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由於金融危機及先前主權債市動盪，再次引發對歐盟經濟治理的關注。針對經濟問題，歐盟高峰會設置一任務小組。2010 年 10 月 21 日任務小組向歐盟高峰會提出一份報告，指出在保有國家財政及經濟政策之同時，各會員國間尤其是歐元區，經濟相互依賴度極高。任務小組建議應強化經濟治理，改革方向應朝五個面向發展。

第八屆亞歐高峰會議於 2010 年 10 月 4 至 5 日在比利時布魯塞爾舉行。亞歐高峰會主席於主持會議時表示，此次會議的主題在於討論「生活品質」，藉此達成所有公民更好的福利並給予更多的尊嚴。在此會議中，所有亞洲與歐洲成員國的領導人皆重申雙邊策略性對話與合作的議題，並且著重在平等的夥伴關係、相互間的尊重與利益分配。

伊斯坦堡是世界上唯一橫跨歐亞兩洲的城市，且在 2010 年還獲選為歐盟的文化之都。伊斯坦堡為何入選？土耳其不是穆斯林的世界嗎？土耳其為何想加入歐盟？伊斯坦堡的魅力在哪？

本期學者專欄，邀請淡江大學歐洲研究所苑倚曼教授，撰寫“EU Recession impact on EU-China trade relations”一文。著者於文中引用各項經濟數據來分析歐盟與中國間日益緊密的經貿關係，指出在全球經濟衰退的情況下，歐盟受惠於中國的內需市場與經濟成長。此外也分析歐盟與中國將在政治、經濟與文化影響面，扮演領導全球的角色。

本期讀者文章分享『歐盟一般食品法之制定與發展背景』一文。作者在文中以歐盟食品的立法背景為基礎，針對歐盟內部的歷史脈絡、外在的環境因素、相關食品案件等面向，分析「歐盟一般食品法」的發展概況。

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 歐盟專題.....

任務小組報告：強化歐盟的經濟治理

金融危機及近期主權債市的動盪，突顯了歐盟經濟治理所面臨的挑戰。面對此挑戰，歐盟需針對歐洲經濟治理進行根本性的改革。針對前述經濟問題，3月25-26日召開的歐盟高峰會，決議設置一任務小組。2010年10月21日任務小組向歐盟高峰會提出一份報告，指出在保有國家財政及經濟政策之同時，各會員國間尤其是歐元區，經濟相互依賴度極高。任務小組建議改革方向應朝五個面向發展，分別簡述如下：

1. 落實更嚴格的財政紀律

強化財政紀律，其主旨在於加強財政預算監控與強化會員國對於歐盟財政規範之遵守，換言之，即修改與貫徹實施穩定暨成長公約(Stability and Growth Pact, SGP)，進而建立一個強而有力之基礎，以確保歐盟會員國財政長期穩定性。

在財政預算監控架構方面，過去主要重視赤字標準，未來將重心移至公債及財政永續性¹之監控，因為高負債常為拖累長期經濟成長的因素之一。因此在報告中指出，應更重視赤字與負債間的連帶關係。以 SGP 的預防手段來說，要求負債超過 GDP60%或整體負債持續有高風險的會員國，應採行達成中期目標的快速調整途徑。在 SGP 的糾正下，未來對於超額赤字監管程序(Excessive Deficit Procedure)之撤銷，將不論政府赤字與 GDP 之百分比是否逐漸趨於或低於 SGP 規定 GDP 的 3%，若其負債比仍高於 GDP 的 60%，仍不應撤銷該會員國過高赤字程序的校正過程。報告中建議，未來負債評估其精確量化標準、方法(methodology)、及逐步實施規定，應透過衍生立法或建立行為準則加以規範。

在遵守財政規範方面，為增進其有效性，未來在 SGP 中，初期財政監控中將採取更廣泛的制裁及措施，包含財務、聲譽及政治性質。報告中亦提出，考量歐元區及非歐元區會員國間 SGP 執行之差異，將透過更高度整合及與歐元區相互聯繫，使歐盟整體更為一致。

最後，在報告中亦強調，強而有力的監控及執行機制，必須建立在透明、可靠與即時統計資料的基礎上。在部長理事會中亦同意強化歐盟統計局的權限，但對於未來歐洲統計系統與歐盟統計局的審計權限也應列入考量。此外，對於重複出現的統計問題，如延遲遞交等也應列入考量。現行歐洲統計施行準則之效力應予以強化並將其最低標準列入法案中實行。

2. 擴大經濟情況監控與深化協調度：新監控機制

¹財政永續性係指財政狀況(fiscal stance)在長期能維持一個穩定的狀態，使其在未來最終的某個時點上具有償付能力(solvency)，而不留下任何的淨負債。

歐元區會員國間總體經濟發展失衡及國家競爭力的差異性，使歐盟經濟更加脆弱。其中，對於會員國持續擴大的經常帳赤字及競爭力大幅喪失情形下，須透過制定政策加以改善。在報告中指出，藉由歐盟運作條約第 121 條及 SGP 所形成的法律架構新機制，以深化對總體經濟的監控。在此新機制下，不僅確保財政政策、強化經濟成長之結構改革及總體經濟穩定等政策間的一致性。此新監督機制亦分為雙階段：第一、針對國家改革計畫、穩定趨合計畫，包含以計分簿為基礎的預警機制等，進行總體經濟失衡風險及潛在風險的年度評估。同時，一旦預警機制的信號啟動，或出現經濟過度失衡狀況，執委會就應對特定會員國進行深入分析，前述分析可能包含由執委會協同歐洲中央銀行及參與 ERM II 之會員國，其所執行的國家監控任務。第二為執行框架，包含針對總體經濟成長失衡下，強制執行救濟的糾正階段。

3. 歐洲新學期：深化及廣化政策協調性

政策協調的增強週期，即所謂「歐洲新學期」(European semester)，由歐盟高峰會及部長理事會決定自 2011 年 1 月 1 日起開始施行。配合歐洲 2020 的策略原則，此強化協調週期將包含所有經濟監控要素，如確保財政紀律的政策、總體經濟穩定性及促進經濟成長。現行協調過程將依時間的安排，交互運用 SGP 及全面經濟政策綱領。此外為確保總體金融穩定性，對於 2010 年初新成立的歐洲系統風險委員會所發出之相關通報與建議，各會員國亦須列入考量。

4. 強化危機管理架構

希臘債信危機爆發後，顯示歐盟須建立更穩固的危機管理架構。從先前經驗中顯示，單一會員國內一旦發生金融危機，將很快透過其它管道蔓延至其它會員國，最終破壞整體歐盟總體金融的穩定性，特別對歐元區內會員國產生更大的影響。因此，隨著歐盟經濟治理改革任務小組，以及歐洲金融穩定機構，歐洲金融穩定機制的正式成立及開始運作，替未來三年提供良好防線，避免再次產生金融動盪，同時協助支援非歐元區會員國的國際收支狀況。報告中亦指出，未來應建立一具公信力的危機處理框架，解決道德性危機及鼓勵會員國維持穩健的財政運作。報告最後表示，為建立危機管理機制精確的功能及健全運作，亦需透過歐盟、歐元區及其區內會員國間的相互配合。

5. 進行更有效率的經濟治理

任務小組表示，目前歐盟經濟治理架構間之分歧，加上歐元區會員國間緊密的經濟互賴關係，因此須改善經濟治理現況。為達成此目標，須透過前述手段如強化 GSP、廣化監控機制等，但對於特定議題，則須強化歐盟與會員國的財政制度，以及建立各層級的財政紀律體系。

任務小組建議，在會員國層級，應設立獨立的分析機構，預測及評估內國的財政政策議題，以維持長期財政的永續發展。在歐盟層級，應強化歐盟執委會之監督角色及獨立性，由於其在新的監督機制中扮演關鍵角色。同時，部長理事會及歐元集團，在歐盟及歐元區執行新監督機制與政策協調時，亦具重要之影響力。

此政策建議報告之履行可有效強化經濟暨貨幣聯盟的經濟支柱，同時增強實質成長。另外，亦需要透過執委會提案，制訂相關衍生法，進而履行上述政策建議。任務小組也呼籲各方盡可能加快腳步，達成有效的執行及監督機制。

圖書館歐盟資訊中心 許琇媛、邱崇宇編譯

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第八屆亞歐高峰會：「給予所有公民更好的福利及更多的尊嚴」

第八屆亞歐高峰會議(The Eighth Asia-Europe Meeting, ASEM)於 2010 年 10 月 4 至 5 日在比利時布魯塞爾舉行。此次會議係由 46 個亞洲與歐洲國家、歐洲高峰會主席(The President of the European Council)、歐洲執行委員會主席(The President of the European Commission)與東南亞國協秘書長(The Secretary-General of ASEAN)參與。亞歐高峰會主席於主持會議時表示，此次會議的重要議題在探討「生活品質」，藉此達成所有公民更好的福利並給予更多的尊嚴。再者，歡迎加入此次會議的 ASEM 新成員國，澳大利亞、紐西蘭與俄羅斯等三國。在此會議中，所有亞洲與歐洲成員國的領袖們皆重申雙邊策略性對話與合作的議題，並著重在平等的夥伴關係、相互間的尊重與利益分配。他們感謝所有教育部長、外交部長、能源相關首長、交通部長、財政部長與文化相關首長在第七屆亞歐高峰會議時所通過的決議，且讚賞他們所達成的成果。亞歐高峰會建立起亞洲與歐洲間一個平等溝通的共同平台，以下簡述此次會議的主要議題：

一、達成更具效率的全球經濟治理

各國領袖皆認為，針對現今全球經濟情勢，應建立一個公平、開放與多樣化議題的討論場域，達成更具效率的全球經濟治理。各國領袖且於會後，發表一項能反映他們觀點的公開宣言。

二、永續發展的先驅者

根據 2008 年會議針對永續發展的北京宣言，各國領袖持續思索針對經濟發展、社會合作與環境保護等三項共同議題的進一步成長空間與策略，而此三項互賴的永續發展重要基礎將創造出更好的人民福祉。領袖們重申對於國際間已同意之發展目標承諾，其中更涵蓋了千禧年發展目標(The Millennium Development Goals, MDGs)。他們也進一步強調聯合國今年 9 月 20 至 22 日召開的紐約高階全會(The UN High-Level Plenary Meeting in New York)與即將於巴西舉行的 2012 永續發展議程會議(The UN Conference on Sustainable Development Scheduled in Brazil)的重要性。

為促進亞歐雙邊多樣文化的表現，各國領袖達成下列幾點共識：

(一)、經濟發展

各國領袖強調回應全球經濟危機的必要性，並且給予未來發展更永續的模式。首先，因為商品與服務的需求，就如同對投資的需求一般，皆為掌控經濟成長與創造就業機會的主要因素，所以都是必須鼓勵發展的領域；另外，關於效能方面，自由民主的革新與國際市場的建立亦理應被支持。而各國領袖也再次重申

對解決世界貿易組織(The World Trade Organization, WTO)杜哈回合(The Doha Round)相關議題的企圖心，並且認為應該拒絕所有形式的貿易保護主義以及現存關稅與非關稅障礙。為改善與促進經濟成長與發展，各領導人也重申在 WTO 之下，應制訂一套公平且符合雙邊貿易體系之法規。

再者，他們也支持對產品、服務與生產過程中的創新，以因應並協助經濟自我重建且回應危機的發生，進而達成經濟發展的永續性。因此，各國領袖皆決議促進傳遞這些技術的政策，尤其有利於開發中國家。是故，他們賦予貿易與投資相關部會任務，並設置一個非正式會談，以討論對於可能發展的新技術與分析成效。借鏡 ASEM 夥伴的經驗以改善與促進永續發展，且建立一個綜合性的對話機制，以賦予定義及解釋貿易與投資障礙的觀點。他們也決定此一對話機制應當深入並進一步諮詢與亞洲和歐洲間商業往來關係。

各國領袖亦注意到在貿易便利化、投資促進行動計畫與智慧財產權之協調，是具有建設性且持續性的活動。他們尤其歡迎在 ASEM 關稅總署下直接達成此一運作程序，並強調將進一步加強這方面的合作。雙邊領袖強調對財政穩定與促進 ASEM 夥伴間財政發展能力的重要性。他們也強調亞洲與歐洲金融市場能夠有更深入的整合，由於雙邊區域潛在著拓展貿易與投資者提供服務的空間。在這方面，他們相當歡迎各界人士於布魯塞爾舉行的第十二屆工商論壇中提出建議。

根據 2009 年 10 月第一屆亞歐部長會談，各國遵循並商榷可行性高的合作方式，以填補相關缺失與消除政策上的瓶頸，進一步解釋、建立並追求一個永續發展的行動計畫。另外，他們認為中華人民共和國有足夠資格於明(2011)年舉辦第二屆交通部長會談。同樣重要的，各國領袖強調資訊與通訊技術的重要性，尤其是在寬頻網絡以及實際應用並促進社會經濟活動方面，將其視為全球化與創新的催化劑，且對經濟永續發展具有正面的積極效果。他們呼籲加強研究、開發合作、技術支援、技術轉移與技術掌控(Know-how)，特別針對 ASEM 夥伴的開發中國家，以消弭亞歐國家間經濟成長數據的差異。

開啓在 ASEM 夥伴間分享經驗的機會，以增進雙邊未來進一步合作的機會。於糧食方面，與會領袖皆支持農業政策與相關方案，以確保糧食來源與使用權利。他們認為全球農糧安全與影響的夥伴關係是相當重要的一環，且支持由國家主導的糧食安全與國際協調的永續發展政策，以及設置國內與國際性功能健全的農糧市場。亦特別鼓勵基礎建設的發展，投資責任的擔負與科學研究的強化等，以提高農業生產的永續發展並且促進農村發展，更進一步確認是否能在消除飢餓與貧窮的爭鬥中發揮其作用，此外也須給予農村婦女應有的承認與保障。他們亦認為主要與次要區域間機制運作與執行效率具有相當大的潛能，並且有助於經濟合作的發展與消除貧窮。如湄公河經濟合作策略與其周邊地區的發展所形成合作框架，將為亞歐雙邊未來發展帶來潛力。

(二)、社會合作

各國領袖強調，社會合作仰賴人們更廣泛的參與及收入的公平分配，而他們亦同意藉由創造工作機會與勞工參與以促進合乎時宜的運作。此外，與會領袖一致認為，應當特別關注移民勞工(Migrant Labor)，包括尊重這些工人，特別是最為弱勢一群的基本人權。因為理解到社會發展與移民之間的聯結，各國領袖也呼籲分享最佳的實踐與探索的方式，以發展在 ASEM 夥伴間合法移民的利益共享，以及有效率的確認非法移民進入，包括加強遣返政策。再者，若能賦予這些移民勞工根據國內法規而制定的非歧視性保護，移民也許會更有效率的貢獻於這個地主國的未來發展，甚至也會影響到他們母國的成長。

然而具有效率的對話應體現在社會夥伴之間，而各國也應當鼓勵這樣的對話，以促進雙邊在各項議題，例如生產效能、工作條件、報酬與經濟變革等方面的相互了解，各國領袖亦認同與支持企業社會責任，透過國家、國際制度及自願性倡議的推廣並加以實施，而能夠藉此協助雇主發展核心勞工自主權、增進社會穩定並給與僱員的社會正義，而技術性發展目標也能夠同時達成。

社會安全網絡不僅是在危機發生時所提供的一種福利與配套措施，主要目的仍在於穩定經濟的發展，再者，社會安全網絡能夠促進機會的平等並消除社會流動性與所產生利益配置的障礙，藉此促進經濟成長的永續發展，亦能減輕對貧困的衝擊且穩定整體經濟情況。各國領袖強調勞動市場的包容性主要取決於教育、職業培訓與技能發展策略等方面，也包含了在職訓練。然而隨著時間演進對於勞動市場的發展方面，透過政府政策鼓勵教育與訓練的投資後，終身學習與職業發展工具將可協助勞工進入有利於自身發展的契機，並藉此對抗貧窮。

