

第一題：為防止地球全體溫室效應持續擴大、抑制二氧化碳等氣體排放量，以歐洲國家及日本等為首所簽訂的京都議定書，於今(2005)年2月16日起正式生效，惟二氧化碳等氣體排放量相當高之美國、澳洲等少數幾個工業國家，卻抵抗而未加入此一國際協定。對此，WTO會員國之一的甲國相當不滿，進而於其國內立法，專門針對進口至其國內之特定美國工業產品，於生產此等產品之美國企業，其工廠二氧化碳排放量未達甲國上開法律所定基準時，禁止美國此類產品輸入。對此措施，美國政府認定其屬不公平貿易措施，逕自對甲國立即展開報復，禁止甲國之酒類產品輸入美國。請分別以美國及甲國之立場，就WTO相關規範之觀點，論述他方會員國所採取措施之問題點。(25%)

第二題：當來自其他會員國的大量產品輸入，導致WTO會員國之一其國內產業因此受到損害時，該會員國為對抗上開產品輸入，可能採取的手段包括反傾銷措施(Anti-dumping Measures)及防衛措施(Safeguard Measures)二者，試從WTO相關規範內容，說明二者措施之不同處。(25%)

第三題：The following statements are cited from the WTO website. Please comment on: the RTAs going beyond traditional trade policy mechanisms, the discriminatory nature, the proliferation of RTAs, and their impact on multilateral trading system. You can answer the question either in English or in Chinese.

"The coverage and depth of preferential treatment varies from one RTA to another. Modern RTAs, and not exclusively those linking the most developed economies, tend to go far beyond tariff-cutting exercises. They provide for increasingly complex regulations governing intra-trade (e.g. with respect to standards, safeguard provisions, customs administration, etc.) and they often also provide for a preferential regulatory framework for mutual services trade. The most sophisticated RTAs go beyond traditional trade policy mechanisms, to include regional rules on investment, competition, environment and labour." "RTAs can complement the multilateral trading system, help to build and strengthen it. But by their very nature RTAs are discriminatory: they are a departure from the MFN principle, a cornerstone of the multilateral trading system. Their effects on global trade liberalization and economic growth are not clear given that the regional economic impact of RTAs is ex ante inherently ambiguous. Though RTAs are designed to the advantage of signatory countries, expected benefits may be undercut if distortions in resource allocation, as well as trade and investment diversion, potentially present in any RTA process, are not minimized, if not eliminated altogether. An RTA's net economic impact will certainly depend on its own architecture and the choice of its major internal parameters (in particular, the depth of trade liberalization and sectoral coverage). Concurrent MFN trade liberalization by RTA parties, either unilaterally or in the context of multilateral trade negotiations, can play an important role in defusing potential distortions, both at the regional and at the global level." "The increase in RTAs, coupled with the preference shown for concluding bilateral free-trade agreements, has produced the phenomenon of overlapping membership. Because each RTA will tend to develop its own mini-trade regime, the coexistence in a single country of differing trade rules applying to different RTA partners has become a frequent feature. This can hamper trade flows merely by the costs involved for traders in meeting multiple sets of trade rules." "The proliferation of RTAs, especially as their scope broadens to include policy areas not regulated multilaterally, increases the risks of inconsistencies in the rules and procedures among RTAs themselves, and between RTAs and the multilateral framework. This is likely to give rise to regulatory confusion, distortion of regional markets, and severe implementation problems, especially where there are overlapping RTAs." (50%)