Introducing the SPS and TBT Portal Developed by CWS

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"Specialised Course on Select WTO Issues: Agriculture, Services, TRIPs and RTAs"

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Outline

Illustration on the market access scenario

Recheck – the understanding of HS nomenclature

Portal of CWS – Practical Training

Requirement for Creation of Infrastructure to deal with SPS and TBT Measures/ Case Study

Some basic facts about registered users to CWS Portal



Nine Barriers to Global Trade - World Bank Study

Definition: The lack of infrastructure, institutions, policies and services facilitating the free flow of goods over borders

Market access	Border administration	Telecom and transport infrastructure	Business environment
1. Domestic and foreign market access	2. Efficiency of customs administration	5. Availability and quality of transport infrastructure	8. Regulatory environment - Investment policy - Hiring foreign workers
 Quotas Import fees – not tariffs (e.g. tax schemes) Local content requirements 	3. Efficiency of import-export procedures	6. Availability and quality of transport services	 Other regulatory environment issues (including trade finance)
 Rules of origin Technical, sanitary and phytosanitary measures or other requirements Import/export licenses 	(e.g. coordination between border agencies; administration burden of complying with standards)	7. Availability and use of information and communication	9. Physical security
	4. Transparency of border administration (e.g facilitation payments)	technologies (e.g. tracking, electronic- tolls, communication)	

Source: World Economic Forum, 2013, "Enabling Trade Valuing Growth Opportunities", World Bank, Figure 2. p 10.

Figure 1: Avg. MFN Applied Tariff Scenarios: In the Global Arena: 1988-2010

Figure 2: Increasing Trend in WTO-Compatible NTMs: 1995 to 2011



Source: Author calculated based on Trains and IDB databases from the WITS online database.

Source: Author calculations based the Centre for WTO Studies databases.

Relationship between Tariff and Non Tariff Measures

The Surface of a pond filled with water (or Tariff levels)



Present Market Access Negotiation under WTO



1947 1960's

2013

Source: Authors own illustration



Trade Linkage: the HS Systems



Creation of CWS Web portal

- In the context of Doha Round (Market Access) it become imperative to look beyond tariffs, as an instrument of trade policy, - the average tariffs of these across the countries were coming down and substituted by the <u>WTO-Compatible</u> <u>instrument like non-tariff measures</u> (TBT and SPS) and these were increasing year on year.
- So it was felt way back in <u>2003 that a database to capture</u> <u>individual notifications and its link with the trade (i.e., HS</u> codes). Simultaneous, it was also felt that Indian exporter's needed to be aware of the notifications and their product coverage. Hence, it was important to have comprehensive database compiled but equally important to disseminate.
- Complete process took us six years (i.e., to collate and compile) before the database was made public in 2009.
- The database is constantly updated with a lag of two months.



What is the Impact of SPS and TBT (NTMs)?

- Nearly 19,071 TBT notifications January 1995 to February 2013, in terms of product coverage roughly 99,008 at heading level (4 digit HS)
- Nearly 14,302 SPS notifications January 1995 to February 2013, in terms of Product coverage roughly 1,21,553 at heading level <u>(4 digit</u> <u>HS)</u>
- So the total NTMs 33,373 notifications having a product coverage of 2,20,561 until November 2012
- Including the broad product classification(BPC), for example like "All products", "Construction materials", "Animal and animal products", etc;
- The total number includes the notifications made under the addition, revisions and corrigendum;
- > Virtually, no tariff line is left untouched.



What is so unique about these two Database?

- With less than <u>10 % of total SPS/TBT notifications</u> with containing the HS Codes details. A viable answer to many of our questions on account of <u>market access</u> <u>related issues where not possible</u>.
- The coverage had to be increased (100 percent). For this database needed to <u>bridge this GAP</u> – though an objective approach that would certainly provide answers to many key market access questions and thus provide clearer picture.
- This then can be very useful for providing answers to issues at a micro-level. It would be useful for the exporter, importer, academicians, and apex industrial bodies and trade policy makers.



The Actual Coverage of the WTO notifications



SPS Notifications

• 9.5 % of the total notification actually contain some or the other information with regard to the HS codes.



TBT Notifications

• 15 % of the total notification actually contain some or the other information with regard to the HS codes.

<u>So how did we manage to</u> provide the HS code linkage?



