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**A Compilation of Reported Non-Tariff Measures:
Description of the Information**

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A Compilation of Reported Non-Tariff Measures: Description of the Information

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The compilation of NTMs for goods and services described in this paper cover 53 countries, and it was constructed so as to focus upon members of the Asia Pacific Economic Cooperation forum (APEC) and the proposed Free Trade Area of the Americas (FTAA).³ The compilation is organized by country, category, generic barrier, specific barrier, sector, product, source, and year. It provides information on goods and services and gives the reference source for each entry. The information contained is expected to be of potential use to researchers and policymakers.

Overview

The Office of Economics of the U.S. International Trade Commission is conducting research with the objective to improve the quantification of the effects of non-tariff measures (NTMs) on trade flows and other economic variables.⁴ A central feature of this effort was the generation of a compilation of measures for both goods and services that have been alleged as affecting trade. The purpose for constructing this compilation is to identify policies that have been reported as have

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² We acknowledge the help of John Giamalva and Saba Zeleke for their assistance in compiling some of the information. In addition, we thank Robert Koopman and Michael Ferrantino for helpful comments on this paper. Any remaining errors are those of the authors' alone.

³ The compilation discussed is contained in the Excel spreadsheet which is attached within this pdf, i.e., 2005-06-15 Donnelly & Manifold Working Paper Compilation of NTMs.xls. The paper pdf can be accessed at: http://hotdocs.usitc.gov/docs/pubs/research_working_papers/EC200505A.pdf. If the Excel attachment is not visible you may want to downloadt Adobe PDF Reader 7.0 from: <http://www.adobe.com/products/acrobat/readstep2.html>

⁴ Inclusion of a citation or item in the compilation does not constitute an opinion regarding the WTO-consistency or lack thereof, discriminatory impact or lack thereof, or economic effect of that item. The intended purpose of the compilation is for general research into the economic effects of NTMs in support of the USITC's customers.

possibly influencing industrial and agricultural market access so as to be able to utilize the information in economic modeling of barriers to trade. To this end, this compilation includes information obtained from three primary sources: 1) the Office of the United States Trade Representative's (USTR) National Trade Estimate Report on Foreign Trade Barriers (NTE); 2) the European Union's (EU) Market Access Database, and; 3) the World Trade Organization's (WTO) Trade Policy Reviews.⁵ The information relates to measures that have been reported for 53 countries (Table 1). Information is also provided on goods and services and on the sectors alleged to be affected by such measures. This compilation includes information on 19 of the 21 economies in the Asia Pacific Economic Cooperation forum (APEC) and 14 of the 34 countries in the proposed Free Trade Area of the Americas (FTAA).⁶ The various elements of the compilation are discussed in this paper, followed by an overview of the information contained in the compilation.

⁵For the USTR database go to: http://www.ustr.gov/Document_Library/Reports_Publications/2002/2002_NTE_Report/Section_Index.html; for the EU database go to: <http://mkaccdb.eu.int/mkaccdb2/indexPubli.htm>, and; for the WTO database go to: http://www.wto.org/english/tratop_e/tpr_e/tpr_e.htm⁶ The two economies in APEC for which no information was reported by any of the three primary sources are: Brunei/Darussalam and Peru. The twenty countries in the FTAA for which no information was reported in these sources are: Antigua and Barbuda, Bahamas, Barbados, Belize, Bolivia, Dominica, Dominican Republic, El Salvador, Grenada, Guyana, Haiti, Honduras, Jamaica, Nicaragua, Peru, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

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Table 1 - Countries included in this compilation of reported NTMs

Argentina #	Hungary	Paraguay #
Australia *	Iceland	Philippines *
Azerbaijan	India	Poland
Bangladesh	Indonesia *	Romania
Brazil #	Israel	Russian Federation *
Cameroon	Japan *	Singapore *
Canada * #	Kenya	South Africa
Chile * #	Korea (Republic of) *	Switzerland
China *	Libya	Taiwan *
Colombia #	Malaysia *	Thailand *
Costa Rica #	Mexico * #	Tunisia
Czech Republic	Morocco	Turkey
Ecuador #	New Zealand *	United States * #
Egypt	Nigeria	Uruguay #
European Union	Norway	Venezuela #
Gabon	Pakistan	Vietnam *
Guatemala #	Panama #	Zimbabwe
Hong Kong *	Papua New Guinea *	

* denotes APEC country

denotes FTAA country

Source: Compiled by USITC staff.

