



Regulation and policy diffusion of environmental/food safety standards in Asia: Challenges for inclusive trade

Current available regulatory data

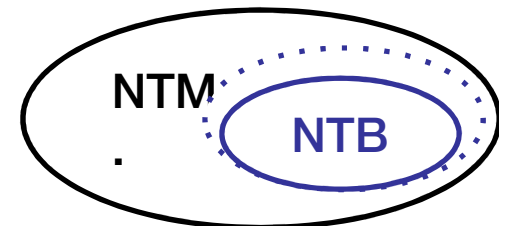
Ralf Peters, UNCTAD
Geneva, 28 September 2017

IDE-JETRO Institute of Developing Economies
Japan External Trade Organization



Mandatory trade-related regulations: Non-Tariff Measures

- **NTMs:** 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
- Examples:
 - SPS, TBT
 - Quotas, Import licenses, Anti-dumping ...
- NTMs can increase or decrease trade; No judgment over legitimacy
- **NTBs:** NTMs that have a ‘protectionist or discriminatory intent’.

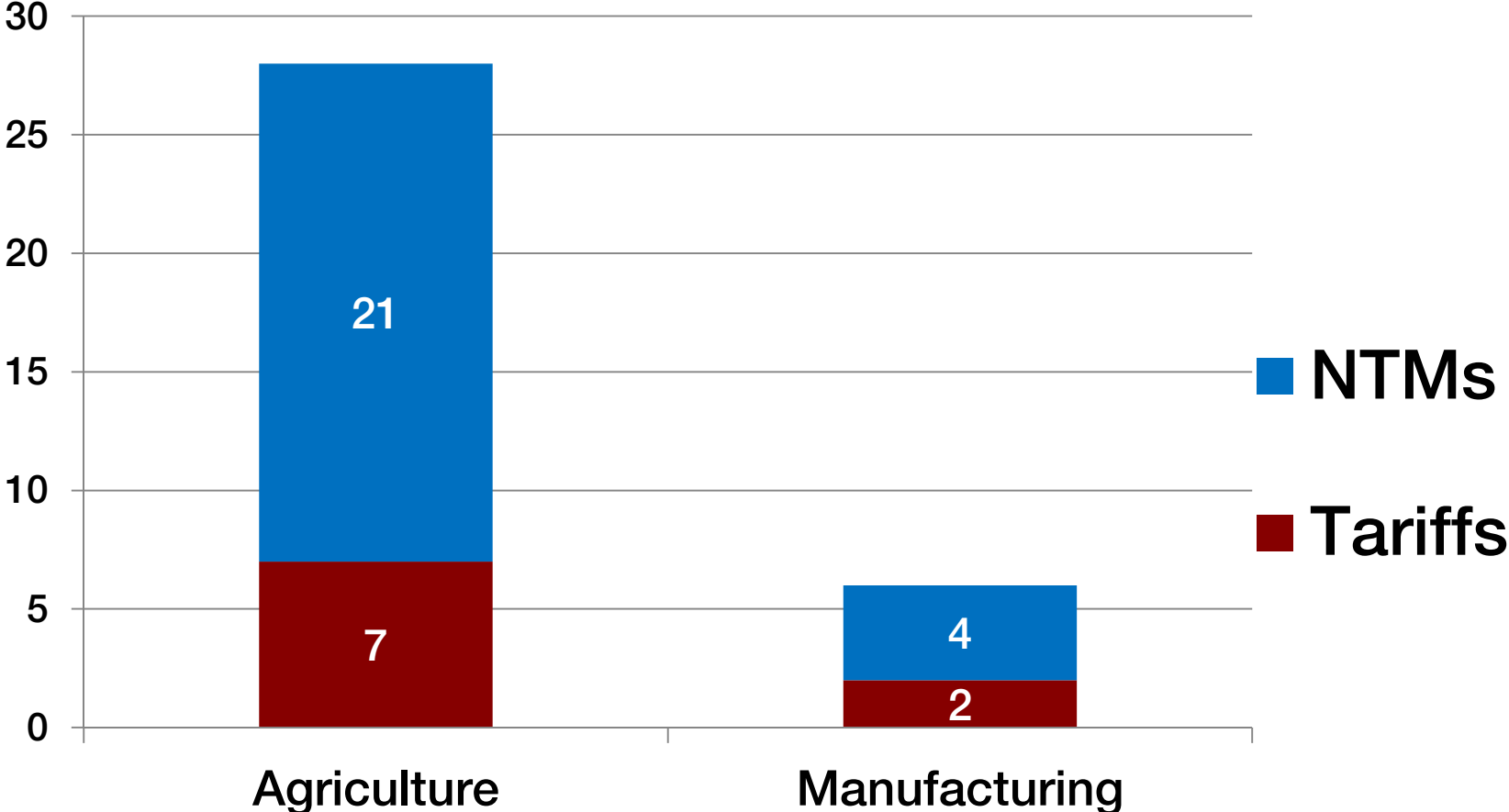


Direct linkages between NTMs and SDGs

- Many NTMs, specifically SPS and TBT measures, are policies to protect human, animal and plant health, or to protect the environment → elimination *not* an option
- Usually, applied equally to domestic producers
- They ***directly*** impact on sustainability
 - food security (SDG 2),
 - nutrition and health (SDG 3),
 - protect endangered species and the environment (SDGs 14&15),
 - ensure sustainable production, consumption (SDG 12) and energy (SDG 7),
 - combat climate change (SDG 13).



