

# *The Legal Root and Breakthrough of China 's Green Trade Barrier in the Post-epidemic Era*

Huiyue Liu <sup>1,a,\*</sup>

<sup>1</sup> Xiamen University Tan Kah Kee College, Zhangzhou Fujian 363000, China  
a. *mailto:1811000613@mail.sit.edu.cn*

*\*corresponding author*

**Abstract.** The process of trade liberalization has been advancing in the context of economic globalization, and the technological field has also continued to develop. As a result, the development of trade will inevitably have a certain adverse impact on the environment. At the same time, people's demand for green consumption is increasing, which has led to the deepening of the impact of trade liberalization and environmental protection. In addition, the ravages of the COVID-19 epidemic in the past three years have made the contradictions more acute, green trade barriers have developed, and some countries have successively and continuously adopted different degrees of restrictive green trade measures for China's personnel and goods. Therefore, this paper aims to use legal normative analysis to study how to break through China's green trade barriers in the post-epidemic era. this paper also aims to use this to improve the relevant legal system in China and look for commonalities from the "Belt and Road". Meanwhile, actively explore solutions and solutions are also important. In this way, the implementation of trade barriers and special trade freedom and environmental protection measures during the epidemic will be balanced. Finally, it provides suggestions for breaking through green trade barriers and improving relevant domestic legal systems in China's post-epidemic era.

**Keywords:** green trade barriers, post-epidemic era, legal sources, environmental protection, trade protection

## **1. Introduction**

In fact, there is no term "green barrier" in the international theoretical community [1]. It's "environmental barriers." Environmental barriers originate from the environmental protection aspects of technical barriers to trade in the TBT Agreement and are also the product of easing the collision of environmental and trade contradictions. Moreover, the essence is to promote green trade. Technical barriers to trade arise from the contradictions of trade liberalization, environmental protection needs and trade protectionism [2]. Based on this, Chinese scholars have created a term more in line with such contradictions - green barrier. Through in-depth study of green trade barriers, it is found that its legal roots involve domestic and foreign laws, regulations and legal principles, and the international aspect is mainly formed under the WTO framework. Article 2.2.2 of the TBT Agreement provides that "technical regulations shall not restrict trade beyond those necessary to achieve legitimate objectives".

Article 2, paragraph 2.3, provides that "technical regulations shall not be maintained if the circumstances or objectives relating to the adoption no longer exist or are changed in a manner less restrictive to trade."

It can be seen that the TBT Agreement not only provides reasonable and legitimate legal support for the implementation of green trade, but also negates unreasonable and excessive green trade barriers. Article 20 of GATT1994 uses the word "relevant" rather than "necessary" [3], which makes the scope of green trade uncertain, making green barriers more discriminatory. The special and differential treatment in Article 2.1(3) and Article 10 of the Agreement on the Application of Sanitary and Phytosanitary Measures indicates that green protection measures are allowed internationally for the environment, flora and fauna, and indicates that members in developing countries grant them reasonable periods of adaptation. In the TRIPS Agreement, Green Trade Barriers measures are also permitted in express terms in Part I.8.1 and Part II.5.27.2 of Part II. In the blink of an eye, the provisions of relevant laws in our country are also the same.

Today, the main characteristics of green trade barriers are their concealment, extensiveness, duality of influence and discriminatory at the technical level. Concealment mainly means that although different forms of green barriers run through national regulations or international conventions, they can avoid corresponding differences. The extensiveness is mainly the content and subjects involved, including different maturity levels, different types of commodities or products, and the main part of the green trade barriers currently encountered by China are in agricultural products, medical products and carbon tariffs. The dual nature of the impact is that, on the one hand, it will reduce the contradiction between economic development and environmental destruction, and promote ecological development. Moreover, it will facilitate developed countries to use their technological advantages to implement trade protection. There are some technologically discriminatory differences in the level of technological development and active and passive status between countries, such as some illegal temporary restrictive trade policies and potential European and American carbon tariffs suffered by China.

In summary, there are two main types of green trade barriers that China is currently facing. One is the unreasonable temporary trade measures adopted by other countries against China during the PHEIC period, and some of them have not passed the WTO necessity test. The second is the potential carbon tariffs imposed on China by Europe and the United States.

