

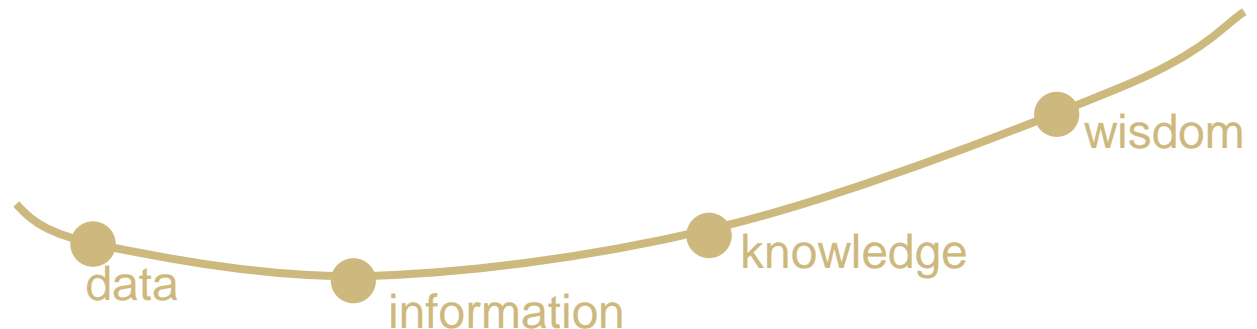


Short courses for Permanent Missions in Geneva "P166"

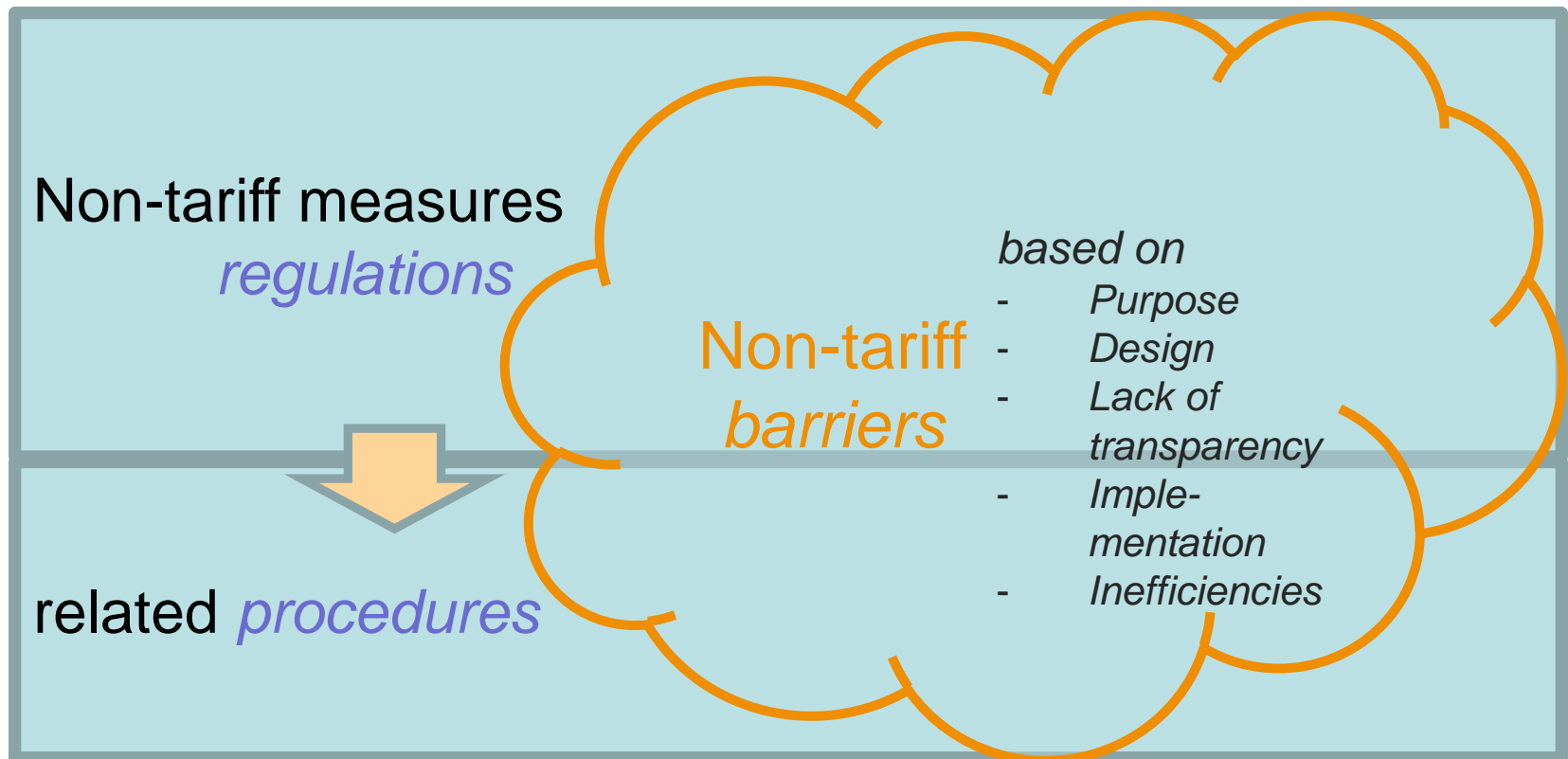
Trade facilitation and non-tariff measures: How to ensure access to essential goods such as food and medical products

Ralf Peters, UNCTAD

Geneva, 15 September 2022



Trade Regulations and implemented Procedures



Challenge to comply with requirements



Bringing dried mangoes into the EU is duty-free for all countries. However, exporters need to comply with

- tolerance limits for pesticide residues,
- hygienic practices during production,
- processing methods, microbiological criteria of the final product,
- certification

NTMs
Non-Tariff
Measures



Other Examples of Non-Tariff Measures

1. Toys for children under 3 years shall not contain articles smaller than 1.25 inch (United States)
2. Regulation on Control of Imports, Exports and Consumption of Ozone Depleting Substances
 - Imports Licenses for Ozone Depleting Substances (Lao People's Democratic Republic)
3. Export restrictions



Non-Tariff Measures

- “Non-Tariff Measures are policy measures, other than ordinary customs tariffs, that can potentially have an economic effect on international trade in goods, changing quantities traded, or prices or both” (UNCTAD Group of Eminent Persons on NTBs)

→ neutral concept!

