

Non-Tariff Barriers

Role of the Multilateral Trading System and Interests of Smaller Developing Countries and LDCs in Western Africa

Marília R. Borges Andrade

Non-Tariff Barriers: Role of the Multilateral Trading System and Interests of Smaller Developing Countries and LDCs in Western Africa

Authored by:

Marília R. Borges Andrade

Published by:



CUTS INTERNATIONAL, GENEVA

Rue de Vermont 37-39
1202 Geneva, Switzerland
www.cuts-geneva.org

This paper was undertaken by Marília R. Borges Andrade. It is published under CUTS International Geneva's project "Keeping Pace with Trade Developments", undertaken with funding support from the Ministry of Foreign Affairs, Sweden.

Citation: BORGES ANDRADE, M. (2018). *Non-Tariff Barriers: Role of the Multilateral Trading System and Interests of Smaller Developing Countries and LDCs in Western Africa*. Geneva: CUTS International, Geneva.

Disclaimer: The views expressed in this publication represent the opinions of the author, and do not necessarily reflect the views of CUTS or its funders.

Cover Photo: © Dirk Dallas

© 2018. CUTS International, Geneva

The material in this publication may be reproduced in whole or in part and in any form for education or non-profit uses, without special permission from the copyright holders, provided acknowledgment of the source is made. The publishers would appreciate receiving a copy of any publication, which uses this publication as a source. No use of this publication may be made for resale or other commercial purposes without prior written permission of the copyright holders.

Table of Contents

Table of Contents	3
Acronyms and Abbreviations	4
About the Author	5
Introduction	6
1.1 What are Non-Tariff Barriers (NTBs)?	6
1.2 Technical Barriers to Trade (TBT).....	7
1.3 Sanitary and Phytosanitary (SPS) Measures	7
1.4 How do these affect smaller developing countries?.....	8
NTBs and the Multilateral Trading System	9
2.1 Introduction and basic principles	9
2.2 Role of WTO Committees	10
2.3 The Doha Development Agenda (DDA): NAMA Negotiations.....	10
Interests of Western African Countries: Benin, Ghana, Nigeria and Senegal	12
3.1 Nigeria	12
3.2 Ghana	17
3.3 Senegal	20
3.4 Benin.....	23
Possible Solutions and Conclusions	26

Acronyms and Abbreviations

AMANORM	Malian Standardization and Quality Promotion Agency
ANSSA	Agence Nationale de Sécurité Sanitaire des Aliments
APHIS	Animal and Plant Health Inspection Service
CTD	Committee on Trade and Development
CTE	Committee on Trade and Environment
CTG	Council for Trade in Goods
CTS	Council for Trade in Services
DFI	Département Fédéral de l'Intérieur
ECOWAS	Economic Community of West African States
EPA	Environmental Protection Agency
EU	European Union
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
HACCP	Hazard Analysis and Critical Control Points
LDCs	Less Developing Countries
NAMA	Non-Agricultural Market Access
NTBs	Non- Tariff Barriers
TBT	Technical Barriers to Trade
TNC	Trade Negotiation Committee
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
TSCA	Toxic Substances Control Act
UNCTAD	United Nations Conference for Trade and Development
USDA	United States Department of Agriculture
WTO	World Trade Organization

About the Author

Marilia Rodrigues Borges Andrade is an attorney and specialist in international relations. Her area of expertise is international trade law and policies. She was trainee at the Delegation of European Union in Brazil where she worked with market access issues and at the Ministry of Foreign Relations in Brazil, giving support on WTO jurisprudence research and writing complaints for dispute settlement cases.

SECTION 1

Introduction

1.1 What are Non-Tariff Barriers (NTBs)?

Trade barriers are forms of restricting the entry of foreign products or services into a territory in order to protect domestic industries/companies from competition. Governments introduce policies, laws, regulations, requirements and other trade compliance rules that can become excessively burdensome to foreign companies, discouraging international trade or even inhibiting or prohibiting it completely. Trade barriers are categorized as tariff or non-tariff barriers.

Tariff measures or tariff barriers are widely known by governments and private entities. It is easily identifiable as customs duties and charges on import and export. They are “more transparent, and the economic impact on imported products, for example, how much more expensive imported products are as a result of customs duties, is immediately clear”.

Since the General Agreement on Tariffs and Trade (GATT) negotiations rounds until the creation of the World Trade Organization (WTO), countries have significantly reduced their import tariffs. In addition to it, special and differential treatment schemes for developing and less developed countries have further liberalized markets to them. Therefore, other forms of measures have been applied in order to restrict market access and/or protect domestic industries.

Non-tariff barriers have come up as a way to restrict the market and disguise protectionism since it is more difficult to identify them. Non-tariff barriers (NTBs) are also called non-tariff

measures since it can be considered legitimate policies and regulations that exist to protect a country and its people. Regulations can become non-trade barriers if the trade restrictiveness, whether or not deliberate, exceeds what is needed for the measure’s nontrade objectives.

NTBs are found in many forms. In 2012, the United Nations Conference for Trade and Development (UNCTAD) presented a classification with the most relevant non-tariff barriers in international trade, which is still used nowadays. The International Classification developed a tree/branch structure for non-tariff measures which is divided into technical measures, non-technical measures and exports, where they were categorized into 16 chapters, depending on their scope and/or design. Furthermore, they were divided into other classifications, in order to identify different types of regulations that are implemented under each chapter.

For the purpose of this study, a focus will be given to chapters A and B included in technical measures, which are Technical Barriers to Trade (TBT) and Sanitary and Phytosanitary (SPS). They are also contained in separate agreements of Annex 1 of Multilateral Trade Agreements that created the WTO and are binding on all members.

Table 1 – Classification of NTBs

Technical measures
Pre-shipment inspection and others
Non technical measures:
<ul style="list-style-type: none"> ● Contingent trade-protective measures ● Non-automatic licensing, quotas, prohibitions and quantity-control measures other than for SPS or TBT reasons ● Price-control measures, including additional taxes and charges ● Finance measures ● Measures affecting competition ● Trade-related investment measures ● Distribution restrictions ● Restrictions on post-sales services ● Subsidies (excluding export subsidies under P7) ● Government procurement restrictions ● Intellectual property ● Rules of Origin
Exports
Export Related Measures

1.2 Technical Barriers to Trade (TBT)

Technical barriers to trade are measures related to technical regulations, standards and conformity assessment procedures which are obligatory for goods 'production. According to the TBT Agreement, it can be standards related to products (including industrial and agricultural) and process and production methods. The objective is to secure human and environmental protection, but also it can reflect some cultural aspects, for example consumer preferences.

