Science*. 11(1), 35-57.
- Miles, T. (2017). EU and Canada settle cattle battle at the WTO. Reuters. Retrieved from <https://www.reuters.com/article/us-canada-eu-wto-meat-idUSKCN1C81HY>
- Miller, S. (1990). Foucault on Discourse and Power. *Theoria: A Journal of Social and Political Theory*. 76, 115-125.
- Milliken, J. (1999). The Study of Discourse in International Relations: A Critique of Research and Methods. *European Journal of International Relations*. 5(2), 225-254.
- Mishra, N. (2016). Data Localization Laws in a Digital World: Data Protection or Data Protectionism? *The Public Sphere: Journal of Public Policy*. 4(1), 135–158.
- Mishra, N. (2019). Building Bridges: International Trade Law, Internet Governance, and the Regulation of Data Flows. *Vanderbilt Journal of Transnational Law*. 52(2), 463-510.
- Mishra, N. (2020). Privacy, Cybersecurity, and GATS Article XIV: A New Frontier for Trade and Internet Regulation? *World Trade Review*. 19(3), 341-364.
- Mitchell, A.D., Hawkins, J.K., Mishra, N. (2016). Dear Prudence: Allowances under International Trade and Investment Law for Prudential Regulation in the Financial Services Sector. *Journal of International Economic Law*. 19(4), 787-820.
- Mitchell, A.D., Hepburn, J. (2017). Don't Fence Me In: Reforming Trade and Investment Law to Better Facilitate Cross-Border Data Transfer, *Yale Journal of Law and Technology*. 19(1), 182-237.
- Mitchell, A.D., Mishra, N. (2018). Data at the Docks: Modernizing International Trade Law for the Digital Economy, *Vanderbilt Journal of Entertainment & Technology*. 20(4), 1073-1134.
- Moerel, L. (2020). EU Data Protection Laws Are Flawed — They Undermine the Very Autonomy of The Individuals They Set Out To Protect. *International Association of Privacy Professionals, The GDPR at Two: Expert Perspectives*. Retrieved from <https://iapp.org/resources/article/gdpr-at-two-expert-perspectives/>.
- Morozov, E. (2015). What Happens When Policy is Made by Corporations? Your Privacy is Seen as a Barrier to Economic Growth. *The Guardian*. Retrieved from https://www.theguardian.com/commentisfree/2015/jul/12/ttip-your-data-privacy-is-a-barrier-to-economic-growth?CMP=Share_iOSApp_Other
- Mueller, M., Grindal, K. (2019). Data Flows and the Digital Economy: Information as a Mobile Factor of Production. *Digital Policy, Regulation and Governance*. 21(1), 71-87.
- Muir, E. (2014). The Fundamental Rights Implications of EU Legislation: Some Constitutional Challenges. *Common Market Law Review*. 51, 219-246.
- Nedzel, N.E. (2014). Rule of Law v. Legal State: Where Have We Come From, Where Are We Going To?, in Silkenat, J.R., Hickey Jr., J. E., Barenboim, P.D. (eds.), *The Legal Doctrines of the Rule of Law and the Legal State (Rechtsstaat)*. Springer.
- Newman, A. L. (2018). *Protectors of Privacy: Regulating Personal Data in the Global Economy*, Cornell University Press.

- Newton, M., Summers, J. (2018). Russian Data Localization Laws: Enriching ‘Security’ & the Economy. The Henry M. Jackson School of International Studies, University of Washington. Retrieved from <https://jsis.washington.edu/news/russian-data-localization-enriching-security-economy/>
- Nielsen, N. (2019). Lobby Register Transparency Talks Collapse. *Euroobserver*. Retrieved from <https://euobserver.com/institutional/144599>
- Noyb (2020a). 101 Complaints on EU-US Transfers Filed Aug 17, 2020. Retrieved from <https://noyb.eu/en/101-complaints-eu-us-transfers-filed>
- Noyb (2020b). Is the DPC actually stopping Facebook's EU-US data transfers?! ..maybe half-way! Retrieved from <https://noyb.eu/en/dpc-actually-stopping-facebooks-eu-us-data-transfers-maybe-half-way>
- Ogus, A. (1994). *Regulation. Legal Form and Economic Theory*. 3rd edn, Clarendon press.
- Ohm, P. (2010). Broken Promises of Privacy: Responding to The Surprising Failure Of Anonymization. *UCLA Law Review*. 57, 1701-1777.
- One Trust Data Guidance. (2020a). Schrems II: LfDI Baden-Württemberg on Data Transfers, Changes To SCCs and Next Steps for Businesses. Retrieved from <https://www.dataguidance.com/opinion/schrems-ii-lfdi-baden-w%C3%BCrtemberg-data-transfers-changes-sccs-and-next-steps-businesses>
- One Trust Data Guidance (2020b). Japan: Impact of Adopted APPI Amendment Bill. Retrieved from <https://www.dataguidance.com/opinion/japan-impact-adopted-appi-amendment-bill>.
- Oostveen, M., Irion, K. (2017). The Golden Age of Personal Data: How to Regulate an Enabling Fundamental Right? in Bakhoun, M., Conde Gallego, B., Mackenrodt, M.-O., Surblytė-Namavičienė, G. (eds.), *Personal Data in Competition, Consumer Protection and Intellectual Property Law: Towards a Holistic Approach?* Springer.
- Orbie, J., De Ville, F. (2014). A Boost to Our Economies That Doesn't Cost a Cent: EU Trade Policy Discourse Since the Crisis, in Carta, C., Morin, J.-F. (Eds.), *EU Foreign Policy Through the Lens of Discourse Analysis: Making Sense of Diversity*. Routledge.
- Overbeek, J. (1999). *Free Trade Versus Protectionism*. Edward Elgar Pub.
- Panizzon, M. (2006). *Good Faith in the Jurisprudence of the WTO. The Protection of Legitimate Expectations, Good Faith Interpretation and Fair Dispute Settlement*. Hart Publishing.
- Pant, H.V., Sarma, N. (2019). Modi was Right. India Isn't Ready for Free Trade. *Foreign Policy*. Retrieved from <https://foreignpolicy.com/2019/11/19/modi-pull-out-rcep-india-manufacturers-compete-china/>.
- Paolini, A.J. (1993). Foucault, Realism and the Power Discourse in International Relations, *Australian Journal of Political Science* 28(1), 98-117.
- Parisi, F. (2004). Positive, Normative and Functional Schools in Law and Economics. *European Journal of Law and Economics*. 18, 259-272.
- Pato, A. (2019a). The Collective Private Enforcement of Data Protection Rights in the EU (2019). MPI-IAPL Summer School 3rd ed. Retrieved from <https://ssrn.com/abstract=3303228>

- Pato, A. (2019b). The National Adaptation of Article 80 GDPR, Towards the Effective Private Enforcement of Collective Data Protection Rights, in Mc Cullagh K., Tambou O., Bourton S. (eds.), *National Adaptations of the GDPR*, Collection Open Access Book, Blogdroiteuropeen. Retrieved from <https://wp.me/p6OBGR-3dP>
- Pauwelyn, J. (2012). The WTO in Crisis: Five Fundamentals Reconsidered. *WTO*. Retrieved from https://www.wto.org/english/forums_e/public_forum12_e/art_pf12_e/article_e.htm?art=9.
- PEN America. (2013). Chilling Effects: NSA Surveillance Drives U.S. Writers to Self-Censor. Retrieved from <https://pen.org/research-resources/chilling-effects/>.
- Peng, S. (2015). Cybersecurity Threats and the WTO National Security Exceptions. *Journal of International Economic Law*. 18, 449–478.
- Penney, J.W. (2016). Chilling Effects: Online Surveillance and Wikipedia Use. *Berkeley Technology Law Journal*. 31(1), 117-182.
- Perju, V.F. (2017). On Uses and Misuses of Human Rights in European Constitutionalism in Vöneky, S., Neuman, G.L. (eds.), *Human Rights, Democracy, and Legitimacy in a World in Disorder*. Cambridge University Press. Retrieved from <https://core.ac.uk/reader/83100950>
- Petersmann, E.-U. (2001). Human Rights and International Economic Law in the 21st Century. *Journal of International Economic Law*. 4(1), 3-39.
- Petkova, B. (2016). Towards and Internal Hierarchy of Values in the EU Legal Order. Balancing the Freedom of Speech and Data Privacy. *Maastricht Journal of European and Comparative Law*. 23(3), 421-438.
- Petkova, B. (2019). Privacy as Europe's First Amendment. *European Law Journal*, 25(2), 140-154.
- Pinchis-Paulsen, M. (2020). Trade Multilateralism and U.S. National Security: The Making of the GATT Security Exceptions. *Michigan Journal of International Law*. 41(1), 109-193.
- Polčák, R., Svantesson, D.J.B. (2017). *Information Sovereignty: Data Privacy, Sovereign Powers and the Rule of Law*. Edward Elgar.
- Pollicino, O., Bassini, M. (2017). Bridge is Down, Data Truck Can't Get Through... A Critical View of the Schrems Judgement in the Context of European Constitutionalism, in Ziccardi Capaldo, G., *The Global Community Yearbook of International Law and Jurisprudence*. Oxford University Press.
- Porcedda, M.G. (2018). On Boundaries – Finding the Essence of the Right to the Protection of Personal Data in Leenes, R., van Brakel, R., Gutwirth, S., de Hert, P. (eds.), *Data Protection and Privacy – The Internet of Bodies*. Hart Publishing. Retrieved from <https://ssrn.com/abstract=3627579>.
- Posner, R.A. (1985). Wealth Maximization Revisited. *Notre Dame Journal of Law, Ethics and Public Policy*. 2, 85-105.
- Posner, R.A. (2014). *Economic Analysis of Law*. 9th ed. Wolters Kluwer Law & Business.
- Propp, K., Swire, P. (2020a). After Schrems II: A Proposal to Meet the Individual Redress Challenge. *Lawfare Blog*. Retrieved from

<https://www.lawfareblog.com/after-schrems-ii-proposal-meet-individual-redress-challenge>.

