

Maximizing Benefits of Non-Tariff Measures for Sustainable Development

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APTIR 2019 - Structure

Navigating Non-Tariff Measures toward Sustainable Development

Chapter 1- The rise of Non-Tariff Measures:
Why it matters for sustainable development

Chapter 2- Measuring the Development Impact
of NTMs in Asia and the Pacific

Chapter 3- NTMs and their relationships to
international standards

Chapter 4- Maximizing the benefits of NTMs for
sustainable development



APTIR Chapter 4

Maximizing the benefits of NTMs for Sustainable Development [20 pages]

Concept: “This chapter highlights **good practices on how to streamline procedures associated with implementation of NTMs**. It also reviews on-going ASEAN, EAEU and other **subregional initiatives on NTMs**, and identifies opportunities for enhanced regional cooperation in this area.”



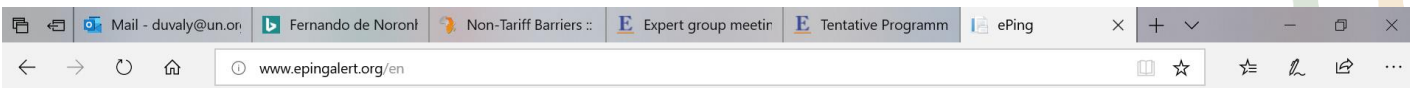
good practices on how to streamline procedures associated with implementation of NTMs

(Designing and/or reviewing NTMs)

- Use of international standards
- Regulatory impact assessment / Sustainability impact assessment of NTMs
 - Good practice: Australia?
- Regulatory reviews
 - Good practice: Malaysia?
- Stakeholder consultation mechanism
 - e-Ping



E-Ping



Latest notifications

Canada, 09/07/19
G/SPS/N/CAN/1251 Health Canada's Notice of Modification to the Lists of Permitted Food Additives to Enable the use of Acesulfame Potassium, Sucralose, Steviol Glycosides as Sweeteners, and Potassium Phosphate,...

Statistics

Since 1 January 2019
843 SPS Notifications
1778 TBT Notifications

Search

Search notifications on product requirements, filtering by specific products or export markets



Receive alerts

Register for free to receive email alerts on new notifications



Collaborate

Once registered, benefit from additional features such as discussion forum and file sharing



good practices on how to streamline procedures associated with implementation of NTMs

(Application and enforcement on NTMs)

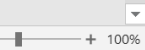
- Mutual recognition arrangements
- Private sector feedback mechanism (e.g., tradebarriers.org)
- Trade facilitation
 - Transparency (NTM repositories; trade portals)
 - Simplify and digitalize trade procedures



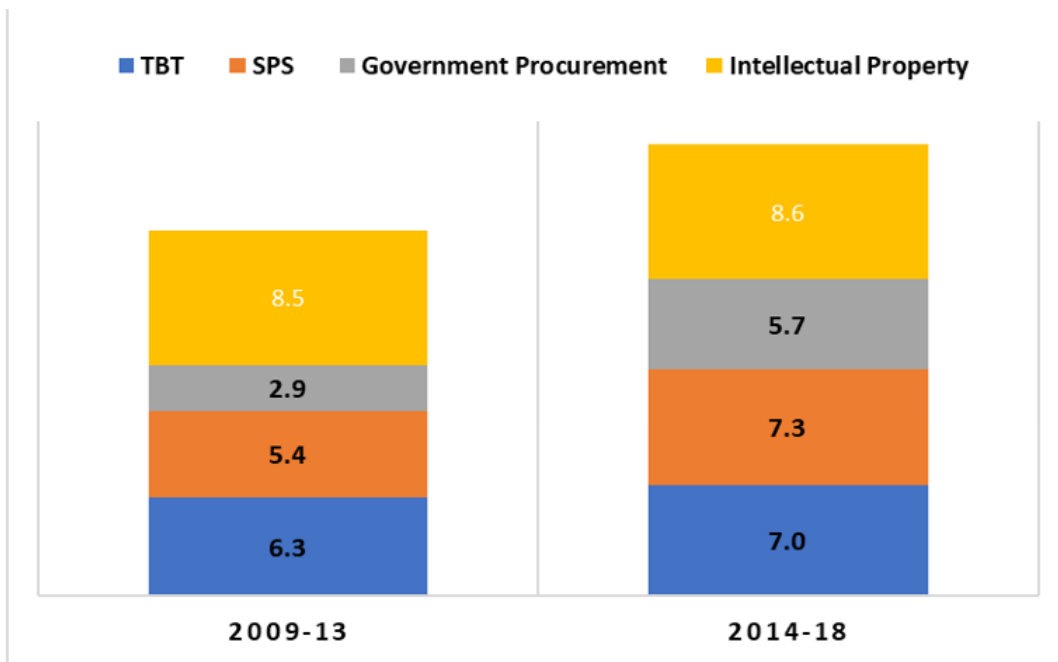
Regional/subregional initiatives on NTMs

- NTM provisions in RTAs
- ASEAN
- EAEU
- East African Community
 - Tradebarriers.org
- Others?





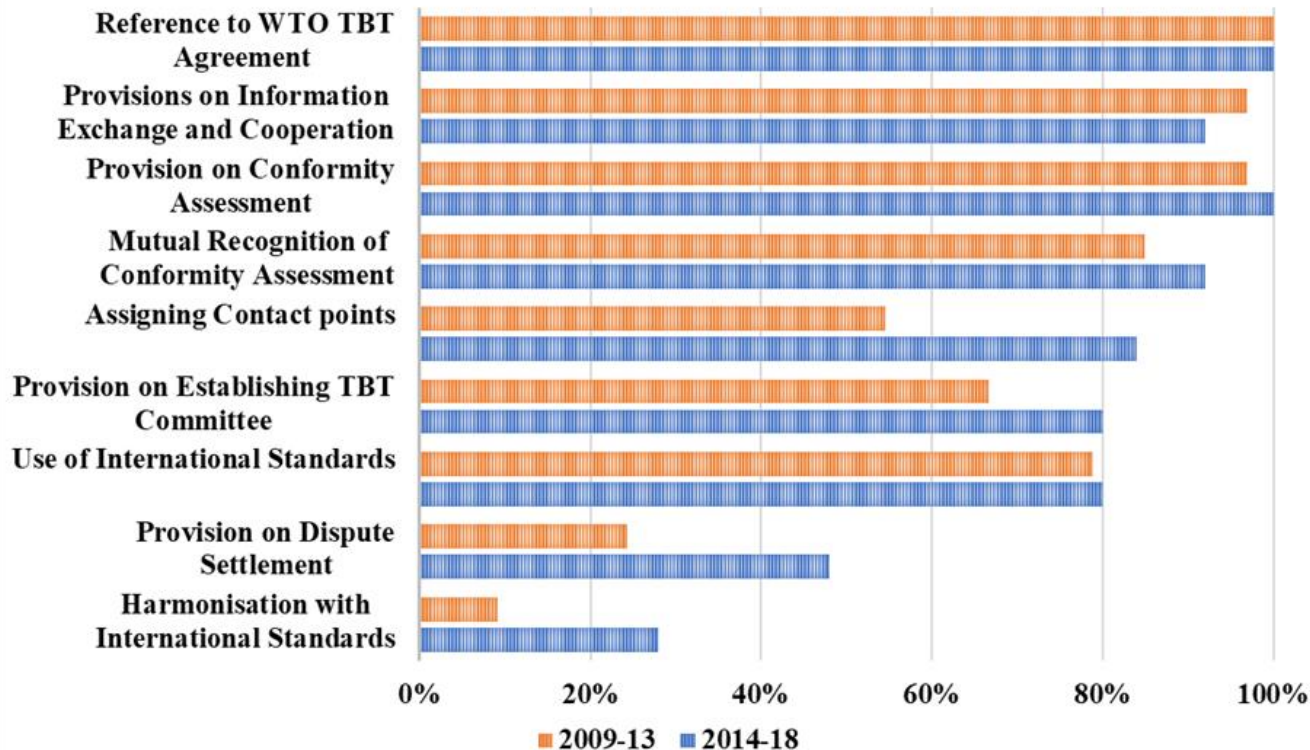
Average number of NTM provisions in RTAs (Asia-Pacific; 58 RTAs)



Source: ESCAP (forthcoming)



TBT PROVISIONS IN RTAs IN ASIA-PACIFIC

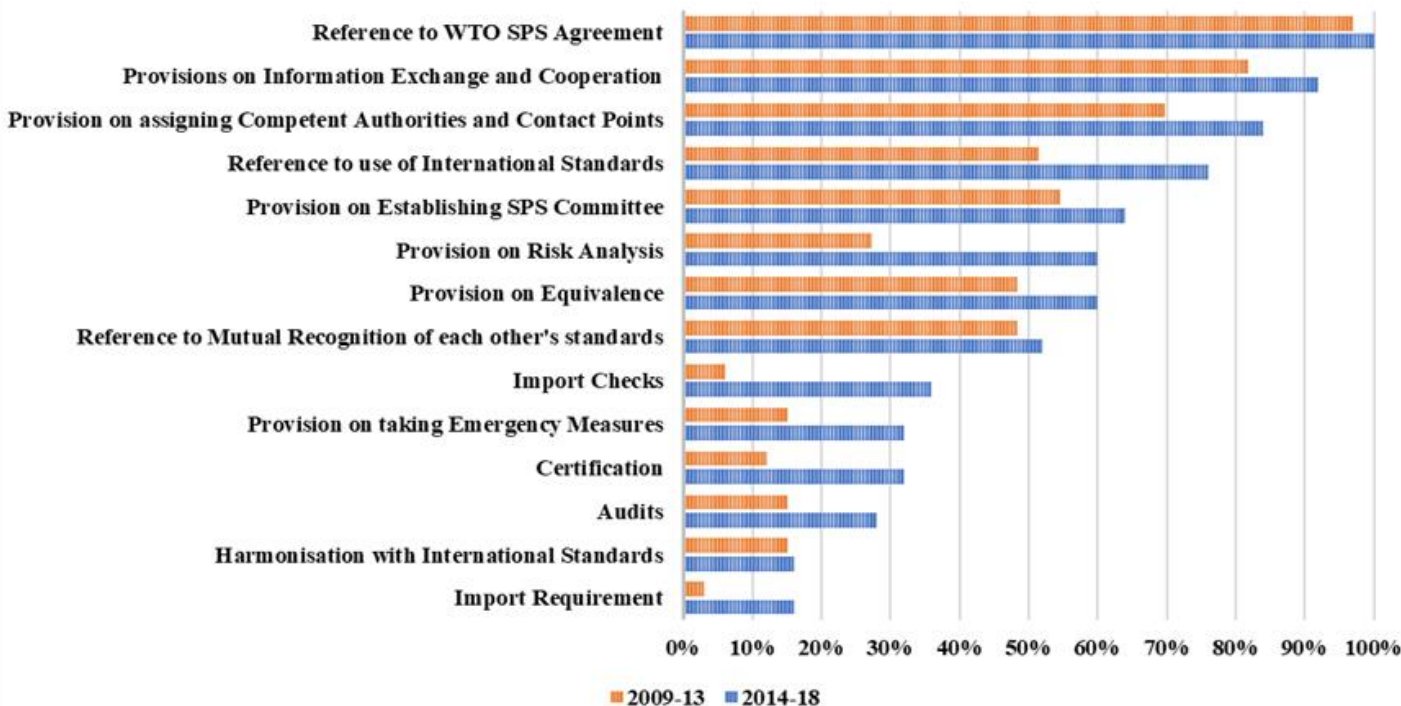


Most comprehensive RTA: CPTPP, ROK-NZ, Japan-EU

Source: ESCAP (forthcoming)