The national standardization body is usually the agency responsible for issuing these measures, which in most cases are not mandatory, however, are generally applied and required by companies for their trade transactions.

Taking into account that every country has its own preferences laid down by different national standardization bodies, companies intending to export their products face increased compliance costs and difficulties to access foreign markets.

Therefore, the TBT agreement foresees that measures cannot be applied arbitrarily, and should be based whenever possible, on worldwide recognized rules. International standardization bodies serves as 'model-based' for national agencies.

1.3 Sanitary and Phytosanitary (SPS) Measures

Sanitary and Phytosanitary measures (SPS) can be laws, decrees, regulations, requirements or any other legal norm that aim at protecting human, plant and animal health from pests and diseases.

SPS measures are within the scope of technical measures, but due to its significant importance especially due to agricultural trade, a sector that already faces market access difficulties, a specific agreement was created to deal only with this matter involving international trade.

According to SPS Agreement definition, measures can take many forms, for instance, end product criteria; processes and production methods; testing, inspection, certification and approval procedures; quarantine treatments including relevant requirements associated with the transport of animals or plants, or with the materials necessary for their survival during transport; provisions on relevant statistical methods, sampling procedures and methods of risk assessment; and packaging and labelling requirements directly related to food safety.

Although all these possibilities are legitimate measures, compliance costs are high and therefore, should not be disproportionate or unjustified, in a way that hinders trade.

Just like the TBT Agreement, measures should also be implemented based on international standards. The SPS agreement recognizes, for example, the *Codex Alimentarius* as adequate to secure human, animal and plant health in accordance with WTO rules.

1.4 How do these affect smaller developing countries?

Trade has been recognized as a key driver for Less Developing Countries (LDCs) development: “Trade has an important role in ensuring least developed countries’ sustainable economic development.”¹ Moreover, developing countries are historically dependent on exports to other countries, especially developed markets, and thus the rising of a self-production and export capacity are conditions that can effectively improve people’s life in developing countries and LDCs. LDCs’ exports to developed-country markets and - more recently - to other developing countries (particularly the so-called emerging economies) have become increasingly significant for their trade flows and consequently, economic growth.

However, the emergence of more and diverse NTBs on exports from smaller developing countries and LDCs in their export markets is making it difficult for them to access these markets and use exports as a stimulant to their economic growth and development.

Despite the significant trade costs that are applicable to every country, smaller developing countries also face limited capacity to comply with the significant amount of standards necessary to export a product. They do not have all the necessary resources and technology that developed countries possess. Besides, the lack of resources also gives rise to stricter standards or inspections for these countries, resulting in delays or even prohibitions. Additionally, less developed countries face difficulties in identifying discriminatory non-tariff measures and lack specialized personnel to tackle these barriers.

Consequently, less developed countries do not have the same opportunities to develop and increase their trade flows, and thus effective actions to ensure that trade works for all must be undertaken to ensure that all countries effectively participate in international trade

¹
https://unctad.org/en/PublicationsLibrary/ditc2015misc4_en.pdf

SECTION 2

NTBs and the Multilateral Trading System

2.1 Introduction and basic principles

Multilateral trade system has been created to facilitate market access, increase trade flows and therefore promote countries' development. WTO negotiations and its international trade rules have been crucial to ensure that measures are applied to everyone equally. Without international trade rules, binding and enforceable on rich as well as poor countries, and rules recognizing the special needs of developing countries, many countries are not able to integrate fully in the world trading system and derive an equitable share of the gains of international trade.²

It is mandatory that member countries accept WTO agreements included in Annex 1, 2 and 3 which comprises all multilateral agreements on trade, including GATT, TBT and SPS Agreement, but also General Agreement on Trade in Services (GATS) and Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreements. All these multilateral WTO agreements apply equally and are equally binding on all members subject to their provisions.

Covering all these, there are basic international trade principles that regulate all WTO agreements and should be observed in the implementation of

trade measures, thus also applicable for non-tariff measures which are:

- Most Favoured Nation (MFN): Countries cannot normally discriminate between their trading partners. WTO clarifies that any advantage on customs duties and charges of any kind imposed on or in connection with importation or exportation, which also include any laws, regulations or requirements by any contracting party to any product originating in or destined for any other country shall be accorded immediately and unconditionally to the like product originating in or destined for the territories of all other contracting parties.
- National Treatment: Imported and locally-produced goods should be treated equally. Therefore, internal regulations or taxes should not discriminate between domestic and foreign products and thus afford disguised protection to the domestic industry.³
- Transparency: trade rules should be clear and transparent. WTO agreements require governments to disclose their policies and practices publicly within the country and by notifying the WTO. There is also regular surveillance of national trade policies

² Van de Bosche, Peter; Zdouc Warner, 2017, p.36; The Law and Policy of WTO

³ See <http://documents.worldbank.org/curated/pt/882991467989523068/pdf/WPS7661.pdf>

foreseen in Annex 3 which is the the Trade Policy Review Mechanism aiming at improving transparency both domestically and at the multilateral level.

2.2 Role of WTO Committees

WTO has several councils and committees under the control of the General Council. The Marrakesh Agreement Establishing the WTO foresaw the creation of a General Council, which is the second highest decision-making body after the Ministerial Conference. Only the Ministerial Conference and the General Council have the authority to adopt authoritative interpretations of the WTO Agreements, to submit amendments to the Agreements for consideration by Members, and to grant waivers of obligations. Major councils and committees report directly to the General Council, including the Council for Trade in Goods (CTG), the Council for Trade in Services (CTS), the Council for Trade-Related Aspects of Intellectual Property Rights, the Committee on Trade and Development (CTD), and the Committee on Trade and Environment (CTE).

These major bodies oversee several committees responsible for administering and monitoring the implementation of specific WTO agreements. For non-tariff barriers, it is important to highlight the work of the Council for trade in goods which oversees, among others, the Committee on Market Access, the Committee on Sanitary and Phytosanitary Measures, and the Committee on Technical Barriers to trade.

TBT and SPS Committees are responsible for reviewing specific measures and strengthening of

the agreement implementation by developing recommendations and allowing WTO members to address specific trade concerns in response to notifications, discuss implementation procedures, and exchange of experiences.

Finally, it is also pertinent to mention the Trade Negotiation Committee (TNC) that has been established to oversee the negotiations under the Doha Round launched at the Doha Ministerial Conference in 2001. The Doha Ministerial Declaration established that “The overall conduct of the negotiations shall be supervised by a Trade Negotiations Committee under the authority of the General Council. The Trade Negotiations Committee shall hold its first meeting not later than 31 January 2002. It shall establish appropriate negotiating mechanisms as required and supervise the progress of the negotiations.” Accordingly, several negotiating bodies have been created under the TNC in order to address specific trade issues including NTBs.