- Propp, K., Swire, P. (2020b). Geopolitical Implications of the European Court’s Schrems II Decision. *Lawfare Blog*. Retrieved from <https://www.lawfareblog.com/geopolitical-implications-european-courts-schrems-ii-decision>.
- Public Citizen's Global Trade Watch. (2015). Only One of 44 Attempts to Use the GATT Article XX/GATS Article XIV ‘General Exception’ Has Ever Succeeded Has Ever Succeeded. Retrieved from <https://www.citizen.org/article/only-one-of-44-attempts-to-use-the-wtos-general-exception-to-only-one-of-44-attempts-to-use-the-gatt-article-xx-gats-article-xiv-general-exception-has-ever/>
- Purtova, N. (2018). The Law of Everything. Broad Concept of Personal Data And Future of EU Data Protection Law. *Law, Innovation and Technology*. 10(1), 40-81.
- Quelle, C. (2015). Does the Risk-Based Approach to Data Protection Conflict with the Protection of Fundamental Rights on a Conceptual Level? Working Paper. Retrieved from <https://ssrn.com/abstract=2726073>
- Quelle, C. (2017a). Privacy, Proceduralism and Self-Regulation in Data Protection Law. *Teoria Critica della Regolazione Sociale*. Retrieved from <https://ssrn.com/abstract=3139901>
- Quelle, C. (2017b). The ‘Risk Revolution’ in EU Data Protection Law: We Can’t Have Our Cake and Eat it, Too’. *Tilburg Law School Legal Studies Research Paper Series No. 17/2017*. Retrieved from <http://ssrn.com/abstract=3000382>.
- Quelle, C. (2018). Enhancing Compliance under the General Data Protection Regulation: The Risky Upshot of the Accountability- and Risk-based Approach. *European Journal of Risk Regulation*. 9(3), 502–526.
- Regan, D.H. (2007). The Meaning of ‘Necessary’ in GATT Article XX and GATS Article XIV: The Myth of Cost-Benefit Balancing. *World Trade Review*. 6(3), 347-369.
- Reid, E. (2015). *Balancing Human Rights, Environmental Protection and International Trade: Lessons from the EU Experience*. Hart Publishing.
- Reidenberg, J.R. (1998). Lex Informatica: The Formulation of Information Policy Rules through Technology. *Texas Law Review*. 76, 553-593.
- Reidenberg, J.R. (2000). Resolving Conflicting International Data Privacy Rules in Cyberspace. *Stanford Law Review*. 52, 1315-1376.
- Reidenberg, J.R. (2001). E-Commerce and Trans-Atlantic Privacy. *Houston Law Review*. 38, 717-749.
- Reyes, C.L. (2011). WTO-Compliant Protection of Fundamental Rights: Lessons from the EU Privacy Directive. *Melbourne Journal of International Law*. 12, 1-36, retrieved from https://law.unimelb.edu.au/data/assets/pdf_file/0010/1686934/Reyes.pdf
- Richards, N.M., Hartzog, W. (2016). Taking Trust Seriously in Privacy Law. *Stanford Technology Law Review*. 19, 431-472.

- Richards, N.M., Hartzog, W. (2017). Privacy's Trust Gap: A Review. *The Yale Law Journal*. 126(4), 1180-1224. (reviewing Brunton, F., Nissenbaum, H. (2015). *Obfuscation: A User's Guide For Privacy And Protest*).
- Riffel, C. (2018). The Chapeau: Stringent Threshold or Good Faith Requirement. *Legal Issues of Economic Integration*. 45(2),141 – 176.
- Robinson, J. (1977). What Are the Questions? *Journal of Economic Literature*. 15(4), 1318-1339.
- Rodotà, S. (2009). Data Protection as a Fundamental Right, in in Gutwirth, S., Pouillet, Y., de Hert, P., de Terwangne, C., Nouwt, S. (Eds.), *Reinventing Data Protection?* Springer: Dordrecht.
- Rodrik, D. (2011) *The Globalization Paradox: Democracy And The Future of the World Economy*. New York and London: W.W. Norton.
- Romer, P. (2020). The Dismal Kingdom. Do Economists Have Too Much Power? *Foreign Affairs*.
- Roth, P. (2017). Adequate Level of Data Protection in Third Countries Post-Schrems and under the General Data Protection Regulation. *Journal of Law, Information and Science*. 25(1), 49-67.
- Rouvroy, A., Pouillet, Y. (2009). The Right to Informational Self- Determination and the Value of Self-Development: Reassessing the Importance of Privacy for Democracy, in Gutwirth, S., Pouillet, Y., de Hert, P., de Terwangne, C., Nouwt, S. (Eds.), *Reinventing Data Protection?* Springer: Dordrecht.
- Ruggie, J.G. (1982). International Regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order International Organization. *International Organization*. 36(2), 379-415.
- Saez, C. (2017). E-Commerce: Some Developing Countries Push Back on Idea of New WTO Rules. *Tralac*. Retrieved from <https://www.tralac.org/news/article/12207-e-commerce-some-developing-countries-push-back-on-idea-of-new-wto-rules.html>.
- Salvatore, D. (1993). Protectionism and World Welfare: Introduction, in Salvatore, D. (Ed.), *Protectionism and World Welfare*. Cambridge University Press.
- Schäfer, H.-B., Ott, C. (2004). *The Economic Analysis Of Civil Law*. Edward Elgar Publishing.
- Schloemann, H.L., Ohlhoff, S. (1999). Constitutionalization and Dispute Settlement in the WTO: National Security as an Issue of Competence. *American Journal of International Law*. 93(2) 424-451.
- Schmidtz, D. (2013). Adam Smith on the Dark Side of Capitalism, *Georgetown Journal of Law & Public Policy*. 11, 371-390.
- Schwartz, P. M., Solove, D. J. (2014). Reconciling Personal Information in the United States and European Union. *California Law Review*. 102(4), 877-916.
- Schwartz, P.M., Solove, D.J. (2011). The PII Problem: Privacy and a New Concept of Personally Identifiable Information. *New York University Law Review*. 86, 1814-1894.
- Schwartz, P.M. (1999). Privacy and Democracy in Cyberspace. *Vanderbilt Law Review*. 52, 1609-1701.

- Schwartz, P.M. (2004). Property, Privacy, and Personal Data. *Harvard Law Review*. 117 2056-2128.
- Schwartz, P.M. (2009). Managing Global Data Privacy: Cross-Border Information Flows in a Networked Environment. *Report, The Privacy Projects*. Retrieved from <https://www.law.berkeley.edu/files/Schwartz.pdf>
- Schwartz, P.M. (2013). The EU-U.S. Privacy Collision: A Turn to Institutions and Procedures. *Harvard Law Review*. 126, 1966-2009.
- Schwartz, P.M. (2019). Global Data Privacy: The EU Way. *New York University Law Review*. 94(4), 771-818.
- Schwartz, P.M., Peifer, K.-N. (2017). Transatlantic Data Privacy Law. *Georgetown Law Journal*. 106, 115-179.
- Selby, J. (2017). Data Localization Laws: Trade Barriers or Legitimate Responses to Cybersecurity Risks, or Both? *International Journal of Law and Information Technology*. 25, 213–232.
- Semertzi, A. (2014). The Preclusion of Direct Effect in the Recently Concluded EU Free Trade Agreements. *Common Market Law Review*. 51(4), 1125-1158.
- Semmel, B. (1970). *The Rise of Free Trade Imperialism: Classical Political Economy, the Empire of Free Trade and Imperialism*. Cambridge University Press.
- Sen, N. (2018). Understanding the Role of the WTO in International Data Flows: Taking the Liberalization or the Regulatory Autonomy Path? *Journal of International Economic Law*. 21(2), Pages 323–348.
- Shaffer, G. (2000). Globalization and Social Protection: The Impact of EU and International Rules in the Ratcheting Up of U.S. Privacy Standards. *Yale Journal of International Law*. 25, 1-88.
- Shaffer, G. (2008). A Structural Theory Of WTO Dispute Settlement: Why Institutional Choice Lies at The Center of the GMO Case. *New York University Journal of International Law and Politics*. 41, 1-101.
- Shambaugh, D. (2015). China’s Soft-Power Push: The Search for Respect. *Foreign Affairs*.
- Shavell, S. (2004). *Foundations of Economic Analysis of Law*. Belknap Press.
- Siles-Brügge, G. (2011) Resisting Protectionism After the Crisis: Strategic Economic Discourse and the EU–Korea Free Trade Agreement. *New Political Economy*. 16:5, 627-653.
- Siles-Brügge, G. (2013). The Power of Economic Ideas: A Constructivist Political Economy of EU Trade Policy, *Journal of Contemporary European Research*. 9 (4), 597-617.
- Smith, A. (1763a). Of the Balance of Trade, in Cannan, E. (ed.) (1869). *Lectures on Justice, Police, Revenue and Arms*, Clarendon Press.
- Smith, A. (1763b). Of the Opinion that No Expense at Home Can Be Hurtful, in Cannan, E. (Ed.), *Lectures on Justice, Police, Revenue and Arms*, Clarendon Press 1869.
- Smits, J.M. (2012). *The Mind and Method of the Legal Academic*. Edward Elgar.

- Solove, D. (2006). A Taxonomy of Privacy. *University of Pennsylvania Law Review*. 154(3), 477-560.
- Spiekermann-Hoff, S., Böhme, R., Acquisti, A., Hui, K.-L. (2015). The Challenges of Personal Data Markets and Privacy. *Electronic Markets*. 25 (2), 161-167.
- Stigler, G.J. (1971) The Theory of Economic Regulation. *The Bell Journal of Economics and Management Science*. 2(1), 3-21.
- Stiglitz, J.E. (2018). *Globalization And Its Discontents Revisited*. W. W. Norton & Company.
- Stolton, S. (2020). Commission uncertain on future UK data adequacy agreement, Euractiv.com. Retrieved from <https://www.euractiv.com/section/data-protection/news/commission-uncertain-on-future-uk-data-adequacy-agreement/>.
- Strange, S. (1985). Protectionism and World Politics. *International Organization*. 39(2), 233-259.
- Stupp, C. (2015). Lawmakers Rebuke US ‘Digital Protectionism’ Charges, *Euractiv*. Retrieved from <https://www.euractiv.com/section/digital/news/law-makers-rebuke-us-digital-protectionism-charges/>.
- Stupp, C. (2017). Commission conducting review of all foreign data transfer deals. *Euractiv*. Retrieved from <https://www.euractiv.com/section/data-protection/news/commission-conducting-review-of-all-foreign-data-transfer-deals/>.
- Sunstein, C. (1993). *After The Rights Revolution. Reconceiving the Regulatory State*. Harvard University Press.
- Svantesson, D. J. B. (2010). Privacy, Internet and Transborder Data Flows. An Australian Perspective. *Masaryk University Journal of Law and Technology*. 4(1), 1-20.
- Svantesson, D.J.B. (2011). The Regulation of Cross-Border Data Flows. *International Data Privacy Law*. 1(3), 180-198.
- Swire, P. (2016). The Data Protection Commissioner and Facebook Ireland Limited and Maximillian Schrems. Affidavit, *Georgia Tech Scheller College of Business Research Paper No. 18-2*. Retrieved from <https://ssrn.com/abstract=3097444>.
- Swire, P. (2020). 'Schrems II' Backs the European Legal Regime into a Corner — How Can it Get Out? *International Association of Privacy Professionals*. Retrieved from <https://iapp.org/news/a/schrems-ii-backs-the-european-legal-regime-into-a-corner-how-can-it-get-out/>.
- Swire, P., Litan, R.E. (1998). *None Of Your Business: World Data Flows, Electronic Commerce, and The European Privacy Directive*. Brookings Institution Press.
- Sykes, A.O. (1999). Regulatory Protectionism and the Law of International Trade, *University of Chicago Law Review*. 66(1), 1-46.
- Sykes, A.O. (2015). Economic ‘Necessity’ in International Law, *American Journal of International Law*. 109(2), 296-323.
- Syrpis, P. (2009). The Relationship Between Primary and Secondary Law in the EU. *Common Market Law Review*. 52, 461–488.
- Tarullo, D.K. (1985). Logic, Myth, and the International Economic Order, *Harvard International Law Journal*. 26(2), 533-552.