Background

As a consequence of several rounds of multilateral trade negotiations, most tariffs on imports have been reduced to relatively low levels in the major industrialized countries. The major remaining barriers to be addressed are non-tariff barriers which restrict international trade for a wide variety of products. Recent FTA negotiations have covered some major types of NTMs. There are a number of reference sources that provide information on non-tariff measures which may affect trade, however, there are strengths and limitations associated with these reference sources. All of the sources generally include some of the same categories as those which appear in this compilation; however, the descriptions of specific measures vary considerably, as does their coverage. For example, the

EU's Market Access Database contains information on reported measures for most economies prior to 2001, but includes only a few categories and provides only general information for each category. The WTO reviews economies with varying frequencies and does not assess all of them annually. Therefore, the WTO Trade Policy Reviews do not provide information for every economy under consideration in this compilation. This compilation includes only information from the Trade Policy Reviews conducted from 1998 to 2002. The Trade Policy Reviews are most detailed for such categories as import prohibitions, quotas, licensing, and standards. For many economies, the USTR's NTE report provides more in-depth information on measures, than does either the EU Market Access Database or the WTO Trade Policy Review.

This compilation provides information on fifteen categories of measures compared to fewer categories for the other references. The information contained in the NTE reports and the EU database survey of foreign trade measures as reported by government officials and company representatives in the United States and the EU. The WTO Trade Policy Reviews provide information on an economy's trade regime as reported by the WTO Secretariat.

In addition to specific economy and product/sector information, the compilation contains information on both generic and specific reported measures. There is no standard classification scheme for measures. However, several different classifications have been developed such as those of Robert Baldwin (1970, 1984),⁷ UNCTAD (TRAINS, 2000), Deardorff and Stern (1985),⁸ and OECD (2002).⁹ The main problem with classifying reported measures is that they cover a very broad range of policies and practices, especially if all measures—other

⁷ Baldwin, Robert E. (1984), "Trade Policies in Developed Countries," Chapter 12 in *Handbook of International Economics Volume 1: International Trade*, Jones, Ronald W., and Peter B. Kenen, eds., Elsevier Science Publishers, Amsterdam. Baldwin, Robert E. (1970), *Nontariff Distortions of International Trade*, The Brookings Institution, Washington, DC.

⁸ Deardorff, Alan V., and Robert M. Stern (1997), "Measurement of Non-Tariff Barriers," University of Michigan, OECD/GD(97)129.

⁹ Fliess, Barbara (2002), Trade Directorate, OECD, Paris, "Work at OECD on NTMs," WTO Seminar on Market Access, Geneva, May 30.

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than tariffs—that affect trade are included. And, although not all categories of measures are applicable to all economies and sectors/products there are similarities in measures across categories, economies, and sectors/products.

The measures in the compilation include both formal governmental regulations (customs regulations), and policies (investment-related measures), and informal barriers and practices (nontransparency, arbitrary enforcement, corruption). These formal and informal measures affect a large number of sectors and different tariff lines. For example, there may be formal governmental measures that affect only a few sectors or tariff lines or there may be informal practices such as inadequate enforcement of anticompetitive practices or corruption which might affect imports in many sectors. Table 2 lists the 15 categories of measures in the compilation. These categories are to be found in other classification systems.¹⁰

Table 2 - NTM categories used in this compilation

anticompetitive practices / competition policy	intellectual property rights
corruption	investment-related measures
customs procedures	sanitary and phytosanitary measures
export-related measures	services
government procurement	standards, testing, certification and labeling
import licensing	state-trading
import prohibitions	taxes
import quotas	

Source: Compiled by USITC staff

⁹ For example, the OECD has found in a review of business surveys of non-tariff barriers that customs procedures, internal taxes and charges, and intellectual property rights were included in some or all of the surveys. The UNCTAD NTM database contains information on import quotas, prohibitions, licensing and technical regulations such as labeling and testing requirements. These categories are also found in the USTR compilation.