2.3 The Doha Development Agenda (DDA): NAMA Negotiations⁴

The Doha Development Agenda is the work programme set up for the Doha Round, whose main objective is to achieve major reform of the international trading system through the introduction of lower trade barriers and revised trade rules, mainly focusing on trade improvement of developing countries. Several trade subjects are treated under the Doha Development Agenda, including the Non-Agricultural Market Access (NAMA) which is being negotiated in a dedicated Negotiating Group under the TNC. The work under this is of

⁴ Informations extracted from https://www.wto.org/english/tratop_e/markacc_e/markacc_negoti_e.htm

considerable importance to developing economies, mainly for the purpose of facilitating trade flows of manufactured products from these countries.

NAMA negotiations aim at reducing or as appropriate eliminating tariffs, including the reduction or elimination of high tariffs, tariff peaks and tariff escalation as well as Non-Tariff Barriers, in particular on products of export interest to developing countries. NAMA refers to all products not covered by the Agreement on Agriculture. In other words, in practice, it includes manufactured products, fuels and mining products, fish and fish products, and forestry products. They are sometimes referred to as industrial products or manufactured goods.

There are three key crucial elements in these negotiations: (i) To cut tariffs according to general formula based on a coefficient; (ii) Flexibilities for developing countries (that would allow these countries to make smaller or no cuts in tariffs for limited percentages of their most sensitive sectors; and (iii) Special treatment for small, vulnerable economies; least-developed countries (LDCs); recently acceded members (RAMs); members with low binding coverage; and others.

In the scope of NTBs, the Negotiating Group has been identifying, categorizing and examining them. Many NTBs are being taken up bilaterally; others are being addressed on a sectoral basis. Results on NTBs are also expected from other relevant Negotiating Bodies.

SECTION 3

Interests of Western African Countries – Benin, Ghana, Nigeria and Senegal

The Economic Community of West African States (ECOWAS) is a 15-member group (Benin, Burkina Faso, Cape Verde, Cote d' Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Sierra Leone, Senegal and Togo) created for the purpose of better integration among these countries and promote economic cooperation and trade development.

One of the objectives of the economic group is to boost the exports of its member's states, within the community and to other third countries. However, one of the main obstacles hindering their trade potential are non-tariff barriers. Accordingly, this paper presents information and analysis of the main NTB (SPS and TBT) requirements being faced by the four West African countries, i.e. Benin, Ghana, Nigeria and Senegal on their key exports.

The paper adopts a simple and user-friendly methodology for the organization and presentation of research and analysis. The following four sub-sections are dedicated to each of the four countries under study. For each of them, first, the top export markets are identified. Then top export products in each of the top export market (excluding minerals) but including at least one agriculture and one manufactured product are outlined. Finally, the relevant SPS and TBT rules and regulations for outlined products in the concerned export market are detailed according to

UNCTAD classification. The information was mostly considered based on International Trade Centre through its Market Access Map portal.

3.1 Nigeria

Nigeria is a middle-income country and one of the largest economies in Africa. Last year's exports amounted to 40.721.848.000 USD. Its top trade partners are India, United States, Spain, Netherlands and France (European Union).

Table 2: Top Nigerian Export Markets

Importers	Imported value in 2017 (US Dollars)
World	40.721.848.000
India	7.299.863.000
USA	5.177.276.000
Spain	4.077.222.000
Netherlands	3.428.078.000
France	3.127.220.000

By far, Nigeria's trade is mainly driven by mineral fuels exports, however, there is a growing export market for its agricultural and manufactured products also. Among them, cocoa beans and chemical products (e.g. naphthalene and natural rubber) are the most exported products after oil and gas derivatives.

Considering Nigeria's potential to develop its exports opportunities, a selection of 2 main products exported to its main trade partners has been made in order to assess possible non-tariff barriers faced by Nigerian companies.

India – Main SPS and TBT Rules and Measures Relevant for Selected Nigerian Exports

India is the 1st main trade partner for Nigeria, totaling almost 18% of all Nigerian exports. Last year, sesamum seed was the 3rd most imported product, which amounted to 8.643.000 USD. In order to export this product to India, Nigerian producers must comply with a great number of rules. The Food Safety Standards is by far the most important regulation which deals with standards for foods production, storage, packaging and labelling, distribution, sales and imports.

Sesamum

SPS Measures Related to the Import of Sesamum Seed in India

Restrictions: According to article 2.1 of the Food Safety and Standards (Import) Regulations, 2017⁵, “No person shall import any food without an import license from the Central Licensing Authority in accordance with the procedure laid down in the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011. No food article shall be allowed to be cleared from the custom unless it has 60% shelf life at the time of its clearance from the customs.”;

Conformity assessment: Food imports are subject to extensive inspections at customs border such as marking, certification, inspection and testing requirements on which food importers shall pay the prescribed fees for scrutiny of documents, visual inspection and drawing of samples;

Labelling, marking and packaging requirements: Rules on packaging and labelling can be found on Food Safety and Standards, Regulations 2011. The label should state information such as nutritional facts, net quantity, date, month and year in which the commodity was manufactured, whether the product has non-vegetarian ingredients, food additives present, name and address of the manufacturer/importer, best before and use by date;

Treatments for eliminating plant diseases: Plant Quarantine (Regulation of Import into India) Order, 2003 regulates import and prohibition of import of plants and plant products into India. Sesamum seed imports from African countries are subject to fumigation with Methyl bromide at 16 g. per cubic metre for 24 hrs. at 21oC and above or equivalent or any other treatment approved by the Plant Protection Adviser to the Government of India and the treatment should be endorsed on Phytosanitary Certificate issued at the Country of Origin/re-export.⁶ (Table - page 269)

Technical Standards and Requirements Related to the Import of Sesamum Seed in India

Product quality or performance requirement: According to the Seeds Act 1966, imports of any seed should conform to the minimum limits of germination and purity specified for that seed and

⁵ file:///C:/Users/User/Downloads/Compendium_Food_Import_Regulations_26_04_2018.pdf

⁶ <http://plantquarantineindia.nic.in/pgispub/pdf/files/pgorder2015.pdf>

its container bears the prescribed mark or label with the particulars thereof;

Labelling requirements: Seeds are subject to labelling requirements such as net content in weight, date of testing, toxic substances caution, name of the seed, etc;

Conformity assessment: Seeds of notified kinds or varieties shall be certified according to three classes, namely, foundations, registered, and certified. Every application for the grant of a certificate shall be accompanied by a fee.

