

Important Note: All of the following questions must be answered in English. Answers otherwise will not be graded.

(所有題目請以英文作答；中文作答不予計分)

**Question 1:**

At the 12th Ministerial Conference (MC12) on 17 June 2022, WTO Ministers adopted the WTO Agreement on Fisheries Subsidies, meeting the Sustainable Development Goal 14.6 mandate for the WTO to negotiate disciplines to eliminate subsidies contributing to illegal, unreported, and unregulated (IUU) fishing and overfishing. Article 1 of the Agreement on Fisheries Subsidies provides that "This Agreement applies to subsidies, within the meaning of Article 1.1 of the Agreement on Subsidies and Countervailing Measures (SCM Agreement) that are specific within the meaning of Article 2 of that Agreement, to marine wild capture fishing and fishing related activities at sea." Please answer the following questions from the perspective of the WTO.

- (1) Both the SCM Agreement and the Agreement on Fisheries Subsidies provide disciplines on subsidies. Please discuss and compare the objectives of the two Agreements. Analyze how the differences in their objectives are reflected in their provisions. (20%)
- (2) Please explain the definition of subsidies and the concept of specificity. Provide one example of fisheries subsidy that meets the definition of the SCM Agreement but is not specific. Discuss and evaluate the inclusion of specificity concept under the SCM Agreement and the Agreement on Fisheries Subsidies. (30%)

**Question 2:**

A, B, and C are all WTO founding Members. A and B are both developing Members and are ethnically similar: they use the same language and share a similar culture. Their populations are also similar: A's total population reached 40 million by the end of 2022, while B's population reached 30 million. However, they are in a tense relationship. Historically, B has invaded A three times in the past five decades. In June 2022, in A, the political party representing the hawk camp won the presidential election. In response, B started to deploy offensive missiles aiming at A's territory in September 2022. B's president also publicly declared that his country was "prepared to respond to any provocation initiated by A's new president."

C is a developed Member whose population reached 2 trillion by the end of 2022. C is ethnically distant from A and B: it uses a different language, and its culture is completely distinct from A and B. However, C has perhaps the most developed pop culture industry in the world. Its pop idol groups are particularly popular in A and B, although the products involving C's pop idol groups, including CDs, posters, and photo albums (hereinafter "C's pop culture products"), are not in the native language of these two countries.

Historically, C maintains a great relationship with B and thus holds an antagonistic stance against A. B and C collaborate in many aspects. For instance, in 2022, B's government declared an industrial policy to develop B's pop culture industry. Many music producers in C echoed it and provided financial and technical support to B's local music producers. For another instance, following the response made by B's president to A's presidential election result, C's president publicly expressed that his country would be B's faithful ally and would support B's actions against A, whatever they are.

Unhappy with C's public support of B, A decided to adopt a total ban against all C's pop culture products since November 2022 (hereinafter "A's Total Ban"). A's government accused C of historically being the invader's abettor. The blind admiration of C's pop idols by A's younger generations particularly reveals that C's pop culture has silently eroded the standards of right and wrong in A. Continuing to allow the circulation of C's pop culture products in A is against A's public morals in the long run. In the meantime, A does not adopt any actions against B's pop culture products. According to A's government, the reason for this omission is that B's pop culture products are unlike C's pop culture products which are sold in enormous volume in A and thus cause a real threat to A's public morals.

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Please analyze, with reasons, the following questions:

- (1) Is A's Total Ban inconsistent with Article I:1 of the General Agreement on Tariff and Trade ("GATT") in the sense that C's pop culture products receive a less favourable treatment than B's pop culture products? When answering this question, please only focus on whether B's and C's pop culture products are like products. (15%)
- (2) Is A's Total Ban justified under Article XX(a) of the GATT? When answering this question, please only focus on whether A's Total Ban is "necessary" to protect public morals. (15%)
- (3) Is A's Total Ban inconsistent with the chapeau of Article XX of the GATT? When answering this question, please consider A's defense for its different treatment of B's and C's pop culture products. (20%)

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