

Important Note: You must answer all of the following questions in English. Otherwise no grade will be given. (所有題目均以英文作答；中文作答不計分)

Question 1 (50%)

Countries A and B are both WTO Members. Over the last few months, a new virus as yet unknown to humans has quickly spread throughout the global population. It was first detected in Country A. After a sharp rise in the number of infected people in Country A, it announces that the prevalence of pandemic has constituted a public health crisis within its boundary. In addition, in the face of the health threat from new emerging disease, Country A quickly completes the negotiation and signs bilateral Cooperation Agreement on Medicine and Public Health Affairs with country B (hereinafter the "Health Agreement"), in which two Parties have committed to further mutual cooperation and refrain from raising new barriers to trade. Several months later, Country B also finds some confirmed infected cases on its territory.

Please analyze and answer the following questions in light of the above background facts.

- (1) Country A revises regulations providing provisional licenses to those foreign doctors who are practicing based in specific WTO Members, and who are licensed with specialist medical qualifications in specific fields, to enter Country A to provide emergency medicine. After practicing medicine for at least four years in Country A, the foreign doctors will be given permanent specialist licenses issued by Country A. But Country B is not included as one of the designated Members. What WTO rules would involve in the measures (i.e., providing provisional licenses, giving permanent licenses, and excluding Country B as a designated Member) and what are their respective requirements or rules under the WTO? Whether Country A violates these requirements or rules? (20%)
- (2) Country B introduces new import safety regulation which temporarily requires that food imports from the areas of disease prevalence in Country A should not bear any labels indicating as best or good quality product. What WTO rules would involve in the measure and what are their respective requirements? Whether Country B violates these rules? Would the Health Agreement assist in interpreting WTO rules for this measure? (30%)

Question 2 (50%)

Country A is a WTO Member. It recently enacted a legislation to prohibit foreign investors to directly invest in rare earth (稀土) mining in its territory. It also prohibits exportation of rare earth due to the shortage of domestic supply and its scarcity.

1. Does the prohibition of foreign investors to directly invest in rare earth mining in Country A violate any WTO rules? Please list relevant WTO rules concerning investment and make your analyses based on these. (20%)
2. Does the prohibition of exportation of rare earth due to the shortage of domestic supply and the scarcity of it constitute a *prima facie* violation of any WTO rules? What could be the possible justifications or defenses which Country A might consider to rely on? (30%)

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