

UNLEASHING TRADE POTENTIAL IN THE SOUTH AND EAST MEDITERRANEAN COUNTRIES: HOW DO NON-TARIFF MEASURES MATTER?

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This paper is a result of a participatory process in which EMNES researchers worked together in groups at two policy workshops held in Brussels in July 2018 and in Piran in October 2018 to combine the findings of research which has been formulated into policy options and recommendations. The group included, Cinzia Alcidi (CEPS), Emanuele Sessa (EMEA), Nooh Alshayab (Yarmouk University) and Rihab Belakhal (Manouba University). This paper has been reviewed by Rym Ayadi (EMNES).

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ABSTRACT

The objective of this policy paper is twofold. First, it analyses how non-tariff measures (NTMs) became more protectionist than tariffs. Second, it provides some policy options to address NTMs in Southern and Eastern Mediterranean Countries (SEMCs) in order to unleash their trade potential. Recent data shows that most of the NTMs deal with conformity assessment as well as rules of origin.

Addressing NTMs depends on several requirements namely: more detailed firm-level surveys on NTMs, more accredited laboratories (especially by the EU) in sectors having a comparative advantage and providing technical assistance from both the government and international donors to differentiate.

INTRODUCTION

During the past decades, there has been an increasing tendency towards the reduction of tariffs under the GATT/WTO's multilateral trading system. However, international trade has always been deemed as subject to an increasing number of policy measures. These policy measures are generally referred to as non-tariff measures (NTMs). NTMs tend to mitigate the effects of easier market access and are considered to be the most serious obstacles to the movement of goods and services. They remain high and increase over time, both in terms of the number of products covered and the number of countries utilising them. Hence, they are a central issue for academics and policy makers. Indeed, "NTMs are often defined by what they are not (i.e. as all measures except tariffs" (Carrère and De Melo, 2011, p.170). They can be broadly defined as any measure that causes a trade distortion but is not a tariff. Yet, the exact definition of a non-tariff measure (NTM) has been subject to much debate. Today, the most widely used international classification is the MAST classification of NTMs, version 2012, which has 16 chapters with distinct types of measuring categories (see Box 1 in the Appendix)¹.

Empirical evidence shows that Southern and Eastern Mediterranean Countries (SEMCs) are no longer regarded as an outlier, in terms of NTM coverage. NTMs cover, on average, about 40 percent of the products imported by the region (from itself and the rest of the world) and 50 percent of the value of its imports. Yet, these figures are significantly lower than those of the European Union (EU) (84 percent and 89 percent respectively) (Augier et al., 2012). Based on World Bank Data (2010), 120,000 tariff lines with NTMs have been identified in five SEMC countries; namely Egypt, Lebanon, Morocco, Tunisia, and Syria (Ghoneim and Peridy, 2013).

The objective of this policy paper is twofold: First, it analyses how these NTMs became more protectionist than tariffs; Second, it provides some policy options to address NTMs in SEMCs. The

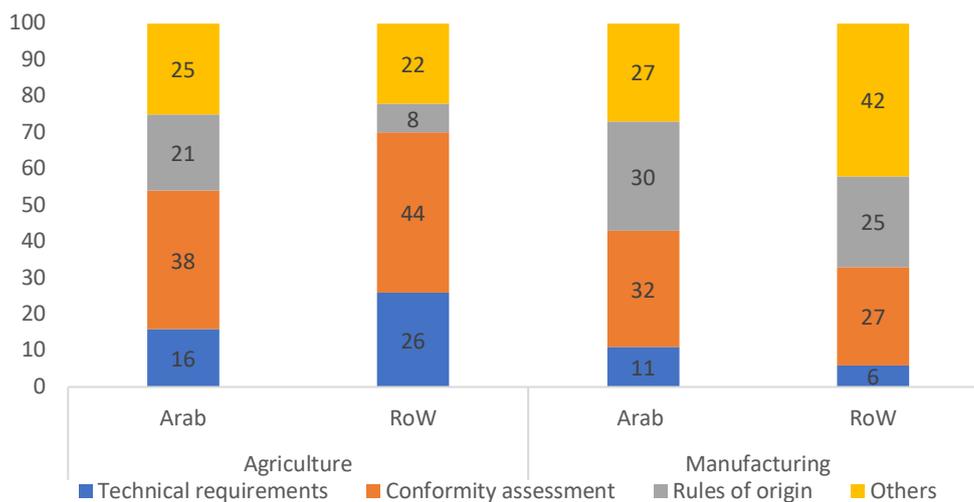
¹ Chapters A to O refer to import-related NTMs, whereas chapter P covers measures that countries impose on their own exports. Another essential distinction is made between technical measures (chapters A, B and C) and non-technical measures (chapters D to O) that countries apply to imported groups. Technical NTMs stem from non-trade policy objectives and often serve a legitimate purpose, such as sanitary or environmental protection measures. Non-technical NTMs are employed as instruments of commercial policy, such as quotas, subsidies, and export restriction. This classification of NTMs follows a taxonomy of all measures that are considered relevant in today's international trade. This classification further develops a tree/branch structure, where each chapter is differentiated into several subgroups, to allow a finer classification of the regulations affecting trade.

