



**Asia-Pacific
Economic Cooperation**

2022/SOM3/CTI/DIA/003

Session 1

**Technical Barriers to Trade and Sanitary and
Phytosanitary Specific Trade Concerns: An Analysis
from the APEC Cross Cutting Principles on Non-
Tariff Measures**

Submitted by: Peru



**Public-Private Dialogue on Promoting
Transparency of Technical Barriers to Trade
WTO Notifications: Improving Completeness
and Clearness of Information**

**Chiang Mai, Thailand
21-22 August 2022**

TBT AND SPS SPECIFIC TRADE CONCERNS : AN ANALYSIS FROM THE APEC CROSS CUTTING PRINCIPLES ON NON-TARIFF MEASURES

Ms. Ingrid JAUREGUI

Trade Specialist

Viceministry of Foreign Trade

Ministry of Foreign Trade and Tourism

**CTI Public – PPD Promoting Transparency of TBT WTO Notifications: Improving Completeness and
Clearness of Information**



**STUDY OF APEC ECONOMIES'
TBT AND SPS SPECIFIC
TRADE CONCERNS: AN
ANALYSIS FROM THE APEC
CROSS CUTTING PRINCIPLES
ON NON-TARIFF MEASURES**

NON-TARIFF MEASURES

- Non-tariff measures (NTMs) are generally defined as *“policy measures other than ordinary customs tariffs that can potentially have an economic effect on international trade in goods, changing quantities traded, or prices or both”*. NTMs comprise technical, non-technical and exports-related measures (UNCTAD, 2012: 1).

Why?

APEC economies have made significant progress to facilitate trade by reducing tariffs; however, there is a **trend of increasing the number of NTMs** in the Asia-Pacific region.



From the **private sector** perspective, NTMs are sources of **concern**, as some of them turn into non-tariff barriers (NTBs).



NTMs are in most cases **unclear and unpredictable**; they are as well **obstructionists** for the insertion of micro, small and medium enterprises (MSMEs) in regional and global value chains.

WHAT HAPPENED ON NOVEMBER 2018?



- During the 30th APEC Ministerial Annual Meeting (AMM), the Cross-Cutting Principles on Non-Tariff Measures (2018/AMM/011app01) were endorsed.

These principles were adopted as a reference to guide member economies' development and implementation of NTMs, and to reduce the extent to which NTMs act as an unjustified barrier to trade.

OBJECTIVES OF THE STUDY

The main objective of the study is to assess STCs on WTO TBT and SPS issues to determine the number of times complaints related to APEC's Cross Cutting Principles on NTMs were addressed to member economies. In addition, this study seeks to:



Identify the main APEC's Cross Cutting Principles on NTMs in the TBT STCs addressed to APEC economies.



Identify the main APEC's Cross Cutting Principles on NTMs in the SPS STCs addressed to APEC economies.

METHODOLOGY

SCOPE

- All STCs raised in the WTO TBT and SPS Committees to APEC economies (1995–2019).
- A total of 526 were analyzed (TBT+SPS)

ANALYSIS

- Discern whether they were related to APECs Cross Cutting Principles on NTMs.
- Number on times STCs were raised per principle.
- Focus on five of the seven principles and it is possible to identify more than one principle in each STC.

LIMITATIONS

- Focus on STCs raised at the WTO TBT and SPS Committee meetings.
- A significant number of discussions on STCs takes places outside of these committees.
- Interpreting results

STCs OF SPS AND TBT MEASURES, RELATED TO APECs CROSS CUTTING PRINCIPLES ON NTMs

31.08%

The complaining WTO member, considering both APEC and non-APEC economies, mentioned that the measures were not transparent, consultative, or timely developed.

29.37%

WTO members specified that they thought the questioned measures enacted by APEC economies were considered to be more trade-restrictive than necessary for meeting a legitimate objective.

23.04%

WTO members referred to what they believed was a deviation of international standards and thus a possible barrier to trade.

These 3 principles are related to **83.49%** of STCs cases, while just in **13.83%** and **2.68%** of them are related to discrimination and barriers to innovation

TBT STCs RELATED TO APECs CROSS CUTTING ON NTMs

32.53%

WTO members were concerned about what it believed was the lack of transparency or of consultations with different stakeholders.

30.71%

WTO members stated that measures by APEC economies were considered more trade-restrictive than necessary to meet a legitimate objective.

19.97%

WTO members included the deviation of international standards as a possible barrier to trade.

These 3 principles represent the information included in **83.21%** of cases, while just in **13.31%** and **3.48%** of them are related to discrimination and barriers to innovation.

SPS STCs RELATED TO APECs CROSS CUTTING ON NTMs

28.14%

WTO member that raised or supported the STC, asked for explanations about the reasons that generated that possible deviation and also requested the APEC economy to consider the international reference as the appropriate tool to avoid trade disruptions.

27.57%

The second most cited issue in STCs related to SPS issues is the perceived lack of transparency

26.10%

WTO members expressed in the STCs that a restrictive approach was considered when APEC economies developed certain SPS measures.

These 3 principles represent the information included in **84.19%** of cases, while just in **15.07%** and **0.74%** of them, are related to the other principles: discrimination and barriers to innovation.

RECOMENDATIONS

- With the results, it was recommended that APEC economies could **focus their efforts on initiatives, workshops, exchange of experiences** that build on transparency, trade facilitation, as well as harmonization of measures with international standards, where appropriate.
 - For this reason, Peru has dedicated itself in recent years to preparing the Study that will be presented during this event. Which, I am sure, will benefit all APEC economies in many ways.
 - Likewise, I would like to highlight that these two studies prepared by Peru served as the basis for conducting the study of TBT notifications, which shows that Peru is committed to the transparency of TBT and SPS notifications, since they bring great benefit to all parties involved in trade.

THANK YOU!

Ms. Ingrid JAUREGUI

Trade Specialist

Viceministry of Foreign Trade

Ministry of Foreign Trade and Tourism

**CTI Public – PPD Promoting Transparency of TBT WTO Notifications: Improving Completeness and
Clearness of Information**