

WTO 新環境複邊倡議之最新進展

張育璋

摘要

自 2001 年杜哈回合談判以來，多邊貿易協定的談判受到「單一認諾」談判模式之桎梏而停滯不前，第 11 屆部長會議開始出現所謂的複邊倡議，以避免少數會員綁架整個 WTO 的談判。其中在環境議題方面，「貿易與環境永續性結構討論」及「塑膠汙染及環境永續塑膠貿易的非正式對話」此兩項複邊倡議於 2021 年 12 月 15 日提出部長級聯合聲明，而「化石燃料補貼改革」之複邊倡議則是由紐西蘭於同日重新發起，並與參加會員一同提出部長級聯合聲明，此三項倡議皆期待於第 13 屆部長會議前陸續實施其工作規劃並更新執行成果。各項倡議的連署會員雖然不同，然其共同目標皆為實現聯合國所制定的「永續發展目標」，使貿易能在因應氣候變遷、塑膠汙染和建立永續全球經濟的解決方案中扮演積極的角色，同時也確保已開發國家及開發中國家的需求納入考量。此外，這些倡議也替相關產業提供發聲的管道，因為這些倡議的討論皆開放給民間團體、企業及國際組織加入。經營化石燃料產業、或在其供應鏈中大量使用塑膠的企業應當關切這些倡議的發展，並考慮與相關的利害關係人互動，以確保與政策制訂機關協力產生正面的影響。雖然這三項倡議僅是複邊倡議，然各倡議皆有大型經濟體的加入，因此這些倡議的發展必定會牽動各國環境及貿易政策的制定。

自 2001 年杜哈回合 (The Doha Round) 談判以來，多邊貿易規則制訂的談判受到「單一認諾 (Single Undertaking)」談判模式之桎梏，以致停滯不前¹。在歐美等主要會員之推動下，第 11 屆部長會議 (Eleventh WTO Ministerial Conference, MC11) 開始出現僅有部分會員參與之複邊倡議 (或稱為聯合倡議 (joint initiatives))²，以避免少數會員綁架世界貿易組織 (World Trade Organization, WTO) 之談判議程，目前業已成為 WTO 規則制訂談判之主流³。

¹ 所謂「單一認諾」係指所有談判項目皆構成整個談判包裹不可分的一部分，在所有項目達成共識前皆不算有共識。How the Negotiations Are Organized?, WORLD TRADE ORGANIZATION [WTO], https://www.wto.org/english/tratop_e/dda_e/work_organ_e.htm (last visited Mar. 5, 2022); 楊光華，重振世貿組織立法功能之捷徑：多邊架構之複邊選項，收於：楊光華編，第 21 屆國際經貿法學發展學術研討會論文集，頁 16 (2021 年)。

² Joint Initiatives, WTO, https://www.wto.org/english/tratop_e/jsi_e/jsi_e.htm (last visited Mar. 25, 2022).

³ 楊光華 (註 1)，頁 46-47。

其中在環境議題方面，當時即有紐西蘭聯合其他 11 個會員提出「化石燃料補貼改革 (Fossil Fuel Subsidy Reform, FFSR)」之複邊倡議⁴。後於 2020 年 11 月 WTO 的「貿易與環境週」之際，除了紐西蘭更新上述倡議之談判進展外⁵，又有兩項新複邊倡議被提出⁶，分別是「貿易與環境永續性結構討論 (The Trade and Environmental Sustainability Structured Discussions, TESSD)」⁷以及「塑膠汙染及環境永續塑膠貿易的非正式對話 (The Informal Dialogue on Plastics Pollution and Sustainable Plastics Trade, IDP)」⁸。前者是由 50 個會員發起⁹，並由加拿大與哥斯大黎加擔任協調國¹⁰；後者則是由澳洲、巴貝多、中國、斐濟、牙買加、摩洛哥及加拿大發起¹¹，除牙買加及加拿大外，其餘 5 國與後來加入之厄瓜多共 6 國為協調國¹²。

為了吸引更多會員的加入以及向所有會員更新工作進展與規劃，TESSD 及 IDP 原預計於第 12 屆部長會議 (MC12) 要提出部長級聯合聲明¹³，而紐西蘭

⁴ WTO, Fossil Fuel Subsidies Reform Ministerial Statement, WTO Doc. WT/MIN(17)/54 (Dec. 12, 2017) [hereinafter 2017 FFSR Ministerial Statement].

