

行政院及所屬各機關出國報告
(出國類別：研究)

「九十二年度中高階人員組團赴瑞士日內瓦進行WTO專
題研究」報告

服務機關：農業委員會動植物防疫檢疫局
經濟部國際貿易局
財政部關政司
勞工委員會職業訓練局
財政部金融局
交通部航政司

出國人 職稱：專門委員
姓名：郭克忠
職稱：科長
姓名：江蕙芳
職稱：科長
姓名：蘇淑貞
職稱：副組長
姓名：陳慧玲
職稱：稽核
姓名：呂玉華
職稱：科長
姓名：方志文

出國地區：瑞士日內瓦

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主辦機關: 行政院人事行政局

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出國類別: 研究

出國地區: 瑞士

出國期間: 民國 92 年 11 月 15 日 - 民國 92 年 12 月 13 日

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內容摘要: 我國已於九十一年一月一日正式成為世界貿易組織(WTO)的會員,為加速培訓我國國際經貿人才,熟悉該組織運作方式,行政院人事行政局公務人員出國小組決議自九十二年十一月十五日起至十二月十三日止,分兩梯次辦理九十二年度中高階人員組團赴日內瓦進行「WTO專題研究」。該專題研究主要係使參訓人員藉由實際出席WTO各委員會、與WTO秘書處相關資深官員訪談及我國常駐WTO代表團團員親自授課等三種方式,瞭解WTO組織架構功能、會議形式及各會員關切之議題,同時學習其他會員對相關案件之處理與應答要領及會員間合縱連橫之運作方式,以達到實際參與的目的。

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「世界貿易組織專題研究」報告

壹、緣起及目的

我國於九十一年一月一日起正式成為世界貿易組織（WTO）之第一四四個會員國，行政院人事行政局為加速培訓行政院各部會處理 WTO 經貿事務人才，特於九十二年十一月十五日至十二月十三日分兩梯次，辦理九十二年度中高階人員赴日內瓦進行「WTO 專題研究」。第一梯次計有農委會、經濟部及財政部派員，期間自九十二年十一月十五日至十一月二十九日，第二梯次計有勞委會、財政部及交通部派員，期間自九十二年十一月二十九日至十二月十三日；研究內容計有依各學員專業出席 WTO 相關會議、與 WTO 秘書處官員交換意見及我國常駐 WTO 代表團同仁講授三部分，全程均以英文進行，以提升學員之英文能力及實際參與國際會議經驗。謹就研習過程及感想陳報如後。

貳、行程及紀要

第一梯次

十一月十五日啟程

十一月十六日抵達瑞士日內瓦，由我駐世界貿易組織代表團章遠智秘書接機，晚上由高碩泰公使於 La Perle du Lac 宴請學員，並就未來兩週之工作內容進行提示及討論。

十一月十七日上午團員郭及蘇參加「原產地規則」會議，江出席「智慧財產權及技術轉移研討會」。下午郭出席農業十國(G-10)會議，江及蘇出席「智慧財產權及技術轉移研討會」。下午五時由顏大使親自講授「世界貿易組織及台灣」。

十一月十八日參加智慧財產權會議。下午代表團張瑞璋秘書講授 SPS 及 TBT 協定。

十一月十九日上午由張淑賢參事講授農業協定。中午與 WTO 秘書處規則部門之顧問 Johann Human 共進午餐，了解秘書處規則委員會之作業情形。下午由代表處英文秘書 Geofferey Loades 講授如何準備世界貿易組織書面文件及口頭報告。

十一月廿日 出席農業委員會。中午與張淑賢參事、張瑞璋秘書及農業組 SPS 委員會資深官員 Gretchen Stanton 及 Michael Robert 共進午餐，以了解 SPS 委員會運作情形及近年爭端案例。

十一月廿一日上午由代表處劉志宏秘書講授反傾銷，下午由代表處曾賜安秘書講授補貼及代表處白律師講授爭端解決機制。晚餐由鄧公使於隆河邊之高麗屋韓國餐館宴請學員，並就一週之受訓感想進行簡報。

十一月廿二日受張瑞璋及章遠智秘書之邀參訪雷夢湖鄰近風光。

十一月廿三日受翁文祺參事之邀拜訪其寓所。
十一月廿四日上午由高公使講授 WTO 入會要件及中國期中檢討，下午
由翁文祺參事講授世界貿易組織會議技巧。
十一月廿五日上午由代表處白律師講授爭端解決案例研究。下午由鄧公
使說明杜哈發展議程之談判進展。
十一月廿六日上午出席貨品理事會會議。下午準備總結報告。
十一月廿七日上午進行總結報告，晚上由顏大使餞行。
十一月廿八日搭機轉荷蘭阿姆斯特丹返台

第二梯次

十一月廿九日 啟程，搭乘華航 CI065 經曼谷至荷蘭阿姆斯特丹轉赴瑞
士日內瓦。
十一月三十日 下午抵達瑞士日內瓦，由我駐世界貿易組織代表團翁文
祺參事、曾賜安秘書接機，晚上由高碩泰公使宴請學員，
並就未來兩週之工作內容進行提示及討論。
十二月一日 上午團員由翁文祺參事帶領參加服務業「金融服務業」
會議，下午由代表處英文秘書 Mr. Geofferey Loades 講授
如何準備世界貿易組織書面文件及口頭報告。
十二月二日 早上與 WTO 秘書處主管自然人移動之參事餐敘，就自然
人移動事項討論；上午團員由楊珍妮參事帶領參加服務
業「GATS 規則」會議；中午與加拿大代表團餐敘，就
自然人移動、金融服務業及空運附則修訂等，廣泛討論；
下午繼續參加會議。晚上十七時至廿時三十分由顏大使
親自講授「世界貿易組織及台灣」。
十二月三日 本日翁文祺參事帶領團員呂前往巴塞爾國際清算銀行

- (Bank of International Settlements)拜會銀行監理委員會
(Basel Committee on Banking Supervision)新任日籍秘書
長 Mr. Ryozo Himino；團員陳與方由楊珍妮參事帶領參
加服務業「國內規章」會議。晚上參加澳洲與紐西蘭 WTO
代表團所聯合舉辦之年終酒會。
- 十二月四日 本日團員由楊珍妮參事帶領參加服務業「特殊承諾」會
議。
- 十二月五日 上午由楊珍妮參事帶領參加服務業會議；中午與紐西蘭
代表團參事參敘，就自然人移動、金融服務業及空運附
則修訂等，廣泛討論。下午由楊珍妮參事講授服務業貿
易；晚上由鄧公使宴請學員，並就航空政策發展、新航
事件、自然人移動、金融服務業等議題及一週來之受訓
感想，廣泛討論。
- 十二月六日 自由活動並準備報告。
- 十二月七日 自由活動並準備報告。
- 十二月八日 早上與新加坡代表團餐敘，就自然人移動、金融服務業
及空運附則修訂等，廣泛討論。上午由高公使講授 WTO
入會要件及中國期中檢討，下午由翁文棋參事講授世界
貿易組織會議技巧。
- 十二月九日 上午由代表處白律師講授爭端解決案例研究；中午團員
呂與加拿大代表團餐敘，就金融服務業議題，廣泛討論；
下午由鄧公使說明杜哈發展議程之談判進展。晚上與顏
大使餐敘。
- 十二月十日 上午參加越南入會談判，中午團員方與 WTO 秘書處主管
運輸服務業之參事餐敘，就空運附則事項討論。下午準

備總結報告。

十二月十一日 上午進行總結報告，下午整理資料及準備返台事宜。

十二月十二日 搭機經荷蘭阿姆斯特丹搭乘 CI066 轉機返台

十二月十三日 下午抵達台北。

參、出席會議

- 一、出席原產地規則會議（曾賜安秘書帶領）：有關WTO原產地規則委員會（CRO）本（二〇〇三）年十一月十七至十九日舉行正式及非正式會議，討論非優惠性原產地規則調和工作計畫（HWP）之九十四項核心政策議題進展情形，我國關切之議題包括：
 - （一）專屬經濟海域捕撈之漁獲（Appendix 1, Definition 2 (i)），
 - （二）魚片（Issue No. 12, p.12），
 - （三）活動物屠宰（Issue No. 2, p.14），
 - （四）乳製品（Issue No. 17, p.16），
 - （五）車輛裝配（Issue No. 69, p.86）等。
- 二、出席農業十國（G-10）工作會議（張淑賢參事帶領）：瑞士代表團於十一月十七日召集，就總理事會主席 Castillo 於十三日邀集十國之農業非正式諮商對集團成員進行簡報並研擬因應對策，Castillo 傳達之主要重點為十二月十五日前農業談判以架構決定為主，並應訂定削減模式之期程，俾達成坎昆部長會議未竟之目標。會中張參事均積極參與並發言。
- 三、出席智慧財產權會議（曾顯照秘書帶領）：十一月十六日至十七日 WTO 舉辦有關智慧財產權研討會，探討主題包括：智慧財產權保護與技術移轉之關係，以及其中牽涉之競爭問題等。十七日至十八日智慧財產權理事會（TRIPS Council）舉行例會，議程包括：審查會員法規通知文件；中國智慧財產權之過渡性機制檢討；TRIPS 協定與生物多樣化公約、保護傳統知識與民俗學之關係；TRIPS 協定第 24.4 條提供保護地理標示（GI）產品之例外情形；有關 2003 年 8 月 30 日對公共衛生議題決議(WT/L/54)之執行問

題；已開發國家會員提供低度開發國家會員之技術移轉問題等。鑑於必須於 2004 年 6 月底完成修訂 TRIPS 協定相關條文，以執行前述公共衛生議題之決議，且各會員必須就國內有關專利藥品的特許實施等相關法律規定，配合進行調整，故本案已通知國內相關單位加緊配合辦理中。此外，因會議主席已裁示將廣泛與相關會員或團體就本案進行非正式諮商，我方於會中已表達對本案之關切，俾利獲邀參加未來有關非正式諮商會議之討論。

- 四、出席農業第三七次會議（張淑賢參事帶領）：本次會議主要議程為：（一）檢視會員就農業協定承諾之執行情形及提交之各項通知文件；（二）其他議題，包括：檢視馬爾喀什部長會議有關農業改革對低度開發（LDC）及糧食淨進口開發中會員（NFIDC）負面影響決議之年度執行情形、討論農業委員會主席擬提報貨品貿易理事會之年度工作報告草案等項。
- 五、出席貨品委員會會議（曾賜安秘書帶領）：進行中國過渡期檢視機制（TRM）之會議情形，本次會議議程請參見 G/C/W/475，有關 TRM 部分，共有三份文件，包括日本之 G/C/W/471 & Corr.1（30 October 2003），美國之 G/C/W/473（17 November 2003）以及中國之 G/C/W/474（24 November 2003），此外，歐盟表示，將於會中重申其先前向若干委員會提出，惟尚未獲得滿意答覆之問題。
- 六、出席金融服務業會議（翁文祺參事帶領）：本次會議主要就中國入會承諾金融部分執行情形進行第二年度檢討（TRM）。此次檢討，提出書面質詢計有 QUAD 四會員（美、歐、日、加）及我國，議題涵蓋銀行、證券、保險及非金融機構從事汽車貸款等業務，我國提問（S/FIN/W/34）之兩點為銀行最低資本額要求過高及發照

審核程序太冗長。會議首由中方俞建華發言，略以中國過去一年來已致力增訂金融市場法規並改善其及透明度，且已批准多家外資金融機構進入中國市場，包括 28 家銀行辦事處、12 家銀行分行、20 家壽險公司、14 家產險公司、3 家再保險公司、11 家基金管理公司、2 家證券公司及 6 個交易所交易會員等，此外並自 2002 年底引進外國專業投資機構（QFII）制度。就各會員之提問，俞某表示無論是資本額要求或審查程序皆屬審慎監理措施（prudential regulations）且同等適用本國金融機構，此為 WTO 會員在服務貿易總協定（GATS）下之權利，與中國入會承諾無關，其他會員不應置喙，惟中國有關當局刻正研擬是否將分行資本額要求依據風險控管能力酌予調降。

- 七、出席 GATS 規則會議（楊珍妮參事帶領）：本次會議重點在於檢討本年年報中有關緊急防衛措施、政府採購及補貼議題等三部分。在緊急防衛措施方面，菲律賓、中國、加拿大、香港及東協等會員繼續針對瑞士於十月份提出之文件，提出問題包括：（一）對於瑞士所述服務貿易總協定中已授權會員們有相當大之彈性，可在國內某種行業因自由化，而受到嚴重損害時，可援引國內規章措施、經濟測試及第二十一條修改協定之方式等，表示不認同之意見；（二）如何認定對大型超市及小規模零售店視為同類行業；及（三）如何認定在解釋採行防衛措施時，所謂之未來發展情形（unforeseen development）等。會議中主席表示，由於本項議題之談判期限為明（二〇〇四）年三月，將另行召開非正式小組會議討論，惟相關會員對進行討論之方式與內容。

在政府採購議題方面，係就歐盟於本（二〇〇三）年五月所提之如何在服務貿易架構下進行本項議題之建議進行討論，新加

坡針另對歐盟之建議提出意見（參考文件 JOB(03)/216），我國及加拿大則針對該二文件提出問題（例如：對於服務貿易總協定第十三條有關政府採購應進行多邊談判之背景情形應予澄清、服務貿易政府採購常涉及跨行業別之採購，如何解決會員僅就特定單項行業之採購進行承諾？如何區分附帶於製造業之服務業貿易之採購？政府採購協定之若干條文未來是否會與政府採購透明化工作小組及服務貿易政府採購協定之條文重疊？），主席則請會員於下次會議再針對歐盟所提出之文件，繼續進行討論。

在補貼議題方面，香港對秘書處更新有關彙整區域貿易協定內之文件（包括補貼措施），認為值得進一步討論。智利說明其所提出有關補貼措施案例，係依據服務貿易總協定第十條之規定，會員可就具有貿易扭曲效果之補貼措施制定多邊規範及希望會員可就該議題進行資訊之交換。尤其該文件所例舉之補貼措施，係其從相關會員網站中所蒐集之實例，而非假設性之案例討論（參考文件 JOB(03)/218）。我國、美國、巴西、菲律賓等會員針對該報告提出初步看法，認為上述案例亦可能涉及貨品補貼措施，此外，如何認為係本國服務業提供者亦或外國服務業提供者享有該等補貼優惠等，亦值得進一步討論。

- 八、出席國內規章會議（楊珍妮參事帶領）：本次會議主要係對歐盟就服務貿易發證程序所提出建立相關準則草案(S/WPDR/W/25)提出意見，包括：該草案與日本先前所提出建立適用所有行業準則草案間之關係、政府所指定專業團體(professional body)如何扮演政府與民間業者之角色、如何認定電子傳輸方式文件之真偽、歐盟如何制定相關條文中所指，發證單位必須設定一定期限之時間表，以達透明化原則等提出問題。歐盟代表僅就相關問題提出說

明。

另針對秘書處彙整 WTO 相關條文對必要性測試標準 (necessity test) 之案例說明(參考文件 S/WPDR/W/27)，美國表示相當關切秘書處對該文件所援引之文件文號，認為該文件應歸屬為 JOB 文件，否則由於秘書處所援引相關案例之解釋，恐為日後爭端解決小組作為參考文件，而引起不必要之誤解。歐盟及日本皆支持美國看法。新加坡表示，該文件係針對過去爭端解決相關案例，有關必要性測試標準裁定情形提出說明，鑑於與必要性標準相關之文字解釋乃合理(reasonableness)之條件，秘書處宜就該文字進一步解釋、闡明，並請彙整案例說明。香港表示，該文件頗值會員進一步討論，俾作為日後發展國內規章準則之參考指標。主席表示請會員於下次會議，就該文件提出進一步討論。

印度則稱許紐西蘭以工程服務業為例說明該國執行服務貿易總協定第六條第六項情形 (參考文件 JOB(03)/219)，並認為會員們皆應認真執行該條文，亦即會員對於與專業性服務業有關之行業，若已承諾市場開放時，應提供適當程序，以驗證其他會員專業人員之能力。澳洲及瑞士亦提出其國內之類似作業程序，會員則盼渠等提出書面資料供會員參考。相關會員並就紐西蘭所提出報告中第十段如何指定專業團體(a professional body)、第十二段何謂國際標準(international standard)及何種業務活動係由特許之專業技師(chartered professional engineers)承作等問題交換意見。

- 九、出席特殊承諾會議 (楊珍妮參事帶領)：本次會議討論之重點在於服務貿易分類問題。印尼說明該國能源服務貿易業所提出分類立場文件，加拿大、歐盟、美國、智利、哥倫比亞及我國等皆認為印尼將有關能源服務貿易所涉及之行業全部予以組合，除範圍

過大外，尚有可能涉及本議題最基本問題，即是否對該行業重新分類，涉及能源之所有專業服務貿易業應分別歸屬於專業服務業類別，惟若將其個別單獨分類，恐將專業服務貿易業之分類複雜化。委內瑞拉則表示，印尼對於能源分類方式與其先前所提出文件類似。中國則支持印尼所提出論點，認為能源服務貿易業對於開發中國家經濟發展具重要性，唯有透過多邊架構統一其分類方式，方可顧及渠等利益。

至於依據本（二〇〇三）年七月份服務貿易理事會決議，將服務貿易總協定第二十條第二項所涉及技術問題交由該委員會進行討論乙節，主席於十一月底已就本案提出個人分析報告，並已召集非正式會議就此議題交換意見。瑞士亦針對主席所提之報告，再度分析主席所提出解決本案各方式之所可能產生之問題。會中，大多數會員（包括我國）均傾向支持主席報告中所建議第五類方式，來解決本案所引起的爭議，即以填寫文件方式(當 schedule 有遇及該技術性問題)，另亦可依據該方式填寫新的承諾項目。會員另提出應就會員在服務貿易承諾表填寫“unbound”等真正涵義進行討論，我國亦表示，若一旦採行該方式解決本案，會員是否應明確界定服務貿易總協定內對於國民待遇措施及市場開放措施重疊部分等。由於會員對於本案之解決方式仍存有頗大的歧見，主席表示，將於下次正式會議召開前再舉行非正式會議討論。

- 十、出席 WTO 服務業貿易理事會議（高碩泰公使帶領）：服務貿易理事會於本(十二)月六日上午召開，主要議程係就中國入會承諾除金融服務業外其他服務貿易執行情形，進行第二年度檢討 (TRM)。此次檢討，提出書面質詢計有 QUAD 四會員（美、歐、

日、加)、澳洲及我國，議題涵蓋電信、法律、專業人員如電腦及會計等、建築、觀光及運輸等服務業，我國提出(S/C/W/228)有關中國承諾執行基本電信參考文件情形、中國核准外資旅行社進入中國市場何以必須透過經濟測試、外籍人士通過中國會計師考試之申請註冊問題等。

中方俞建華首先發言，稱中國過去一年來已致力增訂服務貿易相關法規並改善其透明度，並以本次中國向服務貿易理事會依據服務貿易總協定第三條規定提出十六項通知文件(S/C/N/238-254)及依據中國入會議定書附件1A之承諾，提出其國內所有服務業主管機構相關資訊等為例(請參考S/C/W/234)。渠強調中國去(二〇〇二)年服務貿易輸入成長21%，高達465億美元，成為全球第九大服務貿易輸入國，足以證明中國服務貿易市場已大幅開放。此外，渠亦引用美國商會在去年發表白皮書中指出，絕大部分外商對於中國未來服務貿易市場發展遠景，均表達樂觀之態度，此足以證明中國服務貿易自由化之決心。渠並針對會員所提法律、電信、快遞、行銷及建築服務業等問題予以綜合回復。最後，渠指出會員所詢有關貨品貿易權問題已在貨品貿易委員會中檢視，至於與競爭政策相關問題及中國與香港間所簽署「更緊密經貿關係安排」(CEPA)等皆不屬中國入會承諾部分，會員不應在TRM場合中提出。至於會員關切有關中國電信法草案及郵政法之修法進度，渠認為法規之制定及修法等問題，即使最終目的係為執行入會承諾，但在過程中，皆屬國內權利，不應在檢討之列。

