行政院所屬各機關因公出國人員出國報告書

（出國類別：研究）

貿易便捷化
與國際通關文件資料調和研究報告

出國人　服務機關：財政部關稅總局
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派赴國家：比利時
出國期間：九十二年六月三十日至十二月二十六日
報告日期：九十三年三月十三日

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行政院及所屬各機關出國報告提要

報告名稱：貿易便捷化與國際通關文件資料調和研究報告

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內容摘要：

近年來隨著貿易全球化和自由化的急遽進展，國際關務業務驟增，尤其在民國二〇〇二年一月我國正式加入世界貿易組織後，相關事務紛至沓來。通關是國際貿易重要一環，世界貿易組織二〇〇一年第四屆多哈部長會議，將貿易便捷化列入了談判議程，海關在貿易便捷化的議題上扮演重要的

角色。我國海關為因應關務國際化、便捷化需求，亟需參考國際關務運作規範。本專題研究主要係針對國際貿易組織推動貿易便捷化情形，以及其他國際組織，如歐盟、七大工業國及世界海關組織推動報關文件共同資料項目之簡化及調和情形，做深入之探討，並提出建議供相關單位參考，俾利我國關務作業之國際接軌。

貿易便捷化與國際通關文件資料調和研究報告

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貿易便捷化與國際通關文件資料調和研究報告

壹、前言

近年來隨著貿易全球化和自由化的急遽發展，國際關務業務驟增，尤其在民國九十一年一月我國正式加入世界貿易組織後，相關事務紛至沓來，所幸關稅總局於民國八十九年成立國際關務科，辦理與國際組織、國際公約、國際會議、國際合作相關業務。身為世界貿易組織的一員，我國貿易體制必須接受其他會員國檢查，而通關作業是整體貿易流程的一環，海關作業當然也要受到國際檢測。二〇〇一年世界貿易組織第四屆多哈部長會議，將貿易便捷化列入了談判議程，經決議在二〇〇三年第五屆部長會議前，貨品貿易理事會應審查、釐清和改進一九九四關稅及貿易總協定(GATT 一九九四)第五、第八、及第十條的相關規範，並確定各成員(尤其是開發中和低度開發成員)之貿易便捷化情形(註:二〇〇三年 WTO 部長會議在墨西哥坎昆市舉行，貿易談判挫敗，詳見附件一)。海關在貿易便捷化的議題上扮演極其重要的角色。

一般而言，傳統海關的兩項首要業務是課徵關稅和查緝

走私，而現代海關的主要功能則著重在邊境管制，也就是在國境上為我國的經濟安全、衛生安全和社會安全把關。海關主要的服務對象是入出境商旅和進出口貨物相關業界。許多經常出國旅行的人都不喜歡海關，進出口業者更甚，因為既是一個關卡，就意味著要排隊、要檢查。但海關的設置是國家主權的表徵，它的存在是一種必要，世界各國皆如是。也因為這樣，海關的效率和服務便隨時隨刻都在接受出入境民眾和進出口業者的檢視，他們對海關的要求也格外嚴格挑剔。而我國海關也能不斷自我剔勵改進，提昇服務效率，以達國際化、標準化、便捷化之目標。

世界貿易組織與世界海關組織關係密切，世界貿易組織要求各會員國採用世界海關組織訂定之簡化及和通關程序公約(簡稱京都公約)，並將多項關務規範交由世界海關組織研訂，例如原產地認定規則及關稅估價協定等。我國雖然不是世界海關組織會員，但自從加入世界貿易組織後，得以參加世界海關組織的原產地規則技術委員會及及關稅估價技術委員會。目前我國雖然因政治現實環境，無法加入世界海關組織，但我國海關自動恪守世界海關組織各項公約規範絕對不落人後。又二〇〇〇年七大工業國(G7 指美、加、英、

法、德、義、日)完成國際通關文件共同資料項目之調和設計，並將成果於二〇〇二年移交世界海關組織繼續推行，對貿易便捷化是一大助力。

筆者服務於財政部關稅總局，民國九十年起被調派國際關務科，主要負責與世界貿易組織及世界海關組織相關之業務，有感於通關作業是整體貿易流程的重要一環，有必要深入了解國際上貿易便捷化的發展趨勢，爰於九十一年以「貿易便捷化與國際通關文件之調和」為題，經報請關稅總局核轉財政部，經財政部薦送參加行政院人事行政局九十二年度公務出國專題研究。很慶幸通過語文測試，獲得半年出國公費。隨後即透過網路自行蒐集國外院校資料，並得到我國駐歐盟兼駐比利時代表處文化組協助，以常規研究生的申請程序，進入比利時魯汶大學歐洲研究所研讀，期間為九十二年七月至十二月。

貳、研究目的

一、因應國際貿易便捷化趨勢

1、貿易便捷化議題之緣起(新加坡議題)

a 貿易便捷化議題係肇始於一九九六年，世界貿易組織第一屆部長會議在新加坡舉辦，新加坡部長會議宣言第二十一段之內容：「由貨品貿易理事會參酌相關國際組織之作業，就貿易程序之簡化進行研究分析討論，俾ＷＴＯ確立本議題之相關規範」。

b 一九九七年貨品貿易理事會開始將貿易便捷化議題列入工作日程，一九九八年起多次舉行研討會，專就貿易便捷化問題進行磋商。與此同時，貨品貿易理事會所屬之關稅估價委員會、輸入許可證委員會、原產地規則委員會、衛生與檢疫措施委員會、技術性貿易障礙委員會也將貿易便捷化列為例會討論議題，並邀請服務貿易理事會、與貿易有關之智慧財產權理事會、貿易與發展委員會以及相關之政府間組織提出意見。

C 二○○一年世界貿易組織第四屆多哈部長會議，貿易便捷化被列入了談判議程，經決議在第五屆部長會議前，貨品貿易理事會應審查、釐清和改進一九九四關稅及貿易總協定(GATT 一九九四)第五、第八、及第十條的相關規範，並確定各成員(尤其是開

發中和低度開發成員)之貿易便捷和優惠權。同時決議在二〇〇三年第五屆部長會議時辦理期中審核，在二〇〇五年完成談判。

2、貿易便捷化之含義

狹義而言，貿易便捷化係指貿易流程之合理化及相關文件之簡化:但廣義而言,尚包括國際貿易程序之調和、規範之建立，以削減貿易流程所產生之各種障礙，並利用電子傳輸方式達到無紙化貿易，大幅縮短貿易流程，降低貨品流通成本，提高產品之全球競爭力，其範圍涵蓋進出口程序、運輸、付款、保險及其他相關貿易機制等。

3、貿易便捷化之利基

(1)貿易便捷化有利於所有經濟部門：進、出口人可節省時間及金錢,從而生產者可間接購買較便宜之中間產品，消費者可享受較低廉之價格，行政管理部門可增加效率、加強有效控制，及提供即時正確統計而獲利。而正確即時之統計能使貿易業界作出精準之經濟預測以為商業決策之依據。

(2)改善管理結構，對以往在不透明貿易程序中處於不利地位、不得不老守其傳統市場之中小企業交易特別有利，因中小企業資源有限，而貿易便捷化之建構將使資源不多之中小企業也能與大企業一樣享有相關資訊及服務，增加其潛在貿易夥伴。

(3)貿易便捷化應與其他政策目標平衡，例如與查緝作業之配合，可同時達到貿易便捷和安全控管之二項目標。又透過貿易流程簡化及自動化、在職專業訓練及精簡員額俾對較少數海關官員支付較高薪資、及高階官員之升遷承諾等則可杜絕海關貪污情形，解決不必要的通關障礙。

(4)貿易便捷化為國家發展經濟之良策，因為在當今重視零庫存及物流的時代，便利之進出口環境為私人部門投資決策之重要因素，是吸引投資的重大誘因。

(5)貿易便捷化藉由降低貿易成本及加強貿易機會，既有利於WTO所有會員，故將不必然提供相互減讓

之交換，乃為雙贏局面，所有會員皆可獲利，可加強多邊貿易體制之功能。

4、貿易便捷化之策略

(1)稽核控制:依據商業紀錄消除在貨物移轉過程間之體制干預（如歐洲單一市場）。

(2)風險評估：採用官方及商業界風險評估管理技術（如評估貿易商會遵守海關之要求,則減少干預)。

(3)電子商務：透過電子交換而行商業交易行為。（如電子銀行、網路購物）。

(4)國際標準：為運用電子商務之便利性，必須訂定國際標準規範，而政府及企業間致力達成通訊協議亦屬必要。例如 EDIFACT 為電子資料交換之國際標準，但國際間尚無電子文件交換之通用標準。

二、認識海關在貿易便捷化扮演之角色

1、安控與便捷

貿易便捷化與安全控管實為一體之兩面,海關實施邊境管制，對貿易便捷看似相互掣肘，實為相輔相成。

因為如果徒有便捷而無有效之安控，一國之經濟、衛生、社會安全將遭受威脅；同理若只求安控而不顧便捷，則物流不暢，扼殺商機，經濟無以為興。海關固然執行邊境控管，但對貿易便捷化亦被付以重任。

2、WTO 對貿易便捷化之規範，海關為執行者

(1)一九九四年關稅暨貿易總協定第五條過境運輸之自由、第七條關稅估價、第八條輸出入規費及手續、第九條產地標示、第十條貿易法令公布及施行等條文。

(2)此外，ＷＴＯ協定之關稅估價、進口簽證程序、裝運前檢驗、原產地規則、技術性貿易障礙、食品衛生檢驗與動植物檢疫措施等協定。

(3)另服務貿易總協定及其附件，提供服務業部門若干自由化期程，例如，運輸業、金融業、電信業等。而與貿易有關之智慧財產權協定則包含邊境措施一個章節允許會員採取特定措施以防止仿冒產品之流通。

3、WCO 對貿易便捷化之規範，海關為當然執行者

(1)京都公約（Kyoto Convention）：為簡化及調和關務程序之國際公約，一九七三年五月十八日由關務合作理事會（現為世界關務組織,WCO）在京都完成，並於一九七四年九月廿五日正式生效。但由於貿易、運輸及管理方法之急速變革，為使京都公約對全球關務簡化及調和有更重大貢獻，WCO 於一九九九年全面修訂完成新版京都公約，現為全世界海關公認最有權威之關務程序簡化及調和公約，並為APEC 所推崇其會員體應實施遵行之關務規範。

(2)暫准通關公約（又名伊斯坦堡公約，Convention on Temporary Admission, also known as Istanbul Convention）：為一簡化商業用樣品或展覽品進口要求之國際公約，由關務合作理事會（ＣＣＣ)於一九九〇年六月廿六日在伊斯坦堡完成，一九九三年十一月廿七日生效。

(3)貨物暫准通關證制度關稅公約（Customs Convention on the ATA Carnet for the Temporary Admission of Goods）：關務合作理事會（ＣＣＣ）

於一九六一年十二月六日在布魯塞爾完成，一九六三年七月三十日生效。

(4)展示會、展覽會、義賣會、會議、或其他類似性質使用之貨品設備進口關稅公約（Customs Convention Concerning Facilities for the Importation of Goods for Display or Use at Exhibitions, Fairs, Meetings or Similar Events）：關務合作理事會（ＣＣＣ）於一九六一年六月八日在布魯塞爾完成，一九六二年七月十三日生效。

(5)便利商業樣品及廣告品之進口國際公約（International Convention to Facilitate the Importation of Commercial Samples and Advertising Material）：關務合作理事會（ＣＣＣ）於一九五二年十一月七日在日內瓦完成，一九五五年十一月二十日生效。

