



Overview of non-tariff measures (NTMs) related to climate change and relevant work in the WTO

**TESSD Working Group on Environmental Goods
and Services**

4 October 2022

Outline

Overview of NTMs

- Definition NTMs
- Classification
- WTO Agreements and NTMs
- NTMs, climate change and environmental goods

Related work in the WTO





What are NTMs



Non-tariff measures are:

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.

- Effect on trade can be negative or positive, e.g. technical regulations/standards.
- Non-tariff barriers: They include, in principle, all measures other than “tariffs” that discriminate or restrict market access (negative definition).

International Classification of NTMs



Imports	Technical measures	A	Sanitary and phytosanitary measures
		B	Technical barriers to trade
		C	Pre-shipment inspection and other formalities
	Non-technical measures	D	Contingent trade-protective measures
		E	Non-automatic import licensing, quotas, prohibitions, quantity-control measures and other restrictions not including sanitary and phytosanitary measures or measures relating to technical barriers to trade
		F	Price-control measures, including additional taxes and charges
		G	Finance measures
		H	Measures affecting competition
		I	Trade-related investment measures
		J	Distribution restrictions
		K	Restrictions on post-sales services
		L	Subsidies and other forms of support
		M	Government procurement restrictions
		N	Intellectual property
		O	Rules of origin
	Exports	P	Export-related measures

Source: [International Classification of NTMs \(2019 Version\), UNCTAD](#)

How are NTMs on environmental goods linked to trade-related climate measures?

Trade-related climate measures include NTMs taken to achieve climate objectives.

NTMs applying to environmental goods might have or might not have a climate objective.



Most WTO Agreements seek to regulate NTMs



GATT 1994

Understandings

Marrakesh Protocol

Multilateral Agreements on:

Agriculture

Antidumping

Sanitary and Phytosanitary measures

Customs Valuation

Safeguards

Preshipment inspection

Trade Facilitation Agreement

Rules of origin

Technical Barriers to Trade

Import Licensing Procedures

Trade-related investment measures

Subsidies and countervailing measures



When do measures become barriers?

- Lack of transparency
- Discriminatory treatment (MFN or NT)
- More restrictive than necessary
- Many measures are introduced seeking a legitimate policy objective and can be introduced in a WTO consistent manner



NTM information at the WTO

Members notify NTMs to the WTO

- Not all measures are notified

For more information see:
<https://data.wto.org/en>



Non-tariff measures

Agriculture

The Agriculture Information Management System provides access to agriculture notifications and records of discussions in the Committee on...

Cotton

The Cotton Portal is a platform developed jointly with the International Trade Centre (ITC) that provides a single-entry point for all the cotton-...
Contact: marketanalysis@intracen.org

Import Licensing

The Import Licensing website provides access to notifications submitted to the Committee on Import Licensing. More information

Non-tariff measures (in general)

I-TIP Goods provides comprehensive information on non-tariff measures (NTMs) applied by WTO members in merchandise trade. It aggregates...
Contact: i-tip@wto.org

Quantitative Restrictions (QRs)

The Quantitative Restrictions (QR) database provides access to notifications submitted by members to the Committee on Market Access...
Contact: qrnotification@wto.org

Rules of origin

The Rules of Origin Facilitator is a platform developed jointly with the International Trade Centre (ITC) which provides information on tariffs,...
Contact: marketanalysis@intracen.org

NEW ePing - SPS&TBT Platform

Users can access notifications on product requirements, register to receive email alerts on notifications of interest, and reach out to notification...
Contact: eping@wto.org

Trade concerns

The Trade Concerns Database allows users to search for trade concerns raised in the SPS and TBT Committees, view Members' profiles, and explor...
Contact: tbt@wto.org, spscommittee@wto.org