美國、澳洲、日本、加拿大等則對中國上述答復，再提出若干細節問題。我方代表團亦發言重申我方之關切與其他會員大致

相同，且認為中國有效執行入會承諾係符合中國本身及會員的利益。中國再度答復指出在中國註冊會計師，須有二年以上在中國境內從事工作之經驗及在中國有住所一年以上等之規定，係屬於服務貿易總協定第六條國內規章部分，只要符合會員之政策目標，會員有權自行訂定，毋須載於入會承諾表中。

綜觀本年中國在服務貿易之 TRM，適時於會前即提出服務貿易多項法規透明化之通知，頗獲相關會員私下稱許，此外，中國在綜合說明過去一年執行入會承諾情形時，亦先說明該書面資料將透過秘書處於會後分送會員參考，表達善意。

- 十一、 出席越南入會談判（顏大使帶領）：本次會議主要討論越南入會案，會議開始首先由越南代表先說明其所作之準備，之後由各會員發表意見，會員均肯定越南欲加入 WTO 所作之努力並表示歡迎，之後由各會員針對越南所作之承諾事項發表意見，並請其釐清疑點。

肆、代表處成員授課

- 一、世界貿易組織及台灣綜論（顏慶章大使）：分五大部分 1)GATT 及 WTO 的歷史及演進 2)世界貿易組織的主要特色 3) 世界貿易組織體系的內容 4)杜哈發展會議進程 5)如何分析及了解台灣在世貿組織中的最大利益（摘要如附件一）。
- 二、SPS 及 TBT 簡介（張瑞璋秘書）：自食品貿易的觀點說明食品及動植物防疫檢疫協定及貿易有關之技術障礙之角色及功能。另外亦解釋各條文之意義及應用，並就最近各國有關 SPS 引起爭端解決機制之案例說明 SPS 及 TBT 的參與要領及我國未來的因應之道（如附件二）。
- 三、農業協定簡介（張淑賢秘書）：說明農業協定的歷史、新回合談判的主要焦點及進程、坎昆會議農業談判的角色、G-10 目前之運作及未來的展望等（如附件三）。
- 四、如何準備 WTO 文件及口頭報告（Geoffrey Loades）：說明英文寫作及表達重要性及良好英文表達的要領及口頭發表的注意事項等，並引用十三項的英文實例供學員參考（如附件四）。
- 五、反傾銷簡介（劉志宏秘書）：先說明反傾銷協定有關調查的步驟及時程，並以阿根廷對美國提出之傾銷落日複查立場所提之評論為例，說明反傾銷協定 11.3 條文有關落日複查規定之文字意義及應用。尤其強調法律名詞及其內涵，以及未來我國在進行反傾銷複查時應注意及加強之處（如附件五）。
- 六、補貼簡介（曾賜安秘書）：說明補貼及平衡措施協定中補貼的種類、會員國的責任及權力、補貼及平衡措施委員會的角色及工作、

我國目前受影響的程度及引起爭端解決機制的案例等（如附件六）。

- 七、爭端解決機制簡介及案例說明（白鎮瑜法律顧問）：說明爭端解決機制的步驟、所需的時間、控方及被控方的權利義務、第三國的角色、審查報告、控訴報告之區別、報告的採納及履行、報復及交互報復的案例（如附件七）。
- 八、入會協定、貿易政策檢討及中國之過渡期檢討機制（高碩泰公使）：說明世界貿易組織入會的方式及過程、各國貿易政策檢討及中國過渡期檢討（如附件八）。
- 九、參與世界貿易組織會議簡介（翁文祺參事）：說明 WTO 會議的種類、會議的步驟、介入會議的方法及策略、會議的準備摘要及會議語言等（如附件九）。
- 十、杜哈發展議程諮商（鄧振中公使）：說明發起新回合談判的理由、杜哈談判成功的時空背景、會員國對坎昆回合的期望、何為杜哈議程及授權事項、談判時間表分析、談判機構分析、目前的進程及成果、未來展望等（如附件十）。
- 十一、服務業談判過程介紹（楊參事珍妮）：說明服務業貿易協定之簽訂目的、協定條文修定內容、杜哈回合所提之修定方向、重要期程、談判可引用條文、GATS 介紹、國內規章、多邊談判、緊急防衛、補貼、政府採購及進入市場談判等議題（如附件十一）

伍、完訓報告

- 一、完訓感言（郭克忠）（如附件十二）
- 二、完訓感言（江蕙芳）（如附件十三）
- 三、當前反傾銷複查程序面臨之問題（蘇淑貞）（如附件十四）
- 四、對外籍白領工作者進入我國工作之人數限制議題（陳慧玲）（如附件十五）
- 五、提高銀行價值政策與我 WTO 承諾（呂玉華）（如附件十六）
- 六、對空運附則檢討之看法（方志文）（如附件十七）

陸、心得與感想

- 一、強化與 WTO 秘書處的聯繫：職等受訓期間，代表團同仁除需將設館年餘來的心得以英文授課方式與學員分享外，仍需辦理日常業務，因此工作十分繁忙，惟使館同仁自我期許甚高，有鑑於我國佔全球貿易總額 2%，貿易實力不容小覷，團員們希望能在 WTO 扮演更積極的角色，因此工作極為賣力，夜時加班幾乎為家常便飯，令人印象深刻。WTO 秘書處約有員工 500 餘人，下轄 27 個單位，依其工作特性又設有各種委員會，我國團員與相關秘書處人員之意見交流及資訊取得尚稱暢通，互動頗佳。未來更應積極加強與秘書處之交流，延攬秘書處人員來我國訪問或辦理地區性研討會或教育訓練，以使相關工作可以順利進行，減少業務推動上的阻力。
- 二、加強國內相關單位的聯繫協調，以支持代表團之業務：我國已成為 WTO 的正式會員，國內參與 WTO 的能力需有組織性推動與計畫性地強化。充分的準備需靠資料累積與經驗傳承，相關案例的研究更是不可或缺。

WTO 為一多邊、多議題、多回合談判場合，議題之複雜性遠非過去所可比擬，涉及法律、經濟、社會、科技等層面，因此有必要成立專責的幕僚單位，對於各會員關切之議題應予瞭解並追蹤其進度，同時注意其他會員對該等案件或類似案件之處理與應答方式，供相關單位處理事務之參考。一方面結合國內專業人才，扮演智庫角色，支援政府處理國際經貿事務之不足，另方面加強 WTO 相關議題的研究與研究單位的整合。今年由政府委託中華經濟研究院成立的 WTO 中心可說是正確的發展方向，在未來除有助於國內各諮詢點出席會議時掌握各會員關切事項及貿易議題趨勢外，亦可在平時對 WTO 之通告整理分析與進度追蹤，俾對與我國有關者適時反應。另外，建立本土 WTO 相關之科學資料、分析國際組織及其他國家的法規、鼓勵投入與法規技術有關的研究工作等，都有助於增加我國面臨 WTO 爭端時能夠爭取國家最佳的權益的利基。

- 三、有計畫的培訓國內相關單位人員：WTO 為我國近年來首次加入的多邊組織，許多業務仍不嫻熟，因此各單位相關的訓練頗多，為有效整合資源，充分運用人力，國內對 WTO 相關事務的訓練宜有短、中、長程之規劃以因應未來之需要。國內既然已成立 WTO 中心，相關人員的訓練似乎亦可委託給 WTO 中心辦理，並就受訓人員加以考評，建檔列管。由於 WTO 議題複雜，所涉除貿易外，尚有法律、科學技術、經濟、談判溝通等領域，因此需由不同專長人才所組成，再加以議題內容牽涉國內相關單位頗多，培訓人才加強對 WTO 各種協定內容及其運作方式的瞭解，與熟悉各委員會會議之進程、運作方式與培養會議的相關人才，外語能力與會議語言的訓練等均應有一定的訓練課程及考評。尤其應將國內國外訓練加以區分整合，並宜有適當分級，以期使專才專用。現階段訓練更應以各單位 WTO 相關業務承辦人員為主，先由國

內進行訓練，並加以考核後再進行國外訓練。有鑒於代表團本身業務繁重，若需代表團安排訓練課程，亦應就訓練內容及時間與代表團協商，以免在經常業務外再增加代表團過多的負荷。

柒、誌謝

本次行程承蒙我國常駐世界貿易組織代表團顏大使慶章、高副常任代表碩泰、鄧副常任代表振中及代表團全體同仁們熱忱協助，以及人事行政局之費心安排，始得順利完訓，謹此致上最深謝意。

AN OVERVIEW OF THE WTO AND TAIWAN

Ching-Chang Yen

Rationale for the creation of the GATT/WTO

Background information related to the Creation and subsequent development of the GATT

- World War II and the 1944 Bretton Woods Conference
- GATT and the 1948 Protocol Provisional Application
- Ill-fated 1948 Charter for International Trade Organization
- 1955's Failure to Create the Organization for Trade Cooperation

Transformation of the GATT into the WTO

ROC's Association with the GATT/WTO

- "Marriage in all Innocence" in 1946
- "Disillusion and Divorce" in 1950
- "Wait and See" from 1965 to 1971
- "Let's Get Engaged Again" in 1990
- "Consummation of a Long-Awaited Goal" in 2001

MAIN FEATURES OF THE WTO

Basic Principles

- Non-Discrimination
- Reciprocity
- Market Access
- Fair Competition

Basic Rules

- Tariffs as the only form of protection for domestic industry
- Legally binding concessions on Tariffs
- Most-favored nation treatment
- National treatment
- Other rules

附件一

Functions

- WTO as a forum for Trade Negotiations
- WTO as a Body Overseeing the Implementation of Trade Rules
- WTO as tribunal for trade dispute settlement
- WTO as a mechanism for trade policy review
- WTO as a platform for enhancing cooperation with IBRD, IMF etc.

CONTENT OF THE WTO SYSTEM

Marrakesh Agreement establishing the WTO

Multilateral agreements

Plurilateral agreement

THE DDA IN A NUTSHELL

Content of the Cancun Ministerial Meeting

Implications of the setback of the Cancun Ministerial meeting

HOW TO ASSESS AND REALIZE TAIWAN'S BEST INTERESTS IN THE WTO

Assessment

- Ensuring the enjoyment of Non-discriminatory treatment
- Settling Trade disputes through the WTO
- Multilateral approach v. bilateral/regional approach

Realization

- More effective participation in WTO activities
- More integration into the global economy
- Choice of role to play: "Can-do" or "Won't-do"?

The SPS Agreement

Ray Chang

What is the WTO

- 146 governments (27 acceding countries)
- Set of legally binding agreements, including SPS negotiated by governments and ratified by their legislatures.
- An intergovernmental institution with committees to monitor implementation of agreements, procedures to settle disputes.

Principles of the WTO

- Most-favored nation treatment
- Non-discrimination
- National treatment
- Transparency
- How does SPS fit in?

WTO Structure

Ministerial conference

- Trade Policy Review Body, General Council, Dispute Settlement Body
- General Council: TRIP council, Council for Trade in Goods, Service Council
- Council for Trade in Goods: Agriculture Committee, SPS Committee, TBT Committee

Trade and Health: Relevant WTO Agreements

- Agreement on trade-related aspects of Intellectual property rights (TRIPS)
- General Agreement on Trade in Services (GATS)
- Agreement on Technical Barriers to Trade (TBT)
- Agreement on the Application of Sanitary and Phytosanitary Measures (SPS)

World food and agriculture trade

- Over US\$580 billion annually of agricultural products
- US\$ 400 billion food trade per year
- About 500 million tons of food products

World food trade

- About 75% is exports from and imports into industrialized countries; *however*,
- More than 50% of fruits and vegetables, sugar, non-alcoholic beverages, fish and fishery products are exports from developing countries.

Main food exporters

(1997)	(US\$ billions)
United states	59.48 (13.0%)
France	38.09 (8.3%)
Netherlands	29.52% (6.4%)
Germany	23.93% (5.2%)
United Kingdom	18.77 (4.1%)

Main food importers

(1997)	(US\$ billions)
Japan	49.59 (10.1%)
United States	44.73 (9.1%)
Germany	39.41 (8.0%)
United Kingdom	29.29 (6.0%)
France	26.68 (5.4%)

Trends in agricultural trade*

- Agricultural exports represent over 12% of developing country total exports, compared to 8.8% for developed countries.
- Since 1994 agricultural imports from developing countries grew faster than from other sources.

* Does not include fishery and forestry products.

Trends in trade (cont.)

- Share of developing countries in world agricultural exports rose to 38% in 1998
- Almost 40% of total developing country agricultural exports went to other developing countries

Why an SPS Agreement?

- Uruguay Round Agreement on Agriculture
- Article XX (b)
- Why wasn't the TBT Agreement sufficient

The TBT Agreement has a wider scope

- It applies to all technical regulations, standards, conformity assessment procedures, etc. but...
- Its provisions do not apply to SPS measures

The SPS Agreement

Reaffirming countries' right to protect Health

What is SPS measures?

To protect	From
Human or animal life	Risks food additives, contaminants, toxins or disease-causing organisms in foods, beverages/food stuffs
Human life	Diseases carried by animals, plants or products therefore
A country	Damage within the territory from entry, establishment or spread of pests

What is an SPS Agreement?

To protect	from
Animal life	The entry, establishment or Spread of plants, diseases, disease-carrying or disease causing organisms
Plant life	

SPS measures: laws, decrees, regulations....including

- End product criteria
- Processes and production methods
- Testing, inspection, certification approval procedures etc.
- Quarantine treatments
- Animal transport
- Packing and labeling requirements directly related to food safety

Other measures...

- Environmental protection/are not covered by the SPS Agreement...
- Consumer interest other than health related/ ... but partly covered by the TBT Agreement
- Animal welfare.....

SPS rights and obligations

- Article 2:
- Right to certain trade and protect health
- Measures based on scientific principles
- Non-discriminatory
- No disguised restrictions
- Conformity presumption

International Harmonization

- Article 3:
- Encouraging the use of international standards/ Food safety: Codex, Animal Health: OIE, Plant protection: IPPC
- Conformity Presumption (... not unchallengeable)
- Right to be more stringent, but ... need scientific justification or risk assessment

Risk Assessment

- Article 5:
Risk assessment
- Scientific methodology: Scientific evidence, production methods, inspection methods, etc.
 - Economic factors (animals/plants): loss production or sales, cost eradication, cost-effectiveness alternative approaches

Appropriate level of protection (ALOP)

- Article 5: (objective)
Consistency application ALOP
Right to precaution (& emergency measures...?)
Constraining measures: right explanation

Precaution

- Article 5.7:
- Right:
- Provisional measure
- Insufficient scientific evidence
- Obligation
- Seek additional information
- Review measure accordingly within reasonable period of time

Precaution

- Appellate Body (Hormones):
- pp not written in SPS as ground for justifying measures otherwise inconsistent
 - pp finds reflection in 5.7 of SPS
 - No need to assume 5.7 exhausts relevance of pp
 - Panel to bear in mind that governments act from perspectives of prudence & precaution
 - pp does not override provisions of 5.1 & 5.2 Of SPS

SPS-Risk "measurement"

- Article 5:
Appropriate measure
- Minimize negative trade effects
 - Not more trade-restrictive than required
 - Technical and economic feasibility

Equivalence

- Article 4:
- Acceptance of equivalent measures
- Exporter to demonstrate
- Access to importer
- Bilateral and multilateral agreements

"Veterinary Agreement" EU/New Zealand

- Signed Dec. 1996. Applies to live animals, cattle, sheep, pigs, poultry, fish and fishery products, and animal products
- Based on the SPS Agreement principles, recognizes equivalency of SPS measures and adaptation to regional conditions
- Facilitated other export/import practices, including certification, inspection, auditing, frontier checks etc. (ex.: Heat-treated milk and FMD)
- Includes provisions for expeditious consultation (in any case within 14 days) regarding serious concerns about risk to public or animal health

SPS-Regionalization

- Article 6:
- Adaptation of measures to risk profile
- Pest-or disease-free areas
- FMD;... BSE
- Exporter: Burden of proof
(...reasonable access)

Technical assistance

- Article 9:
- Reinforcement services
 - Establishment regulatory bodies
 - Advice, credits, donations, grants

Through bilateral or "three sisters"
WHO, FAO, WB etc

Special and differential treatment

- Article 10, 14
- Take into account special needs of LDC
- Phased introduction of new SPS measures
- Specified, time-limited exception upon request
- Facilitate active participation LDC in IOs
- Delayed application

Control, Inspection & Approval Procedures

- Article 8, Annex C:
- Non-discriminatory
- Without undue delay
- If national system approval
 - Additives/tolerances: encouragement
- Harmonization/ International standards

Transparency

- Article 7, Annex B
- Publication
- Notification
- Enquiry Points

SPS committee

- Administration of the Agreement
- Forum for general consultation
- Facilitate ad hoc consultation
- Decision by consensus
- How do meetings work
 - missions/experts from capitals
- Observers: Non-embers, "three sisters"+ others, incl. Regional orgs
- Typical agenda: Main items

SPS Committee

Agenda:

- Implementation of the agreement
- Information from members
- Trade concerns
- Discussion of Notification
- Monitoring the use of international standard
- Developing countries
- technical assistance

SPS Special Trade Concerns

- EC aflatoxins
- BSE, FMD, Avian Influenza, classical Swine fever
- Australia tropical fruits
- Japan's official restrictions
- GMO and GM food

Doha and the SPS agreement

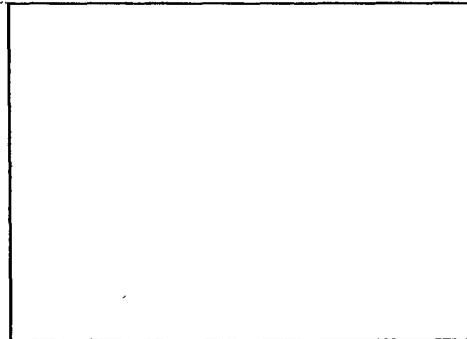
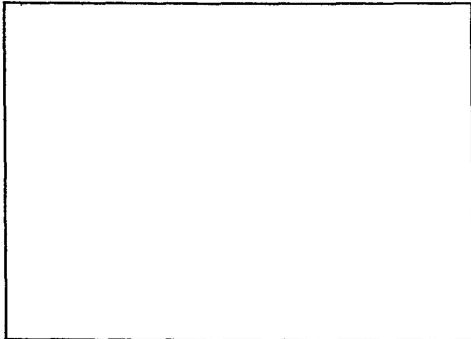
Ministerial declaration: no SPS renegotiations requested
Negotiations on relationship between WTO rules and
Instruct trade obligations in multilateral
environmental agreement
Instruct cttee. Trade & Environment to give attention
to –effect environmental measures on market assess
-labelling requirements for environmental purposes
But not add or diminish rights and obligations under
SPS nor alter balance right/obligations take account
needs DCs & LDCs
Implementation decisions

What next?

