

|      |                        |    |                    |      |             |
|------|------------------------|----|--------------------|------|-------------|
| 考試科目 | 國際貿易法 <sup>4112B</sup> | 所別 | 國際經濟貿易學系<br>國際經濟法組 | 考試時間 | 2月27日(元)第一節 |
|------|------------------------|----|--------------------|------|-------------|

- 一、WTO 之爭端解決案件於 2015 年 11 月 9 日正式邁入第 500 號案件，我國亦於 2014-2015 年陸續提起三件爭端解決案件，此均顯示 WTO 之爭端解決機制於多邊貿易體系以及我國的重要性，請簡要說明 WTO 之爭端解決程序、並提出你個人對於 WTO 爭端解決機制的優缺點評析。(30%)
- 二、國民待遇原則為 WTO 下貨品貿易自由化的核心原則，請透過爭端解決案例比較於 GATT1994 與 TBT 協定下此一原則的異同處。(25%)
- 三、最惠國待遇原則為 WTO 下之重要法律原則，請比較於 GATT1994 與 GATS 下此一原則的異同處。(20%)
- 四、請問 TRIPS 協定於 WTO 含跨協定 (covered agreements) 中有何特殊之處？請以 TRIPS 協定與 WIPO 公約之關係、智慧財產權之執行、市場進入三項議題為例，說明其與貨品與服務業貿易相關協定之不同。(15%)
- 五、請試譯以下條文 (10%)
1. If the customs value of the imported goods cannot be determined under the provisions of Articles 1, 2 and 3, the customs value shall be determined under the provisions of Article 5 or, when the customs value cannot be determined under that Article, under the provisions of Article 6 except that, at the request of the importer, the order of application of Articles 5 and 6 shall be reversed.
  2. Where imports of a product from more than one country are simultaneously subject to anti-dumping investigations, the investigating authorities may cumulatively assess the effects of such imports only if they determine that (a) the margin of dumping established in relation to the imports from each country is more than *de minimis* as defined in paragraph 8 of Article 5 and the volume of imports from each country is not negligible and (b) a cumulative assessment of the effects of the imports is appropriate in light of the conditions of competition between the imported products and the conditions of competition between the imported products and the like domestic product.

備

註

- 一、作答於試題上者，不予計分。
- 二、試題請隨卷繳交。