Objectivity in the Product Coverage

Deciphering the actual intension of an actual notification:

- Product name
- ICS code (International Classification for Standards)
- Description of content
- Any other relevant information in the notification

ICS Code revealing the actual purpose a TBT Measure

A classic case of use of "ICS code" to reveal the actual intension of a TBT notification:

- 1. G/TBT/N/KEN/133, Dated 21/04/2009
- 2. Product name as : "<u>COUNTERFEIT GOODS</u>"
- 3. We would have categorised this TBT notification as either **"All Products" or "Packaging and labelling"**.
- 4. A careful study of the notification, we found a mention of ICS Code, it had **07.080**.
- 5. This ICS code was designated to "genetically engineered products"
- 6. It was clear that this notification was applicable to only for **"Food and Food Products"**



How was the Trade Coverage issue addressed in the

notification?

	S.No.	Count of Notification (Doc.no.)	Member	Notification with Add./Rev./Corr	Date of circulation	Products
1		3066	Colombia	G/SPS/N/COL/98	6/6/2005	Products which, without meeting or satisfying the requirements hid down for the definition of food products , medicines , phytotherapeutic products or pharmaceutical preparations based on natural resources , or alcoholic beverages, contain elements or compounds which may be aids to maintaining the metabolic processer of the organism and which contain ingredients such as vitamins, proteins, fibre, minerals, natural products, carbohydrates, amino acids, fatty acids, plants, herbs or algae, among others. [[Addition 1: Draft Decree "Regulating the Manufacture, Marketing, Packaging, Marking or Labelling, Sanitary Registration, Quality Control, Sanitary Surveillance and Sanitary Control of Products Used for Specific Purposes, and Setting Forth Other Provisions"]]

Notification with Add./Rev./Corr Date of circulation		n Products	HS Code		
G/SPS/N/COL/98	6/6/2005	Products which, without meeting or satisfying the requirements laid down for the definition of food products , medicines , phytotherapeutic products or pharmaceutical preparations based on natural resources , or alcoholic beverages , contain elements or compounds which may be aids to maintaining the metabolic processes of the organism and which contain ingredients such as vitamins, proteins, fibre, minerals, natural products, carbohydrates, amino acids, fatty acids, plants, herbs or algae, among others. [[Addition 1: Draft Decree "Regulating the Manufacture, Marketing, Packaging, Marking or Labelling, Sanitary Registration, Quality Control, Sanitary Surveillance and Sanitary Control of Products Used for Specific Purposes, and Setting Forth Other Provisions"]]	3003, 3004, 3005, 3006, 1211, 2942, 2203, 2204, 2205, 2206, 2207, 2208, 2936		

S.No.	Member	Notification	Date of circulation	Products	HS Code
1	Colombia	G/SPS/N/COL/98	6/6/2005		3003
2	Colombia	G/SPS/N/COL/98	6/6/2005	1 F	3004
3	Colombia	G/SPS/N/COL/98	6/6/2005	Products which, without meeting or satisfying the requirements laid down for the	3005
4	Colombia	G/SPS/N/COL/98	6/6/2005	definition of food products, medicines, phytotherapeutic products or pharmaceutical	3006
5	Colombia	G/SPS/N/COL/98	6/6/2005	preparations based on natural resources, or alcoholic beverages, contain elements or	1211
6	Colombia	G/SPS/N/COL/98	6/6/2005	compounds which may be aids to maintaining the metabolic processes of the	2942
7	Colombia	G/SPS/N/COL/98	6/6/2005	organism and which contain ingredients such as vitamins, proteins, fibre, minerals, natural products, carbohydrates, amino acids, fatty acids, plants, herbs or algae,	2203
8	Colombia	G/SPS/N/COL/98	6/6/2005	among others. [[Addition 1: Draft Decree "Regulating the Manufacture, Marketing,	2204
9	Colombia	G/SPS/N/COL/98	6/6/2005	Packaging, Marking or Labelling, Sanitary Registration, Quality Control, Sanitary	2205
10	Colombia	G/SPS/N/COL/98	6/6/2005	Surveillance and Sanitary Control of Products Used for Specific Purposes, and Setting	2206
11	Colombia	G/SPS/N/COL/98	6/6/2005	Forth Other Provisions"]]	2207
12	Colombia	G/SPS/N/COL/98	6/6/2005] [2208
13	Colombia	G/SPS/N/COL/98	6/6/2005	1 [2936