SPS PROVISIONS IN RTAs IN ASIA-PACIFIC

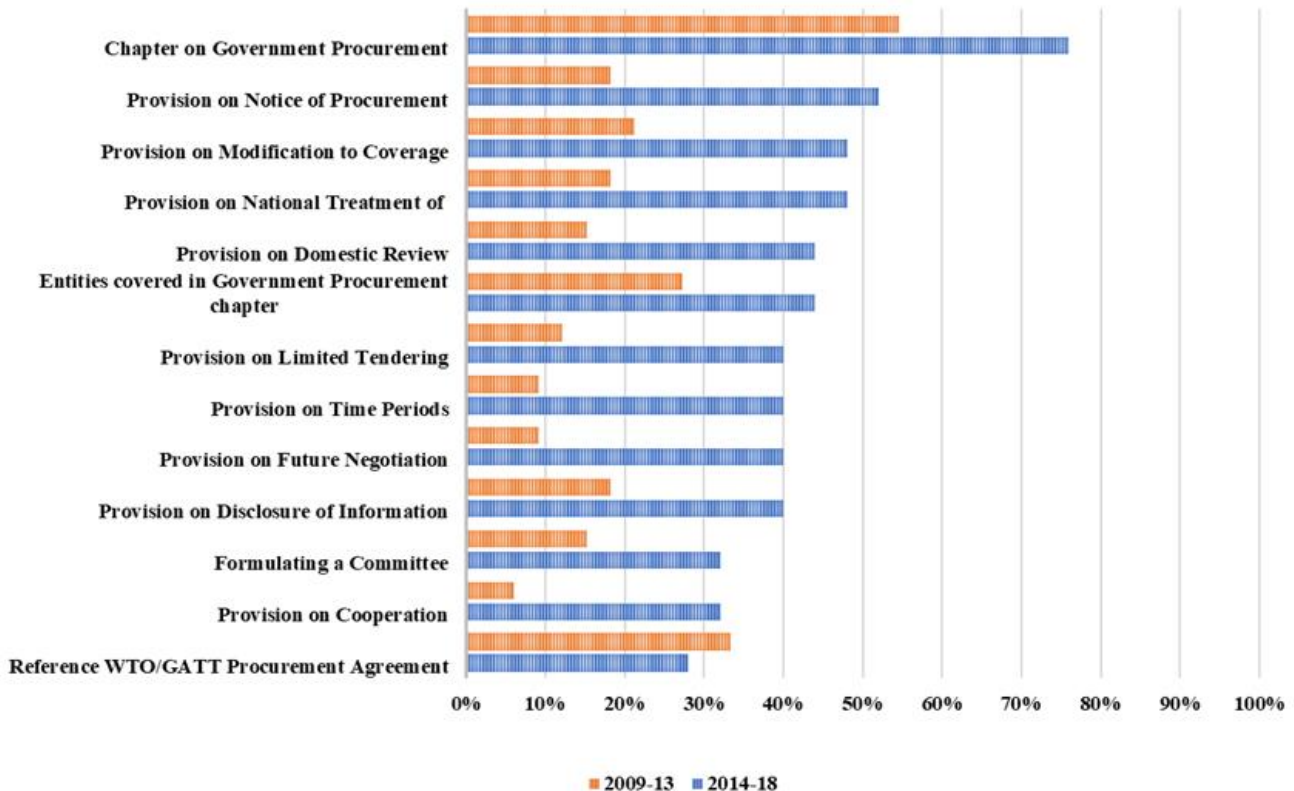


Most comprehensive RTA: Japan-EU; VN-EU

Source: ESCAP (forthcoming)



GOVERNMENT PROCUREMENT PROVISIONS IN RTAs IN ASIA-PACIFIC



Most comprehensive RTA: Australia-Peru

Source: ESCAP (forthcoming)



ASEAN NTM initiatives

- ASEAN Trade Repository,
- ASEAN Framework Agreement on Mutual Recognition Arrangements
- ASEAN NTM Guidelines (Aug. 2018)



NTB reporting mechanism

East African Community – [tradebarriers.org](https://www.tradebarriers.org)

The screenshot displays the homepage of the tradebarriers.org website. The browser's address bar shows the URL <https://www.tradebarriers.org/>. The website header includes logos for COMESA, EAC, and SACU, along with language options for English, Français, and Português. A map of Africa is visible in the top right corner. The main navigation menu includes links for HOME, ABOUT, NON-TARIFF BARRIERS, COMPLAINTS, NON-TARIFF MEASURES, DOCUMENTS, LINKS, and CONTACT. The central content area is divided into three main sections: 'What is a Non-Tariff Barrier (NTB)?', 'Report an NTB', and 'Report from a mobile phone'. The 'What is a Non-Tariff Barrier (NTB)?' section explains that NTBs are restrictions that result from prohibitions, conditions, or specific market requirements that make importation or exportation of products difficult and/or costly. The 'Report an NTB' section provides a link to 'Register your complaint' and lists two steps: 1. Reported to the appropriate country representatives, and 2. Published on this website. The 'Report from a mobile phone' section features a graphic of a smartphone displaying 'Report an NTB in a text message' and a phone number '+269 322 8528 (for Comoros)'. The 'Statistics' section shows that 663 complaints were registered, 597 were resolved, and 66 remain unresolved. The 'Documents' section lists a document titled 'THE EAST AFRICAN COMMUNITY ELIMINATION OF NON-TARIFF BARRIERS ACT, 2017' dated 18 April 2018. The 'Notifications' section lists a notification dated 10 May 2016 regarding passport holders who are exempt from visas for South Africa - 2016 (subject to change without notice).

un.org | Fernando de Noronha, Braz | Non-Tariff Barriers :: Tra | + | -

<https://www.tradebarriers.org/>

English | Français | Português

Non-Tariff Barriers
Reporting, Monitoring and Eliminating Mechanism

HOME ABOUT NON-TARIFF BARRIERS COMPLAINTS NON-TARIFF MEASURES DOCUMENTS LINKS CONTACT
Country Focal Points

What is a Non-Tariff Barrier (NTB)?

Non-Tariff Barriers (NTBs) refer to restrictions that result from prohibitions, conditions, or specific market requirements that make importation or exportation of products difficult and/or costly.

[Read more...](#)

Report an NTB


[Register your complaint](#)

Your complaint will be:

1. Reported to the appropriate country representatives
2. Published on this website

[Read more...](#)

Report from a mobile phone

 **+269 322 8528**
(for Comoros)

A country representative will contact you to assist.

[Read more...](#)

Statistics

- 663 complaints registered
- 597 complaints resolved
- 66 complaints unresolved

[more](#)

Documents

18 April 2018

THE EAST AFRICAN COMMUNITY ELIMINATION OF NON-TARIFF BARRIERS ACT, 2017

Notifications

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PASSPORT HOLDERS WHO ARE EXEMPT FROM VISAS FOR SOUTH AFRICA - 2016 (SUBJECT TO CHANGE WITHOUT NOTICE)

[VISA EXEMPTION with Africa.pdf](#)

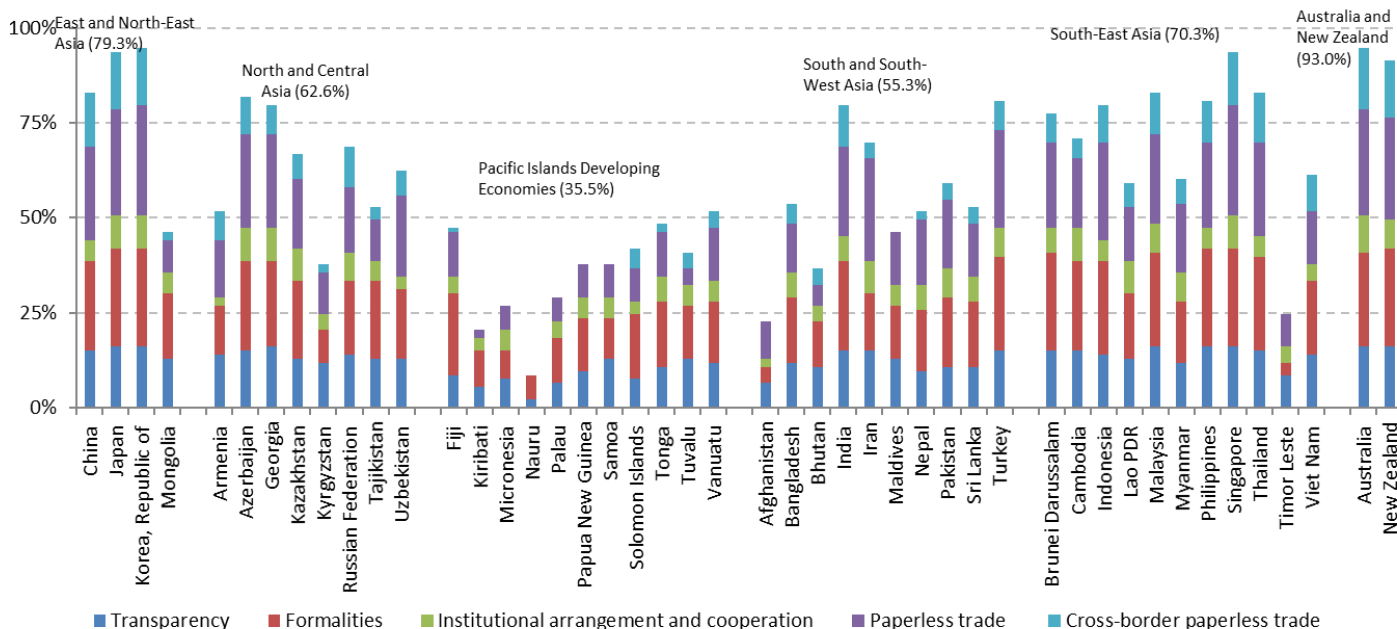


Trade Facilitation & Digitalization

- Key to reducing the “burdensomeness” of NTMs for traders (ref. chap 2; ESCAP-ITC Survey)
- 2019 UN Global Digital and Sustainable Trade Facilitation Survey (WTO TFA+)
 - 9% “jump” in implementation from 2017 to 2019 (global increase: 6%)
 - Implementation rate of paperless trade & cross-border paperless trade measures still low
 - E.g. e-SPS exchange (15%)



Implementation of Trade Facilitation & Paperless Trade in Asia-Pacific (46 countries; 2019)

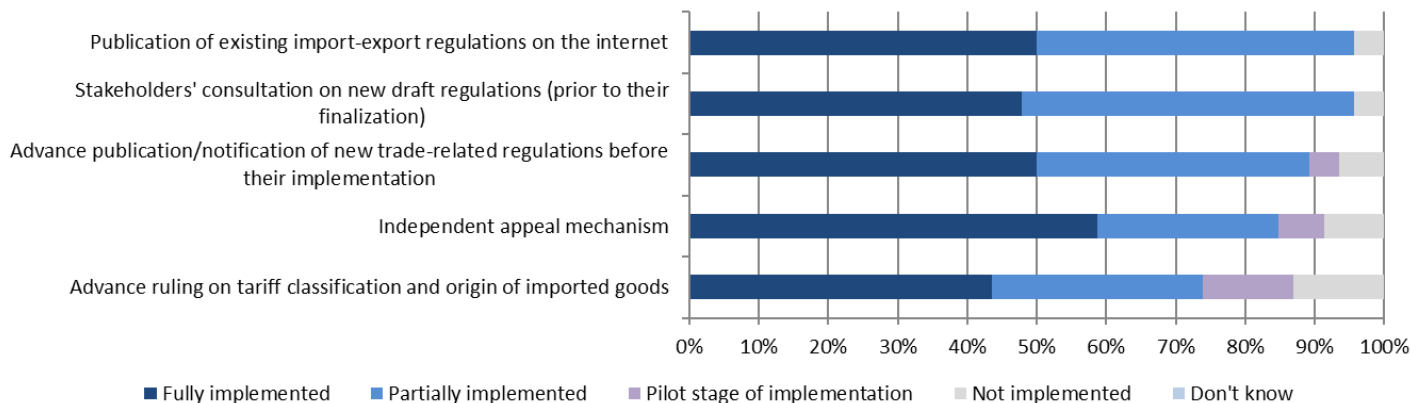


FORTHCOMING at: [UNTSURVEY.ORG](https://www.untsurvey.org)



Source: The third regional survey on trade facilitation and paperless trade implementation (2019)
Note: ESCAP is still receiving feedback from some member countries on data validation. Therefore, the results may be further – probably slightly – revised in the final report to be issued in the coming months.

State of implementation of trade facilitation measures in Asia and the Pacific: Transparency



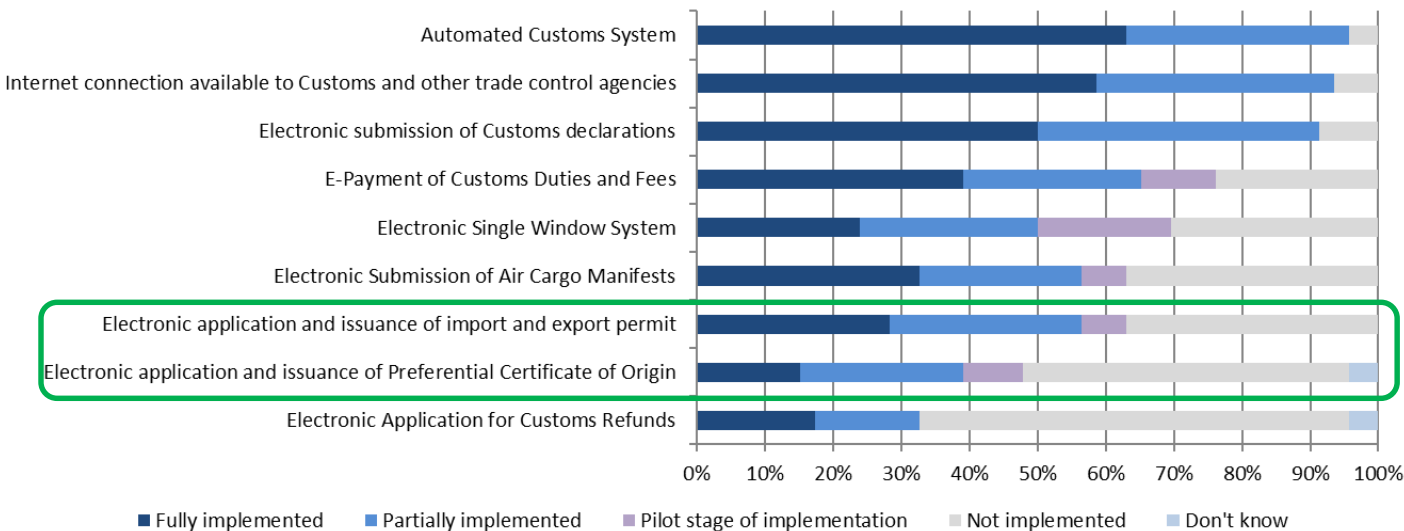
Source: The third regional survey on trade facilitation and paperless trade implementation (2019)

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FORTHCOMING at: [UNTFSURVEY.ORG](https://untfsurvey.org)