remainder of the paper is organised as follows: Section 2 presents an overview of NTMs in SEMCs. Section 3 presents the effects of NTMs on trade; and section 4 is dedicated to the conclusion and policy recommendations.

OVERVIEW OF NTMS IN THE MENA REGION

In terms of NTM type, several studies show that the incidence of non-technical measures (quantitative restrictions, prohibitions, and anti-dumping measures) has decreased in Egypt and Tunisia (Ghali et al., 2013). Over two-thirds of NTMs in Tunisia and Egypt are technical in nature. This would mark a shift from protectionist measures to regulatory ones. However, in Morocco, over two thirds, and nearly all NTMs in Lebanon are non-technical (Chemingui et al., 2019). Yet, by observing these non-tariff measures, Figure 1 distinguishes between NTMs faced by partner countries in both the Arab region and the rest of the World. It shows that standards and conformity assessment procedures represent a serious obstacle amongst Arab countries (especially sanitary and phytosanitary measures, and technical barriers). Furthermore, the lack of infrastructure for facilitating trade still hinders trade. Some studies argued that within the Arab States, the tax equivalent of non-tariff obstacles to trade (including customs procedures) represents 30%–40% of the value of traded goods.

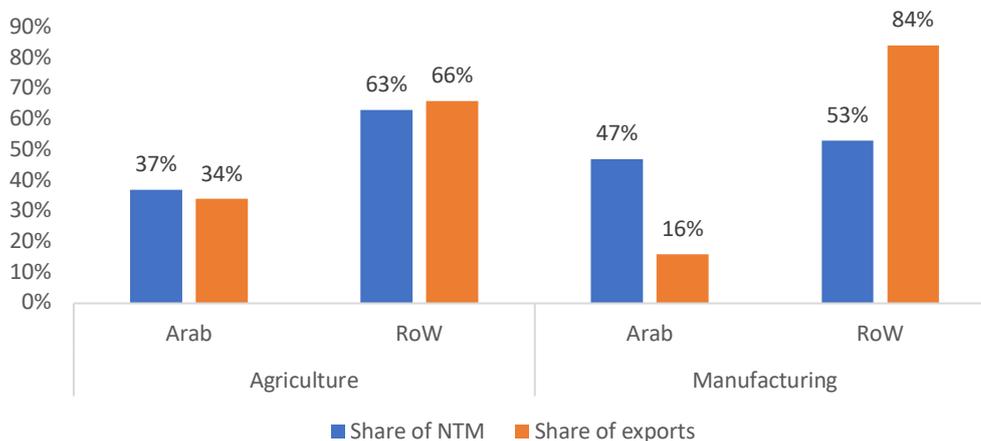
Figure 1. Burdensome NTMs applied by partner countries (2015)



Source: Constructed by the authors using the NTM Firm level survey (ITC).

At the destinations level, despite an increase in exports between the two shores of the Mediterranean, trade remains low and in traditional sectors. This can be chiefly explained by three main reasons. First, as highlighted in the literature, the European Association agreements are shallow and do not address non-tariff measures, services, or investment. Indeed, regarding the prevalence of NTMs in MENAs' trading partners, empirical studies have showed that the EU (one of the largest trading partners for Egypt) has a high index of NTMs which affects the ability of Egyptian exports to enter the European market. These are Sanitary and Phytosanitary (SPS) as well as Technical Barriers to Trade (TBT) measures. El-Enbaby et al. (2016) have argued that SPS measures imposed on Egypt increased exponentially, from 18 in 2006 to 888 in 2012. Ramzy and Zaki (2018) have also argued that MENA agricultural exports are subject to NTMs imposed by the EU. Second, and most importantly, non-tariff measures imposed by governments are still a serious impediment to intra-regional trade. Hence, the latter still exist, and competition remains distorted. Figure 2 shows that 37% of the burdensome NTMs reported by exporters of agricultural products in the surveyed Arab States are applied by regional trading partners, whilst only 34% of their exports go to the Arab region. For manufacturing, 47% of NTM cases concern Arab States' regulations, as compared with only 16% of exports.