(三)、環境保護

與會領袖強調，針對解決全球氣候變遷及致力於降低碳排放的必要性，認為此維繫著 UNFCCC 的核心目標及合法性。依據 2007 年的 Bali 準則，他們急需達成一個公平、有效且全面性的立法規範。他們一致認為 UNFCCC 以及京都議定書(The Kyoto Protocol)，應該可以明確指出所有重大議題所存在的差距。

領袖們也歡迎歐盟夥伴、日本、澳大利亞與紐西蘭，於坎昆氣候變遷公約的會議中，快速承諾於 2010 年至 2012 年間，提供新的且額外的財政資源。他們每年以 1,000 億美元調整並解決開發中國家在氣候變遷議題方面的需求，直至 2020 年為止。各國領袖亦強調，在所有經濟部門中能源使用效率與再生能源使用率的增加，是一項重大的貢獻，並可在促進能源供應的同時解決氣候變遷的問題。因此在 2009 年 6 月於布魯塞爾舉辦的 ASEM 能源安全部長級會議中強調，確保充足、可靠與環保的能源供給，其價格將直接反應在經濟基本面上。

各國領袖強調永續發展的森林與水資源管理合作的重要性，並需要合作交換

科學研究成果、共享經驗及最佳實務。另外他們也要求各國部長進行有具體結果的對話機制，並於 2011 年初進行討論。他們表示支持聯合國倡議，並重視在開發中國家因為森林濫砍與破壞而無法降低碳排放的情況(The UN Collaborative initiative on Reducing Emissions from Deforestation and Forest Degradation, REDD)。此外，他們指出歐盟與亞洲共同倡議的森林治理與貿易行動計畫法規(The Forest Law Enforcement Governance and Trade Action Plan, FLEGT)，有利於貢獻雙邊夥伴的合作關係，以解決非法伐木，並將森林產業的作業程序導入透明化。

各國領袖也表達對於生物多樣性的急速消逝，但並未獲得有效解決與達成目標，他們強調必須採取一個急迫性的新目標以指導國際社會的行動方針，藉此減緩、遏止與扭轉當前生物多樣性消逝的速度。再者，若能鼓勵私部門與民間社會共同參與設計與實施環保措施，將有助於持續改善人們對於永續生產的態度與慣性的消費模式。此一策略的進行可帶來新的市場、新的投資與創造新的職業，並能藉此促進各國技術與經驗的交流。

(四)、亞歐永續發展合作的未來

各國領袖重申國際性的發展目標，包含了千禧年發展目標，能引領他們在永續發展的合作。他們也意識到因為經濟與財政危機，造成各國不斷努力卻未能即時達成逐步實踐目標的構想，並再次強調將持續縮減已開發國家與開發中國家間的發展差距，且制定相關的補救措施。再者，各國領袖強調具有結果導向的永續發展之必要性，藉由援助以強化亞歐雙邊策略夥伴關係的廣泛性與公平性。是故有鑒於 ASEM 夥伴之間不同的社會經濟形態，應針對各自所需與能力，並根據其定義國家和責任的政策與策略再進行合作。

三、全球關注議題

(一)、海盜

面對現今海盜的攻擊行動，尤其是索馬利亞海岸，領袖們決議持續確保海域的自由與安全，以利於亞歐間的貿易，並且強調聯合國應當繼續發揮在國際上打擊海盜行動的重要功能，保障並尊重國家主權與國際法規。各國領袖呼籲批准一個具有普遍性原則的聯合國海洋法(The UN Convention on the Law of the Sea, UNCLOS)以及其它相關公約。並且強調聯合國安理會執行決議的重要性，以呼籲各國為海盜犯罪與武裝搶劫等行為在國內制定相關法律。

對於海盜而言，更重要的是有效起訴海盜嫌疑犯，並且確保已收集到這些控訴海盜襲擊與身分的證據。各國領袖也呼籲提升 ASEM 夥伴間情資分享的程度，以追查和攔截支助海盜運作的資金來源。然而確保船隻與人員安全是首要考量，以促使其迅速被海盜釋放，並且強調反海盜培訓的力量及如何支持被綁人質的家

屬是重要的。再者，領袖們讚揚國際海事組織(The International Maritime Organization, IMO)與航運業者間的結合，展現了最佳的管理與執行面向，認為若能藉由通過相關議定機制讓船隻通過危險區域，相對的成功攻擊事件將減少許多。除了通過相關機制與基金的支助，領袖們也強調仍將持續提供充足的軍事資源以對抗海盜，認為將會持續長期抗戰，但應需要進一步考量更多方面的行動，特別是著重在索馬利亞海岸，以重置該區的政治穩定。

(二)、對抗恐怖主義與跨國性的組織犯罪

各國領袖重申聯合國在打擊恐怖主義的主導角色及其在聯合國憲章、聯合國全球反恐策略與安理會之相關決議中，致力於對抗恐怖主義的承諾。另外他們強調聯合國必須在國際法源之下遵守對恐怖主義的公約與議定書，包含了國際人權法、難民相關法規與人道主義法規等。他們也要求特別重視恐怖主義受害者的行為，敦促聯合國所有成員國邁向並採行有關國際恐怖主義的全面性公約。亦表示 ASEM 應持續透過每年的會議中傳遞並支持聯合國全球反恐策略的最佳行動與作為。此外，他們也表明其對於跨國組織犯罪與腐敗的貿易行為感到深切的憂慮，這些已負面的影響到智慧財產權、和平、安全與人權尊重等的未來發展。再者，各國領袖特別表示決心打擊走私與販賣人口等犯罪情事，也一致認同預防區域間非法遷徙的策略的重要性。領袖們承諾會加強執行上述各項發展目標及聯合國反貪腐公約。

(三)、災難預防與急難救助

各國領袖強調救災的人道主義原則是有人性的、公正的、中立且具獨立性的，並認為這些原則是構成人道救援行動的基礎。另外他們也審視了財政急難救助的挑戰性。有關於自然災害的影響，亞歐雙邊領袖強調藉由降低暴露性風險、減少人性脆弱面與財產損失、健全的環境管理、地方生產力的建置，並且配合聯合國 2005~2015 年兵庫行動框架(The Hyogo Framework for Action 2005-2015)和其它相關決議，改善災害發生時的傷害等方式以消弭災害風險的後續影響。

各國領袖呼籲 ASEM 成員相互合作，特別是關於風險評估以及需要特別注意與包容的風險降低策略等方面，包含了研究、早期預警機制、管理、探索與救援能力等，並加以明確化。他們除了支持與 ASEAM 之間的合作外，亦加強與歐洲執委會人道救援與公民保護總署(The European Commission's Directorate-General on Humanitarian Aid & Civil Protection, ECHO)間的策略性合作。

(四)、人類安全

各國領袖認為此一議題必須持續在聯合國大會與其它重要的國際性會議中探討與協商。

(五)、人權與民主

各國領袖依據聯合國憲章、國際法與對民主治理的堅持，重申對人權的承諾。他們對於 ASEM 從 1998 年至今透過非正式的會談以對人權協商的對話表現感到相當認同，並且強調決心在普遍性、公平與相互尊重的原則上，加強人權改善與保護的相關議題間的合作。再次強調希冀能夠拓展相關論壇，如人權委員會與聯合國第三委員會等論述平台之範圍。各國領袖樂於建立與 ASEM 政府間人權執委會(The ASEAN Intergovernmental Commission on Human Rights, AICHR)，以提供人權合作的總體框架並促進與保護該地區之人權，其次同意再加強雙邊依據 AICHR 之目的，促進與保護人權的相互間合作，且不排除未來配置高級官員處理相關事務。

(六)、文化與文明的對話

各國領袖強調，鼓勵文化與文明間對話的重要性，也呼應藉由不同宗教信仰與不同文化間的對話，以維持國際和平與安全之重要性。ASEM 對此之倡議貢獻良多，藉此充實亞歐文化與信仰的認知並深化雙邊關係。

(七)、聯合國體系的改革

各國領袖一致認為聯合國的全面性改革仍舊是一個優先事項，以利此一組織更能有效解決當前全球性挑戰，並確保有效地支持各成員國，尤其關注開發中國家的各項需求。他們呼籲所有成員國在夥伴關係下運作以達成更具代表性、效率性與效能的聯合國安理會。

(八)、核武不擴散原則與裁軍

各國領袖同意大規模毀滅性武器的擴散與其載具，已經構成對國際和平與安全的威脅，這也是 ASEM 所共同關心的社會與整體世界的觀點。他們重申致力於消彌世界核武和其它大規模毀滅性武器的存在，也認為應朝向裁軍與核不擴散原則等兩個相輔相成的目標前進。核不擴散條約是建置核不擴散與裁軍於國際層次的基石，並且也是提供各國能和平運用核能源權利之依據。與會領袖敦促所有締約國應確實執行此一條約與相關計畫。另外，他們也體認到原子能機構及其防衛措施在維護國際核不擴散機制與確保核能源被和平運用的重要性，亦特別支持早日通過相關附加之議定書，全面性保障監督協定。

領袖們亦認為應於 2010 年舉行的安全會議中有效制止核恐怖主義的威脅，同時呼籲各國批准相關公約以遏制核恐怖主義的行為。他們樂見俄羅斯與美國之間最新締結之條約，因為其包含的條文與削減攻擊性核武器之實質性與可驗證性具有關連，其呼籲該條約能早日生效。

四、區域性議題

各國領袖一致認同區域合作機制有利於和平、穩定、繁榮、社會發展與凝聚力。若考量對所有國家的合理權益與區域組織和論壇的夥伴關係，他們強調安全且有效能之區域建構，以及建置在相互尊重基礎上亞歐間合作關係的重要性。里斯本條約的生效，代表著歐洲一體化的進步與加強歐盟成爲一個和其它國家，包含亞洲等國間可靠且具有效率的夥伴關係。此外，他們也同意與樂見其它具有發展性的對話與合作機制，以促進雙邊未來發展。

各國領袖認同 ASEM 在亞洲地區合作發展的中心地位，也認同類似的區域合作將引導出較佳的雙邊利益與強化雙邊關係。他們針對伊朗核武的問題重申即早發現的重要性，且對於阿富汗在嚴苛的安全環境下仍能舉行選舉制度表達讚揚之意。再者，他們鼓勵以色列與巴勒斯坦之間直接進行對話，其重申建立一個獨立、主權、民主、延續且可行的巴勒斯坦政權作爲最終目標，並且與以色列並肩生活在和平與安全的穩定地區。

此外，加薩走廊問題與情況不可再度延續下去，各國領袖呼籲建立一個解決方案，確保通暢無阻的人道主義援助，並且給予來自加薩走廊的商品與人員、以色列與巴勒斯坦的人民一個安全且合法的關切行動，以符合 2009 年聯合國安理會第 1860 條款之規定與目的。除推動並促進中東國家，如敘利亞、黎巴嫩與以色列間重要的和平對話機制，他們針對緬甸最近的事態發展進行意見交換，鼓勵該國政府採取必要措施以確保選舉呈現自由、公平且具包容性，並朝向一個合法、具憲政文官體制之政府架構邁進。

針對於朝鮮半島的情況，各領袖也在此交換意見，強調應維持該地區和平與穩定的重要性。他們表示深切關心該區的發展情況，並且重申支持 2010 年 7 月 9 日聯合國安理會主席之聲明。亦認爲應重視未來防範發生衝突的可能性。與會領導人皆同意將致力於提供北韓(The Democratic People's Republic of Korea, DPRK)人道援助行動。他們希冀能促進南北韓間有效的對話與進一步的合作協調，這也是他們所樂見的。

五、人民對人民，ASEM 的能見度與未來發展

各國領袖鼓勵進一步達成總體目標的發展，激勵人民與人民之間的互動以及和企業主、商人、學者、學生、輿論者、媒體、文化專業人員、公民社會與地方和區域領導者間的互動，以及促進旅遊業建立跨亞歐間連通的路線。各領導人亦重申議會夥伴間的平等對話，人民論壇與企業論壇扮演著達成 ASEM 目標的重要角色。他們強調且讚賞此一對話機制，並委派高級官員協助相關政策的採行與執行相關計畫。

針對教育方面，與會領袖們樂見依據 2009 年 5 月第二次 ASEM 教育部長會談對於擴展學術合作的計畫。他們大力支持於德國波昂設置 ASEM 教育秘書處，以協調 ASEM 的教育活動，也感謝丹麥政府願意主辦 2011 年第三屆 ASEM

教育部長會談。各國領袖也強調，在面對一般性挑戰，尤其是在促進永續發展，聯合科學與技術倡導應扮演重要角色，使科學、技術與社會提升。他們也認知到推動跨亞歐信息網絡(The Trans-Eurasian Information Network, TEIN)，以提升雙邊在研究與教育的互聯網。各國領袖也樂見推行第四階段的相關計畫，以建立一個由南韓主辦，ASEM 夥伴資助之合作中心。

針對文化方面，各國領袖強調應提高對文化遺產與過去珍品的保存意識，同時加強相互間的合作與了解。除強調各階層在文化層面的積極合作，也感謝 2012 年印尼願意舉辦第五屆 ASEM 文化部長會談。各國政府對於此次名為通往亞洲途徑(A Passage to Asia)之展覽表示高度喝彩。本展覽由比利時以及 ASEM 夥伴主辦並以其文化背景作為主題。

此次展出說明 2005 年歐亞之間的貿易與政治網路如何在人文科學與哲學間互動，更提供了現今人與人之間對話與聯繫的豐富歷史背景。各國領袖表示他們對於此次亞歐基金會(The Asia-Europe Foundation, ASEF)擔任重要工作的感謝，該基金會附屬於 ASEM，其主旨在於推動亞歐間交流與相互的了解。為確保所有計畫的長期財政永續性，同時也呼籲 ASEM 各成員國提供穩定的財務資源，也力邀其它新成員國能夠捐款，並鼓勵更積極參與亞歐基金會的所有活動。

各國領袖對於 ASEM 對外、對內的知名度大幅成長表示滿意，另外也表揚比利時政府以 ASEM 的標誌做為第八屆 ASEM 的標誌設計基礎，同時也希望未來會議主辦國能夠採取相同方式。會議領袖也號召其它成員國夥伴能繼續努力，透過工作計畫及政策、傳播管道的選擇以及各項文化活動來提高大眾對 ASEM 的關注。

ASEM 領袖有意改進在會議擴大後的運作方式，並重申現行合作框架的有效性。現有成員國領袖也對資深官員表示，為日後舉行會議所提出合作機制的建議進行背書，同時也要求資深官員能盡快提出相關且實際的計畫，以提供易於施行、具成本效益的技術支援，提升 ASEM 運作的效率、凝聚力、持續性以及 ASEM 推動各類政策成果之能見度。

另也要求資深官員改善現行各成員間的合作機制，針對此點，各成員國也委托資深官員在即將到來的 2011 年 ASEM 外長會議給予相關建議。

各國領袖同意履行在附件一中的新提案及附件二中 2010 年至 2012 年的 ASEM 工作方案。與會各國感謝此次第八屆會議主辦國的成功安排，同時也感謝寮國人民民主共和國將主持第九屆會議，計畫訂於 2012 年 10 月於越南召開。

第八屆亞歐高峰會主席結論全文

http://www.eutrio.be/files/bveu/ASEM_8_Chairs_Statement.pdf

2010 歐盟文化之都—千年古都伊斯坦堡

土耳其不是世界上唯一橫跨歐亞兩洲的國家，但是古都伊斯坦堡(Istanbul)卻是世界上唯一橫跨歐亞兩洲的城市，而且伊斯坦堡在 2010 年還獲選為歐盟文化古城。伊斯坦堡為何入選？土耳其不是穆斯林的世界嗎？土耳其為何想加入歐盟？伊斯坦堡的魅力在哪？

歐盟選擇伊斯坦堡為文化古城，簡言之，係土耳其目前尚保有較完整的希臘及羅馬文化。自西元 324 年羅馬帝國君士坦丁大帝(Constantine the Great)在羅馬東邊的小亞細亞建立東羅馬帝國後，於西元 330 年定都君士坦丁堡(Constantinople)，該城市就一直保有古老的希臘及羅馬文化傳統。西元 476 年西羅馬帝國滅亡後，東羅馬帝國更名為拜占庭帝國(Byzantine Empire)，援用君士坦丁堡為拜占庭帝國的首都，因此君士坦丁堡至今仍保有最大規模的希臘羅馬帝國文化的遺產，君士坦丁堡的羅馬文化榮景從西元 330 年維持至 1453 年，超過一千年的歷史。