- Tarullo, D.K. (1987). Beyond Normalcy in the Regulation of International Trade. *Harvard Law Review*. 100(3), 546-628.
- Taylor, L. (2017). What Is Data Justice: The Case for Connecting Digital Rights and Freedoms Globally. *Big Data and Society*. 4(2), 1-14.
- Tene, O. (2020a). GDPR's Second Anniversary: A Cause for Celebration — and Concern. *International Association of Privacy Professionals*. Retrieved from https://iapp.org/news/a/gdprs-second-anniversary-a-cause-for-celebration-and-concern/?mkt_tok=eyJpIjoiTXprNE5ERmtPVGhtWm1NNSIsInQiOiJsSVQ2KzVOaHBQWW9KN2wzSTV3enVxb25aY1A4aEZBQ3hCMkh2TVhPY1BPQklsd1Y3WVp1YUI5USTKwit1dGJXWXNBNytaVGtTxc9tbVNqdjls0VhQ3Fackw0dnNFTDRydlFQTzJHR3Z5cWF3RtF2V1ZxVnNxZjAxRXJ0Y21qYjAifQ%3D%3D
- Tene, O. (2020b). The Show Must Go On. *International Association of Privacy Professionals*. Retrieved from <https://iapp.org/news/a/the-show-must-go-on/>
- Tene, O., Polonetsky, J. (2013). Big Data For All: Privacy and User Control in The Age of Analytics. *Northwestern Journal of Technology and Intellectual Property*. 11(5), 239-273.
- Thang, V.N. (2007). Applicability of GATS Prudential Exception to Insurance Services: Some Interpretative Issues. *Manchester Journal of International Economic Law*. 4(2), 88-123.
- The Economist. (2016). The World's Most Valuable Resource is no Longer Oil, But Data. Retrieved from <https://www.economist.com/leaders/2017/05/06/the-worlds-most-valuable-resource-is-no-longer-oil-but-data>
- The Guardian. (2013). NSA Files: Decoded. Retrieved from <https://www.theguardian.com/world/interactive/2013/nov/01/snowden-nsa-files-surveillance-revelations-decoded#section/1>
- The Privacy Collective. (2020). Writ of summons in a mass claims proceeding brought by the Privacy Collective against Salesforce and Oracle. Retrieved from <https://www.rechtspraak.nl/SiteCollectionDocuments/RBAMS-dagvaarding-collectieve-vordering-Oracle-Nederland-BV-SFDC-Netherlands-BV-Oracle-Corporation-Oracle-America-Inc-Salesforce.pdf> (in Dutch)
- Timmermans, F. (2019). Make Lobbying in the EU Truly Transparent. *Euractiv*. Retrieved from <https://www.euractiv.com/section/politics/opinion/make-lobbying-in-the-eu-truly-transparent/>.
- Tranberg, C.B. (2011). Proportionality and Data Protection in the Case Law of the European Court of Justice. *International Data Privacy Law*. 1(4), 239-248.
- Trebilcock, M.J., Howse, R., Eliason, A. (2013). *The Regulation Of International Trade*. 4th edn. Routledge.
- Tsai, J.Y., Egelman, S., Cranor, L., Acquisti, A. (2011). The Effect of Online Privacy Information on Purchasing Behavior: An Experimental Study. *Information Systems Research*. 22(2), 254-268.
- Tumlir, J. (1985). *Protectionism: Trade Policy in Democratic Societies*. American Enterprise Institute for Public Policy Research.
- Turner, J. (2019). *Robot Rules: Regulating Artificial Intelligence*. Palgrave Macmillan.

- Twining, W. (2010). Normative and Legal Pluralism: A Global Perspective. *Duke Journal of Comparative and International Law*. 20, 473-517.
- Tzanou, M. (2017). *The Fundamental Right to Data Protection, Normative Value in The Context of Counter-Terrorism Surveillance*. Bloomsbury.
- U.S. Chamber of Commerce (2014). Cross-Border Data Flows: Could Foreign Protectionism Hurt U.S. Jobs?: Hearing Before the Subcommittee On Commerce, Manufacturing, and Trade of the Committee on Energy and Commerce.
- U.S. Chamber of Commerce, Hunton & Williams LLP. (2014). Business Without Borders: The Importance of Cross-Border Data Transfers to Global Prosperity. Retrieved from <https://www.huntonak.com/images/content/3/0/v3/3086/Business-without-%20Borders.pdf>
- U.S. White House. (2012). Consumer Data Privacy in a Networked World: Framework for Protecting Privacy and Promoting Innovation in the Global Digital Economy. Retrieved from <https://www.hsdl.org/?view&did=700959>
- UNCTAD. (2016). World Investment Report 2016: Investor Nationality: Policy Challenges. UNCTAD/WIR/2016. Retrieved from https://unctad.org/system/files/official-document/wir2016_en.pdf
- UNCTAD. (2017). World Investment Report: Investment and the Digital Economy. UNCTAD/WIR/2017. Retrieved from https://unctad.org/system/files/official-document/wir2017_en.pdf
- UNCTAD. (2019). Digital Economy Report 2019: Value Creation and Capture: Implications for Developing Countries. UNCTAD/DER/2019. Retrieved from https://unctad.org/en/PublicationsLibrary/der2019_en.pdf
- United States International Trade Commission. (2013). Digital Trade in the U.S. and Global Economies, Part 1. Retrieved from <https://www.usitc.gov/publications/332/pub4415.pdf>
- United States International Trade Commission (2014). Digital Trade in the U.S. and Global Economies, Part 2. Retrieved from <https://www.usitc.gov/publications/332/pub4485.pdf>.
- United States International Trade Commission (2017). Global Digital Trade 1: Market Opportunities And Key Foreign Trade Restrictions. Retrieved from <https://www.usitc.gov/publications/332/pub4716.pdf>.
- Van den Bossche, P., Zdouc, W. (2013). *The Law and Policy of the World Trade Organization: Text, Cases, and Materials*. 3rd ed., Cambridge University Press.
- Van Dijk, T.A. (2006). Ideology and Discourse Analysis. *Journal of Political Ideologies*. 11(2), 115-140.
- Van Eijk, N., Hoofnagle, C., Kannekens, E. (2017). Unfair Commercial Practices: A Complementary Approach to Privacy Protection. *European Data Protection Law Review*. 3(3), 325–337. Retrieved from <https://dare.uva.nl/search?identifier=0799ebd9-1522-4558-97c8-1439cbcc73df>
- Van Gestel, R., Micklitz, H.-W., Maduro, M. P. (2012). Methodology in the New Legal World. *EUI Working Papers LAW No. 2012/13*. Retrieved from <https://ssrn.com/abstract=2069872>.

- Van Hoboken, J. (2014a). Case Note CJEU 13 May 2014, C-131/12 (*Google Spain*). Retrieved from <https://ssrn.com/abstract=2495580>.
- Van Hoboken, J. (2014b). The European Approach to Privacy. *Unpublished 2014 TPRC Conference Paper*. Retrieved from <https://ssrn.com/abstract=2418636>.
- Van Hoboken, J. V. J., Arnbak, A., van Eijk, N.A.N.M. (2013). Obscured by Clouds or How to Address Governmental Access to Cloud Data from Abroad. *Privacy Law Scholars Conference 2013*. Retrieved from <https://ssrn.com/abstract=2276103>.
- Vedaschi, A. (2018). Privacy and Data Protection Versus National Security in Transnational Flights: The EU–Canada PNR Agreement. *International Data Privacy Law*. 8(2) 124–139.
- Venzke, I. (2011). Making General Exceptions: The Spell of Precedents in Developing Art XX GATT into Standards for Domestic Regulatory Policy. *German Law Journal*. 12(5), 1111-1140.
- Venzke, I. (2012). *How Interpretation Makes International Law: on Semantic Change and Normative Twists*. Oxford University Press.
- Venzke, I. (2019). International Law and the Spectre of Inequality. Inaugural Lecture, University of Amsterdam. Retrieved from <https://dare.uva.nl/search?identifier=a4b88a14-4772-4974-8123-346689262258>.
- Vermeule, A. (2007). Connecting Positive and Normative Legal Theory. *University of Pennsylvania Journal of Constitutional Law*. 10, 387–398.
- Vermulst, E., Driessen, B. (1995). An Overview of the WTO Dispute Settlement System and its Relationship with the Uruguay Round Agreements. *Journal of World Trade*. 29(2), 131-161.
- Vidigal, G. (2019) WTO Adjudication and the Security Exception: Something Old, Something New, Something Borrowed – Something Blue? *Legal Issues of Economic Integration*. 46(3), 203–224.
- Von Bogdandy, A. (2009). The Past and Promise of Doctrinal Constructivism: A Strategy for Responding to the Challenges Facing Constitutional Scholarship in Europe. *International Journal of Constitutional Law*. 7(3), 364–400.
- Von Bogdandy, A., Kottmann, M., Antpöhler, C., Dickschen, J., Hentrei, S., Smrkolj, M. (2012). Reverse Solange - Protecting the Essence of Fundamental Rights against EU Member States. *Common Market Law Review*. 49(2), 489 – 519.
- Von Bogdandy, A., Windsor, J. (2008). Annex on Financial Services, in Wolfrum, R., Stoll, P.T., Feinäugle, C. (eds), *WTO – Trade in Services -Max Planck Commentaries on World Trade Law*. Leiden: Martinus Nijhoff Publishers.
- Von der Leyen, U (2020). State of the Union Address by President von der Leyen at the European Parliament Plenary. Retrieved from https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_1655
- Wai, R. (2003). Countering, Branding, Dealing: Using Economic and Social Rights in and Around the International Trade Regime. *European Journal of International Law*. 14(1), 35-84.

- Wang, C. (2019). Invocation of National Security Exceptions under GATT Article XXI: Jurisdiction to Review and Standard of Review. *Chinese Journal of International Law*. 18(3), 695–712.
- Wang, H. (2015). Contextualizing China’s Call for Discourse Power in International Politics. *China: An International Journal*. 13(3), 172-189.
- Wasastjerna, M.C. (2018). The Role of Big Data and Digital Privacy in Merger Review. *European Competition Journal*. 2(3), 417-444.
- Wathieu, L., Friedman, A. (2007). An Empirical Approach to Understanding Privacy Valuation. Harvard Business School Working Paper No. 07-075. Retrieved from <https://www.hbs.edu/faculty/Publication%20Files/07-075.pdf>.
- Weber, R.H. (2012). Regulatory Autonomy and Privacy Standards Under the GATS. *Asian Journal of WTO & International Health Law & Policy*. 7(1), 25-47.
- Weber, R.H., Staiger, D. (2017). *Transatlantic Data Protection in Practice*. Springer.
- Weiler, J.H.H. (2001). The Rule of Lawyers and the Ethos of Diplomats Reflections on the Internal and External Legitimacy of WTO Dispute Settlement. *Journal of World Trade*. 35(2), 191–207.
- Weiler, J.H.H. (2009). Law, Culture, and Values in the WTO — Gazing into the Crystal Ball in Bethlehem, D., McRae, D., Neufeld, R., Van Damme, I. (eds.), *The Oxford Handbook of International Trade Law*. Oxford Scholarly Authorities on International Law [OSAIL] Series: Oxford Handbooks in Law.
- Weiler, J.H.H. (2012). Dialogical epilogue, in Weiler, J., De Búrca, G., *The Worlds of European Constitutionalism*. Cambridge University Press.
- Weiß, W. (2018). Delegation to treaty Bodies in EU Agreements: Constitutional Constraints and Proposals for Strengthening the European Parliament. *European Constitutional Law Review*. 14, 532–566.
- Westin, R.A. (1997). *Environmental Tax Initiatives and Multilateral Trade Agreements: Dangerous Collisions*. Kluwer Law International.
- Wethington, O.L. (1994). *Financial Market Liberalization*. Sheppard’s McGraw Hill.
- White House (2019). Press Release: President Donald J. Trump Has Secured a Tremendous Victory for American Farmers and Businesses with New Japan Trade Agreements. Retrieved from <https://www.whitehouse.gov/briefings-statements/president-donald-j-trump-secured-tremendous-victory-american-farmers-businesses-new-japan-trade-agreements/>
- Whitman, J.Q. (2004). The Two Western Cultures of Privacy: Dignity Versus Liberty. *Yale Law Journal*. 113, 1151-1221.
- Whitt, R.S. (1987). The Politics of Procedure: An Examination of the GATT Dispute Settlement Panel and the Article XX Defense in the Context of the U.S. Embargo of Nicaragua. *Law & Policy in International Business*. 19, 603-631.
- Williams, R.D. (2019). Reflections on TikTok and Data Privacy as National Security. *Lawfare Blog*. Retrieved from <https://www.lawfareblog.com/reflections-tiktok-and-data-privacy-national-security>