New issues, i.e biotechnology
Clarification of application of existing WTO rules:
-in negotiations (Doha mute...)
-in committee
-through dispute settlement
-through a working group
Is more needed?
-Specific agreement or inclusion in others
-risks of re-opening agreements

Keys for success

- National coordination
- with Codex, OIE, IPPC experts (how to participate Ios' activities)
- with different national agencies
- Participation Committee
- Use of information material
- internet
- R & D
- Use of transparency provisions



The TBT Agreement

Ray Chang

The TBT Agreement

Recognizing countries' right
-to protect human, animal or plant life or health
-to protect environment
-to prevent deceptive practices
-to protect its essential security interest

TBT measures

Technical regulations and standards
Including:
-packing, marking and labeling requirement
-procedures for assessment of conformity
-standards

Preparation, Adoption and Application of Technical Regulations by CGB

Article 2:
Right to fulfill legitimate objectives
Non-discriminatory
International standards
No disguised restrictions
Conformity presumption
Early notification

Preparation, adoption and Application of TR by LGB and NGB

Article 3:
Compliance with Article 2
Notification requirement

Preparation, adoption and Application of Standards

- Article 4, Annex 3:
- CGB accept and comply with the code of Good Practice
- ISO/IEC Information Center
- Harmonization

Conformity with Technical Regulations and Standards

- Article 5.
- Non-discrimination
- Most-favored-nation treatment
- National treatment
- Fair competition
- Scientific methodology: scientific evidence, production methods, inspection methods, etc.
- Economic factors (animals/plants): cost-effective alternative approaches

Conformity with Technical Regulations and Standards

- Article 5: (objective)
- Encouraging the use of international standards
- Emerging situation (right and obligation)

Recognition of conformity Assessment by CGB

- Article 6:
- National treatment
- Encouraging Mutual Recognition Agreement

Procedures for assessment of Conformity by LGB

- Article 7:
- Compliance with article 5 and 6
- Notification requirement

Procedures for assessment of Conformity by NGB

- Article 8:
- Compliance with Article 5 and 6
- Notification requirement

International and regional systems

- Article 9:
- Compliance with Article 5 and 6

Information about technical regulation, standards and conformity Ass. Procedures

- Article 10:
- Transparency provisions
- Enquiry points
- Publication
- Notification

Technical Assistance to Other Members

- Article 11:
 - Reinforcement service
 - Establishment regulatory bodies
 - advice, credits, donations, grants
- Through bilateral or Ios (eg. ISO, IEC)

Special and differential treatment

- Article 12:
- Take into account special needs of LDC
- Phased introduction of new TBT measures
- Specified, time-limited exception upon request
- Facilitate active participation LDC in Ios
- Delayed application

TBT Committee

- Article 13:
- Administration of the agreement
- Forum for general consultation
- Facilitate *ad hoc* consultation
- Decision by consensus
- How do meetings work?
- missions/experts from capitals
- Observers: Non-members, ISO, IEC...+others, Incl.regional orgs
- Typical Agenda: main items

TBT Committee (cont.)

- Agenda:
- Implementation and administration of the Agreement
 - The Triennial Review
 - Requests for observer status
 - Technical assistance
 - Other business

Implementation and administration of the agreement

- EC's asbestos case
- EC's sardine's case
- EC wine labeling regulation
- EC White Paper on Chemicals (REACH)

Consultation and Dispute
Settlement

- Article 14:
- GATT 1994, Article 22, 23
- Technical expert groups (Annex 2)

世界貿易組織坎昆部長會議農業議題談判報告

行政院農業委員會 92.9.24.

前言

世界貿易組織（WTO）會員依據烏拉圭回合談判達成之農業協定第 20 條規範（如附件一），於 2000 年 3 月展開農業議題談判，並依據杜哈（Doha）部長宣言積極進行農業自由化模式（Modality）之談判；然而，由於各會員對於農業議題立場差異過大，始終無法達成共識。

由於農業談判結果對我農業發展有重大影響，農委會在談判初期即以觀察員身分派員參加。我國於去（2002）年加入 WTO 後，除繼續積極參與談判外，並加入立場與我相近之非貿易關切事項（Non-Trade Concerns, NTC）集團，盼透過集團談判力量，有效維護我國利益。

WTO 第五屆部長會議於 2003 年 9 月 10 日至 14 日在墨西哥坎昆市（Cancun）舉行，主要係針對杜哈部長會議以後展開之新回合談判進行檢討。由於會員在新加坡議題（投資、競爭、貿易便捷化及政府採購透明化）及農業議題方面立場差異過大，部長會議乃在沒有具體結論之下落幕。未來農業議題將在日內瓦繼續談判，相信各主要會員仍將透過集團方式，為維護最大利益而持續協商。

農業議題談判工作計畫

WTO 第四屆部長會議於 2001 年 11 月在卡達首都杜哈舉行，會後通過部長宣言，並定位新回合談判為「杜哈發展議程」（Doha Development Agenda, DDA）。在農業議題談判之工作計畫方面，杜哈宣言第 13、14 條（如附件二）強調依農業協定第 20 條規範，已於 2000 年 3 月展開新回合農業談判，未來應繼續朝減少保護及補貼之方向

進行，以發揮市場機能。因此，農業議題談判應：擴大市場開放 (market access)；削減扭曲貿易之國內補貼 (domestic support)；及 削減並期最終能完全取消出口補貼 (export subsidy)。

此外，杜哈宣言強調對開發中國家之特殊優惠待遇，應為談判之一環，並將糧食安全與鄉村發展等開發中國家的發展需求納入考量；另會員所提之非貿易關切事項議題，亦應在談判時納入考量，並期盼能於 2003 年 3 月 31 日前完成農業自由化模式之談判。

依據杜哈發展議程，W T O 乃成立貿易談判委員會 (Trade Negotiation Committee)，以統籌並掌握包括農業、服務業、非農產品市場開放、與貿易有關之智慧財產權、爭端解決、國內規則 (包括補貼、區域貿易及平衡措施)、貿易與發展、貿易與環境等八項議題之談判，其中在農業委員會 (Committee on Agriculture) 下設農業談判工作小組，負責推動農業自由化模式的談判工作。

農業談判重要議題及各主要國家立場

新回合農業談判主要涵蓋市場開放、國內補貼及出口競爭 (Export Competition) 等三大領域，謹將其中重要議題摘要說明如下：

市場開放：

關稅：針對如何進一步削減農產品關稅，各國立場不同，主要包括採取漸進式削減之烏拉圭回合公式 (即所有農產品關稅平均削減 36%、單項產品關稅降幅不得低於 15%)，以及大幅削減之瑞士公式 (即各單項產品稅率均不得超過 25%) 等兩種。此外，美國與歐盟則提出混合式削減方式，即同時採取烏拉圭回合公

式、瑞士公式及零關稅等三種方法來削減關稅。對於美歐之提議，我國強調必須以「不對高關稅設定上限」及「不增加關稅配額數量」為前提才能接受，並盼以烏拉圭回合公式作為削減關稅主要方法。

關稅配額 (Tariff Rate Quota, TRQ)：目前我國針對 23 項敏感性農產品採取關稅配額進口，即在一定數量內採取低關稅進口，若進口數量超過配額量，則必須課徵較高關稅，以保護國內產業。由於 TRQ 對於國內產業有保護效果，農產品出口國家乃主張應大幅增加關稅配額數量；然而，為避免對國內產業造成衝擊，包括我國在內之農產品進口國則主張低關稅之配額數量不應再增加。

國內補貼：

綠色措施 (Green Box)：與價格及生產無關之各項農業補貼，稱為綠色措施，包括研究推廣、運銷促銷、天然災害救濟及休耕計畫等。由於綠色措施不具扭曲貿易效果，因此無需削減。目前有若干開發中國家要求應嚴格限制綠色措施項目，並對綠色措施金額設定上限；對此，鑒於綠色措施不具扭曲貿易效果，且可有效維護會員之非貿易關切事項，我國主張綠色措施應維持現狀，且不應設定上限。

琥珀色措施 (Amber Box)，又稱國內生產補貼 (AMS)：針對與生產及價格有關之農業補貼，因具有扭曲貿易效果，農業協定規定應逐年進行削減。鑒於我稻米保證價格收購措施為 AMS 主要項目，應予削減，惟稻米攸關國內農民生計，我國乃主張應維持烏拉圭回合方式小幅削減。

藍色措施 (blue box)：此措施為限制生產條件下給予農民之直接補貼，目前實施藍色措施之主要國家包括歐盟、日本、挪威及少數東歐國家，渠等認為藍色措施之扭曲貿易效果較小，無須進行削減；但開發中國家與農產品出口國家認為藍色措施仍有扭曲貿易效果，因此主張大幅削減或取消。由於藍色措施是由AMS過渡到綠色措施的重要政策工具，我國已研擬實施藍色措施，為此，我國主張藍色措施應繼續免於削減，且不應針對藍色措施金額設定上限。

出口競爭：

出口補貼：即會員針對農產品出口所實施之補貼，例如依據出口數量所給予之直接補貼，以及為降低出口農產品之運銷成本所實施之補貼等，目前實施出口補貼之主要會員為美國與歐盟。依據農業協定，出口補貼應進一步予以削減，大多數會員也要求完全取消出口補貼，惟遭到歐盟強烈反對。由於我國在加入WTO時已承諾不實施出口補貼，因此，本議題並非我關切重點。

出口貸款 (Export Credit)：會員針對農產品出口所實施優惠貸款或信用保證等補貼，稱為出口貸款，目前美國為實施出口貸款措施最多的國家。依據現行農業協定，會員應制定規範來管理出口貸款措施，惟若干會員（特別是歐盟）要求出口貸款亦應納入削減，受到美國之反對。針對此項議題，由於我國並未實施出口貸款措施，因此，本議題亦非我關切重點。

坎昆部長會議農業議題談判情形

本次坎昆部長會議雖因新加坡議題未獲共識而宣告沒

有結果，但事實上，農業議題無法達成共識則是關鍵因素。

由於各會員對於農業談判各項議題立場差異極大，未能依杜哈宣言預定時程於 2003 年 3 月底前完成談判，2003 年 8 月中旬美國與歐盟乃聯合提出一份農業談判架構 (Framework)，希望各國能在坎昆部長會議中先通過談判架構，再據以進行自由化模式之談判工作。隨後，WTO 總理事會主席烏拉圭大使 Carlos Perez del Castillo 依據美歐版本提出談判架構草案，並提坎昆部長會議討論。

針對該項農業談判架構草案，在坎昆會議期間共有 4 個主要集團 (包括 G-10、G-21、凱因斯集團、美國與歐盟等) 進行協商折衝，其中 G-10 集團 (包括我國、日本、瑞士、韓國、挪威、冰島、列支敦斯登、以色列、保加利亞及模里西斯) 為小農制度與農產品進口國家，主張貿易自由化宜採漸進方式進行，並強調農業多功能性；G-21 集團 (包括印度、巴西、中共、智利、巴基斯坦、阿根廷、埃及、古巴等共 21 國) 為開發中國家，強調農業補貼應大幅削減、已開發國家農產品市場應大幅開放，且開發中國家權益應受到充分保障；凱因斯集團 (主要有紐西蘭、澳洲、加拿大等 17 國) 為農產品出口國家，主張大幅削減關稅與減少補貼；另美國與歐盟因為實施大量之補貼，因此希望逐步減少補貼，而非大幅度削減。

為凝聚共識，坎昆部長會議主席墨西哥外交部長 Luis Ernesto Derbez 乃商請新加坡貿工部長楊榮文，負責協調農業議題談判工作；然因各集團立場差異甚大，雖在會議期間密集進行談判諮商，但至會議最後一日 (9 月 14 日) 下午，仍舊無法達成共識；復以多數非洲國家無法同意將新加坡議題納入談判，坎昆會議因此宣告結束。

我國農業談判立場及參與坎昆會議農業談判情形

鑒於農業為我國重要產業，為維護農業永續發展與農民權益，我國主張WTO應重視各會員農業之特殊性，給予會員必要之彈性，以實施有效之政策措施來維護農業非貿易關切事項。此外，我國並強調新會員之權益應受到充分保障，WTO應給予新會員特別優惠待遇，包括適當合理之緩衝期、較小削減幅度及較長執行期程等。

有關WTO總理事會主席大使 Castillo 所提出之農業談判架構草案，由於其中要求應針對農產品之高峰關稅設定上限，並對AMS大幅削減，將對我敏感性產品之高關稅有所限制，並使我國各項重要補貼措施受到影響，我國無法接受。在坎昆會議期間密集諮商談判後，受到開發中國家集團之強大壓力，部長會議主席 Derbez 部長乃於2003年9月13日再度提出談判架構草案修正版；然而，該修正草案較初版內容對我國更加不利，例如規定AMS應依個別產品削減並設定上限，此將使得我國稻米保證價格或收購數量必須調降，對稻農生計將產生極為不利之影響。

為維護我農業權益，充分表達我國立場，農委會李主任委員金龍乃於坎昆會議期間，積極聯合立場與我相近國家，要求談判架構應充分納入我國等會員之關切事項。李主任委員與我國立場相近之其他 G-9（模里西斯之後加入成為 G-10）集團成員國農業部長密集協商，就農業談判架構中有關市場開放部分提出共同修正意見，並於9月11日上午在WTO會議中心召開聯合記者會，表達集團共同立場；該立場包括納入瑞士公式必須以不增加關稅配額數量為前提，以及不對高峰關稅設定上限，並盼以烏拉圭回合公式作為削減農產品關稅之基礎。

李主任委員在記者會中發表聲明並接受記者發問時表示，我國農業除生產功能外，在糧食安全、農村發展及環境保育上亦扮演重要角色，主席版草案實無法完全反映農業多功能性；因此，李主任委員強調農產貿易自由化必須以漸進方式進行，並認為各會員農業生產環境不同，應在自由化過程中給予充分彈性，俾使農業在貿易自由化與永續經營之間取得均衡發展。同時，要求給予我國新會員緩衝期（Grace Period），以利產業結構調整。

此外，在坎昆會議期間，李主任委員分別與日本農林水產省大臣龜井善之、韓國農林部長官許祥萬、瑞士經濟部（主管農業業務）部長 Mr. Deiss 及德國農部部長 Ms. Knust 等人進行雙邊會談，就當前坎昆會議及未來如何針對農業談判各項議題加強合作充分交換意見。李主任委員亦與日本國會友我之眾議員中川昭一（曾任農林水產省大臣）進行會談，就台日雙方如何在農業談判中進行合作交換意見。

其中，龜井大臣與李主任委員會談時特別指出，農業具有多功能性，因此，貿易與非貿易關切事項、進口與出口自由化等應有平衡考量，雙方並同意繼續加強合作；在與許祥萬部長會談時，雙方均強調此次談判應有爭取之優先順序，並認為不設定關稅上限及不增加關稅配額數量等兩項，為台韓雙方應共同爭取之優先議題；李主任委員與 Deiss 部長會談時，D 部長特別強調瑞士重視農業多功能性，若外國農產品大量進口，對瑞士生態保育與鄉村發展將有嚴重影響。對此，李主任委員表示認同，雙方亦同意將在農業談判方面加強合作；在與 Knust 部長會談時，K 部長對於 G-10 集團立場表示充分了解，認為是會員多元

化意見之表現，有助於傳達農業之特殊性及重要性，德國對此樂觀其成。

我國參與集團運作爭取農業利益情形

我國加入WTO後，隨即加入NTC集團之運作，並於坎昆會議中，參加G-10集團以使我國意見透過集團方式提出。依據本次參與坎昆部長會議談判諮商經驗，可知欲使我立場能獲得支持，實需積極與立場相近之國家結盟，透過集團力量提出我國立場，始能有效維護我國之利益，避免我國在國際組織活動中被邊緣化。

謹將我國參與NTC及G-10集團之運作情形說明如下：

我參與NTC集團之過程

在1996年WTO新加坡部長會議之後，WTO農業委員會即開始就農業各項議題進行「非正式資訊交換」，非貿易關切事項即為其中重要議題之一。所謂非貿易關切事項即農業具有糧食安全、鄉村發展及環境保育等功能，其後若干會員如日本、瑞士及挪威等，又將生物多樣化、農村文化及農村景觀等納入，主要係強調農業具有非貿易之多功能性，必須適度予以保護。

嗣後，具有此一理念之會員相互結合，並定期召開會議深入討論該議題，這些會員中主要之核心國家包括歐盟、日本、韓國、瑞士、挪威及模里西斯等。鑑於主張非貿易關切事項之理念與我政府當前農業政策相符，雖然當時我為WTO觀察員，但亦積極與上述會員接觸並表達參與該集團之意願。2000年3月新回合農業談判正式展開後，為彰顯農業之非貿易關切事項及應對農業適度保護之理念，第一次NTC集團會議乃於

2000年7月在挪威召開，約四十餘會員參加，我國亦受邀以觀察員身分參與。隨後於2001年8月在模里西斯召開第二次會議，包括我國在內有六十餘會員參加。

我國在2002年成為正式會員後，即繼續與NTC集團6個核心會員密切合作，就農業談判各項議題相互支援，使得集團成員對我國之貢獻極為重視。隨後於2002年5月在羅馬召開之第三次NTC集團會議，因有鑒於農業談判已進入關鍵時期，會議乃由各國農業部長親自參加，農委會范前主任委員振宗亦應邀出席，並在會中說明農業多功能性及農業在經濟發展中所扮演之重要功能。

我國參與G-10集團運作情形

針對2003年8月中旬美國與歐盟所提出之農業談判架構，由於該架構係美歐雙方妥協之產物，未顧及其他會員利益，致遭多數會員反對，NTC集團之多數會員亦無法接受，特別是瑞士及韓國。瑞士為確保本身與集團利益，乃邀請包括韓國、列支敦斯登、保加利亞、冰島及我國在內共6個會員組成G-6，針對美歐所提架構提出修正意見。

隨後，在WTO總理事會主席Castillo大使提出談判架構草案時，挪威及以色列先後加入我集團而成為G-8；鑑於日本對總理事會主席所提版本之修正立場與G-8相近，我國即積極遊說日本加入，並說服瑞士等會員共同邀請日本參加本集團，以增加集團談判實力，乃因此擴增成員為G-9。在坎昆會議期間，模里西斯鑒於本集團之實力亦自動加入，進而形成G-10集團。

新加坡貿工部楊部長為凝聚各國有關農業議題之

共識，在坎昆會議期間分批邀集不同立場集團進行 Green Room 會議（非正式協商會議）。最後並由 146 個會員中，邀請 22 個分別代表各集團利益之會員進行協商，G-10 集團有 4 個會員（瑞士、日本、韓國及模里西斯）受邀參與 Green Room 會議，由此可看出 G-10 集團意見受到相當重視。

結語

本次坎昆部長會議在沒有實質結論下結束，對於貿易自由化有不利影響，我國身為 WTO 會員，對此結果表示遺憾。然而，就農業部門而言，由於農業談判將因此延宕而尚需進一步協商，我國將可爭取額外之調適時間，以利我農業產業結構調整，使部分農業能自初級生產產業提昇為二級加工業及三級休閒服務產業。未來農委會將繼續聯合立場與我相近之會員，以我國家整體利益為前提，針對新回合農業談判爭取對我有利之結果，並同時加速國內農業產業結構之調整工作，以維護我農業永續發展，確保農民權益。

WTO 農業協定第 20 條

Continuation of the Reform Process

Recognizing that the long-term objective of substantial progressive reductions in support and protection resulting in fundamental reform is an ongoing process, **Members agree that negotiations for continuing the process will be initiated one year before the end of the implementation period, taking into account:**

- (a) the experience to that date from implementing the reduction commitments;
- (b) the effects of the reduction commitments on world trade in agriculture;
- (c) non-trade concerns, special and differential treatment to developing country Members, and the objective to establish a fair and market-oriented agricultural trading system, and the other objectives and concerns mentioned in the preamble to this agreement; and
- (d) what further commitments are necessary to achieve the above mentioned long-term objectives.