(6)ＷＣＯ緊急貨物通關之關務指導原則。

(7)ＷＣＯ對貨物分類模式之建議。

(8)ＵＮＥＣＥ貿易便捷化建議四:設立國內貿易便捷化機構。

(8)ＷＣＯ對進一步國家發展備忘錄在關務及貿易體系，致力於合作以防止毒品走私之宣言。

(9)WCO Arusha Declaration：一九九三年關務合作理事會(ＣＣＣ)對海關廉正之宣言，將打擊海關貪污列為優先處理之目標。

(10)ＷＣＯ關務改革指導原則：

修訂版京都公約(The Revised Kyoto Convention)

風險管理指南(Risk Management Guide)

資訊運用(Application of Information and Communication Technology)

WCO 資料模組 (WCO Data Model)

單一運送編碼(Unique Consignment Reference Number)

通關時間研究(Time Release Study)

即時放行指南(Immediate Release Guidelines)

旅客預先資訊指南(API Guidelines)

暫准通關制（ATA System）

出口控管（Export controls）

關務國際評比指標（Benchmarking Manual）

4、APEC 對貿易便捷化之倡議

APEC 會員國於 1998 年勾勒出的「貿易無紙化」願景，藉由無紙化、便捷化達到降低總貿易成本的 5% 的目標。APEC 並達成已開發國家於 2005 年，開發中國家 2010 年達到本目標的共識。

5、我國對貿易便捷化之推行

在「APEC 跨境無紙化貿易環境及便捷化」的國際研討會中，我國表示，將藉由建立通關的電子化平台，以及簡化簽審文件流程，以加速民間進出口的速度。這是政府六年國發計畫中將台灣建設為「營運總部」下，建立「政府貿易單一窗口」，實現無障礙通關、貿易便捷化等目標的工作一環。為配合 APEC 2005 年貿易無紙化之目標，各相關單位正共同積極推動貿易便捷化計畫，將繼續加強貿易手續簡化，推動貿易相關文件標準化、傳輸電子化，研修相關法令，以塑造良好數位貿易環境，並建立國際接軌機制，

以便利廠商從事貿易，進而全面提升我國經貿競爭力。我國並曾於二〇〇二年 WTO 貨品理事會所召開之貿易便捷化會議中，提報我國通關便捷化之書面資料，並作現場簡報，贏得各會員國肯定。

三、探討國際組織整合通關文件情形

1、歐盟--SAD

歐盟自一九八八年起推行單一管理文件，將原來各會員國使用之 150 種海關表格，修訂定為單一格式 (Single Administrative Document, SAD)，並配合改進通關作業，概述如下：

(1)進出口文件資料採用現行聯合國歐洲經濟委員會之標準、法規及指導原則。

(2)減少及調和資料組及資訊之需求。

(3)採用調和之文件格式。

(4)成立提交資訊之單一窗口。

(5)採用電子交易方式。

(6)避免不必要之程序障礙。

(7)採用自動化通關措施。

(8)採用貨物抵達前即先行處理文件、貨物通關後再予控管及稽查之程序。

(9)ＷＴＯ採取一套合格貿易商之授權資格標準。

(10)採用定點通關措施。

(11)採用遠距報關及簡化通關程序。

(12)縮短通關時間。

(13)建立單一綜合資料庫，整合相關進出口法律、規定及程序，並得以網際網路獲得所需資訊，使進出口資訊透明化。

(14)應增補 GATT 第十條第３項(有關各會員對關務行政處分之迅予審查及救濟)及第八條第３項(有關各會員對觸犯其通關法令或程序處理規定)之不足，以使仲裁程序之速度足以保障商業利益（如交貨期限、易腐貨品）；此外，建議研究ＷＴＯ會員

執行第七條第3項(有關輸入產品關稅之估價規定)及第十條第3項之情形。

(15)考慮在WTO規定下要求各會員設立貿易便捷化合作之系統機制,使各會員國內之貿易及海關等相關單位密切合作。可創立一獨特條款(Sui Generis Provision)或採認聯合國歐洲經濟委員會之建議四(有關設立國家貿易便捷化機構)。

(16)處理海關貪污與廉正問題:考慮採用某些已普遍同意之行政執行標準,以便給予行政部門政治指導,期待行政部門進行中長期行政改革,目前WCO Arusha宣言及WCO關務改革指導原則可供各國參考。然後再進一步考慮設立執行指標、設立海關本身任務及管理計畫,並予以絕對之政治支持,以確保有效之關務現代化。

2、七大工業國—G7 Initiative

(1) 何謂G7 Initiative

七大工業國(美、加、英、法、德、義、日以下簡稱G7)為促進貿易便捷化,在1996年里昂高峰會決議延攬關務專家推動通關流程的

標準化及簡化，決定採用「一致性文件、共同資料項目及標準化電子傳輸格式」以降低業者及政府間的成本，此項計畫稱為「G 7 Initiative」。雖然通關流程的標準化及簡化在 WCO 已多有討論，但主要是集中在通關流程的現代化，京都公約之修訂即為一例，而 G7 Initiative 主要是著重在電子資料交換的標準化(包括資料群組的簡化、標準化與電子格式標準化)。故 G7 Initiative 及修訂版京都公約搭配推行將大有助於實質提昇通關效益。

(2) G7 Initiative 的做法

a. 資料的簡化與標準化

將通關過程中進口與出口所需要文件，包括進口報單(IM)、出口報單(EX)及艙單(CR)之資料項目 (Data Elements)，加以全盤檢討，從剛開始蒐集超過 800 個項目縮減到 124 項，對每一個項目，訂出明確一致的定義，並賦予規格化的代碼，儘可能使出、進口通關程序所使用資料項目可以互通，方便交易

者需求。

b. 電子記錄格式的標準化

發展一個適用於G7各國的共同電子格式，能使進口和出口資料具有同質性結構，如此交易者則能利用出口申報的資訊作為進口申報的準備，資訊共享。

c. 實現無紙化的環境

主張通關時不應要求廠商一律提供商業發票，例如放行前要求提供發票應以有必要者為限，如此將減輕理單存檔的負擔及業者的作業成本，並有助於無紙化環境的實現。

d. 其他政府機構(OGA)所需資料的標準化

就政府相關機構，從最具代表性的農業及健康部門所需通關資料開始標準化，OGA所需資料的標準化可為單一窗口制度鋪路，如此，將允許交易者在報關時，一次傳輸海關及其他政府機構所需的資料。

（3）建置海關共同協議（Customs Prototype）

G7在二〇〇〇年於「伯明罕財政首長高峰會」

的結論中，確立海關共同協議，並期待所有 G7 國家能在二〇〇五年前在其個別的時程下實現這個模型，也歡迎其他國家來參與這個模型，並尋求其他組織機構的協助以達成共同目標。又此模型是依據修正版京都關務公約所建議使用的訊息技術準則。G7 並決定借重擁有許多專家及經驗之 WCO，以確保 G7 Initiative 未來可循序實現，期待在 WCO 的贊助下，發展成國際性的規模。

（4）G7 的成果

截至 2001 年十一月止技術小組共開會 30 次，完成共同資料項目資料庫第二十版。並決議於 2002 年一月正式提交 WCO 接管。提交內容除 Data Base 外，另有：CUSRES, CUSREP, all sorts of code found within the G7 initiative, all code found with the G7 EDIFACT Group。德國同意於 WCO 接管後，提供專家協助擬定推動時程，加拿大亦於二〇〇一年度上海 APEC 會議中同意為促使 APEC 會員

體能配合 WCO 為此所訂進度而效力。美國代表於會中提報其關稅總局最新一項決議，即決議美國將於其 ACE（Automated Commercial Environment） 中儘其可能的納入 G7 共同資料項目。

3、世界海關組織—Common Data Model

WCO 於二〇〇二年一月正式接辦七大工業國共同資料項目標準化計畫，由 G7 移交共同資料項目第二十一版，成為 WCO 之第一版， WCO 版的共同資料項目模組由秘書組負責，共簡化進出口通關資料項目為一二四項、第二版將即出版，二〇〇四年初手冊。

推行資料共同項目之好處

（1）經濟效益

各國間不同的通關文件使企業耗費成本，對小型企業而言更是重擔，且阻礙交易，因貿易需提交書面文件，使流程緩慢。資料元素標準化定義將消除含糊不清，精簡資料項目將可減輕貿易商收集資料負擔，而格式標準化將允許相同的資訊使用於商業發票、出口文件、貨物放行及稅收目

的、統計目的、貿易管制等，避免重復登錄。統一的電子傳輸標準將使貿易者傳送給海關之出口和進口資料以國內零售商和供應商電子上聯繫的方式傳送。共同資料模組藉由下列數項可降低業者為配合海關需要所負擔之通關成本：a.減少需要的資料 b.少因各個不同國家所需記錄的轉換 c.提供標準化的電子記錄格式以降低業者為當局包裝訊息。

根據 1994 年在 Columbus 舉行的"交易效率聯合國國際座談會"中，估計透過減少型式、簡化流程及以 EDI 訊息取代書面作業，每年將減少 1 億元的交易成本，根據其計算，1 億元相當於 1994 年世界貿易總值（40 億元）的 2.5%。因此，預期以世界性標準同時實施通關共同資料模組及修正後的京都關務公約將對世界經濟帶來重大的利益。

（2）緝私效益

由於共同資料模組之採行將有助於政府蒐集通關、稅收、統計、貿易管制資料，故可提供情資

單位查緝之用。有助於揭發詐欺之查緝。因一旦資料被標準化則可以更容易、更迅速做比較以助查緝。電子化的程序可以下列三個方式來對抗詐欺：a. 由於資料已電子化，因此他可運用統計技術來指出可能因非法行為造成的異常 b. 進口國的資料可和出口國資料作比較 c. 節省之人力可用來從事走私查緝。

參、研究過程

一、申請公務出國專題研究

筆者於九十一年提報出國研究計畫，題目為「貿易便捷化與國際通關文件資料調和研究報告」，經關稅總局核轉財政部核准後，薦送人事行政局，嗣經語言考試達錄取標準，終於通過人事行政局甄選，獲准於九十二年度出國研習半年。其後展開選校就讀的申請作業。

二、赴比利時魯汶大學歐洲研究所

1、研習歐盟整合典範

（1）歐盟:一個值得觀察的新興強權

據行政院人事行政局資料顯示，九十二年度公務

人員出國專題研究共甄選通過四十名，其中選擇前往美國者三十名，其餘分別赴日、澳、歐。歐洲自一九五０年法國外交部長蘇曼(Robert Schuman)提出統合德法煤鋼工業之歷史性建議起，奠定歐洲共同體之基石，歷經五十多年的演進，歐洲聯盟（ＥＵ）是現今最大之區域經濟體，會員國包括德、法、義、荷、比、盧、丹、英、愛、西、葡、希臘、瑞典、芬蘭、奧等十五國，面積三二四萬平方公里，總人口約三億七千萬，國民生產毛額總值近八兆，平均國民所得二萬美元，其貿易總額佔全球貿易總額的百分之四十。二○○四年五月更要東擴為二十五國，面對如此強大的國際組織，我們豈可輕忽它的存在，而不把眼光從美國適度轉移過來？光看這一年來歐元之強勢足讓全世界驚嘆。

（2）比利時:歐洲心臟、世界海關組織重鎮

由於地處歐洲地理中心，位在三強英、法及德之夾縫中具有唯妙的緩衝地理優勢，比利時首都布魯塞爾被譽為「世界十字路口」，是多項國

際組織總部所在地，如: 北大西洋公約、歐洲議會、歐盟理事會、歐盟執委會及所屬二十多個歐盟總署，以及世界海關組織。各國派駐在此地代表、派來開會的、出差的人員無數。國際事務在此交叉盤錯，為比國賺取無數外匯。比利時面積與台灣相當，人口一千萬，不到台灣人口二分之一，國民所得 20，300 美金，服務業占 70%。官方語言為荷蘭語及法語及德語，因國家小不像德、法以其本國語言自豪，反而造就比利時人英語化程度極高。大學及研究所有多項以英語授課系所。

