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TRADE AND AGRICULTURE DIRECTORATE

Joint Working Party on Agriculture and Trade

REPORT ON THE WORKSHOP

**"NON-TARIFF MEASURES ON FOOD AND AGRICULTURAL PRODUCTS:
WHICH ROAD AHEAD?"**

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**REPORT ON THE WORKSHOP
“NON-TARIFF MEASURES ON FOOD AND AGRICULTURAL PRODUCTS:
WHICH ROAD AHEAD?”**

Introduction

1. The workshop was organized jointly by OECD and the International Food & Agricultural Trade Policy Council (IPC) and took place at the OECD in Paris, France on September 13, 2011. The OECD unit on Policy Coherence for Development provided additional funding and advertised the workshop in its network. The workshop attracted 116 participants from governments, industry, research and civil society.¹

2. In 2007 a much smaller expert meeting was organised with the aim to help shape the scope of a work programme on NTMs in agri-food under the OECD Committee for Agriculture. A major result was a shift in focus of the analysis from looking at the trade effects of NTMs to broader cost and benefit analysis of regulatory interventions. Subsequent work has developed along those lines.

3. With the continued decline in tariffs as a result of multilateral trade negotiations and multiple regional agreements, both the absolute and relative importance of non-tariff measures (NTMs) in agri-food trade has increased. Import conditions for food products defined by public and private standards continue to differ between countries despite all the efforts by international and regional organisations to foster international coordination. Regulatory interventions are necessary to tackle information asymmetries, producer- and consumer externalities, and various concerns that emerge in society. To address those market imperfections, governments have a number of options available to intervene, and these policies often have implications for international trade.

4. Many technical measures may restrict trade but improve welfare in the presence of market failures. Other measures can expand trade as they enhance demand for a good through better information about the good or by enhancing the good's characteristics. Despite the challenges involved, systematic quantification and analysis of cost and benefits for all different economic actors through an evidence-based approach can yield a solid basis for identification of least-cost solutions.

5. In order to contribute to better understanding and knowledge such that regulatory decisions are better informed about likely impacts, domestically and internationally the workshop addressed the following topics:

- What elements are of greatest interest to policymakers, businesses and other stakeholders and how should these be most usefully and most efficiently captured?
- It is more difficult both to track and measure the impact of NTMs than, for example, tariffs. How does new innovative work improve our ability to do so?

1. All workshop materials are available on the website: [NTM Workshop 2011](#)

- How can greater transparency and improved policy coherence for development on both existing and planned NTMs be achieved? What can be learned from trade disciplines in bilateral and regional trade agreements?

Main points of the discussion

6. There remain large information gaps on NTMs. Existing databases on these measures are partial and incomplete. NTMs that are ‘technical measures’, in a wider sense, relate to domestic regulations and the task of compiling comprehensive information on all possible regulations that could affect trade is enormous. The cost of data collection should be weighed against the benefits to bring data collection efforts on a financially sustainable footing. Prioritisation of data collection efforts, and their sustained funding, will be important for assuring that data and analysis are useful for policy making.

7. Simply removing non-tariff measures that aim to correct for market failures would not be optimal, since their intended benefits would be sacrificed, for example those related to human, animal or plant health. Analysis and policy must quantify and respect these benefits. The challenge remains to separate protectionist and non-protectionist measures and to identify alternative policies that are less onerous for trade.

8. Policy heterogeneity in the area of NTMs reflects differences across countries in terms of their approaches to regulation. While harmonisation across countries could facilitate trade, policy heterogeneity will have to be respected, not removed. Low income countries, for example, typically have a different assessment of the costs and benefits of regulation than high income countries. From the business perspective, the fact that regulations differ between their export markets constitutes a trade cost. In addition, business incurs additional costs from differences in implementation of regulations and from the monitoring of standards, for example multiple testing for food safety. Work on a quantitative index of regulatory heterogeneity offers ways to estimate the trade impacts of differing regulations across countries.