⁵ *Fossil Fuel Subsidy Reform as Part of a Green Covid-19 Recovery*, WTO (Nov. 18, 2020), https://www.wto.org/english/tratop_e/envir_e/member_event_no_6_fossil_fuel_subsidy_reform.pdf.

⁶ *New Initiatives Launched to Intensify WTO Work on Trade and the Environment*, WTO (Nov. 17, 2020), https://www.wto.org/english/news_e/news20_e/envir_17nov20_e.htm.

⁷ WTO, Communication on Trade and Environmental Sustainability, WTO Doc. WT/CTE/W/249 (Dec. 17, 2020).

⁸ WTO, WTO Informal Dialogue on Plastic Pollution and Environmentally Sustainable Plastics Trade, WTO Doc. WT/CTE/W/250 (Dec. 15, 2020) [hereinafter 2020 IDP Ministerial Statement].

⁹ *New Initiatives Launched to Intensify WTO Work on Trade and the Environment*, *supra* note 6 (“The members that have sponsored this communication are Australia; Canada; Chad; Chile; Costa Rica; the European Union; Gambia; Fiji; Iceland; Japan; Korea; Liechtenstein; Maldives; Mexico; Moldova; Montenegro; New Zealand; North Macedonia; Norway; Senegal; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; Switzerland; and the United Kingdom.”).

¹⁰ *New Initiatives Seek to Put Environment at Heart of Trade Discussions*, WTO (Dec. 15, 2021), https://www.wto.org/english/news_e/news21_e/envir_15dec21_e.htm (“Costa Rica's Minister for Foreign Trade Andrés Valenciano, whose country co-ordinates the TESSD talks along with Canada....”).

¹¹ *New Initiatives Launched to Intensify WTO Work on Trade and the Environment*, *supra* note 6 (“The seven members that have sponsored the communication so far are Australia, Barbados, Canada, China, Fiji, Jamaica and Morocco.”).

¹² *New Initiatives Seek to Put Environment at Heart of Trade Discussions*, *supra* note 10 (“Australia is co-coordinating the IDP talks along with China, Ecuador, Barbados, Fiji and Morocco.”).

¹³ *Members Advance Work on Trade and Environmental Sustainability Ministerial Declaration*, WTO (Sept. 17, 2021), https://www.wto.org/english/news_e/news21_e/tessd_21sep21_e.htm (“WTO members taking part in the new initiative on trade and environmental sustainability continued to advance work on a joint statement which they intend to issue at the WTO's 12th Ministerial Conference (MC12) later this year.”); *Plastics Dialogue on Track for Very Positive MC12 Outcome, Says Co-coordinator*, WTO (Oct. 22, 2021), https://www.wto.org/english/news_e/news21_e/ppesp_22oct21_e.htm (“WTO members participating in the Informal Dialogue on Plastics Pollution and Environmentally Sustainable Plastics Trade (IDP) discussed on 22 October a draft ministerial statement regarding a roadmap for the IDP's work in support of global efforts to reduce plastics pollution and to transition towards environmentally sustainable plastics trade.”).

也擬於 MC12 重新發起 FFSR¹⁴。雖然 MC12 因新冠疫情再度延期¹⁵，但這三個新環境倡議為了維持談判動力，決定於 2021 年 12 月 15 日發布部長級聯合聲明¹⁶。

這是 WTO 歷史上首次出現三項部長級聯合聲明以因應環境挑戰作為中心目標，並將貿易作為實現這一目標的工具¹⁷。此三項倡議的共同目標為一齊合作以支持聯合國「永續發展目標 (Sustainable Development Goals)」，即於 2030 年前達成在像減少貧窮、健康、教育及環境等領域之目標¹⁸。再者，許多倡議的連署會員亦同時承諾將努力與國際環境倡議保持一致，以確保貿易能夠成為因應如氣候變遷、塑膠污染與建立永續全球經濟等重大挑戰的解決方案之一環，同時也確保已開發國家及開發中國家的需求都被納入考量¹⁹。

由於三項倡議皆表示會在第 13 屆部長會議前陸續實施既定工作規劃²⁰，IDP 更是進一步於今 (2022) 年 2 月 21 日具體提出三項工作流程²¹，因而有可能對產業界產生重大影響，故以下詳細說明之，以補國內相關報導之不足，並分析這些倡議對相關產業的重要性，以做為結論。