改革的持續性

鑒於具體、漸進地削減補助和保護以達根本改革的長期目標，是一持續性的過程，會員同意在執行期間結束之前一年，就此項改革是否繼續舉行談判，談判時並應考慮：

- (a) 執行削減承諾過程中的經驗；
- (b) 削減承諾對世界農產貿易的影響；

- (c) 非貿易關切事項、對開發中國家會員之特別優惠待遇、建立公平及市場導向的農產貿易體制之目標、以及本協定前言中所述之目標與關切；及
- (d) 為達成上述長期目標所必須之進一步承諾。

附件二

杜哈宣言第 13、14 條

13. We recognize the work already undertaken in the negotiations initiated in early 2000 under Article 20 of the Agreement on Agriculture, including the large number of negotiating proposals submitted on behalf of a total of 121 members. We recall the long-term objective referred to in the Agreement to establish a fair and market-oriented trading system through a programme of fundamental reform encompassing strengthened rules and specific commitments on support and protection in order to correct and prevent restrictions and distortions in world agricultural markets. We reconfirm our commitment to this programme. Building on the work carried out to date and without prejudging the outcome of the negotiations we commit ourselves to comprehensive negotiations aimed at: substantial improvements in market access; reductions of, with a view to phasing out, all forms of export subsidies; and substantial reductions in trade-distorting domestic support. We agree that special and differential treatment for developing countries shall be an integral part of all elements of the negotiations and shall be embodied in the schedules of concessions and commitments and as appropriate in the rules and disciplines to be negotiated, so as to be operationally effective and to enable developing countries to effectively take account of their development needs, including food security and rural development. We take note of the non-trade concerns reflected in the negotiating proposals submitted by Members and confirm that non-trade concerns will be taken into account in the negotiations as provided for in the Agreement on Agriculture.

Taiwan's
stand by

14. Modalities for the further commitments, including provisions for special and differential treatment, shall be established no later than 31 March 2003. Participants shall submit their comprehensive draft Schedules based on these modalities no later than the date of the Fifth Session of the Ministerial Conference. The negotiations, including with respect to rules and disciplines and related legal texts, shall be concluded as part and at the date of conclusion of the negotiating agenda as a whole.

13. 我們瞭解，依據農業協定第 20 條授權之談判工作已自 2000 年初著手進行，計有 121 個會員提出多項談判建議案。我們回顧該協定所揭示的長期目標，係透過強化規範及提出有關補助與保護措施之特定承諾的改革計畫，以建立一個公平及市場導向的貿易體制，俾導正與避免對全球農業市場之扭曲及限制。我們重申對該項計畫之承諾。我們將依據現有工作進展且不對談判結果預設立場，進行全面性之諮商，以擴大市場開放、削減並期最終能完全取消各種形式之出口補貼，以及大幅削減具扭曲貿易效果之國內補貼。我們同意，對開發中國家提供之特殊優惠待遇，將為各項談判之一環，納入減讓與承諾彙總表，並諮商適當的規範，以有效地加以實施，並將開發中國家的發展需求（包括糧食安全與鄉村發展）納入考量。我們注意到會員在談判建議案中提出非貿易關切事項議題，並確認將把該議題如農業協定所述，在談判時納入考量。

14. 應在 2003 年 3 月 31 日之前，提出進一步自由化模式，包括特殊優惠待遇之規定。參與談判之會員應在第五屆部長會議之前，依據該模式提出全面性之減讓表。另相關規範與法條內容之談判結果，將在整個談判議程結束時，成為整體談判結論的一部分。

**How to prepare
WTO
written
and
oral material**

“More effective participation in WTO activities”

Communications – a few general principles

*Are you saying exactly what you mean to say,
in a manner that the reader will understand?*

Communications

**“An ineffective message is a waste of
everyone’s time”**

Communications

The risks of poor presentation:

- Demands high payment in terms of reader's time and attention
- Message ignored if reader doesn't have the time/patience
- Reader may misinterpret or be confused

Communications

Risks:

- Plays into the hands of those who may wish to misinterpret
- Risks reader having low opinion of writer/organization
- Careless, hasty, unrevised writing is always apparent

Communications

The benefits of getting it right:

- **Message is heard and understood**
- **Adds weight to the cause**
- **Makes a good impression**

Communications

Benefits:

- Reader respects your point of view – even if not agreeing with it
- Reader knows where you stand – even if you are “sitting on the fence”

Communications

Cumulative effect:

- **Trust**
- **Authority**
- **Competitive advantage**

Communications

- **First take the time to decide exactly what you want to say**
- **It pays to invest the time, before you start**

Communications

**“If you are satisfied to send
out your first draft,
you are not serving your reader very well”**

Communications

Revision

- **Expect to revise**
- **To revise effectively – distance yourself from your writing**
- **Shift your perspective**
- **Assume the role of the reader**

Communications

Revision

With reader in mind, determine the appropriate:

- **Detail**
- **Language**
- **Tone**
- **Organization (structure)**
- **Mechanical correctness**

Communications

Detail: deciding what to include

- What does the reader want/need to know to understand my message?
- Does the report answer all the questions the reader has asked, or has in mind?

Communications

Detail:

- What is the purpose of the piece?
- Does it include the information needed to accomplish the purpose?
- What purpose does it serve for the reader?

Communications

Detail:

- Have I included only the material essential to the reader's purpose?
(boring, distracting, unessential or obvious?)
- What do I want the reader to do?
- Is all the information included to enable the reader to act/decide?

Communications

Language: conciseness and clarity

- **Wordy v. concise**
- **Vague v. specific**
- **Excessive, overwritten v. accessible, direct**
- **Tactless v. tactful**

Communications

Tone: tailoring language to your audience

- **Tactless v. tactful**
- **Flat detail v. detail adapted to reader need**
- **“We” attitude v. “you” attitude**

Communications

Tone:

- **Poor attitude v. good attitude**
- **Negative v. positive**

Communications

Organization (structure)

A form to fit the message and the audience

Favourable or neutral message:

Direct approach

Good news/main idea

Explanation/reason

Communications

Structure:

Unfavourable message or persuasion needed:

Indirect approach

Introduction/buffer

Explanation/reason/detail

Decision/conclusion

Communications

Structure:

- **Transitions - to show reader relationships between sentences and paragraphs**
- **Logical sequence of paragraphs**

Communications

Correctness:

- Most writers have spelling, grammar, punctuation problems
- Eradicating these errors will focus reader's attention on message, not mechanical errors

WTO material

Submission
Comments on submission
Position paper/aide memoire
Remarks/intervention
Talking points
Statement
Response to questions received
Advance written questions (TPR/TRM)
Ambassador's remarks at TPR/TRM
Speech
Note verbale
Letters

WTO material

Examples:

Submission
Comments on submission
Position paper/aide memoire
Remarks/intervention
Talking points
Statement
Response to questions received
Advance written questions (TPR/TRM)
Ambassador's remarks at TPR/TRM
Speech
Note verbale
Letters

Agree:

support, in favour of, favour, propose, share the view of/that, would like to see, appreciate, concur with, in accord with, sympathize with, concede that, go along with, accept, allow, recognize, acknowledge that, give assent to, on the side of, have no problem with, not oppose, not object to, approve of, find acceptable, welcome, be pleased with, happy with/to,.....

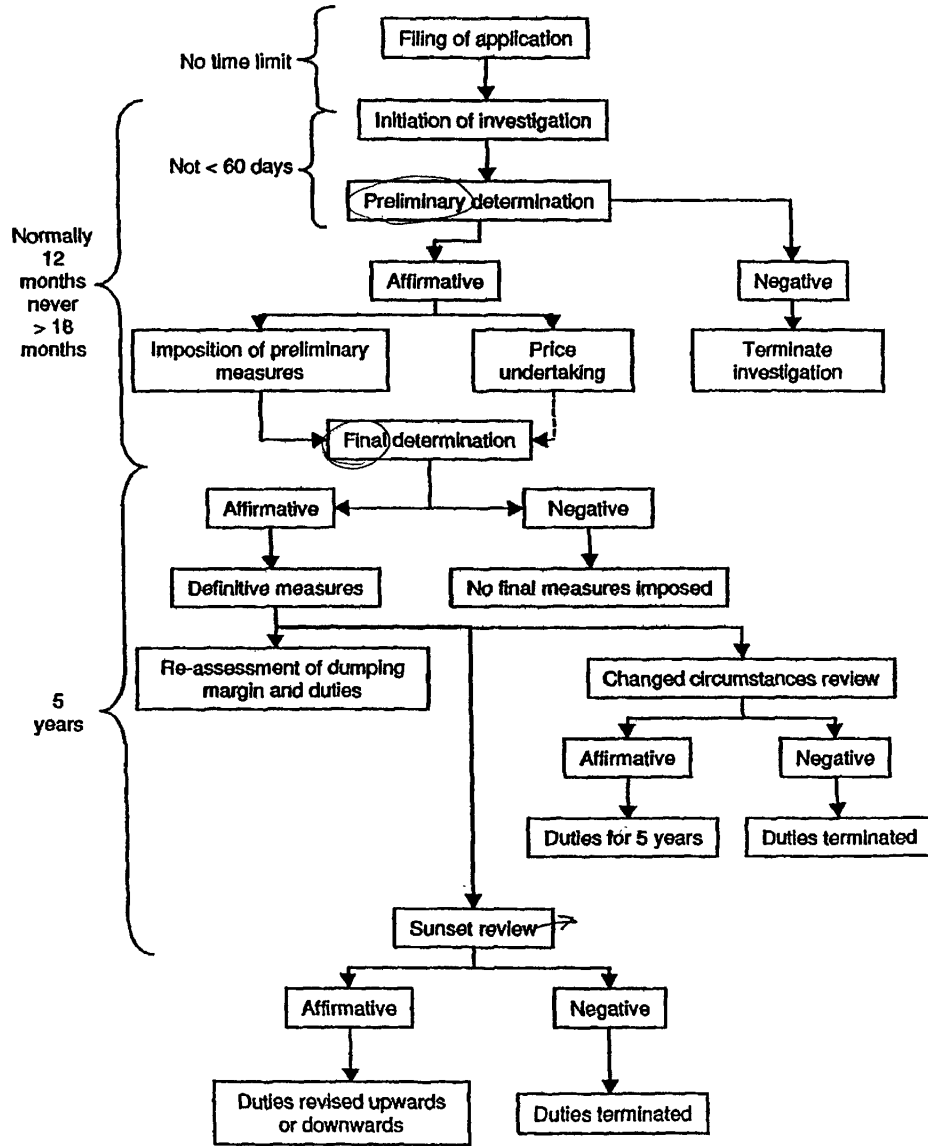
WTO material

Against:

Oppose, disagree with, object to, take issue with, take exception to, condemn, protest against, find regrettable, have concern/s over/in/about, unhappy with, disapprove of, contradict, rebut, argue with/against, challenge, counter to, dispute, not support, not in favour of, at variance with, contrast with, not in accord with, not share the view that/of, would not like to see, differ from, agree to differ on, beg to differ, surprised by, call into question,

AD101

Procedures



Flow Chart I.1: Overview of an AD investigation

AD Agreement

Article 2	Definition of dumping Determination of dumping: Calculation of export price (EP) Calculation of normal value (NV) Adjustment to EP and NV Calculation of dumping margin
Article 3	Determination of injury Causal link between the dumped imports and injury
Article 4	Definition of “domestic industry”
Article 5	Initiation of an investigation
Article 6	Investigation
Article 7	Provisional AD measures
Article 8	Price undertakings
Article 9	Definitive AD duties
Article 10	Retroactive imposition of AD duties
Article 11	Duration and reviews of AD duties
Article 12	Public notice and explanation of determination
Article 13	Judicial review
Article 15	Special treatment for developing countries
Article 17	Special additional dispute settlement rules and procedures

OUTLINE

1. The Coming Big Issues:

EU Expansion (= additional member
in coming years),
3/1/2004

2. What are the Starting Points of Reading WTO AD Agreement

1. The Coming Big Issues: EU Expansion

EU Positions

Automatic and immediate application of all existing EU anti-dumping and anti-subsidy (AD/AS) measures in the new Member States.

All the existing AD/AS measures in the new Member States will lapse upon the day of enlargement.

Interested parties may request reviews of the AD/AS measures in force in the EU-25. Those applicants shall bear the burden to prove that enlargement generates change of circumstance.

Questions

Parallelism

Burden of Proof

Cost incurred from review

→ its own
exporting
country

2. What are the Starting Points of Reading WTO AD Agreement?

My Observation

- Unfair Comparison : *where we can find cases which are dumped based on the agreement*
- Discretion of Investigation Authorities
- Burden of Proof
- Cost incurred from investigation and review

(DOHA) MINISTERIAL DECLARATION

Adopted on 14 November 2001

WTO RULES

ref to Article 7

28. In the light of experience and of the increasing application of these instruments by Members, we agree to negotiations aimed at clarifying and improving disciplines under the Agreements on Implementation of Article VI of the GATT 1994 and on Subsidies and Countervailing Measures, while preserving the basic concepts, principles and effectiveness of these Agreements and their instruments and objectives, and taking into account the needs of developing and least-developed participants. In the initial phase of the negotiations, participants will indicate the provisions, including disciplines on trade distorting practices, that they seek to clarify and improve in the subsequent phase. In the context of these negotiations, participants shall also aim to clarify and improve WTO disciplines on fisheries subsidies, taking into account the importance of this sector to developing countries. We note that fisheries subsidies are also referred to in paragraph 31.

29. We also agree to negotiations aimed at clarifying and improving disciplines and procedures under the existing WTO provisions applying to regional trade agreements. The negotiations shall take into account the developmental aspects of regional trade agreements.

Agreement on Subsidy and Countervailing Measures

For WTO Study Program

Wang

21. Nov. 2003

Mission of Taiwan

Outline

- What is the SCM all about?
- What obligations do we undertake under the SCM?
- What rights do we have under the SCM?
- What is the SCM Committee doing?
- How many SCM measures are we affected by?
- Are we at risk of being challenged?
- Questions: food for thought

What is the SCM all about?(1)

- Purpose
- Part I: General Provisions (Art. 1 & 2)
Definition of a subsidy & Specificity
- Part II: Prohibited Subsidies (Art. 3 & 4)
Export performance & Annex I, Remedies
- Part III: Actionable Subsidies (Art. 5-7)
Adverse Effects, Serious Prejudice & Remedies
- Part IV: Non-actionable Subsidies (Art. 8 & 9)
Identification, Consultation, Authorized Remedies

3 kinds of subsidies

to transfer assets

Non specific covered
subsidy is not agreement
w/ factors agreement

to DSB

to DSB on
conferential
proceedings

domestic industry
Adverse effects
to services

What is the SCM all about?(2)

- Part V: Countervailing measures (Art. 10-23)
- Part VI: Institutions (Art. 24)
- Part VII: Notification & Surveillance (Art. 25 & 26)
- Part VIII: Developing Country Members (Art. 27)
- Part IX: Existing Programs (Art. 28 & 29)
- Part X: Dispute Settlement (Art. 30)
- Part XI: Final Provisions (Art. 31 & 32)
- Annex I : Illustrative list of export subsidies
- Annex II - VII

What obligations do we undertake?

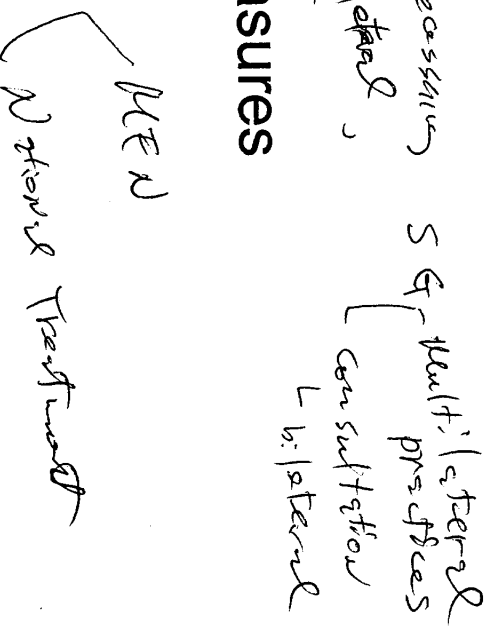
2 yrs notification, but still free
way to burden.

- No prohibited subsidies
- Follow rules in taking SCM measures
- Notifications — *isn't before problem*
new and full notifications on existing programs
domestic regulations
changes of regulations
reviews & answers

83

What rights do we have?

- Consultation - ^{not necessary} bilateral
- Countervailing measures
- DSB
- Non-discrimination



What is the SCM Committee doing?

- Review of notifications
 - new & full notifications - 2 Yrs *been*
 - changes of regulations
- Fast Track extension *(document check with SRT)*
- standstill & transparency
- TRM = *Transition Review & Revision*
- Semi-annual report of SCM measures
- Annual report to CTG

85

How many measures are we affected by?

- 6 cases by the EC in 1997 (*checklist only 2 left part counter using only*)
- Sectoral distribution
- No SCM actions taken by Taiwan

Some Statistics on SCM

- Numbers of measures are reducing.
- Numbers of DSB cases relating to SCM (*check web site*)

Are we at risk of being challenged?

- If we give subsidies?
Subsidy & Specificity
- If we take SCM measures?
Procedures & evidence

Questions: food for thought

Q1: What do you want from this Mission?

Q2: What does this Mission want from you?

Q3: How can we have SCM experts?

*WTO secretaries of
5 experts
hand book of SCM
taken from US IN EU.*

Some statistics on WTO dispute settlement (from worldtradelaw.net)

As of 21 November 2003

Number of complaints: 302 *less than 100 go to panel*
Number Panel and AB reports adopted: 72
Active Panels: 21
Active appeals: 3
Percentage of complaints filed by developed/developing countries: 61%/39%
Participation by Taiwan: 1 consultation, 12 third party cases
Number of complaints under selected agreements:

Anti-dumping	50	<i>trends</i>
Agriculture	53	
GATS	14	<i>SGT,</i>
GATT	201	
Safeguard	30	<i>TBT↑</i>
SCM	55	
SPS	30	
TBT	33	
TRIPS	25	

Most frequent complainants:

US	75
EC	62
Canada	24
Brazil	22
India	15
Mexico	13
Japan	11
Korea	10
Thailand	10
Argentina	9
Chile	8
Australia	7
New Zealand	6

Most frequent respondents:

US	81
EC	47
Argentina	15
India	14
Japan	13
Brazil	12
Canada	12
Korea	12
Chile	10
Mexico	10
Australia	9

Average days from establishment of panel to adoption of report without appeal: 407

Average days from establishment of panel to adoption of reports with appeal: 515

4/25. pai

judicial economy

WTO Dispute Settlement – Deconstructing Reports and Submissions

Why do we need to know about legal interpretation and format

1. to read AB/Panel reports effectively
2. to develop arguments in a dispute
3. to evaluate outside counsel's work
4. to read, evaluate, and rebut opponent's arguments

AB & Panel reports

1. adoption of reports
 - a. Panel report adopted as modified by the Appellate Body
 - b. insufficient to just read AB report because certain issues considered by the Panel may not have been appealed, and Panel interpretations on those issues remain valid.
2. GATT reports
 - a. GATT reports are generally not as persuasive as WTO Panel/AB reports, because they are frequently not adopted.
 - b. they do still carry interpretations that may be useful and applicable under certain circumstances.
3. precedential value of reports
 - a. Panel/AB reports are binding for the specific case and only on the parties.
 - b. Because another function of WTO dispute settlement mechanism is to interpret provisions, the findings do carry some persuasive value.
 - c. Panel and AB decisions have been used now as if they carry precedential value.
 - d. When using them make sure not to say they are binding or are precedents. Use them almost the same way as evidence (relevance, appropriateness, persuasiveness) (something was done before, this Panel/AB should do it again).

