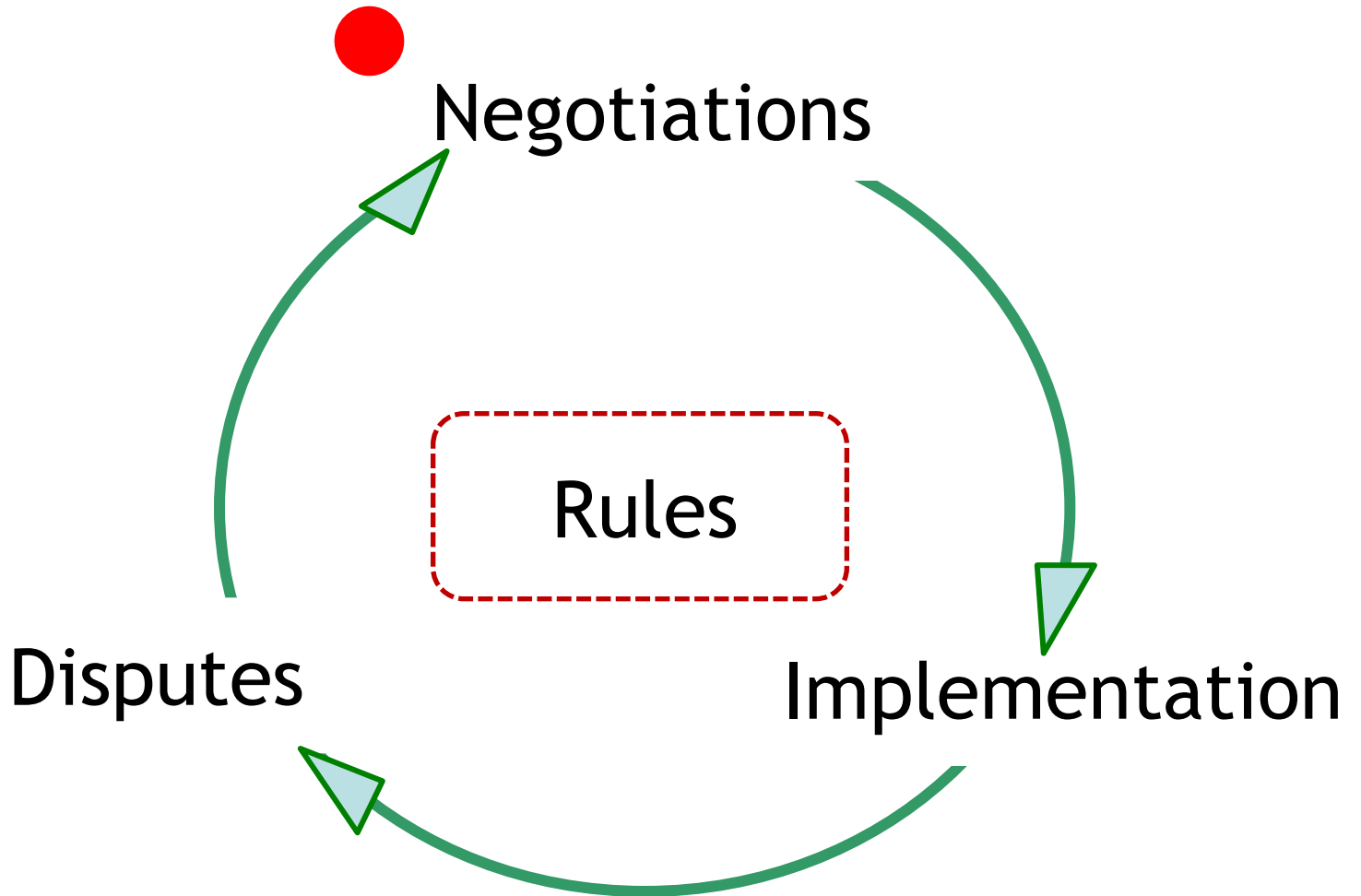




DDA / NAMA / NTBs

and the  
TBT Agreement





# Doha Ministerial Declaration (2001)

(para 16)

negotiations





“We agree to negotiations which shall aim, by modalities to be agreed, to reduce or as appropriate eliminate tariffs, including the reduction or elimination of tariff peaks, high tariffs, and tariff escalation, as well as non-tariff barriers, in particular on products of export interest to developing countries. ...”



# Sequence of main events

(NAMA – NTBs)

**2002/2003** → Generic proposals by Participants

**Apr. 2003** → Overview of neg. proposals submitted, NTBs (TN/MA/9)

**Jan. 2003** → **1st** Notification exercise (Notif. format in TN/MA/S/5)

**Aug. 2003** → Chair's Draft Elements for Modalities, including NTBs

**Oct. 2003** → **2nd** Notification exercise (Revised format TN/MA/S/5/Rev.1;  
See also JOB(04)/62 + Revisions)

**2004/2005** → Review and classification of notifications (JOB(04)/62/Rev.3)  
Where should the NTBs notified be negotiated?