Explanation of Terminology and Information in the Compilation

Generic and Specific Non-Tariff Measures

There are over 3,550 individual entries in the compilation, including many related to agricultural products and to types of services. Each entry may include information regarding: (1) the country; (2) the NTM category for the reported measure; (3) the type of generic barrier; (4) the type of specific barrier; (5) the sector effected; (6) the specific product; and, (7 through 9) the year of reporting for the reference source, i.e., EU, USTR, WTO, respectively. Three examples of entries in the compilation and information from the primary source documents are given in Table 3.

Table 3 – A sample of entries for Australia derived from each of the three primary sources with the wording in the source document

col 1	col 2	col 3	Col 4	col 5	col 6	col 7	col 8	col 9
country	NTM category	generic measure	specific measure	Sector	product	EU year	USTR year	WTO year
Australia	investment-related measures	approval	FDI	real estate	land, residential, developed	2002		1
Australia	investment-related measures	approval	FDI	media		2002		1
Australia	sanitary and phytosanitary measures	restrictions		food and food products (fruit)	apples		2002	2
Australia	sanitary and phytosanitary measures	restrictions		food and food products (fruit)	citrus, Florida		2002	2
Australia	sanitary and phytosanitary measures	restrictions		food and food products (fruit)	pears		2002	2
Australia	sanitary and phytosanitary measures	restrictions		food and food products (fruit)	stone fruit		2002	2
Australia	sanitary and phytosanitary measures	restrictions		food and food products (grains and nuts)	corn		2002	2
Australia	sanitary and phytosanitary measures	restrictions		food and food products (meat)	pork		2002	2
Australia	sanitary and phytosanitary measures	restrictions		food and food products (meat)	poultry, chicken, cooked		2002	2
Australia	sanitary and phytosanitary measures	restrictions		food and food products (meat)	poultry, chicken, fresh		2002	2
Australia	sanitary and phytosanitary measures	restrictions		food and food products (meat)	poultry, chicken, frozen		2002	2
Australia	state-trading	market structure	state-trading	food and food products (grains and nuts)	barley, except Victoria			2002 3
Australia	state-trading	market structure	state-trading	food and food products (grains and nuts)	rice			2002 3
Australia	state-trading	market structure	state-trading	food and food products (grains and nuts)	sugar			2002 3
Australia	state-trading	market structure	state-trading	food and food products (grains and nuts)	wheat			2002 3

¹ See the EU Market Access Database, i.e., "**INVESTMENT RELATED BARRIERS.**" "The Foreign Acquisitions and Take-overs Act 1975 provides for government's discretion to block specific foreign investment based on 'national interest.' Australia applies restrictions in more sensitive sectors such as the media and developed residential real estate."

Primary source: <http://mkaccdb.eu.int/>

² See the USTR National Trade Estimate 2002 Report, i.e., "**Sanitary and Phytosanitary Measures.**" "The Government of Australia maintains restrictions and prohibitions on some agricultural imports through quarantine and health restrictions. These include restrictions on Florida citrus, stone fruit, chicken (fresh, cooked and frozen), pork, apples, pears and corn."

Primary source: http://www.ustr.gov/assets/Document_Library/Reports_Publications/2002/2002_NTE_Report/asset_upload_file234_6380.pdf

³ See the WTO Trade Policy Reports - List of Reviews - Australia, 2002, 02-4500 Part 4 (WTTPRS104-3.doc), i.e., "**State trading.**" "Exports of almost all wheat, barley (except in Victoria), rice, and sugar remain subject to single-desk arrangements (exclusive control) through either grower-owned public companies or State Government statutory authorities."

Primary source: http://www.wto.org/english/tratop_e/tpr_e/tp_rep_e.htm#chronologically

Source: Compiled by USITC staff.

In some cases the description of the measure is listed as “horizontal” if it has been reported to affect many or all products or sectors. Table 4 shows an example of several entries for the “registration” type of generic barrier.