（3）魯汶大學:世界十大研究機構之一

魯汶建校於一四二五年，為當今世界最古老的大學之一，歷經將近六百年歲月，老當益壯，現約有學生三萬人，外國學生約三千人，來自一百多個國家，教職員約一萬五千人；目前魯汶市約有居民九萬，市中心面積約為十三平方公里。根據國際期刊科學家(The Scientist)報導，魯汶大學為美國以外地區世界十大研究機

構之一，神學、哲學醫學均著名。我就讀的歐洲研究所開辦於一九九四年，為全球對歐盟有興趣人士研習歐洲事務整合之殿堂。二〇〇三學年度歐洲研究所共收研究生 69 人，來自 28 個國家，其中亞洲(含台灣)5 人，餘均來自歐洲及北美。許多歐洲年輕學子就讀歐研所，希望將來成為歐盟機構高薪厚祿網羅的精英。上課討論熱烈，教授會特別要求亞洲學生從亞洲觀點提出對歐盟政策議題看法。

2、選修課程

魯汶大學歐洲研究所開辦課程多達二十餘種，舉凡與歐洲相關之財經、法政、宗教、哲學、藝術、建築等類別均有之。研究所學制為一年期，分上下兩個學期，研究生每學期應至少選修四門課程計八個學分，並於第二學期末完成研究論文。為配合本次公務人員出國專題研究提報之主題，個人選修課程多偏重財經與法政，包括：歐洲聯盟憲法、歐洲聯盟經濟面觀、歐洲聯盟發展史、歐盟特別議題研究中。其歐盟憲法為當今歐洲最重大熱門議題，儘管

草案已出爐，但各方意見乃待整合。由於人事行政局核定本年度出國研究計畫最長為半年，致筆者無法完成一年期的研究所學程，殊為可惜。

3、參加會議

魯汶大學為比利時學術重鎮，又因毗鄰歐盟總部所在地布魯塞爾，產官學交會頻繁，與歐盟政策有關之研討會終年不斷。因九月份 WTO 第五次坎昆部長會議貿易談判失敗，大學邀請歐盟出席該項會議談判官員、農業國家代表、學者及 NGO 代表及相關科系學生多人舉辦「坎昆會議之後 WTO 何去何從?」論壇大會。從各界踴躍發言，腦力激盪，個人獲益匪淺。結論是:全球貿易體系的多邊遊戲規則仍應予維持，雖然坎昆會議受挫，世界兩大壁壘(已開發國家與開發中國家)之間仍應繼續溝通化解歧異，讓世界貿易組織機制往前行。另一次會議為歐洲政策研究所舉辦歐盟憲法研討會，出席的有英、法、波蘭及比利時各界人士，為當時歐盟領袖正在磋商之歐洲憲法草案，從各個角度提出防衛或批判，有人主張完備版本，有人力陳精簡架構，攻防之間非常熱烈，

結論是：不要急就章，寧可慢慢制定一部完美憲法。歐洲人的細緻可見一斑。

4、隨機訪談

因同學中絕大多數來自歐洲各國，個人有許多機會與他們交換歐洲整合的意見。發現已開發國家之國民對歐盟基本上是相當贊成的，但他們也憂心單一國境人口自由移動帶來的治安、失業問題；而發展較落後國家如東歐諸國則迫切希望加入，俾分享歐盟現成果實。我最常被班上同學問到的問題是：妳是亞洲人，為何要來念歐洲研究所，歐洲整合與貴國有否關聯？我告訴他們，台灣的經濟奇蹟和困頓的國際外交處境，我國希望與歐盟發展良好的經貿關係。他們大都知道台灣的電子產品物美價廉聞名於世，也知道中國和台灣之間存在一些問題，但他們多半搞不清兩岸的歷史糾結，藉機會向他們推銷台灣是我們的天職。因歐陸學費相較於英美便宜許多，目前中國有許多留學生在此，據稱人數約為台灣留學生的十倍，但我的感受是：台灣學生似乎較能融入當地文化與生活，也較受歡迎。

三、觀摩參訪

1、歐盟貿易總署

訪問歐盟執委會貿易總署高級官員G君, G君現在負責歐盟市場進入議題，曾參與WTO的貿易談判。在一個半鍾頭的談話中，除了說明其參加坎昆部長會議談判經過及闡述其對談判失敗之看法，以及歐盟對WTO多邊關係未來之使命感外，有極多時間抱怨中國的各種表現。綜合其談話略為:(1)中國雖已入會，但心態上不願照WTO規則行事，總以開發中國家為藉口，不依入會承諾降稅。(2)中國在WTO表現極老大頑硬，美國為貿易利益不敢開罪，歐盟也束手無策。(3)中國極欲在亞洲建立區域性雙邊結盟確立霸主地位(4)貿易政策審核文件無WTO官方語言(僅少數摘錄具英文翻譯)，歐盟及美國無法窺其真象。渠認為台灣因語言之便，或許可以幫助審議。(5)此次坎昆會議結束唐突，議事技巧有很大改善空間，農業議題太敏感，安排於議程前端顯非恰當。(6)台灣鮮有雙邊機會，所以維護WTO的多邊制才有利台灣經貿。(7)自坎昆貿易談判挫

敗，歐盟內部積極檢討，努力研析失敗原因並尋求儘速重新啟動。G 君並提供一份歐盟內部尚未公布文件，係一份歐盟執委會向歐盟理事會及歐盟議會提出，針對杜哈回合貿易談判在坎昆會議失敗後歐盟力促其復活的願景。由此份資料充分說明歐盟對世界貿易組織多邊機制維護及對自身權益的防衛。(附件二)

2、歐盟反詐欺局

拜訪資深官員 O 君。歐盟反詐欺局成立於 1999 年四月，是一個超然特殊的機構，其主要功能為保障歐盟財務利益，防止一切詐欺、貪瀆等不法行為，強調以可信賴、透明化、成本效益之方式，提供歐盟公民高品質的服務。OLAF 在歐盟境內境外行使獨立調查，以廉潔公正專業形象自許。並與會員國保持緊密定期合作，支援會員國必要的資訊和技術，打擊不法情事。OLAF 曾多次派員來台調查原產地不實案件，並希望與台灣簽訂關務合作協定，以利情資交換。其實我國已於二〇〇三年台歐盟經濟諮商會議中提出建立關務合作計畫議題，據稱後因政治因

素而未果。目前對台灣調查案件為農漁產品殘留農藥問題。歐盟懷疑大陸農漁產品以過境台灣方式取得偽造原產地証明輸入歐盟國家。筆者則澄清，就海關而言，對過境貨物海關並不執行檢查，且核發原產地証明文件亦非海關職責。但如能雙方簽訂關務合作協定，則對通關資料的調閱作業將取得法定許可，有助於兩方關務案件調查作業。

3、比利時海關

拜訪布魯塞爾的 Zaventem 機場海關，由監控部資深官員 Mr. Eddy De Cuyper 簡報，並赴倉庫及通關現場觀摩。在歐洲關稅同盟的體制下，歐盟海關主管政策和法規，各會員國執行邊境管制及徵課作業。比利時具有彈性的通關程序與延後繳付關稅之體系，以空運而言，布魯塞爾的 Zaventem 機場以及列日(Liège)機場為最主要的國際貨運機場，其航線遍佈全球 143 個點。Zaventem 機場為歐洲第五大貨運機場，Zaventem 機場的 Brucargo 更是歐洲主要物流中心之一，目前已有 30 家以上的貨運業者或私人企業在此設置歐洲配銷中心。以通關程序而言，在

布魯塞爾機場貨運區（Brucargo Airfreight Zone）內，貨物可以不需要通關文件，自由出入航空公司至貨物代理業者的倉庫。在關稅繳付體系方面，比國的保稅倉庫體系允許業者在貨物銷售之前，無須繳付進口關稅與貨物加值稅。另外，若貨品已清關，但尚未找到買主，亦可暫時存放在 VAT 倉庫，暫時不需要繳付貨物加值稅。

4、世界海關組織常設技術委員會

拜會 WCO 永久技術委員會高級官員 V 君，由於京都公約未生效，目前由永久技術委員會負責相關事務。國內同仁知道我將前往 WCO 參訪，特地寄來有關京都公約問題一則，我於事先即轉請 V 君協詢，經渠熱心協助很快即獲其回復。另因我國刻正積極尋求管道加入世界海關組織，遂請其多方予以協助。V 君建議，依據 WCO 公約第二條(A)規定會員必須為(1)目前公約締約方、(2)或者其在對外商務關係上具有自主權之個別關稅領域政府，由其負責處理正式外交關係事務之締約方提案(PROPOSED BY A CONTRACTING PARTY HAVING RESPONSIBILITY FOR

THE CONDUCT OF ITS DIPLOMATIC RELATIONS)，經由理事會核准通過成為個別會員，照正規程序，我國之加入看來似乎困難重重。但因理事會得准許非會員政府或國際組織代表加入為觀察員，而目前理事會主席為南非籍，如我國與南非海關交誼夠好，似宜由此切入，不失為一可試行途徑。

5、世界海關組織秘書處

拜會WCO秘書處資深技術官員J君，J君負責Common Data Set及 UCR(Unique Consignment Reference Number)兩大專案。他稱: WCO對共同資料模組之推動工作一直在進行，將很快推出第二版內容，當提及若台灣有問題可否以email向其請教時，氏答稱因WCO負責整個政策照的推動，原則上鼓勵各區域性組織自發性要求各會員國遵行。並稱加拿大及APEC非常配合推行。關於UCR也正進行建置中，約於二〇〇四年五月可推出相關規範，而手冊將於二〇〇四年一月推出。至於京都公約簽訂情形，歐明盟可望於二〇〇四年五月加入，屆時可能京約可以正式生效，因目前已簽約14國，再加上歐盟25國

26 票(會員國加歐盟本身)，即可達規定的 40 票。若然，則台灣將可以觀察員身分參加京都約管理委員會所有會議了，是我國海關參與國際事務一大里程。

6、其他:歐盟執委會、歐盟區域委員會、歐盟經濟社會委員會、比利時聯邦議會

肆、建議

一、善用 WTO 多邊體制，促進貿易便捷化

由於台灣在現實國際社會的孤立，加入 WTO 對我國最大的利多就是能與其他會員國平起平坐，享受它的兩大待遇:最惠國待遇和國民待遇，我國經歷十二年的艱苦奮鬥，並且做了相當多的減讓與承諾才得以跨入 WTO 大門，當然要善用它的多邊機制，熟悉它的遊戲規則，是促進貿易便捷化的最佳途徑。又由於 WTO 多邊體制下容許區域組織結盟運作，近年來世界各國簽署區域貿易協定蔚為風潮，歐洲、美洲、亞洲各地區之經濟整合如火如荼展開，為進一步擴增我國經貿實力，我國勢不能置身於此一潮流之外。二〇〇三年我國與巴拿馬簽訂自由貿易協定便是朝此方

向努力的結果。

二、結合友邦國家增進國際關務合作

我國關務作業先進，與其他先進國家之海關作業已可並駕齊驅，尤其我國海關在 APEC 關務次級委員會之活動非常活絡，與加拿大、澳洲等國海關維持良好互動，而加拿大為 G7 成員，對 WCO 資料共同項目之推動不遺力，澳洲也非常積極，故我國應善加維護與這兩國之關務交流，俾透過其管道協助汲取國際組織資源。另歐盟是一股強大的新興勢力，正尋求與中國建立新的經貿互動模式，如台灣能善用同文同種的優勢，庶幾可以在格局變動中把握機遇，成為歐美國家探索進入中國市場的介面。