¹⁴ *New Zealand Relaunches Campaign to Deliver Joint Ministerial Statement on Fossil Fuel Subsidy Reform (FFSR) at WTO MC12*, NEW ZEALAND MINISTRY OF FOREIGN AFFAIRS AND TRADE (Nov. 19, 2021), <https://www.mfat.govt.nz/tw/media-and-resources/new-zealand-relaunches-campaign-to-deliver-joint-ministerial-statement-on-fossil-fuel-subsidy-reform-ffsr-at-the-twelfth-wto-ministerial-conference/> (“New Zealand is leading efforts to deliver a Joint Ministerial Statement on Fossil Fuel Subsidy Reform (FFSR) at the WTO Twelfth Ministerial Conference (MC12) in November.”).

¹⁵ *General Council Decides to Postpone MC12 Indefinitely*, WTO (Nov. 26, 2021), https://www.wto.org/english/news_e/news21_e/mc12_26nov21_e.htm.

¹⁶ *New Initiatives Seek to Put Environment at Heart of Trade Discussions*, *supra* note 10; 鍾雲曦，WTO 會員針對三項複邊環境倡議發佈部長聲明，中華經濟研究院 WTO 及 RTA 中心，2021 年 12 月 23 日，<https://web.wtocommerce.org.tw/Page.aspx?pid=365233&nid=503>。

¹⁷ Aik Hoe Lim, Daniel Ramos & Gergana Kiskinova, *Where Do WTO Trade and Environmental Sustainability Initiatives Stand Today?*, IISD, ARTICLES: POLICY ANALYSIS (Mar. 2, 2022), <https://www.iisd.org/articles/analysis/wto-trade-environmental-sustainability-initiatives-stand-today> (“For the first time in the WTO's history, three ministerial statements have placed tackling environmental challenges as the central objective....”).

¹⁸ *New Initiatives Seek to Put Environment at Heart of Trade Discussions*, *supra* note 10; *The WTO and the Sustainable Development Goals*, WTO, https://www.wto.org/english/thewto_e/coher_e/sdgs_e/sdgs_e.htm (last visited Feb 5, 2022).

¹⁹ *New Initiatives Seek to Put Environment at Heart of Trade Discussions*, *supra* note 10 (“Many of the co-sponsors also share a commitment to align their efforts with international environmental initiatives, with the aim of ensuring that trade can be part of the solution to addressing major challenges such as climate change, plastics pollution and building a sustainable global economy while ensuring that the needs and challenges of developed and least developed countries are fully taken into account.”).

²⁰ WTO, Ministerial Statement on Trade and Environmental Sustainability, at 4, WTO Doc. WT/MIN(21)/6/Rev.2 (Dec. 14, 2021) [hereinafter 2021 TESSD Ministerial Statement]; WTO, Ministerial Statement on Plastic Pollution and Environmentally Sustainable Plastic Trade, at 3, WTO Doc. WT/MIN(21)/8/Rev.2 (Dec. 10, 2021) [hereinafter 2021 IDP Ministerial Statement]; WTO, Ministerial Statement on Fossil Fuel Subsidies, at 2, WTO Doc. WT/MIN(21)/9/Rev.1 (Dec. 14, 2021) [hereinafter 2021 FFSR Ministerial Statement].

²¹ WTO, Informal Dialogue on Plastic Pollution and Environmentally Sustainable Plastics Trade, IDP Plan 2022, at 1, WTO Doc. INF/TE/IDP/W/5 (Feb. 21, 2022) [hereinafter IDP Plan 2022].

壹、三項新環境倡議之未來工作規劃

這三項倡議中，除 FFSR 是重新發起外，另外兩項邊倡議均在本次部長級聯合聲明中更新其工作規劃，以延續先前所發布的工作內容、並統整談判的進展。以下對各項邊倡議自發起至最新的工作進度進行介紹，以便讀者更能清楚了解此三項倡議的發展狀況。

一、TESSD

TESSD 現今參與成員數已有 71 個 WTO 會員²²。其旨在補充貿易與環境委員會 (Committee on Trade and Environment) 和其他 WTO 相關機構的工作，並支持「馬爾喀什設立世界貿易組織協定 (Marrakesh Agreement Establishing the World Trade Organization)」的目標，建立一保護及保育環境的全球貿易系統²³。在 2021 年所舉行的四次 TESSD 會議上，與會者討論了與貿易有關的氣候措施、永續的供應鏈、環境商品和服務、循環經濟、綠色貿易援助、化石燃料補貼改革以及永續的糧食和農業等議題，開發中及低度開發的 WTO 會員在推動永續貿易所面臨的挑戰也被列入考量²⁴。