- Wolf, C. (2014). Delusions of Adequacy? Examining the Case for Finding the United States Adequate for Cross-Border EU-U.S. Data Transfers. *Washington University Journal of Law & Policy*. 43, 227-257.
- Wolfe, R. (2019). Learning About Digital Trade: Privacy and E-commerce in CETA and TPP. *World Trade Review*. 18(S1), s63–s84.
- World Economic Forum. (2014). Rethinking Personal Data: A New Lens for Strengthening Trust. Retrieved from http://www3.weforum.org/docs/WEF_RethinkingPersonalData_ANewLens_Report_2014.pdf
- Wunsch-Vincent, S. (2003). The Digital Trade Agenda of the U.S.: Parallel Tracks of Bilateral, Regional and Multilateral Liberalization. *Aussenwirtschaft*. 58(1), 7–46. Retrieved from <https://ssrn.com/abstract=393961>
- Yakovleva, S. (2018). Should Fundamental Rights to Privacy and Data Protection be a Part of the EU's International Trade 'Deals'? *World Trade Review*. 17(3), 477–508.
- Yakovleva, S., Irion, K. (2016). The Best of Both Worlds? Free Trade in Services and EU Law on Privacy and Data Protection. *European Data Protection Law Review*. 2, 191-208.
- Yokoi-Arai, M. (2008). 'GATS' Prudential Carve Out in Financial Services and its Relation with Prudential Regulation. *International & Comparative Law Quarterly*. 57, 613–648.
- Yoo, J.Y., Ahn, D. (2016). Security Exceptions in the WTO System: Bridge or Bottle-Neck for Trade and Security? *Journal of International Economic Law*. 19, 417–444
- Young, A.R., Peterson J. (2014). Parochial Global Europe: 21st Century Trade Politics (book review). *Journal of Common Market Studies*. 54(2), 480-489.
- Zang, D. (2009). Divided by Common Language: 'Capture' Theories in GATT/WTO and the Communicative Impasse. *Hastings International and Comparative Law Review*. 32(2), 423-476.
- Zhang, G., Yin, K. (2020). A look at China's draft of Personal Data Protection Law. *International Association of Privacy Professionals*. Retrieved from <https://iapp.org/news/a/a-look-at-chinas-draft-of-personal-data-protection-law/>
- Ziegler, A.R., Baumgartner, J. (2015). Good Faith as a General Principle of (International) Law, in Mitchell, A.D., Sornarajah, M., Voon, T. (eds.), *Good Faith and International Economic Law*, Oxford University Press.
- Zuboff, S. (2015). Big Other: Surveillance Capitalism and the Prospects of an Information Civilization. *Journal of Information Technology*. 30, 75–89.
- Zuboff, S. (2019). *The Age of Surveillance Capitalism. The Fight for a Human Future at the New Frontier of Power*. Public Affairs.

Primary Sources

Legal Texts

International Treaties and Conventions

CETA: Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part, 14 September 2014 [2017] OJ L11/23.

CPTPP: Comprehensive and Progressive Agreement for Trans-Pacific Partnership, <https://www.mfat.govt.nz/assets/Trade-agreements/CPTPP/CPTPP-Text-English.pdf>

Dominican Republic-Central America-US FTA: Dominican Republic-Central America-United States Free Trade Agreement, 28 May 2004, 43 I.L.M. 514

DSU: Understanding on Rules and Procedures Governing the Settlement of Disputes, Marrakesh Agreement Establishing the World Trade Organization, Annex 2, 1869 U.N.T.S

EU Schedule of Specific Commitments: European Communities and Their Member States, Schedule of Specific Commitments, Supplement 4, Revision, 18 November 1999, GATS/SC/31/Suppl.4/Rev.1.

EU-Central America Association Agreement: Agreement Establishing an Association between Central America, on the one hand, and the European Union and its Member States, on the other, 29 June 2012 [2012] OJ L 346/3

EU-Chile Association Agreement: Agreement Establishing an Association between the European Community and Its Member States, of the One Part, and the Republic of Chile, of the Other Part, 11 November 2002 [2002] OJ L 352/3, http://eur-lex.europa.eu/resource.html?uri=cellar:f83a503c-fa20-4b3a-9535-f1074175eaf0.0004.02/DOC_2&format=PDF

EU-Colombia-Peru FTA: Trade Agreement Between the European Union and its Member States, of the One Part, and Colombia and Peru, of the Other Part, 31 May 2012 [2012] OJ L 354/1.

EU-Korea FTA: Free Trade Agreement Between the European Union and its Member States, of the One Part, and the Republic of Korea, of the Other Part, 6 October 2010 [2011] OJ L. 127/6

EU-Mexico Coordination and Cooperation Agreement: Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the One Part, and the United Mexican States, of the Other Part, 8 December 1997 [2000] OJ L 276/45, https://eeas.europa.eu/sites/eeas/files/28.10.2000_mexico.pdf

EU-Singapore FTA: Free trade Agreement between the European Union and the Republic of Singapore, ST/7972/2018/ADD/5, OJ L 294.

GATS: General Agreement on Trade in Services, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1B, 1869 U.N.T.S. 183, 33 I.L.M. 1167 (1994)

GATS Annex on Financial Services

GATT 1947: General Agreement on Tariffs and Trade, Oct. 30, 1947, 61 Stat. A-11, 55 U.N.T.S. 194.

GATT 1994: General Agreement on Tariffs and Trade 1994, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, 1867 U.N.T.S. 187, 33 I.L.M. 1153 (1994) .

Havana Charter: U.N. Conference on Trade and Employment, Havana Charter for the International Trade Organization, U.N. Doc. E/Conf.2/78 (Apr. 1948).

ICCPR: International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171

JEFTA: Economic Partnership Agreement between the European Union and Japan (JEFTA), Annex to the Proposal for a Council Decision, COM(2018) 192 final, 18 April 2018.

KORUS: United States-Korea Free Trade Agreement, 1 April 2007, 46 I.L.M. 642

NAFTA: North American Free Trade Agreement art. 301(2), Dec. 8–17, 1992, 32 I.L.M. 289 (1993)]

Revised Agreement on Government Procurement: Revised Agreement on Government Procurement, Mar. 30, 2012, Marrakesh Agreement Establishing the World Trade Organization, Annex 4(b), 1915 U.N.T.S. 103

SPS Agreement: Agreement on the Application of Sanitary and Phytosanitary Measures, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, 1867 U.N.T.S. 493

TBT Agreement: Agreement on Technical Barriers to Trade, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, 1868 U.N.T.S. 120.

TRIPS: Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, The Legal Texts: The Results of The Uruguay Round Of Multilateral Trade Negotiations 320 (1999), 1869 U.N.T.S. 299, 33 I.L.M. 1197 (1994)

UDHR: Universal Declaration of Human Rights, G.A. Res. 217, U.N. GAOR, 3d Sess., U.N. Doc. A/810 (1948).

Understanding on Commitments in Financial Services: Understanding on Commitments in Financial Services, Apr. 15, 1994, Results of the Uruguay Round-Legal Texts 477 (1994), 33 I.L.M. 1260-63 (1994)

US – Panama TPA: United States-Panama Trade Promotion Agreement, 31 October 2012

US – Singapore FTA: United States-Singapore Free Trade Agreement, 3 September 2003, 117 Stat. 948

US-Chile FTA: United States-Chile Free Trade Agreement, U.S.-Chile, 6 June 2003, KAV 6375

US-Colombia TPA: United States-Colombia Trade Promotion Agreement, 15 May 2012, <https://ustr.gov/trade-agreements/free-trade-agreements/colombia-fta/final-text>

US-Japan Digital Trade Agreement: Agreement between the United States of America and Japan Concerning Digital Trade, 7 October 2019,

[https://ustr.gov/sites/default/files/files/agreements/japan/Agreement between the United States and Japan concerning Digital Trade.pdf](https://ustr.gov/sites/default/files/files/agreements/japan/Agreement%20between%20the%20United%20States%20and%20Japan%20concerning%20Digital%20Trade.pdf)

USMCA: Agreement Between the United States of America, the United Mexican States, and Canada, Can.-Mex.-U.S.30 November 2018, <https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between>

US-Morocco FTA: United States-Morocco Free Trade Agreement, 15 June 2004, 44 I.L.M. 544

US-Peru TPA: United States-Peru-Trade Promotion Agreement, 12 April 2006, <https://ustr.gov/trade-agreements/free-trade-agreements/peru-tpa/final-text>

VCLT: Vienna Convention on the Law of Treaties, 1155 U.N.T.S. 331, 8 I.L.M. 679, entered into force 27 January 1980

WTO Agreement: WTO Agreement: Marrakesh Agreement Establishing the World Trade Organization, 15 April 1994, The Legal Texts: The Results of The Uruguay Round Of Multilateral Trade Negotiations 4 (1999), 1867 U.N.T.S. 154, 33 I.L.M. 1144 (1994)

Proposed International Agreements

EU model clauses on cross-border data flows: EU Proposal for Provisions on Cross-border Data Flows and Protection of Personal Data and Privacy. Retrieved from https://trade.ec.europa.eu/doclib/docs/2018/july/tradoc_157130.pdf

EU-Australia FTA: EU proposal for a Chapter on Digital Trade of the EU-Australia FTA, 10 October 2018. Retrieved from https://trade.ec.europa.eu/doclib/docs/2018/december/tradoc_157570.pdf

EU-Indonesia FTA: EU proposal for a Chapter on Digital Trade of the EU-Indonesia FTA, 27 July 2017. Retrieved from https://trade.ec.europa.eu/doclib/docs/2017/september/tradoc_156106.pdf

EU-New Zealand FTA: EU proposal for a Chapter [XX] on Dispute Settlement of the EU-New Zealand FTA, 13 June 2018. Retrieved from https://trade.ec.europa.eu/doclib/docs/2018/july/tradoc_157199.pdf

