

<<北京大学法学研究>>

图书基本信息

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章节摘录

版权页：插图：Learned from decades of GATT experience, the AOA is widely conceived as a great achievement in the history of international trade in agriculture for bringing agriculture into the multilateral trade regime for the first time and for laying the foundation for further trade liberalization in agriculture. However, the AOA only provides a framework for disciplines on agricultural subsidies. Fundamental reform is needed to establish "a fair and market-oriented agricultural trading system. The ongoing Doha negotiations, although quite hard, are now shaping the future disciplines on agricultural subsidies and Members' national agricultural policies. On the basis of the above examination, one might find that compared with the original text of GATT 1947, the gap between agricultural subsidies disciplines and general disciplines on subsidies has been widening, but not shrinking over the past 60 years. In addition to new general disciplines, as provided in the SCM and GATT 1994, the AOA was negotiated to specially cater to the needs and concerns of developed members on agriculture. However, the breadth of the gap, to some extent, depends on how to deal with the relationship among the AOA, SCM and GATT 1994. In terms of the Peace Clause (Article 13 of the AOA), agricultural subsidies that fully conform to the AOA were exempted from most actions based on the SCM and GATT 1994 for the whole implementation period. The Peace Clause expired at the end of 2003. The next critical issue could be: what are the WTO rules applicable to agricultural subsidies, and to what extent should agricultural subsidies enjoy a status derogating from general WTO rules?

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