Trade facilitation

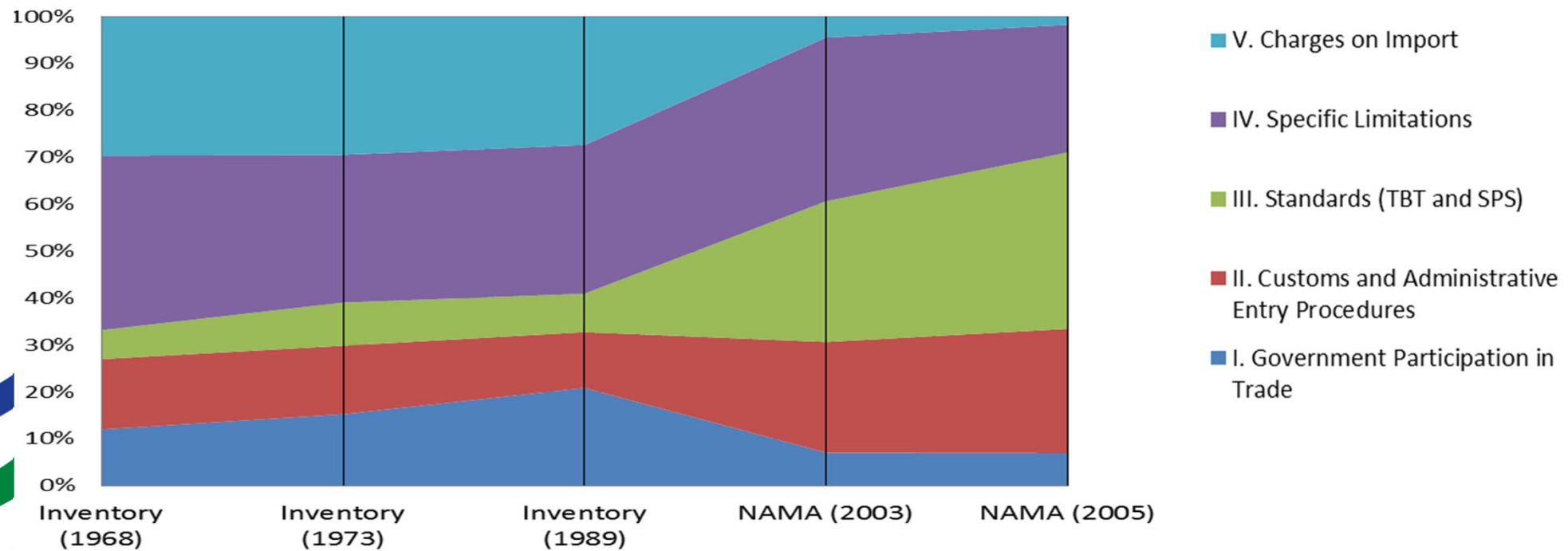
The TFA Database allows users to track and analyse WTO Members' commitments under the Trade Facilitation Agreement. It provides access...

Identification of NTBs (GATT and NAMA Neg.)



Methodology: Mostly “inventories” based on reverse notifications (i.e. finger pointing by others)

NTBs identified in various inventories





Example: Solar panels



HS code 854140 in HS2017 and 854143 in HS2022

- Subject to import licensing procedures
- Classified in some cases as “dual use” items subject to export controls
- Subject to TBT regulations
- Anti-Dumping investigations and Countervailing duties



Measures vary according to product & market

Stakeholder engagement

- Manufacturers and traders of the product can bring more clarity on what non-tariff measures are the most important, both in a positive and negative way
- Example: WTO Secretariat [Indicative list of trade-related bottlenecks and trade-facilitating measures on critical products to combat COVID-19](#)



TBT work of relevance to environmental goods discussions



1. Identifying share of TBT measures among NTMs
2. Strengthening transparency and regulatory dialogue
3. Easing burden of conformity assessment procedures
4. Improving national quality infrastructure
5. Exchanging experiences: thematic session on climate change



1. Identifying share of TBT measures among NTMs



Technical regulations the most frequent form of NTMs

Technical regulations are the most frequent form of NTMs affecting 40 per cent of product lines and about 65 per cent of world imports

Global average ad valorem impact of 7.3%

Addressing NTMs affecting environmental goods requires examining technical regulations and ...