State of implementation of trade facilitation measures in Asia and the Pacific : Paperless trade



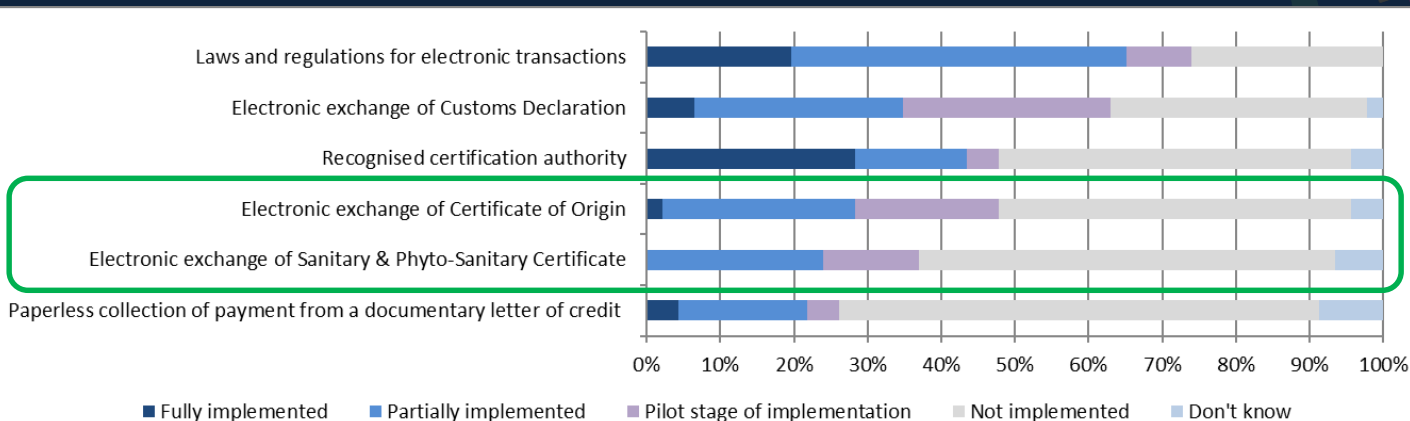
Source: The third regional survey on trade facilitation and paperless trade implementation (2019)

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FORTHCOMING at: UNTFsurvey.org

State of implementation of trade facilitation measures in Asia and the Pacific : Cross-border paperless trade



Source: The third regional survey on trade facilitation and paperless trade implementation (2019)

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Trade Facilitation & Digitalization

- ASEAN single window
- IPPC e-Phyto initiative
- Framework Agreement on Facilitation of Cross-Border Paperless Trade in Asia and the Pacific



Quality infrastructure

- (Hard infrastructure enabling trade facilitation)
- Regional infrastructure and cooperation for laboratory testing/accreditation
 - Good practice: APEC?



Way forward

- Strengthen regional cooperation on design, transparency and implementation of NTMs
- Establish regional NTB reporting mechanism
- Capacity building (& retention of expertise)
- Accelerate digitalization of NTM processes and procedures
- Address “next generation” NTMs: services and digital trade barriers





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ESCAP
Economic and Social Commission for Asia and the Pacific



United Nations Global Survey on Digital and Sustainable Trade Facilitation 2019

A joint initiative of the
United Nations Regional Commissions

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UN ESCAP



UNITED NATIONS
ESCAP
Economic and Social Commission for Asia and the Pacific



Background & Objectives

Objective



- **To monitor progress on trade facilitation (TF), including paperless trade and other forward looking measures, towards SDGs**
- **To enable evidence-based policy making, and capacity building and tech. assistance**

2012-14: Regional (Asia-Pacific) surveys conducted since 2012



2015: 1st global survey on trade facilitation implementation; presented at the 5th Global Review of Aid for Trade. [partnerships with UNCTAD, ITC, OECD Subregional org...]



2017: 2nd global survey; presented at the 6th Global AfT Review. [new partnerships: ADB, Rep. of Korea...]

2018: Launch of interactive website (now [UNTFSURVEY.ORG](https://untfsurvey.org))



2019: 3rd global survey – Digital and Sustainable Trade Facilitation [new partnerships: ICC (Banking Commission)]



UN Global TF Survey Scope

- **WTO TFA related measures +**
 - Institutional arrangement and cooperation
 - Transparency
 - Formalities
 - Transit
- **Paperless trade / Digital TF measures +**
 - Paperless trade
 - Cross-Border Paperless Trade
- **Sustainable TF measures**
 - Trade facilitation for SMEs
 - Agricultural trade facilitation
 - Women in trade facilitation
- **Others** (varies by UNRCs, e.g., Trade finance facilitation)



Data collected from **126 countries** in
2019

A Three-step Approach for Data Collection



Open data collection

- Experts and other interested parties invited to fill the questionnaire or update the pre-filled questionnaire

Cross-checking and verification

- UNRCs internally verified the data by cross-checking answers from the experts, desk research, further interviews with respondents and informants.

Key outcome of step 2:

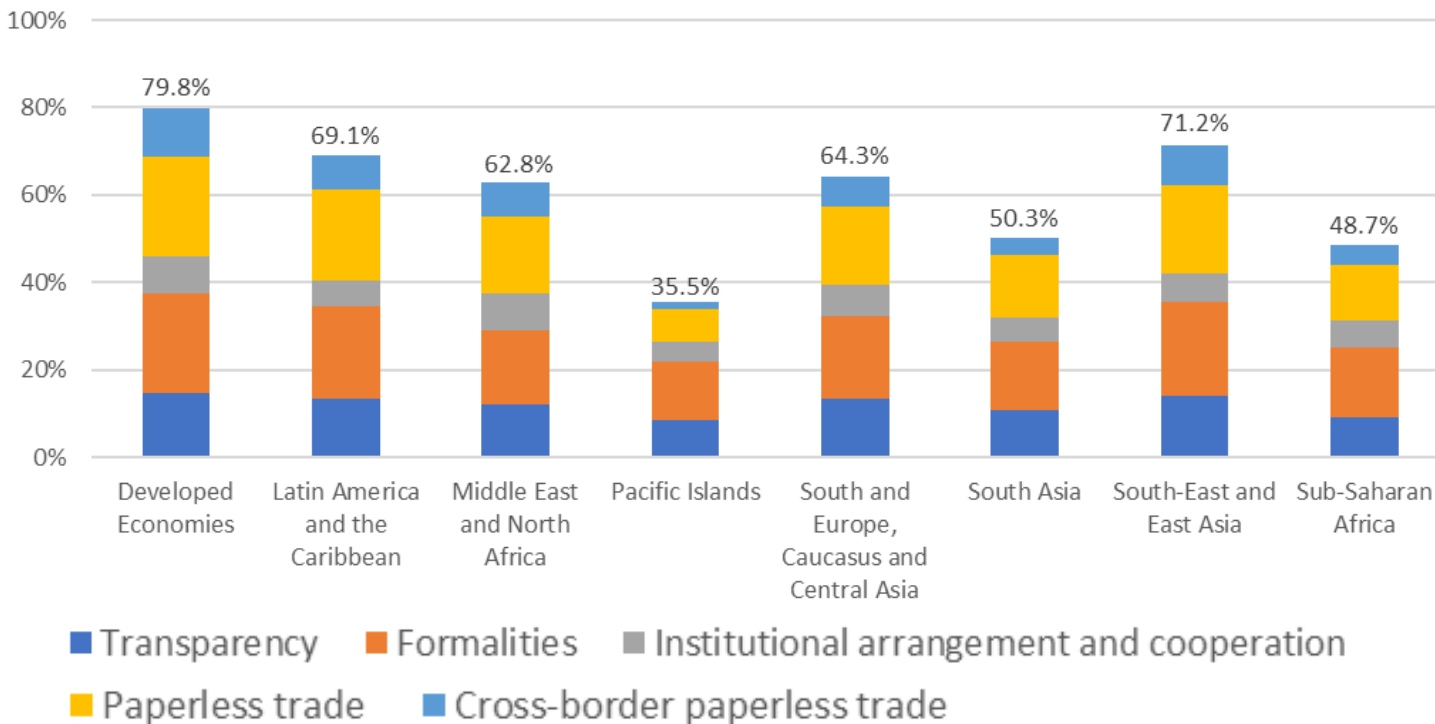
A set of national dataset for each country surveyed

Final validation by countries

- UNRCs sent the preliminary results to countries for final validation.



Implementation of Trade Facilitation

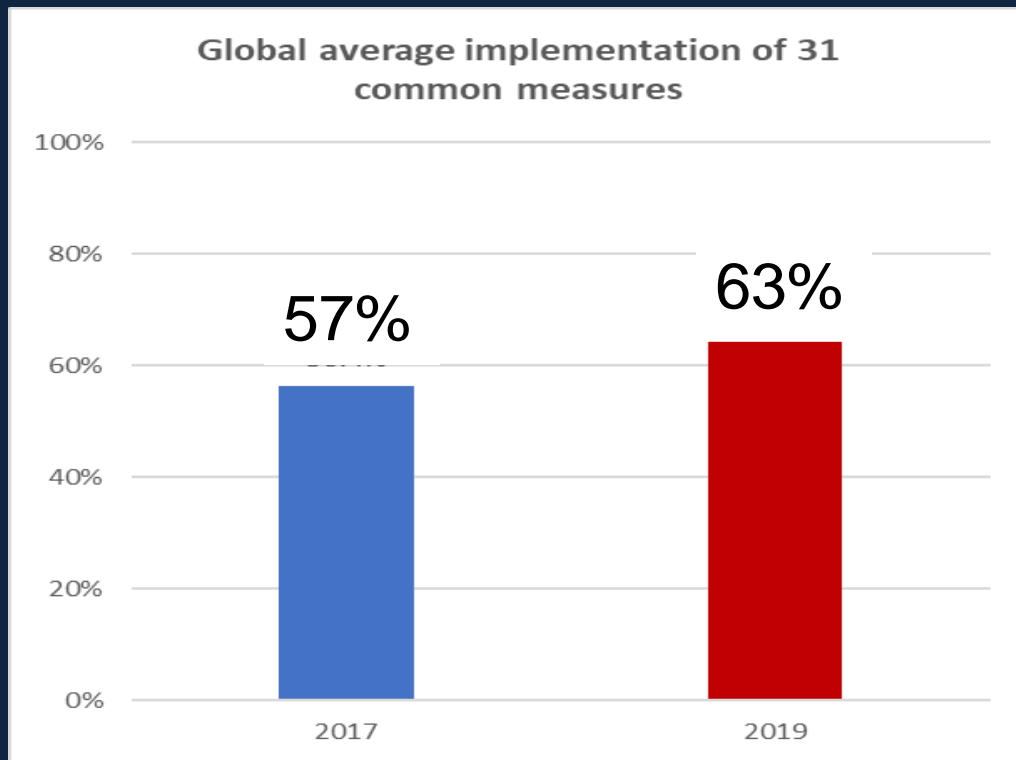


Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

Note: UNRCs are still receiving feedback from some member countries on data validation. Therefore the results may be further – probably slightly – revised in the final report to be issued in the coming months.



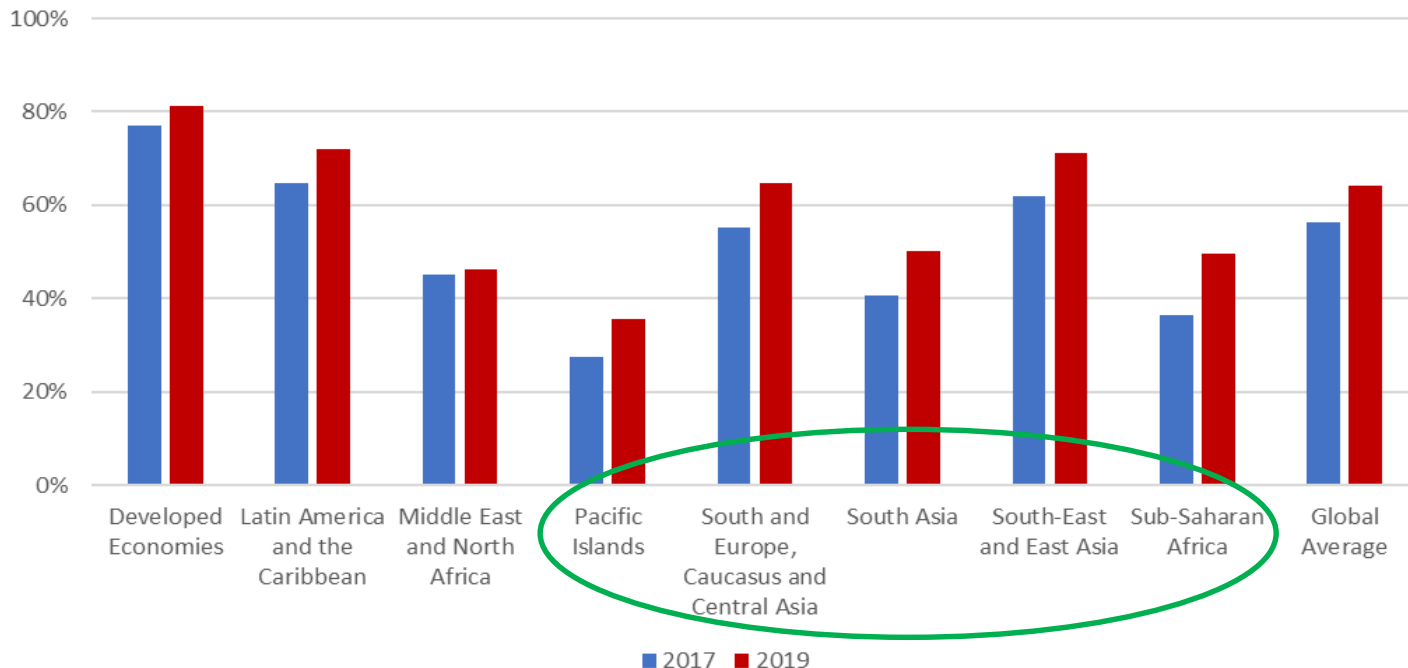
Implementation of TF: Progress 2017-19



Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

Note: UNTRCs are still receiving feedback from some member countries on data validation. Therefore, the results may be further – probably slightly – revised in the final report to be issued in the coming months.