Technically specified natural rubber (TSNR)

In 2017, the 6th most imported product from Nigeria into India was technically specified natural rubber “TSNR”, which has increased almost 4 times in comparison to 2015.

Few trade requirements to export this product to India were found (one is given below). Furthermore, it is important to highlight that, recently, the government decided to eliminate a restriction on port destinations for imports of natural rubber, which was limited to Chennai and Nhadva Sheva Ports.⁷ Still, it will be useful to follow-up on India’s trade measures for rubber since it is a very important export product for Nigeria.

Labelling and Packaging Requirement: all packaged commodities must bear a label with the name and address of the manufacturer or importer, the common or generic names of the commodity, the net quantity and the month and the year it is packed. Quantities must be given in metric values.⁸

⁷ [http://files.indiantradeportal.in/download.aspx?file=uploads/General%20Documents/NU_SPS-TBT/14-06-2018/DGFT_Ntfctn_11_Dtd_12-06-2018.pdf\(not available anymore\)/https://www.rubberasia.com/2018/06/13/india-removes-port-restriction-nr-imports/](http://files.indiantradeportal.in/download.aspx?file=uploads/General%20Documents/NU_SPS-TBT/14-06-2018/DGFT_Ntfctn_11_Dtd_12-06-2018.pdf(not%20available%20anymore)/https://www.rubberasia.com/2018/06/13/india-removes-port-restriction-nr-imports/)

United States – Main SPS and TBT Rules and Measures Relevant for Selected Nigerian Exports

In 2017, the United States was Nigeria’s second main trade partner and Nigeria was the United States’ 40th largest supplier of goods imports. U.S. goods imports from Nigeria totaled \$7.1 billion in 2017, up 69.0% (\$2.9 billion) from 2016, but down 78.5% from 2007.⁹

Mineral fuels have been the most exported product to the U.S, however, other leading categories include cocoa beans and fertilizers. Naphthalene was the 4th most imported product in the U.S, which amounted to 59.300.000 USD. The product is primarily regulated by the Toxic Substances Control Act (TSCA) which foresees standards for the production, imports and exports of chemical products. The Environmental Protection Agency (EPA) is the body responsible for protecting the human health and environment, and therefore, for controlling and inspecting.

Naphthalene

Technical Standards and Requirements Related to the Import of Naphthalene in USA

Authorization and Certification Requirement: The TSCA rule requires that importers certify by a statement, on the entry document or invoice, that any shipment of a chemical substance subject to TSCA, imported in bulk or as part of a mixture, complies with its rules, or that the chemicals imported are not subject to TSCA. Importers have

⁸ https://consumeraffairs.nic.in/consumer/sites/default/files/userfiles/PCR_English.pdf

⁹ <https://ustr.gov/countries-regions/africa/west-africa/nigeria>

to sign the following statement for each import of chemical substances subject to TSCA: “I certify that all chemical substances in this shipment comply with all applicable rules or orders under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any applicable rule or order under TSCA.”¹⁰

Inspection and traceability: EPA and Customs will monitor chemical imports to determine if shipments and their import comply with the certification requirements and the substantive mandates of TSCA. Customs will refuse entry to any shipment until such time as the certification is properly submitted. Customs will also detain a shipment if there are reasonable grounds to believe that such shipment or its import violates TSCA or regulations or orders thereunder.

Labelling, Packaging and Marking Requirements: The Toxic Substances Act, in its title 49 foresees rules on how the hazardous materials should be packaged. Additionally, hazardous material for transportation shall mark each package, freight container, and transport vehicle containing the hazardous material in the manner required.

Transportation: Requirements how and by what means different hazardous material can be transported.

For the last above two requirements, a table of Hazardous Material is provided which includes more specific provisions applied according to each chemical product.

Cocoa Beans

SPS Measures Related to the Import of Cocoa Beans in USA

According to the USTR, following mineral fuels and naphthalene, cocoa beans were the most imported product from Nigeria. The United States Department of Agriculture (USDA) together with the Food and Drug Administration (FDA) are the main agencies responsible for regulating animal and plant products offered on the market. Several SPS and TBT measures issued by these two bodies, which governs the import of cocoa beans, are listed below:

Treatment for the elimination of plant pests: Fumigations and cold treatment subject to Animal and Plant Health Inspection Service (APHIS) inspection and certification.

Conformity assessment: Any restricted article offered for importation into the United States must be accompanied by a phytosanitary certificate of inspection and may be sampled and inspected by an inspector at the port of first arrival and/or under preclearance inspection arrangements in the country in which the article was grown, and must undergo any treatment contained in part 305 of this chapter that is ordered by the inspector, which is mentioned above, fumigation and cold treatment.¹¹

Labelling requirements: Each of the ingredients used in the food shall be declared on the label

¹⁰40 CFR- Toxic Substances Control Act - Part 707 – Chemical Imports and Exports; Subpart B- General Import Requirements and Restrictions; §707.20 Chemical Substances Import Policy <https://www.gpo.gov/fdsys/pkg/CFR-2002-title40-vol27/pdf/CFR-2002-title40-vol27-part707.pdf>

¹¹<https://www.gpo.gov/fdsys/search/pagedetails.action?collectionCode=CFR&searchPath=Title+7%2FSubtitle+B%2FChapter+III%2FPart+305&granuleId=CFR-2011-title7-vol5-part305&packageId=CFR-2011-title7-vol5&oldPath=Title+7%2FSubtitle+B%2FChapter+III%2FPart+305&fromPageDetails=true&collapse=true&ycord=800>

Technical Standards and Requirements Related to the Import of Cocoa Beans in USA

Production Requirement: Product identity requirement foreseeing weight of cacao shell content and options for preparation with neutralizing ingredients.¹²

European Union - Main SPS and TBT Rules and Measures Relevant for Selected Nigerian Exports¹³

Considering all the imports of EU countries as a whole, the EU is the main trade partner for Nigeria, accounting around 26% of all Nigerian exports and slightly larger than India.

Spain, Netherlands and France, in this order, are the 3rd, 4th and 5th main Nigeria's trade partners. Besides mineral fuels, agricultural products and chemicals are the top exported products to the EU. Cocoa Beans, in special, plays an important role in agricultural exports.

For the purpose of this paper study, measures on cocoa beans, frozen shrimps and prawns, and natural rubber are assessed. Considering that requirements for products' entry into the union territory are the same, rules for importation of these products into the 3 countries listed above do not differ and hence collectively presented below.