Figure 2: Non-Tariff Obstacles reported by Arab and non-Arab exporters (2015)



Source: International Trade Centre (2015).

At the country level, Egypt, Morocco and Lebanon are the most affected by NTMs (Augier et al., 2012). In Egypt, around two-thirds of its imports by value are subject to one or more NTMs, whereas Morocco and Lebanon feature virtually complete NTM coverage of imports by product code. By contrast, Tunisia has the lowest relative rate of coverage of imports (in value terms) by NTMs. Regarding the complexity and burden of NTMs, most studies agreed that Tunisia has the highest number of NTMs per product line (5 and more), illustrating a very complicated trade clearance process. By contrast, Egypt, Lebanon, Morocco and Syria have fewer NTMs per product line, implying a simpler NTM structure (Chemingui et al., 2019). However, Zaki and AbouShady (2017) have argued that administrative barriers are impediments to trade in Egypt.

At the product level, MENA countries concentrate their NTMs primarily on agriculture and processed food products (in Egypt and Tunisia); on textiles and ready-made garments (in Egypt and Tunisia); on rubber, wood, and plastic (in Morocco); and on chemicals, machinery and electrical equipment (in Egypt, Lebanon and Morocco) (Ghoneim and Peridy, 2013; and Chemingui et al., 2019).

Also, in order to assess the restriction level of NTMs, their ad-valorem equivalents (AVEs) have been calculated for several MENA countries. Kee et al. (2009) have showed that Algeria, Egypt and Morocco have the highest average AVEs of core NTBs; followed by Jordan, Tunisia and Lebanon. Augier et al. (2012) have reported the highest distortionary effects of NTMs in Morocco (mainly SPS measures) and Tunisia (mainly technical regulations). Ghoneim and Peridy (2013) have found that the AVEs are equal to 34 percent in Tunisia, 37 percent in Morocco, 39 percent in Egypt, and 47 percent in Lebanon. Gubler et al. (2016) have found that the sum of import-weighted AVEs for SPS measures and TBTs have the highest import restrictions for Tunisia and Egypt (along with Ecuador, Luxembourg, Mauritius, Romania, and Latvia). Chemingui et al. (2019) have found that Tunisia seems to have the most trade-distorting NTMs (45 percent) on imports of vegetables, metals and plastics/rubbers; followed by Morocco (40 percent) on wood; Lebanon (33 percent) on textiles and clothing; and finally, Egypt with the least distorting effect (22 percent) on chemicals.

This analysis sheds light on the importance of addressing non-tariff measures, harmonisation of norms and mutual recognition of standards in boosting trade among Arab countries.

ANALYSING THE EFFECTS OF NTMS

NTMs are mostly perceived as having protectionist intent. This suggests that countries may use NTMs as alternative methods to tariffs in pursuing their trade policy objectives. Yet, with the evolvement of the international environment, they are currently serving the precautionary motives of sustainable development goals (SDGs). Technical NTMs are designed to protect the environment and human, animal and plant life. If implemented and applied in a non-discriminatory way to domestic and foreign firms, they directly regulate issues related to SDGs: food, nutrition and health, sustainable energy, sustainable production and consumption, climate change and the environment. Hence, these regulations can promote trade by addressing information market failures (Kamal and Zaki, 2018). However, whilst serving the SDGs, NTMs also restrict trade, causing reduced income in exporting countries and higher consumer prices in importing countries (UNCTAD, 2015). And although exporting and importing countries may share the same objectives, they often apply different standards or methods to ensure compliance with regulatory measures. These differences may represent additional costs and various challenges for firms seeking to access more than one market. Thus, it is of great importance to empirically examine whether NTMs are more conducive² or more inhibiting to international trade.

With regard to MENA countries, the empirical literature is relatively scarce either in terms of NTM measurements, the assessment of their prevalence in the region, or the examination of their economic effects. But in the past decade, the evolving role of NTMs has increased attention amongst economists to assess their prevalence in the region and to examine their effects on trade flows.

