

Trade Facilitation for Environmental Goods and Services

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Question

How can reform in customs procedures facilitate international trade in environmental goods and services?

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The K4D helpdesk service provides brief summaries of current research, evidence, and lessons learned. Helpdesk reports are not rigorous or systematic reviews; they are intended to provide an introduction to the most important evidence related to a research question. They draw on a rapid desk-based review of published literature and consultation with subject specialists.

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1. Summary

This rapid review synthesises the literature from academic, policy, and knowledge institution sources on how reform in customs procedures can facilitate international trade in environmental goods and services.

Overall, it finds that there is a general belief in the literature from the World Trade Organization (WTO), International Trade Center and World Bank, that streamlining customs procedures supports international trade in environmental goods. There is survey evidence that firms exporting environmental goods encounter difficulties with customs procedures at the point of entry. Previous trade facilitation projects have not considered trade in environmental goods, so provide no evidence about what has or has not worked well.

Finding #1: There is some evidence in the literature that customs procedures present difficulties for firms trading internationally in environmental goods.

- A survey of 136 firms exporting environmental goods and services (EGS) found that customs procedures were frequently mentioned as common trade barriers (Fliess and Kim, 2007).
- Several reports note that the biggest sector-specific issue is a lack of clarity over what constitutes an environmental good. This is important since environmental goods often enjoy lower tariff rates at the border (Steenblik, 2020; de Melo, 2015; Baltzer & Jensen, 2015; Nampoothiri & Manoharan, 2013).
- Two reports recommend that resolution to this issue lies in greater cooperation among trade negotiators, officials at the World Customs Organization, and customs officials working at the borders (Steenblik, 2019; Lim, 2017).

Finding #2: Two evaluations of large trade facilitation programmes note an almost complete absence of activities related to trade in environmental goods, and environmental outcomes more generally.

- An evaluation of the World Bank's US\$8 billion trade facilitation programme, covering 893 projects over 12 years, found that 3 percent mentioned the environment in project documents, but potential outcomes were not tracked (World Bank, 2019).
- An evaluation of the International Trade Centre's US\$7 million trade facilitation programme, covering 206 activities over 4 years, found that an environmental concern was "barely touched" in the programme's activities (ITC, 2019).

Finding #3: There are indications in the literature that trade facilitation is a marginal issue in the context of other types of barriers to trade in environmental goods.

- Several detailed reports on international trade for green growth and the environment do not mention trade facilitation at all (e.g. WTO, 2018; PAGE, 2017).

- Two reports suggest that trade facilitation for increasing trade in environmental goods will be effective when used in combination with other activities (IISD & UNEP, 2014; Fliess and Kim, 2007).

State of the Evidence in the Literature

The evidence base identified during this literature review was extremely small, and came largely from international trade institutions such as the WTO or World Bank, or research organisations working with them. Most of the references to trade in EGS and customs procedures were mentioned in passing as mutually compatible without going into further detail. One of the few documents to combine trade in EGS with trade facilitation is not available for public viewing (WTO, 2018).

It was requested as part of this literature review to note the absence of a concern with EGS from trade facilitation documents, which is covered in Section Four of this report.

This review found that there are recognised gender dimensions in the literatures for trade facilitation and environmental goods, but did not find evidence of any research or projects which combined them.

Definitions

Trade facilitation is defined restrictively in this report and used interchangeably with “customs procedures.”

Trade Facilitation

“Measures that streamline and simplify the technical and legal procedures for products entering or leaving a country to be traded internationally. As such, trade facilitation covers the full spectrum of border procedures, from the electronic exchange of data about a shipment, to the simplification and harmonisation of trade documents, to the possibility to appeal administrative decisions by border agencies.”

(<https://www.oecd.org/trade/topics/trade-facilitation/>)

The term “environmental goods and services” was used in this report as it is used in trade negotiations and is more precise than other terms like “green technologies” or “clean technologies.” Nevertheless, as this report shows, defining an environmental good or service is itself one of the main problems at the border. Variations of different lists produced by the Organisation for Economic Co-operation and Development (OECD) and Asia-Pacific Economic Cooperation (APEC) have been used in the WTO negotiations on the Environmental Goods Agreement. **The overlap between the OECD and APEC lists is only about 30 percent** (Development Solutions, 2015, p.12). A general conceptual definition is:

Environmental Goods and Services (EGS)

“The environmental goods and services industry consists of activities which produce goods and services to measure, prevent, limit, minimise or correct environmental damage to water, air and soil, as well as problems related to waste, noise and ecosystems. This includes cleaner technologies, products and services that reduce environmental risk and minimise pollution and resource use.”

(OECD and Development and Eurostat, 1999 in Steenblik, 2020, p.6).