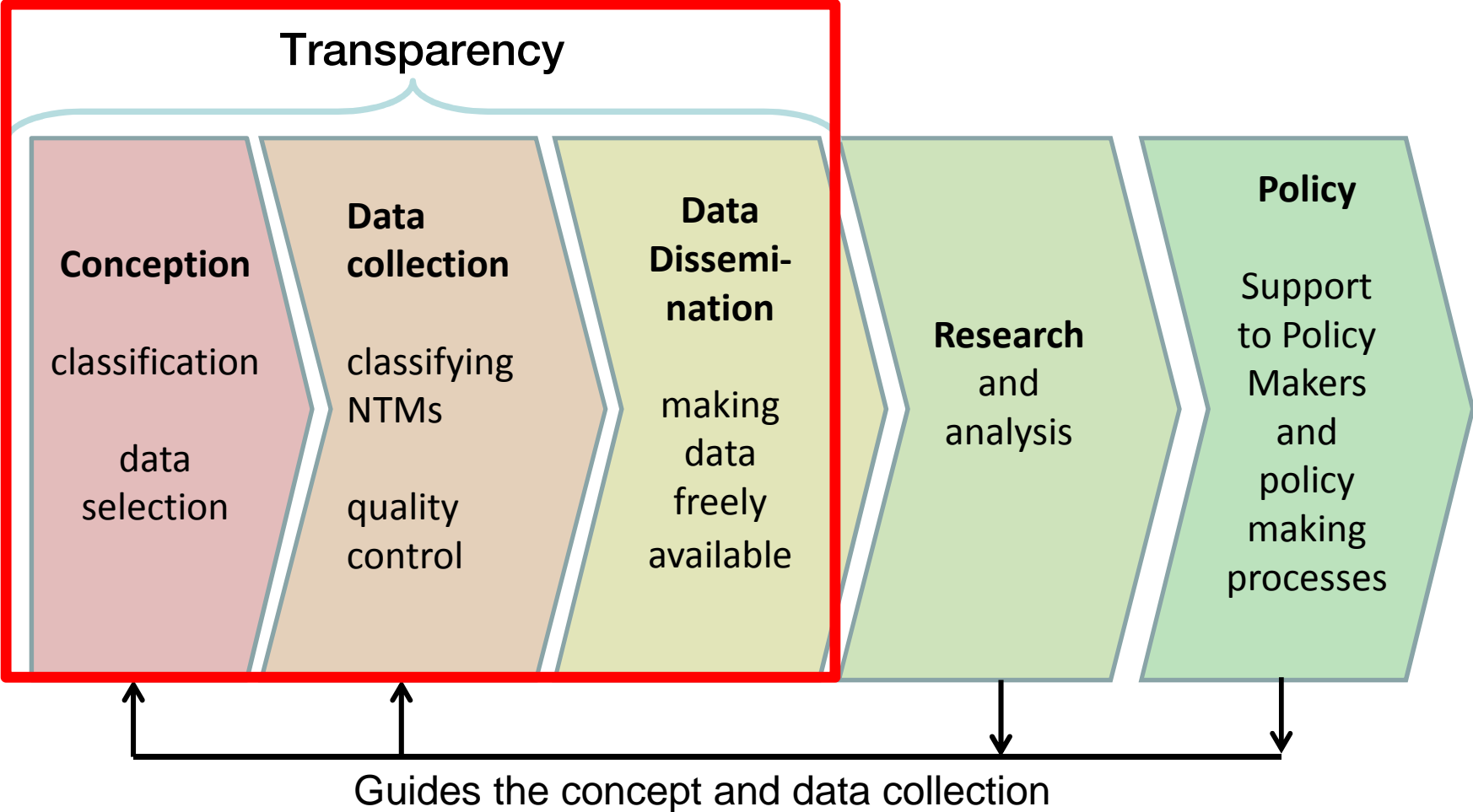
Estimated *average* ad-valorem equivalents



Source: UNCTAD 2012



UNCTAD Non-Tariff Measures Programme



Three types of data Not to be mixed or mistaken

- **1. "Official Measures"**

- Requirements enacted within a legal text or regulation issued officially by a country.