Progress of Global Implementation (by region)



Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

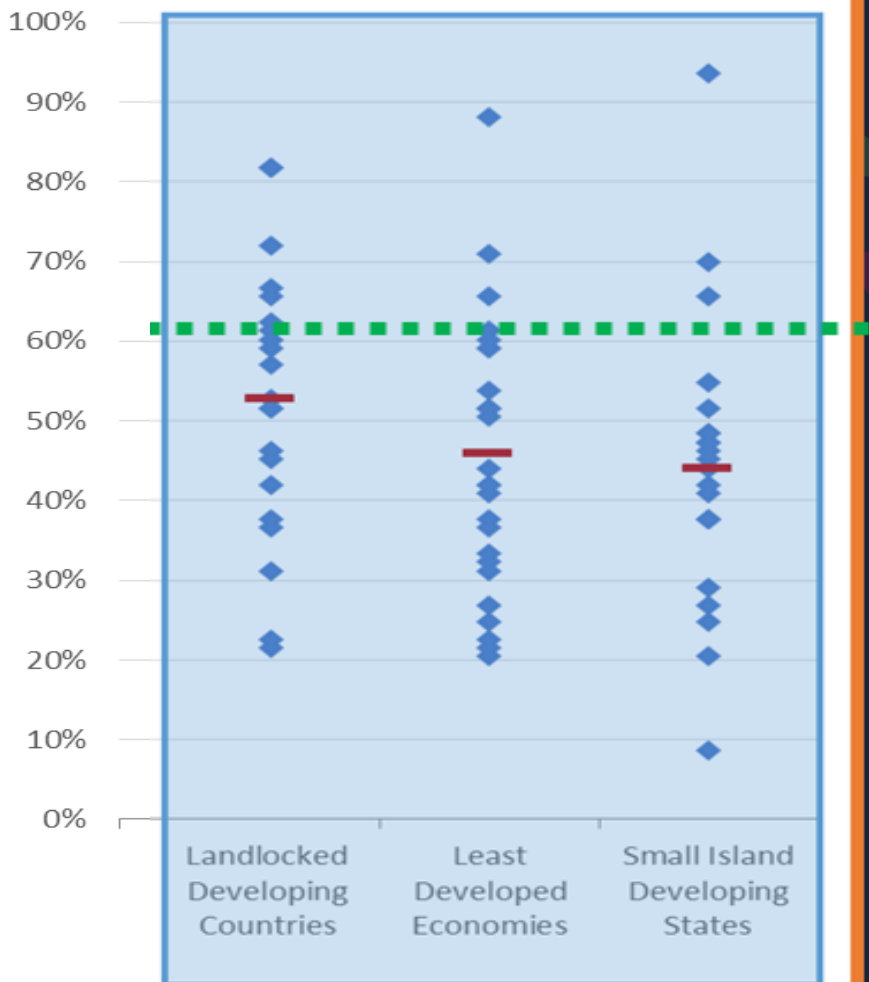
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Trade Facilitation Implementation in Countries with Special Needs (LDCs, LLDCs, SIDSs)

Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

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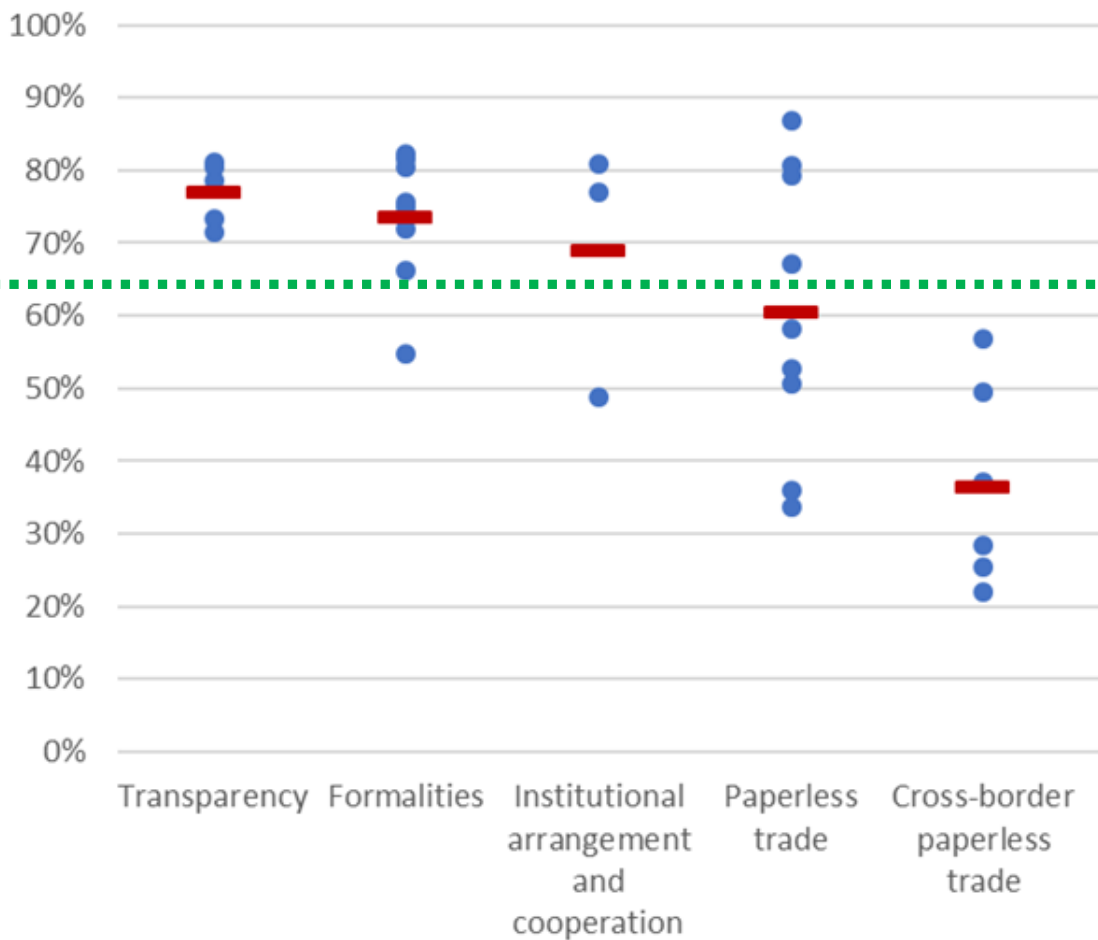


Implementation of Different Groups of TF Measures

“General & Digital TF measures”

Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

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Implementation of Different Groups of Trade Facilitation Measures

“Sustainable TF measures”

Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

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Least Implemented TF Measures across Groups of Measures

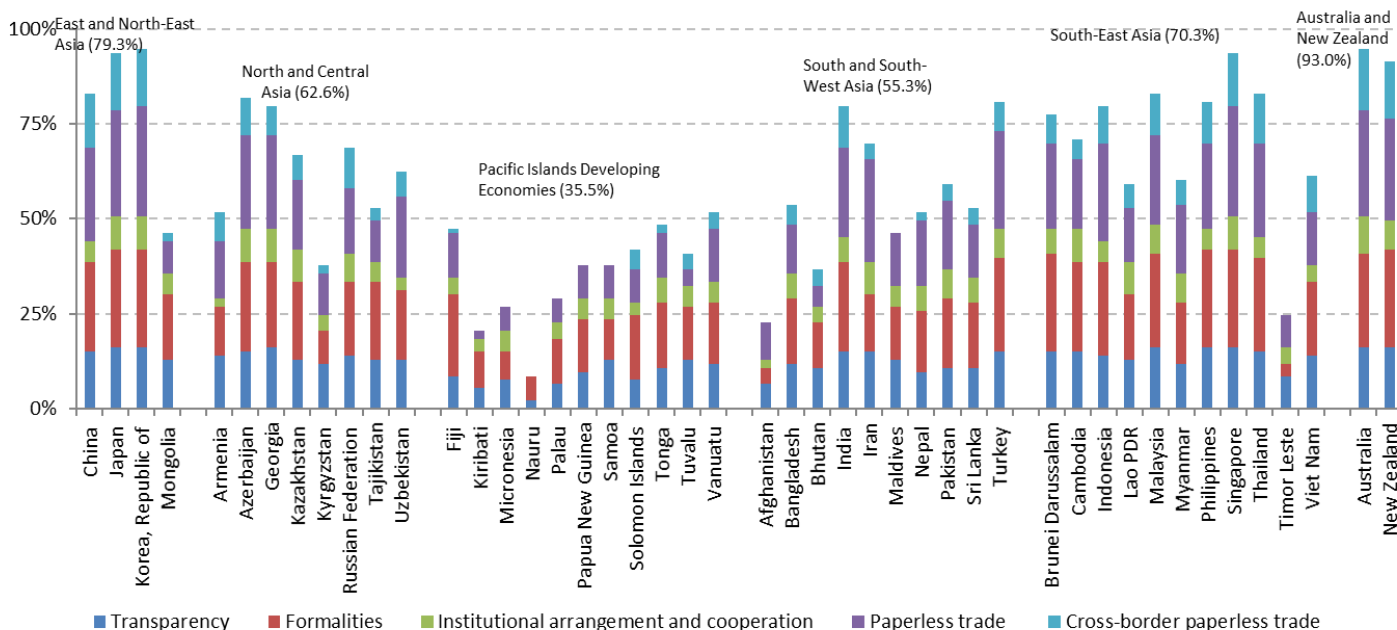
Category of trade facilitation measures	Least implemented measures
Transparency	Advance ruling on tariff classification and origin of imported goods
Formalities	Establishment and publication of average release times
Institutional arrangement and cooperation	Government agencies delegating controls to Customs authorities
Paperless trade	Electronic Application for Customs Refunds
Cross-border paperless trade	Electronic exchange of Sanitary & Phyto-Sanitary Certificate
Transit facilitation	Supporting pre-arrival processing for transit facilitation
Trade facilitation in SME policy framework	SMEs in AEO scheme
Trade facilitation and agriculture trade	Electronic application and issuance of SPS certificates
Women in trade facilitation	Female membership in the National Trade Facilitation Committee
Trade finance facilitation	Single window facilitates traders to access to finance



Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

Note: UNRCs are still receiving feedback from some member countries on data validation. Therefore, the results may be further – probably slightly – revised in the final report to be issued in the coming months.

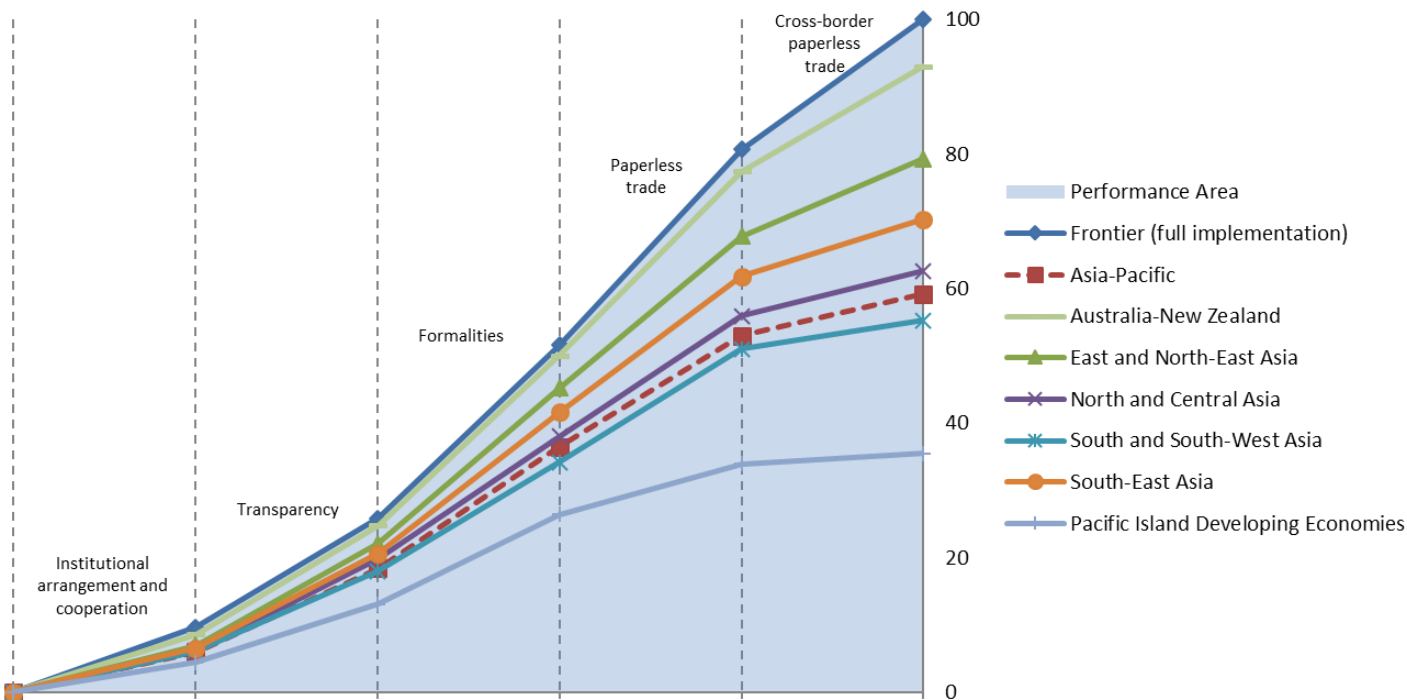
Implementation of Trade Facilitation in Asia-Pacific (46 countries)



Source: The third regional survey on trade facilitation and paperless trade implementation (2019)

Note: ESCAP is still receiving feedback from some member countries on data validation. Therefore, the results may be further – probably slightly – revised in the final report to be issued in the coming months.

