


# 绿色壁垒

## 理论与实证研究

◎ 周中林 著

 中国农业出版社

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## 中 文 摘 要

绿色壁垒 (Green Barriers, GBs) 又称环境壁垒, 属于非关税壁垒的一种。是指在国际贸易中, 一些国家 (通常是发达国家) 凭借其经济、科技优势, 以保护人类的健康和安全、动植物的生命和健康, 保护生态和环境的名义, 通过立法制定的对进口的不符合本国标准的产品或服务进行限制和制裁的严格甚至苛刻环境技术标准和繁杂的动植物卫生检验检疫措施以及国际社会已制定的多边环境保护条约中的环境保护措施。

绿色壁垒是产生于 20 世纪 70 年代, 进入 90 年代以后, 在国际贸易中迅速发展的一种新非关税贸易壁垒, 它的产生与环境问题的全球化密不可分。人类的经济活动离不开环境, 环境资源是一种生产要素, 是有价值的, 使用环境资源的活动具有外部性, 表现为环境资源的使用者的独立决策从个体的角度来看是合理的, 但是这些决策对其他人和 社会可能是有害的。若不加以控制和规范, 不顾环境和生态承受能力, 就会造成对环境资源的不合理开发利用, 导致资源与生态破坏和环境污染, 还有可能通过国际贸易将外部性转嫁给别的国家。第二次世界大战以来, 世界经济获得了前所未有的发展, 但由于对生态环境重视不够, 全球生态环境遭到了严重破坏。随着人类环境的日趋恶化, 人类开始重视环境保护问题。同时, 经济发展与生活水平的提高使人类在健康、安全等方面的要求不断提高, 反应在国际贸易中表现为, 将环保措施纳入国际贸易的规则日益得到广大消费者的支持和认同, 越来越多的国家施加给政府的保护环境的压力日益增大, 迫使各国的贸易政策越来越成为服务于环境目标的工具, 为保护环境执行的限制或禁止进出口的措施日益增多。保护环境的贸易政策主要通过制定进口产品必须符合的

标准来直接影响贸易，其目的就是使环境成本内在化，从而使商品的成本发生变化，这是在微观层面解决环境问题以及协调贸易与环境发展的最根本途径。国际环保公约和世贸组织《技术性贸易壁垒协议》（《Agreement on Technical Barrier to Trade》）中的有关规定，成为国际贸易的绿色法律，从客观上支持了绿色壁垒的形成。

绿色贸易壁垒的内容不仅包括国际和各国的环保标准，也包括WTO中与绿色壁垒有关的规定。绿色壁垒与传统的关税和非关税壁垒相比有本质上的重大区别。它的“设立”具有名义上的合理性、形式的合法性、保护内容的广泛性、保护方式的隐蔽性以及较强的技术性、歧视性等特点，它的实施既能保护进口国的经贸利益，又能保护生态环境和资源，维护全人类的整体利益，具有明显的双重性。然而，由于经济发展和科技水平的差异，与发达国家相比，发展中国家在环境意识、环保法规、政策、措施和标准上还处于较低的水平。在激烈的国际竞争中，发达国家是绿色壁垒的主要实施者，它们在环境保护方面立法最多、要求最高、标准最严。它们为了保护本国生产者的利益，常常以环境、技术的面目出现蓄意提高进口商品的标准。因此，绿色壁垒在现实中往往是“不合理”的贸易壁垒，是披着“环境保护外衣的”贸易保护主义措施。