Notifications to WTO
in this category

- **2. Survey data**

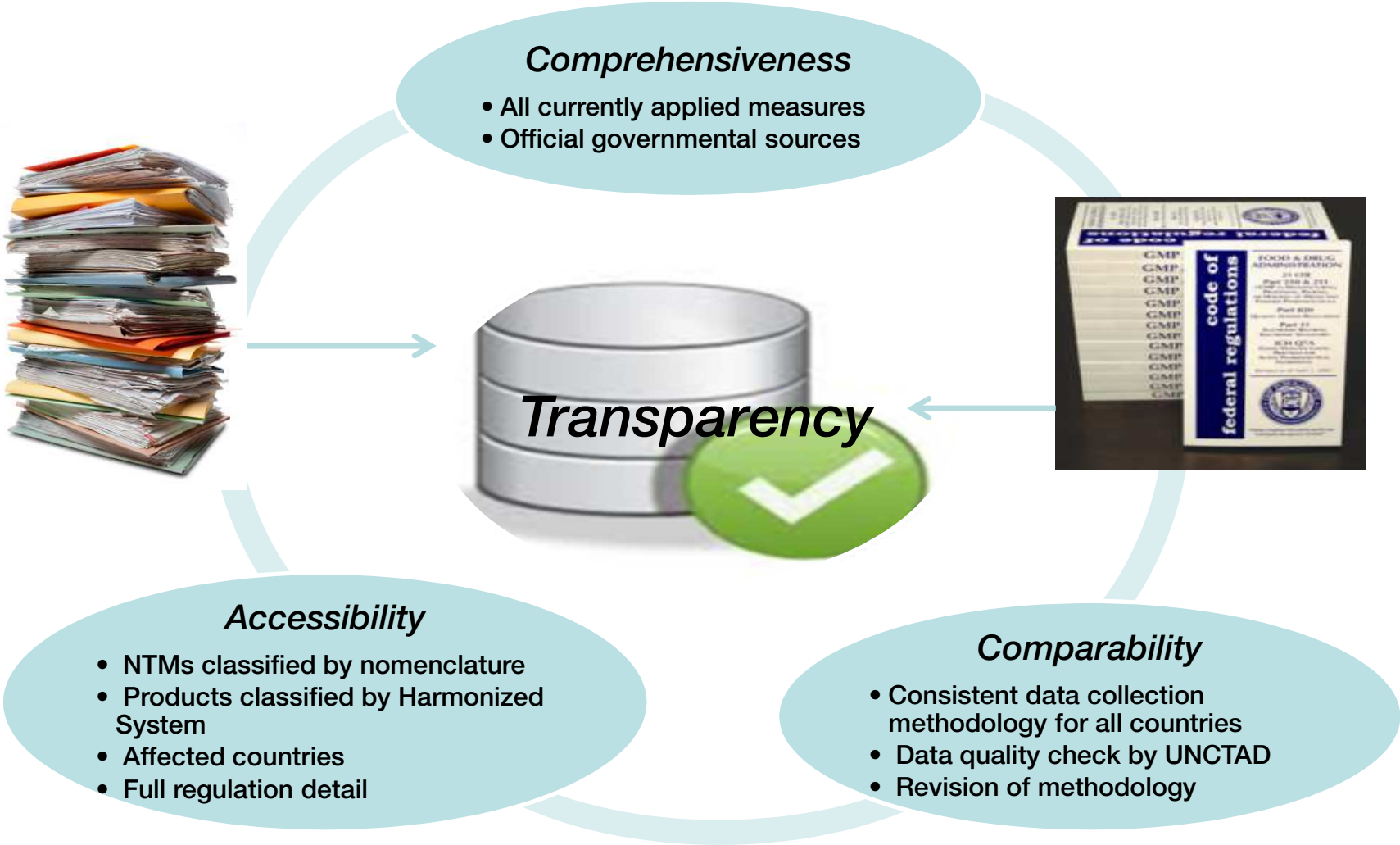
- Complaints from exporters
- Often procedural obstacles to trade (i.e. implementation)

- **3. Voluntary**

- Private standards or international standards



NTMs and Transparency

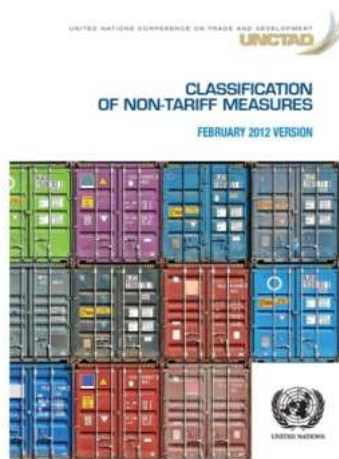


UNCTAD-MAST Classification: _____

The common language

- The Multi Agency Support Team (FAO, IMF, ITC, OECD, UNCTAD, UNIDO, World Bank, WTO)

Updated UNCTAD NTM classification



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

UNCTAD-MAST NTM Classification

Tree structure – Example

- 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: 177 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.