Moving up the trade facilitation ladder towards seamless international supply chains



Source: The third regional survey on trade facilitation and paperless trade implementation (2019)

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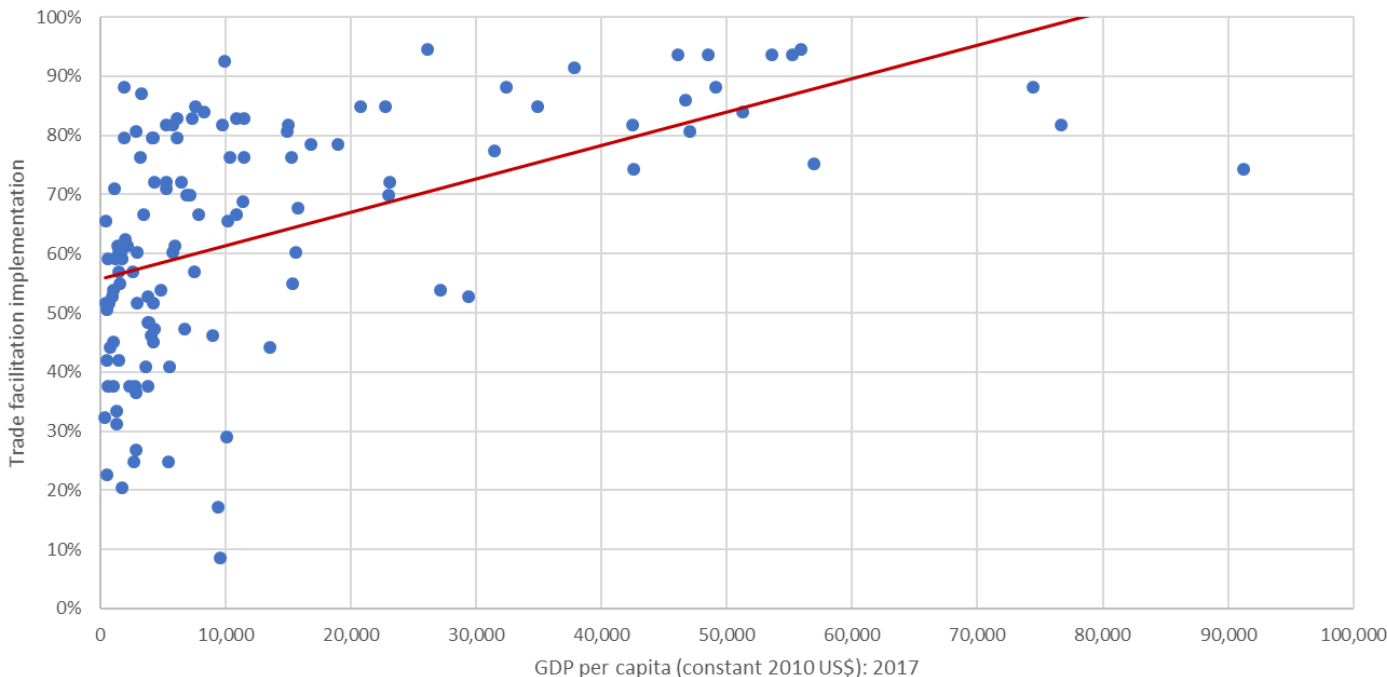
Conclusions & Way Forward

- Good progress made in TF implementation, particularly on WTO TFA measures
- Acceleration of implementation in Asia-Pacific between 2015-17 and 2017-19
- Implementation of **cross-border paperless trade** still very challenging
 - Potential to nearly double trade cost reductions from WTO TFA implementation
 - *Framework Agreement on Facilitation of Cross-Border Paperless Trade in Asia and the Pacific can help*
- More efforts needed to design and implement TF measures for special and disadvantage groups (SMEs, Women...)



Political will and ambition key to making progress!

(Trade Facilitation Implementation vs. GDP per capita)



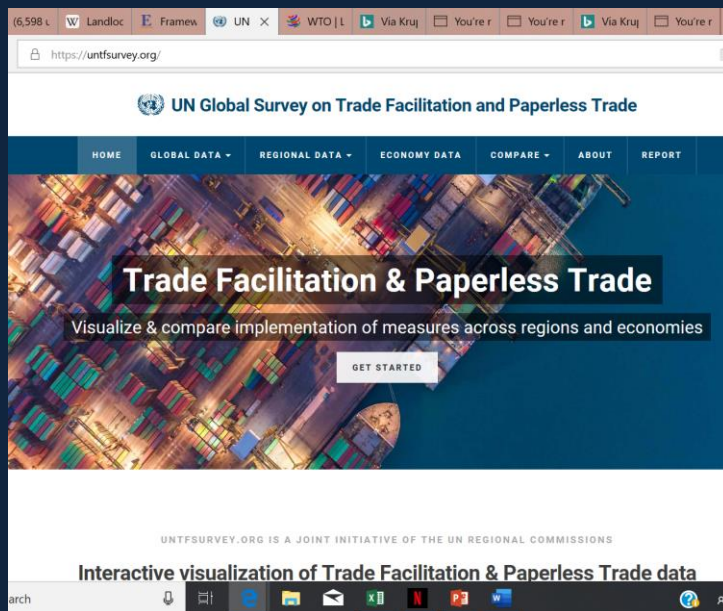
Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019); World Bank, World Development indicators, accessed June 2019.

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Thank you

2019 data forthcoming (August 2019) at:
UNTFSURVEY.ORG



Email:
duvaly@un.org



Annex





Good Practices – Paperless Trade

AUTOMATED CUSTOMS SYSTEMS

KOREAN UNI-PASS: an advanced customs system that provides all customs-related services.

NATIONAL SINGLE WINDOW

SINGAPORE Networked Trade Platform: new one-stop information management platform incorporates services provided by NSW and caters for B2G and G2G connectivity.

E-AIR/SEA CARGO MANIFESTS

HONGKONG(CHINA) Electronic Cargo Manifest Service: different carriers to submit cargo manifest information and related documents electronically to government departments concerned.

E-PAYMENT OF DUTIES AND FEES

CHINA : new-generation online payment system for duties and fees. Systematic networking among Customs, state treasury and commercial banks.

INTERNET CONNECTION TO CUSTOMS AND OTHER TRADE CONTROL AGENCIES

THAILAND: 26 agencies have completed data linkage for all types of goods and customs information and formalities

E-CUSTOMS DECLARATION

VIETNAM: nearly 100% customs declaration has been electronically carried out. Relevant authorities can receive e-declaration from the Portal.

E-PCO

MALAYSIA: Electronic Preferential Certificate of Origin system provides other functions to users including cost analysis and online enquiry.





Good Practices – Cross-border paperless trade

LAWS AND REGULATIONS

ASEAN 2025 Economic Community blueprint: establish online dispute resolution (ODR) mechanisms, an inexpensive and speedy procedure to solve disputes through arbitration

EXCHANGE E-C/O

ASEAN Single Window (ASW) a regional initiative that integrates NSW. User countries can exchange e-C/O (Form D) between the Issuing Agencies and Customs. Indonesia, Malaysia, Singapore, Thailand, Viet Nam and Brunei Darussalam have begun a live operation phase.

EXCHANGE E-SPS

CHINA and NETHERLANDS can issue health certificate (SPS) electronically and fully paperless exchange for dairy is in place.





Good Practices – Trade Facilitation for SMEs

Measures targeting SMEs

VIETNAM government is working closely with international partners to support SMEs. An SEM Partnership Group (SMEPG) supports donor-government collaboration and consultation in the formulation of SME policies and regulations.

SMEs benefit from AEO

KOREA offers expedited AEO authorization examinations to SMEs through multiple procedural preferential provisions, including a “priority audit”. Consultation fees are provided to firms that show lack of personnel and financial resources.

Single Window accessible to SMEs

SINGAPORE established a document Service Center that helps SMEs to access single window more easily. The centers submit documents on behalf of SMEs.

Reduce costs for SMEs

KOREAN International Trade Association has established Rate Discount & Consulting Service (RADIS). It provides logistics support service in conjunction with 22 logistics firms in order to assist SMEs by reducing logistics costs and providing consulting.





Good Practices – Agricultural Trade Facilitation



China E-Cert system
(ecert.eciq.cn) is open to all
authorities of the trading countries
for verifications of the SPS
certificates issued by local China
Inspections and Quarantine.



Cold storage centers are built near
the Khunjerab Pass at The CHINA-
PAKISTAN Economic Corridor
(CPEC), from which seafood imports
to Xinjiang region
is managed.





Good Practices – Women in Trade Facilitation

TRADE FACILITATION POLICY/STRATEGY INCORPORATES SPECIAL CONSIDERATION OF WOMEN

CHILE-URUGAY and CHILE-CANADA free trade agreements have a clear gender perspective and language that has never before been used in a trade agreement.

MEASURES TO BENEFIT WOMEN INVOLVED IN TRADE

AUSTRALIA Trade Commission has established the Women in Global Business Programme to increase their participation in international trade and investment, and deliver economic benefits and job creation through greater diversity.

FEMALE MEMBERSHIP IN NTFC

MALAYSIA Trade Facilitation Cluster Working Group (Malaysia NTFC) has achieved equal gender representation.



THANK YOU

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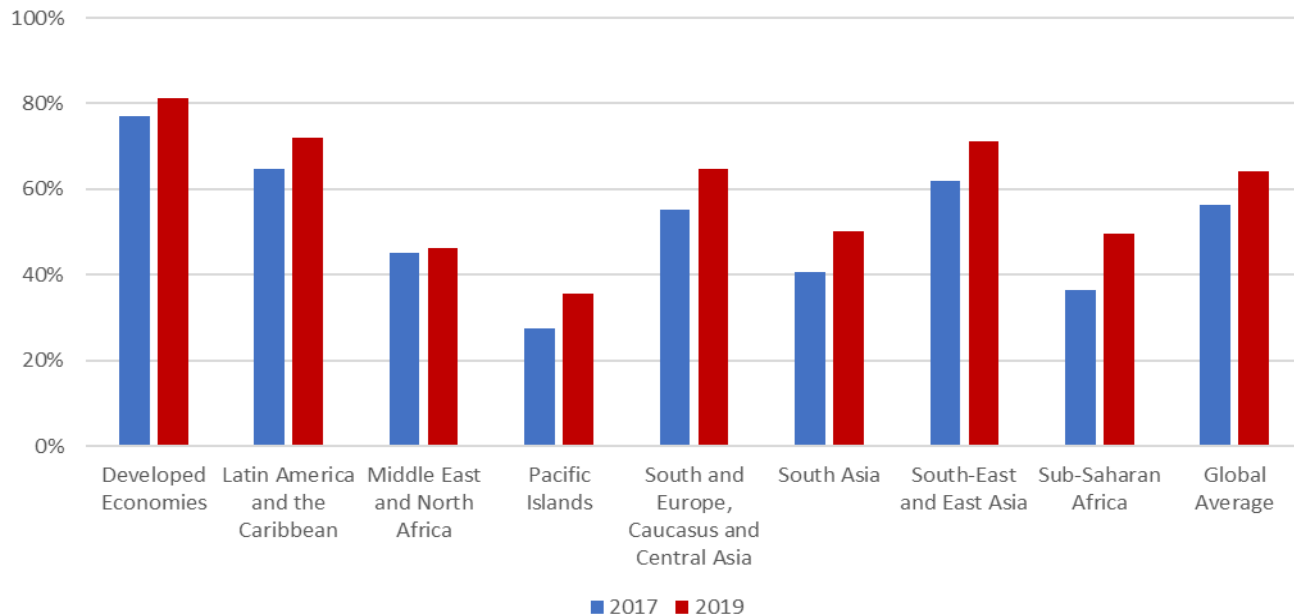
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Annex: Progress of Global Implementation (by region)