1453 年 5 月 29 日，鄂圖曼土耳其帝國(Ottoman Empire)的蘇丹麥何密特二世(Sultan Mehmet II)攻陷君士坦丁堡，並改稱之為伊斯坦堡，宣示鄂圖曼土耳其帝國的國力強盛達至巔峰，直到一次世界大戰結束，鄂圖曼土耳其帝國蘇丹遜位帝國瓦解。

清晨抵達伊斯坦堡的阿塔土耳其克國際機場(Atatürk International Air Port)，一出機場映入眼簾是薄霧裡的伊斯坦堡，之前看許多畫片都是這樣薄霧籠罩，心想是攝影者技術不好或者運氣不好，照相當天遇到薄霧，親自到現場才知道長年皆如此。

進入市區，馬路兩旁圍繞著君士坦丁長城，這個規模空前的長城建於西元 324 年，至今仍存在伊斯坦堡的各處，也許些微被破壞，但可想見當年君士坦丁堡的盛世，長城分內城與外城，外城當年大致上是緊鄰馬爾馬拉海(the sea of Marmara)興建，內城可容馬車通過，散步在 330 年所蓋的城垛上，依然堅固，讓人聯想到中國的萬里長城，今日吾人常見的中國八達嶺長城是明長城，明代興建，中國上古史提到的長城遺跡，只是史書紀錄，殘跡不多，恐已無法與土耳其保留的千年君士坦丁長城比擬。

伊士坦堡市區內，今日還保有羅馬帝國時代興建的水道橋(Aqueduct)，水道橋在羅馬時代設計，自黑海森林地區引水進入伊斯坦堡，目前雖然不再引水入城，但水道橋的拱門卻可讓 21 世紀的大型遊覽車順利通過，而且不需拆牆擴建。有人開玩笑說，一千七百年前的羅馬工程師就預知日後遊覽車要通過水道橋拱

門，還預測出今日遊覽車大小。

要認識伊斯坦堡的樣貌，可以直接驅車到老城區的加拉達橋(Galata Bridge)旁邊的艾米諾魯(Eminönü)碼頭，搭船進入黃金角(the Golden Horn)遊覽博斯普魯斯海峽(the Bosphorous Strait)，因為鄂圖曼土耳其帝國控制海峽咽喉得以出黑海進入歐洲，使帝國版圖從巴爾幹半島直達今日的維也納。在冷戰時代，北約國家要封鎖蘇聯出黑海擴張勢力，把博斯普魯斯海峽的防守列為關鍵。

博斯普魯斯海峽最寬處有 32 公里，沿岸可見到鄂圖曼土耳其帝國的餘暉，重要景點有 1856 年竣工的朵瑪巴切皇宮(Dolmabahçe Sarayı)、貝雷貝伊皇宮(Beylerbeyi Sarayı)、朵瑪巴切清真寺(Dolmabahçe Camii)、歐塔寇伊清真寺(Ortaköy Camii)、博斯普魯斯大橋、蘇丹麥何密特大橋(Fatih Sultan Mehmet Köprüsü)，親眼目睹橫跨兩洲的跨海大橋，除了欽佩執政者當年的眼光，也佩服日本工程顧問公司的精細施工。

在伊斯坦堡內受世人注目的世界遺產係「聖索菲亞大教堂」，這是拜占庭帝國的查士丁尼大帝在 562 年設計監造完成的東正教教堂，這個教堂的特殊處在於建造之時便不斷遭逢地震，而且邊蓋邊塌，但拜占庭帝國時代的解析幾何數學計算精良，邊蓋邊加防震設備，所以教堂得以在五年內迅速竣工，但爾後天災不曾間斷過，極度需要維護，最後一次大規模的修築是在 19 世紀，目前已完成千禧年整修計畫。

為了申請加入歐盟，土耳其政府要符合歐盟普世原則的價值觀，包括擁有自由民主的政治、解決人權問題、改善經濟與基督教的信仰。土耳其政府最積極投入的部分是改善經濟投資環境，在 2000 年的國民平均所得才 1,996 美元，2010 年已達一萬美元，經濟成長達約五倍。境內的基礎建設也以歐盟標準作為施作目標，令人稱讚的包括「交通建設」，主要的公路都已逐漸符合歐盟標準，不管是高速公路還是鄉間小路，道路寬敞且平穩舒適，讓人體驗到進步神速。而且土耳其也開始改善庫德族的人權問題，從早年的種族清洗、宗教迫害、消滅文化，到今日以和解的方式處理東部庫德族問題，讓庫德族慢慢自治，恢復庫德族語，這是 21 世紀的奇蹟。關於基督教信仰的問題，他們早在鄂圖曼土耳其帝國建立時，也只有象徵性的改變聖索菲亞大教堂外觀，讓這個東正教文明的中心，繼續延續基督教文化，而且把聖索菲亞大教堂改成「宗教博物館」，讓各種信仰的人都可以來到聖索菲亞大教堂參訪，不侷限於基督教或者伊斯蘭教。而且土耳其已是伊斯蘭世界裡，傾向宗教解放的國家，筆者在齋戒月到訪，不論是 15 世紀的圓頂大市集還是各大博物館，連司機也把齋戒月放在心中，日常工作都正常運作，不受宗教節日羈絆。

土耳其的伊斯坦堡橫跨亞歐，文化兼容並蓄貫穿古今，獲選為歐盟 2010 年文化古城實至名歸！

此文由大同大學通識教育中心張洋培博士及淡江大學歐洲研究所張怡菁博士共同撰寫



**學者專欄**

本期學者專欄，邀請淡江大學歐洲研究所苑倚曼教授，撰寫“EU Recession impact on EU-China trade relations”一文。著者於文中引用各項經濟數據來分析歐盟與中國間日益緊密的經貿關係，指出在全球經濟衰退的情況下，歐盟受惠於中國的內需市場與經濟成長。此外也分析歐盟與中國將在政治、經濟與文化影響面向上，扮演領導全球的角色。

EU Recession impact on EU-China trade relations

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Global economic slowdown, among OECD's countries including EU, the main partner for trade and FDI in the USA before the financial crisis with consecutive depression by US Wall street and Real Estate market (EU in 2005 has invested 470 Billion euro, representing 75% of the inflow liquidities in the US treasuries, government bonds and US equities funds) EU is going through its worst financial crisis since World War II with only 0.5% growth (last Nov.13, 2009) and high unemployment rate (more than 10% during past year and contained to 9.7% last November to 13 months length). Facing their weakened Economy, EU Governments had to contract debts for the long run. Eastern European countries, just recovering might be suffering more than the Western countries scoring with the lowest economic growth apart for Poland, Czech Republic and Slovakia. Overall the fragility of the economy is worrying, as few Mediterranean countries like Greece, recent bankruptcy. Growths are limited and resulting from Governments stimuli (injection of billions of Euro in their markets as well as some temporary inventory effects). At the same time, USA and Japan has been gaining back as per last end of year economic report, while EU economy still at their bottoms, German progress is helping the community then the “Household spend” that constitute a major influence, has kept very prudent and short, since this year Euro currency difficulties in Greece and worrying debts of few member states. Europe has become the largest partner for China, EU become more and more dependant for its manufactured products , textile and steel the past decade.

Europe (EC/EU) have started officially, diplomatic relations with China for

more than 30 years, through bilateral or multilateral cooperation between China and State members, and have to await till 1985 (May 21) to agree with Bilateral Treaty replacing the previous Trade Agreement (March 4 1978). Lisbon treaty process will inevitably replace individual Member states former Agreements with China under EU new President of the Council and its Foreign affairs Minister.

Asia represents for EU an attractive economic growth and market with low labor costs. While China stands for a prominent role in the East Asian economic development. EU has been the largest trading partner in China, China representing the largest supplier for EU with prominent figures. In the global recession, China plays a leading position in the world economy with a +/- double digit economic growth rate willing to consolidate a fragile economy recovery.

I) EU-CHINA TRADE EXCHANGES SITUATION:

(Statistics on EU-China trades see sources)

The long established relationship between 2 largest economies in the world: The European Union one of the most integrated union in the World (EU 27 members) and China, a vast and fast expanding economy (China GDP has raised several times during past two decades- ranking already second biggest economy in the World in 2010 with a pace of 30 Billion euro per year) helped for China accession by the World Trade Organization (WTO), and gave the organization a global dimension(China largest population in the world), and a definitive start to China economic growth. The economic development was decided 30 years ago by Beijing, willing to shift the country toward the development and modernization of provincial regions. However it took thirteen years of bilateral and multilateral negotiations for China to join the Trade organization under a developing country status and integrate 1.3 Billions inhabitants in the global organization- China candidacy was accepted on November. 15th 1999² under the pledge EU states for giving some more time to China in its modernization process, unexpectedly, China demonstrated high level progress and competitiveness. From there, begun EU-China bilateral negotiations with the support of EU administration for the liberalization of

² China could join the WTO, officially in 2001.

China's financial and insurance sector, electronics and duties in terms of market access as well as compliances. The cars example, EU proposed to further reduce the Chinese import duties from 25% to a decreased 18% at the place (similarly USA has requested the liberation of foreign shares for Chinese insurances sector) in a way to balance

China's raising economic development, An analysis of their exchanges and present situation, will be proposed in this paper to further understand the expectations, potential and future evolutions, due to the impressive developments of China since China join WTO in 2001 and a dynamic Asian Trade Area (representing 60% whole World population, bearing at the same time, more than half of the poorest income 3).

On another hand, China reaction, after German leader Angela Merkel meeting with Dalai Lama by EU German Presidential year, and tensions created on past year just before the Olympic Games in Beijing, bring the debate toward diplomatic, social, political and military strategies considerations, interfering with matters of economy and the eventual threat of a fast growing power. On an international scale of trade, China massive exportations with low safety standards on basic products had been identified by all target destination markets (USA, Europe and Asia). Safety and sanitary deficiency has caused consumerist associations boycott, pushing China to adopt more rigorous legislation and sustain its exports. Thus, controls and inspection reinforced by the frontier has slowed down somehow the trade flow, while serious US financial crisis has deeply modified the traditional exchanges all over the world from 2007 on, damaging the whole world finance and economies dramatically. Europe and China relations call back to a finer observation on new economic situations and the future evolution of trades and Chinese influence and expectation EU administration.

By liberalizing its economical policy, China gained a common quality as "the largest Factory and largest Market in the World"; China market access brings a steady economic growth rate increase and past three years surpassing more than 10% per year, GDP has tripled in a decade (doubled during the past 5 years), while export contribute for one fourth of

³ China GDP amount less than 900 Euro/capita/year before accessing.

the overall economic expansion⁴. Besides stereotypes, China fast economic growth, counts with a Foreign Currency Reserve to about 1.3 trillion Euro (2008 /06/03: 1.76 Trillion US\$) further to an impressive Gold reserve, and gives to China a growing global and economic influence on Asian countries and also on occidental countries, backed by their annual Export Growth rate increase: 44.6% in 2009⁵.

Figures remind us that China is still at a developing stage, and although some regions has managed to succeed their economic developments, many inner regions has kept their traditional rural way of life. For indication, before accessing to WTO, China sectored partition was in 1990: for Agriculture activity: 27% of the active population, 41.6 % in Industry and 31.3% in Services; while after 5 years access; in 2006, Agriculture counted no more than 11.9% of the active population(11.3 % in 2008), Industry share become 47% (48.6% in 2008) and Services: 41.1%, (40.1% in 2008) pointing out a net labor demand in Industries and a noticeable pulling by Services sector. The GDP progress although the recession has been: 8.7% in 2009 that resulted has been however accompanied by unemployment burden and environmental concerns.

Let's have a look at EU27 **commercial exchanges**; Asia (60% of world population and 60% of the global trade with half of world GDP, has become its first partner before NAFTA. EU has developed with China via merchandise trade, trade in services and Foreign Direct Investment (FDI), very privileged relations but has to bear a deficit balance on bilateral trade; China has become the main partner for EU imports (247.933 Billions Euro in 2008 =15. and regression to 214.651 in 2009) before USA (181.1 Billions Euro) 12.7%, and Russia (143.5 Billions Euro) 10.1%;

⁴ Total Exports : 873.2 Billions euro and Total Imports : 622.1 Billions euro with a very positive balance of 251.1 Billions euro (twice the value of 2005) source : I.M.F. Direction of Trade Statistics (2006)

⁵ China GDP = 2 226 Billions Euro in 2007, GDP per capita: 1,686 euro/year (Rate 1.39 US\$) China: 3.519 B. euro in 2009, 2636.8 euro per capita and total population : 1,344,7 M.inhabitants in 2009

Source: IMF World economic Outlook and World bank statistics 2008

For reference year: 2007/2006:

- USA : GDP per capita : US\$ 44,000, annual growth :3.2%
Agriculture: 0.9%, Industry: 20.4%, Services: 78.6%

- EU27 : GDP per capita : US\$ 29,000 , annual growth : 3.1%
Agriculture: 4.3%, Industry: 27.2%, Services: 67.1%

Source: CIA World fact book the transatlantic economy 2006, John Hopkins

University -

Source: Eurostat, Bureau of Economic Analysis

Singapore (2.5%) and Hong Kong , uncounted, as these two Asian Hubs having dynamic re-exportations toward western or Asiatic countries (both value cumulated: 3.7%) progressing at an average rate of 16% per year. While EU exportation toward China ranked fourth the same year after the USA, Switzerland and Russia (See figures and tables annex1 page 15) at a stable increase rate (5.8%).

For China, EU represents in 2009 its major import partners 13.4% of its Import, having overtaken Japan (13.2%) formerly the first import partner, Hong Kong(10.4) and S.Korea (19.8%) or USA 5th partner (8.2%), while Exports toward Europe has become a main target destinations with 20.6%, as well as USA (19.9%), far before Japan (8.5%) or Korea (4.5%). Exports toward Hong Kong (15.5%) .

Considering **Trade in Services**: EU27 realized in 2009: 1.3 Billions Euro (12.5% in exports and 11.2% for imports) while China represents only 3.8% in EU27 total demands.

Regarding the Chinese Foreign Exchange Reserves, the outflow to EU27, has been stable during past years (2007: 6.6 B. Euro, 2008: 4.7 B. Euro and 2009 : 5.3) while inflows of European FDI has kept growing into China (from lone to 13.9 B Euro in 2009), contributing some way to the increase of the reserve.

These figures shows in a whole an economical and trade imbalance gap that seems to be deteriorating for EU27 but offering a net surplus at the favor of China economical expansion in Europe. This may explain why, during past year, EU had emitted more concerns with the accentuation of their negative balance of trade in EU-China trade summit.

Before making a review of past agreements, cooperation or progress in official meetings, we propose to have a further analysis of the exchanges themselves: the type of goods, services and financial amounts involved in this bilateral relation, and evaluate the progress made since the beginning of the relations and the main obstacles that could exist between the two cultures and reduce the disparities each other, advantages and weakness evidences and goals.

Analysis of the Bilateral economic exchanges and difficulties:

Type of goods exchanged and the values of trade and economical between EU and China that create the imbalance gap:

Type of Products exchanged:

For EU the deficit occurred from an evident west-ward demand flows “Made in China” manufactured products (179.473 Billions Euro) mainly consisting with offices manufactured equipments, textile & clothing, iron & steel raw materials. If we refer to 2009 EU-China Trade⁶, the nature of the most currently exchanged products from EU (57% of the exports) is constituted by Machinery & Transport equipments, and some manufactured goods or Chemicals and Related products in fewer proportions

For China, export are cheaper in value and are merely Miscellaneous manufactured articles, mainly Machinery & Transport equipments (47.5%) and manufactured goods classified chiefly by Material (12.4% like textile and clothing (see figures annex1 page15)

Value of the Goods trade exchanges :

There are some discrepancies on figures and statistics, “EU trade with World “, and “EU trade with China” (2005), when “ranked by Trade flows, it appears that China has a frankly positive advantage on exports toward EU25.

