



October 15, 2014

**Trade Ministers and Chief Negotiators of TPP Negotiating Parties:**

Dear Sirs and Madams,

The ability to use and transmit data in digital form is the lifeblood of companies large and small, from all sectors of the economy and in both developed and developing countries. The seamless movement of data across borders enables businesses of every size, in every sector, in every part of the world to access innovative products and services that enhance their productivity and help them reach new customers, driving growth and job creation. A 2011 McKinsey Global Institute study spanning 13 mature and emerging markets showed that the Internet accounted for over a tenth of economic growth in the preceding five years, and that 75 percent of the Internet's economic impact accrues to traditional (non-Internet focused) industries. The same study found that SMEs making intensive use of Internet-enabled technologies grow twice as fast and export twice as much as their peers.

The Trans-Pacific Partnership (TPP) has every potential for establishing critically important market access and trade disciplines which are indispensable to ensuring global economic growth in the 21<sup>st</sup> century. We urge your support and commitment for meaningful provisions on cross-border data flows in the TPP that will drive the digital economy. Whether the TPP will truly promote the digital economy depends on the following factors: 1) clear, enforceable obligations to allow the cross-border flow of data and that prohibit requirements to localize data in particular jurisdictions; 2) exceptions and limitations to such obligations that are limited and consistent with existing international trade law; 3) dispute settlement

mechanisms on a par with all the other TPP obligations; and 4) no additional reservations that undermine the effect and enforceability of such obligations.

Thank you for your commitment to concluding an ambitious TPP that will truly enable the growth of the digital economy in the 21<sup>st</sup> century. We, the undersigned coalition of industry associations and our members, look forward to working with you on these important issues.

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American Chamber of Commerce in Japan  
Asia Internet Coalition  
Asociación Chilena de Tecnologías de la Información  
Asociación Mexicana de Internet  
Association of Electronic Industries in Singapore  
Australian Industry Group  
Australian Information Industry Association  
Australian Services Roundtable  
BSA | The Software Alliance  
Canadian Chamber of Commerce  
Canadian Manufacturers & Exporters  
Canadian Services Coalition  
Coalition of Services Industries  
Computer & Communications Industry Association  
Consumer Electronics Association  
Electro-Federation Canada  
Emergency Committee for American Trade  
Entertainment Software Association  
Entertainment Software Association of Canada  
Information Technology Association of Canada  
Information Technology Industry Council  
Interactive Games & Entertainment Association  
Internet Association  
Japan Information Technology Services Industry Association Public Policy Committee  
Mexican Chamber of Electronics, Telecommunications and Information Technologies  
Mexican Services Coalition  
National Association of Manufacturers  
National Foreign Trade Council  
National ICT and Multimedia Association of Malaysia  
Semiconductor Industry Association  
Sociedad Nacional de Industrias  
Software & Information Industry Association  
TechAmerica  
TechNet  
Technology CEO Council  
Telecommunications Industry Association  
United States Council for International Business  
US Chamber of Commerce  
US-ASEAN Business Council  
Vietnam Electronic Industries Association

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