EU-New Zealand FTA: EU proposal for a Chapter on Digital Trade of the EU-New Zealand FTA, 25 September 2018, http://trade.ec.europa.eu/doclib/docs/2018/december/tradoc_157581.pdf

EU-New Zealand FTA: EU proposal for Chapter X Exceptions of the EU-New Zealand FTA, 25 June 2019. Retrieved from https://trade.ec.europa.eu/doclib/docs/2019/july/tradoc_158278.pdf

EU-Tunisia FTA: La proposition de l'Union européenne (UE) relative à Accord de libre-échange UE-Tunisie UE-Tunisie, Titre [] Commerce Numérique, 9 November 2018. Retrieved from https://trade.ec.europa.eu/doclib/docs/2019/january/tradoc_157660.%20ALECA%202019%20-%20texte%20commerce%20numerique.pdf

Modernised EU-Chile Association Agreement: EU proposal for a Digital trade title in the Trade Part of a possible modernised EU-Chile Association Agreement, 5

February 2018. Retrieved from
https://trade.ec.europa.eu/doclib/docs/2018/february/tradoc_156582.pdf

Modernised EU-Mexico FTA: EU Proposal for a Chapter on Digital Trade of the modernised EU-Mexico Free Trade Agreement, 21 April 2018. Retrieved from
http://trade.ec.europa.eu/doclib/docs/2018/april/tradoc_156811.pdf

Modernised EU-Mexico FTA: European Commission, Press Release: New EU-Mexico agreement: The Agreement in Principle and its texts, 26 April 2018. Retrieved from
<https://trade.ec.europa.eu/doclib/press/index.cfm?id=1833>

TiSA: Trade in Services Agreement (TiSA) Annex on Electronic Commerce, Wikileaks, <ay 2016. Retrieved from https://wikileaks.org/tisa/document/20151001_Annex-on-Electronic-Commerce/

UK-EU Agreement: Draft Working Text for a Comprehensive Free Trade Agreement Between the United Kingdom and the European Union, Draft UK Negotiating Document. Retrieved from
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/886010/DRAFT_UK-EU_Comprehensive_Free_Trade_Agreement.pdf

UK-EU Agreement: Draft text of the Agreement on the New Partnership with the United Kingdom, European Commission, 18 March 2020. Retrieved from
<https://ec.europa.eu/info/sites/info/files/200318-draft-agreement-gen.pdf>

Council of Europe

Convention 108: Convention for the Protection of Individuals with Regard to the Automatic Processing of Individual Data, 28 January 1981, ETS 108.

Convention 108+: Modernised Convention for the Protection of Individuals with Regard to the Processing of Personal Data, as amended by the Protocol adopted by the Committee of Ministers at its 128th Session of the Committee of Ministers, 18 May 2018, CETS No. 223, <https://rm.coe.int/convention-108-convention-for-the-protection-of-individuals-with-regar/16808b36f1>

ECHR: Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5.

European Union: Treaties and Charter

EU Charter: Charter of Fundamental Rights of the European Union, OJ C 364/1, 18.12.2000.

Lisbon Treaty: Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, OJ C 306, 17.12.2007.

TEU: Treaty on European Union (Consolidated Version), Treaty of Maastricht, 7 February 1992, OJ EC C 325/5; 24 December 2002

TFEU: Consolidated Version of the Treaty on the Functioning of the European Union, Sep. 5, 2008, 2008 O.J. (C 115) 47

European Union: Regulations and Directives

Data Protection Directive: Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281 , 23/11/1995 P. 0031 – 0050.

Digital Content Directive: Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services, O.J. 2019, L 136/1.

European Electronic Communications Code: Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast), OJ L 321, 17.12.2018, p. 36–214.

E-Privacy Directive: Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201.

GDPR: Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC [2016] OJ L 119/1.

Regulation on Non-Personal Data: Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union (Text with EEA relevance.) PE/53/2018/REV/1 OJ L 303.

European Union: Proposed Legislation

Proposal for a Directive of The European Parliament And Of The Council on the re-use of public sector information (recast). COM/2018/234 final - 2018/0111 (COD)

Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), /* COM/2012/011 final - 2012/0011 (COD)

European Commission Implementing Decisions: Adequacy Decisions

Adequacy decision for Canada: Commission Decision 2002/2/EC of 20 December 2001 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data provided by the Canadian Personal Information Protection and Electronic Documents Act (notified under document number C(2001) 4539), OJ L 2.

Adequacy decision for Japan: Commission Implementing Decision (EU) 2019/419 of 23 January 2019 pursuant to Regulation (EU) 2016/679 of the European Parliament and of the Council on the adequate protection of personal data by Japan under the Act on the Protection of Personal Information, C/2019/304/ OJ L 76.

Adequacy decision for New Zealand: Commission Implementing Decision 2013/65/EU of 19 December 2012 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by New Zealand (notified under document C(2012) 9557), OJ L 28,

Adequacy decision for Uruguay: Commission Implementing Decision 2012/484/EU of 21 August 2012 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by the Eastern Republic of Uruguay with regard to automated processing of personal data (notified under document C(2012) 5704) OJ L 227.

EU-U.S. Privacy Shield: Commission Implementing Decision (EU) 2016/1250 of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the EU-U.S. Privacy Shield (notified under document C(2016) 4176) C/2016/4176, OJ L 207.

EU-U.S. Safe Harbor: Commission Decision of 2000/520/EC 26 July 2000 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the safe harbour privacy principles and related frequently asked questions issued by the US Department of Commerce (notified under document number C(2000) 2441) OJ L 215.

Implementing Decisions amending Adequacy Decisions after *Schrems I*: Commission Implementing Decision (EU) 2016/2295 of 16 December 2016 amending Decisions 2000/518/EC, 2002/2/EC, 2003/490/EC, 2003/821/EC, 2004/411/EC, 2008/393/EC, 2010/146/EU, 2010/625/EU, 2011/61/EU and Implementing Decisions 2012/484/EU, 2013/65/EU on the adequate protection of personal data by certain countries, pursuant to Article 25(6) of Directive 95/46/EC of the European Parliament and of the Council (notified under document C(2016) 8353) C/2016/8353, OJ L 344

European Parliament

Committee on Civil Liberties, Justice and Home Affairs, *Report on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs*. No 2013/2188(INI), 21 February 2014.

European Parliament Resolution of 12 March 2014 *on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs* 2013/2188(INI)).

European Parliament resolution of 8 July 2015 containing the *European Parliament's recommendations to the European Commission on the negotiations for the Transatlantic Trade and Investment Partnership (TTIP)* (2014/2228(INI)).

European Parliament resolution of 3 February 2016 *containing the European Parliament's recommendations to the Commission on the negotiations for the Trade in Services Agreement (TiSA)* (2015/2233(INI)).

European Parliament Resolution of 26 May 2016 *on transatlantic data flows* (2016/2727(RSP)).

European Parliament resolution of 13 December 2018 *on the adequacy of the protection of personal data afforded by Japan* (2018/2979(RSP)).

EU Council Decisions

Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) [1994] OJ L336/1.

EU Member States National Legislation

The Netherlands: Parliamentary Documents

Initiatiefnota van het lid Verhoeven over mededinging in de digitale economie; Motie van het lid Buitenweg c.s. over vormgeving van data trusts in Nederland, 16 december 2019, KST351347, 35134, nr. 7.

Foreign legislation

Russia

Конституция Российской Федерации от 12.12.1993 с изменениями от 01.07.2020. (*Constitution of the Russian Federation of 12 December 1993 as amended on 1 July 2020*).

Федеральный закон ‘О персональных данных’ от 27.07.2006 N 152-ФЗ (*Federal Law on Personal Data of 27 July 2006 No. 152-FZ*)

China

Cybersecurity Law of the People’s Republic of China of 1 June 2017. English translation retrieved from <https://www.newamerica.org/cybersecurity-initiative/digichina/blog/translation-cybersecurity-law-peoples-republic-china/>

Canada

PIPEDA: Personal Information Protection and Electronic Documents Act of 13 April 2000 (S.C. 2000, c. 5)

Official Documents

United Nations

Guidelines for the Regulation of Computerized Personal Data Files, adopted by General Assembly resolution 45/95 of 14 December 1990.

Personal Data Protection and Privacy Principles, Adopted by the UN High-Level Committee on Management (HLCM) at its 36th Meeting on 11 October 2018.

Organisation for Economic Co-operation and Development (OECD)

OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data (1980).

The OECD Privacy Framework (2013).

Asia-Pacific Economic Cooperation (APEC)

APEC Cross-Border Privacy Rules System (CBPR), as updated in November 2019.
Retrieved from <http://cbprs.org/wp-content/uploads/2019/11/4.-CBPR-Policies-Rules-and-Guidelines-Revised-For-Posting-3-16-updated-1709-2019.pdf>

APEC Privacy Framework (2015), as updated by the Concluding Senior Officials' Meeting on 14-15 November 2016, 2016/CSOM/012app17.

World Trade Organization (WTO)

Background Note by the Secretariat, *Financial Services*, S/C/W/312, S/FIN/W/73, 3 February 2010.

Dispute Settlement Body, Minutes of Meeting, WT/DSB/M/24, 16 October 1996.

Dispute Settlement Body: Minutes of Meeting, 1997 WL 908915, 30 July 1997.

Guidelines for the Scheduling of Specific Commitments under the General Agreement on Trade in Services (GATS), adopted by the Council for Trade in Services on 23 March 2001, S/L/92.

European Union: Joint Statement on Electronic Commerce, WT/L/1056, 25 January 2019.

Joint Statement on Electronic Commerce. EU Proposal for WTO Disciplines and Commitments Relating to Electronic Commerce. Communication from the European Union. INF/ECOM/22, 26 April 2019.

Note by Secretariat, 'Necessity tests' in the WTO, S/WPDR/W/27, 2 December 2003

Press Release, Fiftieth Anniversary of the Multilateral Trading System, 27 October 1997.
Retrieved from https://www.wto.org/english/news_e/pres97_e/pr81_e.htm

Request for the Establishment of a Panel by the European Communities, United States – The Cuban Liberty And Democratic Solidarity Act. WT/DS38/2, 8 October 1996.

Work Programme on Electronic Commerce, Non-Paper for the Discussions on Electronic Commerce / Digital Trade from Japan, JOB/GC/100, 21 July 2016.

Work Programme on Electronic Commerce, Report of Panel Discussion on 'Digital Industrial Policy and Development': Communication from the African Group, JOB/GC/133, 21 July 2017.

WTO, Analytical Index, GATT, Article XXI Security Exceptions. Retrieved from https://www.wto.org/english/res_e/booksp_e/gatt_ai_e/art21_e.pdf

WTO, Analytical Index, GATT 1994 – General (Jurisprudence). Retrieved from https://www.wto.org/english/res_e/publications_e/ai17_e/gatt1994_general_jur.pdf

General Agreement on Tariffs and Trade (GATT)

GATT Council, Minutes of Meeting Held in the Centre William Rappard on 7 May 1982. CIM/157, 22 June 1982.

GATT Council, Minutes of Meeting Held in the Centre William Rappard on 29-30 June 1982. CIM/159, 10 August 1982.

European Union

Explanations Relating to the Charter of Fundamental Rights, 2007 O.J. (C 303).