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT
AND
THE WORLD BANK

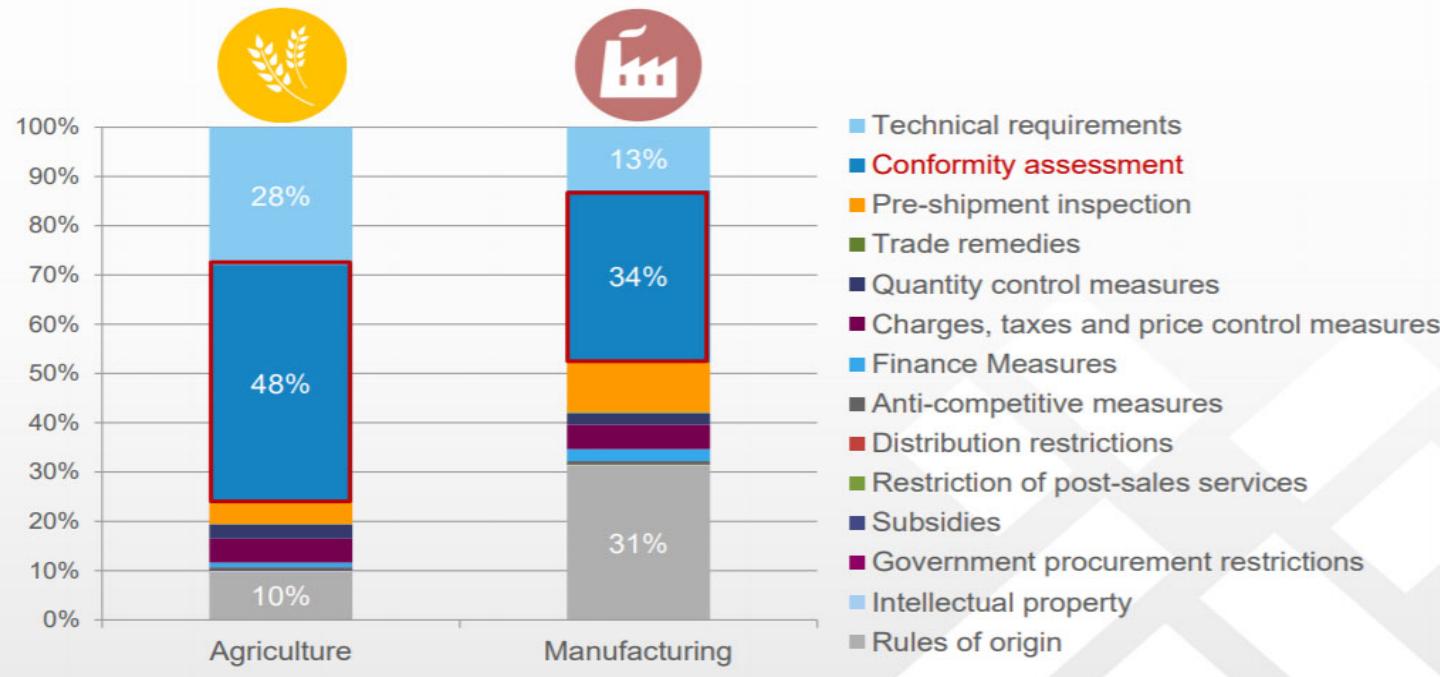
THE UNSEEN IMPACT OF NON-TARIFF MEASURES:

Insights from a new database





CAP is the first burdensome NTMs faced by both agri-food and manufacturing exporters