TESSD 的最新工作規劃除了延續 2020 年 11 月所發布的工作規劃，如加強有共同利益領域的工作及鼓勵參與的會員合作以加強能力建構及技術援助²⁵，亦統整 2021 年四次會議的討論結果並納入工作規劃中：

(一) 展開專門的會談以討論與貿易相關的氣候措施及政策要如何在符合 WTO 規範及原則下，最佳實現氣候與環境的目標及承諾²⁶；

(二) 探索推動及促進環境產品和服務貿易的機會與可能的方法，包含處

²² *Trade and Environmental Sustainability*, WTO, https://www.wto.org/english/tratop_e/tesssd_e/tesssd_e.htm (last visited Mar. 25, 2022) (“There are currently 71 WTO members participating in the Trade and Environmental Sustainability Structured Discussions....”).

²³ *Id.* (“The Trade and Environmental Sustainability Structured Discussions (TESSD) are intended to complement the work of the Committee on Trade and Environment and other relevant WTO bodies and to support the objectives of the Marrakesh Agreement Establishing the WTO, which envisages a global trading system that protects and preserves the environment in accordance with sustainable development.”).

²⁴ *Id.* (“During the four TESSD meetings held so far in 2021, participants have discussed topics such as trade-related climate measures, sustainable supply chains, environmental goods and services, circular economy, green aid for trade, fossil fuel subsidy reform, and sustainable food and agriculture. Opportunities and challenges for sustainable trade for developing countries and LDCs have been given consideration across these topics.”).

²⁵ 2021 TESSD Ministerial Statement, *supra* note 20, at 2-3 (“Intensify our work on areas of common interest...encourage enhanced collaboration among participating members in strengthening capacity building and technical assistance on trade and environmental sustainability....”).

²⁶ *Id.* at 2 (“Launch dedicated discussions on how trade-related climate measures and policies can best contribute to climate and environmental goals and commitments while being consistent with WTO rules and principles.”).

理供應鏈、技術及監管等要素²⁷；

(三) 確認與彙整最佳實務及探索自願性的行動與合作，以確保貿易政策達成資源更有效利用的循環經濟、推動永續供應鏈及推動環境商品與服務的取得²⁸；

(四) 確認開發中及低度開發會員推動永續貿易所面臨的挑戰²⁹；

(五) 根據路線圖逐步實施工作規劃，並承諾在一年後檢視其工作成果³⁰。

二、IDP

IDP 目前則有 70 個會員參加³¹。有鑒於塑膠貿易所造成的環境、健康及經濟損害日漸加劇，部分 WTO 會員提出 IDP 以探索要如何在 WTO 框架下減少塑膠污染及過渡至永續環境的全球塑膠經濟³²。根據 IDP 於 2020 年 11 月所發布的工作規劃，其重點討論為七個主要主題：透明度、監測貿易趨勢、推動最佳實務、政策一致性、集體行動、能力與技術援助需求及國際合作³³。

IDP 於 2021 年 12 月 15 日所發布部長級聲明則是就前述七項主題的討論結果提出工作規劃，並列舉出同為處理塑膠貿易污染問題的其他國際組織之進程，此項工作規劃可分為三大類：

(一) WTO 會員共同合作減少塑膠污染的行動³⁴：確認改善全球塑膠貿易

²⁷ *Id.* (“Explore opportunities and possible approaches for promoting and facilitating trade in environmental goods and services to meet environmental and climate goals, including through addressing supply chain, technical and regulatory element.”).

²⁸ *Id.* (“Identify and compile best practices, as well as explore opportunities for voluntary actions and partnerships to ensure that trade and trade policies are supportive of and contribute to: (i) achieving a more resource-efficient circular economy; (ii) promoting sustainable supply chains...(iii) promoting and facilitating access to environmental goods and services....”).

²⁹ *Id.* (“Identify challenges and opportunities for sustainable trade, including for developing and least developed Members....”).

³⁰ *Id.* at 3 (“Adopt the Roadmap, and take steps to advance work, and commit to review progress after one year....”).

