

考試科目	國際貿易法	系所別	國際貿易學系/國際貿易法組	考試時間	2 月 2 日(五) 第一節
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一、行政院會於 2017 年 10 月通過「菸害防制法」之修正案欲從嚴管制電子菸，未來將全面禁止製造、輸入、販售及廣告電子菸，此一修正案尚待立法院審議，惟相關規定已引發許多爭議。請由 WTO 之相關規範評析此一措施。(25%)

二、據報載，為了推動離岸風力發電並鼓勵國內相關產業，經濟部極有可能於離岸風電遴選辦法中納入國產化或自製率的要求，此舉引發恐有違反我國於 WTO 下之義務的批評。請問自製率此一措施涉及哪些 WTO 之相關規範？(20%)

三、WTO 第 11 屆部長會議甫於阿根廷首都布宜諾斯艾利斯落幕，會議之前以及會議當中，美國貿易代表均對 WTO 提出許多批評，其中之一是針對其爭端解決機制表達不滿。試由 WTO 之爭端解決程序中的規定，提出妳/你對於美國貿易代表此一批評的看法。(25%)

四、中國入會議定書之「非市場經濟條款」於 2016 年 12 月 11 日到期，就歐盟遲未賦予中國市場經濟地位一事，中國於 2017 年 3 月 21 日向 WTO 之爭端解決機構提出成立爭端解決小組之請求，爭端解決小組亦已於 4 月 3 日成立，美國於 2017 年 11 月底所提出之第三方意見書中，首度明確表示反對在反傾銷調查中賦予中國市場經濟地位之待遇。請問此一爭議涉及 WTO 下之哪些規範？(20%)

五、請試譯以下條文 (10%)

1. Members shall ensure that their sanitary or phytosanitary measures are adapted to the sanitary or phytosanitary characteristics of the area — whether all of a country, part of a country, or all or parts of several countries — from which the product originated and to which the product is destined. In assessing the sanitary or phytosanitary characteristics of a region, Members shall take into account, inter alia, the level of prevalence of specific diseases or pests, the existence of eradication or control programmes, and appropriate criteria or guidelines which may be developed by the relevant international organizations.

2. Members recognize that, in certain circumstances, subsidies may have distortive effects on trade in services. Members shall enter into negotiations with a view to developing the necessary multilateral disciplines to avoid such trade-distortive effects. The negotiations shall also address the appropriateness of countervailing procedures. Such negotiations shall recognize the role of subsidies in relation to the development programmes of developing countries and take into account the needs of Members, particularly developing country Members, for flexibility in this area. For the purpose of such negotiations, Members shall exchange information concerning all subsidies related to trade in services that they provide to their domestic service suppliers.

備

註

- 一、作答於試題上者，不予計分。
- 二、試題請隨卷繳交。