SPS & TBT Databases the procedure for registration



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Second link: IIFT Website

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		countries in international production and trade, individually and in aggregate, are also included.	 Data on the absolute and relative importance of th
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		■ OECD-FAO Agricultural Outlook 2009-2018 © OECD-FAO	
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		■ WTO SPS Information Management System 앱 ■ WTO Dispute Settlement Database 앱	
		Henrik Henr and Detree C. Hanneidie	
		Brief note on TBT/SPS Web Portals of CWS,IIFT	
		Provides information at one place on all TBT/SPS notifications made under the WTO by Members/Observers. Coverage of this dataset is e presently being updated with a lag of not less than two months. The important feature of this Web Portal is that it provides information on t	
		Harmonised System), thereby taking into account the possible linkages with all the relevant information provided in the SPS/TBT notification	ons. This is important from the point of view of Marke
		Access issues because while information on tariff is crystal clear, information on Non Tariff Measures (NTMs) like TBT/SPS has continued non-availability of HS code link in nearly 88 percent of total SPS/TBT notifications issued since 1995; the year the WTO came into existen	
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		Provides TBT notifications with HS code link for all countries and for all years since the formation of WTO. Centre for WTO Studies(CWS), Indian Institute for Foreign Trade	
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		Provides SPS notifications with HS code link for all countries and for all years since the formation of WTO. Center for WTO Studies(CWS), Indian Institute for Foreign Trade International Portal on Food Safety, Animal and Plant Health @	
		Provides SPS notifications with HS code link for all countries and for all years since the formation of WTO. Center for WTO Studies(CWS), Indian Institute for Foreign Trade International Portal on Food Safety, Animal and Plant Health P Information related to the SPS Agreement.	Cent

Centre for WTO Studies Web site (http://wtocentre.iift.ac.in/)







Registration Process

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Login ID and Password

- An automated <u>unique Login ID and Password</u> (the password can customised), will be send to you to your email ID, as mentioned as part of the registration process, with in few hours or a maximum duration of 48 hours.
- If it is not working, <u>please check your junk mails</u>, and for institutional users find out if your <u>Web ID is fire wall protected or not</u>, this also from our past experience we have found.
- Both the **SPS and TBT Web Portals require separate** registration.
- There are no restrictions on the number of registered within an organisation.



Options Available for Searching on TBT Database

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S.No.	HS Code	Notification	Description of Contents	Market	Chapter	Section	Product	TBT Measures	International Standard
1.	8401	G/TBT/N/ARG/129	Extension of the time-limits established in the Joint Resolution of the former Ministry of Production (MP) No. 157 and the former Ministry of the Economy (ME) No. 255 of 9 April 2003 (G/TBT/N/ARG/110) and amendment of Articles 1, 9 and 11 thereof.	Argentina	NUCLEAR REACTORS, BOILERS, MACHINERY AND MECHANICAL APPLIANCES; PARTS THEREOF.	16	Capital goods	Harmonisation	
2.	8401	G/TBT/N/ARG/110	Beneficiaries of the import regime for used production lines must undertake to obtain quality management system certification.	Argentina	NUCLEAR REACTORS, BOILERS, MACHINERY AND MECHANICAL APPLIANCES; PARTS THEREOF.	16	Capital goods	Technical Regulations/Standards	
3.	8401	G/TBT/Notif.96/305	This Technical Standard relates to Customer Equipment (CE). It specifies safety requirements for CE with the objective of providing: (a)Protection of the CE user from electrical supply hazards; (b)Protection of the CE user from telecommunications network hazards; (c)Protection of telecommunications network personnel from connected CE hazards; (d)Protection of a telecommunications network from harm arising from connected CE, both mains powered and non-mains powered equipment.		NUCLEAR REACTORS, BOILERS, MACHINERY AND MECHANICAL APPLIANCES; PARTS THEREOF.	16	Safety for customer equipment	Consumer Safety	
4.	8401	G/TBT/Notif.98/91	Regulations for the installation of electrical equipment in explosive (gaseous, dusty) atmospheres. Definition of danger zones.	Belgium	NUCLEAR REACTORS, BOILERS, MACHINERY AND MECHANICAL APPLIANCES; PARTS THEREOF.	16	Rules for the installation of electrical equipment	Harmonisation	
5.	8401	G/TBT/Notif.98/97	Lighting units with single integrated socket-outlet and a nominal intensity of 2.4 A. Conductor colour protection code. Flame propagation ducts. Gutters. Ductless recessing. Industrial	Polaium	NUCLEAR REACTORS, BOILERS, MACHINERY AND MECHANICAL APPLIANCES; PARTS THEREOF.	16	Rules for the installation of electrical equipment	Harmonisation with International Standards	 Cer

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Searching for 8401- more Parameters

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Web Based TBT Notification & Market Access Database

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Combinational Search Query Based on HS Code 8401. Total records retrieved is 69.

