

考 試 科 目	國際經貿時事分析	系 所 別	國際經營與貿易學系/國際經貿法組一般生	考 試 時 間	2 月 6 日(二) 第 2 節
---------	----------	-------	---------------------	---------	------------------

本試題共四題，第一題及第二題為申論題，第三提及第四題為評論題，每題 25 分（各子題 12.5 分）。請依考生所學專業知識與分析方法，針對所詢問題之指示作答。

一、2023 年 4 月 WTO 公布「印度資通訊產品關稅案 (DS588)」之爭端解決小組裁決，我國獲得勝訴。本案涉及印度根據其關稅法，自 2014 年起調高 32 類資通訊產品關稅，調整幅度高達 20%，包括手機、電話聽筒、電信用電線、靜態轉換器、基地台等資通訊產品或零組件。我國業者因美中貿易戰等地緣政治因素投資印度，受調高關稅影響甚鉅，我國政府遂於 2019 年向印度提出諮商未果提起控訴。我國聲稱，印度所採措施導致實際徵收的關稅超過其於減讓表中承諾的關稅，違反 1994 年《關稅暨貿易總協定》(GATT) 第 2 條 1(a)和(b)款的規定。印度辯稱，其具有約束力的關稅承諾係在《資訊科技協定》(ITA) 中規定，並且這些承諾的內容是靜態的，不會因系爭產品事後納入印度的關稅減讓表而改變；甚者，印度在將其減讓表從「世界海關組織」(WCO) 所採 HS 2002 年版轉換為 HS 2007 年版時，誤將系爭產品納入其減讓表中，構成《維也納條約法公約》(VCLT) 第 48 條足以致使條約無效的「錯誤」，應可依據 1980 年有關「關稅減讓表修訂與更正程序」之決定，予以更正。試從本案事實背景與爭議，回答下列問題：

- (一) 何謂實際徵收的關稅(率)？其與減讓表中的關稅(率)有何不同？我國所控訴印度違反 GATT 第 2 條 1 (a) 和 (b) 款之規定內容為何？依據該條，印度違反何等義務？而 WCO 所定「國際商品統一分類代碼制度」(HS) 在 WTO 小組審理本案、適用 GATT 條文時的角色與定位為何？
- (二) 何謂《資訊科技協定》？其主要規範內容為何？何以印度援引 ITA 主張系爭新產品不在 ITA 規範(產品)範圍內，但我國於本案並未直接根據 ITA 主張印度違反 ITA 義務(而係直接依據印度之關稅減讓表及 GATT 第 2 條規定)？請扼要說明 ITA 與解決本案爭議的關連性為何？

二、自 2017 年以來，美國總統川普為因應中國政府長期採取的不公平貿易行為(如竊取智慧財產權或強制技術移轉等)，採取一系列的提高關稅或貿易保護措施予以反制，而中國政府亦相應採取課徵反傾銷稅或報復關稅等措施，與之對抗，稱之為美中貿易戰。具體而言，美國於 2018 年 1 月針對太陽能板課徵防衛性關稅(貿易法第 201 條)；同年 3 月，針對鋼鋁產品基於國家安全提高進口關稅(貿易擴張法第 232 條)；又針對中國不公平貿易行為進行調查，決定課徵一定金額的額外關稅，並分階段確定課徵關稅之產品清單(貿易法第 301 條)。部分措施經當事國提交 WTO 爭端解決進行控訴，如美國矽晶電池產品防衛措施案(DS562)、美國鋼鋁產品案(DS544)、中國特定產品額外關稅案(DS558)等，裁決結果，互有輸贏。試從美中貿易戰與地緣政治的脈絡，回答下列問題：

- (一) 國與國間之經濟衝突常採用貿易保護措施作為手段，包括關稅、配額、補貼、貨幣貶值等措施，性質上皆屬貿易障礙措施。美中貿易戰中主要採取「關稅」措施，但各基於不同的理由與機制。其中，中國曾採取「反傾銷稅」反制美國之「防衛性關稅」。試問：兩者基於 WTO 相關協定規範，在規範依據、性質、要件、效果、程序或適用限制上有何不同？
- (二) 美國針對鋼、鋁產品基於國家安全為理由提高關稅，而非採取如同太陽能板與電池案之防衛性關稅措施，其可能的理由或考量為何？試根據 WTO 相關協定規範，說明美國於鋼、鋁產品案不採防衛措施的理由，以及改以國家安全為理由提高進口關稅可能面臨的困難與質疑為何？

考 試 科 目	國際經貿時事分析	系 所 別	國際經營與貿易學系/國際經貿法組一般生	考 試 時 間	2 月 6 日(二) 第 2 節
---------	----------	-------	---------------------	---------	------------------

三、Senior Officials Meeting paves way for progress on deliverables at MC13:

A two-day meeting of senior trade officials concluded at the WTO on 24 October 2023 served as an important milestone in the preparations for the WTO's MC13, to be held in Abu Dhabi, United Arab Emirates, from 26 to 29 February 2024.

