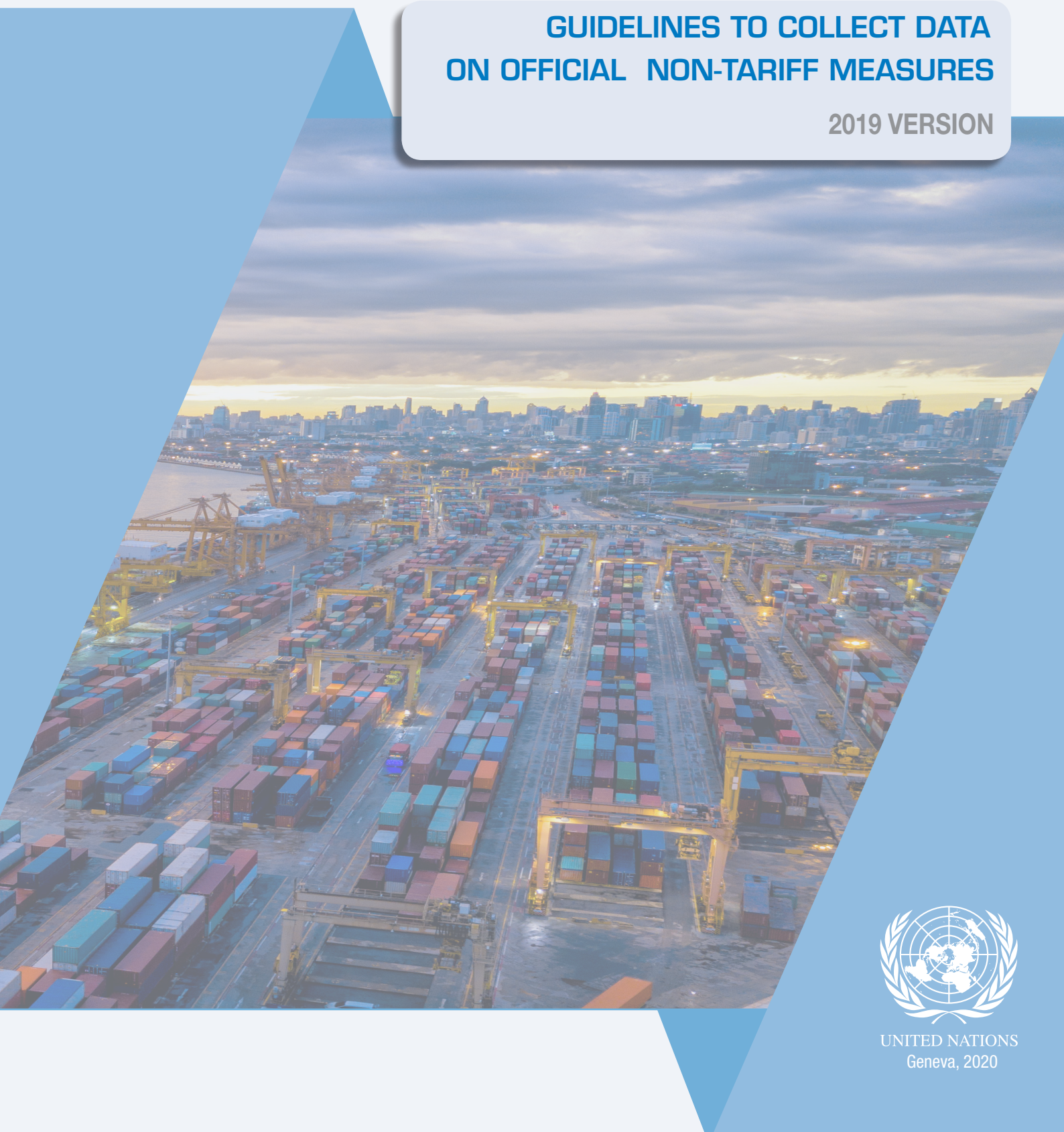




GUIDELINES TO COLLECT DATA ON OFFICIAL NON-TARIFF MEASURES

2019 VERSION



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1. INTRODUCTION AND PURPOSE

During the last few 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. UNCTAD has been actively involved in research and activities on issues related to NTMs. In 1994, UNCTAD began to collect and classify NTMs. While the UNCTAD Trade Analysis and Information System (TRAINS) database remains the most comprehensive database on NTMs, it has required substantial improvements to keep up with the increasing complexity of and need for NTM 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 provided substantial support. As a result, the Transparency in Trade initiative (TNT) was launched by UNCTAD, the African Development Bank, the International Trade Centre and the World Bank. UNCTAD leads the international effort on official NTM data collection.

