

題號： 441

國立臺灣大學 106 學年度碩士班招生考試試題

科目：國際經貿法

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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

The new American President Donald Trump had indicated during his campaign to levy punitive duties of up to 45 percent on Chinese goods to level the playing field for U.S. manufacturers. How do you analyze the possibility and the extent for the U.S. to carry out such policy from WTO perspective? (30%)

Question 2

Country A is a WTO developed country Member. It has recently been under attack from its local community that its trade liberalization policy leads to a large loss of domestic competitiveness in relevant markets. In order to increase local employment and achieve its sustainable development goal in the coming years, the new government elected is considering taking a series of actions. Please analyze the legality of each of the following measures with respect to WTO law.

(1) in the automobile sector: any passenger car manufacture wishing to import automotive parts or kits is required to sign a Memorandum of Understanding (MOU) with the Board of Foreign Trade. A failure to sign the MOU could not be allowed into the market. A requirement in the MOU provides that a company's exports be equal in value to its imports. (20%)

(2) in the banking sector: The number of domestic employees employed by the foreign firm in the free-trade-zone of Country A shall not be lower than 60% of that of its total employees. Note that Country A has made specific commitments under the GATS for financial services. With regard to restrictions on market access and national treatment in the banking sector, the Schedule states "None". (25%)

(3) in the pharmaceutical manufacturing sector: Any pharmaceutical manufacturing company wishing to apply for the pharmaceutical patent granted by Country A has to commit itself to transfer its technology, a production process or other proprietary knowledge to an entity authorized by Country A so as to meet generally applicable health requirements. A failure to make such a commitment during a patent application would lead to a denial of a patent. (25%)

試題隨卷繳回