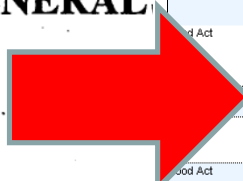
Colombo.
17th January, 2005.

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 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.



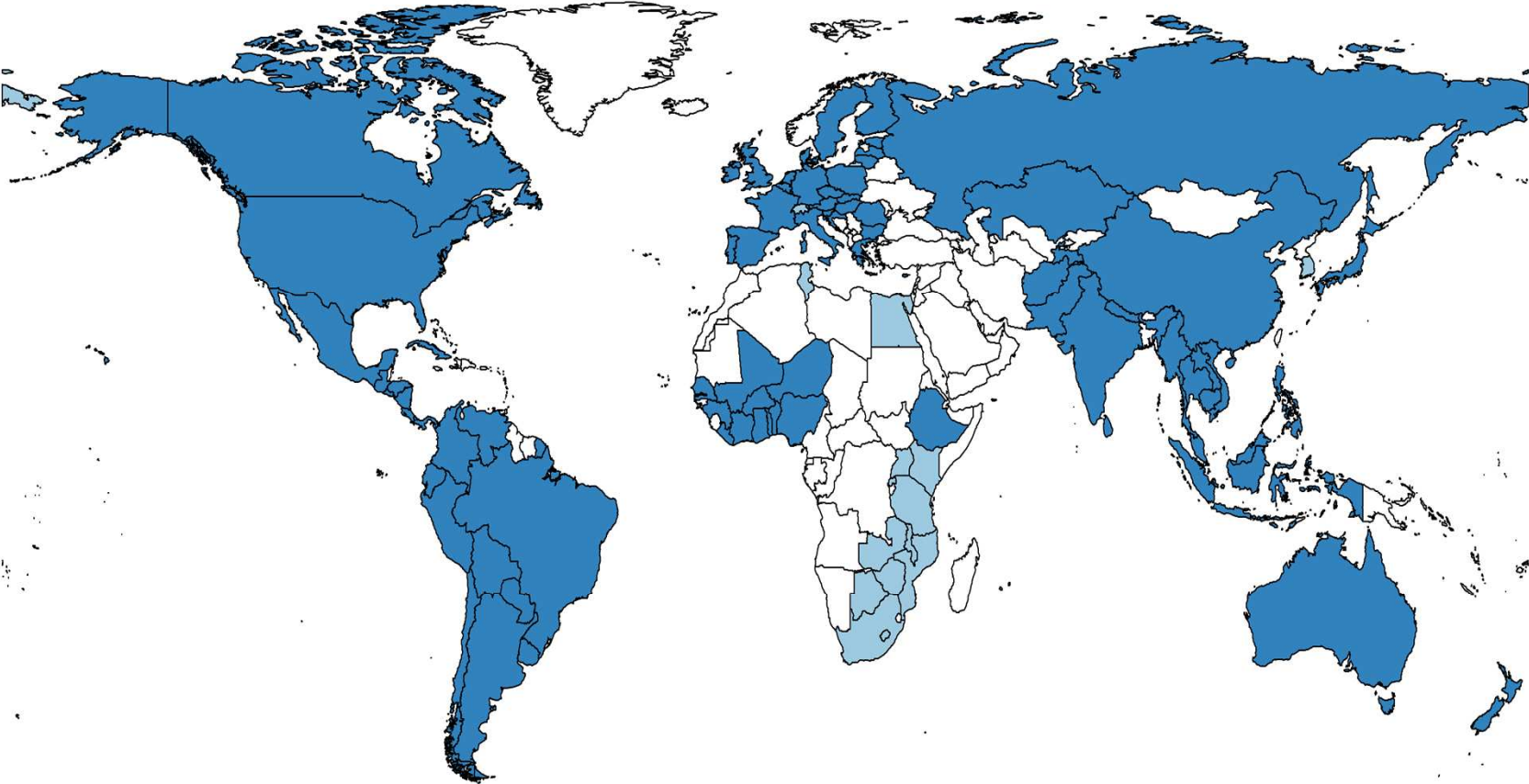
Consumer Affairs Authority Act

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 Date	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	01/01/2007		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