三、建議恢復派遣海關人員進駐我國駐歐盟代表處

我國駐歐盟代表處設於布魯塞爾，而布魯塞爾為世界海關組織總部所在，為國際海關事務之權威重鎮。目前世界海關組織有一百六十多個會員國，終年在此會議不斷，海關人員在此川流不息，是進行關務聯誼的好所在。因我國尚非 WCO 會員國，雖以 WTO 會員身分得享有若干 WCO 權益，

但大部分的 WCO 資源，如稅則分類案件之諮詢、通關規範之國際接軌、走私情報之蒐集，仍須靠特殊人脈管道取得。我國海關如能派員駐比，將有助於此類特殊管道之建立與維護。

四、積極推動加入 WCO

我國已是 WTO 會員，能全盤享受其多邊體制各項待遇。而在關務議題上，WTO 對 WCO 之依賴甚深，由於我國的關務現代化已躋身先進國家之林，在 APEC 及 WTO 均深受肯定，如果我國能運用 WTO 機制強化對外關係，推銷台灣海關自動化經驗，擴大國際關務交流援助，將有助於我國建立國際情誼，間接有助於我國加入 WCO。值此 WTO 貿易便捷化議題正進行談判之際，我國海關成功地配合貿易便捷化，做到自動化、透明化、標準化目標，正是推動我國加入世界海關組織之最佳契機。

五、繼續推動關務自動化

自動化為創造貿易便捷環境之一項重要工具，透過自動化的系統整合進程，從事資料的簡化、標準化，以及程

予的簡化、合理化。我國海關的自動化程度相較於世界先進國家毫不遜色，但由於國人的法治觀念較弱，以及現階段對大陸物品的許多管制，使海關在有限的資源、及不斷擴展的貿易量下仍需從事有效率的邊境控管而不造成貿易障礙。自動化的通關更顯重要，如貨櫃大型 X 光檢查儀的購置即屬一例。

六、鼓勵公務員、留學生赴比研習進修

我國外交事務由於現實條件的困境，常感無力。實質外交成為我國近年之重要策略。歐洲是一個新的民族文化大熔爐，比利時是一個友善的國家，布魯塞爾是國際組織匯聚之處，魯汶大學是國際青年學子追求知識並交流體驗異國文化的搖籃。培養國際人才，增進國家競爭力，不只需要語言的訓練，還需要文化的交流，情誼的建立和人脈的拓展。比利時是一個多語言但英文通行的環境，建議多鼓勵公務員、留學生赴比研習進修。

附件一

坎昆會議概述

二〇〇三年九月十四日，世界貿易組織第五屆部長會議在墨西哥坎昆舉行，會議在未發表宣言的情況下以失敗告終。分析失敗原因，主要是在四個議題上，發展中成員與已開發成員利益衝突，分歧嚴重，無法達成共識。

一是“新加坡議題”。新加坡議題是指 1996 年第一屆在新加坡舉行的部長級會議上提出的投資、競爭、政府採購的透明度和貿易便利化等問題。2001 年在多哈透過的聲明中已經明確，在坎昆會議後進行談判，坎昆會議只就談判模式問題展開討論。但是，已開發成員認為應當在坎昆會議後立即開談，而印度、馬來西亞等國以及最貧窮國家堅決反對，拒絕貿然啟動談判，而主張對談判含糊的內容予以澄清。

二是農業問題。農業談判主要圍繞出口補貼、國內支援和市場進入三大問題。世貿成員中形成了兩大陣營，一方以 21 國集團與凱恩思集團國家的聯合陣線，另一方則是集中了世界農業 90%補貼的美國和歐盟等成員。發展中成員要求美歐等成員大幅削減補貼，確定直接補貼的最高限額和完全取消對所有農產品補貼的時間表。但美歐不肯作出實質性讓步，歐盟重申不準備完全取消農業出口補貼。

三是非農產品市場準入。一些發展中成員提出，工業化成員應削減關稅和降低最高關稅，以利於其實行工業化的政策。對於貧窮成員來說，關稅是政府收入的主要來源，應當予以特別的照顧，在對某些產品的關稅削減方面不僅降幅要小，而且執行協議的時間要長。這一議題在發展中成員和發達成員內部也存在歧見，自然難以達成一致。

四是棉花問題。對棉花生產依賴程度高的馬裏、布基納法索、貝寧和乍得 4 國要求將棉花問題列入大會議程。在討論中，發達成員對

此也形成了兩種意見，美國提出要對美棉農每年提供 40 億美元的補貼，遭到與會代表的堅決反對。

此外，會議宣言草案主要體現了已開發成員利益，很少涉及發展中成員利益，致使兩方尖銳對立，形成僵局。

坎昆會議無贏家，卻留下思考。印度貿易部長表示，會議忽視了眾多發展中成員的立場，這是少數成員試圖將自己的意志強加於多數成員的表現。菲律賓貿易部長認為，發展中成員團結起來表達了一致的呼聲，是一次進步。歷來由發達成員主導談判的格局，如今已發生變化。法國媒體認為，要使多哈回合之路繼續走下去，並成為發展回合，建立公正合理的國際政治經濟新秩序，使發展中成員擁有從經濟全球化中受益的機會，已勢在必行。

坎昆會議對今後談判產生何種影響？此間觀察家擔憂，擁有 148 個成員的世貿組織，要採取一致透過原則，難度很大，原定於 2004 年底結束的多哈回合談判將可能延期，在日內瓦已達成的藥品協議也不可能為所有成員批准。因此，美國和歐盟有可能脫離世貿組織，致力於締結雙邊和地區貿易聯盟。

COMMISSION OF THE EUROPEAN COMMUNITIES

附件二

Brussels,26.11.2003

COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, TO THE EUROPEAN PARLIAMENT, AND TO THE ECONOMIC AND SOCIAL COMMITTEE

Reviving the DDA Negotiations – the EU Perspective

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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, TO THE EUROPEAN PARLIAMENT, AND TO THE ECONOMIC AND SOCIAL COMMITTEE

Reviving the DDA Negotiations – the EU Perspective

Executive summary

The Communication assesses the state of play of the WTO Doha Development Agenda negotiations in the light of developments since Doha and of the Cancun Ministerial Meeting, and outlines how the EU could best contribute to a successful relaunch of negotiations. It is based on the reflections and consultations that the Commission has engaged in since Cancun.

The Communication concludes that the basic rationale for the DDA remains valid, and that the EU's objectives, set out in earlier Council conclusions, should be maintained. It also concludes that the EU should support the early re-launch of the DDA and should, together with other WTO Members, participate constructively in efforts to this end. The Communication does however suggest that, in order for a relaunch to be successful, all WTO Members must be prepared to adjust or refine their approach in a number of specific areas.

As far as the EU is concerned, it is suggested that we now be ready to explore alternative approaches to negotiating the Singapore issues of investment, competition, trade facilitation and transparency in government procurement, possibly through removing them from the single undertaking of the negotiations and through negotiating them as plurilateral agreements if necessary. While maintaining our substantive objectives, it also suggests a slight adjustment of the approach on trade and environment and geographical indications aimed at reducing reticence to negotiations in these areas.

On agriculture, the Communication confirms the EU's continued readiness to make significant commitments provided that our trading partners also show real movement. A specific initiative on cotton within the context of the agriculture negotiations is also proposed.

On services and non agricultural market access, the Communication suggests the EU should maintain its high level of ambition, and that other delegations should make a real contribution to negotiations according to their capacities.

The Communication also proposes that on rules for Anti-dumping, Subsidies and Regional Trade Agreements, the EU should seek ambitious results, while on a range of trade and development issues, we should work for outcomes that genuinely support the integration of developing countries as opposed to measures that perpetuate the development gap.

Introduction

Following the failure of the Cancun conference, WTO Members, in particular the EU, have devoted considerable time in trying to comprehend the reasons for that failure.Mature reflection suggests a mixture of reasons. One was certainly procedural: in some respects the Cancun meeting began on track, and only fell apart at the last moment. But there are also solid grounds for believing that there were serious underlying problems behind the failure of Cancun, which will have to be addressed if the Doha Development Agenda is going to succeed as a negotiation. Developments such as the emergence of new groups such as the G20 and the G90, driven by concerns that their priorities were not being given sufficient attention: the reluctance of a number of Members either to engage in further trade liberalisation or to extend the WTO rule-book; differences in substance that remained too wide to be bridged in the time available: the importance (and fear) of China and her huge exporting potential; and systemic problems in the operation of the WTO itself cannot be ignored or brushed aside.

Given this mix of factors, and indeed, the dramatic and important nature of the Cancun collapse, many have also spent an equally considerable amount of time in assessing how and under what conditions the DDA negotiations could be re-launched. For our part, over the last two months the Commission has engaged in an extensive process of reflection and consultation with Member States, in the 133 Committee and elsewhere; with the European Parliament; with a broad range of civil society representatives (NGOs, business and trade union representatives); and with our third country partners, in order to better understand views and build a sense of what needs to be done if the process launched at Doha is to move forward again. The Commission has, in carrying out this review, posed a series of general questions: about the scope for pursuing new rule making in the WTO, and the relationship of "rule making" to "market access" negotiations; about the extent to which more emphasis should be given in the future to bilateral and regional trade negotiations; on the best means to further the developmental objectives of the WTO and the Doha agenda; and on the need for improving the workings of the WTO as an organisation. A brief word on each of these questions, and the conclusions we have drawn following our consultations:

- On "rule-making" and its relation to "market access" negotiations, it is clear to the Commission that the EU should continue to insist on a strong continuing rules-making component in the multilateral trading system. If we are serious about "harnessing globalisation", we cannot dismiss the importance of rules in the WTO or those developed in other areas of international policy making. In any case, existing rules in areas such as agriculture or trade defence, for example, show how fundamentally intertwined rule-making and market access continue to be within the WTO. Further rule making accompanied by improved market access should help to sustain higher rates of global economic growth and poverty reduction, in addition to helping developing countries better integrate into the world economy.

- On the question of balance between multilateral and bilateral / regional negotiations, the results of our consultations are very clear: multilateral negotiations should remain the European priority. There is widespread support for this notion in all parts of the Commission's authorizing environment – Member States, the Parliament, business, trade unions and civil society.

- On the question of development, much has been done before Doha, at Doha and since to ensure that the new Round supports development objectives. But

several developing countries, the G90 in particular, have so far been sceptical of the benefits that the Doha Development Agenda can bring to them, notably in terms of further market opening in sectors like agriculture. Most obviously, there has been concern over the impact of further multilateral trade opening on the preferential market access that some developing countries enjoy in a number of developed, "northern" markets. Some developing countries have also expressed reservations about engaging themselves in further liberalisation, or of adopting stronger multilateral rules.

Against this background, the Commission has sought to identify clearly what kinds of outcomes will genuinely promote development: what in other words a "development Round" should and should not be about. In our view, the WTO is not a structurally unfair system that needs to be rebalanced. We believe that the WTO and previous Rounds have not worked against the interest of developing countries. Nor should the Round be geared to removing all responsibility from all developing countries to contribute to a successful market-opening outcome, including the important dimension of improved "south-south" trade. And it should not be ignoring the necessity to update the WTO rule-book (since developing countries as much as any can benefit from the security that multilateral rules provide), or absolving developing countries from new WTO rules, which would create precisely the same two tier WTO which many developing countries have expressed fears about. The Doha Development Agenda has instead to enhance further the integration of developing countries, particularly the poorest of them, into the world economy, through progressive market opening and the progressive assumption of stronger rules, in keeping with the implementation capacities of developing countries. The biggest developmental gains will, after all, come from ambitious trade opening and the strengthening of multilateral rules. The DDA thus has to ensure that the negotiations more generally work fully in the interests of development. These arguments are set out at greater length below.