国际贸易中绿色壁垒的出现对国际贸易产生了巨大而深远的影响。一方面，通过绿色壁垒把对环境有污染的非绿色产品逐渐淘汰，使有利于环境保护和人类健康的环保产品和绿色产品贸易在国际贸易中的比重将不断加大，从而改变国际贸易比较优势及国际贸易商品结构，在客观上也起到了保护全球的生态环境、保护人的生命和健康、保护人和其他动植物的生命安全的作用。同时，随着环保新技术、新工艺的采用，产品中所含的技术知识将明显增加，这也将使国际贸易的商品结构日益由资源、劳动密集型向技术、知识密集型转变。另一方面，发达国家或国际经济组织凭借其先进的经济、技术垄断优势，通过立法或其他非强制性手段制定许多严格的环境与技术标准等形式的绿色壁垒在客观上为其国内市场形成了贸易保护。发达国家往往以保护本国环境为名，通过绿色壁垒的实

施,达到其限制别国产品进口的目的,使更多的贸易发生在发达国家间或国际经济组织成员内部,严重影响了发展中国家出口市场规模的扩大与经济增长。

我国是一个经济持续快速增长的发展中国家,随着我国经济国际化程度的不断加深,对外贸易深受绿色壁垒之苦。因绿色壁垒而受阻的中国出口产品主要是粮食、水果、蔬菜、畜产品、禽产品、水产品、茶、木材等大部分农产品。以 2006 年为例,我国出口产品遭遇绿色壁垒最多的产品是动植物类产品,为 60 起,占 55%;其次是机电产品,为 17 起,占 17%;第三位是其他产品,为 14 起,占 13%。上述三类产品共 91 起,占 2006 年中国出口产品遭遇绿色壁垒总数的 86%。主要涉及日本、美国和欧盟。这三个国家和地区对中国的技术性贸易壁垒与绿色壁垒共 101 起,其中,日本 52 起,占 49%;欧盟为 40 起,占 38%;美国为 9 起,占 8%。作为 WTO 成员和发展中的大国,在国际多边贸易中如何应对他国日益苛刻的“绿色壁垒”以及如何积极利用“绿色壁垒”,对我国的产业结构进行优化和升级,已成为我国经济可持续发展所面临的严峻挑战。

面对绿色壁垒给我国所带来的严峻挑战,政府应充分发挥其主导作用。对外,一方面,要切实加强国际合作,积极参与国际环境公约和国际多边协定中环境条款的谈判,成为“游戏规则”的制定者。尽可能地争取将“南北差异”的实际作为制定环境和贸易新规则的基础,避免发达国家“一刀切”的做法,使各种多边经贸和环保机制能够真正最大限度地反映我国的正当利益和要求,拒绝接受超越自身承受力的环境条款;另一方面,在企业遭遇绿色贸易壁垒时,要充分利用世界贸易组织多边贸易体制的谈判机制、合理对抗机制等,向 WTO 的仲裁机构提出交涉或申诉,力争在框架中通过磋商和谈判解决。对内,政府首先要地制定绿色经济和绿色贸易发展总体规划,确定绿色经济和绿色贸易发展的目标、内容和政府措施,推进环保产业的发展,加强对污染排放物的有效治理,鼓励企业进行绿色技术创新,调整外资政策,防止污染跨境转移。其次,利用 WTO 体制中的透明度原则,设立专门的绿色贸易壁垒信息收

集和咨询机构，建立绿色贸易壁垒信息库，跟踪、收集、整理、发布国外绿色贸易壁垒的最新动态，加强对 WTO 尤其是我国主要贸易伙伴的绿色法规、标准、认证体系的研究，研究主要贸易对象国绿色贸易壁垒对我国主要出口产品（当前重点考虑的是农产品、玩具、纺织品、机电产品等）出口的影响。最后，引导企业申请与环境有关的认证，让企业了解认证的益处，为企业认证创造便利的条件，鼓励企业积极采用国际环境标准。

行业组织应充分发挥其服务企业的职能作用，建立绿色贸易壁垒预警机制，及时向有关政府部门和企业提供国外市场的绿色贸易壁垒技术性动态数据和分析报告，为企业生产提供生产和出口的决策依据，帮助政府协商解决在 WTO 规则范围内与其他成员方的各种贸易争端。

