

考 試 科 目	國際經濟法	系 所 別	國際經濟學系 / 國際經濟法組	考 試 時 間	2 月 18 日 (一) 第一節
<p>一、近日來數個 WTO 會員先後提出改革 WTO 之提案，其中包括針對上訴機構之運作提出數項建議（例如就其人數、任期、成員選任程序、審理期間、審理事項等），請介紹上訴機構之運作、目前所遭遇之困境、以及曾遭受會員所批評的爭議，並提出妳/你個人之評析。(20%)</p> <p>二、2018 年底舉辦的公投案之一為有關來自日本之核食爭議，據報載，本公投案亦引發我國可能被日本提訴至 WTO 之風險，顯見食品安全與貿易自由化兩大重要政策目標間可能存在的衝突。WTO 下的食品安全與動植物防疫檢疫措施協定 (SPS 協定) 為有關食品安全的重要條約，請簡述 SPS 協定下重要的實體與程序法律原則，並將之以「貿易自由化」與「食品安全管制」兩大目標加以歸類。(25%)</p> <p>三、美國於 2018 年間以國家安全為由，針對來自數個 WTO 會員之鋼鐵以及鋁等相關產品課徵 10% 到 25% 不等之關稅，此舉遭到九個 WTO 會員於 WTO 下提出請求諮商之要求，主張美國之措施不符合 GATT 以及防衛措施之規定，美國則以該措施為基於國家安全所訂為由，主張不受 WTO 爭端解決機制之管轄。請說明：</p> <ol style="list-style-type: none"> GATT 第 19 條以及防衛協定中，對於採取防衛措施所需要符合之實體法律要件；(15%) GATT 下有關國家安全之例外規定。(10%) <p>四、巴黎協定通過後，許多國家紛紛著手訂定降低溫室氣體排放之管制措施，例如課徵碳稅，但考慮到此舉可能對國內特定產業造成成本之上升，不利於其國際競爭力，故某些國家亦同時考慮訂定所謂的「碳邊境措施」，請試以針對碳稅採取邊境措施為例，分析該等措施於 GATT 下可能涉及之相關規範。(20%)</p> <p>五、請試譯以下條文 (10%)</p> <ol style="list-style-type: none"> A decision by the Ministerial Conference granting a waiver shall state the exceptional circumstances justifying the decision, the terms and conditions governing the application of the waiver, and the date on which the waiver shall terminate. Any waiver granted for a period of more than one year shall be reviewed by the Ministerial Conference not later than one year after it is granted, and thereafter annually until the waiver terminates. In each review, the Ministerial Conference shall examine whether the exceptional circumstances justifying the waiver still exist and whether the terms and conditions attached to the waiver have been met. The Ministerial Conference, on the basis of the annual review, may extend, modify or terminate the waiver. Members shall ensure that their central government standardizing bodies accept and comply with the Code of Good Practice for the Preparation, Adoption and Application of Standards in Annex 3 to this Agreement (referred to in this Agreement as the "Code of Good Practice"). They shall take such reasonable measures as may be available to them to ensure that local government and non-governmental standardizing bodies within their territories, as well as regional standardizing bodies of which they or one or more bodies within their territories are members, accept and comply with this Code of Good Practice. In addition, Members shall not take measures which have the effect of, directly or indirectly, requiring or encouraging such standardizing bodies to act in a manner inconsistent with the Code of Good Practice. The obligations of Members with respect to compliance of standardizing bodies with the provisions of the Code of Good Practice shall apply irrespective of whether or not a standardizing body has accepted the Code of Good Practice. 					
備 註	<p>一、作答於試題上者，不予計分。</p> <p>二、試題請隨卷繳交。</p>				