- Finally, and more briefly, on the question of WTO reform, the Commission has consulted widely on what specific improvements are needed to the functioning of the WTO. We have concluded that a relatively modest, but feasible, package of reforms, focusing first and foremost on the preparation and management of Ministerial conferences, and other means to improve the efficiency and inclusiveness of WTO negotiations, is the way to move forward. The Commission will raise further, more systemic questions in due course with the Consultative Group on WTO reform established by the WTO Director General.

During this period of reflection, the October European Council also invited the Commission both to reflect on the EU strategy and to explore with key WTO players the possibility for future progress in the DDA. At the same time, the European Council clearly laid down a framework for this reflection: the unchanged EU's commitment to the multilateral approach to trade policy, on the one hand, and the commitment by all WTO Members as an indispensable condition for any successful resumption of negotiations, on the other hand.

So in concluding this process of reflection and consultation, the Commission arrives firmly at one single basic premise: that the WTO must remain the principal forum for trade opening and the strengthening of trade rules, as the multilateral approach to co-operation on trade matters, based on the principles of transparency and non discrimination, remains the most effective and legitimate means to manage the globalisation process and trade relations

between countries. Along with, and in cooperation with other key international organisations, the WTO will continue to have a critical role to play in the management of globalisation and in the pursuit of sustainable development in all its aspects. The EU for its part should aim at improving further the coherence between the WTO and these other organisations in the interests of more coherent international governance in the economic, social and environmental fields.

If so, where next? It is clear that there are relatively few EU constituencies who are opposed to any form of multilateral trade round. We rule the "no Round" option out as unfeasible, undesirable and out of line with basic EU interests. But should we conclude that the Doha Development Agenda needs to be closed, in order to start afresh with a wholly new mandate, and that we should then look for an early WTO Ministerial meeting to launch a new Round ? This, too, we reject. It would be a recipe for a major delay in the conclusion of any Round, indeed even a *launch* of a new Round itself could be highly problematic over the next year.

Moreover, we believe that the Doha Declaration itself remains valid. The initial justification for launching the Doha Round remains unaffected by developments before or at Cancun. The negotiations still offer great potential to foster long-term economic growth, to stimulate trade and investment, and to promote sustainable development, and the DDA has an important role to play in our efforts to attain the Millennium Development Goals.

Our conclusion therefore is that the EU should support the early re-launch of the DDA and should, together with other WTO Members, participate constructively in efforts to this end.

Clearly, however, future negotiations will not be successful if we or others ignore the lessons of Cancun or pretend that we can simply pick up the issues where they were left on 14 September without any further reflection. As stressed by the European Council, *all* Members of the WTO have to be willing to reflect on their approach and come back to the negotiations in a constructive spirit, one that demonstrates anew a basic commitment to multilateralism. The EU, for its part, both before and at Cancun, moved, often repeatedly, on all important issues, many of which are very sensitive for European interests. It should continue to do so. However, movement in a negotiation is not an aim in itself, but a tool to facilitate a compromise where our own interests are also met: we do need, therefore, commensurate movement from other participants, which was and still appears, unfortunately, by and large insufficient or absent altogether. Negotiation is a two way street.

The process of reflection that the Commission has carried out so far suggests that the fundamental objectives that the EU set for itself before Seattle, as defined in the Council Conclusions of October 1999 and re-visited and re-affirmed in subsequent Council Conclusions, have stood the test of time. What *has* appeared in need of some review is our strategy to achieve those objectives: the need to refine and sharpen our negotiating approach in a number of areas; take account of the manner in which discussions have developed over the past few months or at Cancun itself; and take account of developments within the EU itself (notably the successful mid-term review of the CAP). On this basis, we should be able to continue to play a full and constructive role in any re-launch of negotiations.

The remainder of this Communication therefore identifies, in relation to the different areas of the DDA, what is needed from ourselves and from our trading partners - who also need to show their commitment to the negotiating process. For our part this Communication takes into account the discussions held with all European constituencies, including in particular the Member States in the 133 Committee and Members of the European Parliament. Orientation discussions have been already held on a number of topics. The paper in particular suggests

areas where the EU itself could further refine its approach in order to contribute to the resumption of work.

Agriculture

Negotiations on Agriculture were launched in Doha on a broad and balanced platform covering substantial reductions in trade-distorting support, in export subsidies, improvement in market access, special treatment for developing countries and non-trade concerns, as part of a wider, single undertaking of the Doha Development Agenda.

The EU has from the outset taken a pro-active role in the negotiations and unreservedly supported the implementation of the Doha Declaration. The recently adopted reform of the CAP and proposals for reform in other sectors are the best proof that for the EU the path towards less trade-distorting support need not be an external constraint, but a desired policy orientation. Internally, the path chosen meets the domestic challenges of promoting competitiveness for EU agriculture while at the same time meeting the highest environmental, quality and animal welfare standards that our citizens expect. Externally, the reform process in turn enables the EU to contribute to the Doha negotiations through an approach based on further, significant trade opening and support for sustainable development. The process of CAP reform thus in a sense has anticipated on the achievement of the Doha objectives. It is now essential that others also follow the path of reform, at least as the result of the negotiations.

Rather than camping on its initial negotiation proposals, the EU has therefore already responded to the call for leadership from the WTO at large by demonstrating its capacity to reform. At the demand of other Members it also presented in the latter stage of preparation of the Cancun Ministerial a joint proposal with the US that built important bridges between opposing positions of WTO members. The new concepts developed at that stage on how to reduce trade-distorting domestic support, on market access and on export subsidization, are concepts that should not be lost as they provide the foundations for a balanced and fair outcome of the negotiations. Unfortunately the same cannot be said about many other important players. The onus is now on them to show similar determination for real progress leading to the successful outcome of the negotiations.

What is our position in the different areas of negotiation, and what do we believe other countries should do to get to an agreement? First and foremost, the negotiations can only succeed if they are faithful to the Doha Declaration. More specifically:

On domestic support, trade-distorting support should be substantially reduced from bound levels. Conversely, support with no or little trade effects, that addresses key policy goals crucial to the sovereign rights of Members, as is the case for green box support, cannot be subject to any capping or reduction. The notion that we or others should reduce green box support is unacceptable. This would amount to putting external constraints on internal policies having no trade distorting impact.

The real focus of the negotiations should be on what distorts trade, first and foremost on the amber box and export subsidies. The EU therefore should call for substantial reductions in the amber box, the most trade distorting form of support that is linked to production or prices. The *de minimis* threshold should also be reduced so as to keep it as a real exception. In addition, the EU should support specific disciplines, including a cap, on blue box support, although this is clearly less trade-distorting as it is based on fixed entitlements. Again. it should be noted that the EU has moved in this area, and the cap of 5% of total agricultural

production we have proposed should constitute the limit. Flexibility now has to come from others with the clear recognition of the distinction between the different trade distorting impact of different policies.

Further on domestic support, the EU accepts that DCs should have more flexibility to address their developmental needs, including the needs of poor farmers and the right to continue to sustain sound rural, agricultural and food policies. But while the EU has always supported special treatment for developing countries in the area of domestic support, it considers that such treatment should be targeted particularly to the poorer, less competitive developing countries as opposed to the most advanced. This appears to us the most appropriate means to fulfil the development objectives of the Doha declaration.

On market access, further gradual, substantial trade liberalization is beneficial to all, developed and developing countries alike. The developed countries should make the biggest contribution to most trade liberalisation, but that will not suffice. Development of trade *among* developing countries is also essential , as those are the countries where demand for food is expected to rise, and where most of the future growth in and benefits from trade are likely to arise.

Most WTO Members have particular sensitivities in some sectors, which explains why the mixed UR formula/Swiss formula approach constitutes the right compromise on tariff cuts, (which should be made starting from bound levels of tariffs), and why a special safeguard designed to meet genuine needs is important for developed and DCs alike. On TRQs, it should be noted that their distribution across the membership is very uneven, reflecting the situation prevailing at the end of the Uruguay Round, and therefore proper burden sharing of further market opening can be achieved only if all countries are put on the same footing, with appropriate special treatment for developing countries. Preferential access for the weakest of the DCs, in combination with sound economic policies and supply capacity, can be vital for their integration in world markets. Ignoring this fact is ignoring the lessons of Cancun.

But while we should be ready to re-confirm what the EU is prepared to do, other countries - including the largest and most advanced developing countries - should also provide preferential access in their markets to the larger number of developing countries in need. The EU's EBA initiative should be followed by others, and we consider that in addition to the OECD countries, the G20 should, for example, be invited to offer trade preferences to G90 countries. Last but not least, the EU should maintain its demand for an end to usurpation of certain selected EU GIs. Failure to do so will negate valuable export potential to the EU and other countries, which can only have a negative impact on the negotiations in this area.

As regards <u>export competition</u>, the EU's position has been very clear in asking that all forms of export competition need to be addressed in a strict, parallel manner. The EU has made very substantial proposals in this area, such as our offer to eliminate export subsidies on a list of products of interest to developing countries. Other Members, however, have tried to ignore the Doha Declaration by trying to exempt their own export competition instruments from significant, binding disciplines. Rather than attempting to re-write the Doha Declaration, other Members should respond positively to EU initiatives, including the offer regarding export subsidies.

In respect of <u>non-trade concerns</u>, the EU should continue to try to address all issues related to agriculture trade rules rather than only the commercial aspects. Protection of the environment, animal welfare, rural development are legitimate societal goals (cf under "Domestic support" above). To ignore them, as some Members do, can only reduce public support for further

trade liberalisation. To respond to them in a non-trade distorting manner is the correct way forward.

On cotton, the EU should support an effective and specific solution in the WTO to the plight of the African countries, taking in account the discussions in the Council in recent weeks. In the framework of the agriculture negotiations, an initiative on cotton should contain three key elements: an explicit commitment to grant duty free and quota free market access for cotton exports from least developed countries, as the EU already provides through the "Everything But Arms" initiative; substantial reductions of the most trade-distorting forms of domestic support; , and elimination of export subsidies within a stated timeframe. The Commission has proposed such changes to our domestic support in the framework of reform of its Common Market Organisation for cotton, and intends to include cotton amongst products of interest to developing countries in the list for which EU export subsidies would be eliminated. This initative, while being integrated within the agriculture negotiations, could receive a specific treatment, for example a specific timeframe for implementation.

Flanking support measures should be pursued in parallel by the EU and other partners, including the relevant international organisations, with a view to supporting modernisation and restructuring in the least developed cotton producing countries. The Commission will soon follow up on the Council Conclusions of 18 November, and will propose concrete orientations addressing the concerns of developing countries in the area of cotton.

More generally, the Commission intends to use these ideas as an illustration of how the wider commodities issue could be dealt with. The Commission is committed to providing input for an EU perspective on commodities and will produce an EU action plan no later than January 2004. Within the WTO, the EU should support such commodity initiatives aiming at raising the profile of the issue as proposed by preparatory texts to the Cancun conference.

On the Peace Clause, finally, comprehensive negotiations on agriculture, resulting in an agreement acceptable to all Members, risks being undermined if Members use litigation in an attempt to challenge subsidies granted consistently with the Agreement on Agriculture. Protection for such subsidies must be maintained. Since however the existing peace clause will no longer be in force next year, a strategic choice has to be made by Members, and in particular by the export oriented Members, between two alternative routes that are largely mutually exclusive : either they believe that multilateral negotiations are the way forward to a fair and market oriented trading system, or they believe WTO litigation is the way forward.

To conclude, the positions outlined above reflect a considerable movement, largely thanks to the successive reforms of the CAP. This has been used by the Commission in the negotiations, but so far, with the exception of the US, to no avail in terms of moving others away from entrenched positions. The EU should continue to play a full and constructive role, and will continue to provide positive signals through the continuation of its own internal reforms in agriculture, as described in recent orientations for reform in cotton, sugar, olive oil, and tobacco. A successful outcome of the negotiations will however only be possible if other major players are ready to show the same degree of determination to arrive at a fair compromise.

