

第一題(50%)

廢紙為造紙業者製紙之重要原料，T 國造紙業者向來以進口國外廢紙及購買國內廢紙作為其廢紙供應來源。T 國國內廢紙業者向來除將其所蒐購廢紙銷售給其國內造紙業者外，亦依照國際廢紙行情，輸出廢紙至其他國家。邇來，由於國際間對於工業用紙需求遽增，導致國際廢紙價格大漲，T 國國內廢紙業者在國外造紙業者所提示之購買價格高於其國內廢紙業者所提示價格的情況下，逐漸增加其廢紙出口比例，導致 T 國國內廢紙價格亦隨之高漲。T 國造紙業者認為廢紙價格高漲將導致其經營困難，遂向 T 國政府陳情，要求限制其國內廢紙之出口。雖然，T 國廢紙業者對此陳情，反駁以造紙業者仍可藉由進口維持其廢紙供應量以及限制出口將使國內廢紙價格低於國際行情而對其產生不利，惟 T 國政府經調查後，仍認為「為穩定國內廢紙及工業用紙價格，並充裕國內產業需求」，當有必要限制廢紙出口。從而，遂依照該國貿易法第 11 條第 1 項「貨品應准許自由輸出入。但因國際條約、貿易協定或基於國防、治安、文化、衛生、環境與生態保護或政策需要，得予限制。」但書規定，以「政策」需要為理由，訂一年期間限制國內廢紙出口。T 國廢紙主要輸出國之 C 國政府，認為此一限制違反 WTO 自由貿易理念，遂向 WTO 提請紛爭解決。請分別基於 T 國政府及 C 國政府之立場，試擬渠等於紛爭解決過程中，各自應如何主張？

第二題(50%)

(Important Note: You have to answer all of the following questions in English. Otherwise no grade will be given.)

Countries A and B are WTO Members. They decide to conclude a free trade agreement to liberalize their mutual trade in goods and services. Please answer the following questions:

1. What requirements under the GATT 1994 should be met by Countries A and B to establish a free trade area? (15%)
2. What requirements under the GATS should be met by Countries A and B to establish an economic integration? (15%)
3. Can Countries A and B grant, through the FTA, a more favorable treatment to nationals from each other than that they grant to the nationals from other WTO Members concerning the intellectual property rights covered by the TRIPS Agreement? What are the reasons to support your answer? (Please note: If no reason is provided, no grade will be given.) (10%)
4. Can Countries A and B maintain their anti-dumping mechanisms against imports from each other? What are the reasons to support your answer? (Please note: If no reason is provided, no grade will be given.) (10%)

試題隨卷繳回