EU buys for 214.657M. Euro and sell for only 81,656 M. Euro, this confirms EU is in deficit of merchandise trade of 62% (less 133.087 Billions Euro for the EU).

If we compare this figure to the Total EU trade flows (2,294.713 Billions Euro), this deficit represents only 6%, for the EU, out of the Total EU trade flow.

In the other hand, we can observe that China Total trade flow (1,559.243 Billions. Euro) is more modest, and represent a good half the value of EU flow (68%), although the proportion looks out important, but it does not constitute a threat to the EU or the USA, at this stage. These figures are nevertheless carefully observed as a potential evolution, and a

⁶ (EUROSTAT (new Cronos) and IMF (DoTS/ EU27 DG Trade2010 July 19 the figures are analyzed for 2006 or 2009 year results, for EU25 - see annex 1page 15)

potential source of imbalanced flows during the difficult past years following the financial crisis.

Affecting as well the US and the euro and sterling currencies

- Trade imbalance has different signification for each of the country: for EU27, there is a deficit, it represents today 12.9% deficit, between the in and out flows. For China this same outflows yet constitute in value for 17.9% of EU's total world merchandise trade flows, and show the importance of the exchanges and in particular European destinations does represent for its exports.

- By comparing economical exchanges figures between EU, China and USA, it appears that China is visibly increasing its Trade surplus toward EU (inflow was in 2005: 161 Billions Euro, and has intensified to 250 Billions Euro in 2006, 214.957 in 2009)⁷, and recently the flow has intensified a lot as it has overtaken what China did toward USA (respectively 20.4 % and 220.3%), Chinese trade flows into EU is very positive and growing fast, and is therefore significant enough but, it does not constitute yet such large a share in the total world trade.

In concern of **Trade in Services**, (figures at hand are not recent enough: to allow many comments, due the very prompt evolution in this region). We can see that in proportion, the amount involved is much lighter than the Merchandise Trade (in value it represents 1,310M.Euro in 2009, only 3.2% of EU27 Trades in Service outflow, the main partner for EU remains the USA). It is interesting to see that half of EU total outflow (627.4 Bi Euro in 2004), is constituted by EU Goods and Services trade, when it represents only 19.6% for inflow (405,4 Billions Euro), EU on this sector could before the crisis maintain its preponderance and benefiting of a net surplus which could help to cover 2 folds the "EU- China trade deficit".

Then the potential market is promising, and China expressed the willing to change and aim modernization in many of its inner regions, but requiring time to adapt to the fast evolution of its economy. Chinese scholars suggested one more century time to reach a level of uniform development for infrastructures and equipments across the Chinese provinces, and not only privilege its main cities or coastal area in their

⁷ EUROSTAT DG Trade Aug.1rst 2008

development and growth. Fast rate increase these past few years has placed China as a new major economic partner for EU and USA. At the moment, EU FDI has been growing fast each month and brought together “know-how” or technology in the financial, construction, distribution and educational fields, and will require more protection and further economic integration, market transparency or regulations to ensure business and trade practices to stay fair for both foreign and domestic capitals.

Meanwhile, EU was the primary target for US investments around the world (with 57% of US investments in 2004, well before China receiving only 1.6 Billions from US investments), while EU holding the major source of capital for USA in 2005 with 470.4 billions Euro or 75% of total US Foreign Direct Investments (FDI) inflow liquidities (US treasuries, government agency bonds, corporate bonds, and US equities and funds). While China stands for the USA third major trade partner with only 11.7% (242,5 Billions Euro) in 2009 well after EU and Canada contributions to the debt-stretched USA.

In concern of Foreign Direct Investment in China (FDI), figures for 2005 and 2006 shows that the balance is improving, with a change in China policy, by increasing the importance of investments inflows into EU27 (in 2006 : 2.2 Billions Euro, while it was inexistent or neglectable the year before) .

EU on its side had invested in China in larger value but had kept stagnant (6,0BillionsEuro in 2006, against 6,2 Billions Euro in 2005, retracted to 5.3 b euro in 2009 less 13 %) and has dynamised in 2007 with + 58% increase on the value, among the member states: mainly UK did invested through Hong-Kong, and constitute about half of the total value. However about half of the investment has been consecutively redirected by the UK, representing serious lose of interest during the past year. For Germany and France investments are respectively ranking behind with lighter value assets into China. The main players in EU have invested more into the other nations gathered under the BRIC 's countries than into China itself (BRIC denominating : Brazil, Russia, India and China the most active and largest developing economies this past decade) Nevertheless, the inward and outward stocks toward China were not balanced in 2004 showing a consistent increase trend (outward stocks: 22.8% for 0.6% inward stocks, which since has decreased for a slight 2%,)

But a more detail look at the export evolution can see a very positive and good increase for EU with s lesser deficit, which means a gain of 4%

for the EU on past year with a very attractive market growth of 30 B. euro from 2005 to 2009 for quality products from Europe . The trade deficit came from manufactured products in particular for Office, telecommunications equipments, and textile, iron and steel provided by China toward EU (27) the EU businessmen cannot access to China market easily, for example a few license given to foreign company, compared to the domestic, encouraged by Chinese government with indigenous innovation scheme (and this could be a good opportunity for Taiwan to help foreigners in this sense, thanks to the concomitant “Ouverture” between China and Taiwan with bilateral trade agreement as ECFA). Nevertheless, progress for the investment in FDI from EU, and that has been increasing due the potential that China representing: + 5.3 B. euro (or a progress of 4.7% compared to 2008), while in the contrary, China FDI has reduced to 0.3B. euro(only 1.8% progress compared to same 2008 year)

II) EU-CHINA BILATERAL RELATIONS:

A) EU-CHINA official agreements and trade cooperation plans:

Chinese commerce and culture has expanded in whole Asia for past centuries and can strike up with many of the present Asian countries. The recent dramatic raising of China economy also helped to gain economic importance among border countries or neighbor nations in the pursuit of higher GDP. Recently China has joined the main free trade areas in Asia (ASEAN countries including and North Asian countries⁸ and Taiwan). Main import trade flows comes from China peripheral Nations. Asian countries exports flows to China constitute a main supply in raw material, parts, or more elaborated merchandise trade and services (see figures annex 1 page 16).which are FDI enterprises as so called Processing Trade. EU wishing to reinforce its exchanges with Middle East, Africa and Asian countries, the EU-China partnership become a must due the encouraging signs and huge demand that goes on last year. It covers only Economic and Trade relations and Cooperation program in the following areas:

“industry and mining; agriculture; science and

* the Association of South-East Asian Nations (ASEAN) members : Brunei Darussalam, Cambodia Kingdom, Indonesia Republic, Lao People’s

⁸ North Asian economies to include 5 nations: China, Japan, Korea, Mongolia, Pakistan

Democratic Republic, Malaysia, the Union of Myanmar, Philippines Republic, Singapore Republic, Thailand Kingdom, Vietnam Socialist Republic.

China use to organize yearly in China autonomous province of Kuanxi Business investment summit and exhibition with ASEAN participants : “10 + 1 superior to 11” countries influence motus (The 5th summit just held in Nanning from October 20th to 25th 2008, EU-Asia summit held by the same time in Beijing)

- technology; energy; transport and communications; environmental protection; cooperation in third countries.
- development of alternative energies technologies (EU just constituted in Beijing a EU-China Clean Energy Center and sustain the Climate change and carbon emissions debates.

- Trade and cooperation Agreements:

In this context EEC and China signed a legal main framework, a bilateral Treaty (21/05/1985) to promote and intensify trade between the European community and China and to encourage the steady expansion of economic

The parties also agreed to encourage the various forms of industrial and technical cooperation, promote investment and improve the climate for investment. The Community has continued its development activities in China, both within the framework of its aid program for developing countries and also in any other potential areas for cooperation with China.” This partnership and cooperation agreement, include regular political and economical dialogues meeting with the concerned sectors

- EU-China Summits:

The first EU-China Summit was held for the first time in London 1998. and organized yearly since. The 12th Summit stood in Brussels beginning of this month

High Level Economic and Trade Mechanism was launched in April 2008, to strengthen dialogue between the European Commission and the State Council of China, at Vice-Premier level. It deals with both issues of strategic importance of the EU-China trade relations, investment and economic cooperation. This Mechanism set by the initiative of EU will provide a new tool to address issues of mutual concern especially in the areas of investment, market access and intellectual property rights protection and other strategic issues related to trade.

- Partnership and Competition

In 2006 the European Commission adopted a major policy strategy (Partnership and Competition) on China that pledged the EU to accepting tough Chinese competition while pushing China to trade fairly. Part of this strategy is the ongoing negotiations on a comprehensive Partnership and Cooperation Agreement (PCA) that started in January 2007. These will provide the opportunity to further improve the framework for bilateral trade and investment relations and also include the upgrading of the 1985 EC-China Trade and Economic Cooperation Agreement. “Before and after accession, China did make efforts in a way to fulfill its commitments by reducing duties, and Non-Tariff barriers (NTB) allowing foreign firms benefit of the market access, but many difficulties and differences in the cultures remain. EU uses the regular Trade Policy Review in the WTO to review China's trade policy. These include inadequate protection of intellectual property rights, the maintenance of industrial policies which may discriminate foreign companies especially in sectors like automobiles and barriers to market access in a number of services sectors including construction, banking, telecommunications, and express postal services). ‘Access to raw materials becomes a remaining trade obstacle as well, has mentioned Peter Mandelson, Trade Commissioner (in his declaration Oct.2nd 2008), like “Price controls, discriminatory registration requirements, arbitrary sanitary standards”, and have asked for ‘the removal of obstacles to investments such as “geographical restrictions, joint venture requirements, discriminatory licensing procedures, outright closure of certain sectors to foreigners, restriction of foreign exchange regulations, and the improvement of the business environment, protection of Intellectual Property and Rights (IPR).”, by organizing sectoral dialogues in key economic areas, like in the “EU-China Cooperative Programme” projects, aimed at helping China to meet its WTO obligations”.

This EU-China High-level Trade and economical dialogues has been recently instituted, it looks in parallel to the US-China Strategic and Economical Dialogue, launched in 2006 on an initiative of President Bush. This dialogue can be the chance to eliminate frictions or frustrations of both side (example: EU has called for protective measures against China manufactured products, EU considered as very stringent on technical standards, EU still demonstrating of an Agricultural protectionism and currently using of antidumping measures against China. EU invests in the other BRIC's in priority Russia (39% 2008), India (25%) and China (only 18% of the EU investments).

- The China and EU Association (CEUA) has been created on Dec.13th

2007, reconsidering the China and EU trade relations in the 2 ways trade, the association dedicates to remove obstacles to investments and barriers to the importation of specific goods.

- The Asia- Europe Cooperative Framework (AECF), created in 1996 organizing every second year, two days conference by “Asia-Europe Meeting” ASEM : promote trade opportunities, reduce Non -Tariff Barriers (NTB's), gathering Business private sectors of the two regions. The framework meant to reinforce the dialogues and cooperation, in the spirit of equal partnership, identify priorities and enhance mutual comprehension; global issues on arms, and control for the non-proliferation of weapons, of mass destruction, illicit arms dealing, sustainability and control of migratory flows in the process of globalization of the world. The 8th ASEM took place in Beijing on 4-5th Oct. 2010 accentuating on other priorities

In 2005, EU were more concerned on reducing the textiles apparel inflow from China and tends to focus on large concessionary purchases of EU Goods or Services, which China officials, seems also preferring the European way; as finding commitments on commercial contracts are easier to accomplish than systemic changes, politically more difficult to achieve, those are claimed by the US, as a way to diminish China foremost competitive advantages, and allow market access to counter China protectionism tendency, in the financial sector particularly. EU tends to focus as well, on large scale purchases and the optional supply of aircrafts or power plant Know-how that accompany the development of domestic transportation and airports construction.

B) New Trade Relations :

Synergies between European and Chinese regions have helped to strengthen the Dialogues and Cooperation projects in a spirit of equal partnership, identifying the priorities and enhancing the mutual comprehension, this has been validated by high level dialogues, and broadened the exchanges to research groups, universities, all sectors of the society, and in implementation of the links between industries, business of private sectors. Also both entities present economical relations with third countries, willing to support or help the developing nations, such as those located in Eastern European countries and New Silk road, or Sudan and African nations, in Asia with North East Asia and Asia-Pacific in their economic expansion (APEC).

Europe and China has upgraded their relationships into Partnerships and committed with Cooperation Agreements of mid- and long term in 24 sectoral

areas to ensure the continuity and the dialogues between the governments and diminish the problem that Small and Middle size Enterprises (SME's) are facing.

The trade figures and nature we could review at the beginning of this paper, do testify of the growing importance of China for the European Community, about sixty folds the trade was 30 years ago. willing to enhance the liberalization of China and strengthen cooperation on key global challenges, such as climate change, energy security, concerns about the exchange rate of the Chinese currency(RMB), exchange views on migrations, international and regional issues, the non proliferation of weapons (“Everything but arms”) in sensitive area like North Korea, Iran and Middle East peace process, enforcing rules and establishing a strategic budget for Europe and Asia cooperation, and certainly aiming to reduce the deficit of the Trade balance with the EU, now in favor of China. EU has regionalism policy that allows multilateral relations with all Asian countries.

While EU trade policies toward China begin to resemble those of the USA trades actions against China, as with the time China begin to demonstrate of a well coordinated foreign economical policy, slowly reducing the influence of EU in many areas of global diplomacy. China main target market is still USA its first exporting market in volume and value; while foreign enterprises in China have not the same advantages the domestic enterprises can beneficiate

Certainly, apart from the economical model or democratization stages, cultural differences and philosophy, there is still a long way to go. A catalog of differences between East and West has brought together EU and USA by accentuating EU economical developments in favor of USA. The transatlantic economic relations are at best; EU receiving 57% of USA FDI outflows, while EU represents 75% of total US FDI inflows. USA is the primary target invest in the world for EU (470.4 Billions Euro in US assets with 75% of US foreign assets owned by EU countries, among which UK, Germany, and Holland ranking first investors toward USA, and constitute to the largest trade and investment relationship in the world, with 70% for EU (with 47Trillions Euro) and 80% (41 Trillions US\$) of total capital markets, and 3.75 Trillions Euro of yearly sales, involving 14 Millions of workers on both sides (the “ new World “ and the old “Continent “). The consensus between the two largest powers in the world, some a way comfort the leader countries in their present positions of major players.

Past year, after the visit of Dalai Lama and meeting with German chancellor Angela Merkel, the reactions of China leaders, anxious by the

forthcoming of the 2008 Beijing Olympic games, as an opportunity for Tibetans groups or minorities ethnics to manifest in their quest for autonomy, were felt as too direct and strong, pulling back political considerations to pure economical issues, giving some tensions on country leaders agenda meetings with the Dalai Lama and the punctual incidence regarding future contracts or commercial cooperation plans pre established or under discussion. Merkel took the decision in EU Agenda 2007, to make the facilitation of Trans-Atlantic Commerce a top priority of the German Presidency of the European Council, as a step, toward the idea of a Trans-Atlantic Free Trade Area (TAFTA) between European nations and USA. Since, the recent financial problems in the States; from the “subprime” credit problem during summer 2007, and the new breaking “ Lehman brothers” affair, have provoked catastrophic consequences for many economies, most of the banks, insurance companies across the world and precisely in Europe (UK, Belgium, Germany...) has yet to end. In the contrary, there is high chance to have to face the threat of a third shock in coming months. That blow, may come from the mass consumers that got into debts in the USA for their depreciated real estate houses, and further cumulated high credit cards debts (credit card as an ultimate mean for consumers to find cash money, to face inflation, bankruptcy and unemployment) and may be fatal for the consumption. All the stocks markets have collapsed during the past months of 2009, and keep dragged along by the US finance.

The deep and serious problems occurring can be explained by the uncontrolled speculation and exuberance of the investors, with attractive high funds or securities interests rates, for governments and retail distribution in whole world. High inflation and unemployment rate, as well as income and consumption problems has raised, all the more, the importance of the links between European and American financial and trades systems has reached such a proportion, never met for the past 20 years. International Monetary Fund (IMF) and involved Governments have adopted various critical measures, including the nationalization of many of the largest US or European banks or, purchasing Insurance companies in difficulties and allocation of extra budget to maintain stock exchange indexes worldwide and National assets.