European Commission

Commission Staff Working Document Accompanying the Document: Communication from the Commission to the European Parliament and the Council, *Data Protection Rules as a Pillar of Citizens Empowerment and EUs Approach to Digital Transition - Two Years of Application of the General Data Protection Regulation*, COM(2020) 264 final, 24 June 2020.

Communication from the Commission to the European Parliament and the Council, *Data Protection Rules as a Pillar of Citizens Empowerment and EUs Approach to Digital Transition - Two Years of Application of the General Data Protection Regulation*, COM(2020) 264 final, 24 June 2020.

Communication from the Commission to the European Parliament and the Council, *Exchanging and Protecting Personal Data in a Globalised World*, COM (2017) 7 final, 10 January 2017.

Communication from the Commission to the European Parliament and the Council, *Data Protection Rules as a Trust-Enabler in the EU and Beyond – Taking Stock*, COM(2019) 374 final, 24 July 2019.

Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, *A New Industrial Strategy for Europe*, COM/2020/102 final, 10 March 2020.

Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, *Strengthening the Rule of Law Within the Union. A Blueprint for Action*, COM/2019/343 final, 17 July 2019.

Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, *Safeguarding Privacy in a Connected World. A European Data Protection Framework for the 21st Century*, COM/2012/09 final, 25 January 2012.

Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, *Completing a Trusted Digital Single Market for All*, COM (2018) 320 final, 15 May 2018.

Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, *A Balanced and Progressive Trade Policy to Harness Globalisation*, COM(2017) 492 final, 13 September 2017.

Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, *A European Strategy for Data*, COM(2020) 66 final, 19 February 2020.

Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of

the Regions, *Trade for All Towards a More Responsible Trade and Investment Policy*, COM/2015/0497 final, 14 October 2015.

Communication from the European Commission to the European Parliament and the Council, *Rebuilding Trust in EU-US Data Flows*, COM(2013) 846 final, 27 November 2013.

Communication from the European Commission to the European Parliament and the Council *on the Functioning of the Safe Harbour from the Perspective of EU Citizens and Companies Established in the EU*, COM(2013) 847 final, 27 November 2013.

European Commission, *76 WTO Partners Launch Talks on E-Commerce*, 25 January 2019. Retrieved from <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1974&title=76-WTO-members-launch-talks-on-e-commerce>

European Commission, *A Renewed Trade Policy for a Stronger Europe*. Consultation Note, 16 June 2020. Retrieved from https://trade.ec.europa.eu/doclib/docs/2020/june/tradoc_158779.pdf

European Commission, *A Stronger Europe in the World*. Retrieved from https://ec.europa.eu/info/strategy/priorities-2019-2024/stronger-europe-world_en

European Commission, Press Release: *Commissioner Malmström on the Opportunities of Digital Trade*, 17 November 2016. Retrieved from <http://trade.ec.europa.eu/doclib/press/index.cfm?id=1580>.

European Commission, Press Release: *European Commission Adopts Adequacy Decision on Japan, Creating the World's Largest Area of Safe Data Flows*, IP/19/421, 23 January 2019. Retrieved from http://europa.eu/rapid/press-release_IP-19-421_en.htm

European Commission, Press Release: *Key elements of the EU-Japan Economic Partnership Agreement*, 18 April 2018. Retrieved from https://ec.europa.eu/commission/presscorner/detail/en/MEMO_18_3326

European Commission, Press Release: *The European Union and the United States sign an agreement on imports of hormone-free beef*, 2 August 2019. Retrieved from https://ec.europa.eu/commission/presscorner/detail/en/IP_19_5010

European Commission, *Report of the 5th Round of Negotiations for a Free Trade Agreement Between the European Union and Indonesia*, July 2018. Retrieved from http://trade.ec.europa.eu/doclib/docs/2018/july/tradoc_157137.pdf.

European Commission, *White Paper on Artificial Intelligence. A European Approach To Excellence and Trust*, COM(2020) 65 final, 19 February 2020.

Report From the Commission to the European Parliament and the Council *on the Third Annual Review of the Functioning of the EU-U.S. Privacy Shield*, COM(2019) 495 final, 18 October 2017.

Report from the Commission, *First Report on the Implementation of the Data Protection Directive (95/46/EC)*, COM/2003/0265 final, 15 May 2003.

Standard contractual clauses (Set I) for controller to controller transfers:

Commission Decision 2001/497/EC of 15 June 2001 *on Standard Contractual*

Clauses for the Transfer of Personal Data to Third Countries, Under Directive 95/46/EC (notified under document number C(2001) 1539), OJ L 181.

Standard contractual clauses (Set II) for controller to controller transfers:

Commission Decision of 27 December 2004 amending Decision 2001/497/EC *As Regards the Introduction of an Alternative Set of Standard Contractual Clauses For The Transfer of Personal Data to Third Countries* (notified under document number C(2004) 5271), OJ L 385.

Standard contractual clauses for controller to processor transfers: Commission Decision 2010/87/ of 5 February 2010 *on Standard Contractual Clauses for the Transfer of Personal Data to Processors Established in Third Countries Under Directive 95/46/EC of the European Parliament and of the Council* (notified under document C(2010) 593), OJ L 39.

Council of the European Union

Concept paper on data flows in trade agreements, 28 January 2017 (on file with author).

Council of Europe

Explanatory Report to the modernised Convention 108. Endorsed by Decision of the Committee of Ministers at 128th session, 18 May 2018. Retrieved from <https://rm.coe.int/convention-108-convention-for-the-protection-of-individuals-with-regar/16808b36f1>

Preparation of the Council position on the evaluation and review of the General Data Protection Regulation (GDPR): Comments from Member States, 12756/1/19 REV 1. Retrieved from <https://data.consilium.europa.eu/doc/document/ST-12756-2019-REV-1/en/pdf>

Article 29 Working Party

Guidelines on Data Protection Impact Assessment (DPIA), WP 248rev.01, 4 October 2017.

Guidelines on Personal data breach notification under Regulation 2016/679, WP250rev.01, 6 February 2018.

Guidelines on the application and setting of administrative fines for the purposes of the Regulation 2016/679, WP253, 3 October 2017.

Guidelines on transparency under Regulation 2016/679, WP260 rev.1, 11 April 2018.

Opinion 01/2016 on the EU – U.S. Privacy Shield draft adequacy decision, WP 238, 13 April 2016.

Opinion 04/2014 on surveillance of electronic communications for intelligence and national security purposes, WP 215, 10 April 2014.

Opinion 4/2007 on the concept of personal data, WP 136, 20 June 2007.

Opinion 06/2014 on the notion of legitimate interests of the data controller under Article 7 of Directive 95/46/EC, WP 217, 9 April 2014.

Opinion 1/2008 on data protection issues related to search engines, WP 148, 4 April 2008.

Opinion 11/2011 on the level of protection of personal data in New Zealand, WP 182, 4 April 2011.

Opinion 2/2001 on the adequacy of the Canadian Personal Information and Electronic Documents Act, WP 39, 26 January 2001.

Opinion 4/2002 on the level of protection of personal data in Argentina, WP 63, 3 October 2002.

Opinion 7/2014 on the protection of personal data in Quebec, WP 219, 4 June 2014.

Working Document 01/2016 on the justification of interferences with the fundamental rights to privacy and data protection through surveillance measures when transferring personal data (European Essential Guarantees), WP 237, 13 April 2016.

Working document on Adequacy Referential, WP 254rev.01, 6 February 2018.

Working Document Transfers of personal data to third countries: Applying Articles 25 and 26 of the EU data protection directive, WP 12, 24 July 1998.

Working Document setting up a table with the elements and principles to be found in Binding Corporate Rules, WP 256 rev.01, 6 February 2018.

Working Document setting up a table with the elements and principles to be found in Processor Binding Corporate Rules, WP 257 rev.01, 6 February 2018.

European Data Protection Board (EDPB)

Agenda of the 40th EDPB meeting, 20 October 2020.

Frequently Asked Questions on the judgment of the Court of Justice of the European Union in Case C-311/18 - Data Protection Commissioner v Facebook Ireland Ltd and Maximilian Schrems, 23 July 2020.

Press Release, Thirty-seventh Plenary session: Guidelines controller-processor, Guidelines targeting social media users, taskforce complaints CJEU Schrems II judgement, taskforce supplementary measures, 4 September 2020.

Press Release, Thirty-first Plenary session: Establishment of a taskforce on TikTok, Response to MEPs on use of Clearview AI by law enforcement authorities, Response to ENISA Advisory Group, Response to Open Letter NYOB, 10 June 2020.

Contribution of the EDPB to the evaluation of the GDPR under Article 97, Adopted on 18 February 2020.

Opinion 28/2018 regarding the European Commission Draft Implementing Decision on the adequate protection of personal data in Japan, 5 December 2018.

Guidelines 1/2018 on certification and identifying certification criteria in accordance with arts 42 and 43 of the Regulation, including Annex 2, 4 June 2019.

Guidelines 2/2018 on derogations of Article 49 under Regulation 2016/679, 25 May 2018.

Guidelines 3/2018 on the territorial scope of the GDPR (Article 3), 16 November 2018, version 1.0, for publication consultation.

Guidelines 3/2018 on the territorial scope of the GDPR (Article 3), 12 November 2019, version 2.0, adopted after public consultation.

European Data Protection Supervisor (EDPS)

Assessing the Necessity of Measures That Limit the Fundamental Right to the Protection of Personal Data: A Toolkit', 11 April 2017.

Guidelines on assessing the proportionality of measures that limit the fundamental rights to privacy and to the protection of personal data, 19 December 2019.

Opinion 4/2015, Towards a new digital ethics data, dignity and technology, 11 September 2015.

Opinion 4/2016 on the EU-U.S. Privacy Shield draft adequacy decision, 30 May 2016.

Opinion 4/2017 on the Proposal for a Directive on certain aspects concerning contracts for the supply of digital content.

National Data Protection Authorities

Netherlands

Dutch DPA Publication of Personal Data on the Internet, December 2007. Retrieved from https://cbpweb.nl/sites/default/files/downloads/mijn_privacy/en_20071108_richtsoeren_internet.pdf

Germany

Berliner Beauftragte für Datenschutz und Informationsfreiheit, Pressemitteilung: Nach 'Schrems II': Europa braucht digitale Eigenständigkeit, 17 July 2020.

Unabhängiges Datenschutz Zentrum Saarnald, Pressemitteilung: Microsoft Office 365: Bewertung der Datenschutz-Konferenz zu undifferenziert – Nachbesserungen gleichwohl geboten, 02 October 2020.

Foreign Data Protection Authorities

Canada

Office of the Privacy Commissioner of Canada, Guidelines for Processing Personal Data Across Borders, January 2009. Retrieved from https://www.priv.gc.ca/en/privacy-topics/personal-information-transferred-across-borders/gl_dab_090127/

Office of the Privacy Commissioner of Canada, Commissioner concludes consultation on transfers for processing, 23 September 2019. Retrieved from https://www.priv.gc.ca/en/opc-news/news-and-announcements/2019/an_190923/

2018-2019 Annual Report to Parliament on the Privacy Act and the Personal Information Protection and Electronic Documents Act. Retrieved from https://www.priv.gc.ca/en/opc-actions-and-decisions/ar_index/201819/ar_201819/

United States Trade Representative

Press Release, Office of the U.S. Trade Representative, Summary of Objectives for the NAFTA Renegotiation, 17 November 2017. Retrieved from <https://ustr.gov/sites/default/files/files/Press/Releases/Nov%20Objectives%20Update.pdf>

Case Law

Alphabetically ordered. When available, citations refer to the European Case Law Identifier (ECLI)

Court of Justice of the European Union (CJEU): Judgements

Air Transport Association of America and others: Judgment of 21 December 2011, Air Transport Association of America and others (C-366/10, ECR 2011 p. I-13755) ECLI:EU:C:2011:864.

van Gend & Loos: Judgment of 5 February 1963, van Gend & Loos (C-26-62), ECLI:EU:C:1963:1.

