

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 and country B are both Members of WTO and Convention of Climate Change. In order to develop renewable energy to cope with climate change and enhance sustainable development, the government of country A passes a law "Renewable and Clean Energy Act" (RCEA). Under the RCEA, the government would purchase electricity generated by solar power firms with guaranteed prices, but on the condition that the firms use solar cells and modules of domestic origin. Practically, the preferential rate of electricity purchased by the government goes only to those solar power firms that use at least specific percentage (such as 60%) of domestic content. Country B believes the RCEA and its application is in breach of WTO rules and thus files a dispute at the WTO. Country A argues that any dispute relating to climate change shall be exclusively resolved through dispute settlement mechanisms under the Convention of Climate Change, as agreed by all members.

- (1) What could be the relevant WTO rules and requirements regarding the RCEA? (20%)
- (2) Whether country A violates these rules? (10%)
- (3) Whether there are any defenses available to country A? (10%)
- (4) Could country A's argument hinder WTO panel from adjudicating the dispute between country A and country B? (10%).

Question 2 (50%)

Two WTO Members are negotiating for a free trade agreement (FTA).

- (1) What are the criteria for them to conclude such agreement under the GATT 1994 and the GATS? (20%)
- (2) Are they permitted to maintain their safeguards, anti-dumping and countervailing mechanisms under the FTA? Why? (10%)
- (3) Are they permitted to include an intellectual property (IP) chapter in the FTA so as to provide higher protection (i.e., the protection higher than the minimum standards under the TRIPS Agreement) for IP holders from each other's jurisdiction, and not to make such protection available for IP holders from other WTO Members? (10%)
- (4) Are they permitted to include a human rights provision stating that if a party to the FTA violates any universally adopted human rights treaty, the other party will be entitled to withdraw tariff concessions under the FTA up to the extent considered by the withdrawing party as appropriate? (10%)

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