ERIA-UNCTAD Project on NTM:
Call for Proposal

ERIA

Economic Research Institute
for ASEAN and East Asia

UNITED NATIONS
UNCTAD

Background |

- In 2015, ERIA and UNCTAD had conducted the first comprehensive data collection of NTMs in the 10 ASEAN countries.

- In 2018, ERIA and UNCTAD will carry the mandate of the 49th ASEAN Economic Ministerial (AEM) meeting to renew the NTM database on a regular basis and analyze policy options for addressing NTMs.

Objectives |

1. To update the existing ASEAN NTMs database, by collecting and validating the most up-to-date NTM information from official sources.

2. To further develop export capacities by improving NTM transparency and providing trading partners with access to NTMs related information.

3. To conduct rigorous analyses on NTMs and how these will affect trade policy and overall trade performance.

4. To provide insights for NTMs streamlining in ASEAN.

Project Outputs |

1. Updated NTMs Database for the10 ASEAN Member States.

2. ERIA-UNCTAD Country Reports of the 10 ASEAN Member States.

Consultant's Responsibilities & Outputs |

Responsibilities

▸ Each consultant will collect all NTM information from official sources (e.g. government regulations) and classify each NTM into the right category based on the UNCTAD's NTMs classification system. Each consultant will be given proper trainings, guidelines, and ready-to-use templates to accommodate this task.

▸ Prior to data collection, selected consultants are expected to: (i) take an NTM on-line course ; and (ii) attend a mandatory training on the latest data collection method of identification, collection and classification of NTMs. All training materials will be provided by ERIA-UNCTAD.

Outputs

1. Comprehensive updated data of NTMs in respective country recorded in UNCTAD template in English. Each consultant will be assigned to one specific country and is responsible to record all NTMs that are in effect and implemented by March 2018.

2. A descriptive analysis of NTMs in the country which consultant is assigned to and policy recommendations on streamlining NTMs in that country.

Time Frame |

No	Description	Date
1	Call for Proposal and selection process	Sep-Dec 2017
	Contract signed by consultants	Jan 2018
2	Mandatory on-line training	Jan-Feb 2018
3	Mandatory team workshop	20-22 Mar 2018
	Briefings on renewal strategy, review, updated MAST classification, updated HS code	
4	NTM Updating Process	
	a. First submission (consultant is expected to finish identifying legislation sources)	30 April 2018
	a. Final submission (consultant is expected to finish 75% of data collection)	30 June 2018
5	Review	Jul-Aug 2018
6	Validation workshop	Sep 2018
7	Final Report	Nov 2018
8	Publication and IT work on data	Dec 2018
9	Launch of database and report	Jan 2019

How to apply |

An applicant is a team consists of two or more members, who together will conduct the NTM data collection in one country. Only one contract will be provided for each team.

To apply each applicant must submit:

1. A proposal that consists of two main parts:
   a) Writing of $+/-$ 1,500 words including tables and figures about <u>existing NTMs in your own country</u> (Introduction, discussion, and conclusion).
   b) Proposed budget for your team.
2. CVs of consultant(s): please specify one team leader who will be in charge of the rest of the team members.

How to submit|

Please send your proposal to both of the following emails:

gracia.hadiwidjaja@eria.org *and* Chile.Ngo@unctad.org

In the subject email, please write "ASEAN NTM Proposal"

Deadline for proposal submission is 15 November 2017

Appendix | NTMs data collection process

1. How to Start?

1. Overview of the regulation at country level

▶ **Understand the legal framework**

▶ **Identification of sources of NTM data**
  ▶ Comprehensive
    ▶ Cover all regulation that affects trade in all the chapters of the classification
  ▶ As centralized as possible
    ▶ Ideally it will be from one source

Understand the legal framework | EXAMPLE

Components of the Japanese national legal framework (in the order or priority)

Understand the role of Ministries and other government bodies

Priority	English title	Japanese title	Description	Example
1	Constitution	憲法	Supreme law of the land	日本国憲法 Constitution of Japan
2	Law	法律	Rules established as a resolution of the Diet according to the Constitution	家畜伝染病予防法 **Act** on Domestic Animal Infectious Diseases Control
3	Cabinet Order	政令	Orders established by the Cabinet. It provides details in order to implement the law.	家畜伝染病予防法施行令 **Order** for Enforcement of the Act on Domestic Animal Infectious Diseases Control (Cabinet Order No. 269 of July 30, 2014)
4	Cabinet and Ministerial Ordinance	府令	Cabinet Ordinance is an order issued by a Prime Minister as a head of the Cabinet whereas Ministerial Ordinance is an order issued by a minister.	家畜伝染病予防法施行規則
		省令	It provides further details in order to implement the law or the Cabinet Order.	**Ordinance** for Enforcement of the Act on Domestic Animal Infectious Diseases Control
				(Ordinance of the Ministry of Agriculture, Forestry and Fisheries No.72 of December 6, 2013)

Understand the legal framework | EXAMPLE

Components of the Japanese national legal framework (in the order or priority)
Understand the role of Ministries and other government bodies

Priority	English title	Japanese title	Description	Example
5	Notice	告示	(A set of) Information disclosed by a ministry or a municipality concerning a law or other matters.	家畜伝染病予防法施行規則第四十三条の表の農林水産大臣の定める基準 **Notice** of the Ministry of Agriculture, Forestry and Fisheries No.292 of March 8, 2001
6*	Instruction, notification, and public notice	訓令 通知 公示	Instruction is an order issued by an administrative organ (the Cabinet and ministries) to a subordinate agency. Mostly internal and often not revealed to the public. Notification and public notice are information disclosed to the public by public bodies (quoted from Britannica Kokusai Daihyakka Jiten 2010).	