China, which seats as the third investors in the world has just closed the Asia-Europe Meetings (ASEM) showing opened and committed determination to solving international problems and stabilize the world economy in crisis with its determination and large Foreign Currency Reserve and Gold Reserve, to

carry by the same time, its own economical and structural developments, taking this opportunity to show to the West, its strength and its meaning to act as a peaceful power. EU can therefore go on beneficiate of competitive products and counter the inflation, and added value economies for the western companies, building up a symbiotic system, as China economy rely on one third to its export, and one fifth has been developed with EU, which has invested specifically in half of the exported goods. The issue of 2008 Olympic Games in Beijing were already the object to demonstrate during the Opening Ceremony, China historical, philosophical and economical bonds with the West and Asia “One Dream, One World” between inhabitants of the Earth planet, give a favorable perception of China and orient toward reasonable choices for a sustainable World a focus on the development of renewable energies and respect of rules, to go hand in hand with China in the pursuit of economical integration in Asia.. EU on its parts have the choice to try to contain China’s growing influence, or take advantage of the time, and build up a healthy balance of influences and prepare to share also with its partners a global diplomacy in the future at its own profile: Goods market access in Services, Investments conditions, high and reliable Technical and Sanitary Standards, an effective Intellectual Property Rights protection. Combined to this, EU can restrain from systematic calling for antidumping or protective measures against Chinese manufactured products to launch the dialogue (52 antidumping measures in force against Chinese imports by last May 2010, but accounting for only 1 % of the total imported products). EU involvement in the fight against poverty in the World and in Asia, can find there, common fields of financing cooperation and help for the development, regional development and a good opportunity to extend the economical relationship and cooperation exchange with China.

III) TRENDS AND FUTURE EVOLUTIONS:

A) EU and China overlapping conflicting interests:

EU-China Trade and Cooperation Agreement in 1985 constitute mutual efforts to create more business opportunities; EU has been supporting China economical reform process for a stronger and more stable growth under the guaranty of established laws. Then, the 1989 “Tian An Men” incident, lead for EU to raise the Arms Embargo against China, before it can gives proofs of its respects for fundamental rights and freedom, and the protection of minorities. Since the negotiation for China market access and entrance in the WTO in

2001, China has seen the fast transformation of its economy and took engagement with EU for closer strategic economical relations and responsibilities that allowed both committing for EU-China Partnership, and working for fairer market competition, more liberalization. China who joined under developing status, since, became the most beneficiating country, the USA being from far the target market for Chinese trade. Nevertheless, although the global trade deficit occurred with its exchange with China, EU can also increase its imports of 100%, during the period 2000- 2005, this is a very positive sign, that EU has noticed as a benefit to the development of Chinese growth; testifying of the emergence of a consuming class in China: the middle class that can afford to import EU products and services (“Services” did increased in 2005: 6 folds the 2004 share and can maintain till 2008 , with a slight bend on past year and beging of 2010). EU from there wanted to reinforce its cooperation, and overcome the difficulties and problems due to textile and shoes flood beginning of 2005 (about 80% increase in the Chinese importations), as a consequence of the abolition of the quota regime or voluntary export restrictions (VER) historically imposed by the 40 years old MultiFiber Agreement (MFA). This was the occasion for both administrations to show their willing to face this trade situation and dialogues between the leaders can limit the defensive safeguard measures that may spoil the economical relation and through joint monitoring system from this year on, to replace the temporally fixed import restrictions.

China government pragmatically accentuated the surveillance, deliver export licenses and help the European textiles industries and avoid them to appeal to the safeguard instruments, showing both leaders determination and engagement to have closer, strategic and responsible exchanges. In 2006 constructive dialogues between both countries to emphasize Peace and Stability to pair with the growing influence and power that China represent. EU wants to show a different approach than the American, reinforcing cooperation toward sustainable development, due the large demand in energy (about half the world needs) China will need in its economical expansion. EU propose fair and robust Trade policy. US and EU relations these past 2 years have been in crescendo at the same time, while EU-China are yet to find more understanding due differences in cultural, political and economical gaps or differences, which EU do not have with USA, its first trade and financial partner in the world . The convergence of views of both western largest powers in the world, also found some tranquility by consolidating their positions not to lift the EU27 Arms Embargo (the 27 unanimity necessary), with China financial and

military fast progresses. China has well to declare its willing toward liberalization, that its target is a “Moderate prosperity under Socialism”, EU showed willingness to repair transatlantic relations after the Iraqi war and go for a priority relationship with the USA, under the conduct of German presidential year.

Sebastian Bersick in his article⁹(may 2006) introduce the notion of EU “soft Power” approach in the bilateral and multilateral engagement of EU with Asian countries. EU means to pose its intraregional cooperation and continued integration as a successful model, for China and its peripheral Asian countries relations, and to participate to the region developments and push further the liberalization and market access of this part of the world and be able to contain someday China future role on regional and global levels. For example China apart from its care to the economic growth has more involvement in international affairs, by Sudan and Africa, as well as with Middle East countries although China repeated demonstration of pacific position and implied in huge internal reform process to catch back the average poverty and infrastructural needs for its inner provinces and tackle with natural catastrophes and heavy expenses to build up local regional and urban equipments and transportations means before Olympic games opening this summer and next Universal exhibition in a couple of years.

B) Recent Evolution in EU Trade position with China:

During the China-EU summit (November 27-28, 2009) in Beijing, Ambassador Serge Abott, head of the delegation of the European Commission to China has spoken openly on the way to “implement the scientific outlook and Development “

Already beginning of this year during the Partnership and Competition Agreement (PCA), a new framework of policy and strategies has been conceived for the next decades to come and started from January 2007 on. There is a perceivable change in the talks, and let think that frequently in the past EU resort to World Trade organization (WTO) Dispute Settlement Systems, to limit someday Chinese goods flow into the EU as a reflex to protect their internal markets, which looks like as a step back to Protectionism.

EU represents the largest Trading partner for China, while China has

⁹ “ strategic consideration in the US-China relationship and the role of European soft power “ Springer-Verlag (2006)

become EU largest supplier (Trade deficit for EU has increased of 82% between 2001 and 2006! EU still very depending on manufactured products from China such as office, telecommunication, equipment , textile, steel and iron which constitute the major trade deficit.) and the past talks has been often more formal than effective.

The ASEM gathering head of States every second year, should constitute an overall framework since 1996, with open dialogue on political, economical and cultural issues, with objectives to strengthen the relationship between the 2 regions mutual respects and equal partnerships toward a possible intraregional cooperation in East Asia, effectively ASEM reflect the 90's political climate and having to face conflicting bilateral agreement in the field of human rights, trade, security, safety...giving evidence of differences in ideological systems, political or economical divergences.

China seeking to benefit of Market Economic Status (MES), that USA granted to them as member of the WTO, but EU rather granted this status to Russia, under WTO accession protocol. Further, China find that EU's SPS controls and other regulations works like hidden protectionism, as well as the new REACH process, deviating from international standards and raise barriers to trade. China who became a leader investor requesting to the US and EU to improve their market access and non discriminating rules for sovereign wealth funds and private investments (recently, US and EU have increased investment protection and direct intervention of their governments in foreign investments and takeovers, and have implemented new regulations against mergers and acquisition). China also wishes EU to lower their agricultural barriers and relax trade barriers by 2016.

At the difference, the US has more rationality and showing less hostility in the US-China Strategic Economic Dialogs (SED), with since 2000 a Permanent Normal Trade Relations (PNTR) entitled by the US laws for non WTO's countries to establish non discriminating treatment and greater certainty, while the MES facilitate Chinese tourists into USA, and favor scientific and technical cooperation.

Common views shared by EU and China for International peace, and stability took birth in 1995 (EU first China Policy paper), and help to open the way to promote regional cooperation, bilateral and multilateral cooperation. This common ground helps EU to evaluate their partnership from a Comprehensive to a Strategic partnership, willing since 2006 to have a "US style "different approach to China. By the past, EU-China played

complementary global actors to stable world orders. The dialog has been strengthened through “High Level Economic and Trade Mechanism” (HLETM), since April 2008 EU Commission can have a direct dialog at China State Council Vice Premier level transforming the dialogs itself, toward fair trade, meet the WTO obligation for goods, services and FDI and the respect of Intellectual Protection Rights (IPR) to become a condition for Scientific and Technical transfer from EU. EU has particularly mentioned present inadequate protection of IPR, Maintenance of Industrial cars policies (automobile for example), and the existing barriers to market access to services in the field of construction, banking, telecom, express postal services and the access to raw material, often the matter of major trade obstacle, more access to Government procurement with a need for an agreement. EU has been supporting China with IPR learning module, with yearly bilateral EU-China Economic and Trade working group (ETNG)

With this financial recession EU is called to become partners for regions where the US were strongly present. As the figures show, the EU is beneficiating from China Economic and Market growths. David Shambaugh, talked about “New Strategic Triangle “between US, EU and China (G3) while there is convergence for EU and China vs. regionalism and community building in Asia. China has showed cooperative attitude, and currently is sending 120 000 students in Europe to study in EU universities and is also expanding tourism (visa entrances raised to 1.23 Million visitors this year).

China representing today in the world a vast Foreign reserves, with huge sovereign wealth fund and showing willingness to invest either in Wall street and support EU since the financial crisis thanks to its large current account surplus. The EU has offered 2 out of 24 seats by International Monetary fund (IMF) and are supporting the idea to give more power to emerging economies like in Asia or other continents. The Yuan (RMB) has been often considered as undervalued. China either G20 meeting or official visit to Europe (as presently), ensure not reducing its holdings of bonds from RU despite EU’s debt crisis and willing to increase investment in environment and strengthen the Protection of Intellectual properties and with 48 nations in Germany, committed with an agreement to consolidate the fragile economic recovery and assisting its EU Partners, While China engaged in the liberalization of its currency which is a step and possibly balance its currency exchange to take some more part of the IMF as has been a bolster with its stimulus package. In the WTO China Trade Policy Review , EU has encouraged China (last June 2nd, 2010 in Geneva),

greater transparency due to China New Global economics weights. Three years ago, EU-China trade and economical relations have much deteriorated giving place to hostile rhetoric while Chinese domestic policies more and more complicated and more protective with new tariffs and jurisdictional conflicts. EU Commission advocates not using the protection barriers and removing the current export restrictions, due the current global economic downturn. EU has a low FDI in China (8%), compare to their implication in US investments and the balance is very much more import than export (+ 1069 B. euro) but on an other hand, EU has to consider the high volume of industries producing in China (about 60% of the exports) owned by European firms or fulfilling orders from firms or retailers, in Europe. Last months have seen a new trend, with fewer import from China (less 13.4%) and and push on export from EU into China (+ 4%), and China represent EU third largest export market and helped to diminish the deficit while other markets export are vanishing with high potential, EU Commission believe that EU should moreover set the example and begin to protect Chinese environment, part or the Earth and immediately shift and use low Carbon technologies in China. It also enhances EU-China cooperation on establishing environment friendly standards for motor vehicles, shipping and aviation, to cope with the Green diplomacy of EU and its position during recent COP15, EU's position for the immediate replacement of traditional fossil fuels by low carbon, renewable and sustainable energies in particular for transportation, in the next decades and their fast growing needs for energy, and China leading contribution to Global CO2 emission, the priority to help or convince China to use for more European technologies and Minister Ashton visiting China, proposed the creation of studying group to screen the matters on hand to avoid political uncomfortable decisions, encourage the exchanges and mutual comprehension of existing systems, as a step forward to closer cooperation. Very recently last august, China begun to diversify its foreign exchange and has provided a stimulus package for the global financial regain, and showed during the last meetings and present trip in Europe China attitude and to build up an open and free global trading system, and readjust its policies on past tensions or sensitive questions such as Market access, intellectual properties by China, and Market economic status, protectionism and restrictions or high tech export from China. The recession comes out with a possible opportunity to see China and EU come closer and look at longer term bilateral relationship and trade exchanges for the present 2 largest trading countries in the world , and overview the US financial situation and US dollar currency in future monetary policy and the underrepresentation of China

in the IMF among the G20 presently China represent 3.72% quota share, about the same as Italy : 3.24, while USA has 17.09% and its sovereign currency, and EU is ready to diminish its share in favor of China, .

Conclusion

Although the number of divergences to overcome in EU-China Trade and economic dialog, EU is ready to build up a common ground and share its experience and skills to help China in its development process, by showing the way to find new form or model of developments both based on low CO2 emission and supporting them in the respect of WTO rules for example. EU and China are both more and more conscious of their growing powers: Leader in political, economical and cultural influences in a globalised world. At the same time China shows a pacific ambition proposing another model of growth, with stability in the peace which has the particularity to grow in harmony and respect of other countries (China moral order has 5 principles for its external relations with its partners: the respect of its sovereignty and territorial integrity, non aggression, non interference in each other's internal affairs, equality and mutual benefit and peaceful coexistence). China and most of the low developed or developing countries voices by Copenhagen asking for fairer system according to their late and low development.

Germany has expressed recently for the EU their readiness to relax trade barriers and target 2016 year as China still have to bear restraints in high technology exports and do not benefit yet of a Full market economy status. China and EU considering the new evolution of the trade in the future, and the importance their bilateral trade will represent,

There is a third dimension: Defense. EU cannot be absent of Asia. The notion of Soft Power introduced by Joseph Nye, speaking about EU influence through Soft power, also enhanced the weak defense expenses in regards to the US for example, although EU absent from East-Asia security EU has been considering last year beginning, to lift the embargo on arms on China and to limit with a non proliferation of small and light arms and weapon (SALW) (nevertheless EU exported for 416 Million euro per year of arms and weapon all azimuths) . At the contrary USA has a based force in Japan and traditional, and EU could be able to study the possibility to have a maritime presence in India Asian ocean and Pacific later and the US maritime “ maneuvers” in south China with Vietnam and in South Korea, underlining the escalation of tensions between the US and China and multilateral discussions on legacy of US reserve currency, (will imminently come to the discussions, by French

presidential of the Group of 20 Major Economic Powers on next month with the needs for reforming the international monetary system) . For the moment EU still recovering from the recession deeply affected as the US, (USA Economy showing small progress on this end of year but their money has been depreciating), at a few exceptions beginning of year in EU showing positive returns (Germany, Ireland and Finland or France for example). Through UK, France and Germany, Denmark ready to help and develop new important industrial demands via renewable energies technologies transfer or share (Creation of a Europe-China Clean Energy center. And as seen above a frank turn in the relationship with China to beneficiate, at first to EU-China trade flows and during this period of crisis improve EU's economical situation. EU seems to expect to find in China mutual interests and responses toward World Economy , Climate change , Energy , Security and resources and find in China a "volonte" to back EU with a stable euro, willing to improve the Dialogue with RU to deepen mutual understanding and trust and improve respective foreign investments and work more openly with World organizations (UNFCC, WTO, G20 and IMF) and has enhanced academics and scientific cooperation and exchanges. Today the Chinese evaluation of the sudden decision to evaluate their currency stable for the 3 past year, may be at the time a proof of good will and reflect on the other hand, their healthy and potential economy.

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Trade Statistics reached on :

http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113366.pdf

http://trade.ec.europa.eu/doclib/docs/2009/september/tradoc_144591.pdf

Foreign Exchanged Reserve of China (2007. 01. ~ 2008. 06.)