**...and also
conformity
assessment
procedures**



Source: ITC Businesses Survey on NTMs in 37 countries, www.ntmsurvey.org

TRADE IMPACT
FOR GOOD



TBT AGREEMENT IN A NUTSHELL

allowing Members
to fulfill *legitimate*
objectives



Transparency
International standards

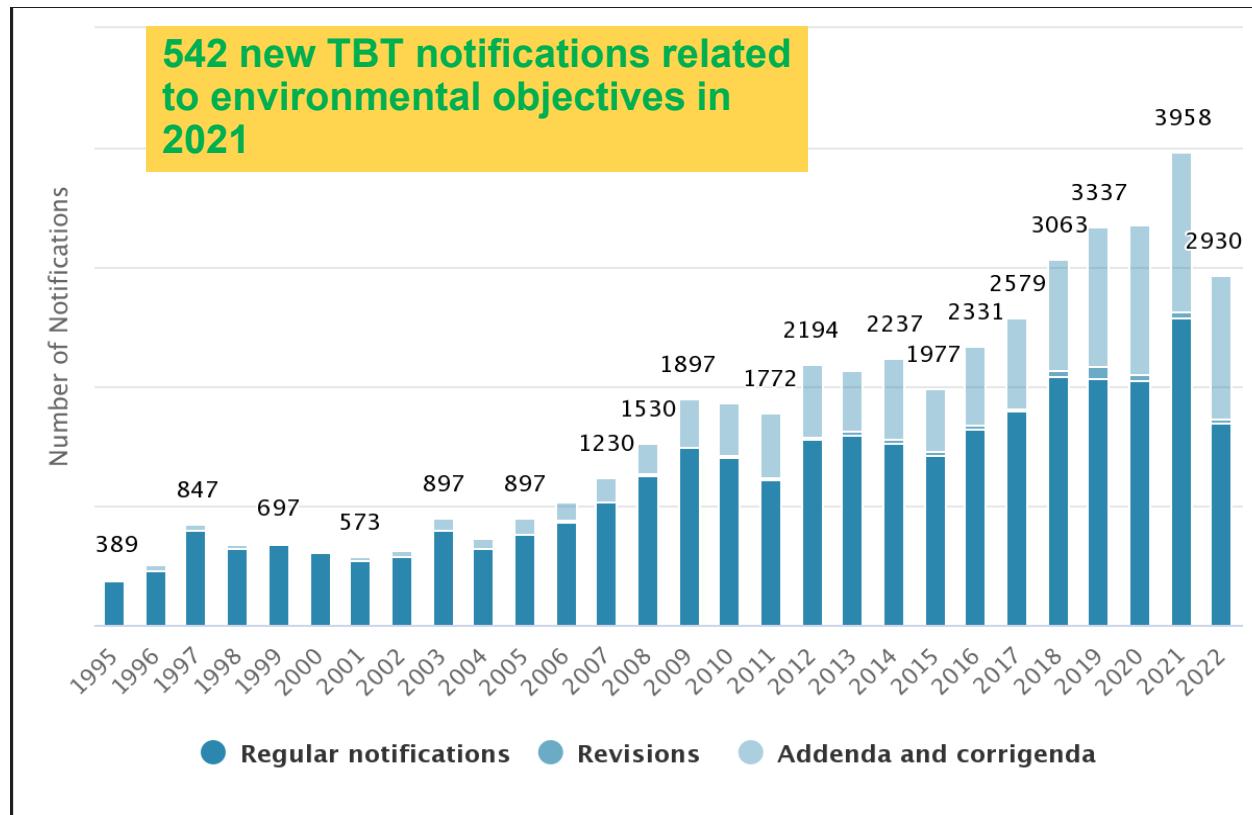
avoiding
discriminatory and
unnecessary barriers
to trade



2. Strengthening transparency and regulatory dialogue on environmental goods through TBT Committee



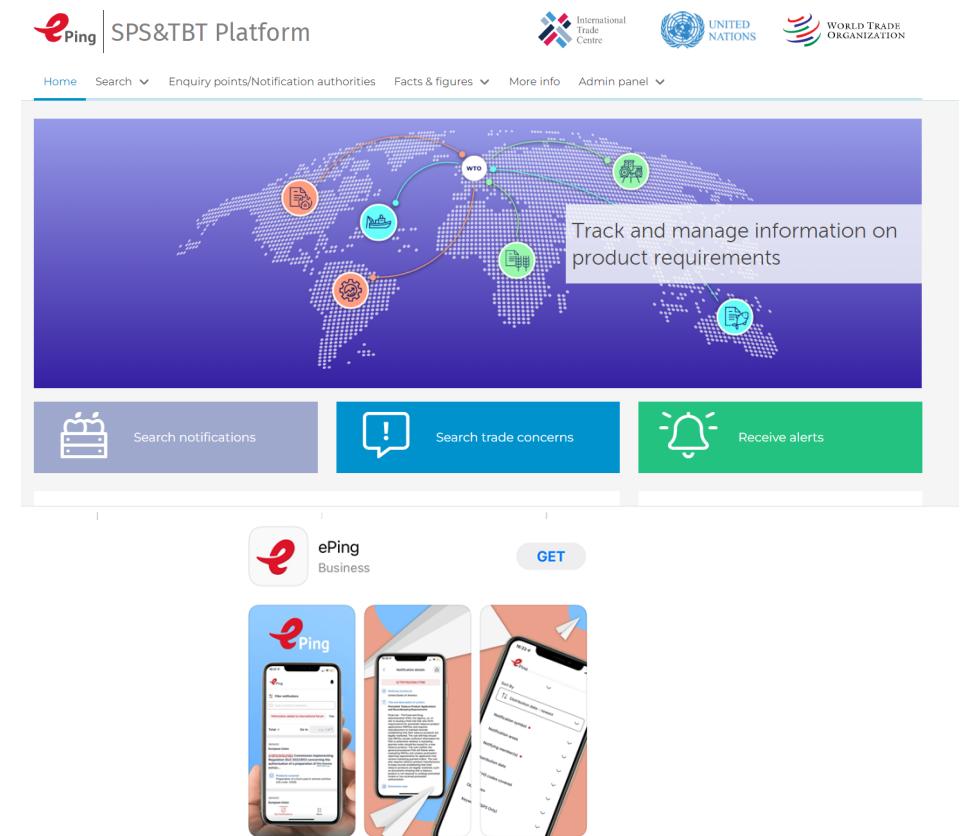
Members notify upcoming changes to their regulations and allow for comments





Interested in tracking regulatory developments related to potential “environmental goods”?