9. There is little to be gained from attempting a general all-encompassing methodology to gauge the effects of NTMs. Instead, assessment of the unique merits (benefits) and demerits (costs) of each individual NTM, in the context of their specific regulatory environment will have to be done. This is what currently happens under the auspices of the WTO as well as in bilateral and other preferential trade agreements that make specific provisions on SPS and TBT issues.

10. The interface between private standards and public regulation needs continued attention. Private actors (retailers, agri-food companies) are becoming increasingly active in developing standards; they are often implemented faster and go deeper than public regulations and become the *de facto* conditions that determine market access. This rising importance of private standards is also reflected in the increasing amount of attention that the WTO SPS committee spends on this topic, although there has been no formal determination within the WTO on whether private standards fall under the jurisdiction of the SPS Agreement.

11. Some transparency provisions on SPS and TBT issues found in preferential trade agreements are almost by definition non-discriminatory (such as a commitment to notify in a timely fashion and through accessible media in a widely spoken language). This may not be true for all elements in those agreements, and it is an open question to what extent non-signatories to those agreements may be negatively affected through trade-diversion effects. RTAs may nonetheless offer interesting insights into the formulation and implementation of provisions that go beyond the GATT agreements.

12. Stringent private standards and NTMs may be amongst the reasons why developing countries are not fully utilizing market access preferences in high-income markets. With a high share of agriculture in

GDP and in exports, the costs associated with complying to food-related regulations and voluntary standards on export markets has a relatively higher overall economic impact in low-income countries than in high-income countries. At the same time, food safety-related regulations and voluntary standards on export markets can provide a trigger to upgrade production methods on the home market of exporting countries as well. The participation from developing countries in standard setting bodies is currently limited.

13. Case studies reveal a mixed pattern of trade effects of NTMs. In some cases, they are found to reduce trade flows, while in other cases they are found to be neutral or even expand trade. This underscores two important insights: a) the need to assess NTMs on a case-by-case basis, i.e. to avoid broad generalisations; b) the validity of the hypothesis that good regulation can facilitate trade.

Implications for future work

14. Assessing individual NTMs (or combinations of NTMs, countries and products) has to proceed on a case-by-case basis to be meaningful. However, this kind of assessment can best be done by the countries and parties concerned, and there seems to be little value to be added by OECD work.

15. Instead of focusing on individual measures future work could focus on the processes that lead to those measures. In other words, instead of focusing on the regulatory outcome, address the features of regulatory processes with the aim to derive principles for improved design of such processes. OECD has already a track record in characterizing good regulatory practices², but this is not extending to the area of trade-related regulations.

16. Characteristics of regulatory processes can in principle be made subject to agreement between countries. For example those characteristics could include:

- Which stakeholders are involved, and how?
- Is there an ex-ante impact assessment of a proposed regulatory change, and if so, does it include effects on trade partners?
- When and how are proposed and passed regulatory changes made public?

17. Ongoing work investigates the experience in some selected RTAs with respect to the design and implementation of food-import related regulations. [TAD/TC/CA/WP(2011)3].

18. Another possible strand of work relates to the classification of (types of) measures with the aim to arrive at a ranking of their likely trade impact. The MAST classification of NTMs is already a good starting point. This classification is increasingly being used to gather information on NTMs, but it is, deliberately, neutral to judging trade impacts. There exists typically various alternative ways to address a given market failure, and they will have different trade impacts. Such a ranking would likely be based on further theoretical and empirical research and should form a basis for a dialogue between policy makers.

2. See the Draft OECD Recommendations on Regulatory Policy and Governance (<http://www.oecd.org/dataoecd/49/43/48087250.pdf>) which also provides background information on the OECD work on regulatory practices and a bibliography of OECD documents.