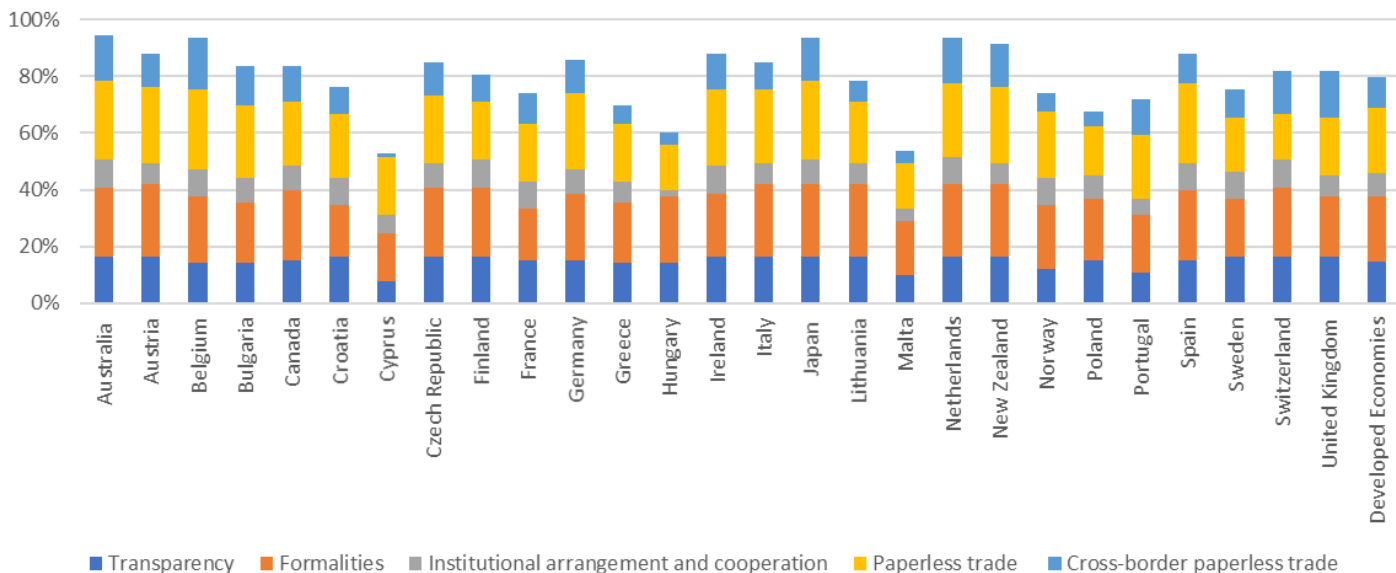


Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

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Annex: Country Implementation benchmarked with Regional Average (Developed Economies)

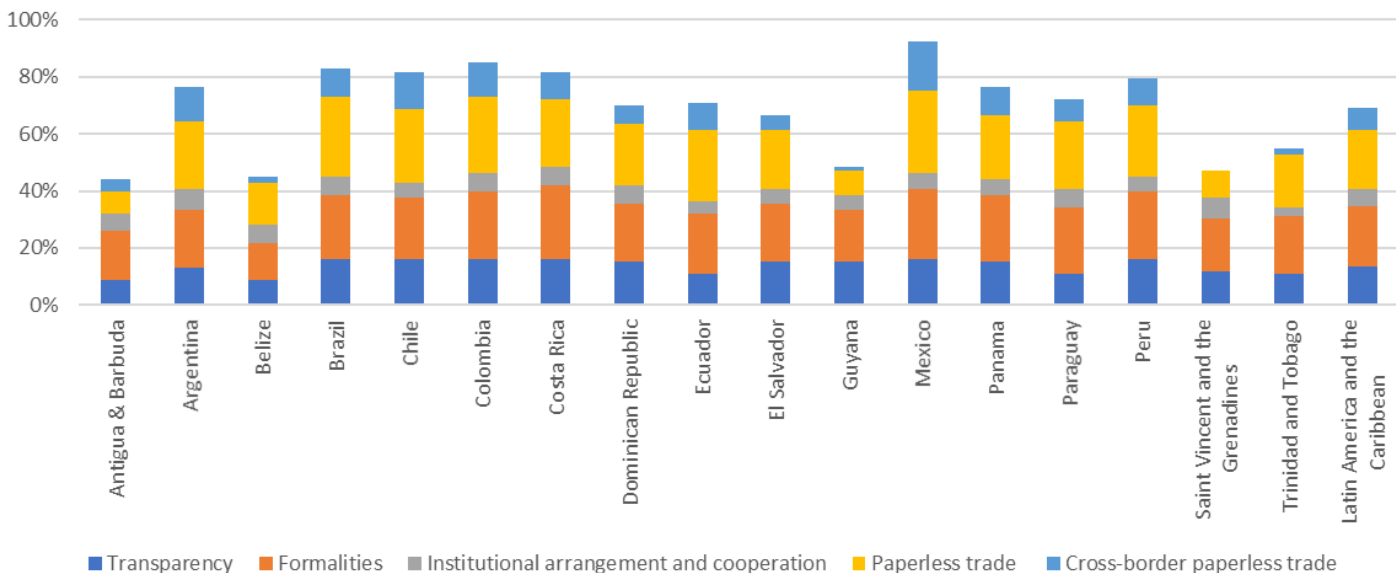


Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

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(Latin America and Caribbean)

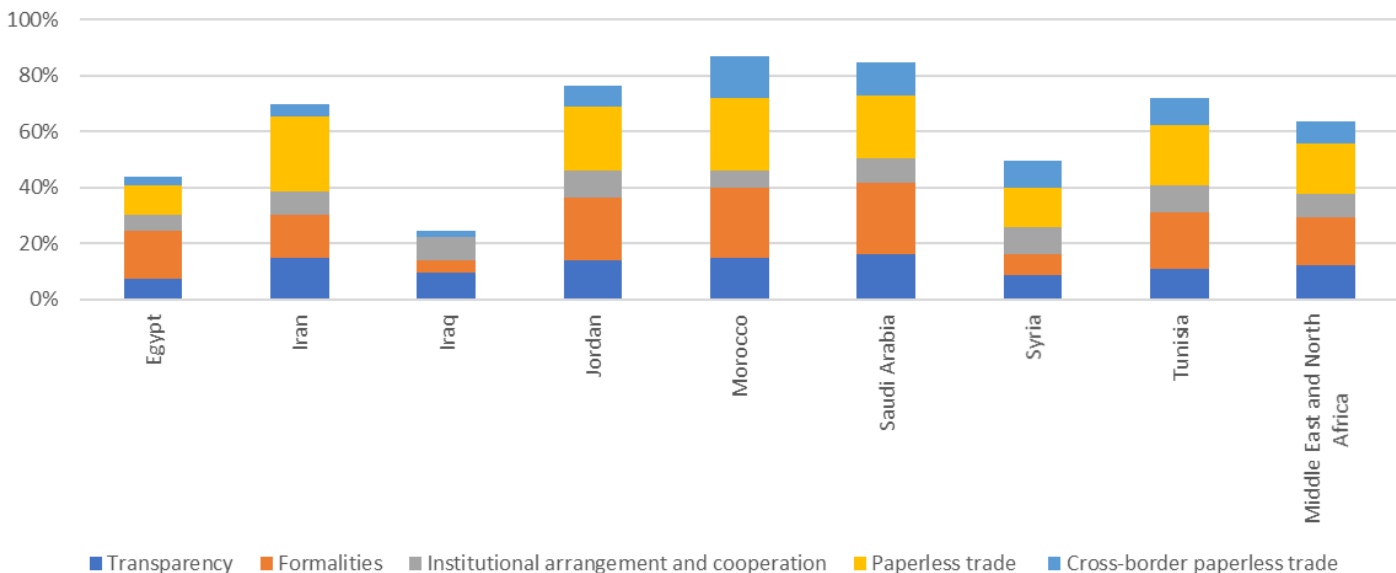


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(Middle East and North Africa)

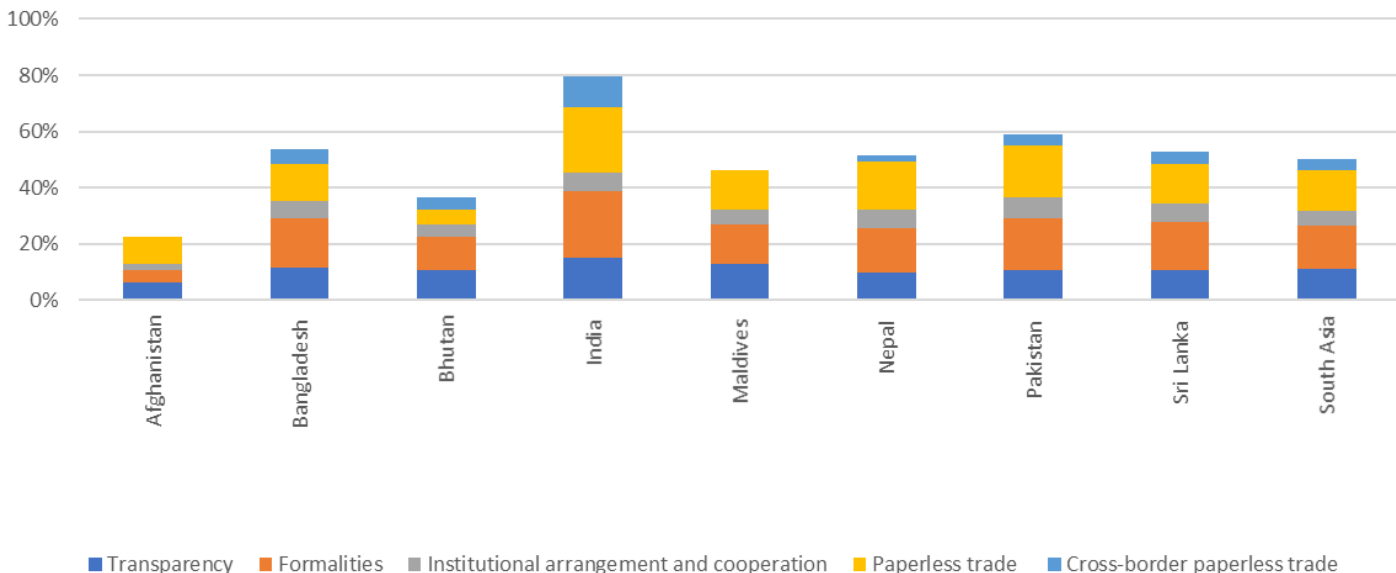


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(South Asia)

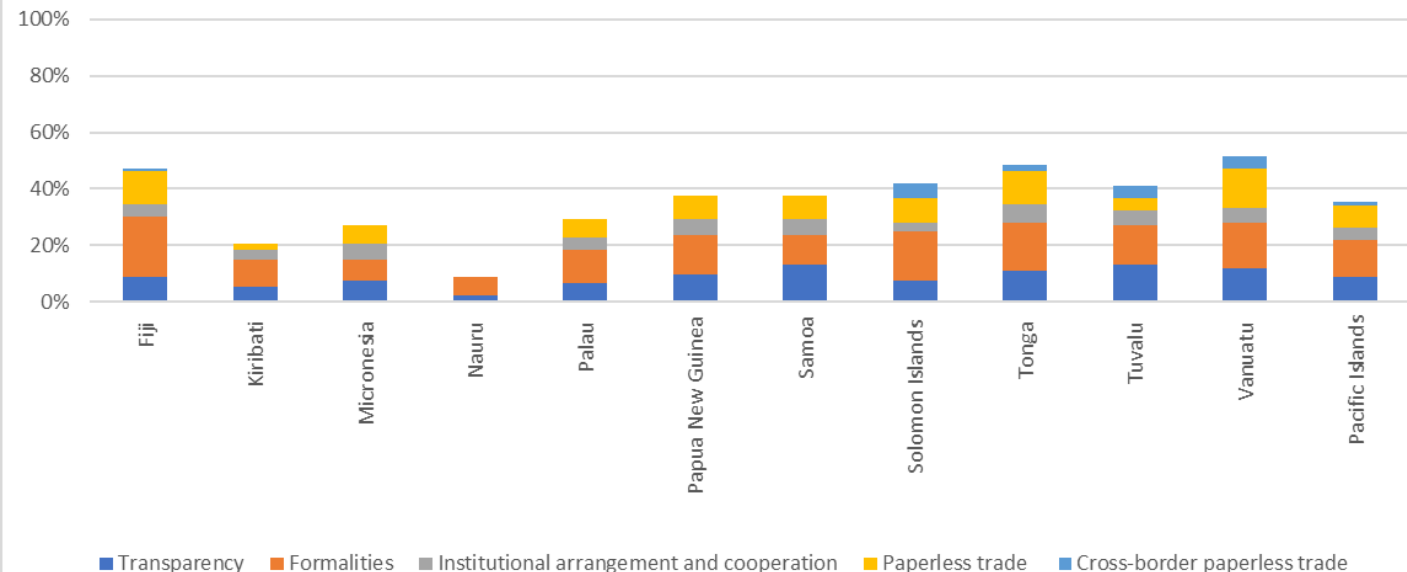


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(Pacific Islands)