The key to the breakthrough of green trade barriers lies in their nature, but at present, there are still the following two main views in the academic community on the definition of green trade barriers. Firstly, green trade barriers are a market access barrier under trade protectionism disguised as environmental protection, which is a pejorative term [4]. Secondly, green trade barriers refer to environmental protection measures that objectively restrict or hinder international trade, but are aimed at protecting human health, ensuring ecological security and promoting the rational use of natural resources, which is a neutral word [5]. The TBT Agreement supports environmentally friendly technical barriers to trade on the one hand, and restricts their abuse on the other. It can be seen that the definition of the legality and rationality of green trade barriers is not clear. Moreover, the research on China's green trade barriers is still stuck before the epidemic, and there are relatively few relevant studies in the post-epidemic era.

From the point of view of the writing idea. Firstly, the main object of this study is green trade barriers in the post-pandemic era. Its definition is known in conjunction with the above. There is still great controversy in the world about the rationality and legality of green trade barriers, not only that, but the relevant international legal provisions and rules have not been clearly defined. Based on this, this article mainly uses prescriptive analysis. By combining the legal roots of green trade barriers and the development status of green trade barriers in China in the post-epidemic era, the nature of the restrictive green trade policies implemented by some countries on China since the epidemic period is

clearly defined. The current situation, development and pros and cons of green trade barriers will be further clarified. A general analysis of the commonality of the above problems faced by our country can be used to provide countermeasures for China to establish a comprehensive green trade barrier system and break through external barriers. Finally, to a certain extent, it provides effective transition suggestions for better realization of balanced development of environmental protection and trade freedom.

## **2. Problems of Green Trade Barrier System in China's International Trade in Post-epidemic Era**

### **2.1. Defects in the Current Green Trade Barrier System**

The worldwide development of "environmental protection era" makes the importance of green trade barrier system more and more prominent, which is especially reflected in the economic trade and environmental protection of a country. For a long time, some developed countries have established relatively complete green trade barrier systems based on their own advantages. China's green trade barrier system not only started late and developed slowly, but also was affected by the COVID-19 epidemic in the past three years. As a result, in China, in addition to being passive on the international stage, there are also many shortcomings in the domestic green trade barrier system.

Gaps in the anti-pollution transfer system. It should be noted that there are gaps in economic benefits and pollution transfer systems, both before and after the pandemic. Despite the relevant provisions in the restrictive clauses of the Foreign Trade Law, the pollution transfer in international trade is not effectively controlled and competed in our country. Some developed countries are still continuously transferring different types of pollution to our country, which has also continuously increased the difficulty and cost of pollution control in our country, and further expanded the gap in our system of prohibiting pollution transfer. Based on this, a large number of low-quality, toxic and harmful products have flowed into China, causing varying degrees of damage to the lives and health of the people, the ecological environment, related resources, and the economy of the country [6].

Imperfection of green technology standards and packaging systems. Nowadays, green technology has become an important emerging field in the new round of global industrial revolution and technological competition, with the rapid development of science and technology. After the establishment of green cycle and low carbon economy system, the perfection of green technology standard system has become an important driver of green industry development. However, considering the actual development of China's green technology standard system internationally, its establishment is not sound. First, there are currently no strict environmental standards in place. Secondly, the hardware of technology is also partially dependent on advanced technical equipment from developed countries, and legal provisions on such issues are also blank. Moreover, compared to developed countries, the standard setting in China is still in a lower standard state. It is reflected from the side that our country may be subject to the high environmental standard of green technology of the developed country in the course of trade, which affects the cost and quantity of our export trade.

The green packaging system, also known as ecological packaging, is generally evaluated in terms of resources, energy, environment, and quality [7]. At present, green packaging system still has a lot of problems. For example, firstly, the packaging industry still lacks relatively complete and mandatory legal and regulatory constraints [8]. Secondly, there are no specific requirements and regulations on the use of raw materials for packaging products, the reduction of the generation of packaging waste, the proportion of packaging materials that can be recycled, and the disposal and recycling of waste [9]. Thirdly, the responsibilities of each relevant subject were not clearly specified. Lastly, there is no strict control over the use of biodegradable or recyclable, non-irritating odor raw materials for packaging.