The aim of the meeting was to take stock of progress on issues on the negotiating agenda, take decisions as appropriate, and solve specific problems. Participants also sought to point the way to possible deliverables for MC13, provide political guidance and support for the ministerial preparations, and deliberate on pressing global issues.

At the start of the Senior Officials Meeting, WTO members, in a special General Council meeting adopted a decision to assist least-developed countries (LDCs) on the path to graduation from LDC status. During the two-day meeting, senior officials had the opportunity to engage with each other on WTO members' priority areas in various configurations, including plenary meetings of the full membership, breakout sessions on specific issues, bilateral talks, group coordination meetings, and consultations with the chairs or facilitators of negotiations.

The breakout sessions on the first day, where members split into three groups to enable interactive conversations, focused on the issues of agriculture, including food security; trade and development; the "second wave" of the fisheries subsidies negotiations; and dispute settlement reform. On the second day, the breakout sessions took place in two groups and focused on the issues of trade and industrial policy, and trade and environmental sustainability.

The plenary meetings included an opening "scene-setting" session, reports from the breakout group facilitators at the end of day one, a session on other areas of work in view of MC13 preparations (including the issues of WTO reform, the e-commerce work programme and moratorium, the MC12 Decision on the TRIPS Agreement, and others), and a closing session on the way forward, including a concluding summary from the General Council Chair and the Director-General.

The GC Chair also stressed that delegations in Geneva have been putting a lot of effort into improving the daily functioning of WTO bodies through the so-called "reform by doing" process. She invited senior officials to commend the hard work of Geneva delegates and to continue to reform by doing for the benefit of the membership.

The Director-General said "The world is looking to the WTO and other multilateral institutions to show that we can contribute to solutions and bring a bit of certainty in a sea of uncertainty," and "That is why at MC13 we need to show the world some solid deliverables on all fronts: fisheries and sustainability; agriculture and food security; development; e-commerce moratorium; services and digital trade; investment; and above all on WTO reform, particularly on reforming our dispute settlement system." [Source: WTO News/General Council, 24 Oct. 2023]

根據 WTO 此段報導，試問：

- (一) 文中所提會議的召開目的為何？文件中提及的會議形式有哪些？採取不同會議形式的原因？
- (二) WTO 第 13 屆部長會議可能納入議程之談判實質議題有哪些？請列舉並扼要說明各議題要旨。

考 試 科 目	國際經貿時事分析	系 所 別	國際經營與貿易學系/國際經貿法組一般生	考 試 時 間	2 月 6 日(二) 第 2 節
---------	----------	-------	---------------------	---------	------------------

四、WTO Secretariat launches trade policy toolkit at COP28 to support action on climate goals:

The WTO Secretariat on 2 December 2023 launched a 10-point set of “Trade Policy Tools for Climate Action” at the 28th United Nations Climate Change Conference (COP28) in Dubai to present governments with a toolkit to draw from in their efforts to meet global climate targets.

The new publication explores how integrating the trade policy options into national strategies can help economies mitigate the effects of climate change and adapt to its consequences. Director-General says that “In this publication, the WTO Secretariat explores 10 trade policy tools that can accelerate progress towards climate goals. Each element could be integrated into nationally determined contributions (NDCs) and national adaptation plans (NAPs) as economies look to ratchet up the ambition of their climate strategies.”

The options include: (1) introducing trade facilitation measures to reduce greenhouse gas emissions associated with cumbersome border customs procedures; (2) deploying green government procurement policies; (3) using international standards to avoid fragmentation when upgrading energy efficiency regulations; (4) reviewing regulations and restrictions on providers of climate-related services to support climate mitigation and adaptation efforts; (5) rebalancing import tariffs to increase the uptake of low-carbon technologies;

(6) reforming environmentally harmful subsidies to unlock additional resources for climate action; (7) facilitating and increasing trade finance to support the diffusion of climate-related technologies and equipment; (8) improving how food and agricultural markets function to support climate adaptation and mitigation by easing trade in food; (9) strengthening sanitary and phytosanitary systems to protect economies from the spread of disease, pests and other related risks heightened by climate change; and (10) improving the coordination of climate-related internal taxes, including carbon pricing and equivalent policies, to reduce policy fragmentation and compliance costs.

On the issue of import tariffs, the publication notes that crude oil and coal face average tariffs of 0.8% and 1.6% respectively while renewable energy equipment faces average tariffs of 3.2%, with some economies applying tariffs as high as 12%. Import tariffs could be reviewed with a view to promoting the affordability and uptake of green energy, it states. At least 30 WTO members from all regions and levels of economic development, furthermore, have already used tariff reductions for environmental purposes, mostly for renewable technologies and low-carbon and electric vehicles. [Source: WTO News/Publications, 2 Dec. 2023]

根據 WTO 此段報導，試問：

- (一) 何以國際貿易規則與氣候變遷議題或規範有所關連？WTO 在聯合國氣候變遷大會 COP28 之角色？並說明文中所提進口關稅之例。
- (二) 文中所提之貿易政策工具有哪些？扼要說明何以這些政策有助於達成氣候變遷的政策目標？

備 註	一、作答於試題上者，不予計分。 二、試題請隨卷繳交。
-----	-------------------------------