

Important Note: All of the following questions must be answered in English. Otherwise no grade will be given. (所有題目請以英文作答；中文作答不予計分)

Question 1 (50%)

Country A is a developed country WTO member. Country B is a developing country WTO member. In 2015, Country B was seriously hit by a 7.4 magnitude earthquake. The earthquake caused a destructive tsunami in coastal areas, where sanitation and hygiene systems were almost collapsed. After the earthquake event, Country A took measures to reduce high-risk imports. Please analyze the following measures from WTO perspective.

(1) Measure 1: Exports of fish and fishery products from Country B are subject to automatic border inspection. The rates of border rejections are significant. Major reason for the rejection is filth, indicating the lack of good hygiene controls in fish processing facilities in Country B. However, exports from some developing countries which have Free Trade Agreements with Country A are exempt from border inspection or other sanitary/phytosanitary measures. Many importers are now reluctant to purchase Country A's products and prefer other supplying sources. As complained by Country B, Country A arbitrarily or unjustifiably discriminates against its exports in violation of WTO agreement/agreements. (25%)

(2) Measure 2: Residues of antibiotics become a new concern in fish and fishery sector. In order to ensure a more reliable verification outcome about the residues, Country A requires that all fish and fishery imports should be subject to detection in designated facilities within Country A. For countries which have sufficient testing capacity to ensure a credible outcome, they are permitted to detect the shipments for exports in their own territories upon agreements by Country A. Subsequently, the detection requirements apply to other products, including eggs/eggs products, meat/meat products and poultry/ poultry products. Country B complained that it had made efforts to adopt essentially the same policy as Country A did. But its existing equipment would limit it from detecting the specific residues in its own territory. Country A's measure is more trade-restrictive than required. Also, without taking into account the technical and economic feasibility of developing countries, the measure violates special and differential treatments available to developing country members. (25%)

Question 2 (50%)

Please comment the trade war between the United States and China, especially on its background, the substantive rules and the rules of dispute settlement under the WTO involved and being potentially violated by each side, and the implications for the future of the WTO.

試題隨卷繳回