应对绿色壁垒，企业是关键。为此，企业要转变经营理念。要通过培养环境管理人才，广泛搜集国际市场上的“绿色信息”，开发绿色产品，采用绿色包装，制定绿色价格，建立绿色销售渠道，实行绿色营销。对国际公认的标准、制度要积极遵守，尽早争取 ISO14000 体系认证和环境标志申请。

人类是环境的产物，环境是人类赖以生存和发展的物质基础。在环境问题日益突出的今天，保护环境是国际社会的共同要求，将环保纳入到国际贸易的规则中日益得到广大消费者的支持和认同。但由于绿色壁垒涉及面广，有些非常复杂，且合法性与贸易保护较难界定，绿色已成为国际贸易争端的主要领域。在关税税率不断下降和传统非关税壁垒不断被拆除的今天，名目繁多的绿色壁垒正在逐渐取代关税及其他一般性非关税壁垒，成为影响 21 世纪国际贸易发展的新的贸易壁垒，成为发达国家实行贸易保护主义的主要手段和高级形式。

为本国经济利益的实现创造条件是所有的主权国家在国际贸易中追求的永恒的主题。面对绿色壁垒，我国政府和企业只有积极应对，而非消极对抗。

**关键词：**环境；国际贸易；绿色壁垒；经济效益

## **Abstract**

Green Barriers is known as environmental barriers to trade and it also refers to in international trade, some countries (especially the developed countries), by virtue of their economy, impose the restrictions and sanctions on the foreign product or service which do not conform to national scientific and technological standards in the name of protecting human health and safety, animal and plant life and health, ecology and environment. And GBs also derives from the harsh environmental technical standards and complex animal and plant health inspection and quarantine measures made by developed countries' legislation as well as the protection measures of multilateral treaty of environment protection made in international community.

Green barriers emerged over the last 10 years in the international community and it is a new non-tariff trade barrier, which is inseparable from the globalization of environment problems. The human economic activities can not be separated from the environment and environmental resources are a valuable factor. The activities of using environmental resources have the nature of externality and it is shown in an independent decision-making. From the individual point of view, it is reasonable. However, these decision-making may be harmful for other people and society. If not to be controlled and standardized, regardless of environmental and ecological sustainability, it will result in the unreasonable development and utilization of resources and ecological destruction and environmental pollution, even the



transmission of international trade's externality to other countries.

Since the Second World War, the world economy has experienced an unprecedented development, but because of insufficient attention to the ecological environment, the global ecological environment has been seriously damaged. With the increasing deterioration of the human environment, human beings began to focus on environmental protection. At the same time, economic development and improvement of living standards led to more requests in human health, safety and other aspects, which showed in international trade in terms of the increasing support and recognition from vast number of consumers on environmental protection measures included in the international trade rules, the increasing amplification of more and more countries' pressure on government's protection of the environment, making the national trade policy become a service tool to environmental goals and increasing of restrictive measures on implementation of the environment protection or prohibit measures to import and export. The trade policy of environment protection affect trade directly mainly through the must-meeting criteria of imported products. Its purpose is to make the internalization of environmental costs, so that changes in the cost of goods can be made, which is, in the micro-level, the solution to environmental problems and the fundamental way for coordinating the development between trade and environment. The relevant provisions International environmental conventions and the WTO's "Technical Barriers to Trade Agreement" is the green law of international trade, supporting the formation of green barriers objectively.

Green trade barriers includes not only the content of international and national environmental standards, but also the WTO and green barriers in the relevant requirements and it has the major essential

difference, compared with the traditional tariff and non-tariff barriers. It's "establishment" has the nominal reasonability, legitimacy of formation, extensity of protection content, concealment of protection methods, discrimination of techniques and so on. Its implementation can protect the economic interests of the importing country as well as the ecological environment, resources and the overall interests of all mankind, which has obvious duality. However, due to the economic development and scientific and technological differences, the developed and developing countries' environmental awareness, environmental regulations, policies, measures and standards are still in a very low level. In the fierce international competition, the developed countries are the main implementer of the green barriers and these countries have the highest and the strictest standards of environmental protection legislation. In order to protect their national interests of producers, they often raise the standard of imported goods in the name of environment and technology deliberately. Therefore, Green Barriers in reality is often "unreasonable" barriers to trade and it is trade protectionist measures in the cloak of environmental protection.

