

ABSTRACT

INTERPLAY OF GATS AND GDPR (BALANCING TRADE AND NON-TRADE CONCERNS IN A DIGITALISED ERA)

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The service sector has now become the cornerstone of most economies. Moreover, the advancement of technology and innovations have changed the way in which services are supplied. As a consequence, there has been a swift shift in the nature of global trade as most of the enterprises trade with consumers through the Internet and it calls for a well-regulated system. Today, one of the most disputed issues in trade law is the complex relationship between the principles of free-trade and the non-trade disputes. From time to time, concerns have been raised regarding how liberalisation of trade in services affects the non-policy objectives. This happens specifically in sensitive areas like that of public morals, culture, cross-border flow of data. It is still not clear how these vital values can be protected by WTO and whether the current approach provides tools for their protection, if yes, then what can be the extent of the same?

This paper seeks to examine how the newly enforced General Data Protection Regulation, in the EU strikes the adequate balance between trade liberalisation and policies based for adopting trade restrictive measures (for protecting non-trade concerns) in light of the exceptions. It analyses the potentially trade restrictive measures in this digitalised age. Is the approach too restrictive or too liberal or just about right and discusses the issues attached with it.