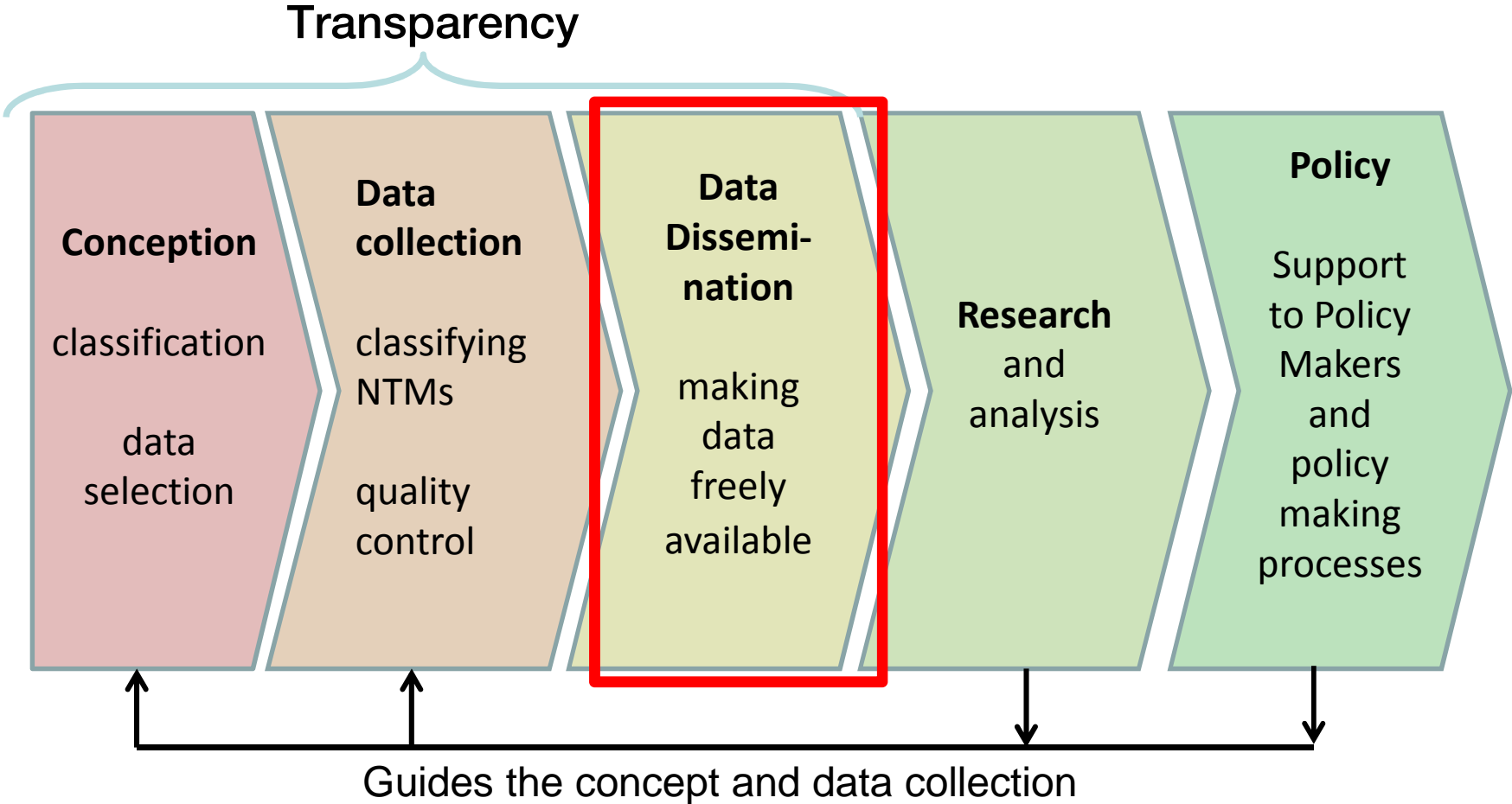
■ Data is available ■ In progress
□ No data

Observations: 40'000 (by measure and country)