Collection of data on NTMs requires the classification of legal documents (regulations, directives, rules, and the like) to appropriate predefined NTM codes. These codes are provided in the publication *International Classification of Non-tariff Measures*.¹

The classification of NTMs was developed and agreed by several international organizations in the context of a multi-agency initiative on NTMs led by UNCTAD. The classification is designed to facilitate the collection, analysis and dissemination of data on NTMs, with the final objective to increase transparency and understanding about the subject.

A recurring problem for data collectors is that regulations on NTMs 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 NTMs codes.

The purpose of this manual is to provide guidelines to data collectors to harmonize the NTM 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 NTMs, 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 providing also a copy of the legal text and stating the proposed code.

2. NON-TARIFF MEASURES DEFINITION AND GENERAL CONSIDERATIONS

Non-tariff measures definition

The concept of NTMs is neutral and does not imply a direction of impact. 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”.² Non-tariff barriers (NTBs) are a subset of NTMs, implying a negative impact on trade. All NTMs are collected and included in the UNCTAD TRAINS database, irrespective of their effect.

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 bear 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

¹ UNCTAD (2019), *International Classification of Non-tariff Measures*, 2019 Version.

² As defined by the Multi-agency Support Team and the Group of Eminent Persons on Non-tariff Barriers.

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 such regulation is required. At the moment, UNCTAD's database of NTMs 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 into 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 such description in English.

What data is 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 of the product. All specific import/export requirements are recorded in detail and with full reference.

Collected data comprise “behind the border” sanitary and phytosanitary measures (SPS measures) and technical barriers to trade (TBTs) measures that are imposed for objectives that are not primarily trade-related: for example, human, plant and animal health, and the protection of the environment. Even if equally applied to domestic producers, they nevertheless regulate international trade and are thus considered NTMs.

Only those measures backed by official mandatory regulations are to be collected and classified. Within SPS measures and TBTs are included standards that are a compulsory condition for importing.³

³ According to the World Trade Organization (WTO) definition, standards are voluntary. These are not registered. However, some national official and mandatory legislation may impose a regulation using the word “standard”. In this case, the measure is collected and registered in the database, as it is a condition for importation.

What data is 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. Measures of chapters J through O are currently not collected (see figure 2) through this approach. Some are collected in the framework of specific projects or initiatives, for example, Government Procurement, chapter M, or Intellectual Property Rights, chapter N.
- d. Data collected for NTM database only concerns trade in goods, and excludes 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, the restrictions apply on the ability of exporters to provide post-sales services through their preferred or desired channels in the importing country. Even though the restrictions only concern domestic post-sales services, they negatively affect importers of certain products (such as televisions, laptops, telephones) and are considered NTMs.
- e. Data collected for NTM database only concerns national level measures, and not provinces or states within a country. This also excludes internal circulation within a country, i.e. between states within a country: this is not considered non-tariff measure. For example, if the Ministry of Agriculture requires all vegetable grains to be equipped with clear guidelines on

their origins and usage, this requirement affects both export/import and internal circulation of vegetable grains. This is considered (a) non-tariff measure(s). However, if the Ministry of Agriculture specifies that 'all vegetable grains, when circulated from one province to another, need to be equipped with clear guidelines on their origins and usage', then the requirement concerns only internal trade, and it is not a non-tariff measure. Companies may add that information after import has been made.

- f. Regulation on **activities** which are not related to trade are also outside the scope of the data collection. Sometimes the requirements on activities might eventually affect trade indirectly, but if there is not direct connection to a requirement or condition for import/export, then the regulation is not considered being a NTM. For example, a regulation might state that an individual, in order to operate a vessel/aircraft, needs to acquire a certificate of airworthiness/operation permit. This is a requirement which affect a particular activity (operating a vessel/aircraft), which might eventually affect the importation of vessels or aircrafts (if the certificate is very difficult to obtain, the demand for the products might decrease). However, the connection between the activity and trade of the products related to such activity, in this case, is a pure assumption. Because such an operation permit is not a characteristic of the product, nor the production process, it should not be recorded as NTM. Another example is the requirement to have a driving license for cars. Such a requirement eventually has an effect on the demand for cars, thus affecting the trade in cars. However, the requirement, again, is not about the characteristics nor production process of the product – in this example, cars – and therefore is not considered NTMs.
- g. The same is valid for restrictions on services provision relate to the traded goods. For example, restrictions on transport services across the border may affect trade, but this is not a direct requirement on any good (i.e. product characteristic or production process), and thus it is not an NTM on any good.
- h. Complaints from the private sector, perceptions, and any other non-official information related to NTMs are not considered valid sources and

thus should not be coded. This information is very valuable for improving trade conditions, and so sometimes UNCTAD endeavours to record this information in parallel to NTM data collection, but in every case, both are clearly separated. All NTM sources are legal official texts only.