The emergence of Green barriers in international trade has generated the profound impact. On the one hand, green barriers will gradually eliminate the non-green products which will produce environmental pollution, so that the environmental products and green products which are conducive to environmental protection and human health will continue to increase the proportion in international trade to change compared advantages of international trade and commodity structure. And objectively, it also served to protect the global ecological environment, the human life and health, and to keep ecological security between human and other

flora and fauna. At the same time, as application of new environmental technologies and new technology, the technical knowledge embodied in products will be significantly increased, which will enable the international trade to change its goods structure from the resource-intensive and labor-intensive to technology-intensive and knowledge-intensive. On the other hand, the developed countries or international economic organizations, with its advanced economic and technological dominance, build trade protection for domestic market objectively through legislation or other non-coercive means of developing many stringent environmental standards and technical barriers. Developed countries, often through the implementation of green barriers, protect its environment in the name and restrict imports of products of other countries in purpose to make more trade in the developed countries or in the international economic organizations within its member countries, seriously affecting exports of developing countries' expansion of market size and economic growth.

China is a developing country of sustained and rapid economic growth. As China's increasing degree of economic internationalization, it has suffered from green trade barriers deeply. Because of the green barriers, the goods of China's exports hampered are mainly food, fruits, vegetables, livestock products, poultry products, aquatic products, tea, and timber and other majority of agricultural products. Taking 2006 as an example, China's animals and plants products' export encountered barriers mostly, 60 incidents, 55 percent, followed by machinery and electronic products, 17 incidents, 17 per cent. Other products are in third place, 14 incidents, accounting for 13 percent. These three categories of products suffered from a total of 91 incidents, accounting for 86% of the total number of China's export incidents of green barriers. It

mainly involves Japan, the United States and the European Union. The three countries and regions impose the technical and green barriers on China in a total of 101, from which, Japan has 52 incidents, accounting for 49 percent, EU has 40 incidents, accounting for 38 percent and the United States has 9 incidents, accounting for eight percent. As a large developing country of WTO in the multilateral trade, how to deal with increasingly harsh “green barriers” from other countries and how to use the “green barriers” positively to China, has become a cruel challenge facing China’s industrial structure optimization and upgrading.

Faced with the grim challenge brought about by green barriers to China, the government should fully play its leading role. Overseas, on the one hand, it is necessary to effectively strengthen international cooperation, actively participate in international environmental conventions and international multilateral environmental agreements in terms of the negotiations and be a “game” Rules-makers, put the reality of “North-South differences” into the basis of formulating the new rules of environment protection and trade development possibly, avoid developed countries’ “one size fits all” approach, make multilateral trade mechanism and environmental protection really reflect China’s legitimate interests and request maximally and refuse to accept the environmental provisions beyond the affordability; On the other hand, enterprises having encountered green trade barriers, should make full use of WTO multilateral trade system of negotiation mechanism and reasonable confrontation mechanism and offer appeal and negotiation to WTO’s arbitration agencies, striving in the framework of consultations and negotiations to solve the problem. Domestically, the government must formulate the general plans, goals, contents and governmental measures of green economy and trade’s development, promote

environmental protection industry, strengthen the effective governance of polluted emissions, encourage enterprises innovate green technology, adjust foreign investment policy and prevent cross-border transfer of pollution. Then, the government should adopt principle of transparency in WTO's system, establish special agencies for green barriers information-gathering and advisory, set up information database of green trade barriers to track, collect, sort out and release the latest information on foreign trade green barriers and study on WTO's major trading partners' green regulations, standards, certification system, particularly on the main trading partners' green trade barriers on China's main export products (the current focus on the agricultural products, toys, textiles, machinery and electrical products, and so on). Finally, government should guide enterprises to apply for the certification related to the environment so that enterprises can understand the benefits of certification create favorable conditions for enterprises' certification and encourage enterprises to actively use the international environmental standards.