Structure of AB/Panel report – not completely set but more or less follows this format

1. factual background
2. arguments of parties/third parties – in the panel report, this lengthy section together with the factual background make up the descriptive section of the report
3. interim review – only for panel reports, description of where changes were made
4. procedural matters – often cover preliminary rulings, burden of proof, evidential questions, sufficiency of panel request or notice of appeal, scope of review, *amicus curiae*, etc.
5. substantive matters
6. findings/conclusions
7. annexes – in panel report, includes all necessary information for appellate review

Legal format – both in reports and submissions

1. general issues to specific issues
 2. identify threshold issues and address them first
 3. within each issue, also from general to specific
 - a. general concepts, what does the agreement say
 - b. how should the agreement be interpreted
 - c. how the correct interpretation can be applied to this case
 - d. conclusion (for submissions this is often placed at the beginning to present and emphasize your position)
 3. nothing can be assumed – ask yourself, do you need to add the word “because”?
ask why! all the time
- also need to talk about the opponent*

Some basic rules of interpretation

1. levels of interpretation - Vienna Convention on the Law of Treaties
 - a. text – dictionary definitions, normal usage of the words
 - b. context – surrounding words, purpose of provision, article, or agreement(s)
 - c. negotiating history – *purpose in general*
 2. levels of persuasiveness – must clearly establish relationship
 - a. same agreement, same fact pattern
 - b. same agreement, parallel provision, same purpose
 - c. related agreement, same wording *such as AD & SCM.*
 - d. related agreement, similar wording *SG & AD & SCM.*
- the least persuasive*
power ↑
strong ↓
weak

The role of outside council and how to evaluate it.

Accessions

2003/11/24

◎How to become a member of the WTO(Attachment I)

- Who can apply
- The request for accession
- Submission of a memorandum on the foreign trade regime
- Conditions of entry
- Bilateral negotiations
- The final “accession package”
- Approval of the “accession package”
- Becoming a full member

◎Taiwan’s participation

- priority acceding countries
 - Studying and reviewing respective trade regimes
 - Engaging on bilateral negotiations
- Current development
 - commenting on issues of interest at each working party
 - Negotiating positively with priority countries
 - Concluding agreement with Cambodia
- Benefit
 - Economic: Market access
 - Political: Foreign relations

◎Suggestions to Authorities concerned

- Providing opinions on bilateral negotiations, e.g. tariff concessions, services commitment, NTM
- Offering comments on respective issues of the trade regime
- Appreciating quick response during the course of bilateral negotiations and the discussions at each working party

◎Reference

- Questions raised at working party(Attachment II)
- Request items at bilateral negotiations(Attachment III)
- Working party report/ Protocol of bilateral agreement

Attachment I

How to become a member of the WTO

Article XII of the WTO Agreement states that accession to the WTO will be “on terms to be agreed” between the acceding government and the WTO. Accession to the WTO is essentially a process of negotiation — quite different from the process of accession to other international entities, like the IMF, which is largely an automatic process.

Because each accession Working Party takes decisions by consensus, all interested WTO Members must be in agreement that their individual concerns have been met and that outstanding issues have been resolved in the course of their bilateral and multilateral negotiations. All documentation examined by the accession Working Party during the process of negotiation remains restricted until completion of the process.

Who can apply

“Any state or customs territory having full autonomy in the conduct of its trade policies is eligible to accede to the WTO on terms agreed between it and WTO Members”. (Article XII of the WTO Agreement).

The request for accession

The accession process commences with the submission of a formal written request for accession by the applicant government. This request is considered by the General Council which establishes a Working Party to examine the accession request and, ultimately, to submit the findings of the Working Party to the General Council for approval. The Working Party is open to all Members of the WTO.

Submission of a memorandum on the foreign trade regime

The applicant government presents a memorandum covering all aspects of its trade and legal regime to the Working Party. This memorandum forms the basis for detailed fact finding by the Working Party.

Subsequent Working Party meetings will see the examination of questions posed by WTO Members based on the information provided in the memorandum and the replies provided by the applicant government.

Conditions of entry

After examining all aspects of the existing trade and legal regimes of the acceding government the Working Party goes into the substantive part of the multilateral negotiations involved in accessions. This determines the terms and conditions of entry for the applicant government. Terms and conditions include commitments to observe WTO rules and disciplines upon accession and transitional periods required to make any legislative or structural changes where necessary to implement these commitments.

Bilateral negotiations

At the same time, the applicant government engages in bilateral negotiations with interested Working Party members on concessions and commitments on market access for goods and services. The results of these bilateral negotiations are consolidated into a document which is part of the final “accession package”.

The final “accession package”

The “accession package” consists of three documents which represent the results of both the multilateral and bilateral phases outlined above. These are:

- a Report of the Working Party containing a summary of proceedings and conditions of entry and a Protocol of Accession.
- Schedules of market access commitments in goods and services agreed between the acceding government and WTO Members.

Approval of the “accession package”

Once both the Working Party's Draft Report and Protocol of Accession and the market access commitments in goods and services are completed to the satisfaction of members of the Working Party, the “accession package” is adopted at a final formal meeting of the Working Party.

The documents are then presented to the General Council or the Ministerial Conference for adoption. Once approved by the General Council or the Ministerial Conference, the accessions package is redistributed as a non-restricted document.

Two final documents will be issued:

- The Decision of the General Council

The Protocol of Accession of the new entrant a Protocol of Accession annexed to the Report which states that the country accedes to the WTO Agreement, defines the Schedules and outlines final provisions for timing of acceptance of the Protocol and full membership of the WTO.

Becoming a full member

Once approved by the General Council of Ministerial Conference, the applicant is then free to sign the Protocol of Accession stating that it accepts the approved “accessions package” subject to ratification in its national parliament. Normally three months is given from signature of the Protocol of Accession for this to take place.

Thirty days after the applicant government notifies the WTO Secretariat that it has completed its ratification procedures, the applicant government becomes a full Member of the WTO
eral negotiations and on the development of working party

Attachment II

我國在工作小組會議擬提議題清單

1. 請越南政府解除對外資企業不合理之產品外銷比例限制。
2. 請越方將有關裝運前檢驗之法律依據及將裝運前檢驗之有關法令週知。
- ✓3. 請越方依據 WTO 反傾銷及補貼協定內容制訂相關規定。
4. 請越方說明有關國家標準與國際標準調和計畫內容。
- ✓5. 請越方說明有關其動植物防疫檢疫措施之相關規定。
6. 請越方說明有關其加工出口區內廠商相關之稅賦規定。
7. 請越方說明其核心勞動基準落實之情況及有關規定。
8. 請越方放寬外國銀行相關投資、經營及營業規定。
9. 請越方說明「經濟需求測試」之標準及相關法規。
10. 請越方說明其將某些產品列為「軍事設備 (Military equipment)」並禁止進口之原因及相關適法基礎。
11. 請越方說明有關 WT/ACC/VNM/25 表二貨品清單中有關配額或簽證之相關管理制度。
- ✓12. 直接投資之外資企業，其土地權利之取得。
13. 請越方說明其 WTO 水平承諾中，在市場進入及國民待遇部分，Mode (4) 自然人呈現之更多相關資料。
- ✓14. 想瞭解越南之勞動法令有無最低工資之保護？
15. 請越方說明其「人力仲介及供給服務業」(CPC 872) 設立之條件及相關規定。

Attachment Ⅱ

我國在雙邊諮商會議擬提NTM清單

- 1、協助我國成為東協經濟對話夥伴（不擬在會中提出）
- √2、協助我在越投資廠商取得足夠之紡品配額
- 3、取得貿易權
- 4、簡化通關行政手續
- 5、取消對我汽、機車、酒類、鋼材等產品之進口簽證措施
- √6、取消對 14 項工業投資項目需 80% 外銷之規定
- 7、取消工業補貼政策
- 8、智慧財產權有關問題
- 9、參加政府採購協定

A Brief Introduction to Attending WTO Meetings

By Philip W. Ong, Counsellor, Permanent Mission of Taiwan to the WTO

- The WTO meetings at a glance
 - Committee meetings: formal and informal modes
 - Consultations
 - Workshop / Seminar
- Meeting procedures
 - Circulation of the airgram
 - Opening by the chair
 - Inquiry of any new business to be added
 - No quorum requirement
 - Deliberation of agenda items
 - ◆ Taking note
 - ◆ Adoption of decisions
 - ◆ Revert the item to the next meeting
 - Adjourn
 - Circulation of meeting minutes
- Ways of making interventions
 - Obtaining the floor
 - Formalities
 - The intervention
 - ◆ stating positions
 - ◆ making proposals
 - ◆ making preliminary observations or remarks
 - ◆ making qualified support
 - ◆ supporting other members' positions
 - ◆ making reservations
 - ◆ indicating opposition
 - ◆ requesting statements to be placed on the record
- Sense of purpose in making an intervention
 - say exactly what you mean to say in a manner the audience will understand.
 - To **inform** Members about something, or

Doing exercise by yourself.
Catch the core idea
use words precisely

- To **convince** Members of your position, or
- To **arouse** Members to action.

§ **Preparing the outline — always with the audience in mind**

“Tell them what you are going to tell them.

Tell them.

Tell them again in a slightly different way.”

-- Larry King

3 kinds of audience
 ① sympathetic
 ② in different
 ③ hostile

1. The Introduction

- Get the attention of the audience
(never apologize or give excuses for ill-preparation)
- Reveal the **central idea**

2. The Body

- Key point 1 and supporting arguments or data.
- Key point 2 and supporting arguments or data.
- Limit to at most 3 key points.
- All these main points should lead to the **central idea**.

3. The Summary

- Signpost the end of the presentation.
- Summarize and reinforce the **central idea**.
- Make suggestions or conclusions.
- Q&A (anticipate questions, and prepare answers beforehand)

4. Revision

- Distance yourself from your writing
- Shift your perspective to that of the audience.

It's not your speech that matters, but audience interest matters.

§ *The Language of Meeting*

1. 主席開場

It's my great pleasure to chair this committee.

On behalf of my mission, allow me to extend a warm welcome to you.

I think we should begin.

Shall we get started?

2. 議程

Is there any new business members wish to add to the agenda?

It appears to be none. The agenda is adopted.

I'd like to propose that we add to the agenda the question of...

I think we should take up the problem...

3. 說明會議主旨

The purpose (goal) of the meeting is...

We are here to discuss...

The task before us is to reach a consensus on...

The meeting provides us with a good opportunity to...

4. 請專人發言

I'd like to call on __ to talk about...

I have the pleasure of inviting __ to address...

I'd like to turn the floor to __.

May I ask ___ to share your thought with us?

Perhaps Mr. Sloan cares to comment on ...

5 取得發言權

Mr. Chairman, may I have the floor?

I wonder if I could respond to Mr. A's proposal.

If I may, I'd like to say something about the....

If I could just offer my viewpoint on....

6. 表達立場

Regarding the..., I believe...

As I see it, first of all...; secondly,...

Let me begin by pointing out that...

I'd like to make a few remarks concerning...

There are a number of issues that deserve our attention
My positions on the issue are as follows...
We feel it's important (essential, critical...) to....

7. 提出看法

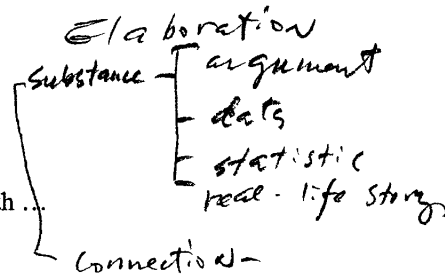
I (am inclined to, tend to) think
In my opinion (Personally), I...
As I understand it, the core of the issue...
I would like to draw the attention of the committee to ___.
My initial (preliminary) observation of the issue is...
I'd like to share with you a few thoughts on...

8. 提出要點

My point is...
I wish to make a point by saying...
The crux (core) of the issue is...
What I'm trying to say is...
What I'm getting at is...
The bottom line is ...
I wish to emphasize that ...
We mustn't underestimate the importance of ...
I believe this warrants further discussion.

8. 推演論點

Moreover, it is important to note that...
Now let's turn to...
This leads me to my second point...
The issue must be seen in conjunction with ...
Having said that, I'd like to...
Let's look at the issue from another angle.



9. 請求澄清

I did not quite catch your point. Would you mind going over it again?
Could you explain what you mean by...?
If I understand you correctly, you seem to be saying...
Correct me if I am wrong, but...
Could you please be more specific on...?

✓ 10. 發問前之客套語

You have made an interesting point, and I
What the previous speaker just said is very important, but
I am impressed by your presentation, and I
If I understand you correctly, you're saying
I know what you're trying to say. Let me...

✓ 11. 發問

What do you think about...?
How do you think this will affect...?
I wonder if you could tell me...
Would you care to elaborate (expand on) a bit?
Do you mind telling us more about...?
Have you taken into account of...?
Have it occurred to you that...?

✓ 12. 回答前之客套語

Thank you for your question (comment).
That's a good question.
That's a very important (interesting) question.
That's a very interesting point you made.
I am glad that you ask this question
I'm delighted to answer your question.
I appreciate your interest in this matter.
I am glad you asked the question.

✓ 13 回答

Let me answer your question briefly.
To (the best of) my knowledge, ...
I'm afraid I have no idea of...
I'm sorry I don't have the information on hand.
Well, it's rather difficult to say at present.
It really depends what you mean by...
I'm sorry I can't (am not in the position to) answer your question.
I wish I could answer the question, but...

14. 反問

I beg your pardon?

Are you saying that...?

Could you please rephrase your question?

What exactly are you trying to say?

What are you getting at?

What exactly is your point?

I am not quite sure what you mean by... Could you...?

15. 引導回歸主題

As I was saying, the issue is...

Going back to what I was saying,

Perhaps I could resume the topic...

Like I said earlier, it is...

If I may just go back to the point I was making...

I see your point, but can we stick to the main subject here?

16. 徵詢建議

Do you have any recommendation?

Do we have other options (alternatives)?

What's your suggestion?

What do you think?

17. 提出建議

I propose that...

If I may, I would suggest that...

I would like to put forward a proposal that...

It might be a good idea to...

Perhaps we should...

I (strongly) recommend (advise, suggest)...

Wouldn't it be a good idea to...?

It would be in our common interest to ...

It seems to me that the only solution is...

18. 強調

I would emphasize (underscore, underline)...

Let me make it clear that...

There is no doubt that...

19. 舉例或說明

Let me give you an example.

According to the statistics,...

Allow me to elaborate a bit on...

To illustrate this point, let's consider... for a moment.

By way of example, I would cite the case of...

A case in point is...

20. 比較方案

A would mean..., but B is more...

A is OK, but I like B better.

I would prefer A to B because...

A has an advantage over B in that...

On the one hand...,but on the other hand....

Although..., nevertheless....

While..., we should also remember that ...

Despite the fact that..., I ...

21. 有限度贊成

I agree up to a point, but...

To a certain extent I agree with you, but...

By and large, I would accept your views, but...

I agree in principle, but...

I am afraid I have to qualify my support for...

22. 表示贊同或支持

I can go along with the...

My delegation has no problem with...

I am pleased with the...

I share the view with...

I think you're right in saying that...

I agree with your idea.

I couldn't agree with you more.

I am with you.

My delegation would like to associate itself with...

I am in favor of the...

My delegation supports...

23. 委婉反對或拖延

You have a point there, but...
You may be right in saying ..., but...
On the face of it, the proposal seems feasible, but...
It is all very well to say..., but...
It is open to question whether...
I see your point, but...
I am surprised by the...
I have certain reservations about...
I feel a decision at this stage would be premature.
Shall we revert to this question at our next meeting?
I believe the whole issue needs to be looked at more carefully.
I am not sure whether that's a good idea to...

24. 表示反對

My delegation has great concern over (about)...
I don't want to be discouraging, but...
With due respect, I'd like to point out that...
To put it bluntly, I am afraid I can't agree with you.
Frankly, I am not sure the proposal is feasible.
We find it regrettable (difficult) to ...
I am afraid I have to raise (take) the issue with you.
I am afraid that we have to call into question the ...
I'm sorry that I have to disagree with you.
My instructions do not permit me to ...
I beg to differ.
Under no circumstances (by no means) could we agree to the ...

25. 不表意見

I don't have anything to add.
My delegation has no further comment.
I'm afraid I'm not in a position to make any comment at this moment.
My delegation takes no position on this issue. But we reserve the right to come back to it.

26. 會議時間不足

I regret we're out of time.
I'm afraid we're running behind the schedule.

Due to time constraint, I am afraid that we have to ...
In the interest of time, perhaps we should ...
I hate to call time, but I am afraid...

27. 結語

Allow me to sum up the discussion.....
In conclusion, I think we are in agreement on...
To review briefly, the main points that have been made are...
I think the following conclusions may be drawn from the discussion:...
Let me end by saying that...
Finally, I'd like to conclude the meeting by thanking...

28. 問答

Are there any questions?
I am pleased to take your questions.
I am sure some of you may have questions.
If you have any questions, please feel free to ask.
I'm afraid I can only entertain two more questions.

29. 散會前之客套話

I thank you for your time and attention.
I appreciate the opportunity to speak to you
It's my pleasure to attend this meeting.
I really enjoy coming here to exchange views with all of you.
Thank you. It's been a useful meeting.

30. 提議散會

Shall we end (conclude) the meeting here?
If everyone's in agreement, I suggest that we ...
Does anyone have anything to add?

31. 宣佈散會

The meeting is adjourned (closed).
If nobody has anything further, we can draw the meeting to a close.
If that's everything, we can stop here.

32. 常用之轉折語

Regarding (With respect to, As to, Concerning, In terms of ...)...

To begin with,...

At the outset,...

Finally,...

At the end of the day, ...

The bottom line is...

As a matter of fact (Actually),...

As (So) far as I am concerned,...

Generally (Frankly) speaking,...

All things considered,...

By and large,...

On the whole,...

To be honest with you,...

However (Nevertheless),...

Anyway (Anyhow),...

In the meantime (Meanwhile),...

In this connection,...

At this juncture,...

In the final analysis,...

At this point in time,...

For this purpose (To that end, In order to),..

As a result (Therefore, Consequently),

On second thought, I ...

Having said that, I ...

For the sake of simplicity (argument), let me just...

Let me put it this way. (In other words,...)

Simply put,

In conclusion, (to conclude, to sum up..)...

In a nutshell,...

G. C. meeting

Excerpts of GC Meeting Minutes

1. The Chairman, on behalf of the entire membership, extended his appreciation and compliments for the hard work the Chairman and members of the Budget Committee, together with the Secretariat, had put into this report. As Members were aware, the budget provisions included a salary adjustment for the Secretariat of four per cent; three per cent awarded on 1 January 2003 and the remaining one per cent on 1 July 2003. The Budget Committee had also recommended such further adjustment as was necessary to restore parity with the UN Common System.

2. The representative of China said that his Government had reservations regarding the 8.3 per cent budget increase which added to China's already sharp increase in its budget contribution due to the expansion of its total trade. In the interests of the system, his Government did not intend to block a consensus on this matter, but wished nevertheless to place its reservations on record.

3. China's Transitional Review under Section 18.2 of the Protocol of Accession to the WTO Agreement.

4. The Chairman recalled that Section 18.2 of the Protocol on Accession of China to the WTO Agreement required that: "The General Council shall, within one year after accession, and in accordance with paragraph 4 of Section 18, review the implementation by China of the WTO Agreement and the provisions of this Protocol. The General Council shall conduct such review in accordance with the framework set out in Annex 1B and the reports of the subsidiary bodies on their respective reviews of China's implementation of the WTO Agreement and of the related provisions of the Protocol were contained in documents G/L/596, S/C/15, IP/C/26, WT/BOP/R/68.

5. The representative of China thanked the Chairpersons of the subsidiary bodies for their reports. The following day would be the one-year anniversary of China's accession to the WTO, and there would be many seminars, reports and comments in China's news media to mark the event. In China there was still unabating interest in learning about WTO rules and in discussing the impact of China's WTO membership on its economic and social life. More and more people had come to see that accession had brought China great opportunities as well as huge challenges. During the accession negotiations, China had made extensive and wide-ranging commitments in line with its economic reform and open policy, and at the requests of other Members. Although the implementation of these commitments entailed enormous

Report style

2/3/03
22

~~2/3/03~~ 22

difficulties, China had made its utmost efforts to meet its obligations. These efforts were reflected in a whole series of measures, including amending legislation to strengthen the legal framework, heightening the transparency of its trade policies, lowering tariffs, trimming down various trade restrictions, expanding market-access opportunities and improving the investment environment. Positive results had been achieved in these areas to bring China's trade regime into line with WTO rules and accession commitments, which, he believed, were evident to all WTO Members.

