

## 中文摘要

本研究問題意識為國際環保技術規範是否存在著法律理性權威，而使得中國提出綠色貿易障礙的反國際社會化行為？以此延伸出兩個假設：(1)中國是否存在與環境相關貿易障礙認知上錯誤。(2)如果綠色貿易障礙是一個假命題，中國能否干預現存規則，甚至建立自有規則。

本研究以新自由制度主義角度，探討綠色技術標準裡中國受到權威規範的國際社會化過程中，產生反國際社會化行為。本文研究成果如下：中國在綠色貿易障礙的建構與技術貿易障礙部分重疊，而在綠色技術、綠色補貼及綠色包裝則在概念上有所差異，影響差異的壓力來源可分為外推與內壓變化，其壓力來源如下：(1)產業政策策略；(2)與工業發展先後所造成規範議程設定能力較低因素；(3)反應機制行為模式。再者，產業與技術間存在一個循環，也就是國家產業政策（獎勵）→產業技術提升（技術資訊回饋國家）→技術性貿易障礙（檢驗標準提高，企業競爭力增強）→貿易利得（稅收增加，反饋政策獎勵）。

國際例外條款的適用更強化技術貿易障礙強度，進而使議程設定能力弱國家被迫採取合作態度，難以達成重複搏奕效果，縱使弱勢國擁有強力需求市場作為等價條件，也僅是加速技術移轉過程，卻不足以取得國際技術規範的議程設定能力。

## Abstract

In this essay, the questions of whether the legal rational authority is existed in the international environmental regulations and why China has addressed the anti-socialization policy, “green-trade barrier” will be answered. Therefore, two hypotheses have been emerged: firstly, how China recognizes the trade barriers about environment and whether it is right or wrong; secondly, if green trade barrier is a pseudo-thesis, whether China can interfere in the existed regulations and even construct its own regulations, that is, with Chinese characteristics.

This research will examine and explain how China has been regulated by authority in the process of socialization from the view of neoliberal institutionalism and why China has anti-socialized will be answered. The research achievements are as below: first, China’s understanding on green trade barriers and technology barriers has been overlapped, and the differences between green technology, green subsidies, and green package are due to its external thrust and internal pull, including China’s industrial policy, its lower agenda-setting power caused by its latter industrialization and its model of how to response the external thrust. Secondly, there is a circle existing in China’s government, industry and technology. That is, government reward industry to improve technology; industry pay back for the higher technology, and further, government can construct more sophisticated regulation and examination mechanism; finally government will earn more benefits from trade and its capability to reward will be increased.

The technology trade barriers have become harder because of the adaption of exceptional articles in international regulation; sequentially, the state with the weak agenda-setting power has been forced to cooperate, and finally, the repeated game will be achieved hardly. Even those states have the extensive market; the most possible result may be that the technology-transferring process will be accelerated, not winning the agenda-setting power in international technology barriers.