- Register on ePing
- Identify products of interest
not always straightforward!
- Search, receive alerts,
communicate



The image shows the ePing SPS&TBT Platform homepage and a mobile application interface. The homepage features a world map with various icons representing different regulatory bodies like WTO, UNCTAD, and various countries. A callout box says "Track and manage information on product requirements". Below the map are three buttons: "Search notifications", "Search trade concerns", and "Receive alerts". The mobile app interface shows three screens: "ePing Business" (with a GET button), a smartphone displaying a notification list, and another smartphone showing a detailed view of a notification.



Examples of TBT notifications

Indonesia

Photovoltaic
cells: HS.
8541.40.22



Committee on Technical Barriers to Trade

(20-0035)

G/TBT/N/IDN/126
G/TBT/N/IDN/126
January 2020
Page: 1/2

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: INDONESIA If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Directorate General of New and Renewable Energy and Energy Conservation, Ministry of Energy and Mineral Resources Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
a. Directorate General of New and Renewable Energy and Energy Conservation, Ministry of Energy and Mineral Resources Jl. Pergasingan Raya, No.1, Menteng Jakarta Pusat 10320, Jakarta Tele: +62-21-39230077 Fax: +62-21-31901087 E-mail: ebtke@esdm.go.id Website : http://ebtke.esdm.go.id/
b. Directorate of Implementation System for Standards and Conformity Assessment National Standardization Agency, Indonesia (BSN) BPTI Building, 12th floor Jl. M.H. Thamrin No.8 Jakarta 10340 – Indonesia Telephone : +(62-21) 3927434 ext. 127 Facsimile : +(62-21) 3927528 E-mail: tbt.indonesia@gmail.com ; tbt.indonesia@bsn.go.id Website: http://www.bsn.go.id
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [X], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Ex. HS. 8541.40.22 - Photovoltaic cells, assembled in modules or made up into panels; - Photosensitive semiconductor devices, including photovoltaic cells whether or not assembled in modules or made up into panels
5. Title, number of pages and language(s) of the notified document: Draft Decree of the Minister of Energy and Mineral Resources regarding Mandatory Implementation of the Indonesian National Standard for Crystalline Silicon Photovoltaic Modules (33 page(s), in Indonesian)
6. Description of content: Draft Decree requires that Crystalline Silicon Photovoltaic Modules, which are distributed in Indonesia market, to comply with: 1. SNI IEC 61215-1: 2016, Terrestrial Photovoltaic Module (PV)- design qualification and type attestation- Part 1: Test requirement;

G/TBT/N/IDN/126

- 2 -

2. SNI IEC 61215-2: 2016, Terrestrial Photovoltaic Module (PV)- design qualification and type attestation- Part 2 : Test procedures;
3. SNI IEC 61215-1-1: 2016, Terrestrial Photovoltaic Module (PV)- design qualification and type attestation- Part 1-1: Specific requirements for testing Crystalline Silicon Photovoltaic Module.
Manufacturer or importers shall obtain Approval for the Use of SNI Mark (SPPT SNI) and put SNI marking on the products after the product certified by the Product Certification Body accredited by National Accreditation Committee of Indonesia /KAN.
Crystalline Silicon Photovoltaic Modules that are exempt from compulsory SNI were those to be used as SPPT-SNI issuance test sample ; and / or test sample for research and development.
Issuance of SPPT SNI as intended in this regulation is carried out by Product Certification Body through Type 5 Certification System based on SNI ISO/IEC 17067 Conformity Assessment- Fundamental product certification and product certification scheme guidelines.
This decree will come into force 12 months after the date of promulgation.
7. Objective and rationale, including the nature of urgent problems where applicable: Consumer information, labelling; Prevention of deceptive practices and consumer protection; Protection of human health or safety; Protection of the environment
8. Relevant documents: Law No.30 Year 2009 concerning Electricity
9. Proposed date of adoption: to be determined Proposed date of entry into force: to be determined
10. Final date for comments: 60 days from notification
11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body: Directorate of Implementation System for Standards and Conformity Assessment National Standardization Agency of the Republic of Indonesia (BSN) TBT WTO Notification and Enquiry Point of Indonesia BPTI Building I, 12th floor Jln. M. H. Thamrin No. 8, Jakarta Pusat, DKI Jakarta 10340 Phone: +62 21 3927422 ext 127 Fax: +62 21 3927527 Email: tbt.indonesia@gmail.com and tbt.indonesia@bsn.go.id Website: http://www.tbt.bsn.go.id https://members.wto.org/cnattachments/2020/TBT/IDN/20_0038_00_x.pdf