Table 4 - Examples of the generic barrier “registration” entries derived from each of the primary sources

col 1	col 2	col 3	col 4	col 5	col 6	col 7	col 8	col 9
Country	NTM category	Generic barrier	Specific Barrier	Sector	Product	EU year	USTR year	WTO year
Brazil	import licensing	registration	guidelines, onerous	horizontal			2002	
Colombia	services	registration	FDI	horizontal			2002	
Ecuador	sanitary and phytosanitary measures	registration	process, inefficiency	horizontal			2002	
European Union	sanitary and phytosanitary measures	registration	public health	animals and animal products	Gelatin			2002
Hungary	services	registration		professional services	accounting		2002	
Indonesia	standards, testing, certification, and labeling	registration		food and food products	soybean meal		2002	
Malaysia	export-related measures	registration		agricultural products	palm products			2001
Mexico	customs	registration	delays	other goods (apparel)	accessories	2002		
Pakistan	intellectual property rights	registration	delays, can take 2 years	pharmaceuticals		2002		
Poland	standards, testing, certification, and labeling	registration	delays	pharmaceuticals	innovative drugs		2002	

Source: Compiled by USITC staff.

Many sectors are affected by similar types of NTMs and therefore, particular generic and specific barriers appear across a wide range of NTM categories. These situations arise because the categories generally discussed in the literature do not necessarily relate either to one specific industry or to a particular product. For example, one service barrier, such as that which might affect the delivery services of a foreign-licensed accountant, which might be thought to be unique to the “services” category, can actually have been reported there or in some other NTM category such as “standards, testing, certification and labeling” or “import prohibitions.” The generic measure cited in any of these categories might have been “certification.” Several other examples of generic measures which cross categories are presented in Table 5. For example, some form of generic barrier labeled as “approval” is reported in these categories as well: (1) investment-related measures; (2) services; (3) export-related measures; (4) customs procedures, and; (5) standards, testing, certification and labeling.

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Table 5 - Examples of NTM categories and generic barriers

NTM category	Number of entries	Number of entries
Generic barrier: approval		
customs procedures	3	
export-related measures	5	
investment-related measures	9	
sanitary and phytosanitary measures	1	
services	9	
standards, testing, certification and labeling	4	
		total approval 31
Generic barrier: certification		
customs procedures	2	
export-related measures	2	
import licensing	3	
sanitary and phytosanitary measures	27	
services	4	
standards, testing, certification and labeling	78	
		total certification 116
Generic barrier: licensing		
corruption	1	
customs procedures	1	
export-related measures	83	
import licensing	282	
import prohibitions	5	
investment-related measures	5	
services	23	
standards, testing, certification and labeling	5	
		total licensing 405
Generic barrier: prohibited		
anticompetitive practices / competition policy	1	
customs procedures	7	
export-related measures	82	
import licensing	16	
import prohibitions	336	
investment-related measures	56	
sanitary and phytosanitary measures	20	
services	47	
standards, testing, certification and labeling	3	
		Total prohibited 568

Source: Compiled by USITC staff.

The compilation also provides information on the specific products or sectors affected by the alleged NTMs. The compilation contains both industrial sectors such as motor vehicles (automobiles) and pharmaceuticals as well as specific products such as alcoholic beverages (wine) and margarine. It also includes a large number of service sectors such as telecommunications, banking, and legal services. Some sectors or products are affected by more than one measure. For example, a product such as wheat may be affected by import prohibitions as well as state-trading. Many sectors or products are affected by similar measures. For example, imports of cosmetics, medical equipment, and lighting fixtures are each affected by required inspections in some countries.

Data Summaries

Categories of NTMs

The number of entries in the compilation should be interpreted with caution, since the information relates to large economies, and to more readily identifiable or transparent policies. Potential NTMs affecting market access in smaller markets or in developing economies may be under-represented, as are less transparent measures. In particular, inferences about the prevalence or severity of particular types of measures should not be made. The information regarding the total numbers of entries is presented here for illustrative purposes only.