➤ **Centre Bank of China:** (中國人民銀行，亦即中國的中央銀行)

<http://www.pbc.gov.cn/english/diaochatongji/tongjishuju/2007.asp>

➤ **2007 年每個月份的外匯存底情況:**

<http://www.pbc.gov.cn/english/diaochatongji/tongjishuju/gofile.asp?file=2007S09.htm>

➤ **2008 年至六月份的每月外匯存底情況:**

<http://www.pbc.gov.cn/diaochatongji/tongjishuju/gofile.asp?file=2008S09.htm>

➤ **2007 年經濟情況：**

<http://www.itis.org.tw/rptDetailFree.screen?rptidno=6F32F4AFEF454E9B4825742B000B7348>

➤ **其它：** <http://www.tcoc.org.tw/IS/Dotnet/ShowArticle.aspx?ID=41841>

The Trade Agreements and Dialogues between EU and China:

➤ **The External Relations with EU and China:**

http://ec.europa.eu/external_relations/china/index_en.htm

➤ **Annual EU-China Summit:**

http://ec.europa.eu/external_relations/china/summits_en.htm

➤ **Agreement on Trade and Economic Cooperation between the European Economic Community and the People's Republic of China:**

<http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=341>

➤ **An overview of the sectoral dialogues between China and the EU:**

http://ec.europa.eu/external_relations/china/sectoraldialogue_en.htm

➤ **EU policy towards China:**

http://ec.europa.eu/external_relations/china/policy_en.htm

➤ **EU assistance to China:**

http://ec.europa.eu/europeaid/where/asia/country-cooperation/china/china_en.htm

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006DC0632:EN:NOT>

以上為學者論點，不代表本通訊立場！

▶ 歐盟資料庫簡介.....

本期選介歐盟與第三國及區域經濟體的經貿關係資料。

歐盟對外經貿關係資料

歐盟致力於與其貿易夥伴，建立起開放與公平的貿易機制。歐盟除參予世貿組織的多邊貿易架構外，另與第三國及區域經濟體，締結雙邊貿易協定和發展特殊的貿易政策。歐盟對外締結的雙邊貿易型態，包括關稅同盟、自由貿易協定、貿易協議、合作及夥伴關係等。下列網頁提供歐盟對外經貿關係的各類資料：

The screenshot shows the European Commission Trade website page titled "Bilateral relations". The page features a navigation menu on the left with categories like "Trade Home", "About", "News and events", "Analysis", "Statistics", "Trade, Growth & Jobs", "Public opinion", "Creating opportunities", "EU & WTO", "Bilateral relations", "Statistics", "Trade topics", "Economic sectors", "Tackling unfair trade", "Dispute settlement", "Trade defence", "Trade barriers", "Hearing officer", and "Wider agenda". The main content area is titled "Creating opportunities" and "Bilateral relations", with a search bar and a list of regions (A-Z) where 'A' is selected. Below the search bar, there is a list of regions and their corresponding trade relations, including Africa, Caribbean, Pacific (ACP), Albania, Algeria, Andean Community of Nations, Angola, Antigua & Barbuda, Argentina, Armenia, Asia-Europe Meeting (ASEM), Association of South East Asian Nations (ASEAN), Australia, and Azerbaijan. A "LATEST NEWS" section on the right lists recent updates, such as "EU launches Export Helpdesk in Russian" and "EU Trade Commissioner travels to Ukraine to discuss EU-Ukraine trade negotiations".

資料網址：<http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/>

執委會於雙邊關係的網頁中，以 A~Z 的順序歸類各貿易夥伴國及區域經濟體的相關經貿資料，包括第三國與區域經濟體的經貿狀況、歐盟與其經貿往來數據、締結的經貿文件及協定內容等。

歐盟與全球主要貿易夥伴的經貿統計數據表(提供 pdf 及 excel 格式)

<http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/statistics/>

▶ 讀者投稿文章.....

本期讀者文章，由淡江大學歐洲研究所研究生李成鈞先生撰寫，分享『歐盟一般食品法之制定與發展背景』一文。「歐盟一般食品法」的制定，為歐洲食品安全管理帶往一個新的里程碑。作者在文中以歐盟食品的立法背景為基礎，針對歐盟內部的歷史脈絡、外在的環境因素及相關食品案件等面向，分析「歐盟一般食品法」的發展概況。歐洲食品安全局的成立，亦是歐盟一項創新的作為，透過此組織，對於各種食品進行風險評估，且在獨立運作的條件下，以專業的科學分析達成食品安全管理的最大效益。

歐盟一般食品法之制定與發展背景

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壹、前言

國以民為本，民以食為天，食品是人類賴以生存的物質基礎，食品安全不但關係到人類的身體健康和生命安全，也關係到國家及社會的穩定與發展。在科技發達的今日，人類的飲食條件日益優越，食品的種類以及製造的過程，較以往多樣化且繁雜。隨著經濟全球化和食品工業的進步，國際上的食品貿易迅速發展，也為人類帶來了更多食品安全的風險，因此，與食品貿易及食品安全相關的風險管理措施，逐漸受到世界各國政府的重視。歐洲共同體¹早於 1960 年代，就開始制定關於食品的立法，1980 年代中期以後，許多引起社會大眾恐慌的食品安全事件一一爆發，例如：乳酪中的李斯特菌² (listeria)、雞蛋與巧克力中的沙門氏菌³ (salmonella)、狂牛症 (Bovine Spongiform Encephalopathy in beef, 簡稱 BSE)、基因改造食物 (Genetically Modified food, 簡稱 GMF)、肉類食品中的荷爾蒙 (hormones)、戴奧辛⁴ (dioxin) 對食物的汙染、口蹄疫⁵ (foot and mouth)、

¹ 2009 年 12 月 1 日里斯本條約生效後，歐洲聯盟完全取代歐洲共同體，為一個具有法律人格的超國家組織。

² 常發現於土壤、腐生植物和許多哺乳動物糞便中，主要傳播途徑為食物媒介，經飲食感染人畜會引發散發性傳染病，臨床症狀包括突然發熱、劇烈頭痛、噁心、嘔吐，如病情進展可侵襲腦、脊髓導致休克、昏迷。死亡率高達 30-35%。更多詳細資料可參考行政院衛生署疾病管制局人畜共通傳染病資訊網，〈<http://www.cdc.gov.tw/CDCzoo/Internet/index.aspx>〉。

³ 屬於腸內細菌科、沙門氏桿菌屬，感染通常發生於食入污染動物食物製品或污染水，多為蛋、家禽和肉類，在食用遭汙染的食物後約 6-48 小時有噁心、嘔吐以及下痢的現象，同時伴隨發燒以及腹部絞痛等症狀。更多詳細資料可參考行政院衛生署疾病管制局人畜共通傳染病資訊網，〈<http://www.cdc.gov.tw/CDCzoo/Internet/index.aspx>〉。

⁴ 是指一大群含有氧的有機化合物，包括戴奧辛及呔喃。目前已知有 419 種，其化學性質都十分

禽流感⁶ (avian influenza)、以及近幾年爆發的中國三聚氰氨⁷ (Melamine) 毒奶粉事件……等，這些新的危機迫使歐洲共同體必須制定新的法規與管理制度來因應。因此執委會於 1997 年，發表了「歐盟食品法規一般原則綠皮書」(Green Paper On The Principle of Food Law in the European Union)⁸，對於過去 30 年來在食品法規上遇到的問題提出建議，經過幾年的討論和集思廣益後，執委會於 2000 年 1 月正式對外發布了「食品安全白皮書」(European Commission White Paper on Food Safety)⁹，並在白皮書發布的兩年後，通過了「歐盟一般食品法」(2002 年第 178 號規章)¹⁰，將歐洲的食品安全管理，帶向了一個新的里程碑。本文以立法的背景作為基礎，希望從歐盟內部的歷史脈絡、外在的環境因素、以及相關的食品案件中，對「歐盟一般食品法」的制定有概略性的了解。

貳、歐盟食品法規的發展

一、歐盟食品產業的重要性

食品在歐盟的經濟發展中占非常重要的地位。根據執委會在 2000 年發表的「食品安全白皮書」(European Commission White Paper on Food Safety)，歐盟食品產業(包括飲料)的年產值高達 6,000 億歐元，占整個製造業的 15%，同時，該產業提供 260 萬個就業機會，是歐盟第三大就業市場，歐盟更是全球最大的食品製造區。另一方面，歐盟農業部門的年產值有將近 2,200 億歐元，出口至第三國的產值就高達 500 億歐元，並提供 750 萬個就業機會¹¹。

在歐盟東擴後¹²，25 國食品產業的年產值增加到 7,852 億歐元，其中肉品加工部門雖歷經狂牛症、口蹄疫及禽流感的衝擊，但仍然有 1,468 億歐元的產值，

穩定，在自然界中不易分解，且為脂溶性，因此很容易透過食物鏈濃縮蓄積在生物體內。戴奧辛經由食品進入人體，累積至一定的量，才會引起不良症狀，包括損害皮膚、神經系統、肝臟與生殖系統，甚至導致腫瘤。更多詳細資料可參考行政院衛生署消費者資訊網，

〈<http://consumer.doh.gov.tw>〉。

⁵是一種極急性、高度傳染性疾病，感染對象為偶蹄類動物，以口、鼻、舌、趾、蹄冠、乳房及乳頭部皮膚產生水腫然後糜爛為其特徵。更多詳細資料可參考行政院農業委員會家畜衛生試驗所網站，〈<http://vettech.nvri.gov.tw>〉。

⁶又稱 H5N1 流感，1961 年在南非從鳥類(燕鷗)中首次分離，在鳥類中傳染性非常強並可致命；1997 年以來，亦有人類被感染。更多詳細資料可參考行政院衛生署流感防治網，

〈<http://flu.cdc.gov.tw>〉。

⁷「三聚氰氨」俗稱「蛋白精」，是一種白色、無味的化工原料，常用於製造美耐皿餐具、建材、塗料等，具毒性。

⁸ COM (1997) 176 final.

⁹ COM (2000) 719 final.

¹⁰ OJ 2002 L 31/1.

¹¹ Supra note 8, p6.

¹² 2004 年 5 月 1 日波蘭、捷克、匈牙利、斯洛伐克、斯洛文尼亞、立陶宛、拉脫維亞、愛沙尼亞等八個中東歐國家，和賽浦路斯、馬爾他兩個地中海國家正式加入歐盟，使歐盟的國家數從原本的十五國增至二十五國。

淨利達 310 億歐元。此外，乳製品部門保持在年產值 1079 億歐元，淨利 180 億歐元的水準；而飲料部門則是有年產值 1153 億歐元及淨利 310 億歐元的表現¹³，肉品加工、乳製品和飲料這三個部門，同時也是歐盟食品產業中出口額最高的部門。在保加利亞及羅馬尼亞加入後，食品產業更提供了 470 萬個工作機會，變成歐盟內部第二大就業市場¹⁴。此外，從全球的貿易數據來看，歐盟 27 國是世界最大的食品出口區，2009 年的出口貿易額達 4,260 億美元，占全球總出口量的 43.2%，最主要的對外出口國是美國¹⁵。

二、歐盟食品法規之發展脈絡

食品貿易在歐盟各會員國間也有著舉足輕重的地位，會員國往往會試圖去保護國內的傳統食品產業或消費者利益，早期最常出現的例子就是會員國間會禁止或是限制其他會員國同性質的產品進入國內。這除了會對建立內部共同市場的商品自由流通造成阻礙，還會使會員國違反歐洲共同體條約第 28 條及第 29 條之「禁止進出口數量之限制與其他具有同等效力之措施」¹⁶。因此，以立法來調和各會員國間的法規，使其趨近一致，便顯得格外重要。

與食品相關的法律都是以派生法的方式出現，例如規章（Regulation）或指令（Directive）。這些派生法都是在不抵觸主要法源的狀況下制定¹⁷，而主要法源就是指歐盟的基礎條約，例如：歐洲共同體條約、歐洲聯盟運作條約。規章制定後具有直接適用的效力，有統一各會員國法律的功能，指令則需各會員國轉換成國內的法律，具有調和各會員國法律的功能。歐洲共同體對於各會員國內食品法律的調和行動，早於 1960 年代就開始執行，最初的例子就是 1964 年第 54 號¹⁸關於防腐劑使用的指令、1966 年第 402 號¹⁹關於穀類種子販售的指令，此外，還有一些規範單一產品的法規，像是 1973 年第 241 號²⁰關於可可與巧克力產品的指令、1974 年第 409 號²¹關於蜂蜜的指令以及 1979 年第 63 號²²關於果醬的指令……等。

早期一些與食品有關之商品自由流通案件，對於各會員國食品法律的制定，

¹³ USDA Foreign Agricultural Service GAIN Report E35067, The EU's Food and Drink Industry 2005, p6.

¹⁴ 僅次於基礎金屬及金屬製品製造業（basic metal and fabricated metal products）。

¹⁵ WTO, International Trade Statistics, 2010, p56.

¹⁶ 現為「歐洲聯盟運作條約」第 34 條及 35 條。

¹⁷ 陳麗娟，《歐洲共同體法導論(2008 最新版)》，（台北：五南，民國 97 年 9 月），頁 149。

¹⁸ OJ 1964 12/161.

¹⁹ OJ 1966 125/2309.

²⁰ OJ 1973 L 228/23，現已被 Directive 2000/36, OJ 2000 L 197/19 取代。

²¹ OJ 1974 L 221/10，現已被 Directive 2002/110, OJ 2002 L 10/47 取代。

²² OJ 1979 L 205/5，現已被 Directive 2001/113, OJ 2002 L 10/67 取代。

具有重大的影響。例如 *Cassis de Dijon*²³案對於黑栗酒濃度的爭議，以及 *Commision v Germany*²⁴案對於啤酒純度及成分的爭議，最後歐洲法院的判決都成為往後判決的原則，使得會員國必須遵照此原則去修改國內的法規，就是說，歐洲法院對於案件的判決成為各國立法的重要基礎之一，在往後的案件中，只要被認為構成違反共同體條約第 28 條及第 29 條之「禁止進口數量之限制與其他具有同等效力之措施」，以及違反先前判決原則的行為都會被禁止。而這些判決的另一個意義，就是針對歐洲共同體條約第 28 條到第 30 條中抽象的原則，作了具體的解釋。

雖然有了指令的頒布以及歐洲法院的判決原則，但是在各會員國間各種食品法規中仍存在許多的差異，因此出現在歐洲共同體以及會員國間角力，以及如何有效協調食品的標準就成了一項難解的習題，在接下來的小節中，將以 1973 年第 241 號關於可可與巧克力產品的指令爭議說明之。

三、關於 1973 年第 241 號指令之爭議及其重要性²⁵

在 1973 年第 241 號關於可及巧克力產品的指令中，對於巧克力產品成分的不同，有相對應的命名規定，例如一般巧克力 (PLAIN CHOCOLATE)²⁶、牛奶巧克力 (MILK CHOCOLATE)²⁷、高牛奶含量巧克力 (MILK CHOCOLATE WITH HIGH MILK CONTENT)²⁸……等。此指令於 1973 年頒布，適逢英國、愛爾蘭及丹麥加入歐洲共同體，這三個國家以“chocolate”為名販售的巧克力在傳統上含有 20%的可可和 20%的牛奶，這樣的產品在其他國家需以“milk chocolate with high milk content”命名，立即引起英、愛、丹三國對於巧克力命名上的抗議。但對於巧克力成分最重要的爭議點，在於是否添加植物油這個議題。英國製作巧克力習慣會添加植物油，但在一些傳統上只用可可油製造巧克力且對於巧克力純度比較堅持的國家，像是法國及比利時，就極力反對英國的巧克力以“chocolate”為名販售。此爭議最後引起法國、德國、義大利、西班牙、荷蘭、比利時、盧森堡及希臘等八個國家禁止英國巧克力的販賣²⁹。

²³ 德國的烈酒專賣法規定黑栗酒(Cassis)至少必須含有 32%的酒精含量。德國一家超市從法國進口之黑栗酒只含有 15%至 20%的酒精含量，在德法邊界過關時，德國海關禁止這些法國黑栗酒的進口，德國進口商因此向歐洲法院提出控告，更多詳細內容可參考歐洲法院案例：Case 120/78, *Rewe-Zentral AG v Bundesmonopolverwaltung für Branntwein*, (1979) ECR 649.

²⁴ 在德國，啤酒必須依據 1516 純度規定釀造，且規定啤酒只能使用大麥、啤酒花、酵母與水釀造，其他會員國的啤酒若要在德國販售，就必須放棄使用添加物及其他麥芽種類，故執委會向歐洲法院控訴德國，更多詳細內容可參考歐洲法院案例：Case 178/84, *Commission v Germany*, (1987) ECR 1227.