**ANNEX I:
AGENDA**

**“Non Tariff Measures on Food and Agricultural Products:
Which Road Ahead”**

**September 13, 2011
Paris**

Regulations in the food and agriculture sector increasingly lead to the application of Non-Tariff Measures (NTMs) that affect international trade. There is a need to step up efforts to promote greater transparency on NTMs and to improve our ability to measure their impact. Improved design of NTMs can also improve policy coherence, including from a development perspective. WTO rules and bilateral and other preferential trade agreements pertain to food-related NTMs and they are likely to take up more of the trade policy agenda in the future.

The OECD and the International Food & Agricultural Trade Policy Council are pleased to announce an international seminar on NTMs to take place at the OECD in Paris, France on **September 13, 2011**.

This discussion among high-level experts from governments, international organizations, the private sector, academic institutions and civil society organizations will address the following topics:

- What elements are of greatest interest to policymakers, businesses and other stakeholders and how should these be most usefully and most efficiently captured?
- It is more difficult both to track and measure the impact of NTMs than, for example, tariffs. How does new innovative work improve our ability to do so?
- How can greater transparency and improved policy coherence for development on both existing and planned NTMs be achieved? What can be learned from trade disciplines in bilateral and regional trade agreements?

DRAFT AGENDA

10.00-10.15	<p>Opening</p> <ul style="list-style-type: none"> • Raed Safadi, Deputy Director of the Trade and Agriculture Directorate, OECD • Carlo Trojan, International Food & Agricultural Trade Policy Council (IPC)
10.15-10.30	<p>Keynote Address: Hubert Escaith, WTO, “Improving our State of Knowledge around NTMs”</p>
10.30-11.00	<p>Keynote Address: Alan V. Deardorff, University of Michigan – “Defining a NTM Agenda”</p>
11.00-13.00	<p>Panel Discussion: Transparency and Tracking of NTMs Chair: Frank van Tongeren, Head of PTA division, OECD</p> <ul style="list-style-type: none"> • Kazuaki Miyagishima, OIE, “The development of international standards for animal health” • Malcolm Bailey, Fonterra and IPC, “NTMs in the Dairy Sector” • Alessandro Nicita, “UNCTAD/World Bank/AFDB/ITC Joint initiative on transparency in trade” • Marie Luise Rau, LEI- Wageningen UR and NTM Impact project, “Regulatory heterogeneity: comparing NTMs in agri-food trade across countries”
13.00-14.30 Lunch break	
14.30-16.30	<p>Panel Discussion: Measuring the Trade and Economic Effects of NTMs Chair: Ruth Nyagah, Africert Ltd</p> <ul style="list-style-type: none"> • Martin von Lampe, OECD, “Costs and benefits of NTMs” • Debapriya Bhattacharya, Centre for Policy Dialogue (Bangladesh) and IPC, "Impact of NTMs on LDCs" • Christine Wieck, University of Bonn and NTM Impact project, "Trade and income impacts of selected NTMs in the dairy, fruit and vegetables, and meat sector." • Carolin Averbeck, International Trade Center, “Company perspectives on obstacles to agro-food exports - Results from surveys in Burkina Faso, Malawi, Paraguay, Peru, Rwanda, Sri Lanka” • Jikun Huang, Center for Chinese Agricultural Policy, Chinese Academy of Sciences and IPC, "Impact of NTMs for Chinese exports and imports"
16.30-17.45	<p>Panel Discussion: NTMs in Trade Agreements and Negotiations Chair: Eckhart Guth, former Ambassador of the European Union to the WTO</p> <ul style="list-style-type: none"> • Gretchen Stanton, WTO, “Emerging SPS issues – implications for international co-operation” • Iza Lejarraga, OECD, “NTM transparency provisions in FTAs” • Willem-Jan Laan, Unilever and IPC, “Business perspective on the NTM Policy Agenda”
17.45-18.00	<p>Wrap-up Charlotte Hebebrand, IPC, and Frank van Tongeren, OECD, “Some implications for policy and research directions”</p>

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