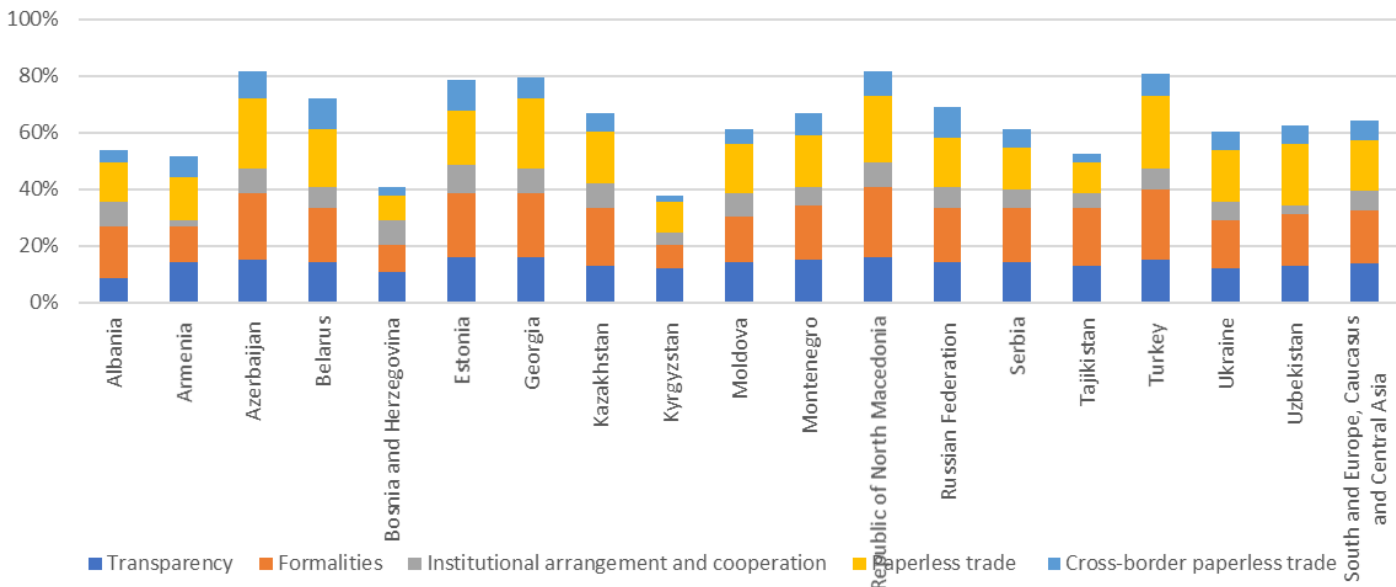


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(South and Europe, Caucasus and Central Asia)

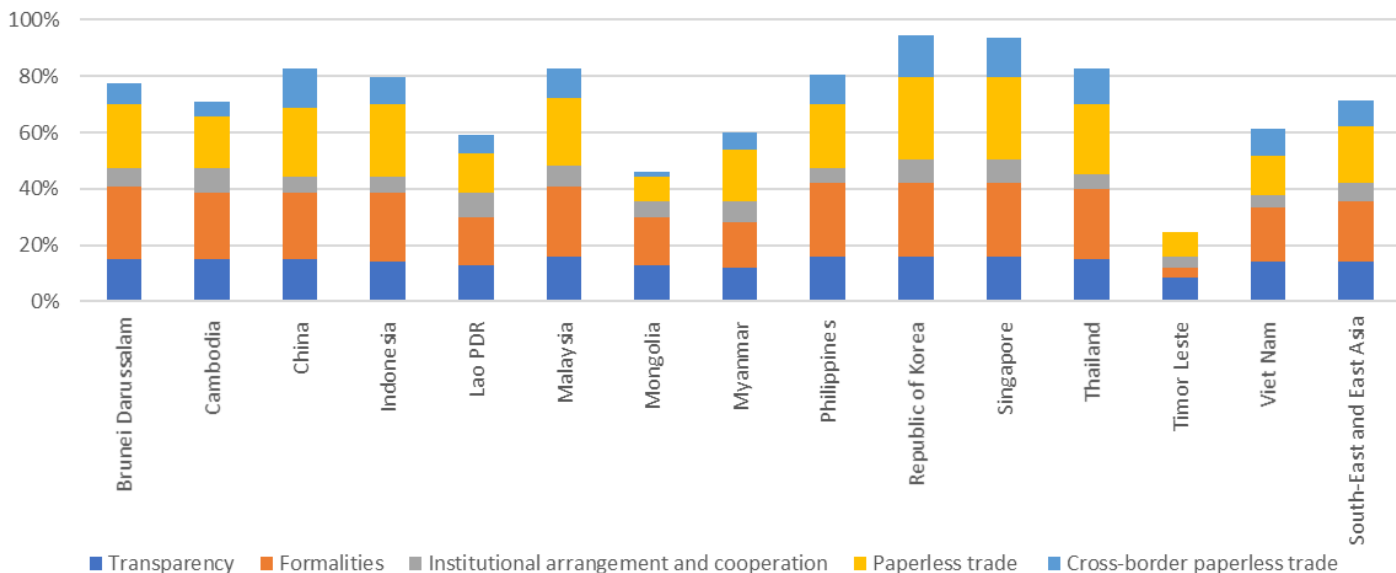


Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

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(South-East and East Asia)

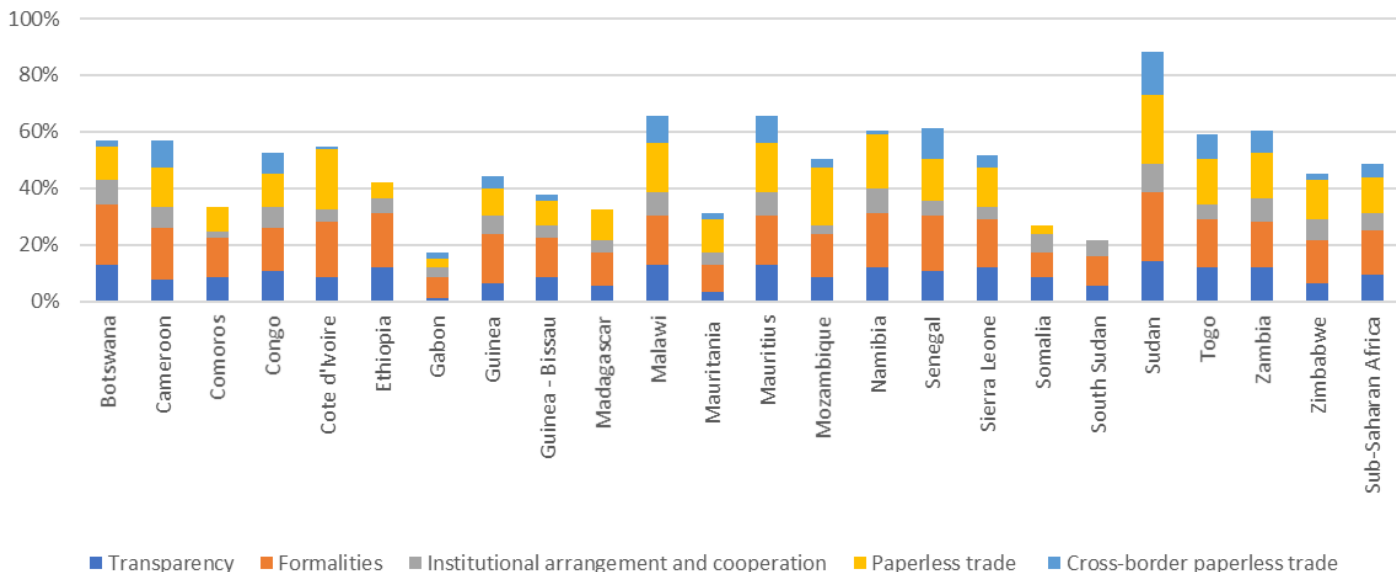


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(Sub-Saharan Africa)



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Most Implemented TF Measures in Different Groups of Measures

Category of trade facilitation measures	Most implemented measures
Transparency	Stakeholders' consultation on new draft regulations (prior to their finalization)
Formalities	Risk management
Institutional arrangement and cooperation	National legislative framework and/or institutional arrangements for border agencies cooperation
Paperless trade	Automated Customs System
Cross-border paperless trade	Laws and regulations for electronic transactions
Transit facilitation	Customs Authorities limit the physical inspections of transit goods and use risk assessment
Trade facilitation in SME policy framework	Trade facilitation measures targeting SMEs
Trade facilitation and agriculture trade	Special treatment for perishable goods
Women in trade facilitation	Trade facilitation measures aimed at female traders
Trade finance facilitation	Variety of trade finance services available

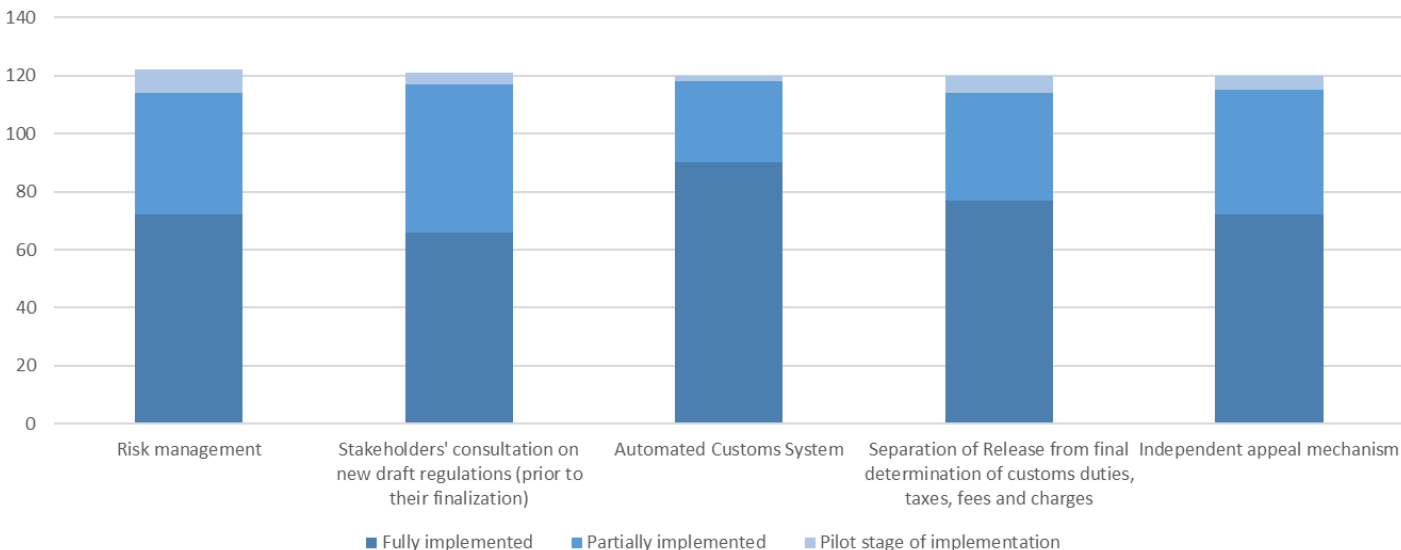
Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

Note: UNRCs are still receiving feedback from some member countries on data validation. Therefore, the results may be further – probably slightly – revised in the final report to be issued in the coming months.



Top 5 Most Implemented Measures Globally

Top 5 most implemented measures globally



Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

Note: UNRCs are still receiving feedback from some member countries on data validation. Therefore, the results may be further – probably slightly – revised in the final report to be issued in the coming months.

Top 5 Least Implemented Measures Globally

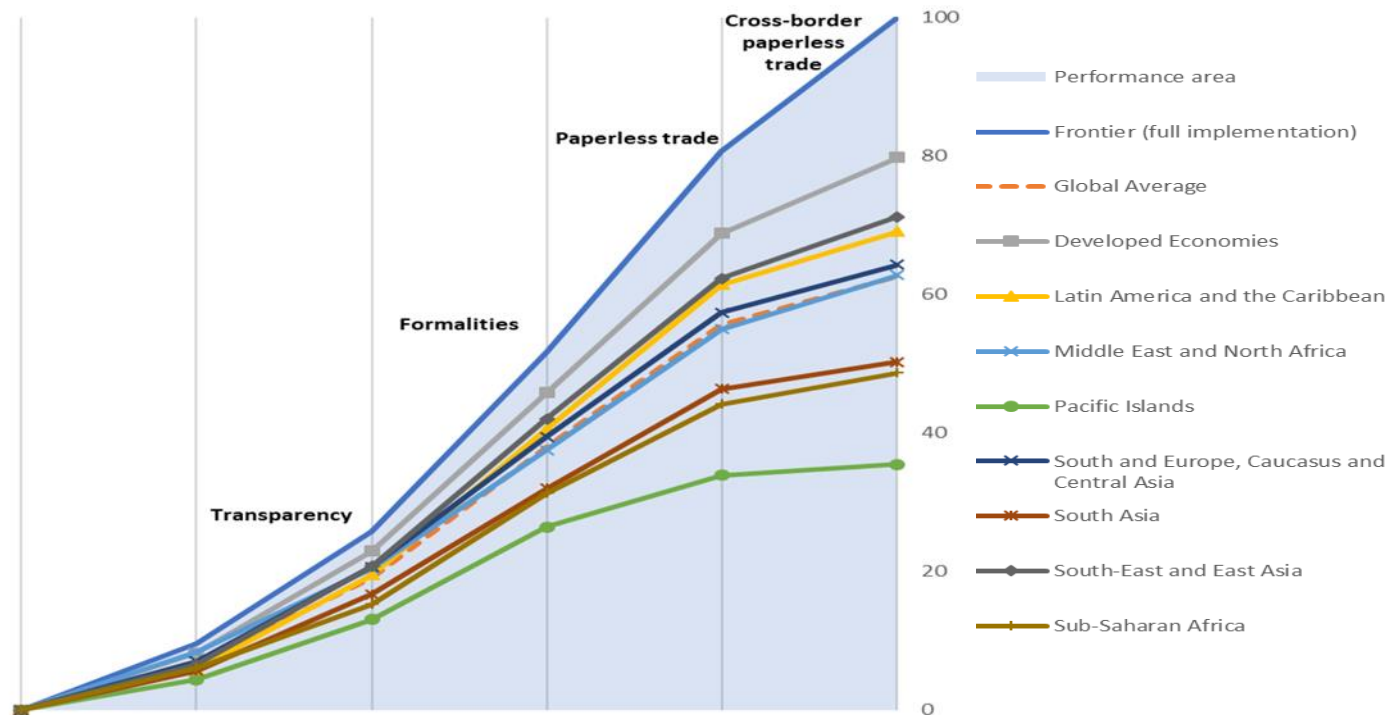
Top 5 least implemented measures globally



Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

Note: UNTRCs are still receiving feedback from some member countries on data validation. Therefore, the results may be further – probably slightly – revised in the final report to be issued in the coming months.

