貿易便捷化協定「授權營運者」條款初探

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摘要

世界貿易組織貿易便捷化協定第7.7條「授權營運者」條款,採用關務界發展出來的概念及規則,進一步強化貿易便捷化之推動,也對供應鏈安全之治理有所貢獻。本文首先釐清該條款在世界貿易組織規則體系的地位,並對該條款進行逐條淺析,以釐清其權利義務。其次,本文對世界貿易組織及世界關務組織下三種類似條款進行比較,掌握其目的與內容之異同,並分析世界關務組織軟硬法進入貿易便捷化協定之軌跡,以瞭解規定移植的實際情況。接著,本文討論「授權營運者」條款之納入,對世界貿易組織法制發展的意義,以及探討世界貿易組織既有的規定及制度面實踐,如何促成跨組織合作。最後,評估「授權營運者」條款之納入的實務意義。

關鍵字:世界貿易組織、世界關務組織、海關與企業之夥伴關係、供應鏈安全、貿易便捷化

Abstract

The Authorized Operator (AO) clauses under Article 7.7 of the Trade Facilitation Agreement (TFA), by adopting concepts and rules developed by the World Customs Organization (WCO), may contribute to trade facilitation as well as governance of supply chain security. This paper first clarifies the status of AO clauses under the WTO legal system. It then compares three similar clauses in different instruments of WTO and WCO and identifies the track of transplantation. It finally assesses dynamism and implications of including AO clauses in the FTA for WTO and trade-related governance.

Key words: WTO, WCO, Customs-Business partnership, trade facilitation, supply chain security

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