

1. WTO 會員國之一的甲國是一個對其境內思想、言論控制相當嚴格的國家。該國不僅對於國內書籍的出版，存有一定的審閱制度，對於外國書籍的輸入亦非常的敏感，懼其有反動的言論。該國乃於其國內法令中要求，外國書籍於該國國內行銷時，必須由該國國營事業為之，外國企業或出版商不得自由為之。並引 GATT Article XX(a)為據，認為上開作法乃係為保護其國內「公共道德」(public morals)所必要之舉動；且雖然其對於國內書籍的行銷並非要求必須經過國營事業為之，但對於書籍內容的檢視等之控制卻是不分國內外，而一律為之，並未違反國民待遇及不歧視原則。試問，甲國此一主張有沒有道理？倘若你認為甲國上開措施有違反 WTO 相關規定之虞，而欲尋求爭端解決，於 DSB 的 Panel 之前，你將如何主張？(50%)

2. Country A is a WTO Member. It produces and imports tobacco products. After having joined the WHO Framework Convention on Tobacco Control, it decides to adopt following measures to control the use and supply of tobacco products. What WTO rules would involve in these measures and whether there are justifications for Country A to adopt and implement such measures under the WTO.
(50%; Please answer in English.)
 - (1) It imposes tobacco surcharges on tobacco products in addition to commodity and import taxes. The surcharges are applied on per packet basis. It is not based on the value of the tobacco products. The surcharges are applied to both domestic and imported tobacco products. Country B is exporting tobacco products to Country A. However, the tobacco products that Country B is exporting are much cheaper than those produced in Country A.
 - (2) In order to prevent tobacco smuggling and evading tobacco surcharges and taxes, Country A requires all importers of tobacco products to fix tax stamps at the port of Country A on the smallest packets when the surcharges and taxes are paid. Under the requirement, importers have to open up the bigger packages at the port of entry for the purpose of fixing the stamps on each packet and then to repack the tobacco products again. Domestic tobacco companies can fix the tax stamps at their warehouses or factories before the products are packaged.
 - (3) It completely bans tobacco advertising. Domestic tobacco companies have manufactured and sold their products for a long time. But there are some foreign companies newly introducing their products to Country A. They complain that without advertisement, consumers would not know their products and thus they would be put in a very disadvantageous position to compete with domestic tobacco products.