Non Agricultural Market Access

Negotiations on tariffs and non-tariff barriers to trade in non-agricultural products remain a priority for EU industry and our fundamental objectives in this area remain sound. This is a subject in which the EU has significant potential trade gains. The negotiating process leading up to Cancun and at Cancun itself, however, was disappointing: the "modalities" for further negotiations that were emerging at Cancun could have resulted in rather modest further market opening overall, with very little balance between the commitment of different WTO Members. In fact, the proposed modalities were so riddled with exclusions and exemptions, that they might well have resulted in a very low level of engagement, especially on the part of some influential developing countries, including the more advanced and competitive among them. While there is no question of developing countries undertaking market access commitments resulting in tariff levels similar overall to those of developed countries, the extent of the imbalance would have denied meaningful market access not only to our exporters, but to those of other developing countries as well, even though the greatest gains from further liberalisation will come from more South-South market opening.

Thus, modalities of the type on offer at Cancun – but not accepted by Members - cannot constitute a balanced basis for progress when negotiations resume. We, and many others, will have difficulty in moving to a final phase of the negotiations on non-agricultural market access that does not hold out real prospects of effective improvements in market access for our exports, in terms of reductions in both bound and applied rates and strict disciplines on non tariff measures. Nor can we accept an approach that would allow developed country partners to shelter important sectors from liberalisation. Given that 70% of the trade of developing countries is in industrial products and that they raise the highest barriers between themselves, important trade and development benefits will only be found if there is serious market opening within the developing world, particularly on the part of the more advanced developing economies, who are perfectly able to make a meaningful contribution. Indeed, the concern of several weaker developing countries about the impact of preference erosion can to a considerable extent be mitigated through the creation of new markets for their goods in the South.

Modalities for resumed non-agricultural market access negotiations must therefore ensure that the concept of "less than full reciprocity" does not equate to non participation of developing country Members in the liberalisation process, but instead reflects the genuine capacity of Members at different levels of development to contribute. As to the question of erosion of preferences more generally, while there is no easy solution, developed WTO Members should at the very least pursue some of the EU example, such as duty and quota free access for Least Developed Countries' exports or at least minimum overall access for developing countries' exports. (More on this in the "development" section below).

On this basis, when negotiations resume, the Community should make it clear that the approach set out in its previous submissions to the negotiating group remain valid. It should insist on an approach that maintains the justifiably high levels of ambition set out in the Doha mandate, and which ensures that all Members contribute to this process according to their level of economic development and capacities. This approach should remain anchored to a simple, single, non linear tariff reduction formula applied to all tariff lines, and result inter alia in the elimination of tariff peaks and significant improvements in tariff bindings. However, it should also cater for sectoral negotiations, over and above the results of a formula, on products of special interest to developing countries, as well as on other products of particular EU interest. In this regard, the Community should maintain its proposal to negotiate, over and above the agreed tariff formula, further reductions in textiles and clothing tariffs to as close to zero as possible, on a reciprocal basis. The modalities must also adequately reflect the interest of the Community and many other Members in seeing meaningful disciplines on

non-tariff barriers, and the commitment made by all in Doha to negotiate the reduction or elimination of market access barriers to environmental goods. The EU's aims should remain unchanged in this regard.

Services

The services' negotiations are another key priority for the EU and are clearly one of the areas of the negotiations where the EU has much to gain. Services should therefore be maintained at the top of the EU's negotiating agenda. Further opening in services trade offers major potential benefits, however, not only to the EU but indeed to all countries irrespective of their levels of development. This opening can and should be entirely consistent with the full maintenance and protection of public services in the EU and elsewhere. Yet progress in the negotiations up to Cancun has been very disappointing. Few developing countries have engaged in the request and offer negotiations, while amongst the developed Members the quality of offers has been extremely inadequate, with the EU alone among the bigger Members in making a meaningful offer, including on Mode 4.

A major step change is therefore needed as and when negotiations resume, in order to reflect adequately the importance of these negotiations in themselves and for the overall balance of the DDA. To this end, a much greater level of engagement from all WTO Members is needed, which should be reflected in the submission of meaningful offers by those Members that have not yet done so, as well as by substantially improvement in the offers already on the table. The services negotiations should also put greater energy in fulfilling the Doha mandate to negotiate the reduction or elimination of market access barriers for environmental services.

Developing countries need to take a full part in this effort, in particular by fostering greater opportunities for South-South trade and by opening further those services sectors that provide the key infrastructure for economic development and growth. It is only through participation in the negotiations, not by standing aside, that developing countries can achieve sustainable growth. Development cooperation can play an important part here, both in identifying developing countries' export interests and in assisting them through capacity building measures to put in place the appropriate regulatory structures and policies important in several services sectors to ensure a sound regulatory framework within which trade opening can take place. Obviously the EU will have to continue contribute to this. A new impetus is also needed in the negotiations on rule making in services, both in areas of interest for the EU and developing countries.

Singapore Issues

It is of crucial importance, for developed and developing countries alike, to create optimal conditions for cross border trade (trade facilitation), to encourage a climate attractive to productive foreign direct investment, to promote fair competition and of the procurement of the best goods and services for its citizens at decent prices. There remains deep disagreement among WTO Members, however, about the appropriateness of making rules on these four matters at a multilateral level in the WTO and, since Cancun, within the single undertaking of the DDA.

The EU sees no reason to abandon the fundamental and long run objective of creating rules for these four issues as key drivers of the global economy. Nor should we shy away, as a matter of principle, from the WTO as a forum for rule-making. The question now, therefore, is how can WTO Members build a shared basis for doing business on these issues in the WTO.

Some have argued that all four issues should be removed from the DDA, in a bid to "clear the air": if the EU were to accept this, it would set the clock back many years for the essential development of international rules in these areas. Others have argued that WTO Members should settle for negotiations on trade facilitation alone, a subject on which there seems to be no deep seated opposition, and drop the other items entirely. While this judgement on trade facilitation may well be true, for the rest, again, we should reject as unacceptable such a radical shift from the agenda of Doha.

In seeking to build a practical foundation for WTO work on the Singapore issues, the EU should start therefore from the premise that it remains desirable to pursue the four Singapore issues within the single undertaking. Yet if, as appears likely, agreement on modalities within a single undertaking remains elusive, then the WTO must find a way to handle these matters on some other basis. The EU should therefore explore with an open mind the possibility that the wish of some WTO members to participate in negotiations on Singapore issues could still be accommodated, while accepting that others do not take part in or even explicitly exclude themselves from the negotiations.

The Community should now therefore consider each of the four issues strictly on its own merits, and no longer insist on each issue being treated identically if there is no consensus to do so. It should explore the potential for negotiating some, or even all four Singapore issues, outside the Single Undertaking, and to the extent necessary on the basis of participation in negotiations and adoption of the final results on a voluntary basis, by interested Members only. Following this, the Commission will have to assess, based on the level of interest, and number of countries wishing to take part, whether such negotiations would provide real added value. And to the extent that implementation of any future commitments remains a real concern for developing countries, notably the weakest, the Community and other partners should continue to give priority to technical assistance and development aid in these areas.

Exploring this approach seems to us to be the only way to develop rules on the Singapore issues while accepting that not all Members may be ready to take this step now or in the near future. It also appears to be the only way that might enable negotiations to be launched on these subjects while eliminating, once and for all, the false logic of the proposition that the EU should somehow "pay" for these issues.

Trade and Environment

The relationship between trade liberalisation, trade rule making and action at all levels to protect the environment lies at the heart of many worries expressed in Europe concerning the development of the global economy. Some fear that the WTO can become an obstacle to environment policy making. Other European constituencies fear that over-regulation in the pursuit of environmental protection is itself becoming an unnecessary, disproportionate and perhaps protectionist burden for world traders, including for traders in developing countries. Some trade policy experts argue that there is no real problem in the trade-environment interface, and yet repeatedly in the last decade this interface has become a focus for opposition to trade policy making and for concern about global governance. These concerns are not simply expressed in Europe but world-wide although the EU is among the very few to have drawn the conclusion that the WTO should clarify these complex issues.

There is no controversy among the members of the WTO as to the importance of environment protection. There is no controversy as to the need for non protectionist and least trade

restrictive domestic and international regulation in pursuit of environment protection. There is, however, controversy as to whether anything needs to be done today, in the WTO, in order to contribute to a better, and mutually supportive, relationship between the trade and environment legal and policy systems.

The current relationship between trade and environment legal and policy systems is one of unstable equilibrium. The findings of the WTO Appellate Body have contributed over the years to the maintenance of this equilibrium, at least so far. It remains in the interest of the EU, and remains an important element of the WTO's pursuit of its sustainable development goal, to use the Doha mandate on trade and environment issues to make that equilibrium more stable and predictable. Any other choice would undermine the WTO's legitimacy and credibility by demonstrating either a lack of confidence in the trade community's ability to handle cross-cutting issues appropriately, or a lack of commitment to the pursuit in the WTO of the Johannesburg commitments. Given this mandate, the EU cannot accept the extinction of trade and environment negotiations in the DDA.

On the relationship between the two bodies of international law: Multilateral Environment Agreements (or MEAs) on the one hand, and the WTO on the other, the EU has tabled ideas both for a legal approach to fulfilling this mandate and for broader political concepts, whose general formal acceptance by the membership could contribute to the definition of a more stable and mutually supportive interface between trade and environment policies. Without abandoning either track, given the dynamics in Geneva, it seems useful to focus more on the political principles for the moment, and to explore whether these could provide the foundation for progress. This is also the general message that we are receiving from European civil society.

A focus on governance principles could also have the advantage of providing an "opening" to a dialogue on ways to improve the dispute settlement mechanism for MEAs through inter alia better and clearer environmental input from experts, which has been a long standing issue on the agenda of the WTO Committee on Trade and Environment (or CTE). In this connection, possible options to be explored could include more systematic recourse to article 13 DSU (according to which each panel has the right to seek information and technical advice from any individual or body which it deems appropriate). The 1996 CTE report to the Singapore Ministerial already recognised "the benefit of having all relevant expertise available to all WTO panels in cases involving trade-related environmental measures, including trade measures taken pursuant to MEA's". In addition, the regular invitations by the CTE to certain key MEA Secretariats to observe negotiating sessions marks a useful improvement of WTO practice since Doha. However, the DDA mandate on MEA observership, which instructs the CTE to negotiate criteria for granting observer status for MEA Secretariats, is much broader than this. In addition, the CTE debate on this should be held independently from the ongoing debate in the General Council on observerships in the WTO, which has made no progress for a long time (due to the political implications surrounding the status of the Arab League). Our ideas to deal with that broad DDA mandate have yet to receive detailed analysis in Geneva: this should be a stronger focus of work from now on.

On market access-related issues, the work on environmental services requires a political push. On environmental goods, it needs to be made clearer to our trading partners that the EU is looking for an acceptable outcome reflecting the interests of both developed and developing countries. There is no question of the EU embarking in some sort of frontal assault on established orthodoxy in the goods area in Geneva. Nor can there be any question of importing countries being asked to sacrifice the integrity of their domestic regulatory autonomy in order to boost imports from other countries in contravention of environmental or

other standards. There should, however, be scope between these extremes for improving the conditions of trade in environmental goods within the non-agricultural market access negotiations.

The EC also intends actively to contribute to discussions on Trade and Environment related assistance, whether in the CTE or in the Committee on Trade and Development (or CTD) with the aim of fostering WTO activities in this particular field, in close cooperation with other international organisations.

In the rules area, the work on subsidies in the fisheries sector is central to our trade and environment philosophy and also admitted by most to be core business for the WTO. The EU must continue to be a leading player here.

Finally, the EC should also further consider how to render more operational paragraph 51 from the Doha Declaration, which instructs the CTD and CTE to act as a forum to identify and debate developmental and environmental aspects of the negotiations, so as to ascertain whether and how environmental objectives are being appropriately reflected in the negotiations.