3/2/02 *On behalf of my* *Office* *(2), (2)*

6. The representative of Chinese Taipei said that his delegation wished to give due recognition to the efforts of the Chinese delegation in responding to the questions raised by Chinese Taipei and by many other Members concerning China's implementation of its accession commitments. Many Members with substantial investment and trade interests in China had either submitted written questions or intervened verbally in the course of the TRM sessions. Since Chinese Taipei had such a close trading relationship with China and was one of China's largest foreign direct investors, his delegation had participated positively in the TRM process. Altogether it had tabled ten written submissions and had made considerable use of the forum to exchange views with China's capital-based experts. As a result of these useful exchanges, his delegation was now in a better position to understand the general status of China's implementation of its accession commitments and to appreciate some of the difficulties that might have been involved. In his delegation's view, it had achieved, to a large extent, the shared goal of assisting China to improve its conformity with WTO rules and principles. His delegation considered that China had been making conscientious efforts to fulfill its obligations under the TRM, and the mechanism had proved to be extremely useful. He looked forward to continued improvement in the years to come.

1 *2* *3* *4* *5* *6* *7* *8* *9* *10* *11* *12* *13* *14* *15* *16* *17* *18* *19* *20* *21* *22* *23* *24* *25* *26* *27* *28* *29* *30* *31* *32* *33* *34* *35* *36* *37* *38* *39* *40* *41* *42* *43* *44* *45* *46* *47* *48* *49* *50* *51* *52* *53* *54* *55* *56* *57* *58* *59* *60* *61* *62* *63* *64* *65* *66* *67* *68* *69* *70* *71* *72* *73* *74* *75* *76* *77* *78* *79* *80* *81* *82* *83* *84* *85* *86* *87* *88* *89* *90* *91* *92* *93* *94* *95* *96* *97* *98* *99* *100*

**Remarks by Permanent Representative Ching-Chang Yen
of the Separate Customs Territory of Taiwan, Penghu, Kinmen and
Matsu at the Trade Policy Review of Canada,
Wednesday, 12 March 2003**

Madam Chairperson, may I firstly offer our congratulations on your appointment as Chair of the Trade Policy Review.

On behalf of my delegation, I would like to extend a very warm welcome to Director, Mr. Randle Wilson and his delegation from Ottawa to this review of Canada's trade policies over the last two years. I would particularly like to thank the discussant, our colleague His Excellency Mr. S. H. Jóhannesson, for his valuable contribution - as well as a great sense of humour - to this review. My delegation also greatly appreciates the efforts undertaken by the Canadian government and the WTO Secretariat in preparing such excellent reports for our reference.

On a general note, may I start by complimenting Canada on its sound macroeconomic policies and outward-looking trade regime, which have succeeded in strengthening its economic position over recent years. Canada's achievements in this respect are reflected in its impressive GDP growth and low inflation rate – solid foundations that are no doubt helping it to better cope with the current global economic slowdown. My delegation has the pleasure to note that Canada has attached great importance to the Doha Development Agenda. We also hold the view that only a successful conclusion to this round of multilateral trade negotiations will help the world economy to emerge from its present state and benefit all countries – developing and developed.

We enjoy very close and long-standing economic ties with Canada, as reflected in the trade flows between us. Indeed, Taiwan is one of Canada's main trading partners. Two-way trade between us in 2002 amounted to US\$ 2.47 billion. Of this, our imports from Canada totalled US\$ 0.94 billion and our exports to Canada were US\$ 1.53 billion, giving us a trade surplus of US\$ 0.59 billion. In fact, this bilateral trade between us is complementary in nature. A high proportion of our imports from Canada are hi-tech products. Canada also supplies us natural resources.

At the same time, we provide Canada with a variety of high quality, but low-priced, components for its machinery, aerospace, transportation, biotech and peripheral equipment industries, among others. And we are firmly convinced that there is a lot more room left for further cooperation and trade development between us in the coming years, especially in the areas of biotechnology, hi-tech and environmental industries.

My delegation acknowledges and greatly appreciates the extremely active role that Canada plays in the WTO. In this regard, we are especially indebted to the generosity of Canada in allowing the most capable Ambassador Sergio Marchi to be in charge of the General Council for one year. We also recognize Canada's long-standing commitment to an open and transparent global trading system in the areas of agriculture, industrial products and services.

Madam Chairperson, my delegation does, however, have some concerns relating to certain areas of Canada's trade policy. The full list of written questions from my delegation has already been submitted, but I would like briefly to touch on two that are of special interest to us.

The first relates to Canada's SPS measures on animal products. It is widely known that CWD (Chronic Wasting Disease) is a type of TSE (Transmissible Spongiform Encephalopathies). We notice that more and more CWD cases are being found in Canada. Certainly, there has not been any scientific evidence of a linkage between CWD and BSE yet. However, as we have seen, the outbreaks of BSE in some other countries were probably caused by TSE-infected animal products having been fed to cows as an alternative source of protein. Bearing in mind that Canada is one of our major suppliers of bovine meats and other animal products, we are eager to be provided with more information on how it treats CWD-infected materials in order to prevent the spread of contamination by TSE agents into the food chain and what sanitary measures are being taken concerning these animals and related products, so that safe trade can be assured.

Another area of concern relates to the subject of intellectual property rights protection. We understand that the Canadian government has a well established legal regime for enhancing IPR protection. My government

fully recognizes the Canadian government's determination to protect intellectual property rights and thus has no doubt about its abilities in this respect. However, with the continued increase of Chinese immigration into Canada, the situation concerning Chinese-language intellectual property infringement, especially in music and pop songs, has attracted the attention of our music-producing industry, which is one of the most important in the Chinese-speaking world. We would therefore appreciate it if Canada could shed some light on how to ensure the same protection for intellectual property in other languages as it does for that in English and French.

Madam Chairperson, in concluding my remarks, while committed to further cooperation with Canada, particularly in the areas of services and the market access of industrial products, my delegation would like to take this opportunity to offer our best wishes to Canada for a successful trade policy review.

I thank you, Madam Chairperson, for giving me the floor.

**WORLD TRADE
ORGANIZATION**

RESTRICTED

S/FIN/M/37

24 October 2002

(02-5856)

Committee on Trade in Financial Services

REPORT OF THE MEETING HELD ON 21 OCTOBER 2002

Note by the Secretariat¹

31. The representative of Chinese Taipei said that credit should be given to the Chinese delegation for its obvious efforts in preparing the responses to the questions and comments tabled by his delegation and several others. As one of the major trading partners and investors in China, Chinese Taipei felt much obliged to address a number of legitimate concerns in areas where China might have lapsed in its implementation. Chinese Taipei strongly believed that a smooth implementation of China's accession Protocol was in the best interest of all Members concerned, including China itself. Chinese Taipei looked forward to a successful transitional review mechanism.
32. He then made some specific comments. Chinese Taipei was of the opinion that the Chinese delegation had made conscientious efforts in preparing all the documents
33. Regarding the issue of auto financing by non-banking institutions, he reminded that it was raised by the submissions made by the United States and Japan, dated 1 October. Incidentally, he found with pleasant surprise that a draft rule had been published by the People's Bank of China one week later for comments. Of course, that commitment was made to be available upon the accession of China, earlier this year. But, the reasons presented by the Chinese delegate previously were quite understandable because it required a very comprehensive inter-agency hearing and consultation. From his perspective, the timely publication of this piece of legislation for comments was a development worthy of attention.
34. Chinese Taipei had tabled a wide range of issues covering securities, banking and insurance. Most of Chinese Taipei's concerns overlapped with those tabled by four other Members. These concerns lay in the unusually high capital requirements for foreign institutions, the lack of transparency in Chinese regulations and the lengthy and uncertain

licensing procedures. Having said that he turned to an issue that was not answered by the Chinese delegation. It was his understanding that in order for a foreign financial institution to be able to operate in China, a so-called memorandum of understanding for mutual cooperation in the regulation of the business was required. He asked the Chinese delegation whether the rationale for that could be provided. Having said that, he noted that Chinese Taipei was a major trading partner of China, and a major foreign direct investor in China. It had invested more than a hundred billion dollars in China. Therefore there was a legitimate need for financing for Chinese Taipei investors in China. He reported that four banks from Chinese Taipei had been given the status of representative office, and were waiting to be upgraded. But in order to up-grade their operation, they were requested to sign a memorandum of Understanding with the Chinese authorities, namely the People's Bank of China. He wished that some kind of flexibility could be created for this kind of document to be signed.

48. Regarding the questions raised by Chinese Taipei, China made the following clarification. The normal trade relations in light of WTO principles and rules between China and the separate customs territory Chinese Taipei had not yet been established. Such a situation was caused by unilateral restrictions erected by Chinese Taipei. China's policies towards Chinese Taipei were open and non-discriminatory. Therefore, it was meaningless for Chinese Taipei to ask any specific question to China while it refused to fulfill its basic obligations under the WTO to allow the normal flow of goods, services and people across the strait. It was China's hope that all these fundamental issues would be first dealt with through bilateral channels.
63. The representative of Chinese Taipei said that he could not agree more with China that China would implement this WTO obligation in a non-discriminatory manner. Therefore, it was only appropriate for Chinese Taipei to address some of its legitimate concerns. Chinese Taipei had some reservations about China's reference that some of those issues were bilateral in nature.
95. The representative of China noted that in the report of the last meeting, under item C ("Recent Developments in Financial Services Trade"), there were some words and phrases expressed by Chinese Taipei, which in China's view were not appropriate. China expressed its concern on that wording, and expressed its strong reservation. She requested that this statement be recorded in the report of this meeting.
96. The representative of Chinese Taipei said that China's reference to Mr. Tseng's statement at the last meeting as inappropriate was not acceptable. He requested this statement to be fully registered in the minutes of this meeting.

mean that portfolio assets would be subject to a State-to-State dispute settlement in the WTO. This would in turn need to be examined in relation to private sector involvement under an IMF-sponsored mechanism. The Secretariat wished only at this stage to identify this issue as one of potential overlap between international organizations. With respect to competition, government procurement, and trade facilitation, these areas were not only part of the WTO agenda, but also of PRSPs and they formed a wider "behind-the-border" agenda aimed at developing countries in order to build a more open, efficient business environment that helped increase the supply-response to new export opportunities. In this sense, (and as discussed in earlier meetings of the Working Group) it was linked to trade liberalization and debt alleviation.

13. The Chairman acknowledged that the representative of Japan had a point in the sense that the Working Group needed to remain focused on the essential parts of its mandate, which would help make its report to Ministers in a timely manner. However, he believed that this requirement was also shared by the Secretariat, which had done its best so far to help keep the Working Group on track.

14. The representative of Brazil first highlighted two issues that were of importance to his country; both of which were mentioned in the Secretariat Note. The first was trade financing (both for exports and for imports), in terms of ensuring that crisis-stricken countries could continue to tap into international sources of finance; and the second was market access, particularly for countries facing structural external vulnerabilities, which was an issue within the remit of the WTO. He turned to paragraphs 34-37 and 41 of the Note, concerning the relationship between financial services liberalization and capital account liberalization. He wished to point out that it would be useful if the suggestions made by the Secretariat in this area, if taken up by Members, could incorporate the question of capital account liberalization and current financial services negotiations, as it seemed that the GATS already contained parts of a legal framework for Members to commit to opening their capital account. He referred in particular to the GATS Annex on Financial Services which contained definitions of activities, that, once committed on a cross-border basis by a Member, meant that the Member in question would be committing to allow free flow of capital on a cross-border basis. This would be the case if a Member made a commitment on the cross-border supply of services such as lending of all types, portfolios, asset and pension fund management. He therefore emphasized the need to take this up in the context of the Working Group on Trade, Debt and Finance, as, while concurring that capital account liberalization could be looked at from the point view of investment, it had already come up in the financial services negotiations (in particular in some of the requests of Brazil's trading partners). Requests for further study in the Committee on Financial Services had been negated by others Members suggesting that the WTO would have little to add to existing work by the IMF and the World Bank. He therefore agreed with the Secretariat Note that joint or coordinated research by the three organizations involved in Coherence would be welcome.

15. The representative of Chinese Taipei considered the Secretariat Note as a good basis for work. It emphasized in particular issues such as the availability of trade financing in times of extreme crisis, which should be considered as the priority of the Working Group in its future work. Responding to the statement made by Korea, he emphasized that the efficient recovery of the Korean economy after the 1997-99 financial crisis, resulting in part from the tough reforms made at the time, was to be noted by the WTO Members experiencing financial crises. He considered that the remarks made by Korea concerning the possible undermining effects of incoherence between international organizations merited the attention of the Working Group, and therefore sought additional details to be able to appreciate fully its systemic consequences.

16. The representative of Pakistan qualified Korea's statement as "eye opening" and said that it showed that there were elements which had a potential to undermine the entire Coherence Mandate that needed to be further discussed in the Working Group. Referring to the Marrakesh Declaration and other texts, he believed that one should not lose sight of the main objectives of the three complementary organizations i.e.: (i) to facilitate the expansion and balance of growth in

32
 answer ✓
 3/10

Outline for discussion on the Negotiations on the Doha Agenda

1. Possible reasons to launch a new round of trade negotiation.

- To further liberalize the international trade regime in order to stimulate world economic growth?
- To make new trade rules or to improve the existing rules since the current rules are insufficient or inadequate?
- To maintain the prominence of the WTO since a world trade negotiation round can attract strong and widespread attention?
- Any other reasons that you can think of?
- Are you aware of the reasons to launch the Uruguay Round negotiation?
- Why Seattle Meeting which attempted to launch a new trade round negotiation ended with a big failure? Any lessons to the trade community?

(1999, WTO, 第2, 环境保, US 国内经济好是启动 New Round.

1986 - 1995

2. Circumstances surrounding launch of Doha Round of Negotiations. Which one factor or factors are the major reasons for WTO members to agree on the launch of the Round? Why?

- Political situation
September 11, 2001 911 事件后, 25 月, 美英世界团结
- Economic situation
Slowdown in the major countries - 泡沫经济破灭, 全球经济衰退, 贸易萎缩
- Trade situation
Potential conflicts between major powers
- North-South conflict - 贸易争端 (1000 亿美元) 12 < US 1 / 10 < 0.60 亿美元
Divide getting bigger EC - 贸易争端 US 2 亿美元
- Poverty of the world
- Can the trade round solve those problems?
Is it a good idea to start this round under the circumstance? Any urgency?
Are the members ready? Why and why not?
- You may want to compare the circumstances surrounding the launch of Uruguay Round negotiation.

3. Why members agreed to this round? What are their expectations out of the negotiation?

Developed countries?

Developing countries?

Uruguay Round 1 - 1994 年 12 月 15 日 签署
2 - 10 年 过渡期
3 - 贸易自由化, 减少贸易壁垒
4 - 发展中国家加入 WTO 后, 贸易自由化, 贸易增长

除非我們與美國、印度、巴西、中國、
及EC等。
(Taiwan 30-40%)

Least developed countries?
What does Taiwan want?

public policy concerned

大陸 9%
香港 5-7%
US 3%
日本 3%
EC

- 4. What is the Doha Agenda? What are the mandates?
- 5. How are the negotiations organized?

Timetable

- Deadline for the whole negotiation: by Jan 1, 2005 as a single undertaking →
- Deadline for dispute settlement negotiations: May 2003
- Deadline for negotiations on registration system for geographical indications: 5th Ministerial Conference.
- Deadline for the establishment of agriculture modalities for the further commitments: March 31, 2003.

Organization

Trade Negotiation Committee

Two new negotiating groups are established:

- Market access
- WTO rules (anti-dumping, subsidies, regional trade agreements)

Issues covered by the existing bodies:

- Agriculture: in special sessions of the Agriculture Committee
- Services: in special sessions of the Services Council
- Geographical indications, a multilateral registration system: In special sessions of TRIPs council.
- Dispute Settlement Understanding: in special sessions of the DSB.
- Environment: in special sessions of the Trade and Environment Committee.
- Implementation issues: in relevant bodies
- Review of all special and differential treatment provisions: in special sessions of the Trade and Development Committee.

- 6. What are the basic principles of the negotiation? Do you think those principles are helpful to the Round? Or those principles are not necessary and only create more problems for the Round?

100%

- Single undertaking
- Participation
- Transparency
- Special and differential treatment

Sustainable development

7. What progress made so far?

Public health issue. →

ZPA - pharmaceutical, AIDS.

8. Cancun Ministerial Conference

What happen? Whose fault?

Group 20 made unreasonable proposal?

ACP countries refused to talk?

Rich countries ignored the need of the poor countries?

Time is too short to make a deal?

Current efforts.

LDC 2/3 ②

Africa, Caribbean, Pacific

Cotton subsidy.

Herb's Dev. ?
P. 6.

9. The assessment

- We all know the multilateral trade system will not die and the Doha Round will not stop. However, is there any negative impact on the WTO as a result of the Cancun Conference? What kind of lessons can the WTO learn from this? What kind of lessons can Taiwan learn from this?
- What are the possible developments in the future? What do we want? What is Taiwan's strategy? How to prepare ourselves? How to influence the result of the negotiation?

附件一

Progress of WTO Services Negotiations

1. General Agreement on Trade in Services: Objectives

- Expansion of Services Trade.
- Progressive Liberalization through successive rounds of negotiations
- Transparency of rules and regulations.
- Increasing participation of developing countries.

2. Negotiation Mandate

- The GATS Article XIX:1 (built-in Agenda): A commitment by WTO Members to progressively liberalize trade in services no later than five year from the date of entry into force of the WTO Agreements (On 7 Feb 2000, the General Council decided that the services negotiations be conducted in Special Sessions of the Council for Trade in Services.
- Article XIX:3 mandates the Services Council to establish negotiating guideline and procedures, and to carry out assessment of trade in services both in overall terms and on sectoral basis.
- Article VI:4, mandates negotiations on Domestic Regulations.
- Article X, XIII, XV mandate multilateral negotiation on Emergency Safeguard Measures, Government Procurement and Subsidies.

3. The Doha Negotiating Mandate (paragraph 15)

- The Doha Declaration endorses the work already done, reaffirms the negotiating guidelines and procedures, and establishes some key elements of the timetable including, most importantly, the deadline for the conclusion of the negotiations as part of a single undertaking.
- Members reaffirm the Guideline and Procedures for the Negotiations on Trade in Service (S/L/93, attachment) as the basis for continuing the negotiations.

4.. Procedures and Key Dates.

- Start: :7 Feb.2000
- Negotiating guidelines and procedures: March 2001
- Requests for market access: 30 June 2002
- Initial offers of Market access: by 31 March 2003
- Stocktaking: 5th Ministerial Conference, 2003 (in Mexico)
- Deadline: by 1st January 2005, part of single undertaking

5. Negotiation Tools

- Guidelines for the Scheduling of Specific Commitments Under the GATS (S/L/92)
- Assessment for Trade in services in overall terms and on a sectoral basis (Article XIX. 3)
- Modalities for the treatment of autonomous liberalization (Article XIX. 3 , attachment 2)
- Modalities for the special treatment for least-developed country members (Article XIX. 3 , attachment 3)
- Classification issues

6. GATS Reviews.

- GATS technical review- Article XX:2
- MFN exemption (Annex on Article II exemptions: review shall be conducted no more than five years after the entry into force of the WTO Agreement)
- Coverage of Air Transport, Telecom Accounting Rates etc.

7. Classification and Scheduling Problems

- Modification of the current Sector Classification List based on the UN Provisional Central Product Classifications (CPC)

- Definition of sector clusters to remedy classification problems and / or take into account economic interlinkages?
- Revision of the current Scheduling Guidelines.

