

Trade and Public Policies: NTMs in the WTO

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What is an NTM?

- NTMs are different from tariffs
 - Any measures that are not import tariffs but that can have an impact on trade flows
 - Extremely diverse in terms of:
 - Policy intention (to lower trade, or to achieve other public policy goals)
 - Policy type (price, quantity, or regulatory measures)
- NTMs can be applied at the border, and/or behind the border.



UNCTAD NTMs categories

Imports	Technical measures	A. Sanitary and Phytosanitary Measures (SPS)
		B. Technical Barrier to Trade (TBT)
		C. Pre-shipment Inspection and other Formalities (PSI)
	Non-technical measures	D. Contingent Trade-Protective Measures
		E. Non-automatic Licensing, Quota and other quantitative controls (QC)
		F. Price Controls (PC)
		G. Financial Measures
		H. Measures affecting Competition
		I. Trade-related Investment Measures
		J. Distribution Restrictions
		K. Restrictions on Post-sale Services
		L. Subsidies (Excluding Export Subsidies under P)
		M. Government Procurement Restrictions
		N. Intellectual Property
		O. Rules of Origin
Exports	P. Export-related Measures	



Principles of the MTS

- The multilateral trading system (institutionalised as the World Trade Organization) is a **rule-based** system for its Members.
- **Non-discrimination** principle is at the heart of MTS.
- **Transparency** is the best manner to improve the rules in the MTS.
- Accountabilities make sure all commitments are properly enforced.
- Flexibility to get everyone on board



A History of NTMs in the MTS

- NTMs have never been new in the multilateral trading system.
- Members were concerned about the effect of tariff disciplines will be diluted/undercut by other policy substitutes.
- Discipline on NTMs was discussed when the GATT was conceived.
 - GATT favoured using tariff because of transparency and efficiency
 - QRs were the prevailed NTM back then.
- Kennedy Round (1964-67) was the 1st attempt in negotiations to address a broad range of NTMs (e.g. anti-dumping, health standards).



GATT provisions on NTMs

- Article III provided national treatment, and outlawed internal rules on imported products that were not applied equally to “like” domestic products.
- Article XI clearly prohibited the introduction of new quantitative restrictions and required the elimination of existing ones.
- Article XX explicitly recognized that measures “necessary to protect human, animal or plant life and health” were justified.



GATT provisions on NTMs

- Other non-tariff measures were considered too complex or controversial to be addressed through general rules or “codes of conduct” alone.
 - Article VI established rules regarding anti-dumping and countervailing duties.
 - Article VII specified that customs valuation systems should not be based “on arbitrary or fictitious values” assigned to imports.
 - Article VIII aimed to limit administrative fees assigned to imports and tried to simplify the documentation required by

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