Geographical Indications

The global economy has not produced global demand for the same product everywhere. On the contrary, very many products, from food and drink to handicrafts, are crafted to reflect local strengths and to meet the specific needs of local markets.

The notion that a local product should brand itself on the basis of its provenance is universally accepted as a potentially useful tool for business development. It even lies at the heart of the development of wine production in many new global players during the last 20 years. It equally lies at the heart of rural development policy in many countries, the most notable recent example being Thailand. So called GIs are a marketing tool, a store of value and a source of legitimate, proprietary pride for those who produce in a way that builds on the strength of their local roots. This proposition is widely shared by the developing as well as developed countries.

More controversial is the best global legal framework within which to empower businesses to develop GI strategies should they so wish. More controversial still is the potential adjustment costs where the development of a better legal framework creates not just long-term benefits for everyone but short-term adjustment challenges for those who may be prevented from developing certain strategies or required to adjust established strategies.

No one therefore can argue that GIs are a matter of universal consensus. But they are a matter of global economic potential, and a negotiation to further develop the existing framewok in the WTO can enable all the players to balance off the costs and benefits so that all can gain. Three key issues lie before us: whether the current regime for the protection of wines and spirits GIs, which has stood the test of time since the creation of WTO, can now be developed over a suitable transitional period through the establishment of a register for all wines and spirits GIs world-wide. A second issue is whether the tried and tested wines and spirits' regime should not be extended to other products. Finally, in the agriculture context, there is a question whether we can address multilaterally the rolling back of certain GI use in countries where the GI was not originated: this is provided for in the TRIPS agreement, but has so far been pursued in bilateral and not in multilateral negotiations.

The EU has pursued a clear and coherent commercial strategy on this cluster of issues. Nevertheless, there continues to be a very substantial gap between the EU's ambitions in this field and the willingness of an important number of WTO Members to accept a meaningful outcome. Since it is clear that the EU cannot accept the proposals of some partners to abandon this part of the negotiating agenda agreed at Doha, either in the context of IPR as such, or in the context of agriculture, we have to intensify our work to build sufficient trust on the part of our partners to persuade them to show the necessary flexibility. Persuasion and pragmatism are the tools we need to employ in this task.

The EU has signalled already its willingness to offer significant flexibility as to the precise arrangements for the creation of a multilateral register. Our position is clear: we are looking for a binding register, but with a carefully defined start-up phase of appropriate length. We believe that we should be able to bridge the gap with other WTO members, who are currently limiting their ambitions to a non-binding register with a mechanism for its future evolution towards full legal status. The launch of negotiations on extension is an important EU objective in its own right, but is also the key to create broader interest in the overall GI process in the WTO. Developing countries, in particular, are identifying a growing range of GIs that could be of interest to them, both at home and on export markets. It will be important to signal to these countries that the EU will continue to support negotiations on extension of GI protection that offers developing countries a concrete chance to pursue their own interests in this field, and not something that is exclusively geared to the protection of EU interests.

As regards the list of GIs transmitted to our partners before Cancun, it is important for the EU to finalise rapidly any additions needed to take account of enlargement, and to pursue a reasonable and contained approach to this negotiation. We shall have to make it clear, however, that the progress on this list is not a substitute for progress on a multilateral register, or on the extension of IPR protection for other GI products and that all concrete results on three sets of issues need to be obtained.

Rules, including those covering Regional Trade Agreements

The negotiations on rules (anti dumping, subsidies and regional trade agreements) were not discussed at Cancun. When work on the DDA resumes, these negotiations should, in accordance with the Doha mandate, move into a more intensive negotiating phase.

Both on anti dumping and subsidies, the EU continues to have a basic economic interest in stronger disciplines that will reduce the scope for the rise in protectionist and trade distorting measures that we have witnessed in recent years. This should remain our approach to negotiations. The EU has long pursued the aim of balanced trade defence rules, with the objective of protecting European industry from the effects of unfair practices, but without falling into the trap of countering a trade distortion with another trade distortion. As a result, EU trade defence mechanisms have always applied stricter criteria and have included stricter provisions than those of other WTO Members, and continue to do so (e.g. mechanisms such as the "lesser duty rule"). The positions taken by other Members on these issues and the outcome of Cancun only reconfirm the need to negotiate ambitious and trade liberalising improvements to these rules. Our objectives in the subsidies area are similar, where too we seek improved and more transparent disciplines, including in the area of fisheries. Here too it is time to move to a more substantive phase of work.

As regards Regional Trade Agreements, the EU's experience shows that these agreements, provided they adhere strictly to the conditions laid down in Articles XXIV GATT and V GATS, can contribute to the functioning of the multilateral trading system. . The recent drift

towards very partial, sector specific "free trade areas" between some Members is, however, a matter of concern. The EU's position has been based on the need to clarify the margins of ambiguity in these rules, so as to strengthen the complementarity of bilateral and regional liberalisation with multilateral liberalisation. In the wake of Cancun, an increasing number of WTO Members appears tempted to pursue RTAs/FTAs as an alternative to multilateral liberalisation. Worse still, this trend also extends to a number of bilateral tariff agreements, hitherto justified under the Enabling Clause, the role of which should be re-examained to ensure that arrangements established under it are brought under stronger multilateral control and are more transparent This makes it even more imperative to clarify the applicable standards, and to tighten multilateral scrutiny of these putative RTAs, so as to ensure that any such agreements are genuinely trade liberalising and supportive of multilateralism, and do not distort markets, restrict trade with other Members, or undermine MFN-based liberalisation. The EU should firmly reject any attempt either to weaken the rules governing RTAs or to argue that they should escape multilateral disciplines in the first place.

More generally the EU has, following Cancun, posed the question as to whether it should now give more priority to bilateral and regional FTAs. Many WTO Members – including the US and some Asian developing countries – have announced that they will seek to intensify their networks of FTA relations in parallel with the WTO negotiations, or as a possible alternative, given the absence of progress at the multilateral level. The question is whether the EU should follow suit, or whether a major shift in our policy would disrupt multilateralism or be inimical to our own interests. The conclusion we draw is that the broad lines of our current policy and negotiating programme should remain, and that in order not to undermine progress in the DDA we should be careful not to shift the balance significantly further towards bilateralism. At the same time we also concluded that this continuity in approach was quite consistent with a possible expansion of our network of bilateral and regional agreements if persuasive economic or other reasons present themselves. This will require periodic reassessment.

Development Issues

In the aftermath of Cancun, a number of voices have questioned whether the DDA is truly capable of delivering its promises for development and/or whether WTO Members are truly committed to the development dimension of the DDA. The integration of developing countries into the world economy is a necessary condition for development. Such integration will be deeper and fairer if anchored in the multilateral trading system. To this end, the potential of the Doha Development Agenda remains. The process so far has been far from easy, however, and WTO Members, both developed and developing, have at least partly fallen into the trap of looking at the development dimension of the DDA through the lenses of the very narrow notion of "special and differential treatment" that prevailed under the GATT and that has proven ineffective over the years. The critique of this notion has advanced at the theoretical level in the WTO, but this has not sufficiently filtered through to the negotiating process.

The EU should therefore, when negotiations resume, work hard to secure genuinely pro-development outcomes in all areas of the Doha work programme, in line with the stress placed on this in earlier Council Conclusions. The lines of action to achieve this outcome remain those identified by the Commission in the September 2002 Communication on Trade and Development, and subsequently endorsed by the Council: (a) market access, (b) multilateral rules, (c) trade-related assistance and capacity building, including the mainstreaming of trade related assistance into Poverty Reduction Strategy Papers and similar strategies. It is evident that the biggest developmental gains of the DDA will come from ambitious trade liberalisation and the strengthening of multilateral rules. At the same time

Cancun has shown the persisting limitations to the capacity of the poorer developing countries to negotiate effectively and in a timely way even on issues of great importance to them.

As far as market access is concerned, there is an ever growing wealth of evidence, as noted in the preceding sections of this Communication on agriculture, services and non agricultural market access, that development gains will only be reaped if developing countries themselves also make a contribution to the liberalisation process according to their level of development, and begin to open markets to each other. Economic growth and integration will not take place through non-participation.

Equally compelling is the evidence that development will also be best served if developing countries progressively commit themselves to stronger multilateral rules, and benefit from similar commitments taken by others, rather than by seeking permanent exemption from WTO disciplines. The original role of exemptions and transitional periods was to allow developing countries the time to implement rules that should in principle benefit them as much as they benefit developed countries, but which would in the short term unduly stretch their resources. This has been all too often forgotten: developing countries have too often relied on exemptions and transitional periods to postpone indefinitely the assumption of new obligations. Developed countries have too often found it convenient to grant developing countries exemptions and transitional periods instead of taking a hard look at whether the rules being negotiated were indeed suitable for all Members, albeit in different time horizons.

To some extent this philosophy of "special and differential treatment" has been distorted to the point of identifying the development dimension of the WTO with permanent exclusion of developing countries from any meaningful obligations, in respect of both market access and rules. This line of thought has been especially troublesome in the DDA discussion on implementation and special and differential treatment, which is all the more disturbing, given the potential of the work programmes on both implementation and special and differential treatment to contribute to development if they are approached in a rational and critical manner. It has also spilled through into the negotiations on agriculture and non-agricultural market access.

The experience of two years of work since Doha suggests that both subjects have lost their sense of direction and need to be restored onto a firmer footing and with a clearer sense of the long term objectives driving them. Unless this sense of direction is restored Members of the WTO will continue to be frustrated about the lack of practical progress on SDT and implementation. This means at least three things. First, both work programmes will only lead to serious results if formal negotiations take place. The EU was ready to support negotiations in Cancun and should remain ready to do so in the context of a re-launched DDA with satisfactory overall balance, in which negotiating groups should be entrusted with dealing with each SDT and implementation issue.

Second, a more serious focus should be placed on finding solutions to the problems experienced by the most vulnerable Members of the WTO – the Least Developed Countries, small economies, landlocked developing countries and any others particularly vulnerable to economic shocks or with particularly weak economies or infrastructure, or who remain highly dependent on preferential access and revenues from tariffs. These Members are in the greatest need of flexibility in the application of WTO rules, of development aid to remedy supply side weaknesses, and of measures to improve their access to markets. Work should be guided by the principle, embodied in the WTO rules, that as Members develop, they would be in a position to assume greater commitments and make a greater contribution to the multilateral system. Nor should these commitments be seen merely in terms of mercantilistic exchange

with developed countries. There is no reason, for instance, why at least the more robust developing economies should not extend to other developing countries tariff preferences, or extend to Least Developed Countries duty and quota free treatment. The G20 countries could be invited to consider what preferences they are ready to extend to the G90 countries. Such improved access, together with support for supply-side reforms will mitigate the impact, if any, of reductions in margins of preference brought about by further multilateral trade liberalisation.

Third, as regards the negotiation of greater flexibility for developing countries in the application of WTO rules – which is the core of the SDT work programme – the EU should only support the principle of permanent waivers or exemptions from basic WTO provisions in exceptional cases, limited to the LDCs and other similarly weak Members of the organisation, and where this helps, rather than hampers, development.

Last but not least, it is not enough that the EU and Member States re-affirm their strong commitment – political and financial – to trade-related assistance and capacity building, in the WTO and elsewhere. This is an obviously necessary condition, but far from a sufficient one. The WTO Technical Assistance programme has suffered from a number of teething problems, from a mismatch between the financial resources committed by WTO Members and the organisational and human resources capacity of the WTO itself to implement it, as well as from insufficiently clear political guidance from WTO Members as to the strategic direction of the programme.