³¹ *Plastics Pollution and Environmentally Sustainable Plastics Trade*, WTO, https://www.wto.org/english/tratop_e/ppesp_e/ppesp_e.htm (last visited Mar. 24, 2022) (“As of March 2022, 70 WTO members are participating in the informal dialogue.”).

³² 2020 IDP Ministerial Statement, *supra* note 8 (“The rising environmental, health and economic cost of plastics pollution is a concern that increasingly unites all countries and regions...will explore how improved trade cooperation, within the rules and mechanisms of the WTO, could contribute to domestic, regional and global effort to reduce plastics pollution and transition to a more circular and environmentally sustainable global plastics economy.”).

³³ *Id.* (“Possible subjects for discussion include improving transparency, monitoring trade trends, promoting best practices, strengthening policy coherence, identifying the scope for collective approaches, assessing capacity and technical assistance needs, and cooperating with other international process and efforts.”).

³⁴ 2021 IDP Ministerial Statement, *supra* note 20, at 2 (“[P]articipating Members could take

的方法³⁵；增加有關減少塑膠污染及邁向永續塑膠貿易之貿易政策的透明度³⁶；處理與貿易相關的能力建構及給予開發中國家會員技術援助³⁷。

(二) 參與及支持其他處理塑膠污染問題的國際組織³⁸：在塑膠的定義、範圍、標準、設計及包裝等領域增加與其他國際組織的合作，以促進環境永續的塑膠貿易³⁹；加強共同利益領域的工作及合作，如現階段於第五屆聯合國環境會議 (United Nations Environment Assembly, UNEA-5)、國際標準化組織 (International Organization for Standardization) 及巴塞爾公約 (Basel Convention) 正在討論關於處理塑膠污染的新全球機制⁴⁰；確認改善貿易流量及供應鏈數據的蒐集所需要採取的行動，如利用世界海關組織 (World Customs Organization) 的國際商品統一分類 (Harmonized Commodity Description and Coding System, HS Convention)⁴¹。

(三) 舉辦專門會談⁴²：討論與貿易相關的合作要如何減少不必要或有害的塑膠產品⁴³；討論如何利用可減少塑膠污染的技術推動商品與服務的貿易，如環境永續的廢棄物管理技術⁴⁴。

IDP 為了推動技術層面的討論及前述工作規劃的執行⁴⁵，其於今年 2 月 21 日更進一步提出三項具體工作流程⁴⁶：

collectively to support global efforts to reduce plastic pollution.”).

³⁵ *Id.* (“Identifying ways to improve the understanding of global trade in plastics....”).

³⁶ *Id.* (“[E]nhance transparency regarding trade policies relevant to reducing plastic pollution and more environmentally sustainable plastics trade.”).

³⁷ *Id.* (“Identifying ways to improve the understanding of global trade in plastics ...enhance transparency regarding trade policies relevant to reducing plastic pollution and more environmentally sustainable plastics trade. Addressing trade-related capacity building and technical assistance needs of developing members....”).

³⁸ *Id.* at 3 (“We emphasize the importance of continuing to engage and support actions in other international processes....”).

³⁹ *Id.* (“Enhancing cooperation with other international organizations in areas such as definitions, scope, standards, design and labelling for plastics...that would promote a more environmentally sustainable plastic sector....”).

⁴⁰ *Id.* (“[I]ntensifying our work and continued cooperation on areas of common interest, such as the ongoing discussions toward a new global instrument on plastics at UNEA-5, the International Organization for Standardization (ISO) and the Basel Convention.”).

⁴¹ *Id.* (“Identifying actions needed to improve gathering of data on trade flows and supply chains, including by utilizing the Harmonized Commodity Description and Coding System (HS Convention) of the World Customs Organization....”).

⁴² *Id.* (“To hold dedicated discussion with a view to identify best practices and share experiences....”).

⁴³ *Id.* (“How trade-related cooperation could help to support efforts to reduce unnecessary or harmful plastics and plastics products....”).

⁴⁴ *Id.* (“How to promote trade in goods and services including the use of technologies that can reduce plastic pollution, such as: environmentally sustainable waste management technologies....”).

⁴⁵ IDP Plan 2022, *supra* note 21, at 1 (“To advance further technical discussions and make progress towards concrete, pragmatic and effective outcomes, the IDP will establish workstreams on the agreed topics from the Ministerial Statement.”).