It may be noted that some categories of measures are more frequently identified among the 53 countries in the compilation than are others. According to the following tabulation, the data indicate that 46 countries were cited as having some inadequacy with regard to the protection of intellectual property rights. The next most widespread categories of NTMs were investment-related measures (40 countries), standards, testing, certification and labeling (38), services (37), and import prohibitions (34). Corruption was cited the least, i.e., in only 15 countries.

Table 6 – Number of entries in the compilation by NTM category

Category	All countries		APEC		FTAA	
	entries	countries	entries	countries	entries	countries
standards, testing, certification and labeling	443	38	269	15	143	9
export-related measures	441	33	188	13	76	9
import licensing	416	30	244	12	54	7
services	359	37	205	15	104	8
import prohibitions	342	34	165	16	101	13
investment-related measures	311	40	205	15	54	10
customs procedures	267	32	178	11	177	10
intellectual property rights	267	46	116	18	81	12
state-trading	179	28	77	11	27	6
sanitary and phytosanitary measures	161	25	67	12	72	9
government procurement	116	33	56	11	18	7
import quotas	97	17	67	8	18	4
taxes	71	17	19	7	19	6
anticompetitive practices / competition policy	58	17	37	8	8	4
corruption	33	15	10	4	5	2

Note – Some countries are in both APEC and in the potential FTAA

Source: Compiled by USITC staff.

For the compilation as a whole, the measures which are reported with the greatest number of entries are found in the “export-related measures,” “import licensing,” and “standards, testing, certification and labeling” categories.¹¹ The above categories do not necessarily reflect the way in which issues may be raised in trade negotiations. Several of the categories in this compilation refer to topics as referenced in the Doha Declaration under areas other than “industrial market access.” Four other categories (intellectual property rights, investment-related measures, government procurement, and competition policy) are referenced under major headings of the Declaration. One heading (customs procedures) is arguably related to “trade facilitation” by reference to particular GATT articles, and one (sanitary and phytosanitary standards) is referenced in Doha under “trade and environment.”

¹¹ With regard to the latter category, technical regulations, standards, and conformity assessment procedures are covered under the WTO Agreement on Technical Barriers to Trade (“TBT Agreement”). The TBT Agreement provides for certain exceptions to international standards for specific, legitimate objectives such as “to ensure the quality of ... exports, or for the protection of human, animal or plant life or health, of the environment, or for the prevention of deceptive practices” whenever international standards do not exist or are inadequate. WTO, “Agreement on Technical Barriers to Trade,” *The Results of the Uruguay Round of Multilateral Trade Negotiations* (Geneva: WTO, 1995). See, for example, the Preamble and TBT Article 1 (General Provisions), at Art. 1.6.

Sectors and Products

The entries in the compilation may be aggregated by sector and/or product as is illustrated in Table 7. Most of the NTMs reported pertain to goods. NTMs for services include professional services (178), media services (118), financial services (94), telecommunications services (52), transportation services (51), and distribution services (10).¹² In constructing the compilation of NTMs, related products and sectors were grouped in an attempt to standardize the nomenclature used in the compilation. No attempt has been made to exclude entries referring to policies which may be WTO-consistent, or those related to health, safety, or national security concerns.

¹² It should be noted that not all of these services are identified in the primary source documents as being in the services category -- see Table 8.

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Table 7 – Some sector and product counts

Sector or product	Number of entries
horizontal	436
other goods (miscellaneous)	299
proscribed or protected items	228
professional services	178
animal and animal products	155
media services	118
pharmaceuticals	116
food and food products (meat)	100
financial services	94
food and food products (grains and nuts)	94
motor vehicles	94
other goods (equipment)	92
food and food products (miscellaneous)	88
beverages (alcoholic)	79
food and food products (vegetables)	79
agricultural products (miscellaneous)	70
food and food products (fruit)	70
not specified	69
art and artistic products (recordings)	63
petroleum, gas and petroleum products	61
forestry and forest products	60
fisheries, fish, and fish products	59
mining, metals, and mineral products	56
plants and plant products	55
telecommunication services	52
transportation services	51
other goods (apparel)	50
chemical and chemical products	49
textiles	48
utilities	33
food and food products (diary)	32
other goods (dietary supplements)	31
food and food products (sweeteners)	29
tobacco and tobacco products	19
agricultural production (fertilizers)	16
medical devices	16
real estate	15
agricultural production (feed)	14
iron and steel products	14
beverages (non-alcoholic)	12
information technology services	12
other goods (electronic)	12
other goods (materials)	12
distribution services	10
electronic commerce	10
food and food products (eggs)	10
money	10

Source: Compiled by USITC staff.