Assurances need to be repeated as to the continuity of the financial commitment of developed countries. However, the EU should also press for the WTO as an organisation to be given the tools to do the job, beginning with more and better human resources. The WTO must become better at identifying the needs of developing countries in this area, relying more on the work of WTO bodies and Committees, including specific input from the Trade Policy Review process, and bearing in mind that those developing countries who are in greater need of assistance are those least able to articulate convincingly those needs. The focus of WTO-led trade-related assistance must shift from explanation and awareness raising to tackling in the very short-term the very real lack of negotiating capacity and ability to participate in WTO work, and laying the foundations for the implementation of future WTO agreements, together with other multilateral institutions and bilateral donors.

Improvements to the Functioning of the WTO

Finally, although as noted above the failure of the Cancun ministerial was due largely to substantive differences amongst Members, important organisational and procedural shortcomings also contributed to the breakdown. WTO Members have begun to recognise that, unless these organisational shortcomings are quickly remedied, they will continue to impede any future efforts to resume, conduct and conclude negotiations. The EU for its part, has asked the – far from rhetorical – question as to whether improvements are needed to the functioning of the WTO. The EU should now put forward a number of improvements, notably to improve the preparation and management of ministerial conferences, with the aim of facilitating more efficient negotiations and decision making amongst an ever-growing membership. In doing so, the EU has focussed on changes that could be introduced rapidly, without changing the basic rules or constitution of the WTO, and without distracting in any way from the substantive negotiations. For instance, it should be possible to agree in the short term to a better definition of the role of the host of Ministerial conferences, or on the need to appoint "facilitators" at Ministerial level earlier in the process. Equally, there is a need to improve the ability of smaller (and non-resident) delegations to negotiate effectively both in

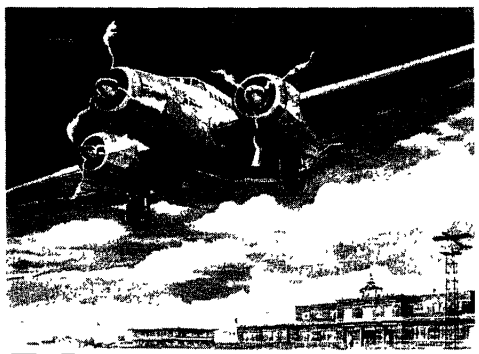
the Geneva process and at Ministerial meetings: technical assistance is certainly part of the solution here. The EU should raise the above mentioned proposals in the WTO in the coming weeks so as to ensure that the necessary changes in organisation and procedure are put in place in good time and actually facilitate the building of consensus, rather than hinder it.

Conclusions

This paper attempts to draw comprehensive conclusions from the Commission's consultation and reflection over the last two months, taking full account of views expressed in the 133 Committee, by Members of the European Parliament and elsewhere. It also responds to the request of the European Council that the EU reflect on its multilateral strategy as part of an effort to relaunch the Doha Round. It has tried to identify, in relation to the different areas of the DDA, the actions needed from ourselves and from our trading partners, who also need to show their commitment to the negotiating process. And this document tries to provide an answer at least in part to the four basic questions posed by the Commission shortly after the failure of the Cancun meeting.

The Commission believes that the approaches outlined in this paper will enable the EU to play its role in getting negotiations back on track, and this time on a more solid basis. This must be our objective. Following further discussions in the Council and the European Parliament on the approach, and taking account of any views expressed, it would be the intention of the Commission to use the approach set out in this document as a basis on which, in cooperation with our WTO partners, to seek a relaunch of the Doha negotiations.

附件三



CUSTOMS

AIRPORT

ZAVENTEM

Eddy De Cuyper
Senior Inspector DI

Location of the airport

Aerial photograph of Brussels Airport

Militairy airport

- Passenger- and luguagecontrole off solders
- Export of humanity goods.
- VIP-flights (King and gouvernement)

41

Cargo-traffic at Zaventem

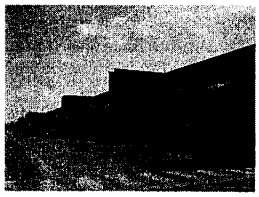
42

Cargo-traffic

Import →

← Export

← Transit →

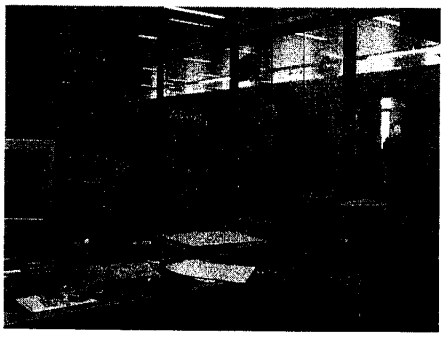


By air

By road

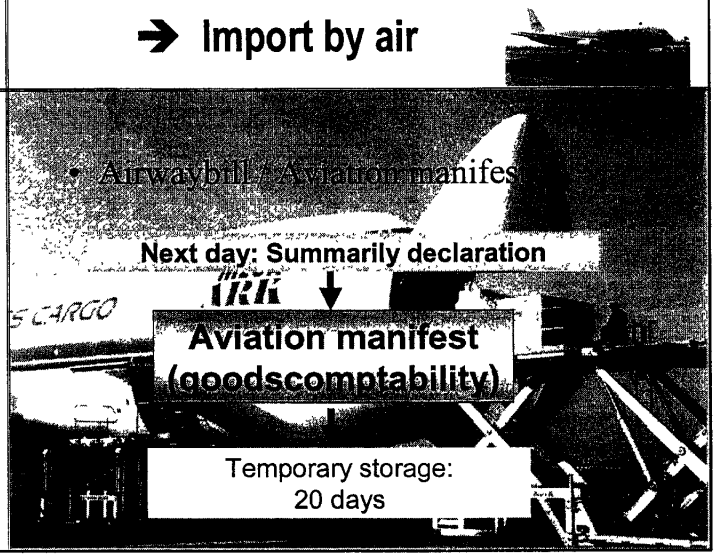
43

Import →



44

➔ Import by air



Aviation manifest

Possible clearing:

- ✓ Ex Manifest (Air)
- ✓ T1 – document (Road)
- ✓ Carnet – TIR
- ✓ IM0, IM 4, IM 5, IM6, IM 7
- ✓ 136 F
- ✓ Form 302
- ✓ Destruction under customs supervision
  IM 9 + Minutes of destruction
- ✓ Treatment under customs supervision - IM9 (BOD)

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➔ Import by road

- T1 – document (NCTS)
- Carnet - TIR

Next day: Summarily declaration

Cargolist 126

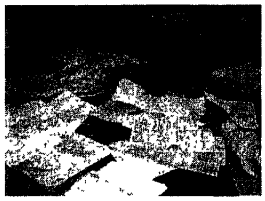
↓

Temporary storage:
20 days

47

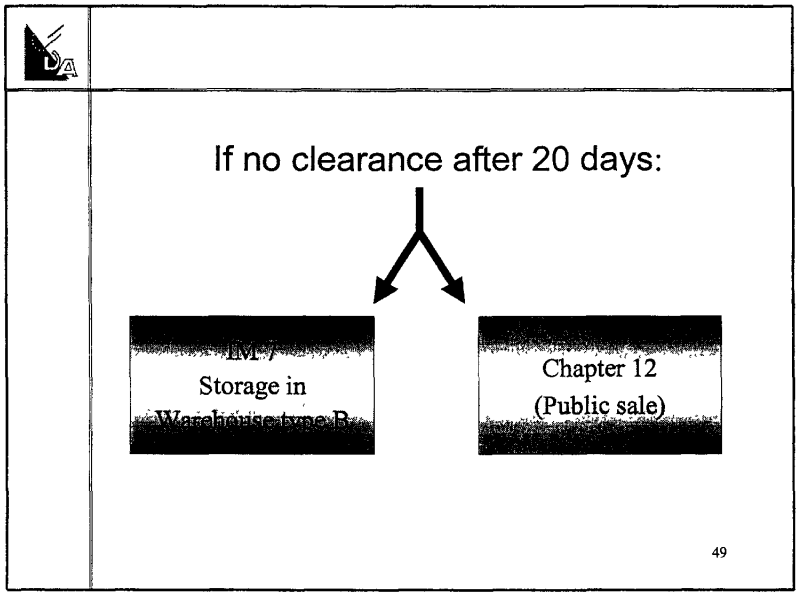
Cargo list 126

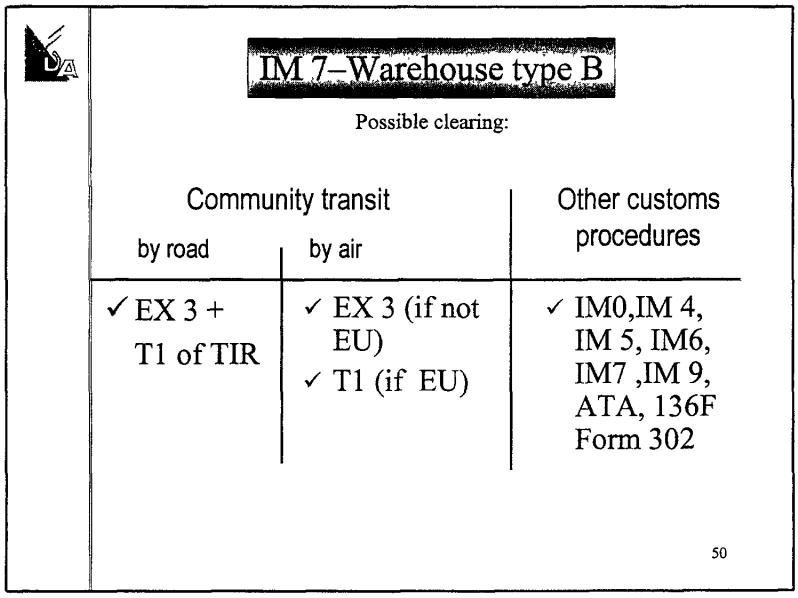
Possible clearing:



- ✓ T1 - document
- ✓ Carnet – TIR
- ✓ IM 0, IM4, IM 5, IM 7
- ✓ 136 F
- ✓ Form 302
- ✓ Destruction under customs supervision
  IM 9 + Minutes of destruction
- ✓ Treatment under customs supervision- IM 9 (BOD)

48


If no clearance after 20 days:
IM 7
Storage in
Warehouse type B
Chapter 12
(Public sale)
49


IM 7–Warehouse type B
Possible clearing:
Community transit
by road
by air
Other customs procedures
✓ EX 3 + T1 of TIR
✓ EX 3 (if not EU)
✓ T1 (if EU)
✓ IM0,IM 4, IM 5, IM6, IM7 ,IM 9, ATA, 136F Form 302
50

← Export

51

Exportprocedure

Oral declaration

Value: ≤ 1000 EUR

Maximum weight: 1.000 Kg

- No part of a regular serie of shipments
- Not transported by an independant transportfirm
- No control- or limitation rules

Written declaration

➔ copy 3; local document; simplified declaration;…

➔ ATA; T-form; 302;…

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Exportprocedure

Export office ≠ Exit office

53

Export Office

➔ Validation and verification

\+

➔ Return of copy 3 or T- form

Competencies of offices:

- ☞ competent for firm or for the place of loading
- ☞ forced detour
- ☞ closing of competent office
- ☞ groupage

! In native country unless < 3000 EUR

54

Exit office

➔ Border EU

➔ Zaventem if:

- ☞ Airwaybill with destination out of EU
- ☞ Airport of departure: Zaventem

55

← Export by air

Delivery of goods in an export warehouse

+

Airwaybill
and/or
customsdocument

Manifest for each flight

Determination of the export

← Export by air

Determination of the export

- Export manifests
- Electronic dayly listings
- Exportdeclarations
- Determination of the exit out the EU

57

← Export by road

- Exportdeclarations
- T-forms
- Determination of the exit at the exit-office
  - ☞ Copy 3 exportdeclarations
  - ☞ T-forms (NCTS)

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THANKS FOR THE ATTENTION