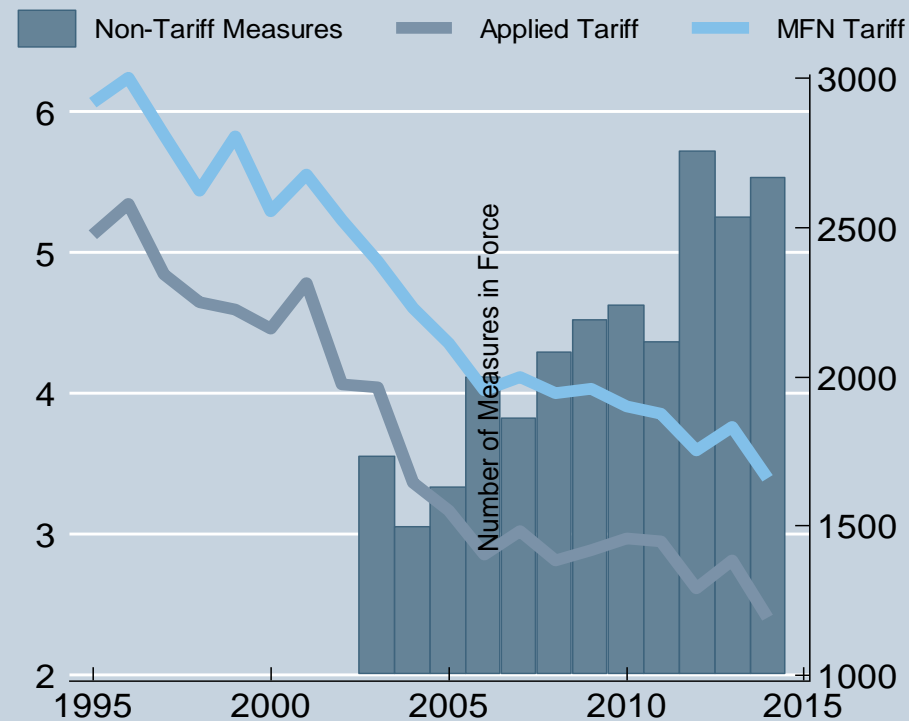
- NTMs include a broad range of policy instruments including
 1. **traditional trade policy instruments**, quotas, price controls, rules of origin
 2. **regulatory and technical measures**, from non-trade objectives related to safety, health and environmental protection
 - Sanitary and Phytosanitary (SPS) measures
 - Technical Barriers to Trade (TBT)



Trend: NTMs on the rise

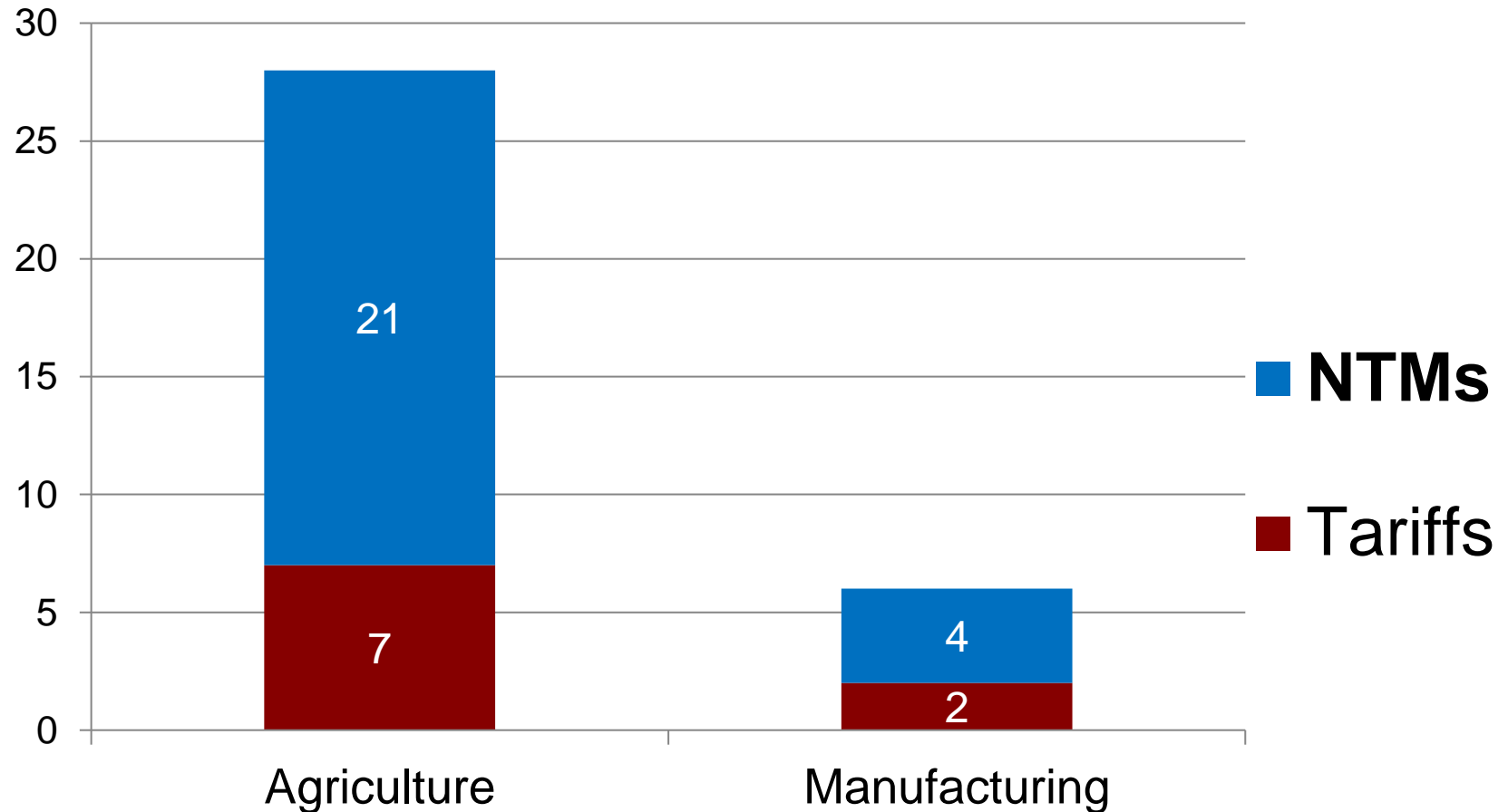
Figure 5: Contrasting Trade Policies

Tariffs have gone down, non-tariff measures not so



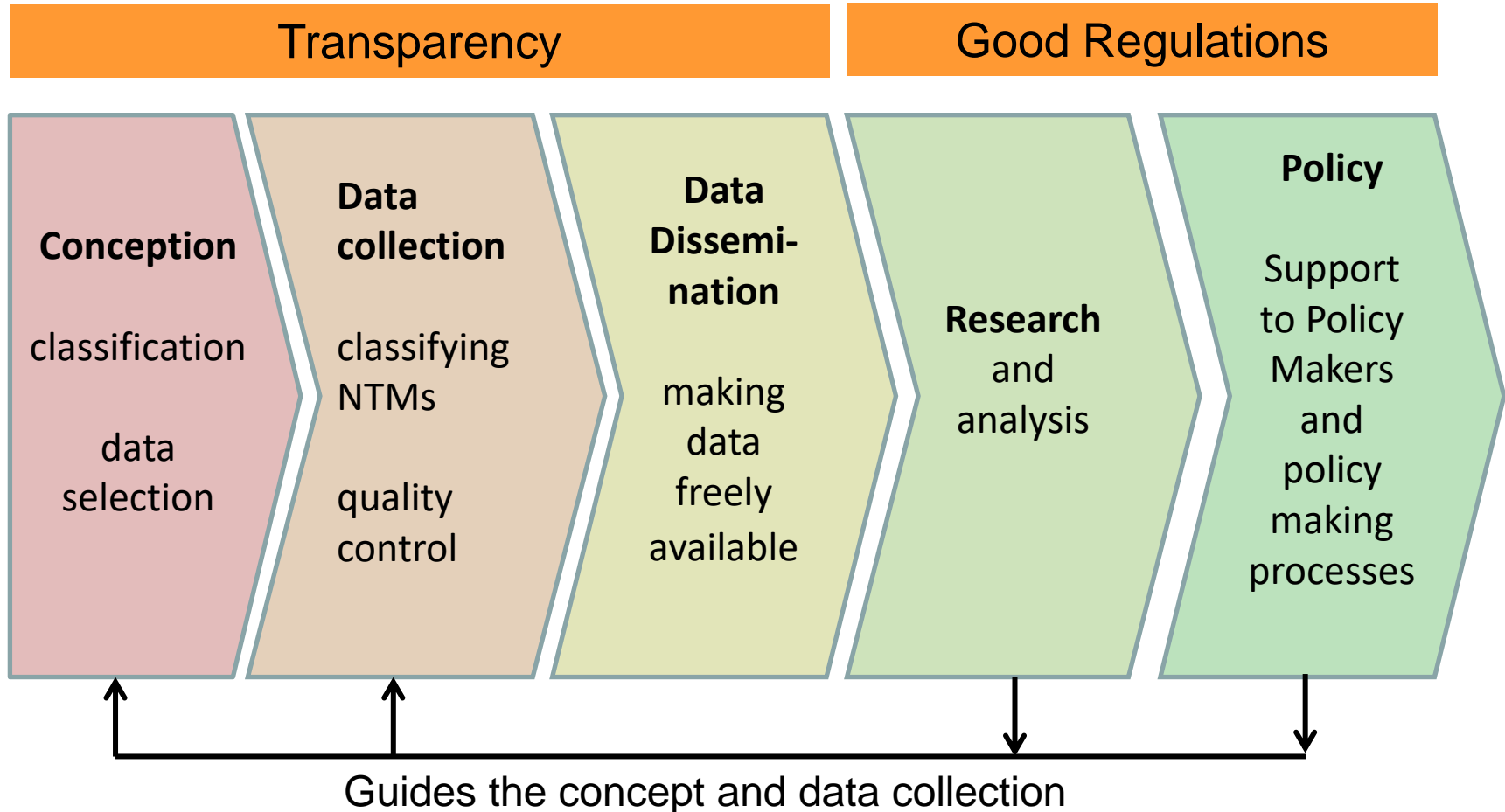
Source: UNCTAD calculations based on UNCTAD TRAINS and WTO I-TIP data