There are many shortcomings in green health quarantine system. There is a gap in the level standards between some developed countries and China, so there is also a corresponding gap in the strictness of this system, which leads to a relatively lagging health and quarantine system in China. Although China have experienced the COVID-19 epidemic for three years, the relevant health advice system in China has been improved to a certain extent, and some problems have also been found. For example, the technical specification has not been updated for many years, resulting in weak practicability. In terms of the process of quarantine treatment, the requirements for supervision and evaluation of the effect of quarantine treatment are scattered, and a unified information processing system has not been formed. Related quarantine personnel are scarce. The number and types of open ports are large and complex, and the pressure of quarantine treatment is great, so the air defense effect cannot be guaranteed in the case of the epidemic of the COVID-19. The equipment and facilities of the port are in a state of overload.

There are shortcomings in carbon tariffs. As a developing country, China is still in the stage of pursuing economic growth, which has led to extensive economic growth and the lack of environmental assessment system, which makes the relevant carbon emission accounting and carbon trading market system also have shortcomings. Although from the legal point of view, the "Environmental Protection Tax Law" and "Resource Tax Law" have been promulgated one after another, and China's green tax system has gradually improved, there are still great problems in the actual process. For example, the measurement of carbon emission data still faces the problems of insufficient accuracy and timeliness, and immature carbon emission accounting system. China's carbon emission trading is included in a single industry, and the liquidity of carbon emission rights is weak. Most importantly, the operation of China's carbon trading market is still in its initial stage, while the EU carbon trading market has been trading since 2005, so foreign carbon industries have a greater impact on China.

## **2.2. Insufficient Use of International Regulations and Principles**

After China's accession to the WTO, although some domestic laws have been amended accordingly to better adapt to the corresponding laws and regulations in the WTO, there is still a certain degree of disconnection from international laws and regulations and international principles in terms of green trade barriers.

From the perspective of regulations. Firstly, the term green trade barriers originate from the environmental protection part of technical barriers to trade, and technical barriers to trade clearly define technical regulations and technical standards, both of which are the main forms of technical barriers to trade. However, China's relevant laws, such as the Standardization Law, do not clearly distinguish between the two, and there is a certain degree of conceptual confusion, which has led to many criticisms in defining green trade barriers in China. Secondly, China's analysis of relevant regulations related to green trade barriers is not in-depth enough, such as the Agreement on Technical Barriers to Trade (TBT Agreement) and the Agreement on the Implementation of Sanitary and Phytosanitary Measures (SPS Agreement). This has led to gaps in several institutional forms mentioned above in China, making it impossible to better use international regulations to prohibit pollution transfer in some developed countries. It also makes it difficult to improve China's relevant standards, and the development of technology and system is slow. Finally, China's use of the international dispute settlement mechanism is not yet mature, and it is facing its suspension, resulting in China losing a layer of "insurance" in dealing with bilateral and multilateral diplomacy.

From the perspective of international principles, China has not well grasped the principle of balance of interests and made full use of the WTO's principle of preferential treatment and non-discrimination. According to the relevant provisions of the TBT Agreement, as a developing country, when coping with technical and standard difficulties, China can require it to give corresponding technical support and formulate technical standards suitable for itself. Combined with the principle of non-

discrimination, China has not made good use of the above principles when dealing with pollution transfer, technology restrictions, and trade barriers, which has led to China's passive and powerless situation in the development of green trade [10].

### **2.3. Laws Related to Ecological Environment Governance Lag Behind**

China's current relevant legal system and the specific rule of the WTO is still not very suitable, and the WTO requirements are still far from the requirements. Environment laws in China have built a giant "environmental law pyramid" composed of 14 laws, 26 administrative regulations, 136 departmental rules, 1364 local regulations and local government rules. Meanwhile, it also further improving the environmental protection legal normative system that meets the requirements of the market economy. However, the specific points are not comprehensive, and there are no specific provisions for general exceptions. What's more, the relevant subjects involved are relatively single. For example, in the "Health Quarantine Law", the subject of sanitary treatment such as epidemic prevention and disinfection is designated as the border health quarantine authority. Therefore, in the face of the impact of the COVID-19 epidemic, a single subject not only reduces efficiency, but also cannot guarantee the results of quarantine. Laws on pollution transfer, such as the Law on the Prevention and Control of Environmental Pollution by Solid Waste, are not perfect. The most important thing is that environmental protection regulations and trade regulations lack consistency, environmental protection regulations lack supporting technical standards, and to a certain extent, it is not suitable for the development of green trade.