Variables in the database per obs.: 67

Product_Code	Partial_Coverage_Indication	Affected_Products_Description	Document_Url	Document_Title_Full	Regulatory_Agency	Measure_Reference	Measure_Description	NTM type	NTM_Code	Measure_Implementation_Date	Measure_Repeated_Date	Measure_also_domestic	Affected_Region_Description	Measure_Objectives
0101	N/A	Animals, carcasses, products	http://www.gpo.gov/fdsys/pkg/CFR-2011-01-01-Title-9-Animals-and-Animal-Plant-Health-Inspection-CHAPTER-I-Subchapter-B-Part-93-Subpart-302-Inspection-requirements-for-aircraft-and-other-means-of-conveyance-(including-shipping-containers-thereon)-moving-into-the-United-States-from-any-foreign-region-are-allowed-to-enter-the-United-States-without-inspection-when-the-shipper-has-obtained-a-SPS-approval-from-the-competent-authority-of-the-exporting-country-2011-01-01.pdf	Title 9 - Animals and Animal Products. CHAPTER I - Inspection	Animal and Plant Health Inspection	§ 93.202	§ 93.202: (a) Inspection: All aircraft and other means of conveyance (including shipping containers thereon) moving into the United States from any foreign region are	Inspection requirement (Conformity assessment related to SPS)	A84	7-Feb-03	-	NO	World	To prevent the spread of animal diseases
0101	Only Horses, asses, mules	Horses, asses, mules and zebras	http://www.gpo.gov/fdsys/pkg/CFR-2011-01-01-Title-9-Animals-and-Animal-Plant-Health-Inspection-CHAPTER-I-Subchapter-B-Part-93-Subpart-301-Inspection-requirements-for-horses-moving-into-the-United-States-from-any-foreign-region-are-allowed-to-enter-the-United-States-without-inspection-when-the-shipper-has-obtained-a-SPS-approval-from-the-competent-authority-of-the-exporting-country-2011-01-01.pdf	Title 9 - Animals and Animal Products. CHAPTER I - Inspection	Animal and Plant Health Inspection	§ 93.301 (a); § 93.308; § 93.310	§ 93.301: (a) No horse or product subject to the provisions of this part shall be brought into the United States except in accordance with the regulations in this part and (b) The provisions in this part 93 relating to horses shall not	Quarantine requirement (Conformity assessment related to SPS)	A86	2-Jul-09	-	NO	World	To prevent the spread of animal diseases
0101	Only Horses,	Horses	http://www.gpo.gov/fdsys/pkg/CFR-2011-01-01-Title-9-Animals-and-Animal-Plant-Health-Inspection-CHAPTER-I-Subchapter-B-Part-93-Subpart-301-Inspection-requirements-for-horses-moving-into-the-United-States-from-any-foreign-region-are-allowed-to-enter-the-United-States-without-inspection-when-the-shipper-has-obtained-a-SPS-approval-from-the-competent-authority-of-the-exporting-country-2011-01-01.pdf	Title 9 - Animals and Animal Products. CHAPTER I - Inspection	Animal and Plant Health Inspection	§ 93.301	(b) The provisions in this part 93 relating to horses shall not	Special Authorization requirement for SPS	A14	28-Oct-97	-	NO	World	To prevent

UNCTAD Non-Tariff Measure Programme



Dissemination: UNCTAD TRAINS "The Global NTMs database"

- UNCTAD TRAINS: i-tip.unctad.org
→ For policy makers and negotiators
- ERIA and UNCTAD: asean.i-tip.org
→ For analysts and researchers
- World Bank WITS: wits.worldbank.org
→ For analysts and researchers
- Researcher Stata file: i-tip.unctad.org
→ For researchers
- MacMaps from ITC
→ For private sector

Same data

Different
presentation
for different
users

TRAINS

The global database on Non-Tariff Measures



Developed by WTO
Adapted for TRAINS data
by UNCTAD



For policy
makers:

i-TIP portal
(in cooperation
with WTO)

- Tables by
 - Products
 - Measures
 - Members
- Graphs over time

TRAINS: Non-Tariff Measures (NTMs) based on official regulations

TRAINS NTMs, the global non-tariff measures database, provides comprehensive and systematic information on a broad range of policy instruments that can have an effect on international trade in goods. The information includes traditional trade policy instruments, such as quotas or price controls, as well as regulatory and technical measures that stem from important non-trade objectives related to health and environmental protection (Sanitary and Phytosanitary (SPS) measures and Technical Barriers to Trade (TBT)). The objective of the database is to increase transparency and understanding about trade regulations and trade control measures.

The measures have been retrieved from official sources, mainly national trade laws and regulations. Measures are classified according to the [International Classification of NTMs](#) and affected products are classified at the most detailed level of the [Harmonized Commodity Description and Coding System \(HS\)](#). The global data collection, a joint effort by UNCTAD, AfDB, ALADI, ERIA, ITC, the World Bank, WTO and financial support from the Ministry of Finance of the Russian Federation, follows the [UNCTAD's Guidelines for NTMs data collection](#).

Choose one of the following options:

- TABLES by PRODUCTS**
 - Look at the incidence of NTMs by HS sections and chapters, and by country imposing the measure.
 - See individual measures by simply clicking on any number in the tables!
 - This option does not allow a selection of products.
- TABLES by MEASURE**
 - Look at the incidence of NTMs by country imposing the measure.
 - This option does not allow a selection of products.
- TABLES by MEMBERS**
 - Look at the incidence of NTMs by WTO member and geographical regions.
 - See individual measures by simply clicking on any number in the tables!
- DETAILED QUERY**
 - Select any combination of the five criteria: type of NTM, dates, country

ABOUT

- [How To](#)
- [Available Countries](#)
- [Methodology](#)
- [Map of the Application](#)
- [Classification used in the application](#)
- [Partners and Donors](#)

WHAT'S NEW

- [TPP Project](#)
- [APEC Project](#)
- [ASEAN Project](#)