⁴⁶ *Id.*

(一) 跨領域議題⁴⁷：能力建構與技術援助；促進提高透明度及資料共享的國際合作；與其他國際組織的合作⁴⁸。

(二) 推廣與環保相關的貿易以應對塑膠污染⁴⁹：環境永續的廢棄物管理技術⁵⁰；可重覆使用與可回收的塑膠⁵¹；環境永續及有效的替代品或替代方案⁵²，方法包括發展技術以推動對於開發中及低度開發會員關係甚切的替代品或替代方案，包含容易受到海洋垃圾及塑膠污染的小島嶼開發中國家 (Small Island Developing States)⁵³。

(三) 循環利用及減少塑膠使用⁵⁴：討論與貿易相關的合作要如何減少不必要或有害的塑膠產品，包含與國際貿易相關的一次性塑膠產品或包裝⁵⁵；共享實行有效方法的經驗以邁向資源更有效利用的循環經濟及環境永續的塑膠貿易⁵⁶。

目前第一至三項工作流程分別由英國、菲律賓及哥倫比亞主導⁵⁷。

三、FFSR

FFSR 的複邊倡議是以紐西蘭為首，其長期以來即積極鼓吹改革化石燃料的補貼⁵⁸。在 2010 年，甚至聯合其他有志一同的非二十國集團 (Group of twenty, G20) 國家組成所謂的「FFSR 之友 (Friends of FFSR)」團體⁵⁹，以便敦促 G20 及其他亞太經濟合作會議 (Asia-Pacific Economic Cooperation, APEC) 會員採取行動儘速廢止無效率的化石燃料補貼⁶⁰。

⁴⁷ *Id.* at 2 (“Crosscutting issues.”)

⁴⁸ *Id.* (“Topics include capacity building and technical assistance; fostering international cooperation on transparency and data; cooperation and collaboration with other international organizations....”)

⁴⁹ *Id.* (“Promoting Trade to Tackle Plastic Pollution.”)

⁵⁰ *Id.* (“[E]nvironmentally sustainable waste management technologies.”)

⁵¹ *Id.* (“[R]used and recycled plastics.”)

⁵² *Id.* (“[E]nvironmentally sustainable and effective substitutes and alternatives.”)

⁵³ *Id.* (“[I]ncluding...technologies for environmentally sustainable and effective substitutes and alternatives of interest to developing members and least developed members including SIDS which are especially vulnerable to marine litter and plastic pollution....”)

⁵⁴ *Id.* (“Circularity and Reduction to Tackle Plastic Pollution.”)

⁵⁵ *Id.* (“[H]ow trade-related cooperation could help to support efforts to reduce unnecessary or harmful plastics and plastic products, including single-use plastics and plastic packaging associated with international trade.”)

⁵⁶ *Id.* (“[S]haring experiences of effective approaches to move towards more circular resource efficient and environmentally sustainable plastics trade.”)

⁵⁷ *Plastics Dialogue Launches Three Workstreams to Advance Discussions*, WTO (Mar. 18, 2022), https://www.wto.org/english/news_e/news22_e/ppesp_21mar22_e.htm.

⁵⁸ *Fossil Fuel Subsidy Reform (FFSR)*, NEW ZEALAND MINISTRY OF FOREIGN AFFAIRS AND TRADE, <https://www.mfat.govt.nz/tw/environment/fossil-fuel-subsidy-reform-ffsr/> (last visited Mar. 24, 2022) (“New Zealand has taken a lead role in advocating for the reform of fossil fuel subsidies.”)

⁵⁹ *Id.* (“In 2010, we established an informal “Friends” group of non-G20 countries....”)

⁶⁰ *Id.* (“[T]o encourage G20 and APEC leaders to take action on their commitments to phase out

在規制不同部門具扭曲貿易效果之補貼時，WTO 向來扮演核心角色，因此紐西蘭認為 WTO 亦適合作為推動化石燃料補貼改革之場域；不僅因為其有《補貼暨平衡措施協定 (Agreement on Subsidies and Countervailing Measure, SCM Agreement)》，而且在某些特定型態的補貼，如農業、漁業補貼亦已展開規範發展的談判⁶¹。基於以上的想法，紐西蘭在 2017 年的 MC11 發起 FFSR⁶²。