Estimated *average* ad-valorem equivalents



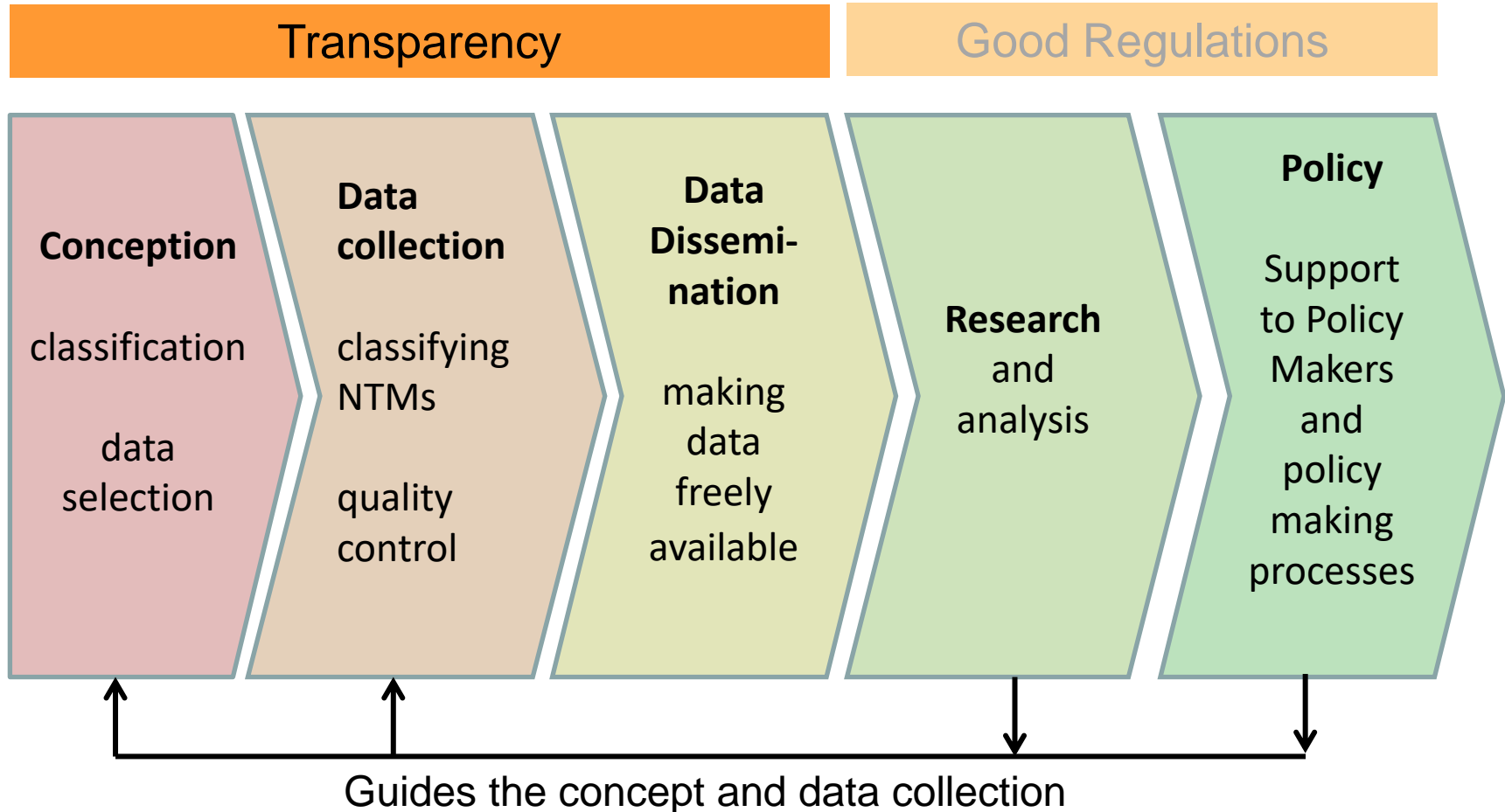
UNCTAD NTM Programme

unctad.org/ntm



UNCTAD NTM Programme

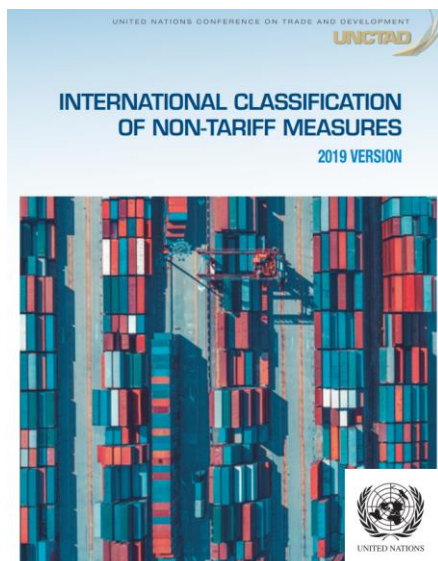
unctad.org/ntm



UNCTAD-MAST Classification:

The common language

Multi Agency Support Team
(FAO, ITC, OECD, UNCTAD,
UNIDO, World Bank, WTO)
led by UNCTAD, developed
NTM Classification



unctad.org/ntm

Imports	Technical measures	<p>A SANITARY AND PHYTOSANITARY MEASURES</p> <p>B TECHNICAL BARRIERS TO TRADE</p> <p>C PRE-SHIPMENT INSPECTION AND OTHER FORMALITIES</p>
	Non technical measures	<p>D CONTINGENT TRADE-PROTECTIVE MEASURES</p> <p>E NON-AUTOMATIC LICENSING, QUOTAS, PROHIBITIONS AND QUANTITY-CONTROL MEASURES OTHER THAN FOR SPS OR TBT REASONS</p> <p>F PRICE-CONTROL MEASURES, INCLUDING ADDITIONAL TAXES AND CHARGES</p> <p>G FINANCE MEASURES</p> <p>H MEASURES AFFECTING COMPETITION</p> <p>I TRADE-RELATED INVESTMENT MEASURES</p> <p>J DISTRIBUTION RESTRICTIONS</p> <p>K RESTRICTIONS ON POST-SALES SERVICES</p> <p>L SUBSIDIES (EXCLUDING EXPORT SUBSIDIES UNDER P7)</p> <p>M GOVERNMENT PROCUREMENT RESTRICTIONS</p> <p>N INTELLECTUAL PROPERTY</p> <p>O RULES OF ORIGIN</p>
	Exports	<p>P EXPORT-RELATED MEASURES</p>

UNCTAD-MAST NTM Classification

Tree structure – Example

unctad.org/ntm
Classification

- A SANITARY AND PHYTOSANITARY MEASURES
 - A1 Prohibitions/restrictions of imports for SPS reasons
 - A2 Tolerance limits for residues and restricted use of substances (...)
 - A8 Conformity Assessment related to SPS
 - A81 Product registration requirement
 - A82 Testing requirement
 - A83 Certification requirement
 - A84 Inspection requirement
 - A85 Traceability requirement
 - A851 Origin of materials and parts
 - A852 Processing history
 - A853 Distribution and location of products after delivery
 - A859 Traceability requirements n.e.s.
 - A86 Quarantine requirement
 - A89 Conformity assessments related to SPS n.e.s
 - A9 SPS Measures n.e.s.
- B TECHNICAL BARRIERS TO TRADE
- C PRE-SHIPMENT INSPECTION AND OTHER FORMALITIES
- D CONTINGENT TRADE PROTECTIVE MEASURES
- E NON-AUTOMATIC LICENSING, QUOTAS, PROHIBITIONS ...
- F PRICECONTROL MEASURES INCLUDING ADDIT. TAXES ...
- G FINANCE MEASURES
- H MEASURES AFFECTING COMPETITION
- I TRADE-RELATED INVESTMENT MEASURES

At this level of coding: about 500 measures in the classification



Official NTM data collection

• From here...

...to here

The Gazette of the Democratic Socialist Republic of Sri Lanka EXTRAORDINARY

අංක 1376/9 - 2005 ජනවාරි 19 වැනි බදාදා - 2005.01.19
No. 1376/9 - WEDNESDAY, JANUARY 19, 2005

(Published by Authority)

PART I : SECTION (I) — GENERAL Government Notifications

L.D. - B. 11/80 II

FOOD ACT, No. 26 OF 1980

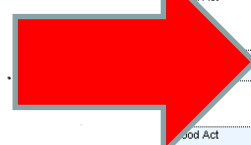
REGULATIONS made by the Minister of Health in consultation with the Food Advisory Committee under No. 26 of 1980.

Colombo,
17th January, 2005.

Regulations

01. These Regulations may be cited as " Food (Labelling and Advertising) Regulations 2005. "
02. No person shall sell, offer for sale, expose or keep for sale, transport or advertise for sale, any food in a container unless such package or container is labelled in accordance with these regulations.

Provided however that, these regulations shall not apply to any package of food if the food is of the national brand requested by the purchaser and is weighed, counted or measured in the presence of the purchaser.



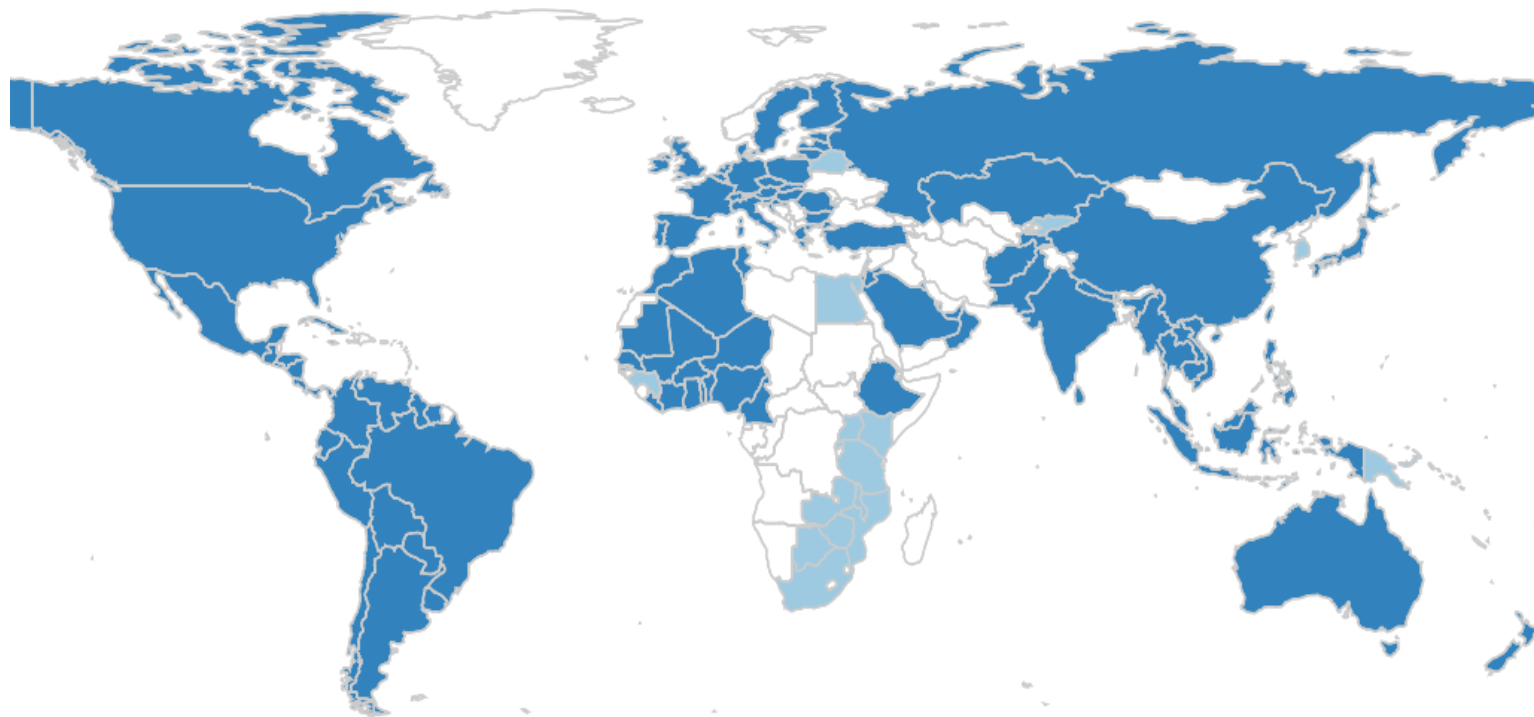
Consumer Affairs Authority Act

Measures
Enter the list of non-tariff measures you found in the official trade regulations you collected. These must be linked to