Empirical studies examining the trade effects of NTMs in MENA countries have relied on the traditional gravity regression framework. The review of these empirical studies shows that academics have tried to enlarge the scope of their studies. These studies have focused either on trade effects of NTMs applied by MENA countries on their imports, or on trade effects of NTMs applied by MENA trade partners on their exports.

² Some regulations may encourage international trade because they reduce information costs through labelling, or guarantee quality through certification, or reflect a pledge concerning socially important matters, such as environmental standards and fair-trade schemes. For example, they may rectify market failure (consumer health and safety) through labelling (El-Enbavy et al., 2014; Grubler et al., 2016; and UNCTAD, 2018)

Regarding the first category of studies, Kee et al. (2009) have reported significantly negative effects of core NTMs on imports of Egypt, Jordan, Lebanon, Morocco, and Tunisia, with greater effects in Egypt and Morocco. Ghali et al. (2013) have found that NTMs have a significant negative effect on both the intensive and extensive margins of imports in Egypt, whilst they have an insignificant effect (except for TBTs) in Tunisia. NTMs in Egypt act on the intensive rather than on the extensive margin, i.e. they are more used as a trade restriction measure. Ghoneim and Peridy (2013) have found that NTMs have significant negative effects on imports for Egypt, Morocco, Tunisia and Lebanon. The greatest magnitude of these parameters is recorded for Egypt and Lebanon; and for quantitative, SPS, pre-shipment inspection measures and export-related measures. TBT measures are trade-restricting in only Egypt, Lebanon and Syria. Imports of machinery, electrical, stone, glass, metal, and chemical products are negatively affected by NTMs in all countries. Yet, some other import products are negatively affected by NTMs, but in a limited number of countries: agricultural products in Morocco and Tunisia; leather and wood in Egypt and Tunisia; and textiles and clothing in Morocco and Syria.

Regarding the second category of studies, El-Enbaby et al. (2014) have showed that SPS measures imposed on Egyptian exporters have a negative impact on their extensive margin, i.e. the probability of exporting a new product to a new destination. Yet, the intensive margin of exports is not significantly affected by such measures. Kamal and Zaki (2018) have relatively enlarged the scope of their results. They have reported that TBT measures have a significant negative effect on Egyptian firms' extensive margin and entry probability and a positively significant one on their exit probability. In line with El-Enbaby et al. (2014), the effect of TBT measures on their intensive margin is insignificant. These adverse effects of TBT are weaker for larger-sized firms, owing to their greater ability to cope with technical regulations. Also, they have found that firms generally tend to increase their product (sectoral dependent) and market diversification in response to TBTs. Finally, Ramzy and Zaki (2018) have found that more stringent regulations do not hinder, but enhance the probability of agricultural trade between EU and MENA countries. The results also highlight the role of innovative efforts (in mitigating the negative effects of environmental regulations by encouraging firms to employ environmental technologies, which increase their productivity as well as reduce pollution levels).

The above analysis shows that NTMs are quite significant in MENA countries. These countries are relatively heavy users of NTMs on their imports on one hand and they face high NTMs in their export destinations. The recent trends of NTMs in the MENA region confirm their stylised facts at the global level. Also, empirical evidence shows that NTMs are significantly trade-reducing in all MENA

countries. However, it should be noted that NTMs do not have solely negative effects on MENA countries. If employed in a transparent way, they could enhance trade, foster economic development, and spill over into sustainable development. This is why addressing these issues will help the Southern shore of the Mediterranean deepen their integration with the Northern shore and boost the positive effects of exports on employment and growth.

POLICY OPTIONS AND RECOMMENDATIONS

This paper has shown how NTMs are costly and how they are used by both the Arab countries and the EU, which negatively affects their bilateral trade. If a deeper integration is to be considered by the two shores of the Mediterranean, several challenges must be addressed in order to achieve higher employment, more inclusive growth and a newly-tailored EU-Med cooperation. Several policy tools must be actioned to achieve this.

First, harmonizing the rules of origin and standards and norms are vital to reduce the numbers of TBT and SPS imposed by different economies. Yet, in order to tackle this, more business surveys are needed (like the Moroccan one) to assess the costs of certification. The same observation is applicable for agricultural products that need a harmonisation of environmental standards. One of the effective frameworks to facilitate the elimination of non-tariff measures is the Agreement for Conformity Assessment and Acceptance (ACAA). The latter is a comprehensive attempt at harmonisation, undertaken with technical assistance from the EU in a number of sectors, where products coming from the Southern shore of the Mediterranean and that are covered by the agreement, will enjoy full access to the EU market. In 2013, Israel already signed such an agreement for products for human and veterinary use (medicinal products, active pharmaceutical ingredients and excipients) and procedures related to good manufacturing practice (GMP). In this framework, Israel has implemented the relevant EU legislation and aligned practices, standards and procedures to those of the EU. Egypt and Jordan are currently negotiating the same agreement with the EU.