2. Where to Start?

Identify Sources of NTM Data |

Comprehensive

1. Centralized

- US
  - Federal Register and Code of Federal regulations
- Latin American countries
  - Official Journal, Official Registry, Official Gazette
- European Union
  - Official Journal and Export Helpdesk
- Japan
  - Official Gazette (but not searchable as required)

Identify Sources of NTM Data |

Comprehensive

1. Centralized

- Specific regulations should be used for the data collection rather than general laws.
- Rule of thumb: Can we identify all required information about the NTMs (detailed NTM code, affected product and countries)?
- Very general laws, often called Acts, may only establish a legal framework for further regulation.
- The empowered institutions will determine and implement detailed regulations.
- We need those detailed regulations.

2. Decentralized
Decentralized sources when there is no single good source

NTM data collection must ALWAYS
be based on Official/authoritative and mandatory requirements

Table 1. Examples of government agencies likely to deal with NTM categories		
	NTM chapter	**Government bodies potentially responsible**
A	SPS measures	Ministry of Agriculture; Standardization Agency; Ministry of Health
B	TBT measures	Standardization Agency; Ministry of Health; Ministry of Ecology; Ministry of Industry
C	Pre-shipment inspection and other formalities	Customs Agency; Standardization Agency
D	Contingent trade protective measures	Ministry of Finance; Ministry of Economy or Trade
E	Non-automatic licensing, quotas, prohibitions and other quantity control measures	Ministry of the Economy (or Trade, Foreign Relations)
F	Price control measures including additional taxes and charges	Ministry of Economy (or Trade, Foreign Relations); Customs Agency
G	Finance measures	Ministry of Finance; National Bank
H	Measures affecting competition	Ministry of Economy (or Trade, Foreign Relations)
I	Trade-related investment measures	Ministry of Economy (or Trade, Foreign Relations)
P	Export-related measures	Ministry of Economy (or Trade, Foreign Relations); Customs Agency

Decentralized sources
EXAMPLE - Japan

- Zeirom 2014 – Japanese Tariff Schedules data in a CD-ROM. It is used as a basis for the Japanese NTMs data collection. → Level 2.

- Ministry of Justice Online Database → Levels 3 to 5
  - i. Hourei Data Teikyou System法令データ提供システム
    http://law.e-gov.go.jp/cgi-bin/idxsearch.cgi
  - Covers Constitution, laws, Cabinet Orders, Cabinet and Ministerial Ordinances
  - Provides the latest versions of legislation, currently in force
  - Various search options: By terms (either in a title or in text), title, alphabetical index, category, or law number

3. How to compile?

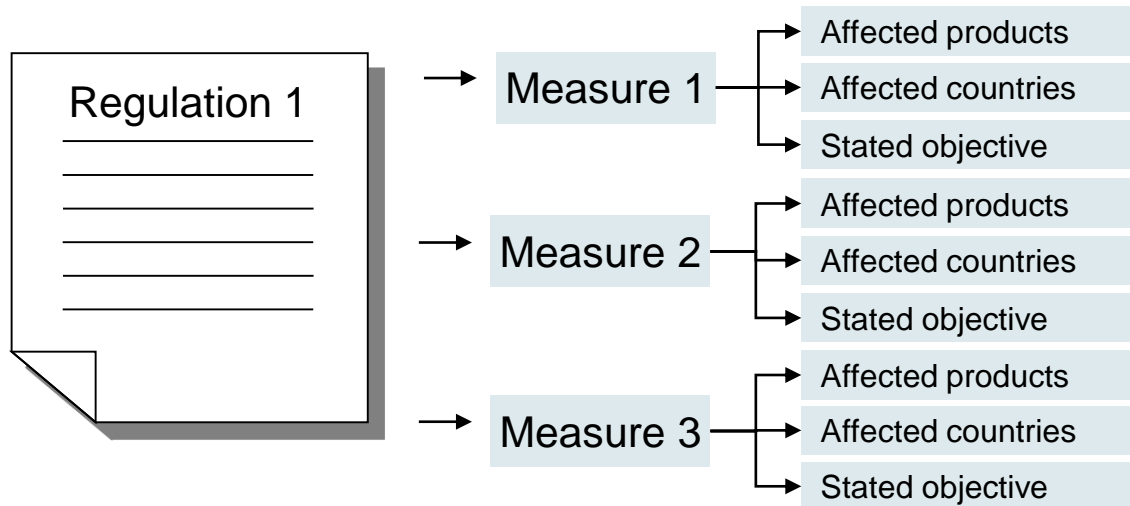After and 2, go to step 3 and 4

3. NTM coding

4. HS coding

3. NTM Coding |

▸ 1.The "regulations" bear "measures"

Regulation ➡️ Law, decree, etc., issued officially by a government

Measure ➡️ A "regulation" may bear more than one measure

1. GUIDELINES TO COLLECT DATA ON OFFICIAL NON-TARIFF MEASURES (SEPTEMBER 2014 VERSION)
2. NTM Classification (MAST Classification Feb 2012)

On-line training course
Please kindly find link video of the modules and materials of Non-Tariffs Measures:

http://vi.unctad.org/video/ntm/m0/player.html
http://vi.unctad.org/video/ntm/m1/player.html
http://vi.unctad.org/video/ntm/m2/player.html
http://vi.unctad.org/video/ntm/m3/player.html
http://vi.unctad.org/video/ntm/m4/player.html
http://vi.unctad.org/video/ntm/m5/player.html