Contact us: tab@unctad.org

i-tip.unctad.org

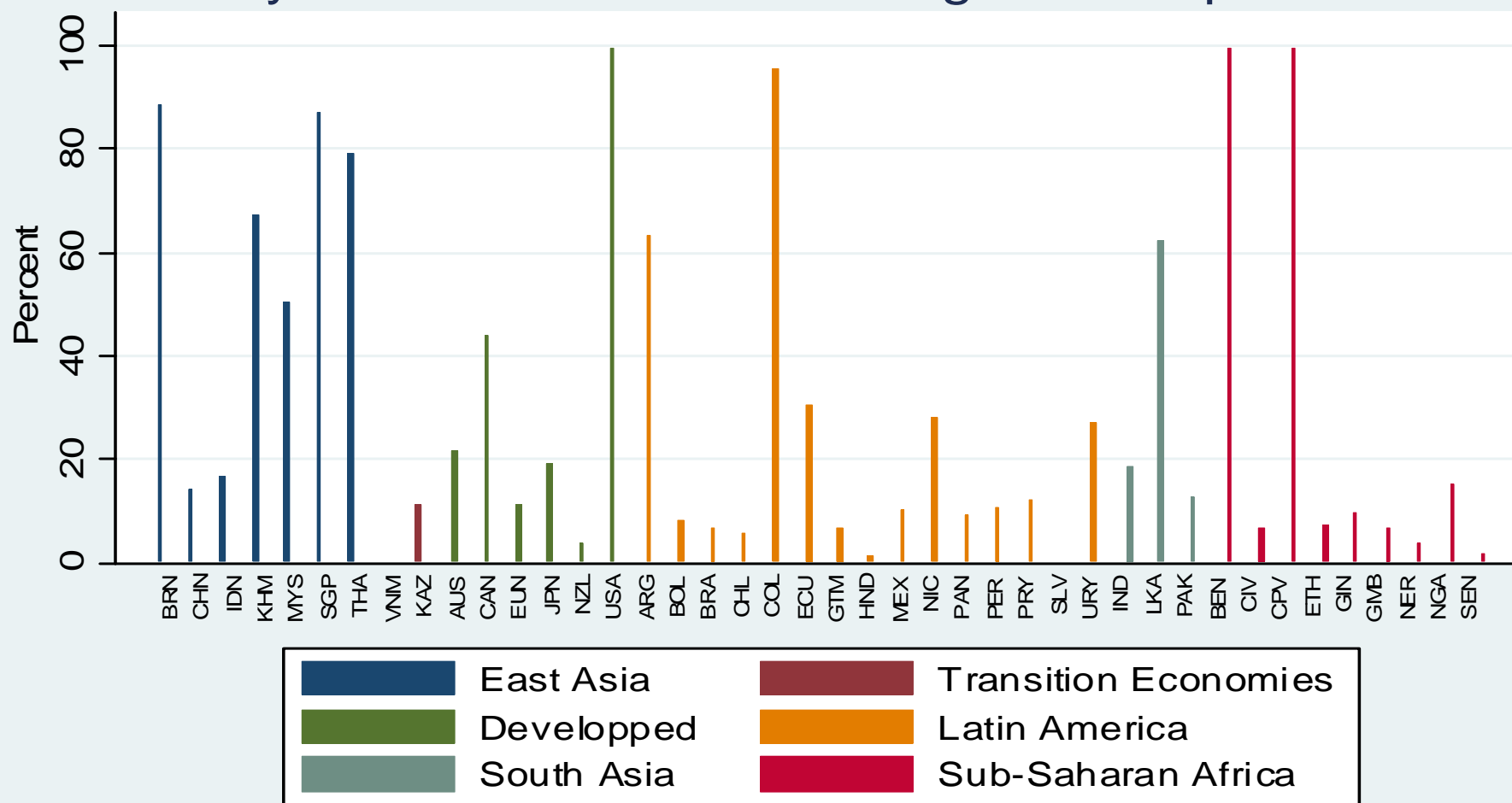
Researcher File: Stata

- Dimension
 - Reporter, partner, NTMs, HS, partial coverage, ...
- Time series only for Latin America, EU, etc.
- Aggregated at 6-digit level, common HS nomenclature
- Well documented NTMs Data User Guide
 - Cross-country analysis
 - Some indeces
 - Warning: careful to count measures, ...

reportername	reporteriso3	partneriso3	ntm3	nomenclature	hs6	perc_hs8_pa rtial	total_lines	perc_lines_c overed	distinct_mea sures	year_datacol lection
Malaysia	MYS	ATG	P130	H4	290339	1	2	1	1	2015
Malaysia	MYS	ATG	P130	H4	290490	1	2	1	1	2015
Malaysia	MYS	ATG	P130	H4	290519	1	1	1	1	2015
Malaysia	MYS	ATG	P130	H4	291819	1	1	1	1	2015
Malaysia	MYS	ATG	P130	H4	292090	1	2	1	1	2015
Malaysia	MYS	ATG	P130	H4	292119	1	1	1	1	2015