## **3. The Cause and Necessity Analysis of the Problems of China's Green Trade Barrier System in the Post-epidemic Era**

### **3.1. The Nature and Legality of Green Trade Barriers Are in Doubt**

At present, there is a great deal of controversy in Chinese academia about the nature, reasonableness and legality of the green trade barrier system, as mentioned above, green trade barriers are classified as pejorative or neutral. Because of this, China has a certain fear of green trade barriers, which has led to the subjective restrictions on this aspect of development, making it impossible to truly and deeply establish a legal system for green trade barriers, resulting in China's loopholes and passive external situation.

### **3.2. Green Trade Barriers Are Affected by the Epidemic**

Since the WTO declared that the COVID-19 epidemic constitutes an international public health emergency (PHEIC) in 2019, a large number of countries in the world have adopted temporary trade restrictions on China's personnel and goods to varying degrees. Moreover, restrictive policies continue to evolve in the post-pandemic era. This has led to the frequent occurrence of phenomena that superficially flaunt the banner of green trade and actually restrict the development of other countries. For example, during the COVID-19 epidemic, the OIE and WHO and other international organizations have regulations stating that "animal products operated in accordance with good food hygiene and safety practices can be eaten with confidence [11]. The COVID-19 epidemic is difficult to spread widely through food and food packaging [12].

Then WTO Member States should base their additional quarantine measures on food and animal products on the basis of "recognized SGR matters". In reality, in addition to practicing legal quarantine measures, there are many countries that will make unreasonable restrictions on China's corresponding trade exports on the grounds of threatening ecology, life safety and health. This partly fuels

protectionism in green trade barriers. As a result, China has suffered a greater degree of trade restrictions than before the outbreak of the epidemic. Moreover, it will also greatly imbalance the trade protection and environmental protection in green trade barriers.

### **3.3. Analysis of the Necessity of the Green Trade Barrier System**

As for the green trade barrier system, as mentioned above, this paper believes that green trade barriers are transitional measures that can promote the relative balance between trade protection and environmental protection by improving trade capacity and improving the legal system of trade and environmental protection in a "competitive" and spiraling manner. If China is blindly passive, China's trade will not only fail to develop technology, but also the advantages of major trading countries will gradually decline, and the green ecology will not be able to achieve long-term development. Therefore, China's green trade barrier system, especially the improvement of laws, is directly related to and affects the overall development level of China's economy, trade and green ecology.

## **4. China's Countermeasures and Suggestions for Breaking through Green Trade Barriers in the Post-epidemic Era**

### **4.1. Improve China's Green Trade Barrier System**

At first, China should improve the environmental law enforcement and supervision system to fill the gap in the pollution transfer system. Firstly, China should actively use the WTO dispute settlement mechanism and learn from its unique rules and procedures, so as to establish a green trade dispute settlement legal mechanism applicable to China. and integrate international regulations into domestic environmental enforcement systems. China should form a unified, strict and green linkage supervision system based on law and law, uniting environmental protection, foreign trade and economic cooperation, customs, and commodity inspection departments at all levels. Secondly, China should strictly supervise and control the corresponding work, and provide real-time feedback on China's exposure to green trade barriers. Moreover, it is necessary to conduct corresponding legality analysis of some trade policies and clarify the purpose of the policies themselves. In this way, it is better possible to identify whether there are restrictions on green trade barriers. Therefore, the establishment of the above mechanism and system for China, externally, can coordinate the balance between environmental protection regulations and trade regulations, improve the corresponding supporting measures. It can also improve the corresponding technical standards within the legal scope to enhance the export competitiveness of Chinese enterprises. Internally, the dispute resolution mechanism and in-depth analysis of corresponding laws and regulations can be used to make corresponding legal analysis according to specific conditions, and selective imports, so as to effectively prohibit the inflow of polluting industries or commodities and safeguard the interests of China's green trade.

Moreover, China should improve green standards and packaging systems for trade. Looking at the world, China's standardization strategy is still in the process of construction, and there is still a gap between China's environmental protection standards and international and developed countries' environmental protection standards. Therefore, in the actual environment of the widespread use of green trade barriers, the state must improve domestic environmental protection standards in order to continuously improve green technology and improve the corresponding supporting facilities and systems. First of all, to fully popularize the ISO9001 quality management system and ISO14000 environmental management standards, China should also adopt environmental certification to reasonably restrict foreign imported products, break through the green trade barriers implemented by some developed countries on China, and safeguard China's legitimate interests. Secondly, when upgrading technical standards, on the one hand, it is necessary to focus on the shortcomings found under the epidemic by



the expert advisory committee for the implementation of the national standardization strategy. Moreover, the relevant responsible departments should start from the packaging of trade commodities and strengthen technological innovation and standardization integration development. At the same time, it is also important for the government to introduce strict technical standards and packaging indicators. Finally, relevant national departments should accelerate the implementation of environmental certification, form a green news network, timely improve international environmental standards and environmental certification information, and communicate requirements to relevant stakeholders. To a certain extent, unnecessary losses can be avoided, thereby reducing the negative impact of green trade barriers implemented by some developed countries.