60-day comment period

Draft text available through link in Indonesian



Examples of TBT notifications

G/TBT/N/KEN/145

WORLD TRADE

ORGANIZATION

Committee on Technical Barriers to Trade

G/TBT/N/KEN/145
11 June 2009

(09-2852)

Original: English

June 2009

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

Kenya

Solar power
systems
ICS:27.160

1. Member to Agreement notifying: KENYA If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: KENYA BUREAU OF STANDARDS (KEBS) Name and address (including telephone and fax numbers, e-mail and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:
3. Notified under Article 2.9.2 [<input checked="" type="checkbox"/>], 2.10.1 [<input type="checkbox"/>], 5.6.2 [<input type="checkbox"/>], 5.7.1 [<input type="checkbox"/>], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Solar power systems (ICS: 27.160)
5. Title, number of pages and language(s) of the notified document: KS 1851-2: 2008. Thermal solar systems and components —Solar collectors — Part 2: Test methods (124 pages, in English).
6. Description of content: Specifies test methods for validating the durability, reliability and safety requirements for liquid heating collectors as specified in KS 1851-1. This standard also includes three test methods for the thermal performance characterization for liquid heating collectors.
7. Objective and rationale, including the nature of urgent problems where applicable: Consumer safety
8. Relevant documents: Publication in which the notification is published when adopted: Kenya Gazette
9. Proposed date of adoption: _____ } Upon declaration as Mandatory by the Minister Proposed date of entry into force: _____ } for Industrialization in the official Kenya Gazette
10. Final date for comments: 60 days from the circulation date

Page 2

11. Text available from: National enquiry point [], or address, telephone and fax numbers, [e-mail](#) and web-site addresses, if available of the other body:
Kenya Bureau of Standards (KEBS)
WTO-TBT National Enquiry Point
P.O. Box 54974-00200 Nairobi, Kenya
Tel.: (+254 020) 605490, 605506/ 6948258
Fax: (+254 020) 609660/609665
E-mail: kebs_tbt@kebs.org
And can be downloaded [here](#).

Draft text available through link

60-day comment period



Examples of TBT notifications

Kenya



(21-1632)

Committee on Technical Barriers to Trade

G/TBT/N/KEN/145/Add.1

G/TBT/N/KEN/145/Add.1

25 February 2021

Page: 1/1

Original: English

February 2021

NOTIFICATION

Addendum

The following communication, dated 23 February 2021, is being circulated at the request of the delegation of Kenya.

Title: KS 1851-2: 2008 Thermal solar systems and components —Solar collectors — Part 2: Test methods

Reason for Addendum:	
<input type="checkbox"/>	Comment period changed - date:
<input checked="" type="checkbox"/>	Notified measure adopted - date: 20 January 2021
<input type="checkbox"/>	Notified measure published - date:
<input type="checkbox"/>	Notified measure enters into force - date:
<input checked="" type="checkbox"/>	Text of final measure available from ¹ : https://webstore.kebs.org/
<input type="checkbox"/>	Notified measure withdrawn or revoked - date: Relevant symbol if measure re-notified:
<input type="checkbox"/>	Content or scope of notified measure changed and text available from ¹ : New deadline for comments (if applicable):
<input type="checkbox"/>	Interpretive guidance issued and text available from ¹ :
<input type="checkbox"/>	Other:

Description: Kenya would like to inform WTO Members that the KS 1851-2: 2021 Thermal solar systems and components — Solar collectors — Part 2: Test methods, notified in G/TBT/N/KEN/145 as KS 1851-2: 2008 Thermal solar systems and components — Solar collectors — Part 2: Test methods was adopted on 20 January 2021 via gazette notice No. 1051 dated 20 January 2021.

Document can be obtained via the following link at a basic fee.