ICI / Commission: Judgment of 14 July 1972, ICI / Commission (C-48-69), ECLI:EU:C:1972:70.

Haegeman: Judgment of 30 April 1974, R. & V. Haegeman / Belgian State Case (C-181-73), EU:C:1974:41.

Höfner and Elser: Judgment of 23 April 1991, Höfner and Elser / Macrotron (C-41/90, ECR 1991 p. I-1979) (SVXI/I-135 FIXI/I-147) ECLI:EU:C:1991:161.

Germany / Council: Judgment of 5 October 1994, Germany / Council (C-280/93, ECR 1994 p. I-4973) (SVXVI/I-171 FIXVI/I-173) ECLI:EU:C:1994:367.

Commission / Germany: Judgment of 10 September 1996, Commission / Germany (C-61/94, ECR 1996 p. I-3989) ECLI:EU:C:1996:313

Portugal / Council: Judgment of 23 November 1999, Portugal / Council (C-149/96, ECR 1999 p. I-8395) ECLI:EU:C:1999:574.

Lindqvist: Judgment of 6 November 2003, Lindqvist (C-101/01, ECR 2003 p. I-12971) ECLI:EU:C:2003:596.

Confederación Española: Judgment of 14 December 2006, Confederación Española de Empresarios de Estaciones de Servicio (C-217/05, ECR 2006 p. I-11987) ECLI:EU:C:2006:784.

Kadi: Judgment of 3 September 2008, Kadi and Al Barakaat International Foundation / Council and Commission (C-402/05 P and C-415/05 P, ECR 2008 p. I-6351) ECLI:EU:C:2008:461.

FIAMM and others: Judgment of 9 September 2008, FIAMM and others / Council and Commission (C-120/06 P and C-121/06 P, ECR 2008 p. I-6513) ECLI:EU:C:2008:476.

Satamedia: Judgment of 16 December 2008, Satakunnan Markkinapörssi and Satamedia (C-73/07, ECR 2008 p. I-9831) ECLI:EU:C:2008:727.

Akzo Nobel and others: Judgment of 10 September 2009, Akzo Nobel and others / Commission (C-97/08 P, ECR 2009 p. I-8237) ECLI:EU:C:2009:536.

Volker und Markus Schecke: Judgment of 9 November 2010, Volker und Markus Schecke and Eifert (C-92/09 and C-93/09, ECR 2010 p. I-11063) ECLI:EU:C:2010:662.

Elf Aquitaine: Judgment of 17 May 2011, Elf Aquitaine / Commission (T-299/08) ECLI:EU:T:2011:217.

Digital Rights Ireland: Judgment of 8 April 2014, Digital Rights Ireland and Seitlinger and others (C-293/12 and C-594/12) ECLI:EU:C:2014:238.

Google Spain: Judgment of 13 May 2014, Google Spain and Google (C-131/12) ECLI:EU:C:2014:317.

Schrems I: Judgment of 6 October 2015, Schrems (C-362/14) ECLI:EU:C:2015:650

Tele2 Sverige: Judgment of 21 December 2016, Tele2 Sverige (C-203/15 and C-698/15) ECLI:EU:C:2016:970.

Nowak: Judgment of 20 December 2017, Nowak (C-434/16) ECLI:EU:C:2017:994

Wirtschaftsakademie: Judgment of 5 June 2018, Wirtschaftsakademie Schleswig-Holstein (C-210/16) ECLI:EU:C:2018:388.

Jehovan todistajat: Judgment of 10 July 2018, Jehovan todistajat (C-25/17) ECLI:EU:C:2018:551.

Fashion ID: Judgment of 29 July 2019, Fashion ID (C-40/17) ECLI:EU:C:2019:629.

Opinion 2/13: Opinion 2/13 (Accession of the European Union to the ECHR), of 18 December 2014 (Digital Reports) ECLI:EU:C:2014:2454.

Schrems II: Judgment of 16 July 2020, Facebook Ireland and Schrems (C-311/18) ECLI:EU:C:2020:559.

Opinion on EU-Canada PNR Agreement: Opinion 1/15 (EU-Canada PNR Agreement), of 26 July 2017 (Digital Reports) ECLI:EU:C:2017:592.

Privacy International: Judgment of 6 October 2020, Privacy International (C-623/17) ECLI:EU:C:2020:790.

La Quadrature du Net and others: Judgment of 6 October 2020, La Quadrature du Net and others (C-511/18, C-512/18 and C-520/18) ECLI:EU:C:2020:791.

Court of Justice of the European Union (CJEU): Advocate General (AG) Opinions

Opinion AG in Schrems II: Opinion of Advocate General Saugmandsgaard Øe delivered on 19 December 2019, Case C-311/18, Facebook Ireland and Schrems, ECLI:EU:C:2019:1145.

Opinions AG in Privacy International and others: Advocate General's Opinions in Case C-623/17 Privacy International, Joined Cases C-511/18 La Quadrature du Net and Others and C-512/18 French Data Network and Others, and Case C-520/18 Ordre des barreaux francophones et germanophone and Others. Court of Justice of the European Union Press Release No 4/20, 15 January 2020. Retrieved from <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-01/cp200004en.pdf>

European Court of Human Rights (ECtHR)

Big Brother Watch and others v. United Kingdom. Applications nos. 58170/13, 62322/14 and 24960/15, Judgement of 13 September 2018 (under review of the Grand Chamber).

Centrum för Rättvisa v. Sweden. Application no. 35252/08, Judgement of 19 June 2018. (under review of the Grand Chamber).

World Trade Organization (WTO)

Argentina – Financial Services: Appellate Body Report, *Argentina – Measures Relating to Trade in Goods and Services*, WT/DS453/AB/R and Add.1, adopted 9 May 2016, DSR 2016:II, p. 431

Argentina – Financial Services: Panel Report, *Argentina – Measures Relating to Trade in Goods and Services*, WT/DS453/R and Add.1, adopted 9 May 2016, as modified by Appellate Body Report WT/DS453/AB/R, DSR 2016:II, p. 599

Argentina – Hides and Leather: Panel Report, *Argentina – Measures Affecting the Export of Bovine Hides and the Import of Finished Leather*, WT/DS155/R and Corr.1, adopted 16 February 2001, DSR 2001:V, p. 1779

Australia – Tobacco Plain Packaging (Honduras and Dominican Republic): Appellate Body Report, *Australia – Certain Measures concerning Trademarks, Geographical Indications and other Plain Packaging Requirements applicable to Tobacco Products and Packaging*, WT/DS435/AB/R, WT/DS441/AB/R and Add.1, adopted 29 June 2020

Brazil – Retreaded Tyres: Appellate Body Report, *Brazil – Measures Affecting Imports of Retreaded Tyres*, WT/DS332/AB/R, adopted 17 December 2007, DSR 2007:IV, p. 1527

Brazil – Taxation: Panel Reports, *Brazil – Certain Measures Concerning Taxation and Charges*, WT/DS472/R, Add.1 and Corr.1 / WT/DS497/R, Add.1 and Corr.1, adopted 11 January 2019, as modified by Appellate Body Reports WT/DS472/AB/R / WT/DS497/AB/R

Canada – Periodicals: Panel Report, *Canada – Certain Measures Concerning Periodicals*, WT/DS31/R and Corr.1, adopted 30 July 1997, as modified by Appellate Body Report WT/DS31/AB/R, DSR 1997:I, p. 481

Colombia – Textiles: Panel Report, *Colombia – Measures Relating to the Importation of Textiles, Apparel and Footwear*, WT/DS461/R and Add.1, adopted 22 June 2016, as modified by Appellate Body Report WT/DS461/AB/R, DSR 2016:III, p. 1227

Dominican Republic – Import and Sale of Cigarettes: Panel Report, *Dominican Republic – Measures Affecting the Importation and Internal Sale of Cigarettes*, WT/DS302/R, adopted 19 May 2005, as modified by Appellate Body Report WT/DS302/AB/R, DSR 2005:XV, p. 7425

EC – Approval and Marketing of Biotech Products: Panel Reports, *European Communities – Measures Affecting the Approval and Marketing of Biotech Products*, WT/DS291/R, Add.1 to Add.9 and Corr.1 / WT/DS292/R, Add.1 to Add.9 and Corr.1 / WT/DS293/R, Add.1 to Add.9 and Corr.1, adopted 21 November 2006, DSR 2006:III, p. 847

EC – Asbestos: Appellate Body Report, *European Communities – Measures Affecting Asbestos and Asbestos-Containing Products*, WT/DS135/AB/R, adopted 5 April 2001, DSR 2001:VII, p. 3243.

EC – Bananas III: Appellate Body Report, *European Communities – Regime for the Importation, Sale and Distribution of Bananas*, WT/DS27/AB/R, adopted 25 September 1997, DSR 1997:II, p. 591.

- EC – Chicken Cuts:** Appellate Body Report, *European Communities – Customs Classification of Frozen Boneless Chicken Cuts*, WT/DS269/AB/R, WT/DS286/AB/R, adopted 27 September 2005, and Corr.1, DSR 2005:XIX, p. 9157
- EC – Hormones:** Appellate Body Report, *European Communities – Measures Concerning Meat and Meat Products (Hormones)*, WT/DS26/AB/R, WT/DS48/AB/R, adopted 13 February 1998, DSR 1998:I, p. 135
- EC – Sardines:** Appellate Body Report, *European Communities – Trade Description of Sardines*, WT/DS231/AB/R, adopted 23 October 2002, DSR 2002:VIII, p. 3359
- EC – Sardines:** Panel Report, *European Communities – Trade Description of Sardines*, WT/DS231/R and Corr.1, adopted 23 October 2002, as modified by Appellate Body Report WT/DS231/AB/R, DSR 2002:VIII, p. 3451
- EC – Seal Products:** Appellate Body Reports, *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products*, WT/DS400/AB/R / WT/DS401/AB/R, adopted 18 June 2014, DSR 2014:I, p. 7
- EC – Seal Products:** Panel Reports, *European Communities – Measures Prohibiting the Importation and Marketing of Seal Products*, WT/DS400/R and Add.1 / WT/DS401/R and Add.1, adopted 18 June 2014, as modified by Appellate Body Reports WT/DS400/AB/R / WT/DS401/AB/R, DSR 2014:II, p. 365
- EU – Energy Package:** Panel Report, *European Union and its member States – Certain Measures Relating to the Energy Sector*, WT/DS476/R and Add.1, circulated to WTO Members 10 August 2018 (under appeal)
- India – Solar Cells:** Panel Report, *India – Certain Measures Relating to Solar Cells and Solar Modules*, WT/DS456/R and Add.1, adopted 14 October 2016, as modified by Appellate Body Report WT/DS456/AB/R, DSR 2016:IV, p. 1941
- Indonesia – Autos:** Panel Report, *Indonesia – Certain Measures Affecting the Automobile Industry*, WT/DS54/R, WT/DS55/R, WT/DS59/R, WT/DS64/R, Corr.1 and Corr.2, adopted 23 July 1998, and Corr.3 and Corr.4, DSR 1998:VI, p. 2201
- Indonesia – Import Licensing Regimes:** Appellate Body Report, *Indonesia – Importation of Horticultural Products, Animals and Animal Products*, WT/DS477/AB/R, WT/DS478/AB/R, and Add.1, adopted 22 November 2017, DSR 2017:VII, p. 3037.
- Japan – Alcoholic Beverages II:** Appellate Body Report, *Japan – Taxes on Alcoholic Beverages*, WT/DS8/AB/R, WT/DS10/AB/R, WT/DS11/AB/R, adopted 1 November 1996, DSR 1996:I, p. 97
- Korea – Various Measures on Beef:** Appellate Body Report, *Korea – Measures Affecting Imports of Fresh, Chilled and Frozen Beef*, WT/DS161/AB/R, WT/DS169/AB/R, adopted 10 January 2001, DSR 2001:I, p. 5.
- Mexico – Telecoms:** Panel Report, *Mexico – Measures Affecting Telecommunications Services*, WT/DS204/R, adopted 1 June 2004, DSR 2004:IV, p. 1537.
- Russia – Traffic in Transit:** Panel Report, *Russia – Measures Concerning Traffic in Transit*, WT/DS512/R and Add.1, adopted 26 April 2019.
- Saudi Arabia – Protection of IPR:** Panel Report, *Saudi Arabia – Measures Concerning the Protection of Intellectual Property Rights*, WT/DS567/R and Add.1, circulated to WTO Members 16 June 2020 (under appeal)