Furthermore, China should improve the Green Guardian recommendation system for trade. To improve the green quarantine system, China must start from both hardware and software. In terms of hardware, first of all, China must not only improve the green health quarantine standards, but also clarify the inspection and quarantine standards for epidemic prevention materials produced in China. Then it can strictly improve China's import and export quarantine process. Secondly, it is necessary to build dynamic green trade barriers, strictly control imports in special periods, and legally and reasonably safeguard China's green trade interests. Finally, it is necessary to uniformly regulate relevant law enforcement entities. Because only by fully clarifying the responsibilities of each department can the problem of legal overlap and confusion between law enforcement subjects be eliminated as much as possible. At the same time, it is also necessary to apply the working mode of scientific optimization of division of labor and cooperation. And formulate a variety of plans, so as to give relevant subjects specific experience and standards for the implementation of work. In terms of software, it is necessary to comprehensively train relevant quarantine talents in multiple aspects, so as to improve the ability to deal with complex problems and form a green health quarantine system with flexible quarantine and rich levels.

Finally, China should establish a sound carbon tariff system for trade. First of all, in the face of the mature carbon emission system of developed countries such as the European Union, China must first establish a sound carbon tariff system. In terms of the main body of supervision and governance, it is necessary to form a multi-level governance system with the government as the main and business units as the supplement. It is necessary to improve the infrastructure construction of carbon emission detection and improve the level of carbon emission detection technology. The applicable industries of the carbon emission trading market should be expanded, from single to diversified, and at the same time, a carbon price mechanism that conforms to market rules should be built to increase the liquidity of carbon emission rights. Study and learn more from the carbon border adjustment mechanism of developed countries such as the European Union, so as to mitigate the impact of the implementation of foreign carbon taxes on China's related industries and improve China's carbon tariff system.

#### **4.2. Improve the Level of Application of International Laws and Regulations**

Reshape the pattern of bilateral and multilateral trade cooperation based on the "Belt and Road". China can rely on the foundation of friendly trade with many developing countries laid by the "One Belt, One Road" strategy to reshape the pattern of cooperation between China and other developing countries in the post-epidemic era. At the same time, China can also actively promote the construction of the green "Belt and Road" and integrate the ideological connotation of ecological civilization construction in the economic and trade field. Then China will carry out in-depth concrete actions from the following aspects. For example, ecological protection actions in countries along the Belt and Road, the construction of projects to promote ecological protection, the establishment of green trade cooperation platforms, and the formulation and improvement of green trade principles. Accordingly, China's green trade barrier system can be improved, thereby reducing the impact of developed countries on China's green barrier restrictions to a certain extent.

First of all, for development cooperation projects, China can lean towards environmental protection, integrate the concept of green trade development into it, and actively carry out environmental protection assistance [13], to implement environmental protection. It can enhance bilateral and multilateral exchanges, enhance the recognition of countries along the "Belt and Road" for the green "Belt and Road", facilitate the expansion of cooperation space, carry out more technical exchanges, and improve the green development technologies and standards of corresponding countries. Secondly, through the "Belt and Road" and other developing countries to jointly build an institutionalized cooperation platform provided by green development, the lack of technology and funds in developing countries in technological upgrading, energy transformation and low-carbon infrastructure construction can be reduced [14]. For example, China has established cooperation projects such as hydropower and photovoltaic on the basis of cooperation in the China-Pakistan Economic Corridor, the Bangladesh-China-India-Myanmar Economic Corridor and the New Eurasian Land Bridge Economic Corridor. This can not only provide countries along the Belt and Road with technology to develop clean energy [15], but also enrich the diversity of China's technology to improve China's green trade technology to a certain extent. It has also strengthened the level of response of relevant parties in China.