8. Domestic Regulations

- Members shall aim to complete negotiations under Article VI:4... prior to the conclusion of negotiations on specific commitments.
- Members ensure the qualification requirements and procedures, technical standards and licensing requirements do not constitute unnecessary barriers to trade in services. Disciplines shall ensure such requirements are : objective and transparent criteria, not more burdensome than necessary to ensure the quality of the service , in the case of licensing procedures, not in themselves a restriction on the supply of the services.
- Disciplines on Domestic Regulation in the Accountancy Sector. (30th Nov. 1998. attachment 4)
- Horizontal vs. Sectoral approaches
- Negotiation issues:
 - Example list of domestic regulations measures
 - Domestic consultation with professional bodies
 - Seminars on domestic regulations
- Mutual recognition (Article 7)
 - guidelines for Mutual Recognition Agreements or Arrangements in the Accountancy Sector (28th May, 1997, attachment 5)

9. GATS Rules Negotiation

- Emergency safeguard measures (Article X:I):finalize the negotiation by 15 March 2004.

- Subsidies (Article XV:1):for the purpose of such negotiations (multilateral disciplines to avoid such trade-distortive effects), Members shall exchange information concerning all subsidies related to trade in services that they provide to their domestic service suppliers.
- Government Procurement (Article XIII:2):take stock of progress of negotiation by the Fifth Ministerial Conference.
- Attachment 6

10. Market Access Negotiation

- Initial requests vs. Initial offers
 - content, format, process .
 - initial request:: by 30 June 2002
 - initial offers: by 31 March 2003
- Bilateral talks
 - Services Weeks
 - Invite experts to participate
- Informal groups

附件十二

A trainee's perception on Taiwan's WTO mission

Kuo, KerChung

Good morning, Ambassador, Minister Deng, Minister Kao and dear colleagues of this mission:

Dear Ambassador, I am here with my full heart to pay my salute to the excellence of your leadership that makes this mission bright and shining. I would also like to express my deep appreciation toward you and your colleagues for the guidance of what are WTO and this mission all about.

In such short period, we have attended five WTO meetings and ten training classes held by the colleagues in this mission. Since you are all experts in related issues, it would be unwise for me to go into any specific issue in detail. As a trained plant pathologist, I would start to share with you my thoughts about SPS, agriculture and finally some general thoughts about this program in general.

SPS agreement is a field highly technical and speaks a kind of language very much different from others in this mission. I thank Ray Chang that has done so much and so well in linking the BAPHIQ and related authorities among member countries. In a recent SPS meeting, he has effectively assisted BAPHIQ to respond to New Zealand and US regarding market access of potato and quarantine measures of dog food respectively. As I recalled a chat between we trainees and Minister Deng over last weekend dinner table that SPS issue is important in many ways such as safeguarding the nation and protecting the consumers and natural resources. In addition to that, the measures could also serve as a bargaining chip in the WTO negotiations to serve the nation's best interests.

With BAPHIQ being a family member of the Council of Agriculture, I also want to mention that I am deeply impressed by jobs that Susan is doing here. The Cuncun setback was due, in part, to the failure of the agriculture negotiations. These are highly controversial and extremely difficult to reach a consensus

on. The huge gap between developing and developed countries regarding market access, domestic support and subsidies is hindering this new round of negotiations. We don't seem to see the silver lining of the negotiation just yet. The fact that developing countries consider that they did not gain as much as developed countries in the Uruguay Round seems to be one of the reasons why the developing countries are taking a firm stand in this new round negotiation. Many members expect developed countries to make deeper concessions and use the cotton export subsidy case as an indicator to test the goodwill of the developed countries. As a small country with agriculture only counting for 4% of GDP, Taiwan doesn't have a lot to play with. However, I was glad, due to Susan's generosity, to attend the G-10 meeting on November 17 which allowed me to see at first hand her active participation in that group. This has given me the impression that the longer time needed for the agricultural reforms back home to be implemented will eventually be achieved as a result of her active involvement in the G-10 meeting.

Looking back at Harvard executive program that I took last August, one of the conclusions we came up with is that a deeper integration is needed for the world trade regime to work properly. The member countries need to show their goodwill to other members and to decide what to give and what to take in order for the negotiation to go further such as flexibility. The deeper integration is not only true in the international arena but also true back home. We used to conduct WTO business with simple mind and not knowing the complexity behind. As regards what to give and what to take, without coming to this mission we would not have been able to experience and understand in person the full complexity of WTO issues.

If I may, I would like to call these two weeks a 'grace period' for us since it is a great privilege for us to escape from our jobs and learn so much from you. So many thanks to you that making this training program a very successful one. The vision and in depth understanding of issues you delivered have transformed

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our knowledge about WTO and the role of Taiwan in a very
sound manner.

A few thoughts on the Field Trip to the WTO

Outline

1. An overview of the training in past two weeks
2. Observations on WTO meetings
 - (1) Being polite before attacking
 - (2) 'Behind The Scenes' contacts
 - (3) Pragmatism rather than formalism
3. Reflections on improving working relations between Capital and Mission
 - (1) Improving the quality of the contact
 - (2) Maintain a complementary and cooperative working relationship
 - (3) Developing a steady and long-lasting partnership
4. Conclusion

Ambassador Yen, my respectable fellows in Geneva,

Before I start my presentation, I would like to thank my colleagues of the Permanent Mission for giving us a great deal of assistance in the two weeks and for their dedication to our training program.

This is the third visit for me to Geneva, but it has already been two years at least since my last visit. And, the responsibility I have on my shoulders now is also very different from then. Therefore, I became very tense and experienced a great deal of anxiety both before arriving and during the first two days I was here. However, the upbeat atmosphere and warm-hearted friendship extended by everyone here very soon made me feel comfortable.

Now, I would like to draw your attention to the outline of my presentation. Firstly, I would give you an overview of this training program in the past two weeks. In the second part, I will talk about what I have observed while attending certain WTO meetings. Then, I would like to consolidate a few points about working relationships between the Mission and the Capital.

1. An Overview of the training in the past two weeks

WTO seems to me to be a mine of information and rules and regulations. In the Bureau of Foreign Trade, I am in

charge of certain WTO issues, including antidumping, subsidy, safeguard and TRIPS rules. It takes a long time to get to know every one of them really well. I must confess even though I am familiar with a few WTO agreements, it is still a big problem to get myself to the point where I feel comfortable with attending WTO meetings, not to mention having discussions with other participants in the meetings.

Last Wednesday, Stanley Tseng arranged us to have lunch with Mr. Human, a formal official of S. African Representative Office in Geneva and now working for the WTO Secretariat in charge of the subsidy issue. Mr. Human has immersed himself in WTO affairs for most of his career life and is still very humble about his contribution. I can't quote his exact words, but his feeling is that the longer he has been involved in the WTO, the more he has become addicted to it. Another day, we went along with Susan Chang and Ray Chang to have lunch with two officials dealing with SPS issues in the WTO Secretariat. Without any knowledge of SPS rules, it was very difficult for me to understand what they talked about. I want to emphasize again that WTO knowledge is like a mine, seemingly never exhausted and I wonder whether we could always be feeling that what we have learnt about the WTO is still a drop in the ocean.

2. Observations on WTO meetings:

Now, let's turn to my observations during attending WTO meetings in these days. I would like to cover three aspects of my observations.

(1) Being polite before attacking:

The first is 'Being polite before attacking'. Politeness always acts as a catalyst for starting the proceedings at WTO meetings. The Chairman or the Madam Chairman of the meeting usually presides over the meetings patiently and in a diplomatic way. Members propose their ideas or answer questions also with a polite beginning and then go on to the real and substantial debate.

(2) 'Behind the Scenes' contacts:

Secondly, before the start of the meetings and during the break of the meetings, Members also do their best to sound out other Members' views or solicit support for their ideas from other Members. So, on the stage, we seldom see fierce arguments between Members but behind the scenes, I must say intense competition has already been going on. To describe this condition, I would like to use the term 'swimming of a duck' because on the surface of water, we do not see many ripples behind a duck swimming by, but no doubt its feet are working very hard under the water.

(3) Pragmatism rather than formalism:

In addition, topics discussed in the WTO are all related to pragmatic trade issues between Members and involve substantial commitments made by Members, so it is necessary to invest a great deal of manpower and resources to cope with obligations and at the same time to achieve what is in our best interests. So, it would seem that the appropriate way to judge our performance in the WTO is not by indicators such as how many times we have attended the meetings or how many people of our country have ever received WTO training or other similar criteria; but rather, by the number of proposals we have initiated or submitted, or the informal meetings or groups we have been invited to.

3. Reflections on improving working relations between Capital and Mission

Now, let's move to a more serious topic regarding the maintenance of good working relations between the Mission and the Capital. This is an open question. Here, I would only raise three of my personal views as follows.

(1) Improving the quality of the contact:

Thanks to the advance in electronic and computer technology, the contact between the domestic and the

Permanent Mission is much better than that during the period prior to our acceding to the WTO. However, If both sides rely only on communicating through official channels, it is easy to lose sight of the main objective of the other party and prolong the problems to be solved. Therefore, improving the contact is important for achieving a more efficient and fruitful result. I would like to take Henry Liu dealing with the topic of “AD Friends” as an example. We know there have been numerous technical topics discussed in informal meetings of the ‘AD friends’, many of them involving accounting terms and trade practices. In addition, informal meetings are held quite often, most of the times, Henry chooses to use more efficient ways, such as e-mails or a direct phone link through the web network to exchange views with his partners in the BOFT. This practice is also helpful for his BOFT’s colleague to make reactions or provide positions as soon as possible.

(2) Maintain a complement and cooperative working relationship

Secondly, I would like to emphasize how important it is for the working relationships between the Mission and the Capital to be complementary and mutually supportive. Since, being in the front line of the battle, the Mission is

better aware of the main thrust of the debate and can keep pace with the trend of issues. On the other side, the Capital only can simulate the situations and hardly catch the point of the issues. However, the Capital has more manpower and resources to develop analysis and positions. Therefore, both sides are able to play different role on a specific issue and complement each other.

(3) Developing a steady and long-lasting partnership:

At last but not least, I would like to mention the importance of establishing a steady and long-lasting partnership between the Mission and the domestic authorities. Because of the complexity of WTO issues, it is costly to cultivate experts on every subject. It demands a group of people who can devote themselves entirely to WTO issues. In addition, the working staffs of the Mission and the Capital should also have a mechanism for exchanging posts between them. For example, if a staff member has been posted in the Mission for two years, he or she should be designated to the WTO related jobs when or she returns to the Capital. As a result, the valuable experience of the WTO can preserved and passed on to the staff at home. On the other hand, the Capital staff should also have the chance to be posted Geneva to fight in the real battlefield and enhance their competence.

5. Conclusion

I would like to make a conclusion at present. Before coming to Geneva, I perceived that I have been specialized in certain specific areas of the WTO. But, after being here for two weeks, I realize that I have only known a small portion of the WTO, in a Chinese idiom, I was merely seeing a tree of the woods. Besides, during the two weeks, I also witness the remarkable achievement of the Mission, under the leadership of Ambassador Yen in as shortly as one and half year since our acceding to the WTO. I believe the Mission will get better in every aspect as long as there is stronger support from the domestic, so I raised a few points about the improvement of the working relationships between the Mission and the Capital. I do hope my colleagues of the Mission can continue giving me advises as I return to Taipei.

At last, I want to thank Ambassador Yen and other admirable colleagues of the Mission again for providing us with enlightenment either on WTO expertise or on their working and life philosophy. This training for staff will be strongly recommended when we return home and I would like to take this opportunity to wish all of you good health and happiness all the time. Thank you very much for your attention.

Problems of Current Anti-dumping Review Process

By Anita S. J. Su, Participant, 2003 WTO Study Program

September 27,2003

Opening Remarks

Ambassador, Minister Deng, Minister Kao, Ladies and Gentlemen,

It is a great honor for me to make a presentation to you. First of all, I would like to take this opportunity to express my heartfelt thanks to the mission. During the past two weeks, the mission provided me not only the best training courses but also the warmest treatment. The lectures, especially the one by the Ambassador, allow me to better understand the WTO because they cover other important areas that I have never had the chance to understand. In addition, attending the WTO meetings and meeting with Secretariat officials were also very useful in knowing how the WTO actually works. All these unique experiences impressed me deeply and, I am confident that I will be able to do a better job when I am back to Taipei.

As I have gained so much from all of you, now, it's time for me to follow the basic principle of the WTO—Reciprocity, by making a presentation to you. The topic of my choice is “Problems of Current Anti-dumping Review Process”.

1. Overview of AD

As we are aware that there are two sides of the AD problems, one is when our exporters face the threats of AD measures by other countries, the other one is when the competent authorities exercise its power to impose AD measures on imports. Since I am in charge of AD measures at the MOF, today, I would like to talk about the problems of imposing AD duties on imports.

First, let me briefly introduce the regulations and human resources that are involved.

2. The regulation and the human resources

Based on the WTO AD agreement, the MOF and the MOEA developed the Implementation Regulation of Countervailing and AD Duty on December 19, 2001. The imposition of AD duties and the procedures of investigations should be conducted in compliance with the regulation. This is not an easy task and in terms of human resources, a section of only 6 people under the Customs Department is mandated to do the work.

Now, let me talk about the present situation of imposing AD duty.

3. The cases of Taiwan imposing AD duty

- (1) There are 5 cases currently in force.
- (2) One of the cases, involving Korea, Poland and Russia, which is commenced in 1998 will be the first to undergo the so-called Sunset Review.

Normally, an AD duty shall be terminated if the imposition period has lasted for 5 years. In this particular case, at the end of the 5-year period, the MOF may conduct the sunset review, which is designed to determine the necessity of the continuation of AD duty.

Allow me to turn to the procedures and consequences of sunset review.

4. The review procedures

(1) Investigation

When the authorities complete the investigation and find that the dumping may recur and cause material injury to local industry if the AD duty are lifted, the authorities may extend the AD measures for another 5 years.

(2) Evidence

However, the authorities may not use the original data 5 years ago to make new determinations because market situations may have changed considerably.

(3) Assumption

Therefore, the authorities can only make new determinations based on assumptions. In other words, we could only make use of the

small amount of market or industry information that is available to see if the AD duty are lifted, the same imports are likely to dump the market and cause material injury to local industry again.

On conducting the sunset review, we are facing some problems in making a determination. One of them is the lack of experience.

5. The problems in making a determination

(1) Lack of experience--- learning by doing

The MOF has never conducted sunset review before. Therefore, we do not have any experiences in dealing with the process. We do not even have a handbook to guide us throughout the procedures. The only thing we could do is learning by doing.

(2) Difficulties in making the assumptions

In my view, the more serious problem is that we have difficulties in making the assumptions due to the lack of industry data. Moreover, it is difficult to get comparable cases from other countries like the US and the EU for references. Even if the comparable cases are available, they are not 100% applicable.

Due to the problems mentioned above, I am quite sure that we will be challenged by the importers or local manufacturers in the future.

6. Challenges by the importers or local manufacturers

(1) Bring the case to the administrative appeal court

Because once a determination is made, the affected parties may bring the case to the administrative appeal court.

(2) Huge burden to the authorities

Then, the case officers of both MOF and MOEA will have to appear in court to defend the case. Given that at the MOF there are only 6 officers, it would be a huge burden to all of us.

(3) Resources constraints play a negative role in the defense

In addition, resources constraints may play a negative role in the litigation process. It is almost certain that the affected parties will have more resources to prepare their cases. And recent cases have indicated that the authorities do not necessarily win.

(4) Exporting countries bring the case to the DSB

Even worse, since now we are a WTO Member, if the exporting

countries decide to bring the case to the DSB, the situation would become ever more difficult to manage. Personally, I don't think we are quite ready to engage other Members, as far as AD is concerned, in the DSB process.

Now, in order to deal with these problems, I would like to make a few recommendations for all of us to think about.

7. Recommendations

(1) Improve the skills of case officers

Arrange training programs to enhance the talents of case officers.

(2) Create an expert group

Create an expert group to provide advices and to assist the authorities in their investigations.

(3) Engage an in-house general lawyer

Engage an in-house general lawyer to appear in court on behalf of the authorities. It will lighten the burden to the case officers and better the defense to the case.

8. Conclusion

In conclusion, I understand that it involves more than one ministry to implement these recommendations. And they will not be easy to come by in the near future. At present, what we can do is to make all the preparation needed for the first Sunset Review, which is taking place now.

Thank you for your attention.

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Presentation for the WTO Training Program

Ambassador Yen, Ministers and my dear colleagues in the meeting. A great honor to have an opportunity to take part in this WTO study program. Taking this opportunity, I would like to express my heartfelt appreciation to the ambassador for developing such a well-rounded program and I find the program to suit me well in comprehensively the operation of WTO, and I find the lecturers of this program all have in-depth understanding knowledge of WTO affairs and the lectures are very useful for me..

To maximize the benefit from the program, I decided to take advantage of my meetings with various delegations and experts over these two weeks to conduct a type of study on the imposition of restriction on the number of white-collar foreign workers and this is the subject of my presentation. We are aware that the unemployment rate has reached over 5 per cent in Taiwan, the middle-aged are losing their jobs and the young people can't find jobs. The problem facing us is how to stipulate regulations that provide the policy flexibility to deal with different situations in economic development and the labor market. However, the policy flexibility we wish to maintain should also comply with our services commitments under the WTO.

According to our commitments on mode 4, we don't just agree that: (1) business visitors may enter and stay for an initial period of more than 90 days, or that (2) Intra-corporate Transferees may enter and stay in Chinese Taipei for a three-year initial period that may be renewed for one-year periods indefinitely, and (3) each temporary stay of contractual service suppliers may be for a period of no more than 90 days or the duration of the contract, whichever is less, but we also agree that a natural person employed by business entities in Chinese Taipei may enter and stay for a period of no more than 3 years., and we don't include an economic needs test in our commitments. We are discussing now in Taiwan whether we can put a restriction on the number or ratio of white-collar foreign workers coming into country.

Compared to other countries, our commitments are very comprehensive. According to informal notes of the Secretariat (Job(03)/95), which review the 108 schedules with

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commitments on mode4, there are 4 categories of natural persons (1) Intra-Corporate Transferees (ICTs), nearly 60 per cent of the schedules contain commitments to allow ICTs to work in the country, (2) Business Visitors and Services Salespersons, about 40 percent of the commitment schedules contain the categories of business visitors, and/or services salespersons (3) Contractual Services suppliers, 15 per cent of schedules contain a category of contractual service suppliers, (4) other categories (for example, installers, graduate trainees). Other member's commitments seldom include a natural person who is employed by a domestic enterprise, so they don't have the same problem as Taiwan.

From my discussion with other mission's delegations in Geneva and also from previous discussion in Taipei, I have come to conclusion that there are basically two different opinions. Some people base their opinion on article 16 of the General Agreement on Trade in Services, This lists measures which a member shall not maintain or adopt in sectors where market-access commitments are undertaken, one of these (d) places limitations on member of person employed in a particular services sector (unless otherwise specified in its Schedule) and prevents a member from applying numerical quotas or an economic needs test. According to this, we can't adopt an economic needs test. Some others insist that, according to paragraph 2 of the annex on Movement of Natural Persons Supplying Services under the agreement, The GATS shall not apply to measures affecting natural persons seeking access to the employment market of a member, so according to this we can limit the total number of natural persons who are employed by domestic enterprises. It depends on economic development and the labor market situation.

After discussing with other members' delegations and secretariats, I have the impression that interpretation of the WTO rules leaves some space for different interpretations by members. To maximize our national benefits, we must ensure that we take advantage of this situation. In other words, we should be able to use their space to support our policy in the future with strong argument if faced with questions from other members, This is just one example of how these last two weeks has helped my understanding of aspects of WTO mechanism.