這幾年 FFSR 之友在各國際場域的鼓吹陸續見到成效，如 2020 年 G20 重申其逐步取消及淘汰無效率化石燃料補貼的承諾⁶³；2021 年紐西蘭作為 APEC 東道主，同樣在 11 月的領袖會議達成致力消除及淘汰無效率化石燃料補貼的共識⁶⁴。在這樣的背景下，紐西蘭於 12 月再次發起 FFSR，應該也是水到渠成⁶⁵。至今已有 45 個會員參加⁶⁶。

第二次發起 FFSR 所發布之部長級聯合聲明相較 FFSR 於 2017 年 12 月初次發起的內容，並無實質上的差異。工作規劃仍分為三大類：第一，合理化及逐步淘汰無效化石燃料補貼的使用⁶⁷；第二，考量開發中國家對於化石燃料補貼改革的特定需求⁶⁸；第三，在 WTO 共享相關資訊及經驗⁶⁹。不過值得注意的是在 2021 年的部長級聯合聲明中，第一類工作規劃強調淘汰補貼的進程應訂有明確的時間表，以增加計畫的執行效率，並且鼓勵尚未參加的 WTO 會員一同加入，因其認知到龐大財務資源可以支持化石燃料補貼的過渡⁷⁰。雖然有些

inefficient fossil fuel subsidies as soon as possible.”).

⁶¹ *Id.* (“Given its central role in disciplining trade-distorting subsidies across sectors, New Zealand believes that the WTO is an obvious candidate for advancing fossil fuel subsidy reform internationally. In addition to the ASCM disciplines the WTO has already established and is in the process of negotiating specific sectoral disciplines for certain types of subsidies, for example in agriculture and fisheries.”).

⁶² 2017 FFSR Ministerial Statement, *supra* note 4.

⁶³ *G20 Riyadh Summit Leaders' Declaration*, para. 31, G20 INFORMATION CENTRE (Nov. 21, 2021), http://www.g20.utoronto.ca/2020/G20_Riyadh_Summit_Leaders_Declaration_EN.pdf (“We reaffirm our joint commitment on medium term rationalization and phasing-out inefficient fossil fuel subsidies that encourage wasteful consumption.”).

⁶⁴ Asia-Pacific Economic Cooperation, *Joint Ministerial Statement-32nd APEC Ministerial Meeting 2021*, para 34, APEC Doc. 2021/AMM/JMS (Nov. 8, 2021) (“We recall that in 2010 APEC Leaders committed to rationalise and phase out inefficient fossil fuel subsidies that encourage wasteful consumption, while recognising the importance of providing those in need with essential energy services. To reach this goal, we will continue our efforts in an accelerated manner.”).

⁶⁵ See *New Zealand Relaunches Campaign to Deliver Joint Ministerial Statement on Fossil Fuel Subsidy Reform (FFSR) at WTO MC12*, *supra* note 14.

⁶⁶ 2021 FFSR Ministerial Statement, *supra* note 20, at 1.

⁶⁷ *Id.* at 2 (“We seek the rationalization and phase out of inefficient fossil fuel subsidies....”).

⁶⁸ *Id.* (“We recognize that reform need to take fully account the specific needs and conditions of developing countries....”).

⁶⁹ *Id.* (“We will share information and experience advance discussions in the World Trade Organization....”).

⁷⁰ *Id.* (“We seek the rationalization and phase out of inefficient fossil fuel subsidies that encourage wasteful consumption along a clear timeline and encourage the remaining WTO members to join us in these efforts, recognizing the substantial financial resource this could unlock globally to support the transition.”) (emphasis added).

原始國家沒有參加，但實際上簽署的國家數目是有擴充的⁷¹，特別是歐盟的加入，給予推動此項倡議很大的助力。

貳、環境倡議的重要性——代結論

這些聯合倡議的重要性在於其提供企業可以展開與國際利害關係人與及決策者對話的特定論壇⁷²。讓利害關係人一同嘗試並找出創新的法律、監管及公共政策的方案以解決現今所面臨的環境挑戰⁷³。所有的 WTO 會員、民間團體、企業及國際組織的代表皆被邀請參與這些聯合倡議的事實，證明 WTO 致力於與外部利害關係人進行有意義的交流⁷⁴。

儘管追求永續發展及維護環境是 WTO 自成立以來的目標⁷⁵，但這些新倡議是集體且經協調後的進一步行動⁷⁶。這些倡議為 WTO 會員所發出的強烈政治訊息，表明其希望在全球、多邊的基礎上為貿易制定積極的環境議程⁷⁷。這些倡議可能會聚焦於已建立的產業及供應鏈，例如涉及塑膠、化石燃料及其他較不具永續性的原料投入⁷⁸。經營化石燃料產業，或在其供應鏈中大量使用塑