S.No.	Notification	Article	Emergency Measure	ICS Code	Regulation	Entry Force	Text From	Text At
1.	G/TBT/N/ARG/129					3-Jul-03	National Enquiry Point	
2.	G/TBT/N/ARG/110					11-Apr-03	National Enquiry Point	
3.	G/TBT/Notif.96/305					Early 1997	National Enquiry Point	
4.	G/TBT/Notif.98/91					60 days	National Enquiry Point	
5.	G/TBT/Notif.98/97					60 days	National Enquiry Point	
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Graphic and Empirical Evidences

Top Players in the NTMs

De	ank	Countries	Status	SPS Total	Rank	Countries	Status	TBT Notif. (1995 to 2011)
na	allK	countries	Status	Notification (95-11)	1	United States	Dev.	1275
S		11 10 100 1	D		2	China	D'.ping	946
81 <u> </u>	1	United States	Dev.	2765	3	European Communi		749
	2	Brazil	D'ping	975	4	Brazil	D'.ping	748
<u> </u>					5	Canada	Dev.	635
<u> </u>	3	Canada	Dev.	786	6	Netherlands Israel	Dev.	630 623
8	4	European Comm	Dev.	581	8	Japan	D'.ping Dev.	623
8 —					9	Thailand	Dev. D'.ping	532
<u></u>	5	New Zealand	Dev.	540	10	Mexico	D'.ping	476
	6	South Korea	D'ping	438	11	South Korea	D'.ping	446
8 —					12	Argentina	D'.ping	414
<u> </u>	- 7	China	D'ping	422	13	Colombia	D'.ping	369
33	8	Chile	D'ping	397	14	Kenya	D'.ping	295
					15	Czech Republic	D'.ping	289
	9	Peru	D'ping	396	16	Qatar	D'.ping	268
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	11	Colombia	D'ping	325	<u>19</u> 20	Denmark Bahrain	Dev. D'.ping	242 239
					20	El Salvador	D'.ping	239
š	12	Philippines	D'ping	304	22	Sweden	Dev.	212
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					24	Belgium	Dev.	208
<u> </u>	14	Japan	Dev.	288	25	Philippines	D'.ping	194
33 	15	Mexico	D'ping	267	26	Uganda	D'.ping	193
<u> </u>					27	Malaysia	D'.ping	189
<u> </u>	16	Thailand	D'ping	248	28	France	Dev.	185
22	17	Argentina	D'ping	171	29	South Africa	D'.ping	184
8 <u> </u>					30	Australia	Dev.	163
8	18	Albania	D'ping	142	31	Costa Rica	D'.ping	154
<u> </u>	10	Costa Rica	D'ping	132	<u>32</u> 33	Ecuador	D'.ping	132 128
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11	20	Viet Nam	D'ping	123	35	Trinidad and Tobag		122
	21	Bahrain			36	The SCT of TPKM	D'.ping	111
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13 1	22	El Salvador	D'ping	107	38	Slovenia	D'.ping	100





SPS notifications National Vs International Measures



What is the Overall impact after the usage of CWS Database





Source: Authors own illustration

WTOs WORLD TRADE REPORT 2012

World Trade Report 2012 - Forward by the DG WTO (Pascal Lamy)

- NTMs have acquired growing importance as <u>tariffs have come</u> <u>down</u>;
- Clear trend has emerged over the years in which NTMs are less about shielding producers from import competition and more about the attainment of a <u>broad range of public policy</u> <u>objectives</u>;
- Growing <u>public policy concerns add significantly</u> to the complex nature and variety of NTMs deployed by governments, calling for an additional layer of analysis to tease out the trade effects of alternative approaches towards;
- The expansion of the public policy agenda means that NTMs will not follow a path of <u>diminishing relevance like tariffs have</u> <u>done;</u>
- the increased role of public policy becomes ever more present in international economic relations as <u>globalization intensifies</u> <u>interdependency among nations</u>;
- All this takes us to where the WTO comes in. <u>Effective</u> <u>international cooperation on NTMs</u> as a key challenge facing the multilateral trading system in the years ahead; and
- Finally a related point to the last is that <u>NTMs figure</u> prominently among disputes brought to the WTO.

Seven Reason s to take a fresh look at an old issue:

Nature of NTMs

- 1. Non-tariff measures, such as <u>regulatory standards</u> <u>for manufactured and agricultural goods</u>, can have a significant impact on trade — possibly even more than tariffs — according to the latest edition of the WTO's flagship publication published on 16 July 2012.
- 2. Director-General Pascal Lamy said "a clear trend has emerged in which NTMs are **less about shielding producers from import competition** and more about the attainment **of a broad range of public policy objectives.**"
- **3.** Some of these are here to stay for a long term.

Thank you