Cocoa Beans

SPS Measures Related to the Import of Cocoa Beans in the EU

¹²<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=163&showFR=1&subpartNode=21:2.0.1.1.39.2>

¹³ Information extracted from <https://www.cbi.eu/market-information/>

Tolerance limits for residues and restricted use of substances: Imports of plants products, including cocoa beans that are fermented or dried, after removal of shells are subject to control and must comply with maximum residue levels of pesticides. Recently, the EU has strengthened its regulation on cadmium in cocoa and derived products, which will become effective in January 2019.¹⁴

Labelling and Packaging the EU has a specific directive applicable to cocoa and chocolate. concerning its composition, sales names, labelling and presentation.

Technical Standards and Requirements Related to the Import of Cocoa Beans in the EU

Production requirement: Quality criteria according to international standards. It includes harvesting and processing techniques and fermentation process.

Frozen Shrimps and Prawns

Frozen shrimps and prawns were the 5th most exported product to the Netherlands and 7th to France. In general, the EU follows the Code of Practice for Fish and Fishery Products established by the Codex Alimentarius.

SPS Measures Related to the Import of Frozen Shrimps and Prawns in the EU

Special authorization requirement: Nigerian companies must be certified and approved by local authorities that are responsible for forwarding the authorization to the European

¹⁴ https://ec.europa.eu/food/safety/chemical_safety/contaminants/catalogue/cadmium_en

Union. Approved establishments receive a unique identification code, usually referred to as an “EU number”. There is an updated list of Nigerian companies authorized to trade fishery products.¹⁵

Other requirements: Fishery products must be caught by approved vessels or produced in registered farms. In order to avoid illegal fishing, a catch certificate is needed for the product’s exportation.

Hygienic requirement: Health standards rules according to the Regulation EC N. 2073/2005¹⁶, for instance, permissible level of microbiological contaminants, as well as other contaminants. A Hazard Analysis and Critical Control Points (HACCP) is also applicable.

Labelling and Packaging: Include information specifying the fishing gear used and the harvesting area, allergens, and nutritional facts.¹⁷

Requirements on production: storage and transport conditions, for e.g, controlled temperature.

Technically Specified Natural Rubber (TSNR)

The European Union is heavily dependent on imports of natural rubber. In this context, TSNR was the 3rd most exported product to France, following oil and natural gas and the 4th, for Spain, by Nigeria.

Prohibitions/restrictions in the EU Related to TSNR

Considering that natural rubber is a product of utmost importance to European manufacturers,

¹⁵ https://webgate.ec.europa.eu/sanco/traces/output/NG/FFP_NG_en.pdf

¹⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02005R2073-20180101>

the EU has included it into a Critical Raw Material list¹⁸ which subjects imports to authorization requirements.

3.2 Ghana

Ghana is a low middle income country situated in West Africa and together with Nigeria represents great part of trade of the Economic Community of West African States (ECOWAS). Last year’s exports amounted to 14.358.510.000 USD. Its top trade partners are India, China and Switzerland.

Table 3: Top Export Markets of Ghana

Importers	Imported value in 2017 (US Dollars)
World	14.358.510.000
India	2.689.424.000
China	2.381.361.000
Switzerland	1.660.098.000

Ghana’s most exported product is gold and mineral fuels; however, it also has a well-established agriculture production. Cocoa beans and other fruits, wood and its products, as well as furniture have been representing an important share of exports to these countries.

India – Main SPS and TBT Rules and Measures Relevant for Selected Ghanaian Exports

India is the most important trade partner for Ghana. Last year, fresh or dried cashew nuts were

¹⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013R1379>

¹⁸ http://ec.europa.eu/growth/sectors/raw-materials/specific-interest/critical_pt

the 3rd most imported product, which amounted to 51.614.000 USD.

Fresh or Dried Cashew Nuts

Last year, fresh or dried cashew nuts were the 3rd most imported product, which amounted to 51.614.000 USD.

SPS and Technical Measures Related to the Import of Fresh and dried Cashew Nuts in India

In order to export this product to India, Ghanaian producers should be attentive to The Food Safety Standards, mentioned earlier in the sub-section on Nigeria in this paper (key provisions reproduced below).

Restrictions: According to article 2.1 of the Food Safety and Standards (Import) Regulations, 2017¹⁹, “*No person shall import any food without an import license from the Central Licensing Authority in accordance with the procedure laid down in the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011. No food article shall be allowed to be cleared from the custom unless it has 60% shelf life at the time of its clearance from the customs. no person shall import any food without an import license*”;

Conformity assessment: Food imports subject to marking, certification, inspection and testing requirements on which food importers shall pay the prescribed fees for scrutiny of documents, visual inspection and drawing of samples;

Treatment for elimination of plant disease: Solid wood packing material, timber and articles

packed with hay or straw are subject to fumigation and heat treatment.

Labelling requirements: Rules on packaging and labelling can be found on Food Safety and Standards, Regulations 2011. The label should state information such as nutritional facts, net quantity, date, month and year in which the commodity was manufactured, whether the product has non-vegetarian ingredients, food additives present, name and address of the manufacturer/importer, best before and use by date.

Furniture and Other Materials

Technical Measures Related to the Import of Furniture and other materials in India

Coniferous wood sawn or chipped lengthwise is the 6th most exported product to India. However, as it cannot be considered a manufactured product, relevant TBT measures for furniture and other materials are identified below, since some exports of these items from Ghana to India were initiated last year.

Labelling and packaging requirements: Every firm which pre-packs or imports any commodity for sale shall register its name and complete address with the appointed authority. All packaged commodities must bear a label with the name and address of the manufacturer or importer, the common or generic names of the commodity, the net quantity and the month and the year it is packed. Quantities must be given in metric values. Listed commodities must be packed in standard quantities by weight, measure or number.

¹⁹

file:///C:/Users/User/Downloads/Compendium_Food_Import_Regulations_26_04_2018.pdf

China– Main SPS and TBT Rules and Measures Relevant for Selected Ghanaian Exports

China is the second main trade partner for Ghana. Following the significant amount of petroleum oil exports, China's main imports are metal and agriculture products. For the purpose of assessing China's main non-tariff barriers, imports of cocoa beans and powder, which are respectively the 3rd and 6th most imported products, are considered.

The General Administration of Quality Supervision, Inspection and Quarantine is the body responsible for inspecting and approving imports of a wide range of products.

Cocoa Beans and Powder

Relevant SPS and Technical Measures to the Import of Cocoa Beans and Powder in China

Registration requirement: Importer and exporter must comply with registration requirements in order to import food products into China. Several documents containing information about company, location, production facility, safety compliance, health certificate and other must be sent prior to shipping.

Conformity assessment: A certificate by China Inspection and Quarantine must be issued. Products 'check are performed upon its arrival.