Second, increasing the number of accredited and recognised laboratories or certification bodies is important to facilitate the access of products in foreign markets. Indeed, in Egypt for instance, for some electrical products, there is no accredited laboratory which forces exporters to obtain a costly accreditation from a European laboratory. This clearly hinders Egyptian exports.

Third, providing technical assistance from both the government and international donors to different firms is vital to improve the quality of exported products and produce goods that are up to international standards. For instance, in the case of Egypt, it is worth noting that the Chamber of Food Industries is negotiating with the International Labour Organisation several projects related to improving the quality of processed food. Moreover, the dairy products section is currently updating standards and norms for dairy products issued in 2005, in line with the Codex Alimentarius international standards, to increase exports of dairy products³.

Fourth, one of the channels that can help improve the adoption of harmonised standards and norms is the insertion of small and medium firms in regional value chains (between countries from the North and South of the Mediterranean). This will require a more skilled labour force, endowed with higher qualifications (especially for blue collar workers that are abundant in the MENA countries and that are used intensively in the production of several manufactured goods) (Aboushady and Zaki, 2017).

Fifth, it is important to improve the availability of comprehensive information on duty rates, rules of origin, preferences, applicable fees and other NTMs, as well as charges on the customs website to reduce the time required for customs clearance and to improve the impartiality and transparency of customs procedures.

Sixth, to have deep integration between the two shores of the Mediterranean, the EU must also boost South-South integration (such as GAFTA and the Agadir agreement). Indeed, as has been shown in the literature, South-South free trade agreements are shallower than North-South ones. Moreover, they cover services and non-tariff measures in a less comprehensive way (Wignaraja and Lazaro, 2010) leading to sub-optimal trade performance. This explains why, in order to promote a deep integration between the two shores, more integration is required amongst countries in the South.

As a consequence, this deep integration will obviously lead to more exports and, hence higher growth, especially for developing economies that have more room for growth, thanks to trade (more than developed or mature economies). In fact, improved quality with less NTM measures will not only encourage NTM imposing countries to remove their measures, but would also allow exporting

³ Codex Alimentarius, or “the food code”, has become the global reference for consumers, food producers and processors, national food control agencies and the international food trade. The main purposes of this programme is to protect consumer health, ensuring fair trade practices in food trade, and promoting coordination of all food standards designed by international governmental and non-governmental organisations.

firms to sell their products to new destinations that have high quality standards (destination extensive margin). In addition, firms will be able to export new product lines to existing destinations (product extensive margin), as well as to new markets (product-destination extensive margin).

Four main factors need to be present in order to achieve this. First, a clear political will is required from national governments and the EU to deepen their agreements. This is particularly important because, although both the required funds and technical assistance might be present, without political support, nothing can be implemented. Second, funds must be made available for these measures (laboratories, compliance, etc.). Third, the legal framework also has to be adapted to these new changes. Fourth, an effective communication strategy must be put in place, contributing to an effective stream of information for the private sector through a constantly updated website. Yet, such reforms are not threat-free. Indeed, governments might choose not to adopt such long-term measures because of “time inconsistency” since all these measures are associated to long-term gains with costly short-term reforms. Moreover, the negotiations can also suffer from two main problems: first they might become Eurocentric; second they are not tailored to the needs of each country (which requires more negotiations, to avoid a “take it or leave it” scenario). Third, complying with a destination might lead to controversial standards with the main trade partner and, hence, trade diversion.

In conclusion, these recommendations will help avoid “business as usual” where the regional integration of the two shores of the Mediterranean remains limited and shallow (restricted to the concept of trade liberalisation specialising in traditional goods). Alternatively, if a more profound approach is adopted, a mutually beneficial integration will lead to a more favourable future. The latter means a region deeply integrated in both goods and services within a regional/global value chain that is supported by an appropriate infrastructure (physical, digital) and an adequately skilled labour force.

This scenario will have three main characteristics:

- **innovative:** relying on e-commerce, blockchains and supply chain connectivity.
- **sustainable:** sustainable cooperation and efficiency gains in the supply chain.
- **inclusive:** improved skills for blue collar workers.

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