Document Title	Regulation Title Short	NTM Code	Implementation Date	Measure Repealed	Measure Description	Affected Products Description	Affected Countries
Food Act	Food (Control of import, labelling, and sale of genetically modified foods) Regulation 2006	B14	01/01/2007		Needs to get approval of the Chief Food Authority in order to import	Food products	All countries
Food Act	Food (Control of import, labelling, and sale of genetically modified foods) Regulation 2006	B31	01/11/2007		Labelling Requirements	Food products	All countries
Food Act	Food (Irradiation) Regulations 2005	A31	01/05/2006		Labelling Requirements	Food products that had been treated with irradiation	All countries
Food Act	Food (Irradiation) Regulations 2005	A83	01/05/2006		Certification by the competent authorities of the country of origin that the food has been inspected	Food products that had been treated with irradiation	All countries
Food Act	Food (Irradiation) Regulations 2005	A89	01/05/2006		Documentation that the Food Irradiation Facility concerned is approved, licensed, authorised by the competent national authority of food irradiation	Food products that had been treated with irradiation	All countries
Food Act	Food (Irradiation) Regulations 2005	P62	01/05/2006		Certification by the competent authorities of the country of origin that the food has been inspected	Food products that had been treated with irradiation	All countries
Food Act	Food (Melamine in Milk and Milk Products) Regulations 2010	A22	01/01/2011		Specifying permitted ppm levels of melamine in milk and milk products	Milk and Milk Products	All countries
Food Act	Food (Melamine in Milk and Milk Products) Regulations 2010	A83	01/01/2011		A health certificate required from the National Food Safety Authority of the country of origin that the products conform to the levels of melamine specified	Milk and Milk Products	All countries
Food Act	Food (Packaging materials and articles) Regulation 2010	A32	01/06/2011		Marking requirements - need to print the words "FOR FOOD USE" or any other relevant words or symbols as indicated in the regulation	Food packaging material	All countries
Food Act	Food (Packaging materials and articles) Regulation 2010	A83	01/06/2011		Certification by the manufacturer that the material meets required quality standards	Food packaging material	All countries
Food Act	Food (Packaging materials and articles) Regulation 2010	A22	01/06/2011		Restricted use of certain substances in food packaging material	Food packaging material	All countries
Food Act	Food (Preservatives) Regulations	A19	01/01/1991		Prohibited to import, manufacture, sell or distribute food preservatives other than those specified in the regulation & food which has in or upon it any preservative that is permitted by the regulation	Food preservatives	All countries

Cover / Sources / Documents / Regulations / Measures / Measures Affected Products / Measures Affected Countries / Measures Objectives

Map of Data Availability – A global initiative led by UNCTAD



● Data is available ● In progress



ED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

UNCTAD



Lack of *transparency* is a major cost factor

→ NTM data collection: from text to data

The Gazette of the Democratic Socialist Republic of Sri Lanka EXTRAORDINARY

අංක 1376/9 - 2005 ජනවාරි 19 වැනි බදාදා - 2005.01.19
No. 1376/9 - WEDNESDAY, JANUARY 19, 2005

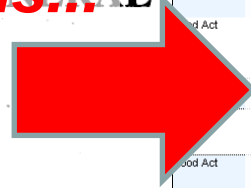
(Published by Authority)

20 000 different regulations...

Government Notifications

On several millions of pages

from numerous agencies, various websites or offline



100 000 measures

→ Easy access by:

- Product (HS codes)
- Type of measure
- Country
- Keywords

Document Title	Regulation Title	NTM Code	Measure Implementation Date	Measure Repealed	Measure Description	Affected Products Description	Affected Countries
Food Act	Food (Control of Import, Labelling, and Sale of Locally Manufactured) Regulations 2005	B14	01/01/2007		Needs to get approval of the Chief Food Authority prior to import	Food products	All countries
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Food Act	Food (Irradiation) Regulations 2005	A81	01/05/2006		Labelling Requirements	Food products that had been treated with irradiation	All countries
Food Act	Food (Irradiation) Regulations 2005	A83	01/05/2006		Documentation that the Food Authority has inspected and the products have been prepared	Food products that had been treated with irradiation	All countries
Food Act	Food (Irradiation) Regulations 2005	A85	01/05/2006		Documentation that the Food Authority has inspected and the products have been prepared	Food products that had been treated with irradiation	All countries
Food Act	Food (Irradiation) Regulations 2005	P62	01/05/2006		Certification by the competent authorities of the country of origin that the food has been inspected	Food products that had been treated with irradiation	All countries
Food Act	Food (Melamine in Milk and Milk Products) Regulations 2010	A22	01/01/2011		Specifying permitted ppm levels of melamine in milk and milk products	Milk and Milk Products	All countries
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Food Act	Food (Packaging materials and articles) Regulation 2010	A32	01/06/2011		Marking requirements - need to print the words "FOR FOOD USE" or any other relevant words or symbols as indicated in the regulation	Food packaging material	All countries
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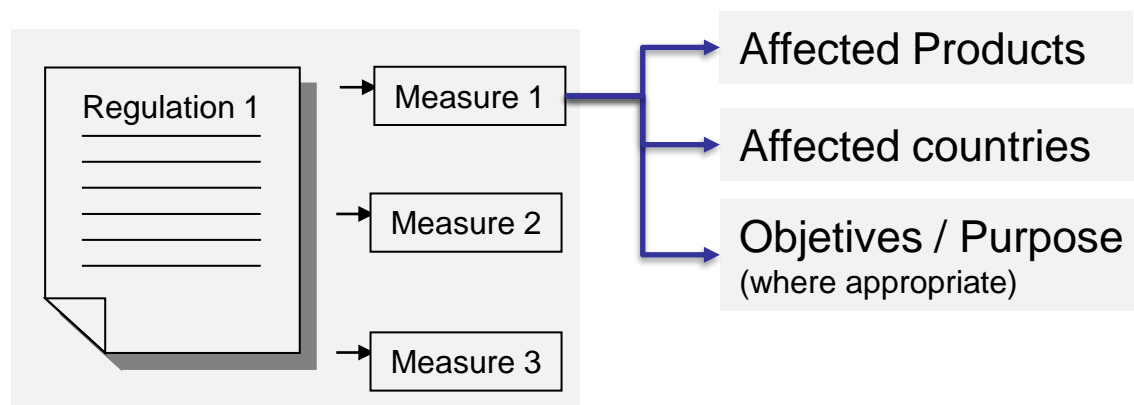
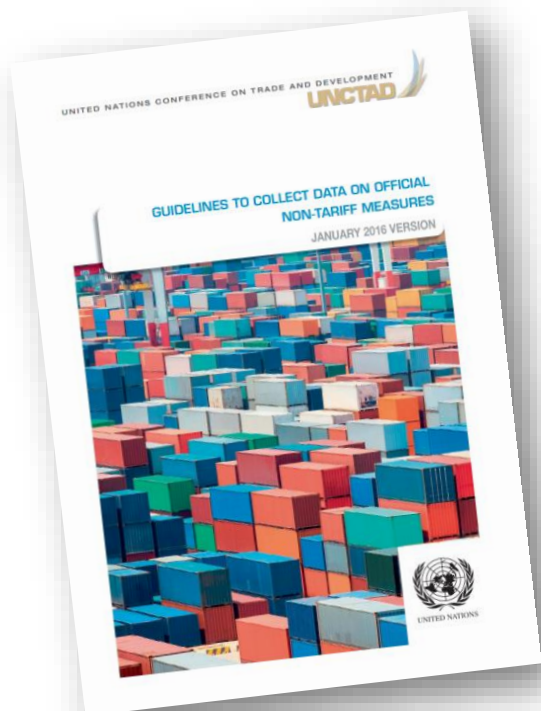
Provided however that, these regulations shall not apply to any package of food if the food is of the national brand requested by the purchaser and is weighed, counted or measured in the presence of the purchaser.