How is the data collected?

UNCTAD provides the data collectors access to the TRAINS Data Entry Tool (TRADET) with all the required fields to be filled out. UNCTAD also provides the NTM code classifications and the product codes of the Harmonized Commodity Description and Coding System (known as the Harmonized System (HS)). UNCTAD also provides the training and coaching, as well as quality checking of the data.

3. STEPS TO COLLECT INFORMATION

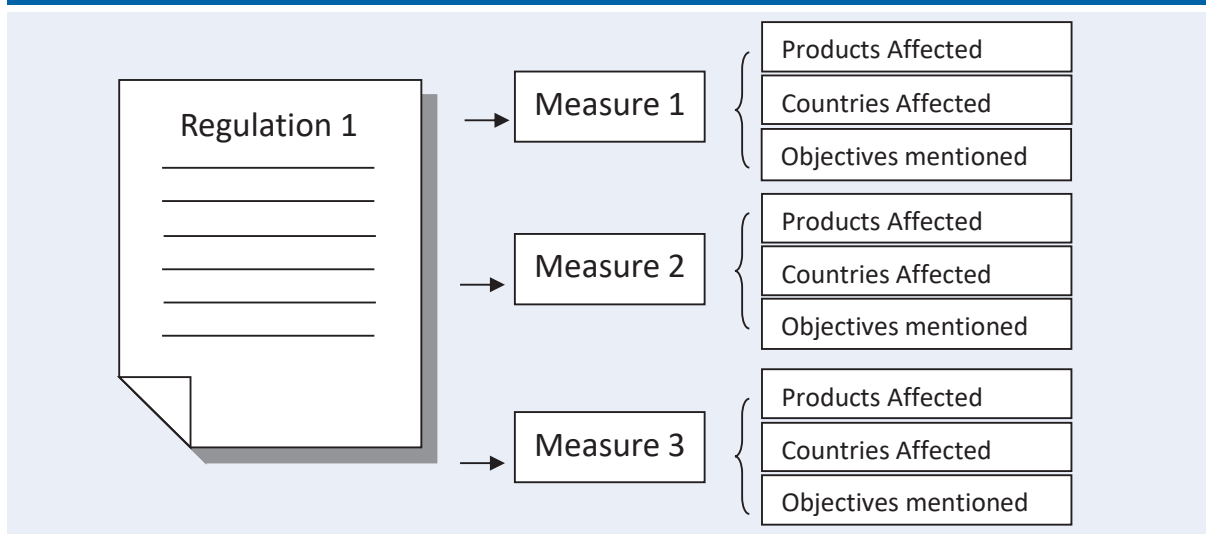
The steps are the following:

- a) Get the source data
 1. Identify sources of information
 2. Identify documents from each source
 3. Identify regulations from each document
- b) Classify and register the information
 1. Identify and classify measures within each regulation
 2. Identify and classify affected products for each measure
 3. Identify and classify affected countries for each measure
 4. Identify and classify objectives for each measure, whenever possible

Each step is registered separately in the TRAINS Data Entry Tool provided by UNCTAD.

The first three steps systematically register the origin of information. These steps are essential to make sure that the data is traceable and can be later verified and updated. From each source, one or more legal

Figure 1. Principle workflow for each regulation



documents can be obtained. These documents may also contain one or more regulations.

The remaining steps identify and classify all the relevant information from each legal text. Much effort is put to emphasize comprehensiveness of the data collection. This means that all requirements for import or export are registered in the database, irrespective of complexity or stringency.

Figure 1 illustrates the components and dimensions of steps 4 to 7. Within a regulation there may be one or more measures. Each one has to be classified according to the NTM classification. Each measure is likely to affect certain products and countries, and there may also be objectives mentioned explicitly in the text. All of these have to be registered.

In the following sections, further details are provided on each step of the data collection process.

the information being contained in one publication, irrespective of the government department and the subject covered. Such centralized sources facilitate the task of NTM data collection and continuous updates.

Examples of countries using an official journal or other centralized source are the member States of ALADI (the Latin-American Integration Association – consisting of Argentina, the Plurinational State of Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Paraguay, Peru, Uruguay and the Bolivarian Republic of Venezuela). Examples of the publication titles are as follows:

- Argentina: *Boletín Oficial* (Official Journal);
- Plurinational State of Bolivia: *Circular de la Aduana Nacional de Bolivia* (Circular of the National Customs Office of Bolivia);
- Brazil: *Edições Aduaneiras – Publicações*

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