²⁵ Caoimhín Macmaoláin, *EU Food Law: protecting consumers and health in a common market*, Portland: Hart Publishing, 2007, pp7-10.

²⁶ Annex I(1)17 to Directive 73/241, supra note 20.

²⁷ Annex I(1)21 to Directive 73/241, supra note 20.

²⁸ Annex I(1)22 to Directive 73/241, supra note 20.

²⁹ Caoimhín Macmaoláin, p7.

這個持續不斷的爭議使得 1973 年第 241 號指令歷經九次修改，最後在 2000 年三月，各國才協調出了最終的折衷方案，通過了 2000 年第 36 號指令³⁰，其中規定英國及愛爾蘭的巧克力必須含有 20% 的可可以及低於 5% 的植物油才可以“chocolate”為名販售，且須在成分表外另外標示含有植物油³¹。此外，牛奶含量超過 20% 的巧克力需以“family milk chocolate”³²為名。此項規定對於像義大利這種傳統上製造巧克力需含有 35% 以上的可可且只用可可油的國家來說，仍是難以接受，因此這些國家繼續禁止含有植物油的巧克力進口，除非將此類產品以“巧克力替代品”（surrogate chocolate）命名³³。

此爭議最後是在 *commission v Spain*³⁴ 及 *commission v Italy*³⁵ 這兩個執委會控告會員國的案件中畫下句點。控告的原因是由於西班牙和義大利仍堅持含有植物油的巧克力需以“巧克力替代品”（surrogate chocolate）命名才能販賣。對於此舉，執委會認為西、義兩國違反了歐洲共同體條約第 28 條，雖西、義兩國以他們有權保護消費者以防買到品質較差的產品抗辯，但歐洲法院認為標示“surrogate chocolate”除了直接增加巧克力製造商的成本，也會影響消費者對於產品的觀感，間接造成貿易上的障礙及歧視，因此再次強調西、義兩國違反共同體條約第 28 條，於 2003 年作出宣判，西、義敗訴。

這個歷時近 30 年，且幾乎涉及所有當時會員國的爭議，在 *commission v Spain* 及 *commission v Italy* 這兩個案件下落幕，也說明歐盟在任何對於商品自由流通造成障礙、以及違反共同體條約第 28 條之「禁止進口數量之限制與其他具有同等效力之措施」的案件上，堅持促成一個完全自由的內部市場原則，不會做出退讓³⁶。此爭議也繼早期的 *Cassis de Dijon* 及 *Commision v Germany* 後，在食品成分的爭議上，再次確認各會員國對於食品法規的不同標準，應該要遵照相互承認的原則，即在一會員國內合法製造的所有產品，亦得在其他會員國內銷售販賣，即得在其他會員國自由流通³⁷。

至於此爭議的另一個代表性意義，就是對於歐盟在往後的立法上，有著潛在的影響，例如以規章（Regulation）的形式制定「歐盟一般食品法」（2002 年第 178 號規章），以及在 2004 年頒布的「飼料及食品法、動物衛生及動物福利法

³⁰ OJ 2000 L 197/19.

³¹ Article 2(2) of Drective 2000/36, *ibid.*

³² Annex I(5) to Drective 2000/36, *ibid.*

³³ Caoimhín Macmaoláin, p8.

³⁴ Case C-12/2000, *commission v Spain*, (2003) ECR I-459.

³⁵ Case C-14/2000, *commission v Italy*, (2003) ECR I-513.

³⁶ Des Taylor, “European Chocolate makes the trade go round (in a most delightful way)”, *CESAA Review*, vol .31 (2004), pp29-30.

³⁷ 陳麗娟，〈歐洲共同體經濟法(增訂二版)〉，台北：五南，民國九十四年六月，p50。

規之官方管制法規」(2004 年第 882 號規章)³⁸中，除了對許多名詞直接做出清楚的定義及解釋外，更針對「歐盟一般食品法」訂定官方確認程序，以對法規之遵循情況，進行有效的官方管制，希望能夠避免像巧克力爭議的事件再度發生。

參、歐盟一般食品法的制定

一、英國狂牛症事件

狂牛症的全名是牛海綿狀腦病變 (Bovine Spongiform Encephalopathy, BSE)。BSE 是發生在牛身上的一種可傳染的海綿狀腦病變 (transmissible spongiform encephalopathy, TSE)，因其會造成人類或動物腦組織海綿狀病變而被命名。1982 年美國神經生化學家 Prusiner S.B 博士 於科學雜誌 (Science) 發表羊搔癢症 – Scrapie 之致病物質為一不含核酸，僅具蛋白質之粒子，並將其命名為 Proteinaceous infection particle; Prion)。正常動物及人類許多細胞表面皆含有 Prion，簡稱 PrPC。發生異構現象之 Prion 稱 PrPSc，具感染力與病原性。PrPSc 無法被正常蛋白酵素所水解，故會堆疊於腦組織中，引起神經細胞凋零，繼而星狀細胞移除凋零死亡之神經細胞，形成腦組織之空洞變化。³⁹

TSE 於 1956 年在英國第一次被發現。類似的變性疾病可發生在數種動物身上，BSE 為其中的一種。BSE 在牛隻間的傳播途徑，可能是濃縮飼料中含有被污染的羊或牛的肉及骨粉。此種疾病的病原體可侵犯牛的腦部及脊髓，產生海綿狀的病變。牛隻罹患 BSE 會使神經系統產生變異。臨床的表現有性情的改變，如神經質及具攻擊性、異常的姿勢、站立動作的不協調與困難、乳汁產量減少、體重減輕等，最後則導致死亡，沒有治療方法。⁴⁰ 下表一為人類及動物會發生 TSE 的宿主、病名及其地理分佈：

表一：人類及動物會發生 TSE 的宿主、病名及其地理分佈

³⁸ OJ 2004 L 165/1.

³⁹ 摘錄自行政院農業委員會家畜衛生試驗所網站，
(<http://vettech.nvri.gov.tw/Articles/ahm/359.html>) 最後瀏覽 2010/11/29。

⁴⁰ 趙秀琳，「對英國狂牛症事件之因應措施」，《疫情報導》，第 12 卷第 4 期(1996)，頁 111-115。

宿主	疾病名稱	地理分佈
人	克魯病 (Kuru)	巴布亞新幾內亞 (目前已無病例)
	庫賈氏病 (Creutzfeldt-Jakob disease, CJD) 散發型病例約佔 85 %、家族病例約少於 15 %、醫療過失之病例約佔 1 %	全世界均有 (病例數極少)，年發病率約 200~250 人/百萬人、年死亡率約為百萬分之一
	Gerstman-Straussler-Scheinker Syndrome, Fatal familial isomnia 均為家族型	全世界均有 (病例極為罕見)
牛	牛海綿狀腦病 (Bovine spongiform encephalopathy, BSE)	歐洲
綿羊、山羊	搔癢症 (Scrapie)	除了澳洲、紐西蘭及少數南美、歐洲國家以外的地區都有
鹿、麋鹿	慢性消耗病 (Chronic wasting disease, CWD)	北美洲
貂	傳染性貂腦病 (Transmissible mink encephalopathy, TME)	北美洲、歐洲大陸 (極少見)
貓、獅、豹	貓科海綿狀腦病 (Feline spongiform encephalopathy, FSE)	英國

資料來源：行政院農委會動植物防疫檢疫局

針對狂牛症事件的一些重要發展歷程⁴¹整理如下：

1985 年 2 月：英國發現第一例牛海綿狀腦病變 (Bovine Spongiform Encephalopathy, BSE)，俗稱狂牛症(Mad Cow Disease)，「133號牛」產生頭部顫抖、體重減輕及共濟官能喪失的症狀後死亡。

1986 年 11 月：狂牛症被英國官方確認，中央獸醫實驗室提出一篇臨床報告，鑑定其症狀為「罕見之牛進行性海棉狀腦病變」。

1987 年 6 月：英國前首相梅傑第一次被告知有此疾病，牛肉及牛骨被認為是「引發狂牛症唯一可能之假說。」但是在此階段還不清楚疾病是否會傳染。

1988 年 7 月：食物鏈引起關切，英國政府宣布對於出現狂牛症症狀的牛群採取屠宰政策，同時禁止飼料中攪入動物的肉與骨頭，也禁止由可疑的牛隻取得牛奶供人類飲用。

1988 年 10 月：狂牛症被官方認定是一種動物傳染病（人畜共通疾病），這是一種由動物傳染至人體的疾病。

1989 年 7 月：歐洲各國禁止英國出口 1988 年 7 月以前出生的牛隻及受感染動物的後代。

1989 年 11 月：禁止供應牛內臟給人類食用，包括腦、脊髓及脾臟 (specified bovine offal, SBO)。

1990 年 5 月：英國農業部長宣稱牛肉安全無虞。

1990 年 9 月：研究人員宣布在實驗室中狂牛症可以傳染至豬，英國政府成立國

⁴¹ 參考 Timeline: BSE and VCJD,

(<http://www.newscientist.com/article/dn9926-timeline-bse-and-vcjd.html>)，最後瀏覽 2010/11/29，及台灣環境資訊中心網站 (<http://e-info.org.tw/>)。

家庫亞氏病(Creutzfeldt-Jakob disease, CJD)調查小組來監測庫亞氏病的病例，並研究此病與狂牛症間的關聯。

1992 年—1993 年：每 1,000 隻牛中有 3 隻罹患狂牛症，有 10 萬例經證實的病例。

1995 年：第一位變種庫賈氏病 (VCJD) 人死亡。

1996 年 3 月：英國衛生部長正式宣布狂牛病與變種庫亞氏病間「可能具有關連」。一星期後歐盟禁止所有英國牛肉出口。

1997 年 12 月：禁止在英國販賣附於骨頭上的牛肉（骨上肉禁令）。成立狂牛症調查委員會。

2000 年 10 月：狂牛症調查委員會完成報告，英國政府發表調查結果。

2000 年 12 月：世界衛生組織宣布立即採取行動，強調全球對狂牛症的關切。

2003 年 12 月：北美洲發現第一起狂牛症病例。

2006 年 1 月：日本證實境內的第 22 起狂牛症病例。

2008 年 5 月：南韓近萬民眾齊聚首爾抗議美國牛進口，總統李明博道歉。

狂牛症 (BSE) 可以說是歐洲大陸近三十年來最大的食品安全危機，對於這種連科學家也沒看過的新型疾病，使得英國及歐盟在因應的措施上無所適從，也顯示出歐盟對於食品安全管理體制的缺乏及不足。加上從 1980 年中期開始還有其他像是口蹄疫 (foot and mouth)、禽流感 (avian influenza) 等人畜共通傳染病，面對越來越多新型態傳染病的出現，迫使歐盟不得不正視食品安全的問題，也使歐盟開始對於新食品法規的制定展開行動。從發表「歐盟食品法規一般原則綠皮書」(Green Paper On The Principle of Food Law in the European Union) 以及「食品安全白皮書」(European Commission White Paper on Food Safety)，到制定「歐盟一般食品法」(2002 年第 178 號規章)，歐盟將歐洲的食品安全管理，帶向了一個新的未來。

二、食品安全白皮書 (European Commission White Paper on Food Safety) 及「歐盟一般食品法」(2002 年第 178 號規章) 的制定

食品安全白皮書 (以下稱白皮書) 的發表，企圖使歐盟在未來能以廣泛的整合途徑，從對飼料的規範到對製造商及經銷商的整個環節，都加以規定。提出一套從農場到餐桌 (Farm to Table)⁴² 的整體措施。

白皮書最主要的目的，就是建立歐洲食品安全局 (European Food Safety Authority, 簡稱 EFA)⁴³，其他像是控制管理、法規的設計，包括動物飼料、動物的健康及福利、食品衛生、污染物的殘留、包裝、對消費者的資訊提供、執委

⁴² Supra note 9, section 8.

⁴³ Supra note 9, chapter 4, 建立後改名為 European food safety Authority, EFSA.

會在國際食品安全談判中的角色等，都包含在這 52 頁的文件中。此外，白皮書也指出，必須全面性地提供消費者一個高標準的食品環境，這也是有別於以往食品法規之處，以往的法規最終在會員國內達成的其實只是一個低標準的調和⁴⁴。

此外，不論是在歐盟內部或來自外部第三國的食品，在產品供應鏈上的每個環節都必須充分地規範，從未加工的材料到農場中的活動、以及最後的食品加工都必須進行風險的評估及管理，以達到高標準的要求⁴⁵。

在白皮書發布的兩年後，通過了「歐盟一般食品法」(2002 年第 178 號規章)，內容總共分爲五章，分別是第一章「適用範圍與定義」、第二章「食品法一般原則」、第三章「歐盟食品安全局」、第四章「快速警報系統」以及第五章「危機管理及相關程序」。首先在名詞定義方面，一般食品法對於各種名詞皆有詳細且具體的說明，例如第 2 條中對「食品」一詞就有具體的定義⁴⁶：

「食品」是指任何不論是否經過加工，供人食用或可合理預期讓人類攝食的產品；「食品」包括飲料、口香糖；或在製造前及過程中所添加於食品的任何物質，包括水。水的定義需遵循歐盟 1998 年第 83 號指令⁴⁷第 6 條的要求，且與歐盟 1980 年第 778 號指令⁴⁸、1998 年第 83 號指令的要求一致；「食品」不包括飼料、活體動物(除非牠們被製備成產品上市供人食用)、採收前的植物、在 1965 年第 65 號指令⁴⁹及 1992 年第 73 號指令⁵⁰中所指的藥物產品、1976 年第 768 號指令⁵¹所指的化妝品、1989 年第 622 號指令⁵²所指的菸草及菸草製品、在 1961 年的聯合國麻醉品單一公約 (United Nations Single Convention on Narcotic Drugs) 及 1971 年聯合國精神性物質公約 (United Nations Convention on Psychotropic Substances) 所指的麻醉劑或精神病用藥以及殘留物及污染物。

此外，像是食品法律 (food law)、食品產業 (food business)、食品業者 (food business operator)、風險 (risk)、風險評估 (risk assessment)、追溯性 (traceability) 等多項基本概念也都在第 3 條中有具體的定義，對於一般食品法的適用範圍及實施效率有很大的幫助。其中關於產品追溯性的制度也是一般食品法中的另一項特色，歐盟自 2005 年開始實施，規定所有食品都必須具備「可

⁴⁴ Caoimhín Macmaoláin, p9.

⁴⁵ Supra note 9, section 3.

⁴⁶ 法條之翻譯參考經濟部標準檢驗局，

(<http://www.bsmi.gov.tw/wSite/public/Attachment/f1224040192109.doc>) 最後瀏覽 2008/12/13。

⁴⁷ OJ 1988 L 330/32.

⁴⁸ OJ 1993 L 224/35.

⁴⁹ OJ 1986 L 229/63.

⁵⁰ OJ 1992 L 297/8.

⁵¹ OJ 1977 L 53/30.

⁵² OJ 1989 L 359/1.

