

WORLD TRADE ORGANIZATION

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Negotiating Group on Market Access

NON -TARIFF BARRIER NOTIFICATIONS

Revision

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I. UNITED STATES

The United States considers that addressing non-tariff barriers (NTBs) is an integral and equally important part of the Doha mandate on non-agricultural market access, and welcomes the emphasis the General Council has placed on NTBs in Annex B, Paragraph 14 of the Doha Work Programme, which it adopted on August 1, 2004. The United States recognizes that the NTB discussions are without prejudice to a Member's ability to pursue legitimate regulatory objectives in a WTO-consistent manner.

The United States is pleased to contribute the attached indicative list of NTBs in response to the Paragraph 14 request for NTB notifications. The list reflects concerns expressed by a wide range of industries. While we do not identify the Member or Members maintaining the barrier in this indicative list, we note that the attached list reflects NTBs maintained by both developed and developing Members.

The attached indicative list includes thirteen representative examples of NTBs, in a variety of sectors, drawn from extensive consultations with our industry. In the column labeled "Treatment of the barrier," we offer our ideas for how specific NTBs might be approached in negotiations, including through "vertical" NTB discussions, which would focus attention on a wide range of issues of concern to a single industry. To address these concerns, concrete liberalization steps could be pursued in the relevant Doha negotiating forum and could involve a variety of modalities, as appropriate. As part of the vertical approach, we believe that Members should explore "positive" initiatives, pursuant to which interested Members would agree to implement new or clarified rules or procedures affecting trade in a particular group of products.

In recognition that the Negotiating Group on Non-Agricultural Market Access may not always be the most appropriate forum for addressing a specific non-tariff barrier, the attached indicative list does not include any NTB complaints which relate directly to concerns regarding the WTO-consistency of existing measures maintained by WTO Members. We also did not include customs-related NTBs, as we expect that these barriers will be addressed in trade facilitation negotiations.

The United States wishes to stress that the attached list is indicative and by no means represents a complete list of the NTBs affecting our exporters. We reserve the right to raise additional issues in the negotiations, as necessary. We are submitting this list in order to highlight the types of barriers identified by U.S. industry, which we believe affect not just U.S. businesses, but other producers in both developed and developing Members.

Maintaining participant 1	Products affected by the barrier 2	Nature of the barrier 3	Trade effects of the barrier 4	Inventory category 5	Relevant WTO Provisions 6	Treatment of the barrier 7
	Motor vehicles	Many Members maintain strict limits and/or excessively burdensome regulations on the ability of the private sector to offer financing for the purchase of motor vehicles.	Inhibits the sale of motor vehicles	I-D	GATS	Explore through services negotiations, vertical automotive initiative and/or bilateral request/offer
	Motor vehicles	Members maintain foreign equity restrictions that restrict or manipulate investments in automotive production.	Inhibits or prohibits foreign investment	IV-L	Not currently covered	Explore through vertical automotive initiative and/or goods bilateral request/offer
	Motor vehicles	Several Members base vehicle taxes on engine displacement, which disproportionately burdens manufacturers that produce vehicles with larger engine sizes.	Inhibits the sale of vehicles with larger engine sizes; provides a competitive advantage to producers of vehicles with smaller engine sizes	III-B	GATT	Explore through vertical automotive initiative and/or goods bilateral request/offer
	Pharmaceuticals, motor vehicles	Distribution channels are not open to imported products.	Impedes or prevents market access	I-D, IV-L	GATS	Explore through services negotiations, vertical automotive initiative and/or bilateral request/offer
	Textiles made up for assembly, yarns, fabric, apparel	Excessive technical certification (quality control) requirements and difficult, costly marking and labeling requirements	Impedes or prevents market access	III-C, IV-K	GATT, TBT	Explore vertically, through support for a positive initiative that would have as its goal greater international uniformity in textile marking and labeling requirements.

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	Forest products	Building codes and product standards are often drafted in such a manner that they unreasonably restrict the expansion of wood products into regulated construction markets. For example, use of prescriptive rather than performance-based criteria and standards unnecessarily limits the use of wood products in construction by arbitrarily calling for specific products or materials.	Impedes or prevents market access	III-A, III-B	GATT, TBT	Explore through an overall forest products vertical, including through positive initiatives that support efforts aiming at greater uniformity of product technical regulations and standards that underlie building codes.
	Forest products, medical equipment, information technology (IT) products and others	Test results for products with similar performance are not recognized without expensive and duplicative testing.	Impedes or prevents market access	III-C	TBT	Explore through verticals for each particular sector, including through positive initiatives
	Medical equipment, heavy equipment, textiles, motor vehicle parts and others	Prohibitions on the importation and sale of used or remanufactured products.	Prevents market access in these markets	IV-B	GATT, TBT	Explore through verticals for each particular sector, including through positive initiatives
	Medical and scientific equipment and instrumentation, forest products, cosmetics, information technology products, household goods, electrical machinery, heating, ventilation and air conditioning, and others	Overly prescriptive standards focused on design rather than performance characteristics	Products which objectively meet safety and quality performance are kept out of the market	III-B	GATT, TBT	Explore through verticals for each particular sector, including through positive initiatives

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	Motor vehicles, motor vehicle parts, textiles and apparel, environmental goods, forest products, motorcycles, information technology (IT) products, alcoholic beverages and others	Many Members maintain unique testing and certification procedures and diverse standards and regulations (including labeling).	Imposes unnecessary and burdensome costs on importers and delays entry of products into market	III-C	TBT	Explore through verticals for each particular sector; explore through positive initiatives including through support for existing international standards discussions such as United Nations Working Party 29
	Motorcycles	Multiple Members prohibit the use of motorcycles with certain engine displacements and/or the use of motorcycles on tollways.	Limits export potential of motorcycles to these markets	III-B	TBT	Explore through bilateral request/offer negotiations
	Chemicals, electronics and others	Lack of transparency of administrative measures including regulatory and product registration procedures	Trade disruption, uncertainty, additional costs for manufacturers and consumers	III-B	GATT, TBT, SPS	Explore, on a horizontal basis, cooperative efforts to increase openness and transparency of regulatory and product registration procedures, including justification and rationale for proposed regulations.
	Medical equipment and other healthcare products	A variety of measures inhibit the ability of foreign companies to provide products in certain Members' markets.	Products which objectively meet safety, quality, and performance parameters are kept out of the market	III-A, B and C; IV-A, F and H	GATT, TBT	Explore vertically, including through positive initiatives, and/or goods bilateral request/offer