Services Products

There are a large number of different service sectors which have been reported to be affected by some type of non-tariff measure. In to the compilation, there are more than 100 different services products enumerated that are affected by NTMs.¹⁰ These services products range from accounting services to water services. However, over 50 percent of the services products reported appear in NTM categories other than the “services” NTM category, itself. For example, 102 NTMs are cited as affecting services that have been reported under the NTM category “intellectual property rights,” 87 under “investment-related measures,” 29 under “state-trading,” and 21 under “government procurement” (Table 8).

Table 8 –Services product NTM counts

NTM category	All countries	APEC countries	FTAA countries
services	281	163	91
intellectual property rights	102	50	30
investment-related measures	87	62	18
state-trading	29	4	1
government procurement	21	14	4
anticompetitive practices / competition policy	11	10	5
import licensing	8	7	0
standards, testing, certification and labeling	6	6	4
import prohibitions	4	4	2
corruption	3	0	1
export-related measures	3	1	0
customs procedures	2	2	2
sanitary and phytosanitary measures	1	0	1

Note – Some countries are in both APEC and in the potential FTAA
 Source: Compiled by USITC staff.

¹⁰ Services products are different from the “services” category, because many services products are reported in other categories, too.

Horizontal Non-Tariff Measures

Throughout the fifteen NTM categories there are 428 instances of an “horizontal” NTM pertaining, i.e., no specific sector is identified. Such references in the source documents are reported as affecting most or all products. This appears to be particularly true of “customs procedures,” “government procurement,” “export-related measures,” “investment-related measures,” “intellectual property rights,” “standards, testing, certification, and labeling,” and “anticompetitive practices / competition policy,” each of which are cited often as having “horizontal” NTMs.

Table 9 – Counts of horizontal NTMs

NTM category	All countries	APEC countries	FTAA Countries
customs procedures	69	24	13
export-related measures	66	18	7
government procurement	65	21	12
investment-related measures	61	28	10
intellectual property rights	48	11	18
standards, testing, certification, and labeling	37	14	3
anticompetitive practices / competition policy	21	13	1
corruption	13	3	2
import licensing	10	0	4
import prohibitions	10	7	0
services	9	4	7
taxes	8	3	4
state-trading	6	4	0
sanitary and phytosanitary measures	5	2	2

Note – Some countries are in both APEC and in the potential FTAA

Source: Compiled by USITC staff.

Some additional insights may be gleaned from looking at multiple citation patterns relating to major categories of measures relating to products, such as was presented in Table 8. For example,

- Motor vehicles and parts are particularly affected by import licensing, import prohibitions (particularly for parts and used vehicles) and import quotas.
- Import licensing also affects chemicals, equipment and machinery, fish, petroleum, and weapons.

- Chemicals and chemical products, pharmaceuticals, and recordings are particularly affected by intellectual property rights.
- Pharmaceuticals are also affected by product standards in many economies, as are cosmetics, equipment, motor vehicles, and textiles.
- Customs procedures are particularly important for textiles and footwear.
- Sectoral entries for investment-related measures refer primarily to services products. Significant references for goods include motor vehicles and weapons.

Finally, this compilation should be viewed as preliminary. It was constructed to be used in conjunction with quantitative studies; therefore no conclusions should be drawn from the raw information as compiled. This paper merely provides a broad overview of the information obtained from the reference sources cited has been provided. The most frequently cited NTM category overall is “standards, testing, certification, and labeling,” perhaps because this category is so broad and affects many individual goods and services products. Finally, the compilation shows that a very large number of services sectors are currently reported to be affected by NTMs. The sectors range from broad areas such as telecommunication services and legal services to specific professions such as accountants and journalists.