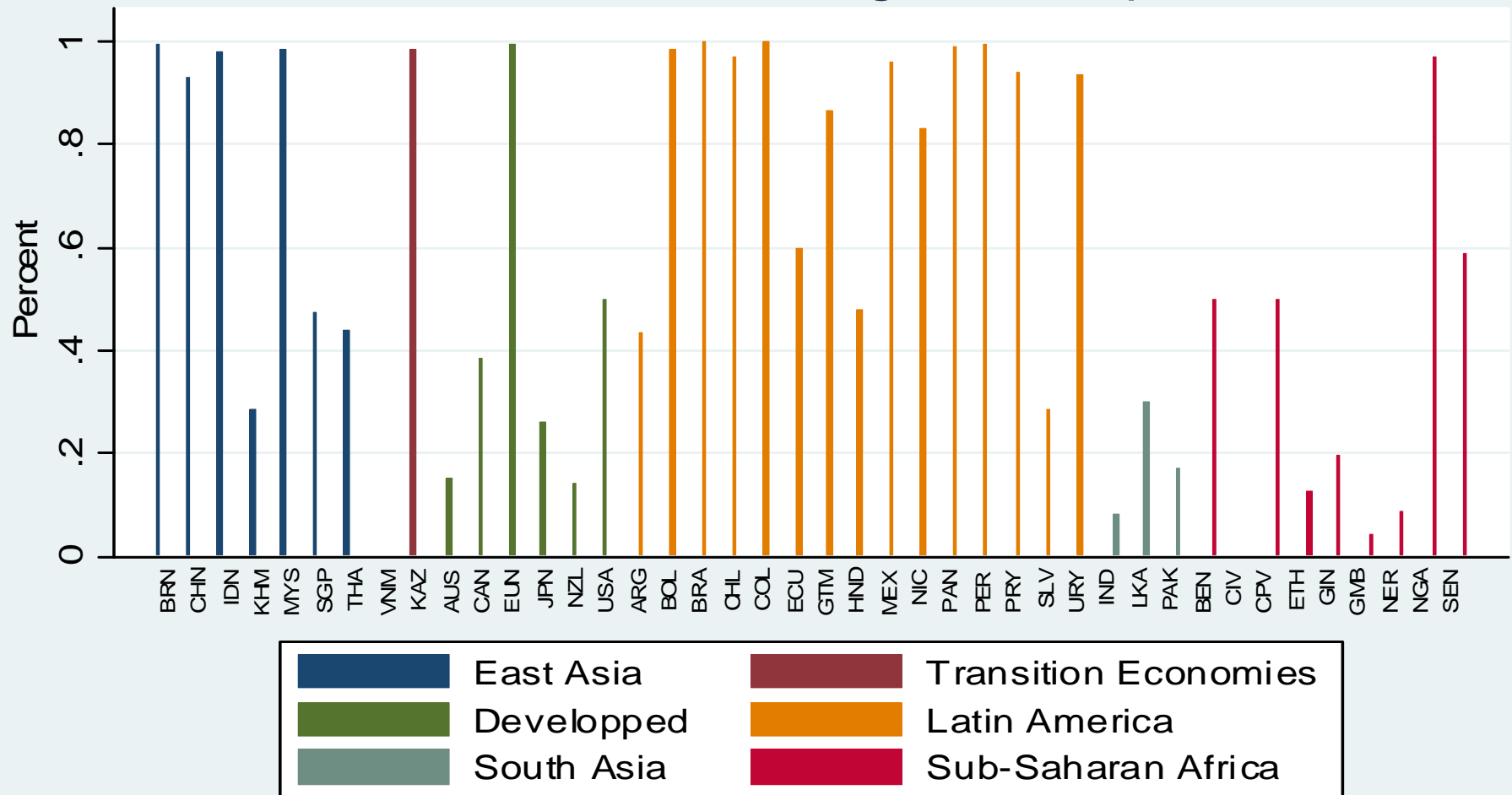
Soon on i-tip.unctad.org: Descriptive Data: «Barriers» in agriculture trade: Frequency Ratio

Percentage of imported hs6 digit lines covered by a non-technical NTM in agricultural products



Soon on i-tip.unctad.org: Descriptive Data: «Barriers» in agriculture trade: Coverage Ratio

Percentage of imported value covered by a non-technical NTM in agricultural products



Conclusion

- Trade related mandatory regulations include regulations to protect health and the environment ...
- Data available for 80 per cent of world trade
- Collected with standardized approach -> comparable
- Global approach coordinated by UNCTAD
- In Asia: Data collection jointly with Economic Research Institute for ASEAN and East Asia (ERIA)

- Data disseminated in UNCTAD TRAINS database
- Used by researchers (+ policy makers and traders) to assess impact of regulations on sustainable development

UNCTAD

PROSPERITY FOR ALL

www.unctad.org

More info: unctad.org/ntm



UNITED NATIONS
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