China should make good use of international principles and laws to resolve the dispute over green trade barriers in the post-pandemic era. How to alleviate the dispute over green trade barriers in the post-epidemic era is first necessary to grasp its core, that is to say, to be proficient in the main international principles and legal provisions, and to actively use the international dispute resolution mechanism to protect their legitimate rights and interests. The first thing to follow is the principle of balance of interests, coordinating the conflict factors of all parties through the authority of the law, so that trade interests and environmental interests can achieve a reasonable optimization state on the basis of coexistence and compatibility, and protect the ecology simultaneously when developing trade. The second is the principle of transparency and most-favored-nation treatment of the WTO, although China is a major trading country, it is still a developing country, and there is still a certain gap with developed countries in the construction of green trade barrier system. From the perspective of the development of the epidemic period to the present, although China has its own institutional advantages in emergency response, epidemic prevention and other major aspects, it is still strictly restricted by the green trade of some countries in dealing with green trade barriers, which has made China's current trade have received a considerable impact. Therefore, in order to avoid information asymmetry and unfair discrimination in information, China should establish its own green trade barrier information network according to the above two principles [16], and cultivate professionals in green dispute resolution mechanisms in an all-round way. Only then will China calmly cope with the impact of green trade barriers, and effectively use the international dispute settlement mechanism to protect China's preferential treatment rights and interests to the greatest extent.

Secondly, international regulations on green trade barriers are also twofold. Combined with the analysis of legal sources mentioned above, it can be seen that the current relevant international laws only balance the trade protection and environmental protection in green trade barriers in a legal framework. Therefore, in the specific practical application, the relevant departments still need a lot of time, energy and resources to judge. Therefore, by grasping the above principles and deeply analyzing the basis of the relevant laws. Only in order to find favorable factors in line with China's own development in complex legal issues. In this way, China can better protect their legitimate interests in strict accordance with the TBT Agreement and other relevant rules.

China should learn from the green ecology and life system of advanced countries and actively participate in international legislation. In view of the increasing importance of green trade barriers, they have become an important issue in international trade. Therefore, the participation and influence of international standardization of green trade in international trade is also an important embodiment



of its comprehensive strength and international discourse power. Moreover, under certain circumstances, the voice of green trade barriers can be manifested as the strong control of individual countries over the global green trade trend of the industry. For example, in 2020, the United States will coordinate domestic and international deployment. It is required to carry out comprehensive U.S. standardization activities and actively implement the "standards internationalization strategy". It also directly indicates the intention to promote American standards, and further refines the global promotion of American standards. In addition, the United States specifically requires standards developers to continue to implement consistent procedures to verify translations and facilitate the rapid dissemination of standards around the world. Moreover, as a major export-oriented economy, Germany aims to improve the competitiveness of its products and technologies in the global market and maintain its advanced level. The strategy of "Standardization Research 2030" was also launched to actively encourage domestic enterprises and standardization bodies to participate in international standardization activities. Therefore, German standards are recognized and applied worldwide. Japan has proposed a standardized public-private strategy. It shows that it is not only necessary to improve the market applicability and transparency of technical standards and cultivate high-level professionals and standardization experts who are familiar with the rules of international standard formulation. It is also necessary to actively participate in the review of ISO and IEC international standards and undertake more secretariat work. This allows for in-depth participation in the review of international standards. In view of this, China needs to learn from the green development experience of advanced countries in the post-epidemic era, continuously improve its international status, and actively participate in international standardization legislation, technical legislation, environmental legislation, trade legislation and other related work. A special talent group should be established to make fixed-point contact with relevant international organizations, such as TBT information points, so as to obtain information on the formulation of corresponding technical regulations and standardization assessments by other WTO members in a timely and early manner. Not only that, China should also improve and compensate for China's shortcomings in green trade barriers by borrowing from the technology and policies of advanced countries, so as to reverse the passive situation.

### **4.3. Improve China's Internal Legal System**

Therefore, in response to the above problems, China needs to establish a corresponding green trade quarantine mechanism or green trade measurement and analysis system at first. Summarize and analyze international regulations and previous trade exchanges, especially the experience of the epidemic in the past three years. Therefore, it can summarize the restrictive factors and reference measures of green trade barriers in China under different circumstances. Then according to their commonality, China should establish and improve flexible mechanisms and legislation. Secondly, on the basis of the above, the Legislative Committee on Harmonization on Trade and Environment was established. Moreover, it is necessary to clarify and uniformly coordinate the relevant legal subjects within and standardize the link between relevant laws and regulations and close the relationship between trade law and environmental law. It can fill the gap in maintaining the balance of trade and environment in China. This will not only improve China's flexibility and resilience in responding to major events such as the COVID-19 epidemic, but also promote the development of China's legal system for green trade barriers in the post-epidemic era.