追溯」的特性⁵³，所謂的「可追溯」，其實就是原料管理，一般食品法規定要對每批產品的原料、製程控管及紀錄並長期保存於公司或工廠中，當有食品事故發生之時，就可以從產品上面的生產批號，調閱原料與生產紀錄⁵⁴。

另外，第 5 條到第 9 條的部分則是明定總體的目標以及一般食品法的基本原則，基本原則的部分，包括第 6 條的「風險分析」(Risk analysis)，是說明食品法規應以風險分析為基礎，而風險評估應以獨立、客觀和透明的科學證據為基礎。第 7 條的「預防原則」(Precautionary principle)，是說明經科學評估既有訊息後，如已鑑定出具危害健康之可能性，但科學上確具不確定性，則可採行暫時之風險管理措施以保護歐盟，並以更進一步之科學資訊做更完整之風險評估；第 8 條的「消費者利益保護」(Protection of consumers' interests)，是說明食品法規之訂定旨在保護消費者權益；第 9 條的「公開協商」(Public consultation)及第 10 條的「公開訊息」(Public information)則是關於「透明原則」(Principle of Transparency)的規範。

從以上的架構看來，歐盟一般食品法雖還是屬於綱領與原則性的法規，但其結構較以前的食品法規都來得嚴謹，且大量的行動計畫都在白皮書的附錄中列出，由此可見歐盟想要建構一個完善、且有效率之食品安全管理體系的決心。

「歐盟一般食品法」(2002 年第 178 號規章)是這些食品法規的母法，食品法規又依非動物性食品及動物性食品，分類為食品衛生法(2004 年第 852 號規章)⁵⁵和動物性產品衛生法(2004 年第 853 號規章)⁵⁶。歐盟食品衛生法旨在調合各會員國之食品衛生法，以確保食品在各生產過程之衛生安全。而動物性產品衛生法主要是針對食品衛生法所做的補充規定，包括對動物性產品之生產、銷售制訂特定的衛生及動物福利規定。

三、歐洲食品安全局(European food safety Authority, EFSA)的建立

白皮書中將歐洲食品安全局視為整體架構的核心，而這個獨立於執委會之外之機構的主要使命⁵⁷為，蒐集並且分析數據提供科學建議、科學和技術支援，以支持會員國各方面之立法，並和執委會及會員國合作，以有效促進風險評估、風險管理和風險溝通。

⁵³ Article 18 of Regulation 178/2002, supra note 10.

⁵⁴ 摘錄自台灣農產品安全追溯資訊網，

(<http://taft.coa.gov.tw/ct.asp?xItem=1207&ctNode=211&role=C>) 最後瀏覽 2008/12/13。

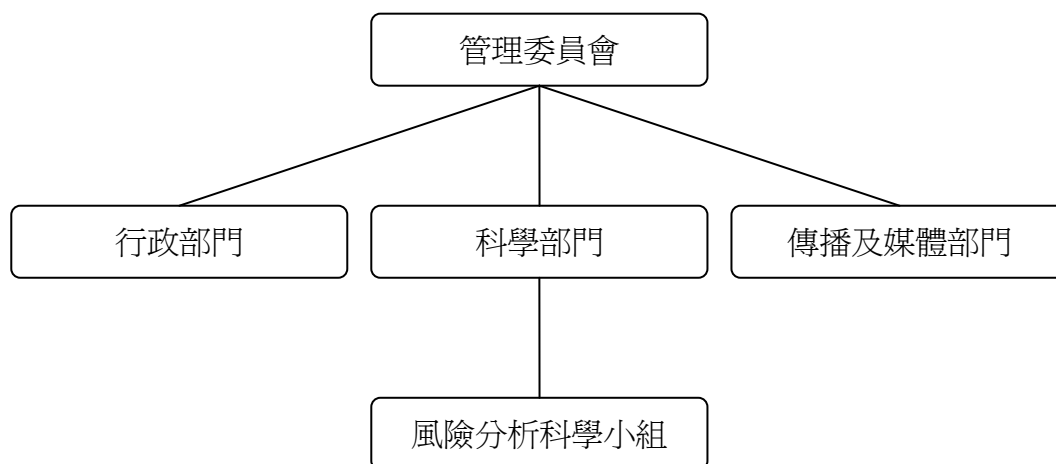
⁵⁵ OJ 2007 L 204/26.

⁵⁶ Ibid.

⁵⁷ Article 22 of Regulation 178/2002, supra note 10.

歐洲食品安全局是一個以科學為基礎，提供立法建議的獨立機構，關於此機構的主要部門及組織⁵⁸，請見下圖二：

圖二：歐洲食品安全局（EFSA）之組織運作



資料來源：EFSA Annual Report 2006, p57.

整體來說，EFSA 的組織可分為三大部門，即管理委員會（Management Board）下的行政部門（Administration）、科學部門（Science）以及媒體部門（Communications）。最重要的科學部門底下由九個不同領域的風險評估科學小組所組成，例如：食品添加物小組、基因改造產品小組等，他們透過快速警報系統（Rapid alert system）⁵⁹接收資訊。快速警報系統是由歐盟會員國發出警告或通知，經科學小組分析後再由此系統發送資訊，由執委會評估後，選擇發布新聞、預警通報或資訊通報給歐盟會員國及第三國。根據 2009 年的統計資料顯示，快速警報系統接收到的案件通報數量為 7,840 件，其中來自於危險來源的案件有 1,775 件，而經過分析後，確定有危險且須禁止該產品進口的案件有 557 件，也就是說，EFSA 平均一天要處理約 22 個案件通知，且每 10 個案件中就有 3 個是須發出警報之案件⁶⁰。

肆、結論

從歷史的架構來看歐洲共同體的食品法規，早期主要是對於會員國內標準的調和。且主要的目標是要達成內部共同市場的願景，因此早期的爭端及案件大多

⁵⁸ Article 24-28 of Regulation 178/2002, *ibid.*

⁵⁹ Article 35 of Regulation 178/2002, *ibid.*

⁶⁰ RASFF Annual Report 2009, p58.

是關於商品自由流通的領域，及各會員國間相互承認標準的問題，經過不斷地調和，歐洲共同體內商品自由流通的問題幾乎都已解決，且各會員國間的標準也趨於一致，但隨之而來的挑戰是大環境的改變。隨著科技的進步，人類的生產方式已和過去大大地不同，因此也出現了許多以往從未出現過的細菌和疾病，像是狂牛症、口蹄疫、禽流感到近年來的 SARS。狂牛症的爆發是使食品法規轉向的重要事件，在狂牛症之後，食品法規的制定，從以往的調和標準、促進自由流通的目標，轉變成保護人類及食品安全的層面。

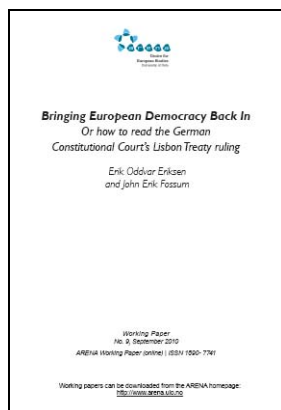
從執委會提出食品法綠皮書的開始，歐盟內部便出現一道曙光，經過無數專家集思廣益的結果，誕生了歐盟一般食品法以及歐洲食品安全局，尤其是歐洲食品安全局的成立，是歐盟內部一個創新的開始，透過此組織，對於各種食品進行風險評估，且在獨立運作的條件下，以專業的科學分析達到對於食品安全管理的最大效益。至於歐盟食品法規在未來的發展上，將會根據一般食品法的原則繼續訂定更為詳細的各種食品法規。對於台灣來說，不管是在可追溯制度或風險分析的基礎上，都略顯缺乏及不足，鑑於亞洲近年來食品安全的案件層出不窮，歐盟新的食品安全管理制度實為台灣可學習效法之榜樣。

以上為讀者論點，不代表本通訊立場！

▶ 歐盟出版品訊息.....

本期選介下列 6 種的歐盟議題新書與研究報告：

1. 書名：Bringing European Democracy Back In. Or how to read the German Constitutional Court's Lisbon Treaty ruling



作者：Erik Oddvar Eriksen and John Erik Fossum

出版日期：2010.09.14

頁數：27

摘要：

本文以批判的方式，檢視德國聯邦憲法法院對里斯本條約裁決中所提的民主理論。作者認為，前述裁決內容針對哪種民主模式適合歐盟，並未給予清楚的論點。作者為了分析法院判決，根據歐洲民主可能涵蓋之範圍建立了三項模型：檢視民主是否立基於成員國所衍生出的歐盟；或歐盟為一個跨國聯邦國家；又或者歐盟屬於區域性世界主義政體？由於歐洲議會所扮演的重要立法角色，因此法院對歐盟的定位論點並不符合作者所說的衍生性政體。作者認為歐盟法理上的超國家主義將朝向聯邦制度發展，但此論點卻不被法院的相關論證所支持。法院將歐盟的民主模式定位在機構體制的條件下，即主權國家所衍生出的議會式民主模式。同時，法院所持的國家主權觀點，以世界主義為主，而不採用古典威斯特伐利亞的中央集權原則。

資料來源：

http://www.arena.uio.no/publications/working-papers2010/papers/WP_09_10_online.pdf

2. 書名：What do Europeans want from NATO?



作者：Sven Biscop, Nicole Gnesotto, Jolyon Howorth, Daniel Keohane, Stefano Silvestri, Teija Tiilikainen

出版日期：2010.11

頁數：34

摘要：

北約未來發展對歐盟對外政策至關重要。然而，對於北約 2010 戰略構想，卻未出現任何公開的歐盟官方觀點，或是提出此戰略該如何與歐盟外交暨安全政策相配合。此研究報告對北約未來，以及北約對歐盟的意義，將有重要的貢獻。

這份報告的結論是，北約應在集體防衛持續保有其核心價值，扮演區域聯盟之主導角色。身為一個軍事聯盟，北約必須與歐盟或聯合國發展緊密的合作關係。歐盟與北約間政治對話的核心在於，須發展出廣泛及策略性途徑來處理衝突與危機。

作者建議應改善歐盟與北約在軍事能力上的協調及合作。面臨預算緊縮，不論是歐盟或是北約成員國，對緊縮的防禦基金，都無法承擔其有絲毫浪費的情況。然而雙邊仍鼓勵其成員國合作發展相關能力，並進行更緊密的合作。

在強化歐盟與美國間戰略夥伴關係上，北約應被視為重要的軍事要素。在安全議題與非安全議題上，歐盟與美國間也進行愈來愈多的合作。歐盟與美國在未來十年，將發展一個更為強大且更具戰略意義的夥伴關係，原因在於與新興多邊世界的結合以及里斯本條約在制度上的改革。在此情況下，北約仍舊是一個維持歐洲與大西洋關係的主要軍事力量。

資料來源：

http://www.arena.uio.no/publications/working-papers2010/papers/WP_09_10_online.pdf

3. 書名：Between an Intergovernmental and a Polycentric European Union: National Parliamentary Discourses on Democracy in the EU Ratification Process

作者：Aleksandra Maatsch (University of Bremen)

出版日期：2010.11

頁數：48

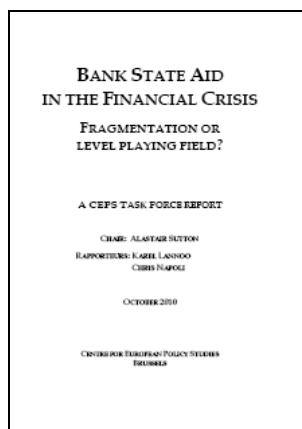
摘要：

此報告分析了歐盟六個成員國，德國、法國、英國、波蘭、匈牙利與捷克等國家議會對憲法及里斯本條約的討論。作者以質化及量化的比較分析方式，論述前述國家對里斯本條約支持與否的態度。研究成果證實了現有左、右翼政黨，皆顯示對條約的支持。無論如何，此份報告也證明了若在此情況下反對黨派走向中心作為代表的主流保守派與基督民主黨，直至現在仍算是支持歐洲統合的發展。其次，在此報告中確定，對條約支持與否是決定於主導政府的各成員，如執政黨，也屬於保守一派，也許更能克服內部的反對聲浪，以批准條約。關於歐盟發展的民主模式，條約的支持者傾向朝多邊發展的歐盟，而反對者卻是偏好政府間的模式。歐盟的聯邦模式已在各國議會中進行討論，然而此一模式卻收到許多負面評價。各國議會則完全未討論到世界主義模式。

資料來源：

http://www.reconproject.eu/main.php/RECON_wp_1018.pdf?fileitem=5456416

4. 書名：Bank State Aid in the Financial Crisis: Fragmentation or level playing field?



作者：Karel Lannoo and Chris Napoli

出版日期：2010.10.29

頁數：90

摘要：

CEPS 任務小組在 2009 年 4 月至 2010 年 4 月間，由已退休的 Alastair Sutton 擔任主席，召開了四次會議。Karel Lannoo 為 CEPS 首席執行長，Chris Napoli 為 CEPS 研究助理並擔任發言人。

CEPS 任務小組從不同的面向提出此份分析報告，認為龐大的資金挹注到歐盟財政部門，主要為因應財政危機所帶來的衝擊。該報告發現，歐盟成員國間對於提供與實施財政援助的方式，存有相當大的差異性，此點引發對歐盟單一市場運作的協調性，產生質疑。文中也探討，根據歐盟條約所賦予的權限，執委會所採行的措施以及可能的替代方案。報告的最後一部分檢視全球範疇內，國家援助的相關情形，質疑在產業全球化的特質下，現存的國際性機制能否有效確保銀行的運作。

資料來源：

<http://www.ceps.eu/book/bank-state-aid-financial-crisis-fragmentation-or-level-playing-field>

5. 書名：Securing Korea's Prosperity in the Next Century: An analysis of the Korea-EU Free Trade Agreement



作者：Fredrik Erixon, Hosuk Lee-Makiyama

出版日期：2010

頁數：24(韓英版本對照)

摘要：

韓國是一個處於十字路口的國家。作為一個小型卻具有創新的經濟體，一直以來仰賴著自由貿易來促進其經濟成長。但當它面對東南亞國協經濟體時，以出口導向的經濟模式可能無法在未來五十年內，為該國賺取更多貿易利益。韓國也高度依賴與中國間的貿易，因此開始提升其對中國長期戰略性的考量。韓國所選擇的經濟發展模式，將介於走向困境的貿易保護主義，以及朝更加開放與多元化的貿易體制之間。

具里程碑意義的韓國與歐盟間自由貿易協定的簽署，將帶給韓國在世界最大市場中，進入市場更優惠的條件。但前述的貿易優惠很少是免費的，韓國也須對歐盟開放其市場才行。雖然此舉將嚴重影響到該國的農業部門，但韓國仍舊是一個可耕地少，糧食價格高居世界排名的國家之一。

在此份簡短的研究報告中，Lee 和 Erixon 針對此一具里程碑意義的自由貿易協定對該國的影響進行分析，認為協定中的多項讓步也將為日後帶來更多的利益。日益劇烈的競爭與互補技術的取得，將提高生產力與附加價值。農產品進口將不會威脅到韓國農民的基本農作物生產，但卻因此增加糧食的種類與降低市場價格。

資料來源：

<http://www.ecipe.org/securing-koreas-prosperity-in-the-next-century-an-analys>

[is-of-the-korea-eu-free-trade-agreement/PDF](#)

6. 書名：The European Asylum System and Minimum Standards: 'Suggestions for practice and policy'



作者：Dr Katerina - Marina Kyriari, Aniel Pahladsingh

出版日期：2010

頁數：39

摘要：

儘管難民的現象已經在近幾十年來有所改變，庇護(Asylum)仍舊是全球所有國家的一項重要課題。雖然三分之二的難民生活在開發中國家，西方國家在其擁有的自身價值上，也擔負著特別的援助義務。因此，歐盟推動共同庇護政策的兩項因素為：首先，必須確保境內對人權的維護，以及制定共同標準，避免第二次難民遷徙。其次是有鑒於歐盟內部邊境的消失，制定適當的對外邊境管制成為共同優先的政策，但成員國須共同分擔責任。

歐盟已制定各種指令，規範最低標準，促進成員國採行合乎標準的庇護制度。國家政策與實務應當符合這些標準，以促進第二階段的歐洲共同庇護制度(The Common European Asylum System, CEAS)。作者針對成員國如何藉由歐盟最低標準的規範，從而改善對庇護者進行人權保護，提出一些建議。作者於文中，以荷蘭及希臘作為實例進行闡述。

文中分為四個部分。第一部分提供一些在國際立法上的背景資料，以說明歐盟政策的框架。第二部分是探究保護歐洲難民的必要性。文中介紹有關庇護程序重要的立法程序以及探討未來發展的可能性。第三部分以荷蘭的政策與措施為例。此外，歐洲人權法院(ECtHR)的見解，對於尋求庇護者的政策與作為亦扮演重要的一環。最後一部分則提供一些政策上的建議。

資料來源：

http://www.eipa.eu/files/repository/product/20100625093148_Workingpaper2010_W_02.pdf

▶ 歐盟重要日程.....

2011 European Year of Volunteering 2011

2011.01.01 Introduction of the Euro in Estonia

2011.01.01~06.30 Hungarian EU Presidency

2011.02.04 European Council

2011.03.24~03.25 European Council

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