<https://webstore.kebs.org/>

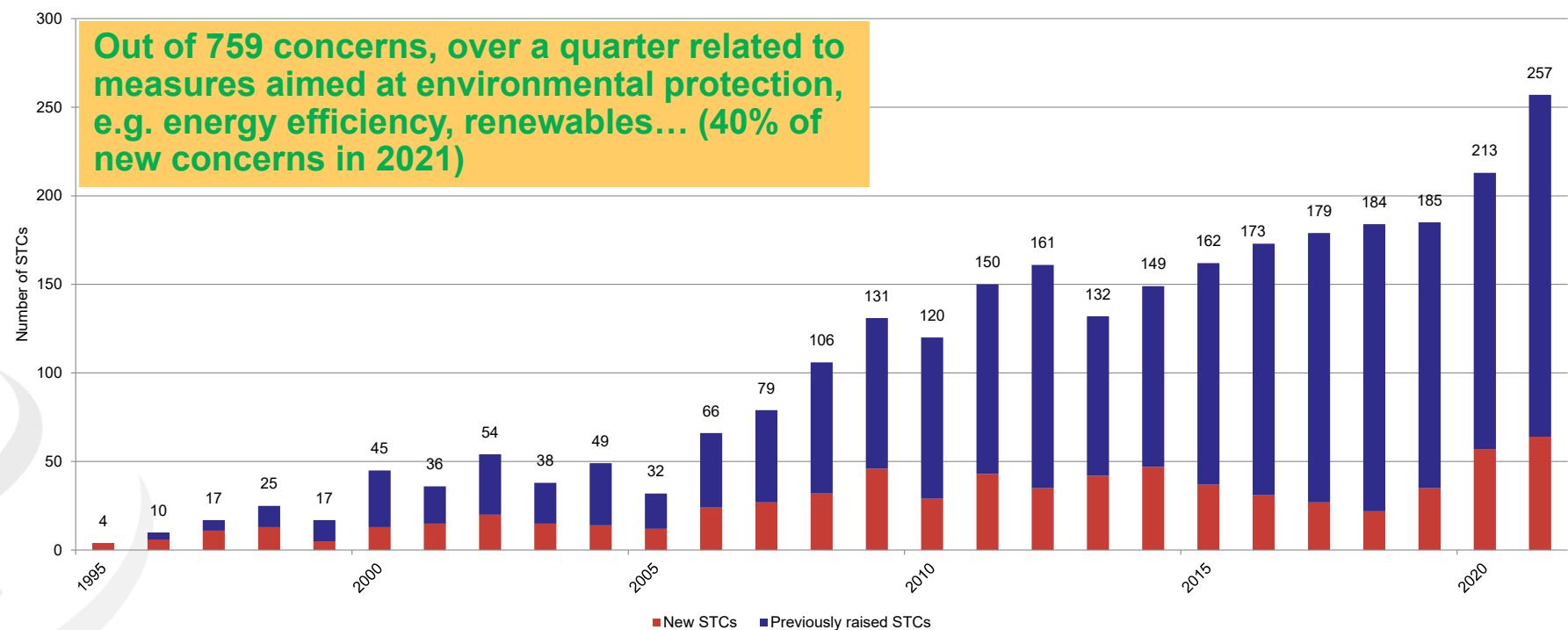
Final text available through link



How to strengthen transparency of regulations affecting environmental goods drawing on TBT Committee recommendations?



Using the TBT Committee to raise and address trade concerns





Using the TBT Committee to raise and address trade concerns

Some issues raised related to measures covering solar panels

- different treatment for national and imported
- how to assess carbon emissions of solar products
- unclear certification procedures
- high fees
- exclusion of certain solar panels from certification schemes (due to use of toxic substances in production process or in product itself)

Search more on [ePing](#)



