

## 政策目標的交錯與互動：論我國有機食品管制的特色與 WTO 規範合致性

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### 摘要

有機食品之出發點其實並非食品安全或是健康，而是出於友善環境之考量，涵養水土地利，以有助於永續經營之方式耕種生產。有機食品的環保面向為多數消費所忽略，使消費者對於「有機食品」的主觀認知與現實之規範出現落差。因此各國有機食品管制制度會因對消費者認知保護的程度，而呈現出不同的面貌。有機農產品標示與驗證機制，影響的不僅僅是國內有機農產品生產者，更是進口有機農產品是否能順利進入有機食品市場的關鍵。過往我國關於有機農產品法規的討論，經常忽略對貿易的面向以及相關的法規的問題。本文以 WTO 規範的角度來審視我國有機農產品標準，分析我國有機食品現行規範及「有機農業促進法草案」是否可能與 WTO 的規範體系產生衝突。

關鍵字：有機食品、驗證、同等性、消費者保護、永續發展、合致性

### Abstract

The laws and regulations of organic food products are set not for the purpose of food safety or health, but of the consideration of environment. The idea is to produce food in a sustainable way to preserve the fertility and protection environment from agricultural activities. However, people often overlook the eco-friendly aspect of organic food products. This kind of situation results to the gap between consumers' perceptions and real regulation. The standards for organic food products are different in every country, because the consumer's exception for protection varies. The labeling and certification for organic food products would affect the domestic producers of organic food. In addition, the market access of imported organic food is based on labeling and certification. In the past, the trade aspect and trade related legal problem was neglected in the discussion about the regulation of organic food products in our

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country. This article mainly focuses on the features of the organic food laws and regulations in our country and review their consistency with the WTO agreements.

Key words: organic food, certification, equivalence, consumer protection, substantive development, consistency