## In 2005 Members decided that:

- Some NTBs would be raised in other WTO bodies
- Some would be raised in other Negotiating Groups (e.g. Trade Facilitation, Rules, Services, etc.)
- Some would be negotiated in sectoral (“vertical”) discussions
- Some would be negotiated in “horizontal” discussions
- Some would be raised bilaterally and the results eventually multilateralized (e.g. Part III of Schedules)
- Some could be subject to the DSU



## **2005 Hong Kong Ministerial Declaration**

We note that the Negotiating Group has made progress in the identification, categorization and examination of notified NTBs. We also take note that Members are developing bilateral, vertical and horizontal approaches to the NTB negotiations, and that some of the NTBs are being addressed in other fora including other Negotiating Groups. We recognize the need for specific negotiating proposals and encourage participants to make such submissions as quickly as possible.



**2006/08** → 13 vertical and horizontal proposals were submitted by Participants (almost half are TBT related). Bilateral requests were also made (TN/MA/NTR/ series )

**2008** → Should NTB negotiations finish with the modalities or subsequently? If the latter, then how? (TN/MA/W/103/Rev.3 P. 23-26)

**2009** → Intensive technical work on the proposals (Q&A process)

...until “Easter Package” on 21 April 2011





9 TBT "related" proposals



(1)

## Ministerial Decision on Procedures for the Facilitation of Solutions to Non-tariff Barriers

### “Horizontal Mechanism”

Procedures of a conciliatory, pragmatic nature involving a facilitator (Chairman, vice-Chair or Friend of the Chair) aimed at finding mutually acceptable solutions to specific trade concerns.

Proponents: Over 100 Members (co-sponsors includes: C-sponsors include: African Group, Canada, European Union, LDC Group, NAMA-11, Group of Developing Countries, New Zealand, Norway, Pakistan and Switzerland.)

TN/MA/W/106/Rev.1, dated 3 February 2010)



(2)

## Understanding on the Interpretation of the Agreement on Technical Barriers to Trade with Respect to the Labelling of textiles, clothing, Footwear, and Travel Goods

Interprets the term "not more trade-restrictive than necessary" in Article 2.2 of the TBT Agreement as applied to the products that fall under its scope. It is intended to facilitate trade in textiles, clothing, footwear, and travel goods

Proponents: European Union, Mauritius, Sri Lanka, the United States and Ukraine

TN/MA/W/93/Rev.1, dated 15 September 2009



(3 and 4)

"Autos"

Two proposals set out TBT "plus" disciplines for trade in autos.  
There are significant differences between the two proposals.

European Union

United States & Canada

Agreement on Non-Tariff Barriers Pertaining to  
Standards, Technical Regulations, and  
Conformity Assessment Procedures for  
Automotive Products

(TN/MA/W/118/Rev.2, 4 December 2009)

Agreement on Non-Tariff Barriers Pertaining to  
Standards, Technical Regulations, and  
Conformity Assessment Procedures for  
Automotive Products

(TN/MA/W/139, 9 July 2010)



(5 and 6)

## "Electronics"

Two proposals set out TBT "plus" disciplines for trade in *electronic goods*. There are significant differences between the two proposals.

European Union

United States

Understanding on the Interpretation of the Agreement on Technical Barriers to Trade as Applied to Trade in Electronics

(TN/MA/W/129/Rev.1, 23 June 2010)

Agreement on Non-Tariff Barriers Pertaining to the Electrical Safety and Electromagnetic Compatibility (EMC) of Electronic Goods

(TN/MA/W/105/Rev.2, 15 September 2009)



(7 and 8)

## "Chemicals"

The Brazilian-Argentinean proposal proposes to tackle specific concerns related to the chemical sector. The European proposal emphasizes, inter alia, the need for sound management of chemicals and the right of WTO Members to protect human, animal or plant life or health - and the protection of the environment. There are significant differences between the two proposals..

European Union



Understanding on Non-Tariff Barriers Pertaining to Standards, Technical Regulations and Conformity Assessment Procedures for Chemical Products

(TN/MA/W/137/Rev.1, 23 June 2010)



Argentina, Brazil & India

Understanding to facilitate the implementation of the TBT Agreement as Applied to Trade in the Chemical Products Sector

(TN/MA/W/135/Rev.1, 4 August 2010)



(9)

## Framework Understanding on Non-Tariff Barriers

The proposal is intended to apply to all products, it is not sector-specific. It contains, inter alia, TBT "plus" disciplines on: international standards, transparency, good regulatory practice and conformity assessment.