- US – 1916 Act (Japan):** Panel Report, *United States – Anti-Dumping Act of 1916, Complaint by Japan*, WT/DS162/R and Add.1, adopted 26 September 2000, upheld by Appellate Body Report WT/DS136/AB/R, WT/DS162/AB/R, DSR 2000:X, p. 4831
- US – Customs Bond Directive:** Panel Report, *United States – Customs Bond Directive for Merchandise Subject to Anti-Dumping/Countervailing Duties*, WT/DS345/R, adopted 1 August 2008, as modified by Appellate Body Report WT/DS343/AB/R / WT/DS345/AB/R, DSR 2008:VIII, p. 2925
- US – Gambling:** Appellate Body Report, *United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services*, WT/DS285/AB/R, adopted 20 April 2005, DSR 2005:XII, p. 5663 (and Corr.1, DSR 2006:XII, p. 5475).
- US – Gambling:** Panel Report, *United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services*, WT/DS285/R, adopted 20 April 2005, as modified by Appellate Body Report WT/DS285/AB/R, DSR 2005:XII, p. 5797
- US – Gasoline:** Appellate Body Report, *United States – Standards for Reformulated and Conventional Gasoline*, WT/DS2/AB/R, adopted 20 May 1996, DSR 1996:I, p. 3
- US – Shrimp (Thailand):** Panel Report, *United States – Measures Relating to Shrimp from Thailand*, WT/DS343/R, adopted 1 August 2008, as modified by Appellate Body Report WT/DS343/AB/R / WT/DS345/AB/R, DSR 2008:VII, p. 2539
- US – Shrimp:** Appellate Body Report, *United States – Import Prohibition of Certain Shrimp and Shrimp Products*, WT/DS58/AB/R, adopted 6 November 1998, DSR 1998:VII, p. 2755
- US – Tariff Measures:** Panel Report, *United States - Tariff Measures on certain Goods from China*, WT/DS543/R and Add. 1, circulated to WTO Members 15 September 2020 (under appeal).
- US – Tuna II (Mexico) (Article 21.5 – Mexico):** Appellate Body Report, *United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products – Recourse to Article 21.5 of the DSU by Mexico*, WT/DS381/AB/RW and Add.1, adopted 3 December 2015, DSR 2015:X, p. 5133.
- US – Tuna II (Mexico):** Panel Report, *United States – Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products*, WT/DS381/R, adopted 13 June 2012, as modified by Appellate Body Report WT/DS381/AB/R, DSR 2012:IV, p. 2013

General Agreement on Tariffs and Trade (GATT)

Canada-Import Restrictions on Ice Cream and Yoghurt, 27 September 1989, GATT B.S.I.D. (361h Supp.) (1990), 1989 WL 587599;

Japan-Trade in Semi-Conductors, 24 March 1988, GATT B.I.S.D. (351h Supp.) (1989), 1988 WL 561373

International Centre for Settlement of Investment Disputes

Fireman's Fund v. Mexico, ICSID Case No. ARB(AF)/02/01, 17 July 2006. Retrieved from <https://www.italaw.com/sites/default/files/case-documents/ita0331.pdf>

National Cases

Germany

Wünsche Handelsgesellschaft decision of 22 October 1986, BVerfGE 73, 339, case number: 2 BvR 197/83, Europäische Grundrechte-Zeitschrift, 1987, 1, [1987] 3 CMLR 225 (*Solange II*). Unofficial translation retrieved from <https://law.utexas.edu/transnational/foreign-law-translations/german/case.php?id=572>

Ireland

Irish High Court (Commercial), *The Data Protection Commissioner v. Facebook Ireland Limited and Maximillian Schrems* 2016 No. 4809 P., 3 October 2017.

Electronic Sources

DLA PIPER, DATA PROTECTION LAWS OF THE WORLD, *Australia*, <https://www.dlapiperdataprotection.com/index.html?t=law&c=AU&c2=> (accessed 28.11.2020)

DLA PIPER, DATA PROTECTION LAWS OF THE WORLD, *Chile*, <https://www.dlapiperdataprotection.com/index.html?c=CL&c2=&go-button=GO&t=law> (accessed 28.11.2020)

DLA PIPER, DATA PROTECTION LAWS OF THE WORLD, *Indonesia*, <https://www.dlapiperdataprotection.com/index.html?t=law&c=ID&c2=> (accessed 28.11.2020)

DLA PIPER, DATA PROTECTION LAWS OF THE WORLD, *New Zealand*, <https://www.dlapiperdataprotection.com/index.html?t=law&c=NZ&c2=> (accessed 28.11.2020)

DLA PIPER, DATA PROTECTION LAWS OF THE WORLD, *Tunisia*, <https://www.dlapiperdataprotection.com/index.html?t=law&c=TN&c2=> (accessed 28.11.2020)

EU TRANSPARENCY REGISTER, *Homepage*, <https://ec.europa.eu/transparencyregister/public/homePage.do> (accessed 28.11.2020)

EU TRANSPARENCY REGISTER, *Registrant Profile: Amazon Europe Core SARL*, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=366117914426-10&isListLobbyistView=true> (accessed 28.11.2020)

EU TRANSPARENCY REGISTER, *Registrant Profile: Apple Inc.*, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=588327811384-96> (accessed 28.11.2020)

EU TRANSPARENCY REGISTER, *Registrant Profile: BusinessEurope*, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=3978240953-79> (accessed 28.11.2020)

EU TRANSPARENCY REGISTER, *Registrant Profile: DigitalEurope*, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=64270747023-20> (accessed 28.11.2020)

- EU TRANSPARENCY REGISTER, *Registrant Profile: Facebook Ireland Limited*, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=28666427835-74&isListLobbyistView=true> (accessed 28.11.2020)
- EU TRANSPARENCY REGISTER, *Registrant Profile: Google*, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=03181945560-59> (accessed 28.11.2020)
- EU TRANSPARENCY REGISTER, *Registrant Profile: Microsoft Corporation*, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=0801162959-21&isListLobbyistView=true> (accessed 28.11.2020)
- EUR-LEX, *Sources of European Law*, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:l14534> (accessed 28.11.2020)
- EUROPA: TRANSPARENCY REGISTER, *List of meetings DIGITALEUROPE has held with Commissioners, Members of their Cabinet or Director-Generals since 01/12/2014 under its current ID number in the Transparency Register: 64270747023-20*, <http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=64270747023-20&pdf=true> (accessed 28.11.2020)
- EUROPEAN COMMISSION, *Adequacy of the protection of personal data in non-EU countries*, https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en (accessed 28.11.2020)
- EUROPEAN COMMISSION, *Directorate-General: Just*, https://ec.europa.eu/info/departments/justice-and-consumers_en (accessed 28.11.2020)
- EUROPEAN COMMISSION, *Directorate-General: Trade*, https://ec.europa.eu/info/departments/trade_en (accessed 28.11.2020)
- EUROPEAN COMMISSION, *Standard Contractual Clauses (SCC)*, https://ec.europa.eu/info/law/law-topic/data-protection/international-dimension-data-protection/standard-contractual-clauses-scc_en (accessed 28.11.2020)
- EUROPEAN COMMISSION, *Trade in Services Agreement (TiSA)*, <https://ec.europa.eu/trade/policy/in-focus/tisa/> (accessed 28.11.2020)
- EUROPEAN DATA PROTECTION BOARD, *About EDPB*, https://edpb.europa.eu/about-edpb/about-edpb_en (accessed 28.11.2020)
- EUROPEAN ESSENTIAL GUARANTEES GUIDE, <https://www.essentialguarantees.com/>
- EUROSTAT, *Glossary: European Economic Area (EEA)*, [https://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:European_Economic_Area_\(EEA\)#:~:text=The%20European%20Economic%20Area%2C%20abbreviated,force%20on%201%20January%201994](https://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:European_Economic_Area_(EEA)#:~:text=The%20European%20Economic%20Area%2C%20abbreviated,force%20on%201%20January%201994) (accessed 28.11.2020)
- INFORMATION COMMISSIONER'S OFFICE, *Legitimate interests*, <https://ico.org.uk/media/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/legitimate-interests-1-0.pdf> (accessed 28.11.2020)
- OXFORD ENGLISH DICTIONARY ONLINE, *appropriate*, <https://www.oed.com/view/Entry/9870?rskey=uGZYsX&result=1#eid> (accessed 28.11.2020)

OXFORD ENGLISH DICTIONARY ONLINE, *deem*,
<https://www.oed.com/view/Entry/48614?rskey=Ujiiag&result=2&isAdvanced=false#eid> (accessed 28.11.2020)

OXFORD ENGLISH DICTIONARY ONLINE, *necessary*,
<https://www.oed.com/view/Entry/125629?redirectedFrom=necessary#eid> (accessed 28.11.2020)

TRANSPARENCY REGISTER,
<http://ec.europa.eu/transparencyregister/public/homePage.do?redir=false&locale=en> (accessed 28.11.2020)

UNCTAD, *Data Protection and Privacy Legislation Worldwide*,
https://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/eCom-Data-Protection-Laws.aspx (accessed 28.11.2020)

WORLD TRADE ORGANIZATION, *Financial Services*,
https://www.wto.org/english/tratop_e/serv_e/finance_e/finance_e.htm (accessed 28.11.2020)

WORLD TRADE ORGANIZATION, *Regional Trade Agreements*,
https://www.wto.org/english/tratop_e/region_e/region_e.htm (accessed 28.11.2020)