NIMAL SIR
Minister of Health
Uva Wellas

Colombo.
17th January, 2005.

GUIDELINES TO COLLECT DATA ON OFFICIAL NON-TARIFF MEASURES

2019 version <https://unctad.org/ntm>



* Overview legal architecture
What to look for, and where

* Collect & register all relevant data (Regulations, laws)

* Identify Measures in each Regulation

* Assign product codes and countries affected

What to look for, and where

Data entry

Regulation for **Kyrgyzstan [A-I, P] - M4 (Published)**

Source [*]	+	Publication Date	
Eurasian Economic Commission - Official website	▼	2016-11-30	📅
Language [*]		Original Language [*]	
English	▼	English	▼
Agencies [*]	+	Implementation Date [*]	Repeal Date
Center on Standardization and Metrology at Ministry of economy of Kyrgyz Republic ✕		2017-01-01	📅
Regulation Symbol		Country imposing [*]	
No 157_2016		Kyrgyzstan	▼
Official Title		Publication Symbol	
English [*]		No 157_2016	
Original Language		Regulation Description	
		English [*]	Original Language

Additional Information

Products Description	Countries Affected

Categories
What is the objective of this? If both, click both. If neither, don't click.

SPS TBT

What requirements does this have?

Import Licence Quota / Prohibition / Export Licence Trade remedy Other

Applicability
This legislation regulates

Import Export

Objective and justification
Other than SPS

* If you have selected TBT under "Categories", please fill out this field. Describe a reason of imposing measures other than SPS and Import Licence through this legislation

WTO
Notification

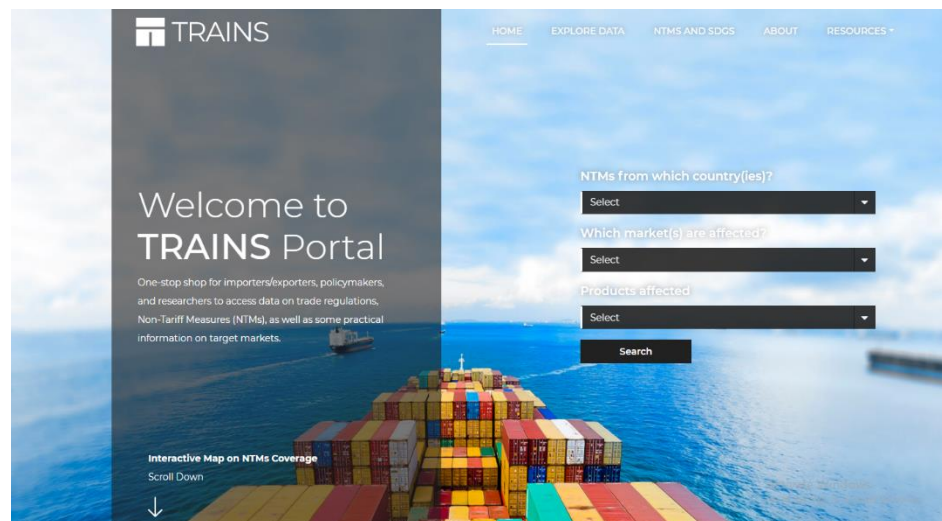
on that establishes uniform quarantine phytosanitary requirements to quarantinable products and objects applied at the border and on customs territory of Eurasian Economic Union

ing to the text of the document, regulation comes in force when Decision "On changes to uniform
s Commodity Code of Eurasian Economic Union and to uniform Customs tariff of Eurasian Economic
Decision (Decision (October 30, 2016) No 10) The Decision (Decision (October 30, 2016) No 10)



Data dissemination

- NTM data easily accessible: TRAINS NTM database
 - by product,
 - by country,
 - by trade partner



<https://trainsonline.unctad.org/>

- For Policy Makers: trainsonline.unctad.org
- For Researchers: wits.worldbank.org
- For SMEs: www.globaltradehelpdesk.org

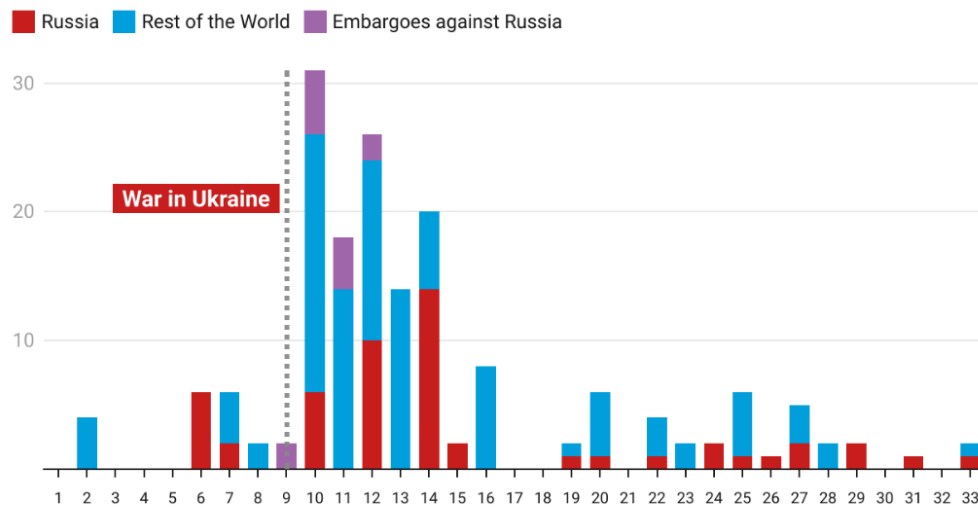
Transparency can
reduce trade costs
by 25%

Monitoring Trade Measures during a Crisis

- Together with Global Trade Alert, Agricultural Market Information System (FAO, IFAD, IMF, OECD, UNCTAD, WFP, World Bank, WTO), ...

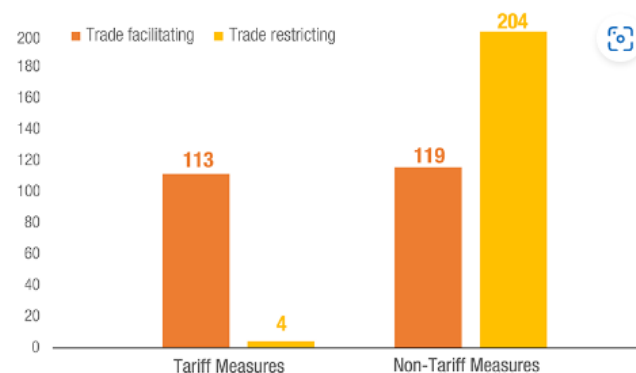
The war induced boom of trade restrictions, 2022

Weekly announcements of export restrictions in agriculture, food and agrochemicals