Labelling and packaging requirements: To get the labeling approved, the following must be provided: (i) Import Food Labeling Verification application form; (ii) The English label explained in Chinese; (iii) The name and trademark (brand)

of the product; (iv) Ingredients; (v) Weight and content; (vi) Production date, storage instructions and expiry date; (vii) Contact information to the manufacturer; (viii) Contact information of the distributor; (ix) Batch number TBT; (x) Country of origin.

Switzerland – Main SPS and TBT Rules and Measures Relevant for Selected Ghanaian Exports

After gold, cocoa paste and beans have been the most traded product from Ghana to Switzerland. Together they totaled 22.998.000 USD last year. On the other hand, manufactured products did not take a share in exports from Ghana to Switzerland in the last few years.

The Federal Department of Home Affairs is the main government body dealing with health service in Switzerland. There is a specific Ordinance for sugar, sweets and cocoa products.²⁰

Cocoa Paste

Relevant SPS measures Related to the Import of Cocoa Paste in Switzerland

Tolerance Limits for residues and restricted substances: maximum residue limits of substances such as fertilizers, pesticides, and certain chemicals and metals in food and feed, which are used during their production process but are not their intended ingredient; addition of essential or physiologically useful substances such as vitamins, minerals and other substances into food products. Several tolerance limit values

²⁰ <https://www.admin.ch/opc/fr/classified-compilation/20050172/index.html>

²¹ See Ordinance of the FDHA of 23 November 2005, Ordinance of the FDHA of 25 November 2013 and Ordinance of the FDHA of 26 June 1995.

for cocoa are included in the documents, which mostly refer to EU regulations.

Labelling and Packaging: Ordinance of the Département Fédéral de l'Intérieur (DFI) on the labeling and advertising of foodstuffs is applicable.²² Information must be provided accordingly to all packaged food. Additional information required by the specific ordinance for cocoa products, is the indication of minimum dry matter content of cocoa, expressed as a percentage by mass, by the mention "Cocoa: ...% minimum, ingredients;".

Hygienic requirements: microbiological criteria for foodstuffs and consumer products. Microorganism *Listeria monocytogenes* 10² par g. for products included cocoa based.²³

Relevant Technical Standards and Requirements Related to the Import of Cocoa Paste in Switzerland

Production requirement: Chapter 6 of Ordinance for sugar, sweets and cocoa products Cocoa butter gives a definition for cocoa beans and paste. According to the text, cocoa paste is the fat obtained from cocoa beans or from parts of cocoa beans. It must meet the requirements of Annex 4.

3.3 Senegal

Senegal exports several categories of products. Mineral fuels account for a great value of its exports, however agricultural and manufactured products also take an important role in its economy. A special highlight are food preparations which are exported to other ECOWAS member countries.

Mali is its top export partner followed by Switzerland, India and Cote d'Ivoire.

Table 4 – Top Export Markets of Senegal

Importers	Imported value in 2017 (US Dollars)
World	2.989.042.000
Mali	592.739.000
Switzerland	301.314.000
India	149.162.000

Mali– Main SPS and TBT Rules and Measures Relevant for Selected Senegalese Exports

Mali's imports from Senegal are well represented by industrialized products. Portland cement and food preparations represent an import share of Senegal's export to this country, which accounts more than the exported volume of petroleum.

Portland Cement

The Malian Standardization and Quality Promotion Agency (AMANORM) is responsible for the implementation of domestic standardization and quality promotion policy.

Trade rules are comprised of import monitoring and surveillance requirements and other automatic licensing measures.

Recently, Mali had a workshop to strengthen the operational capacity and facilitate the operationalization of the certification unit.²⁴ It was mentioned that the workshop validated a special draft for technical regulations and certificate

²² <https://www.admin.ch/opc/fr/classified-compilation/20050161/index.html>

²³ <https://www.admin.ch/opc/fr/classified-compilation/20050160/index.html>

²⁴ <http://news.abamako.com/h/201517.html>

procedures for priority products (cement, concrete and food oils).

Soups and Broths Preparations

The National Food Safety Agency (ANSSA) is the government institution responsible for guaranteeing the health safety of food, inter alia, by coordinating all actions relating to the health safety of foodstuffs and animal feed; providing technical and scientific support to national food inspection structures; and assessing the possible health risks of certain foods intended for human or animal consumption.

Prohibitions/restrictions: The Order N°2015-1535 25 provides more details on products whose import or export is banned or restricted in Mali.

Certification requirement: The import of foodstuffs, animal feed, and food additives require authorization. There is a requirement to obtain a Phytosanitary Certificate and a Permit to Import Plants, Plant Products and Vegetable Foods.

Switzerland – Main SPS and TBT Rules and Measures Relevant for Selected Senegalese Exports

Gold takes a considerable share of Senegal's exports to Switzerland. The second main exported product is a chemical product used as a fertilizer: natural calcium phosphates and natural aluminum calcium phosphates, which amounted to 2,845,000 USD.

Sea foods like molluscs together with vegetables and nuts derivatives are the largest share of Senegal's exports to Switzerland.

For this study, exports of natural calcium phosphates and molluscs from Senegal to Switzerland are considered.

Fertilizers

Technical Measures Related to the Import of Fertilizers in Switzerland

Switzerland encompassed all regulations related to technical measures on fertilizers into Ordinance of January 10th, 2001.²⁶ It regulates the conditions for the authorization, packaging, labelling and storing of fertilizers. Fertilizers are subjected to marketing authorization by the Federal Office for Agriculture, in order to assess possible side effects for humans, animals and the environment. Fertilizers produced abroad and imported into Switzerland for the first time must obtain a general import permit.

Molluscs

SPS Measures Related to the Import of Molluscs in Switzerland

There is an ordinance for the import, transit and control of animal products. Regulations applied for molluscs are mentioned in several tables, which mostly refer to EU regulations.

Certification requirement: Animals and animal products originating from non-EU member States can only be imported from companies approved by the European Union. Companies must also meet the requirements of Swiss law regarding animal diseases.²⁷

²⁵<https://www.droit-afrique.com/uploads/Mali-Arrete-2015-1535-produits-prohibes-importation-exportation.pdf>

²⁶https://www.admin.ch/ch/f/rs/c916_171.html

²⁷<https://www.admin.ch/opc/fr/classified-compilation/20070339/200810010000/916.443.12.pdf>

Inspection requirement: There is an ordinance²⁸ for the import transit and control of animal products. Regulations applied for molluscs are mentioned in several tables, which mostly refer to EU regulations. Animals and products of animal origin from third countries must undergo border veterinary inspections either on entry into the EU or on arrival at the airports of Zurich or Geneva. After this, they may circulate in common veterinary area without any further border veterinary controls.