⁷¹ 在 2017 年 FFSR 所發布的部長級聲明，台灣、墨西哥及薩摩亞有參加連署，而 2021 年 FFSR 的部長級聲明，上述三個國家並無參與，但是自 2017 年至今 FFSR 的參與國數目從 12 上升至 45。2017 FFSR Ministerial Statement, *supra* note 4, at 1 (“The following communication, dated 11 December 2017, is being circulated at the request of the delegations of Chile; Costa Rica; Iceland; Liechtenstein; Mexico; the Republic of Moldova; New Zealand; Norway; Samoa; Switzerland; the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu; and Uruguay.”); 2021 FFSR, *supra* note 20, at 1 (“The following communication, dated 14 December 2021, is being circulated at the request of the delegations of Albania; Chile; Costa Rica; European Union; Fiji; Iceland; Liechtenstein; Moldova, Republic of; Montenegro; New Zealand; North Macedonia; Norway; Panama; Switzerland; Tonga; United Kingdom; Uruguay; and Vanuatu.”).

⁷² *New Initiatives Seek to Put Environment at Heart of Trade Discussions*, *supra* note 10 (“Goals and their discussions are open to participation from all WTO members. Underlining the open nature of the discussions, representatives from civil society groups, business and other international organizations have been invited to take part in the exchanges.”).

⁷³ Jean-Marie Paugam, WTO Deputy Director-General, Remarks at the Launch Event of Ministerial Statements on Trade, Environment and Sustainable Development (Dec. 15, 2021), https://www.wto.org/english/news_e/news21_e/ddgjp_15dec21_e.htm.

⁷⁴ John Forrest & Gaurav Kapoor, *The WTO and Green Trade: Global Solutions to Solve a Global Problem*, DLA PIPER TRADE TRUTHS (Jan. 11, 2022), <https://www.dlapiper.com/en/asiapacific/insights/publications/2022/1/the-wto-and-green-trade-global-solutions-to-solve-a-global-problem/> (“Testament to the WTO’s commitment to engaging meaningfully with external stakeholders, is the fact that all WTO Members, and representatives from civil society groups, business and other international organisations have been invited to take part in the initiatives.”)

⁷⁵ Marrakesh Agreement Establishing the World Trade Organization pmb. para. 1, Apr. 15, 1994, 1867 U.N.T.S. 154, 154 (“[E]xpanding the production of and trade in goods and services, while allowing for the optimal use of the world’s resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment....”).

⁷⁶ John Forrest & Gaurav Kapoor, *supra* note 74 (“Whilst pursuing sustainable development and preservation of the environment have been fundamental goals of the WTO since it was established, these new initiatives are a progressive move for a collective and coordinated response.”)

⁷⁷ *Id.* (“It sends a strong political signal from WTO Members as to their desire to pursue a proactive environmental agenda for trade, on a global, multilateral basis.”).

⁷⁸ *Id.* (“These initiatives are likely to target trading practices in established industries and supply chains, such as those involving plastics, fossil fuels and other less sustainable inputs. They signal that

膠的企業應當關切這些倡議的發展，並考慮與相關的利害關係人互動，以確保與政策制訂機關協力產生正面的影響⁷⁹。

目前，台灣已連署 TESSD⁸⁰，至於 IDP 及 FFSR 此兩項倡議，亦有歐盟及英國等經濟大國之連署⁸¹，是以雖然僅是複邊倡議，而非得以拘束全體 WTO 會員之多邊協定，然有歐盟等大型經濟體的加入，這些複邊倡議的發展必定會牽動各國環境及貿易政策的制定。



the WTO mean business on tackling climate change.”).

⁷⁹ *Id.* (“Those who operate in the fossil fuel sector, or who have a significant presence of plastics in their supply chain should monitor these developments carefully and consider engaging with relevant stakeholders to ensure they can help make a positive impact in collaboration with key decision-makers.”).

⁸⁰ 2021 TESSD Ministerial Statement, *supra* note 20, at 1.

⁸¹ 2021 IDP Ministerial Statement, *supra* note 20, at 1; 2021 FFSR Ministerial Statement, *supra* note 20, at 1.