

## 食品標示與WTO/TBT協定 合致性之研析

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### 摘 要

在一連串的食安風暴後，消費者意識到在商業化及全球化的食品生產過程中，自己所吃的食物與自己的認知可能有一段差距，也開始介意自己所吃的食品，原料為何、成分為何及從何而來。食品標示法規即為一國政府提供其民眾關於食品資訊之重要規範，但食品標示規範同時亦會增加食品製造商及貿易商之成本，而有構成隱藏性貿易障礙之可能性。在 WTO 之爭端解決程序中已有多起涉及食品標示法規之 TBT 協定之案例。本文希望透過案例之分析，能夠更明確掌握 TBT 協定下之若干重要原則之解釋及適用，並進一步瞭解制定食品標示法規時所涉及之國際法上之權利及義務關係。

關鍵詞：原產地標示、食品標示、不歧視待遇、技術性貿易障礙協定、合法的管制上區別

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## **A Study on the WTO/TBT Consistency of the Food Labelling Measures**

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### Abstract

Suffering from the continuous happenings of food scandals, consumers start to pay more attention to what they eat gradually. Through the national food labelling regulations, consumers' right to information about food could be protected in the domestic market. However, the implementation of any food labelling policy involves the direct costs of printing and placing labels on food products, as well as the indirect costs of verification and identity preservations. These costs posed on the exporters and producers have been referred to as trade barriers to the market access, even the food labelling were required for the purpose of consumer's protection. Recently, several WTO members affected by certain food labelling regulations claimed that those kind of domestic requirements were in violation of the Articles 2.1, 2.2 and 2.4 of TBT Agreement and the WTO Panel and the Appellate Body have made several important decisions. In these decisions, the WTO Panel and the Appellate Body sought to reconcile legitimate regulatory interests of the Members with various obligations to treat imported products in a non-discriminatory and not unnecessarily trade restrictive manner. Through a consideration of the WTO juris-

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prudence, this article explores these decisions and the extent to which they provide guidance for governments, stakeholders and the public on the outcome of future TBT cases.

**Keywords:** Rule of Origin, Food Labelling, Non-discrimination, Legitimate Regulatory Distinction, TBT Agreement