

Annex A: Cross Cutting Principles on Non-Tariff Measures (NTMs)

Noting that non-tariff measures (NTMs) have increased in the APEC region,

Noting previous evidence presented in APEC on the cost NTMs impose on trade in the region,

Noting that unwarranted NTMs constitute non-tariff barriers (NTBs), which can be particularly burdensome for micro, small and medium-sized enterprises,

Recognising in this regard the concerns raised by the APEC Business Advisory Council in its 2016 Report to APEC Economic Leaders, as well as international studies on the topic,

While recognising that economies have the ability to implement warranted policy measures based on each economy's individual circumstances,

APEC adopts the following principles as a reference to guide member economies' development and implementation of NTMs,

To reduce the extent to which NTMs act as an unjustified barrier to trade, and

To facilitate free and open trade in the Asia-Pacific region, as envisioned in the Bogor Goals.

Principles:

- The processes to develop non-tariff measures should be transparent, consultative (including with business and other affected stakeholders) and timely, resulting in predictable, coherent, and non-discriminatory application; and information about non-tariff measures should be publicly available;
- Non-tariff measures should be consistent with member economies' commitments and obligations as members of the WTO;
- Non-tariff measures should not be more trade-restrictive than necessary to meet a legitimate objective, and where appropriate, should focus on outcomes, rather than mandating prescriptive approaches;
- Non-tariff measures should be based on relevant international standards, where appropriate, and should be developed in accordance with the WTO TBT Agreement, the WTO SPS Agreement or recommendations and/or decisions of the WTO TBT Committee or the WTO SPS Committee;
- Non-tariff measures should not arbitrarily or unjustifiably discriminate against imported products;
- Non-tariff measures should not pose unwarranted barriers to the development of new technologies that drive innovation; and
- A regulatory impact analysis could be considered as a possible tool to assess consistency with the principles stated above.