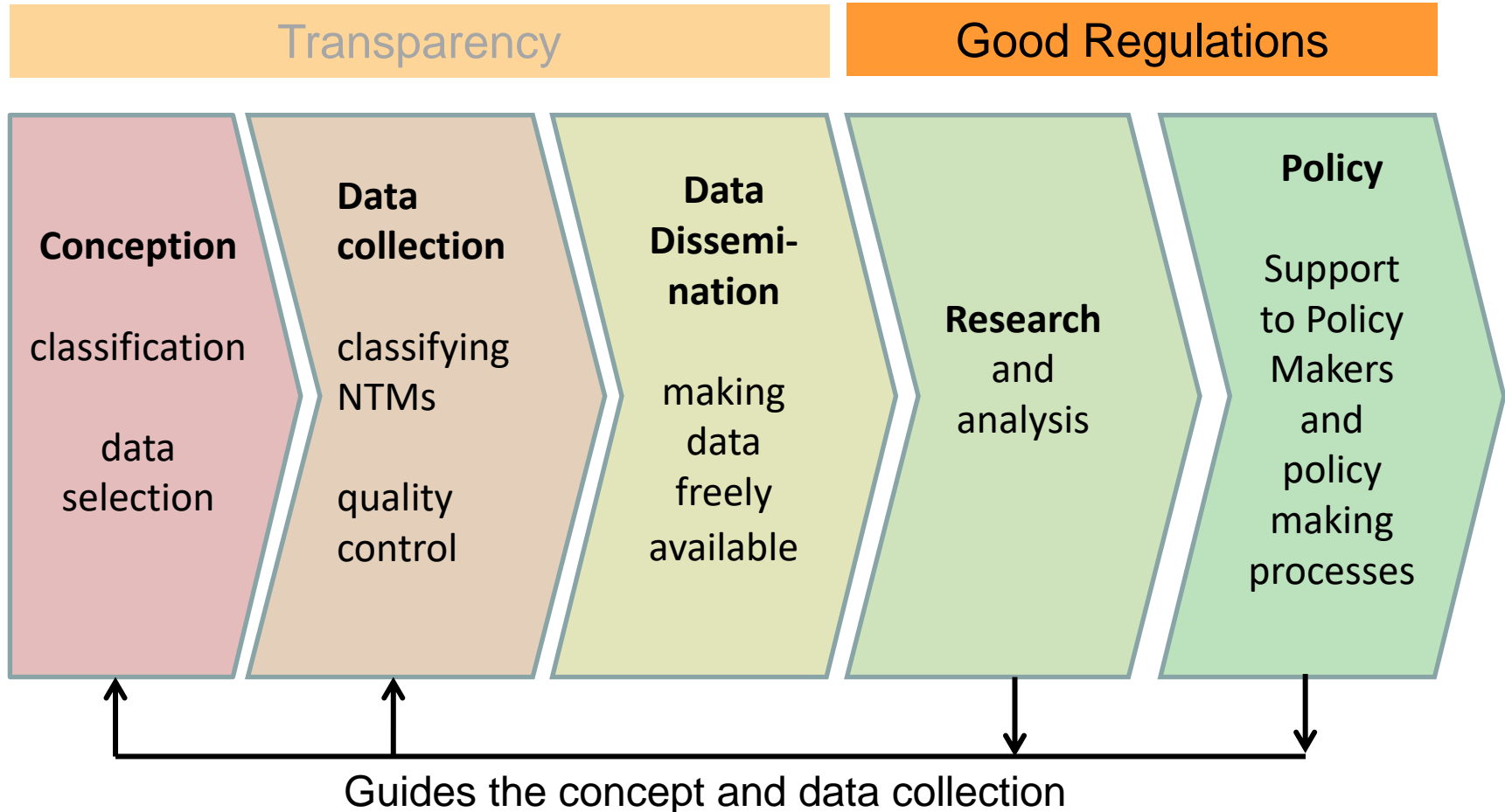
Source: UNCTAD Secretariat

COVID-19 Trade Measures



UNCTAD NTM Programme

unctad.org/ntm



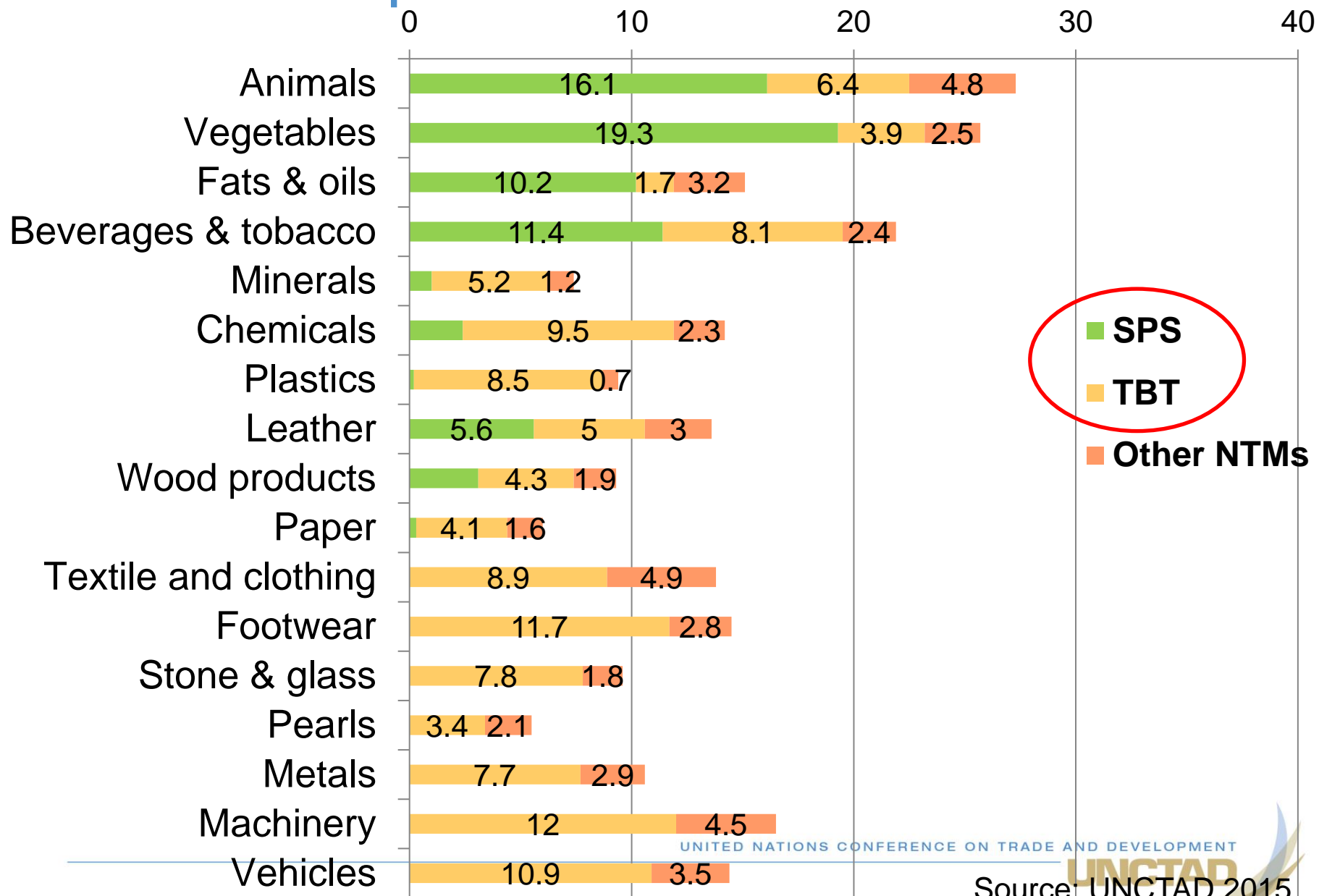
Supporting “Good Regulations”