Industry organizations should fully play its functional role for serving business, set up early warning mechanism of green barriers and provide the relevant government departments and enterprises with technical data and analysis of foreign markets barriers to trade timely as well as the production and export accordance of decision making for enterprises and help the government solve the various trade disputes with other members within the framework of the WTO rules.

Enterprises must change their management philosophy. Enterprises should develop green products, use green packaging, set green prices, establish green sales channels and implement green marketing through the cultivation of environment management

expertise and extensive collection of “green message” from international market. On internationally recognized standards and regulations, enterprises should actively comply with them so that the application for ISO14000 environment system certification can be signed as soon as possible.

Human beings are the product of the environment and environment is the base for human beings' existence and development of the material. As environmental issues have become increasingly prominent in today, environment protection is the common demands of the international community, and putting environmental protection into international trade rules has been increasingly obtaining the support and recognition from the vast number of consumers. However, as “green barriers” involves many areas and it is very complicated and difficult to define the legitimacy and be distinguished from trade protection, green has become the main areas of trade disputes. Under the condition that tariff rates continue to decline and the traditional non-tariff barriers were removed from the circumstances, the various green barriers is becoming one of the important factors influencing international trade development in 21st century, gradually replaces the general non-tariff barriers, tariffs barriers and other barriers and becomes the major means and senior forms of trade protectionism in developed countries.

To create the conditions for the realization of their own economic interests is the eternal theme for all countries in international trade. Faced with green barriers, the chinese government and enterprises can only take a positive response, rather than negative confrontation.

**Key Words:** Environment; International trade; Green Barriers; Economic Effects

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# 第一章 导 论

## 第一节 研究的背景与意义

### 一、选题背景

目前,绿色壁垒是国际贸易领域研究的重点内容之一。第二次世界大战以后,特别是进入 20 世纪 80 年代以来,许多国家纷纷致力于经济增长,实现经济的腾飞,取得了巨大的成果。但从某种意义上讲,许多经济的飞速增长是以损害人类赖以生存的环境为代价的。如今,日益严重的环境危机使人们认识到保护自然与生态环境的重要性,保护环境已成为新的国际焦点。

被视为经济增长发动机的国际贸易与环境一直有着密切的联系。贸易尤其是自由贸易在推动各国经济增长的同时,也带来了人类赖以生存的环境不断恶化。为此,环保成为世界各国进入 20 世纪 80 年代以来共同面临的而又必须加以解决的难题。保护环境采取的措施往往牵涉到贸易政策,由于与贸易有关的环境保护要求会增加企业成本开支,影响出口产品的国际竞争力,因此导致更多的国家政府和企业日益关注于环境保护的不公平问题,由环境保护引起的贸易摩擦或纠纷此起彼伏。如:美国拒绝进口委内瑞拉的汽油,因为含铅(Pb)量超过了本国规定;欧盟禁止进口加拿大的皮革制品,因为加拿大猎人使用捕猎器捕获了大量的野生动物;20 世纪 90 年代开始,由于欧洲国家严禁进口含氟利昂冰箱,中国的冰箱出口由此下降了 59% 等。为解决环境外部性问题,作为新贸易保护手段的非关税壁垒——绿色贸易壁垒在国际贸易中产生了。

从国际上看,绿色贸易壁垒正在成为影响 21 世纪国际贸易发展的重要因素,成为逐渐替代关税和一般非关税壁垒的新的贸易壁