Proponents: Brazil, European Union and India

(TN/MA/W/136, 15 March 2010)



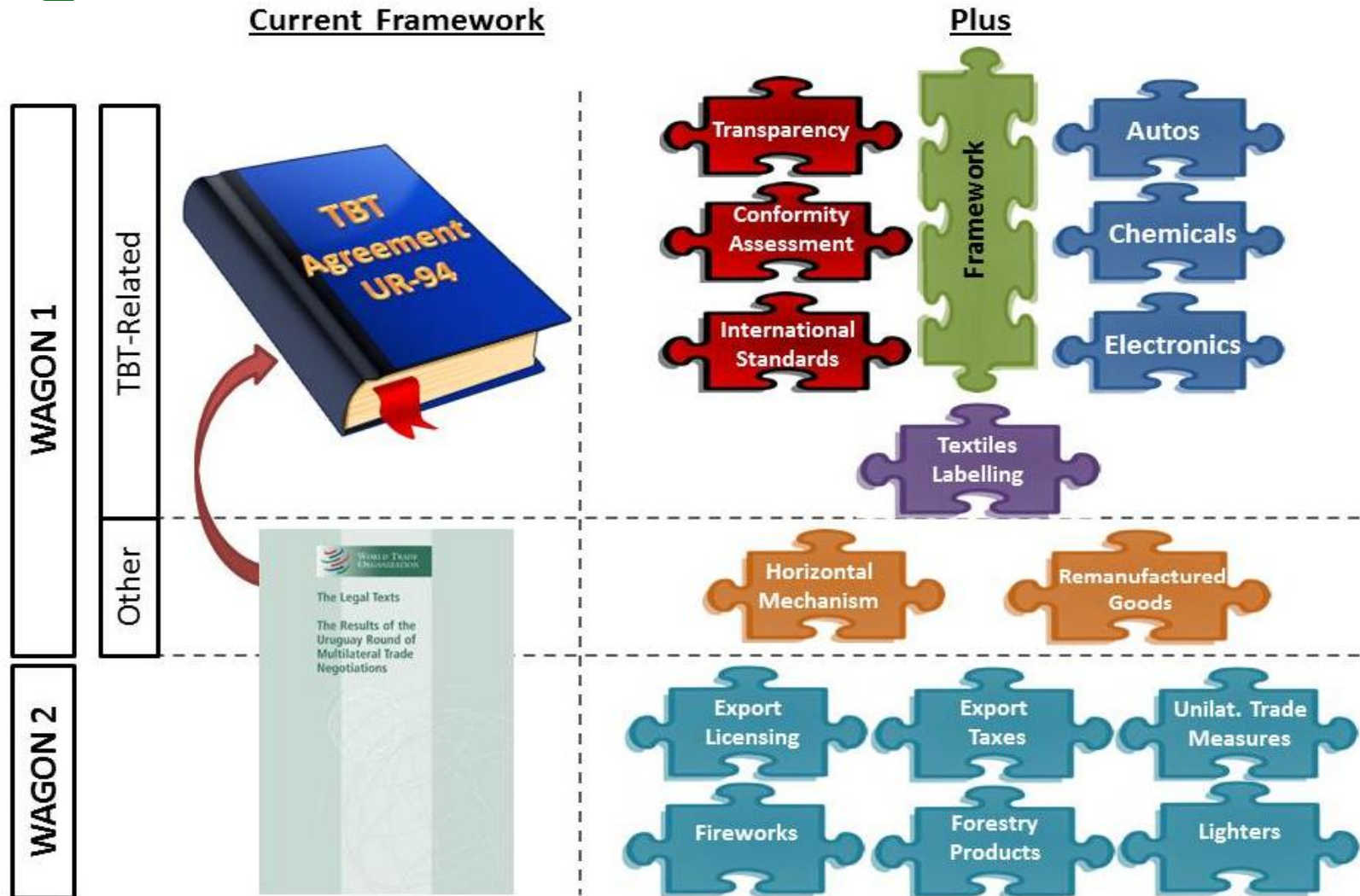
## Key cross-cutting issues related to TBT

- Use of international standards: should international standardizing bodies be named?
  - Some Members want to clarify which international standards are “relevant”
  - Other Members want to let the market decide which standards are “relevant”
- Transparency: What further improvements can be added: should all draft measures be notified?
  - Some Members want to increase transparency across the lifecycle of a TBT measure, including in relation to use or deviation from international standards
  - Other Members are concerned with additional burdens imposed





# Structure of NAMA NTB Package





**WORLD TRADE  
ORGANIZATION**

TN/MA/23  
18 July 2012

(12-3916)

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**Negotiating Group on Market Access**

**NEGOTIATING GROUP ON MARKET ACCESS**

Report by the Chairman, Ambassador [Luzius Wasescha](#)

18 July 2012



“standstill for much of 2012 and into 2013”