1. Transparency for National Coherence
2. Understanding the effects of NTMs
3. Capacity Building: NTM Academy
4. Regional NTMs Integration Review
5. NTM Cost-Effectiveness Toolkit
6. NTBs Reporting and Resolution Mechanisms



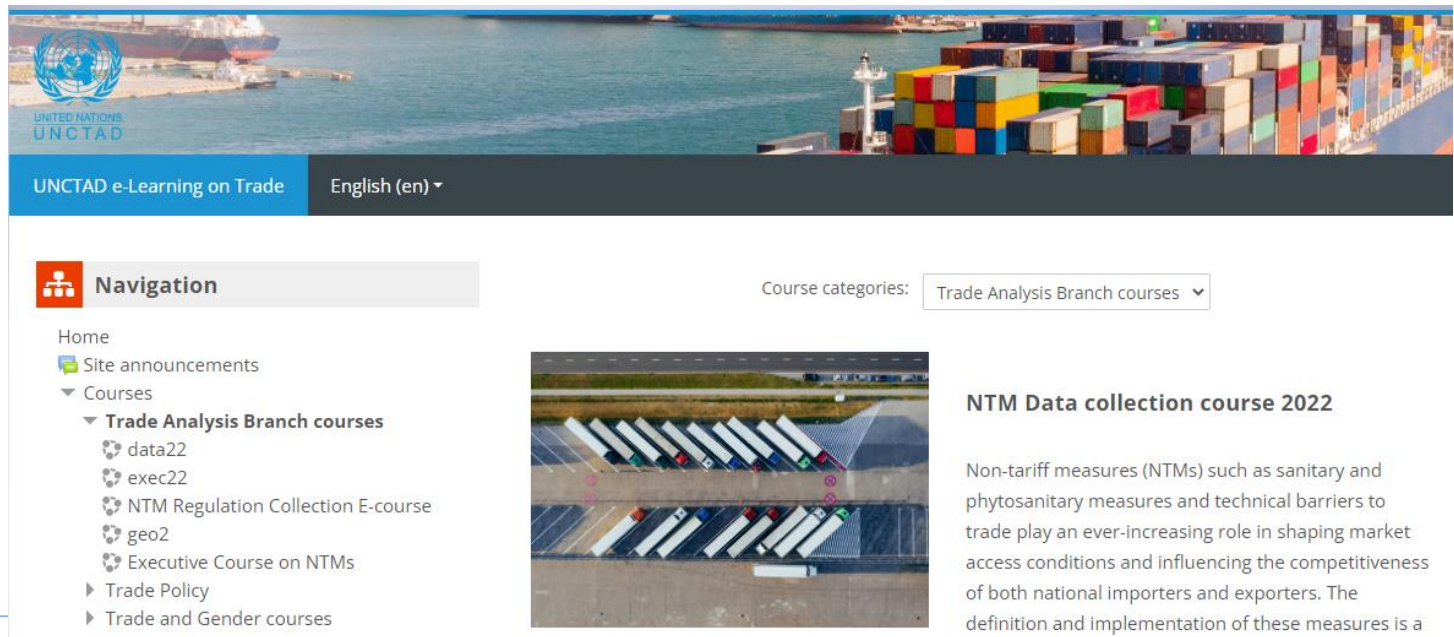
Understanding the effects of NTMs:

Global ad-valorem equivalent of different NTMs



NTM Online Academy

- elearningtrade.unctad.org
- Executive course
- Regulation Collection course
- Data Collection course
- NTM Analysis course (with WTO and ESCAP)



UNCTAD e-Learning on Trade English (en) ▾

Navigation

- Home
- Site announcements
- ▾ Courses
 - ▾ **Trade Analysis Branch courses**
 - data22
 - exec22
 - NTM Regulation Collection E-course
 - geo2
 - Executive Course on NTMs
 - Trade Policy
 - Trade and Gender courses

Course categories: Trade Analysis Branch courses ▾

NTM Data collection course 2022

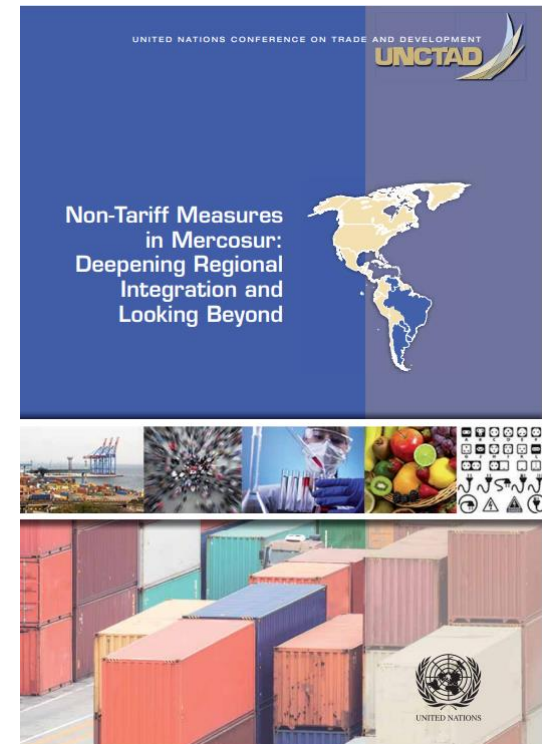
Non-tariff measures (NTMs) such as sanitary and phytosanitary measures and technical barriers to trade play an ever-increasing role in shaping market access conditions and influencing the competitiveness of both national importers and exporters. The definition and implementation of these measures is a

Regional NTMs Integration Review

Regional non-tariff measures integration reviews provide analytical support for regional integration processes by systematically addressing NTMs in RTAs

A review consists of:

- NTM data collection
- Economic impact assessment
- Institutional analysis
- Validation workshop to develop strategies



NTM Cost-Effectiveness Toolkit

“In a nutshell, the toolkit provides a systematic approach and easy to use tools to review NTMs and find out how to improve the efficacy and costs of each NTM.”

5-step approach to reviewing NTMs

Step 1

Product Selection and NTM Mapping

A value chain of interest is selected, all imported intermediate inputs within the value chain are identified at HS6-digit level, and applicable NTMs are mapped and validated

Step 2

Stakeholder Identification

For the NTMs applicable to the identified imported inputs, all the NTM focal points in government agencies responsible for NTM design and implementation focal points in regulated private sector firms are identified

Step 3

Stakeholder Engagement

A 4-tiered approach is used to engage with stakeholders to get insights into challenges faced by the regulated firms and the loopholes in design and implementation.

Step 4

Stakeholder Input Analysis

Insights, observations and data from stakeholder engagement are brought together and analysed to identify the challenges to NTM compliance as well as the flaws in NTM design and implementation process.

Step 5

Policy Options

Policy options that correspond to the results of the previous step are explored and additional stakeholders, national or international, are involved for buy-in and a final validation. Policy options that correspond to the results of the previous step are explored and additional stakeholders, national or international, are involved for buy-in and a final validation.



Few Policy Recommendations

1. Transparency is key
 - NTMs cover a vast array of policies
 - NTMs are highly relevant for safety, health and the environment (behind the border)
 - There is a rising use of NTMs
 - On average, NTMs are 3 times more costly than tariffs
 - There is an International Classification of NTMs
 - Transparency in Trade Initiative aims to enhance availability of information on regulations
2. Regulatory coherence within a country
3. Regulatory Cooperation and use of International Standards
4. Avoiding unnecessary trade restrictions



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tab@unctad.org



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