



# **GUIDELINES FOR THE COLLECTION OF DATA ON OFFICIAL NON-TARIFF MEASURES**

**2021 VERSION**



UNITED NATIONS





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## 1. INTRODUCTION AND PURPOSE

In recent decades, multilateral and regional trade negotiations and unilateral liberalization have substantially reduced tariff rates. Non-tariff measures (NTMs), however, represent a growing challenge for exporters and policy makers. The ability to gain and to benefit from market access depends increasingly on compliance with trade regulatory measures such as sanitary requirements and goods standards. The United Nations Conference on Trade and Development (UNCTAD) has been actively involved in research and activities on issues related to non-tariff measures. In 1994, UNCTAD began to collect and classify the measures. While the UNCTAD Trade Analysis and Information System (TRAINS) remains the most comprehensive database on the measures, it has required substantial improvements to keep up with the increasing complexity of and need for data. To develop a strategy to reduce the transparency gap, in 2006, UNCTAD established the Group of Eminent Persons on Non-Tariff Barriers, composed of leading economists from international organizations. A Multi-Agency Support Team (MAST group) provided substantial support. As a result, the Transparency in Trade initiative was launched by UNCTAD, the African Development Bank, the International Trade Centre and the World Bank. UNCTAD leads international efforts to collect data on the measures.

The collection of these data requires the classification of legal documents (regulations, directives, rules and the like) by appropriate predefined codes. These codes are provided in the publication *International Classification of Non-Tariff Measures*.<sup>1</sup>

The classification of the measures was developed and agreed by several international organizations in the context of a multi-agency initiative led by UNCTAD (MAST group: the Food and Agriculture Organization of the United Nations (FAO), the International Monetary Fund (IMF), the International Trade Centre (ITC), the Organization for Economic Cooperation and Development (OECD), UNCTAD, the United Nations Industrial Development Organization (UNIDO), the World Bank, World Trade Organization (WTO)) and international experts. The classification is designed

to facilitate the collection, analysis and dissemination of data on the measures, with the final objective of increasing transparency and understanding about the subject.

A recurring problem for data collectors is that regulations on the measures are often based on legal and/or technical terms which may render it difficult to univocally assign the most appropriate code. For data collectors, some interpretation is often required when classifying the measures described in the legal documents and regulations according to the predefined codes.

The purpose of this manual is to provide guidelines to enable data collectors to harmonize the data collection process and to minimize uncertainty during the process of categorization and classification. In doing so, the manual presents the logic behind the classification of non-tariff measures, and it explains how to choose the most appropriate code. This manual provides a large set of examples, and it is regularly updated to respond to queries and questions emerging during the data collection exercise.

This manual has been created with the intention of covering as many cases as possible. However, if uncertainties persist, data collectors are encouraged to submit their questions to [ntm@unctad.org](mailto:ntm@unctad.org), providing also a copy of the legal text and stating the proposed code.

## 2. NON-TARIFF MEASURES: DEFINITION AND GENERAL CONSIDERATIONS

### Definition

The concept of non-tariff measures is neutral and does not imply a direction of impact or legal judgment. They are defined as “policy measures, other than customs tariffs, that can potentially have an economic effect on international trade in goods, changing quantities traded, or prices or both”.<sup>2</sup> Non-tariff barriers (NTBs) are a subset of the measures, implying a negative impact on trade. The measures are normally collected through UNCTAD’s TRAINS Data Entry Tool and

<sup>1</sup> UNCTAD (2019), *International Classification of Non-Tariff Measures*, 2019 Version.

<sup>2</sup> As defined by the Multi-Agency Support Team and the Group of Eminent Persons on Non-Tariff Barriers.

disseminated through its TRAINS Dissemination Portal, the World Integrated Trading System (WITS) and the Global Trade Helpdesk (GTH). The TRAINS database also includes measures from other sources.

### Understanding the meaning of the terms “regulation” and “measure”

A regulation is a legal document issued officially by a Government, such as a law, decree or directive. An official regulation could include several measures (or NTMs).

For the purpose of the classification, a measure is a mandatory trade control requirement enacted by an official regulation. Each regulation or legal document must be read to distinguish all measures within its text. All identified measures should be registered separately.

In the database of non-tariff measures, both regulations and measures must be recorded precisely and fully to reflect the information embedded within the legal document which is relevant to the trade requirements. A brief description of both the regulation and the measures within the regulation is required. At the moment, UNCTAD's database of non-tariff measures is mostly available in English. If the regulation is already in English and a description of the regulation is readily available, a simple copy of the description of the regulation in the database is sufficient. The same principle applies for the measures. If the regulation is in another language, a description of the regulation and of each measure in the original language has to be provided, to be accompanied by a translation of the description into English.

### What data are collected?

The data that are collected are official measures currently imposed by the country and that affect imported or exported products. As a rule of thumb, such measures would be checked at the customs point to allow entry or exit. All specific import/export

international trade and are thus considered non-tariff measures.

Only those measures backed by official mandatory regulations are to be collected and classified. Sanitary and phytosanitary measures and technical barriers include standards that are a compulsory condition for importing.<sup>3</sup>

### What data are not collected?

- a. Voluntary measures are not included in this database. One example is that of private standards – requisites put forward by private organizations, such as retail companies, are not collected.
- b. International standards are not included either, unless they have been made explicitly mandatory. International standards are issued by international organizations, such as the International Organization for Standardization, CODEX Alimentarius, the International Electrotechnical Commission or ASTM, and no country is forced to adopt them. Even if countries are encouraged to follow them, they are at liberty to set a level higher or lower. For this reason, they are not included in this database. However, if a country adopts an international standard, it becomes national legislation and it is then included in the database.
- c. Data collected for the database concern only trade in goods and exclude measures affecting trade in services. The only exception is the case where the service activities are directly connected to the trade of goods (such as the case of post-sale services, chapter K). In this case, there are restrictions on the ability of exporters to provide post-sale services through their preferred or desired channels in the importing country. Even though the restrictions only concern domestic post-sale services, they

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