Finally I would also like to share just briefly with you some of my

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general feelings at end of this program. Originally, I think the service negotiation is a process of request and offer. Last year I took part in the bilateral negotiations in October. But I had no idea about multilateral negotiations before joining this service trade week exercise. I have learned the multilateral exercises and understood its importance through Ms Yang's help. This well-designed program has provided me with understanding of WTO operation. With the understanding helps me not to see the woods from the trees. So, thank you so much.

Our Policy of Raising the Value of Banking Licenses

V.S. Our WTO Commitments

By Yu-Hua Lu, Auditor
Bureau of Monetary Affairs, MOF
at Taiwan WTO Commission, Dec. 11, 2003

1. Market profile of foreign banks

- 1.1 History briefing
- 1.2 Foreign banks' operations
- 1.3 Contributions by foreign banks

2. Recent development and policy direction

- 2.1 Overbanking problem
- 2.2 Measures to facilitate consolidation of the market

Carrot: Financial Institutions Merger Law

Financial Holding Company Law

Stick: Raising the value of licenses

(Restrictions on new licenses)

3. Low willingness of foreign banks to merger with

local banks: super national treatment

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4. Question: Does the policy of raising the value of licenses violate WTO rules?

4.1 DSB ? No.

Bilateral? TPR? Maybe.

4.2 Preliminary thoughts

5. *What I have learnt in Geneva*

5.1 More effective utility of the international stage

5.2 Need more and high quality domestic support

5.3. Many thanks and best wishes

Our Policy of Raising the Value of Banking Licenses

V.S. Our WTO Commitments

Ambassador, Ministers and distinguished colleagues. It has been a great honor for me being learning from your esteemed delegation over the last two weeks. Here, as a small contribution in return, I have chosen to present you a brief picture of the recent policy on banking supervision. My topic is “The Policy of Raising the Value of Banking Licenses versus our WTO Commitments”.

1. Market profile of foreign banks

First of all, I need to describe to you the profile of foreign banks in Taiwan. Opening the market to foreign banks has consistently been the policy of the MOF since 1990. In order to prepare our accession to WTO, restrictions on the establishment and business scope of foreign banks were significantly relaxed. As you can see from Attachment 1 of the handout, at the end of last September, 36 foreign banks from 15 countries operated 69 branches in Taiwan. Another 14 foreign banks had set up representative offices. Unfortunately, no subsidiary of foreign banks has yet been set up. The total assets of foreign banks account for 5.56% of the total value of the financial market in Taiwan. Foreign banks' market share of deposits is 2.56% and their market share of loans is 2.67%. Although their market shares are not high, foreign banks have displayed excellent performance in their operation of foreign exchange trading and derivatives products. Their performance in profit and asset quality is also outstanding.

2. Recent development and policy direction

The second aspect I would like to cover is the recent development and policy direction of the banking sector. Since we being struck by the financial crisis, we have found ourselves with a lot too many banks which causes the problem of overbanking. Most of the banks have small market shares and the banking industry is too fragmented and extremely competitive. Many banks can't make a profit and their asset qualities have seriously declined. Please see Attachment 2. Since 1992, the number of banks (including branches and foreign banks) has risen from 1,302 to 3,248. Since 1995, the Non-performing loan ratios have risen sharply from 3% to 6.27%.

In order to consolidate the banking sector, we have taken many financial

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reform measures. For instance, the Financial Institution Merger Law and the Financial Holding Company Law provide many incentives to encourage financial institutions to conduct merger and acquisition. On the other hand, we're also blocking the establishment of new additional branches. We call this the policy of Raising the Value of Licenses. We're especially encouraging foreign banks to merger with local banks and transform themselves into subsidiaries.

3. Low willingness of foreign banks to merger with local banks: global strategy, enjoy super national treatment

What has been the outcome so far? In the last two years, 14 financial holding companies have been established and there have been more than 10 successful mergers. However, no foreign bank has yet participated in these developments. Why? Maybe foreign banks have their own global considerations. However, I believe another crucial reason is that the cost of establishing a branch is much lower than the cost of a merger or of establishing a subsidiary. According to our regulations, the minimum operating capital required of a foreign bank for a first branch is only 150million NTD and \$120million NTD for each additional branch. In contrast, the minimum capital to set up a local bank, including a foreign subsidiary, is 10billion NTD. However, foreign banks in Taiwan are granted full licenses and can operate on an equal footing with domestic banks. That is really so-called super national treatment. That's one of the reasons why foreign banks have low willingness to conduct M&A.

4. Question: the policy of raising the value of licenses violate WTO rules?

One question has puzzled me for several months. If we keep restricting the applications of foreign banks to establish additional branches, are we violating our WTO commitments? As you can see from Attachment 3, in the Mode 3 of our schedule, we only stated the information about the establishment of the first branch of foreign banks. There is no description about setting up additional branches. Could that be interpreted as "not open" for additional branches or "no restriction" on additional branches? Although I think foreign banks won't use DSB to challenge us because they want to keep a good relationship with us; in bilateral negotiations or in our forthcoming Trade Policy Review, related countries might express concern about this issue.

In the several meetings arranged by your delegation, I got very constructive ideas from Canadian, Singapore and Secretariat experts, as

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well as your colleagues. I realize that WTO rules are not as rigid as I thought. There is flexibility which allows members to interpret and utilize them to meet their own countries' interests. I have a preliminary thought about how to solve my problem and to support our position. Because every country has different interpretation of the GATS rules and commitment schedules, we can declare that our restriction on additional licenses is based on prudential consideration and is within the scope of domestic regulations. Besides, the measure applies to both domestic and foreign banks. There is no discrimination. I think this interpretation might be reasonable and acceptable.

I have to admit that the justification of the restriction on foreign banks' new licenses is controversial and needs to be reviewed. However, because it is an ongoing policy, before we change it, we have to justify it and I am happy that I might have found a way of solving my puzzle while I'm in Geneva.

5. What I have learnt from the training

Finally, I would just like to turn to what I have learnt in Geneva.

Firstly, for me, the training has been a quantum leap in my understanding of GATS rules and how WTO multilateral activities work. I also realize that the WTO rules are not rigid but with flexibility. In my future work, I will bear the international visions in my mind and try to link more with international trend in my work.

Secondly, I strongly feel that WTO is an excellent international stage. We have a fair footing with other Members. Both in multilateral or bilateral situations, we can gain our concrete economic benefits and have good international exposure. I think strong and high quality domestic support for our delegation is surely necessary. The training provides a wonderful bridge between Geneva and Taipei. I also think that, in Taiwan, we have to encourage our enterprises to well use the MFN privilege to explore the immense global market.

Finally, I want to express my heartfelt gratitude to your delegation. Thank you very much for your hospitality and patience. I can feel your work is very burdensome and challenging, but you have done so much for us. I appreciate it very much and I will miss you for sure. Best wishes to all of you. Thank you.

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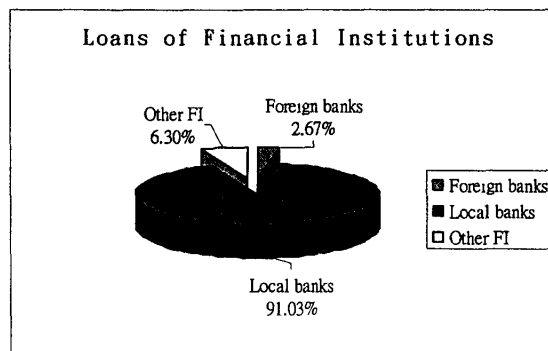
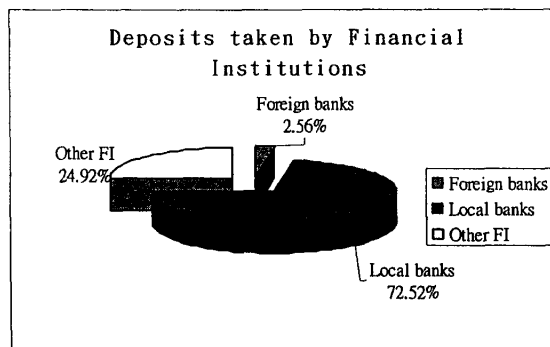
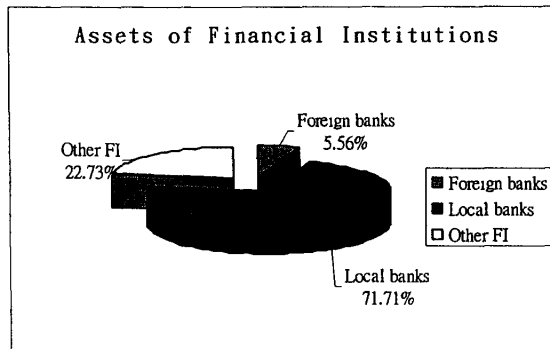
Attachment 1

Number of foreign banks in Taiwan:

Branches: 36 banks from 15 countries operate 69 branches.

Reprehensive offices: 14 banks.

Subsidiaries: None.

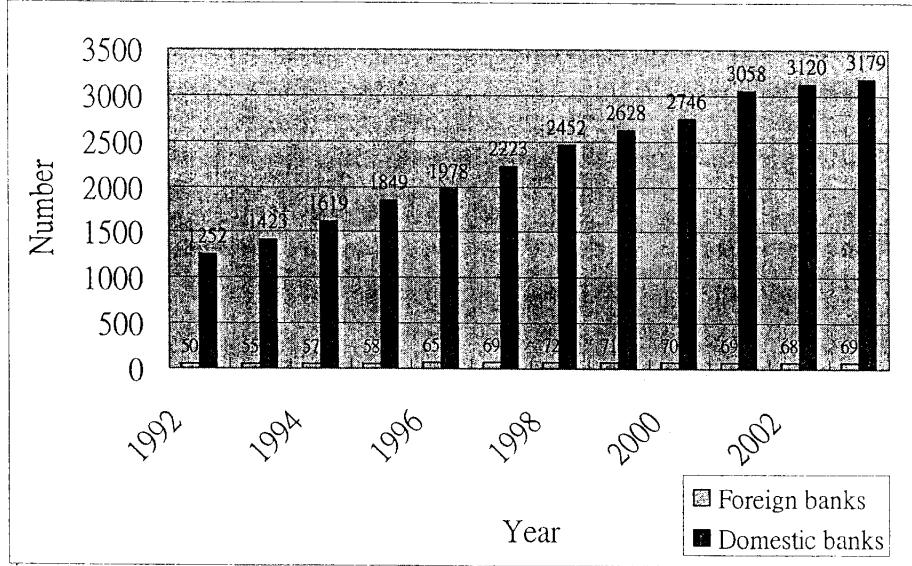


Sept. 30, 2003

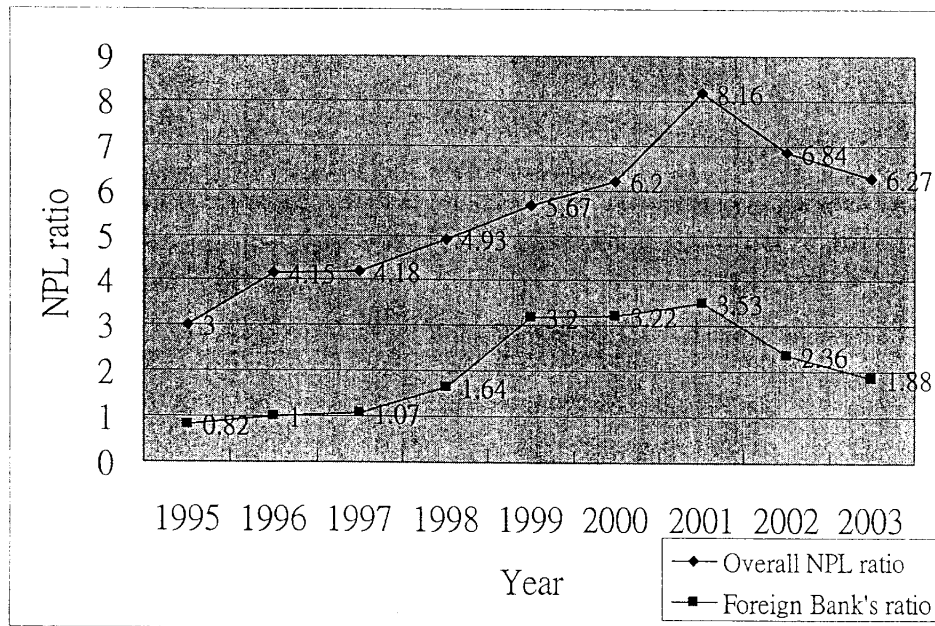
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Attachment 2

Number of banks in Taiwan



NPL ratios in Taiwan



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Attachment 3

Banking and Other Financial Services

Limitation on market access

(3) None, except that

(a).....

(b).....

(c).....

(d) Branches of Foreign Banks:

A foreign bank may apply to establish its **first branch in Chinese Taipei** when it meets the prior-business-activity test, or rank among the top five hundred banks in the world by assets or capital.

The prior-business-activity test requires that a foreign bank should have a total business volume of at least US\$1 billion with the banks and major enterprises of Chinese Taipei in the previous three calendar years, of which there shall have been a total amount of not less than US\$180 million granted as medium- or long-term credits.

(e)....

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Our Position on the Review Exercise under the Annex on Air Transport Services

Presented by Chih-Wen Fang

Section Chief, MOTC

December 11, 2003

- **Introduction**
 - Advantages of Taiwan's geographical position
 - Air Transport related organizations and agreements
- **Review Exercise under Annex on Air Transport Services**
 - Paragraph 5 of the Annex
 - The goal of the review
 - The process of review mandated work
- **Attitude towards the Review Exercise in Taiwan**
 - International arena
 - Domestic arena
- **Conclusions**
 - To show our interests in review exercise
 - Wait and see

Remarks presented by Chih-Wen Fang

December 11, 2003

Opening

Good Morning, Ambassador, Ministers and all colleagues in the Mission. I would first like to thank you for offering me the opportunity to be here with you for this two-week training program. It is also a great pleasure for me to be giving you this short presentation. The subject has been chosen is: **“Our Position on the Review Exercise under the Annex on Air Transport Services”**.

Preview

I will give this presentation in four parts in order to demonstrate that although we may be showing an interest in the Annex review exercise, we do not intend to broaden the scope of air transport services for the time being. Before I go onto the main subject, I would like to give you a brief introduction explaining the advantages of Taiwan’s geographical position, and the organizations and agreements that are related to air transport. Next, I will discuss the reasons why the review exercise under Annex on Air Transport Services has not led to an effective conclusion. Then I will talk about what is our attitude towards the review exercise. And end with some conclusions based on my personal views and observations.

● **Introduction**

Let’s now move on to the topic itself. As you know, Taiwan enjoys certain advantages because of its geographical position in any bilateral air traffic negotiation. Compared to the other major Asia-Pacific destinations, such as Hong Kong, Singapore, Tokyo, Shunhai, Taiwan can reach these cities in the shortest flight hours on average. We could gain our benefits through bilateral negotiations based on an equal and reciprocal principle.

In addition to the WTO, there are several international and regional agencies that deal with the issues of development for civil aviation, such as ICAO, OECD, APEC, IATA, UNCTAD, ECAC, ACAC, LACAC, COMESA, EMCCA and so on. The main objectives of these agencies are to liberalize trade and investment, to improve business facilities and to encourage economic and technical cooperation.

There are also regional agreements generally based on geographical considerations, such as the Andean Pact, the Caribbean Community

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(CARICOM), the Fortaleza Agreement, the Banjul Accord, the CLMV Agreement and the MALIAT agreement. They also provide alternatives to the bilateral, plurilateral and even multilateral negotiation systems.

- **The Review Exercise under Annex on Air Transport Services**

I'd like to now shift to the topic of the review exercise under the Annex on Air Transport Services. According to paragraph 5 of the Annex, "The Council for Trade in Services shall review periodically, at least every five years, developments in the air transport sector and the operation of this Annex with a view to considering the possible further application of the Agreement in this sector". Furthermore, the first such review should begin not later than 2000. In September 2000, the Council started to review mandated under the paragraph 5.

Let me remind you what measures are applied in this Annex. According to paragraph 2, The GATS Agreement, including its dispute settlement procedures, should not apply to measures affecting traffic rights granted or services directly related to the exercise of traffic rights. Three sub-sectors that are the aircraft repair and maintenance services, the selling and marketing of air transport services and the computer reservation system services are included. Regarding the definition of "traffic rights", I believe all of you already have clear understanding of these. However, the expression "**services directly related to the exercise of traffic rights**" is not defined in the Annex.

The aim of this exercise was to review the operational aspects of the Annex itself and the possible further application of the GATS in this sector. The reviewing exercise also tried to clarify the actual scope of the Annex. Four sessions of discussions were conducted to review the Annex beginning from September 2000, and finishing in March 2002.

In these discussions, many Members expressed their views on what business are or are not "directly" related to traffic rights, such as ground handling services, catering services, aircraft cleaning services, fuel and oil handling and so on. However, the reviews revealed a divergence of opinion among Members and the momentum was lost. There was no agreement on the exact coverage of the Annex on Air Transport services, and many members have been discussing various aspects of air transport in bilateral fora.

Therefore, no conclusions have yet been reached on any of the issues raised. It should be noted that the liberalization of international air

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transport has not been fully accepted by most Members, so it would be better to try to reach this goal in stages.

This may be why the WTO Members had deliberately decided on the broad exclusion of the entire air transport sector from the scope of the GATS.

● **Attitude towards the Review Exercise in Taiwan**

Here, I would like to describe our position on the issues raised in this exercise. In the international arena, as I mentioned before, developments in civil aviation have been discussed and implemented through international agencies and regional agreements. The liberalization of the air transport sector was in fact already being accomplished outside the WTO forum.

Since September 11, 2001, it is evident that many authorities have become more cautious over those aspects of civil aviation liberalization that are related to security and safety measures. The air safety and security processes and procedures have needed more attention.

Domestically, civil enterprises in Taiwan have faced a critical situation with air transport markets having declined by 5 percent annually since 1987, due to the opening-up of market access for land transport. More seriously, it is estimated that the domestic air travel market will decline by 60 percent of its current level in the west-coast corridor when the High Speed Rail system starts operating from 2005. Our policies to overcome these problems and make our enterprises more competitive are to encourage enterprises to merge and to enlarge the international air transport market via bilateral negotiations. Therefore, it would not be the right time to opening-up the scope of services at the moment.

● **Conclusions**

At this point, I would like to summarize the conclusions. The GATS tries to establish a multilateral framework of rules and principles for trade in services under the conditions of transparency and progressive liberalization, as a means of promoting the economic growth of all trading partners.

With such a divergence of opinion among WTO Members, the possibility of opening up air transport services opportunities progressively and sector by sector would hopefully give them the extra time necessary to establish the relevant regulatory framework. By the way,

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we also need more time to implement the policies to make our civil enterprises more competitive.

Therefore, it is not yet the right time to discuss broadening the scope of air transport services. Furthermore, during my visit here, I was present at discussions that took place with Members, including Canada, New Zealand, Japan and Singapore. My impression was that Members are pessimistic about the possibility of broadening the scope of services in the next review session in 2005. We, MOTC, are also in favor bilateral negotiations in air transport because of our geographical advantages. However, we may also wish to show our interest in the Annex review exercise and our support for further liberalization.

These were my conclusions on the subject of air transport services.

Before closing, however, I would like to share you just a few thoughts regarding the benefits of this training program during these two weeks. The observation of WTO meeting on Trade Service had been very helpful in getting to know the whole multilateral discussion procedure and may lead to closer understanding between us. Secondly, while we are used to bilateral negotiation, we are lack of experience of multilateral negotiation. It is extremely worthwhile to let WTO working colleagues in Taiwan visit your mission and expose them to multilateral negotiation. This will be of benefit to our work. And it is also helpful in getting to know other Member's views about air transport services through your arrangements. Finally, I have benefited greatly from the courses given by your colleagues that enlighten me on these subjects.

Ladies and gentlemen, it has been a great pleasure for me to be here today and I welcome questions that you might have.

Thank you for your kind attention!