3. Easing burden of conformity assessment procedures related to environmental goods drawing on TBT Committee work



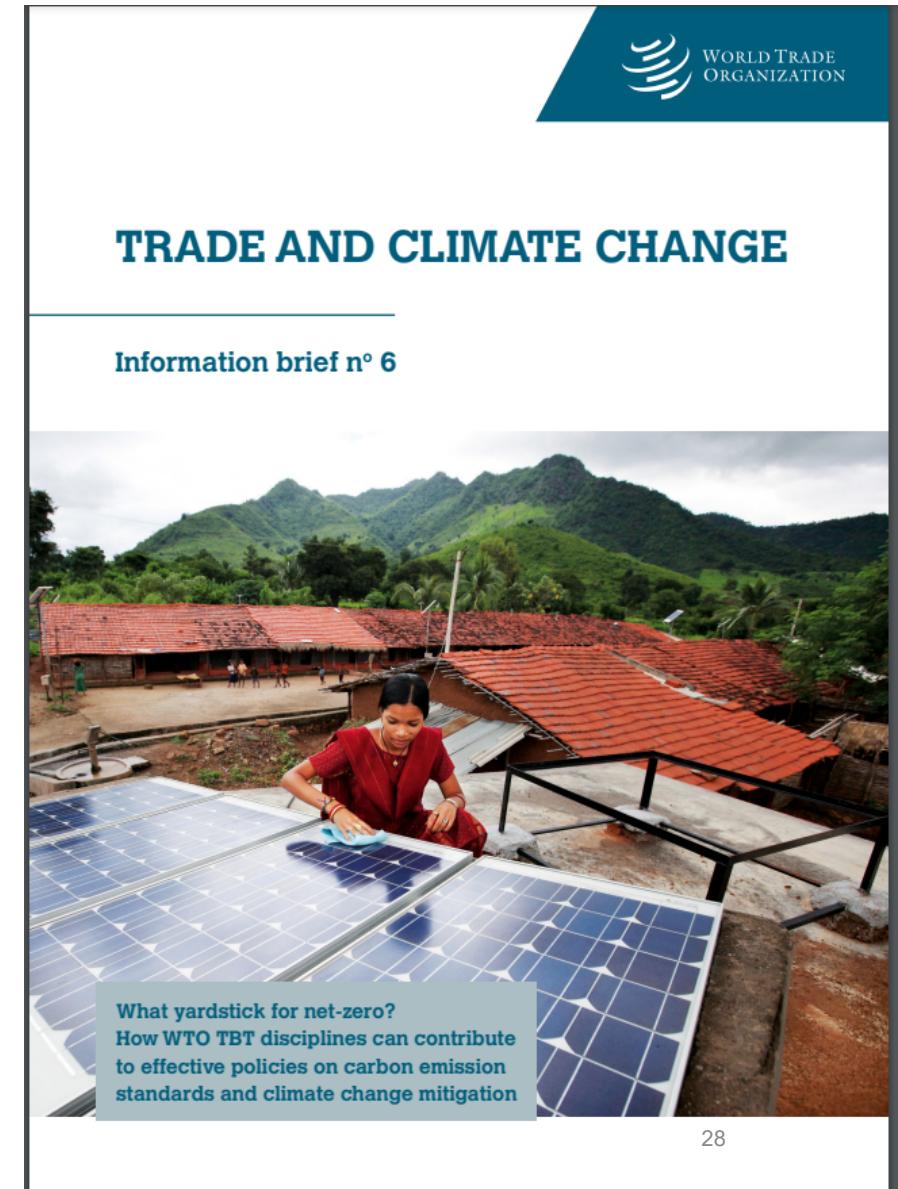
4. Improving national quality infrastructure in developing countries so they can meet and demonstrate compliance with product specifications in export markets; facilitate imports of environmental goods

see [WTO/IRENA publication](#)
Focusing on solar
photovoltaic markets,
including further discussion on
role of QI



WTO Publication on linkages between Trade and Climate Change

focusing on TBT disciplines



The image shows the cover of a WTO publication titled "TRADE AND CLIMATE CHANGE". The cover features the WTO logo at the top right. Below the logo, the title "TRADE AND CLIMATE CHANGE" is written in large, bold, blue capital letters. Underneath the title, it says "Information brief n° 6". The main visual on the cover is a photograph of a woman in a red sari working on a row of solar panels installed on a roof. In the background, there are several traditional buildings with red-tiled roofs and lush green hills under a cloudy sky.

What yardstick for net-zero?
How WTO TBT disciplines can contribute
to effective policies on carbon emission
standards and climate change mitigation



5. Exchanging experiences: upcoming thematic session on climate change



Mandate from Ninth Triennial Review under regulatory cooperation

TBT Committee thematic session to share information on:

“best practices … that support the attainment of environmental goals and contribute to addressing climate change, thereby contributing to achieving the goals and principles of the United Nations Framework Convention on Climate Change (UNFCCC) and its Paris Agreement, while adhering to the disciplines of the TBT Agreement”

mark your calendars: 7 March 2023



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Simon Neumueller
Market Access Division
Simon.Neumueller@wto.org



Thank you!