

WORLD TRADE ORGANIZATION

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Negotiating Group on Market Access

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NON-TARIFF BARRIER NOTIFICATIONS

Addendum

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I. VENEZUELA

Maintaining participant	Products affected by the barrier	Nature of the non-tariff barrier	Trade effects of the non-tariff barrier	Inventory category	Relevant WTO provisions	Treatment of the non-tariff barrier
	Canned tuna (HS96 1604.14.00) and tuna with other preparations (HS96 1064.20.00), except chilled or frozen.	Embargo (import prohibition based on: 1. Domestic law establishing penalties for failure to observe domestic rules on the protection of marine mammals. 2. Domestic law establishing that tuna and by-products must have a seal guaranteeing the consumer that the product has been fished under conditions which do not involve killing or injuring cetaceans. These laws also stipulate, in order to obtain a certificate to export to that market: (a) Technical requirements on the way in which the fishing is done. (b) Financial requirements (up-to-date payment of contributions to international bodies involved in this area). These requirements have already been met. After compliance, further requirements were added.	The delay in a favourable ruling to lift the embargo has prevented exports of these products to our main export market since 2001.	• I-D (Restrictive practices tolerated by governments). • III-B (Technical regulations and standards). • V-B (Embargoes and other restrictions of similar effect).	• Article 2.2 of the Agreement on Technical Barriers to Trade. • Article 2.4 of the Agreement on Technical Barriers to Trade. • GATT Article XI.	(According to TN/MA/W/35/Rev.1). (c) Non-tariff barrier relating to another part of the Doha Declaration which currently has no specific negotiating mandate. The matter should be addressed by the Committee on Technical Barriers to Trade, although import prohibition would appear to be a subject for this negotiating group (a).

Maintaining participant	Products affected by the barrier	Nature of the non-tariff barrier	Trade effects of the non-tariff barrier	Inventory category	Relevant WTO provisions	Treatment of the non-tariff barrier
	Shrimp, prepared or preserved (HS96 1605.20) and in the natural state, not frozen, fresh (HS96 0306.23.99).	Certification required regarding the use of "<i>Turtle Excluder Devices</i>" (to prevent capturing and killing sea turtles) in fishing operations, as a condition for exporting shrimp. This requirement is based on the Inter-American Convention for the Protection and Conservation of Sea Turtles. This certification is issued through an inspection by government bodies in the importing country of the proper use and incorporation of TEDs on shrimp trawl vessels of each of the exporting countries. The latest inspection by the government authorities in the importing country was in November 2002. It was found that the TEDs were not being used properly and, consequently, Venezuelan vessels were de-certified.	An embargo (import prohibition) entered into force in February 2003 preventing exports to our principal export market of shrimp caught by Venezuelan shrimp trawl vessels. Prior to this de-certification, Venezuelan vessels had always been certified.	• III-C Testing and certification arrangements. • V-B (Embargoes and other restrictions of similar effect).	• GATT Article XI. • GATT Article XIII. • Article 2.2 of the Agreement on Technical Barriers to Trade. • Article 2.4 of the Agreement on Technical Barriers to Trade. • Article 5.1 of the Agreement on Technical Barriers to Trade.	(According to TN/MA/W/35/Rev.1). (c) Non-tariff barrier relating to another part of the Doha Declaration which currently has no specific negotiating mandate. The matter should be addressed by the Committee on Technical Barriers to Trade, although import prohibition would appear to be a subject for this negotiating group (a).

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	Inner tubes for motor vehicles (Tariff No. 4013.10.00).	Non-recognition of quality certification issued by the Venezuelan certifying body (FONDONORMA), which authorizes the use of the NORVEN official seal of quality and is accredited with SENCAMER, the government agency responsible for the accreditation of certification and inspection bodies and testing laboratories. The process of applying for recognition was initiated in late 1998. All the technical documents requested by the authorities of the importing country were despatched by early 1999. No reply whatsoever has been received to date.	Non-reciprocal treatment. In Venezuela, despite mandatory standards for the same products (COVENIN 2700-90), certificates issued by duly accredited certifying bodies in the importing country are recognized automatically. It is important to emphasize that companies which have been exporting the product in question since 1998, with non-recognition by the authorities of the importing country of the quality certificates issued in Venezuela, have borne additional costs in having to pay for further tests in laboratories in the importing country for the issue of the certificates required to enter the latter's market.	III-C: Testing and certification arrangements.	- Article 2.7. - Article 6.1 of the Agreement on Technical Barriers to Trade.	(According to TN/MA/W/35/Rev.1) (c) Non-tariff barrier relating to another part of the Doha Declaration which currently has no specific negotiating mandate. The matter should be addressed by the Committee on Technical Barriers to Trade.
	Bars and rods (Tariff No. 7214.20.00).	Additional requirement to mark imported rods (not applied to the domestic product) that has no bearing upon improving the quality	Increasing the price of the product, which undermines its competitiveness.	IV-K Requirements concerning marking, labelling and packaging.	- GATT Article III. - Article 2.2 of the Agreement on Technical Barriers to Trade.	(According to TN/MA/W/35/Rev.1) (c) Non-tariff barrier relating to another part of the Doha

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		of the product. This requirement is based on a technical standard establishing an additional requirement to mark, during the rolling process, the name or company name of the importer of the rods.				Declaration which currently has no specific negotiating mandate. The matter should be addressed by the Committee on Technical Barriers to Trade.
	Sweet biscuits; waffles and wafers 1905.30.00 Also affects salted biscuits.	Specific origin requirement: flour from participating countries. Since tariff code 1001.90.20 includes two types of wheat, some producers of wheat (but not common wheat) import the latter but do not maintain origin for the biscuits they produce; moreover they have no common wheat to export to non-common-wheat-producing countries for the production of biscuits; whereas countries like Venezuela which produce no wheat at all do not have origin status for their biscuits.	Biscuits produced in the non-wheat-producing countries (in this preferential scheme, in which Venezuela is a member) do not have originating status and are therefore not covered by the negotiated preferences.	II-F (Rules of Origin).		(According to TN/MA/W/35/Rev.1) (d) Non-tariff barrier with no specific negotiating mandate. The negotiating group will need to clarify the treatment and decide whether the matter should be referred to another WTO body for action and submission of a report.