## **5. Conclusion**

This article mainly studies how China can break through green trade barriers in the post-epidemic era. Firstly, by analyzing the legal sources of green trade barriers, their characteristics and current status. So as to have an in-depth and comprehensive understanding of green trade barriers. Based on

this, the main problems in China's current response to green trade barriers and China's own green trade barrier system will be explored. This article analyzes it in detail to derive corresponding countermeasures. That is to say, institutional issues, such as the prohibition of pollution transfer system, green technology standard system, green packaging system, carbon tariff system, etc., must first be upgraded from the technical point of view. A corresponding regulatory system should be established and improved. At the level of laws and regulations, it is necessary to cultivate corresponding talents so that they can skillfully apply relevant international regulations and principles. Meanwhile, it can make up for the shortcomings of China's relevant laws and regulations, and strengthen and consolidate China's ability to deal with illegal restrictions in other countries. Secondly, combined with the relevant experience of China's "Belt and Road", on the basis of its good development, China will find a new direction to break through green trade barriers. This is not only conducive to maintaining a balance between China's ability to respond and to feed back. At the same time, it can also improve China's trade level and environmental protection level. In the end, it can improve the international status of China's green trade and reverse the current passive situation. Finally, it is hoped that the research in this paper can alleviate the adverse impact of China's temporary restrictive policies in the post-epidemic era, restore China's green trade capacity as soon as possible and improve it to a large extent.

## References

- [1] Zhou Lu: *Research on the Legal Issues of Green Trade Barrier*. Dalian Maritime University, 1(2016).
- [2] Mok Shijian.: *The Balance between Trade and Environmental Protection in Technical Barriers to Trade*. *Political Law Forum* (02), 99-117(2007).
- [3] Sun Kai: *Legal Application of Article 20 of GATT1994 to Identify Green Trade Barriers*. *East China University of Political Science and Law*, 2(2018).
- [4] Zhu Xiaoqin: *WTO and Green Trade Barriers: Analysis of Some Legal Issues*. *Journal of Xiamen University: Philosophy and Social Sciences* (04),12(2001).
- [5] See Huang Guiqin: *A Preliminary Study on Green Trade Barriers*. *Journal of Yunnan University: Law Edition* (01),9(2004).
- [6] Du F F.: *On international trade and environmental issues -- pollution transfer problem*. *Modern Trade Industry*41(12),29-30(2020).
- [7] He Zongjing: *Research on Legal Issues of Green Trade Barriers*. *East China University of Political Science and Law*. 1(2008).
- [8] Wang Qiqi: *Legal Analysis on Prevention and Control of Packaging Waste Pollution from an Ecological Perspective*. *China Packaging*43(02),33-36(2023).
- [9] Yin Lianhua: *International Experience of Green Packaging Policy and Its Enlightenment for China*. *China Packaging*9(42),18-21(2022).
- [10] Cheng Wei: *On the improvement of China's green trade barrier system under the WTO system*. *South-Central University for Nationalities*.23-24(2013).
- [11] *Guidelines for the Application of General Principles of Food Hygiene to the Control of Viruses in Food* (CAC/GL 79-2012).
- [12] YanYuhong: *Analysis of WTO Legality of Temporary Trade Measures in PHEIC Period—From the Perspective of the COVID-19 Epidemic*. *Journal of International Economic Law* (01),42-53(2021).
- [13] ZhaoYana: *The practical path and world significance of green "Belt and Road" initiative—Based on the perspective of global environmental governance*. *International Outlook* 1(15),136-152(2023).
- [14] Sun Yue , Yu Xiao: *A Study on China's Promotion of Global Climate Governance Transformation from the Perspective of a Community with a Shared Future for Mankind*. *Northeast Asia Forum* (06), 122(2019).
- [15] International Energy Agency. *Renewables 2021: Analysis and Forecast to 2026*, December2021.<https://iea.blob.core.windows.net/assets/5ae32253-7409-4f9a-a91d-1493ffb9777a/Renewables2021-Analysisandforecastto2026.pdf>, last accessed 2023/3/16.
- [16] Sheng Peng: *Legal issues of green trade barriers from the perspective of WTO exception clauses*. *Ocean University of China*,40-43(2006).