

論區域貿易協定下中小企業跨國貿易障礙之規範因應

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摘要

根據世界貿易組織 (World Trade Organization, WTO) 研究, 全球 95% 的公司都是中小企業, 占全球總就業人數的 60%。然而, 中小企業在尋求參與國際貿易或跨國商業活動時面臨著許多障礙, 致使此等企業在國際貿易的參與比重仍然有限。相關原因包括缺乏相關技能、缺乏對國際市場的瞭解、非關稅障礙、繁瑣的法規與邊境通關程序, 以及獲得貿易融資的機會有限等。為幫助中小企業在世界貿易中發揮更積極的作用, WTO 與亞太經濟合作組織等國際經貿組織, 紛紛尋求在多邊架構下協助會員能促進中小企業參與全球貿易的方式。此外, 各國在進行雙邊或區域貿易協定談判時, 為擴大處理與貿易有關議題之範圍與深化國內規範之標準, 亦納入規範中小企業貿易之相關條款, 強化雙邊或區域內之中小企業貿易, 以補充多邊規範之不足。我國與美國進行第一階段臺美 21 世紀貿易倡議談判, 便納入中小企業議題, 可見中小企業貿易議題在雙邊或區域貿易架構下的重要性, 已漸受各國政府重視。

本文嘗試探討在區域或雙邊貿易協定架構下各國對中小企業貿易障礙議題之處理, 以及為促進中小企業貿易所建立之機制或規範。基此, 本文先從 WTO 多邊貿易體制對中小企業參與國際貿易議題之因應與規範現況, 探討中小企業對國際貿易之重要性及其所面臨之困難與挑戰; 再就區域貿易協定下有關中小企業之規定, 進行規範內容與性質等面向之分類與評析; 最後, 以我國與美國進行之臺美 21 世紀貿易倡議之談判為例, 檢視中小企業議題在雙邊或區域貿易協定談判時可能面臨的問題, 及規範形式與內容之意涵與可能影響。

關鍵字: 微中小型企業、區域貿易協定、WTO、貿易障礙、中小企業條款、中小企業合作

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Abstract

According to the World Trade Organization research, 95% of the world's companies are small and medium-sized enterprises, accounting for 60% of the total global employment. However, SMEs face many obstacles when seeking to participate in international trade, resulting in the participation of such enterprises in international trade is still limited. Related reasons include lack of relevant skills, lack of knowledge of international markets, non-tariff barriers, onerous regulations and border procedures, and limited access to trade finance. In order to help small and medium-sized enterprises play a more active role in world trade, the World Trade Organization and the Asia-Pacific Economic Cooperation have sought ways to assist members in a multilateral framework to promote small and medium-sized enterprises to participate in global trade. In addition, when countries are negotiating bilateral or regional trade agreements, in order to expand the scope of trade issues and deepen normative standards, they also include relevant provisions to regulate the trade of small and medium-sized enterprises, strengthen bilateral or intra-regional trade of small and medium-sized enterprises, and supplement the lack of multilateral norms. In the first phase of Taiwan-U.S. 21st Century Trade Initiative negotiations between my country and the United States, the issue of SMEs was included, which shows the importance of SME trade issues under the bilateral or regional trade framework.

This article attempts to discuss how countries deal with the issue of trade barriers for SMEs under regional trade agreements, or regulate the mechanism for promoting SME trade. First, discuss the importance of SMEs to international trade and the difficulties and challenges they face from the WTO multilateral trading system's response to and regulation of SMEs' participation in international trade issues; and then discuss the regulations on SMEs under regional trade agreements Classification and analysis of the content and nature of the regulation; finally, taking the Taiwan-US 21st Century Trade Initiative negotiation between my country and the United States as an example, examine the problems that SMEs may face when negotiating bilateral or regional trade agreements, and the form of regulation possible impact on content.

Keywords: micro, small and medium-sized enterprises, regional trade agreements, WTO, trade barriers, SME provisions, SME cooperation