Moving up the Trade Facilitation Ladder Towards Seamless International Supply Chains



Source: UN Global Survey on Digital and Sustainable Trade Facilitation (2019)

Note: UNRCs are still receiving feedback from some member countries on data validation. Therefore, the results may be further – probably slightly – revised in the final report to be issued in the coming months.



ANALYZING NON-TARIFF MEASURES IN REGIONAL TRADE AGREEMENTS

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NON-TARIFF MEASURES

➤ UNCTAD defines Non-Tariff Measures as:

“Non-tariff measures (NTMs) 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 has classified the NTMs into 16 categories, commonly known as the MAST classification.

PURPOSE OF THE STUDY

- The objective of the study is to assess the growing interest among countries to regulate the NTMs through Regional Trade Agreements(RTAs).
 - And to identify the RTAs, which most comprehensively seek to reduce the trade barriers related to NTMs.
- 

SCOPE OF THE STUDY

evaluates
NTMs in 58
RTAs signed
by Asia-
Pacific
countries
The study so
far covers
three NTMs,
as per MAST
2018
Classification.

Sanitary and
Phytosanitary
Measures (SPS)-Chapter
A

Technical Barriers to
Trade (TBT)-Chapter B

Government
Procurement
Restrictions (GP)-
Chapter M

METHODOLOGY

- The methodology for the study is inspired by the Design of trade agreements (DESTA) database.
- The NTM provisions included in the analysis are based on those featured in the DESTA Database; Additional NTM provisions have been identified based on a review of some of the most comprehensive agreements so far.
- The prevalence of NTM provisions in each RTA is assessed, by reviewing the text of each RTA (key word search).
 - if a particular NTM provision is included, it is coded as 1, otherwise as 0.
 - For example: Provision on Cooperation in TBT chapter of Singapore-EU RTA.



1



0

- To evaluate overall trends in NTM provisions in RTAs, they are divided into two groups, that is:
 - 2009-2013
 - 2014-2018

SANITARY AND PHYTOSANITARY MEASURES

Sanitary and Phytosanitary Measures as defined by UNCTAD:

“Measures that are applied to protect human or animal life from risks arising from additives, contaminants, toxins or disease-causing organisms in their food; to protect human life from plant- or animal-carried diseases; to protect animal or plant life from pests, diseases, or disease-causing organisms; to prevent or limit other damage to a country from the entry, establishment or spread of pests; and to protect biodiversity. These include measures taken to protect the health of fish and wild fauna, as well as of forests and wild flora.”

PROVISIONS UNDER SPS

1. Reference to WTO SPS Agreement
2. Provision on Information Exchange and Cooperation
3. [Provision on assigning Competent Authorities and Contact Points](#)
4. Reference to use of International Standards
5. Provision on Establishing SPS Committee
6. [Provision on Risk Analysis](#)
7. [Provision on Equivalence](#)
8. [Provision on Mutual Recognition of each other's standards](#)
9. [Provision on taking Emergency Measures](#)
10. Harmonisation with International Standards



PROVISIONS UNDER SPS

Provision on assigning Competent Authorities and Contact Points:

Competent Authorities refer to the members who has the authority to take decisions. Often such members of the committee are appointed as Contact Points to communicate and enquire in case of emergencies or at the times when proper clarification is required on certain issues.



PROVISIONS UNDER SPS

Provision on Risk Analysis:

Risk of the conformity assessment procedures being faulty, or product is not suitable for the market always exists. However, it can be controlled if the proper measures are taken before trading starts.



PROVISIONS UNDER SPS

Provision on Equivalence:

Equivalence refers to giving equal recognition and acceptance to other party's SPS measures and provisions, even if they differ from their own, in order to facilitate trade between the countries.



PROVISIONS UNDER SPS

Provision on Mutual Recognition of each other's standards:

Mutual Recognition refers to accepting the assessment procedures of the fellow countries, one might be dealing with.



PROVISIONS UNDER SPS

Provision on taking Emergency Measures:

Emergency Measure arises when any country declares emergency, due to a problem caused by the product of the other country. Provisions related to the same are needed as it would help the countries define the further course of action.



SPS PROVISIONS IN RTAs IN ASIA

Reference to WTO SPS Agreement

Provisions on Information...

Provision on assigning...

Reference to use of International...

Provision on Establishing SPS...

Provision on Risk Analysis

Provision on Equivalence

Reference to Mutual Recognition...

Provision on taking Emergency...

Harmonisation with...

2009-13 2014-18 40% 60% 80% 100%

Source: Authors

KEY FINDINGS FOR SPS

- Almost all the agreements have a reference to the WTO SPS Agreement.
- Reference to use of International standards show a sudden rise of 23 percentage point, while Harmonisation with International Standards and Provision on Information Exchange and Cooperation falls by 2 percentage points in 2014-18.
- One of the less discussed provisions includes Provision on Risk Analysis and Provision on taking Emergency Measures. Countries should undoubtedly focus more on them as SPS deals with protecting human, plant and animal life.
- Least increase of 6 percentage points was measures in the occurrence of Reference to Mutual Recognition
- All the provisions record more than 50% in 2014-18, except for Harmonisation with International Standards and Provision on taking Emergency Measures.

Table 1: Agreements with highest SPS Score

Year of Signing	Name of the agreement	TBT Score
2018	Republic of China and Peru	10
2018	CPTPP	9
2018	Singapore and European Union	9
2018	Singapore and Sri Lanka	9
2018	Japan-European Union (EU)	9
2017	PACER Plus	9
2016	Vietnam and European Union	9
2015	Republic of China and Republic of Korea	9
2013	New Zealand and Taiwan Province of China	9
2013	Thailand and Chile	9
2010	Singapore and Costa Rica	9

Source: Authors

TECHNICAL BARRIERS TO TRADE

Technical Barrier to Trade as defined by UNCTAD:

“Measures referring to technical regulations, and procedures for assessment of conformity with technical regulations and standards, excluding measures covered by the SPS Agreement.”

PROVISIONS UNDER TBT

1. Reference to WTO TBT Agreement
 2. Provision on Information Exchange and Cooperation
 3. Provision on Conformity Assessment
 4. Mutual Recognition of Conformity Assessment Procedures
 5. Assigning Contact Points
 6. Establishing TBT Committee
 7. Reference to use of International Standards
 8. Provision on Dispute Settlement
 9. Harmonisation with International Standards
- 

TBT PROVISIONS IN RTAs IN

Reference to WTO TBT

ASIA-PACIFIC

Provisions on Information...

Provision on Conformity...

Mutual Recognition of...

Assigning Contact points

Provision on Establishing TBT...

Reference to use of...

Provision on Dispute Settlement

Harmonisation with...

■ 2009-13 ■ 2014-18 0% 20% 40% 60% 80% 100%

Source:
Authors

KEY FINDINGS FOR TBT

- All the agreements follow the WTO TBT Agreement.
- Provision on Information Exchange and Cooperation and Provision on Conformity Assessment Procedures reach 100 percent by the end of 2018.
- A steep increase of 28 percentage points can be seen in Assigning Contact Points, whereas only 3 percentage point increase was marked for the Reference to use of International Standards.
- All the Provisions record more than 70% occurrence in the agreements from 2014-18, except for Provision on Dispute Settlement and Harmonisation with International Standards.
- Harmonisation of the International Standards is the scarcely occurring provision in the agreements in the last decade, among all the provisions addressed in the paper.
- Countries chooses Mutual Recognition of each other's Conformity Assessment Procedures over Harmonisation with International Standards.

Table 2: Agreements With Highest TBT Score

Year of Signing	Name of the agreement	TBT Score
2018	CPTPP	9
2015	Republic of Korea-New Zealand	9
2018	Japan-European Union	9


Source: Authors

GOVERNMENT PROCUREMENT RESTRICTIONS

Government Procurement is defined by WTO as follows:

“Government agencies often need to purchase goods and services with public resources and for public purposes to fulfil their functions. Such purchases are generally referred to as government/public procurement.

Providing preferential treatment for domestic goods, services and suppliers discriminates against foreign suppliers and therefore acts as a trade barrier in this sector.”



PROVISIONS UNDER GP

1. Chapter on Government Procurement
2. Provision on Notice of Procurement
3. [Provision on Modification to Coverage](#)
4. [Provision on National Treatment](#)
5. [Provision on Future Negotiation](#)
6. [Provision on Domestic Review](#)
7. Provision on Time Periods
8. [Provision on Limited Tendering](#)
9. Entities covered in the Government Procurement chapter
10. Reference to WTO/GATT Government Procurement Agreement
11. Provision on Disclosure of Information
12. Establishing a Committee
13. Provision on Cooperation



PROVISIONS UNDER GP

Provision on Modification to Coverage:

Modification refers to the changes that the procuring entity might want to make. The procuring entity needs to keep in mind the rules as given in the provision.



PROVISIONS UNDER GP

Provision on National Treatment:

The treatment of all the tenders must be equal and in a non-discriminatory manner. It should not protect the domestic suppliers from the competition.



PROVISIONS UNDER GP

Provision on Future Negotiation:

Negotiating the terms of agreement with a view to enhance market access in fellow countries needs a set of regulations.



PROVISION UNDER GP

Provision on Domestic Review:

Domestic Review refers to a national legislative mechanism proposed by WTO, which enable the countries to review and implement measures in case of breach of Government Procurement Agreement.



PROVISION UNDER GP

Provision on Limited Tendering:

Limited Tendering is method of procurement where the suppliers as selected by the Procuring Entity based on their own judgement.



GOVERNMENT PROCUREMENT PROVISIONS IN RTAs IN ASIA



KEY FINDINGS FOR GP

- Countries have started paying more attention towards Government Procurement over the past 5 years, which can be seen in the rise of Chapter on Government Procurement by 20 percentage points.
- Reference to WTO Government Procurement Agreement has fell down over the first lustrum by 4 percentage points.
- The most occurring provision overall in last ten years is Modification to Coverage. Whereas, Notice on Procurement is highest in the time period of 2014-2018 at 50 percentage.
- All the other provisions have increased dramatically from 2014-2018. However, more attention needs to be paid on Provision on Cooperation and Government Procurement Committee as both of them fall under the range of 30 percentage points.
- The Provision on Time Periods has taken the highest leap of 36 percentage points between 2009-13 to 2014-18, while lowest incremental change can be seen in the Provision on Disclosure of Information.

Table 3: Agreements With Highest Government Procurement Score

Year of Signing	Name of the agreement	Government Procurement Score
2018	Australia and Peru	13
2018	CPTPP	12
2018	Singapore and European Union	12
2016	Vietnam and European Union	12
2014	Australia and Japan	12

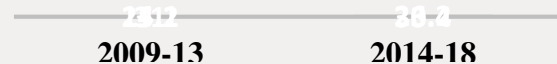
Source: Authors

COMMON FINDINGS

- All the agreements have a chapter on TBT and SPS , but there is a dissimilarity on this grounds in Government Procurement.
- Provision on Cooperation shows a declining trend when we observe TBT, SPS and Government Procurement.
- More than 50% of the agreements contains a Provision on establishing the NTM specific committee for TBT and SPS. However, the same can't be said for Government Procurement.

AVERAGE NTM PROVISIONS IN RTAs

- Government Procurement Average
- SPS Average
- TBT Average

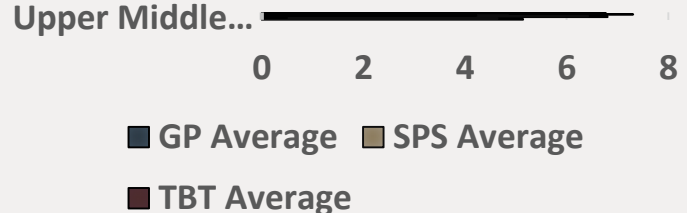


Source: Authors

NTM PROVISIONS ON INCOME CLASSIFICATION OF COUNTRIES

- The countries are classified based on the World Bank income classification 2018.
- It can be observed that the average provisions in the NTMs are maximum in the agreements between two High Income countries and falls thereafter.

AVERAGE NO. OF NTM PROVISIONS IN RTAs BASED ON...



Source:
Authors

CONCLUSION AND FUTURE RESEARCH

- Not enough attention is paid by the countries on Government Procurement as compared to SPS and TBT.
- Agreements after 2014 are becoming more inclusive of the provisions related to NTMs.
- I shall be working on Intellectual Property- Chapter N, in the coming time.
- Future research can include:
 - Detailed analysis on the most extensive agreements.
 - Econometric analysis on NTM provisions for Trade and Trade Cost.