Labelling: Molluscs must bear a tag and an indelible identification mark. The label must mention, in addition to the identification mark, the following indications: the animal species (common name and scientific name), the date of conditioning (composed at least of the day and the month), The date of the minimum shelf life may be replaced by the reference "These animals must be alive at the time of purchase". Labels attached to packages and packages of bivalve molluscs which are not packaged in unit packages delivered directly to the must be kept for at least 60 days by the retailer after the splitting the contents of the batch.²⁹

Technical Measures Related to the Import of Molluscs in Switzerland

Production requirement: Live bivalve molluscs must have the characteristics of freshness and viability such as absence of soil on the shell; adequate response to percussion; normal amount of intervalvular fluid.

Packaging: Single packages of live bivalve molluscs intended for the consumer must be closed until delivered to the consumer, oysters

must be packed or packed hollow valve underneath.

India - Main SPS and TBT Rules and Measures Relevant for Selected Senegalese Exports

The most exported products to India are fertilizers followed by metals. Phosphoric acid is the main export of Senegal to this country and natural calcium phosphates and natural aluminum calcium phosphates remains in the 3rd largest share of exports.

Chemicals and Fertilizers

Technical Measures Related to the Import of Chemicals and Fertilizers in India

Certification requirement: to operate as an importer and exporter in India, an IEC number (Import Export Code Number) must be obtained from the office of Director General of Foreign Trade.

Production requirement: Bureau of India Standards issues standardization rules for inorganic chemicals.³⁰

Packaging and Labelling: Every firm which pre-packs or imports any commodity for sale shall register its name and complete address with the appointed authority. All packaged commodities must bear a label with the name and address of the manufacturer or importer, the common or generic names of the commodity, the net quantity and the month and the year it is packed.

²⁸ <https://www.admin.ch/opc/fr/classified-compilation/20070342/index.html>

²⁹ <https://www.admin.ch/opc/fr/classified-compilation/20143409/index.html>

³⁰

<https://services.bis.gov.in:8071/php/BIS/TechnicalSubCommittees.php?Name=Chemicals>

Quantities must be given in metric values. Listed commodities must be packed in standard quantities by weight, measure or number.³¹

Waste and Scrap of Iron, Steel and Aluminum

The 4th and 6th most imported products are waste and scrap of iron, steel and aluminum. The Ministry of Environment, Forest and Climate Change and State Pollution Control Boards are the bodies responsible for most of the rules applicable to imports of hazardous materials.

Technical Measures Related to the Import of Waste and Scrap of Iron, Steel and Aluminum in India

Pre-shipment inspection: Imports of hazardous wastes under Basel numbers B1010 (iron, steel and aluminum scrap) must be accompanied by a Movement Document (Form 9) and a pre-shipment inspection certificate issued by an agency certified by the exporting country.³²

Inspection requirement: Import and clearance of metal scrap in un-shredded, compressed or loose form is permitted only at listed customs stations. Metal scraps in un-shredded, compressed or loose form will have to be accompanied with a pre-shipment inspection certificate. 10% of scrap imported in shredded form may be subject to examination subject to a minimum of one container.³³

Certification requirement: Every occupier of the facility who is engaged in handling, generation,

collection, storage, packaging, transportation, use, treatment, processing, recycling, recovery, pre-processing, co-processing, utilisation, offering for sale, transfer or disposal of the hazardous and other wastes shall be required to make an application in Form 1 to the State Pollution Control Board and obtain an authorization from the State Pollution Control Board.

Labelling and Packaging: Any occupier handling hazardous or other wastes and operator of the treatment, storage and disposal facility shall ensure that the hazardous and other wastes are packaged in a manner suitable for safe handling, storage and transport as per the guidelines issued by the Central Pollution Control Board from time to time. The labelling shall be done as per Form 8.³⁴

Transportation requirement: The transport of the hazardous and other waste shall be in accordance with the provisions of these rules and the rules made by the Central Government under the Motor Vehicles Act, 1988 and the guidelines issued by the Central Pollution Control Board from time to time in this regard.³⁵

3.4 Benin

Benin has a significant agricultural potential, led by exports of cotton, soya and vegetable oils. Benin's top export markets are Vietnam, Bangladesh and Malaysia, all developing economies.

³¹ https://consumeraffairs.nic.in/consumer/sites/default/files/userfiles/PCR_English.pdf

³² <http://cpcb.nic.in/displaypdf.php?id=aHdtZC8xc3RfQW1lBmRtZW50c19SdWxlcY5wZGY=>

³³ https://indiacode.nic.in/ViewFileUploaded?path=AC_CEN_2_00042_196252_1534829466423/circularindividualfile/&file=CIRCULAR+60-04.pdf

³⁴ <http://cpcb.nic.in/displaypdf.php?id=aHdtZC9lV01fUnVsZXNfMjAxNi5wZGY=>

³⁵ <http://cpcb.nic.in/displaypdf.php?id=aHdtZC9lV01fUnVsZXNfMjAxNi5wZGY=>

Table 5 – Top Export Markets of Benin

Importers	Imported value in 2017 (US Dollars)
World	73.158.900.000
Vietnam	10.041.700.000
Bangladesh	9.084.900.000
Malaysia	8.443.100.000

For all the countries analysed, cotton takes the larger share of exports from Benin. Therefore, since all are key players in the textile industry, trade barriers were not found for this product.

Vietnam – Main SPS and TBT Rules and Measures Relevant for Selected Benin Exports

Vietnam's main imports are cotton and fresh or dried cashew nuts, together accounting for almost 97% of all imports from Benin.

Besides ordinary customs duties, certificate for the importation of plant and plant products are required. Circular 33/2014 clarifies the procedures for plant quarantine upon import³⁶, which are applied for cotton, cashew nuts and soy beans, the three most imported products from Benin.

Bangladesh – Main SPS and TBT Rules and Measures Relevant for Selected Benin Exports

According to UNComtrade database ³⁷ , Bangladesh's main imports from Benin are cotton and animal raw skins and hides.

Regulations applicable to imports in Bangladesh are contained in Import Policy Order 2015-2018³⁸. It should have remained in force until 30th of June, 2018, however as a new regulation has not been issued yet, it is still valid. General rules on customs procedures applicable to all exports to Bangladesh must follow this regulation. More detailed requirements depending on the product are also listed, nevertheless, nothing was found for cotton and raw skins in relation to African countries' exports.

Cotton

SPS Measures Related to the Imports of Cotton in Bangladesh

The Plant Quarantine Act is the regulation is the main regulation to be observed on exports of cotton to Bangladesh.

Certification requirement: No importer shall, without an import permit, import any plant or plant product, beneficial organism, soil or packing materials into Bangladesh. A phytosanitary certificate issued by the competent authority of the country of origin is also required.

Inspection requirement: The person who transports or stores any plant or plant product, beneficial organism or packing material or is in charge of the conveyance or the store shall be bound to make the conveyance or store and its contents available for inspection and treatment, if required, in accordance with the order of a plant quarantine officer.

Treatment for elimination of plant disease: Quarantine conditions are applicable and should follow the Plant Quarantine Act.

³⁶ <http://extwprlegs1.fao.org/docs/pdf/vie167950.pdf>

³⁷ <https://comtrade.un.org/labs/dit-trade-vis/?reporter=204&partner=50&type=C&year=2016&flow=2&commodity>

³⁸ https://mincom.portal.gov.bd/sites/default/files/files/mincom.portal.gov.bd/page/e177ee18_f389_4f9e_a40c_57435cfac5b2/Import%20Policy.pdf

Labelling and Packaging: The Import Policy Order 2015-2018 foresees that in all cases of import, "country of origin" shall be mentioned clearly on the package and container of goods.

Malaysia- Main SPS and TBT Rules and Measures Relevant for Selected Benin Exports

Malaysia's main imports from Benin are agricultural products. Cotton is the most imported product, followed by vegetable oils. Apart from it, the 3rd most imported product are packaging articles.

For cotton, as previously informed, non-tariff barriers were not found. Just usual quarantine inspection is required, which is applied according to Malaysian Quarantine and Inspection Services Act 2011.³⁹

Vegetable Oils

SPS Measures Related to the Import of Vegetable Oils in Malaysia

The Food Regulations 1985⁴⁰ governs most of the applicable rules on imports of food.

Authorization requirement: Import products must take a sample analysis.

Labelling and packaging: There are several rules concerning the labelling form, e.g size and color of letters, date marking, and ingredients. For edible fats and oils, where the food contains edible fat or edible oil or both, a statement as to the presence in that food of such edible fat or edible oil or both, together with the common

name of the animal or vegetable, as the case may be, from which such fat or oil is derived.

Hygiene requirements: Food Hygiene Regulations 2009⁴¹ sets forth rules related to carriage of foods.

Technical Measures Related to the Import of Vegetable Oils in Malaysia

Production requirement: General standards applicable to edible fat and edible are present in the Food Regulations 1985, Part 179. For each specific type of fats and oils, there are certain amounts of ingredients applied.

Labelling and packaging: There shall be written in the label on a package containing edible fat or edible oil in its single form, in not less than 10-point lettering, the common name of the animal or vegetable from which the edible fat or edible oil is derived.

³⁹[http://www.federalgazette.agc.gov.my/outputaktap/20110818_728_BI_AKTA%20728%20\(BI\).pdf](http://www.federalgazette.agc.gov.my/outputaktap/20110818_728_BI_AKTA%20728%20(BI).pdf)

⁴⁰https://extranet.who.int/nutrition/gina/sites/default/files/MYS%201985%20Food%20Regulations_0.pdf

⁴¹<http://webcache.googleusercontent.com/search?q=cache:o0Cbi3xLYSgJ:extwprlegs1.fao.org/docs/texts/mal91581.doc+&cd=1&hl=pt-BR&ct=clnk&gl=br>

SECTION 4

Possible Solutions and Conclusions

Complex and extensive non-tariff measures required to export a product definitely impact more the less developing economies than developed ones. The lack of knowledge due to difficulties to access information and high compliance costs contribute to slowing down LDC's international trade, despite their growing agriculture and industrial development.

In order to tackle the trade hindrances, it is necessary to (i) build regulatory cooperation agreements; (ii) enhance participation in WTO Committees; and (iii) engage private sector participation.

Regulatory cooperation agreements

It is important for countries lacking necessary resources to manage and regulate standards, to build cooperation agreements with their largest trade partners and international standardization bodies. Regulators or specialized agencies from partner countries should meet regularly with government institutions of less developing countries to share experiences and information, as well as to promote training procedures on how to comply with their trade rules. Capacity development can also be undertaken through international organizations such as ISO. Such organisations should also try to involve less developed countries in the standard-setting processes.

Participation in WTO Committees

The work of TBT and SPS Committees can help developing country members to address their concerns, share experience with other members,

and get involved with the discussions on the implementation of the agreements. This exercise might support LDCs to identify trade measures that are not in conformity with WTO rules and to advance on negotiations. In this regard, the NAMA negotiations can address non-tariff measures and discuss the elimination of unnecessary NTBs.

Private sector participation

knowledge of trade barriers can be better assessed if governments have contact with the private sector. Therefore, regular meetings with key export sectors are important to have a better overview of difficulties that need to be addressed. Besides that, training provided by government institutions to the private sector can be a solution for anticipating problems and avoiding prohibitions and further costs.

In conclusion, the selected West African countries have great potential as agricultural producers. They have strong export capacity and their exports do not encompass only raw products, but also its by-products such as paste and oils, which accounts for some value added. There is a strong potential to develop trade of these by-products, however more SPS/TBT measures are applied on them by the importing countries, for instance, production requirements, extensive rules on labelling and packaging, and hygienic requirements.

Furthermore, although at a rather early stage, some exports of manufactured products by these four countries have been increasing, especially to other developing countries. Applicable standards, however, are not easily identifiable, which may possibly be acting as entry barriers.

In relation to their trading partners, a combination of developed and developing economies was found. India is present in almost all of them as an important importer of agricultural products. Interestingly, Benin's most important trade partners are all Asian developing countries.

More thorough and extensive SPS and TBT requirements are in developed countries, like European Union, Switzerland and United States. In special, United States rules are not always easily identifiable unlike for the European countries, which provide a special trade portal for finding diverse trade measures, including sanitary, phyto-sanitary and technical measures.

For developing countries like India and China, applicable technical and sanitary and phyto-sanitary rules are also extensive and sometimes difficult to find.

In order to overcome these trade hurdles related to lack of information, countries should develop special websites to facilitate the identification of applicable rules. Initiative for this should come from the developed countries because they do have the necessary resources to provide that. Furthermore, as they have a wide range of non-tariff measures, they should consider cooperation agreements in order to support LDCs and smaller developing countries.

WTO committees can also play an important role for sharing of information as well as to discuss implementation procedures and their conformity with WTO rules. It is important that LDCs and smaller developing countries gather information from their private sector and discuss the disciplining and/or elimination of unnecessary measures in the relevant international fora.