2. Context – International Trade in Environmental Goods and Services

The idea behind facilitating international trade in environmental goods and services (EGS) is that it can produce a triple win for trade, the environment, and for development. By reducing tariffs and non-tariff barriers on EGS, the cost of environmental technologies would decrease, thereby increasing their use in greater energy efficiency, and improving water and sanitation services in developing countries. It would also help producers of EGS in developing countries have better access to markets in Europe, the US, and high-income Asia. However, more than 20 years after efforts began at the World Trade Organization (WTO) to negotiate an Environmental Goods Agreement for all its members, little progress has been made (de Melo, 2018).

Most developing countries are reluctant to agree to facilitating trade in EGS because they stand to gain very little from it. Few developing countries have export potential in EGS. Many of the countries that do export EGS already have significant tariff benefits through negotiations in other fora, and intra-developing country trade minimizes gains from a treaty dominated by advanced economies (Wu, 2014). Developing countries would like the lists of products on the negotiating table for the Environmental Goods Agreement to include “Environmentally Preferable Products” such as sustainably produced agricultural products where they have a comparative advantage. However, even if such agricultural products are included, there are concerns that the required labelling and certification would be too onerous (de Melo, 2018).

Under these circumstances Baltzer & Jensen (2015) suggest that trade facilitation be part of a deal whereby developing countries are supported to export environmental goods *components* to become more integrated in global value chains in exchange for smoother customs procedures for importing *whole* products.

3. Customs Issues Specific to Environmental Goods and Services

The research undertaken for this rapid review found some **general assertions in the literature that trade facilitation could support increased trade in environmental goods**. For example, IISD & UNEP (2014) state that in combination with reducing other trade barriers, the WTO’s

Trade Facilitation Agreement (TFA) may also allow for an “increased trade in environmental goods, services and technology, and the better deployment of renewable energy technologies in developing countries” (p.136). Similarly, a WTO report (WTO, 2011) states that trade facilitation supports the development of green economies by simplifying border procedures, thereby reducing corruption, increasing government revenue and ultimately allowing governments to dedicate more resources to other development goals (p.18). However, these assertions are not backed up by specific strategies or evidence to support such causal links.

Fliess and Kim (2007) surveyed 136 exporting firms from ten OECD and non-OECD countries about their experience of non-tariff measures in seven sectors of environmental goods and associated services. Customs procedures were mentioned by these firms alongside other problems associated with product testing and certification requirements, regulations on payment, problems with intellectual property protection, government procurement procedures and technical regulations and standards.

Customs procedures were frequently mentioned as common trade barriers. Firms exporting EGS to developed countries reported strict and inflexible application of paperwork required for customs clearance. Firms exporting to developing countries reported perceived arbitrary behaviour of customs officials. Customs procedures were identified as particularly problematic for small and medium enterprises. Several respondents explained that they hire agents to do the paperwork and handle customs procedures. In other cases, exporters have reacted to difficulties encountered by contractually requiring that their customers in the market concerned take care of all required customs formalities and procedures.

Specific problems mentioned by firms in the survey were:

- Data or document requirements that are difficult to comply with (e.g. disclosure of information considered to be confidential) (US).
- Heavy penalties for minor errors (US).
- Slow customs clearance (Peru, Kenya) and extremely cumbersome procedures (Russia).
- Customs officials perceived to be finicky (Bosnia Herzegovina, Croatia, Serbia, Switzerland) or border officers perceived of engaging in improper conduct (Russia).
- Arbitrary application of rules by customs officials (Eastern Europe, Central Asia, Asia) and (arbitrary) product classification leading e.g. to higher import taxes (Brazil, Venezuela, China).
- Inconsistent and frequently changing customs procedures (Mexico, Rwanda).
- Difficulties for exporters to identify Harmonised Systems (HS) or other product classification codes for their equipment (South American region).
- Dissatisfaction with the treatment for customs purposes of free samples destined for potential customers (Bosnia Herzegovina, Croatia, Serbia, Argentina).

The report’s authors state that “The non-tariff barriers reported by the firms appear to be generic and **not specific to the environmental sector**” (p.2).

Other research, detailed in the following sections, reports on customs-related problems that are specific to international trade in environmental goods and services:

- Tariff uncertainty related to customs codes for environmental goods.
- General lack of awareness among customs officials of tariff reductions for environmental goods.
- Potential customs issues for trade in environmental services.

Tariff uncertainty related to customs codes for environmental goods

All types of goods traded internationally are assigned a name and number in an internationally recognised system called the 'Harmonized Commodity Description and Coding System' (HS Codes). Customs officers at borders all over the world know what tariffs to impose on imported goods based on how they are classified in this system.

International discussions to encourage trade in EGS are aimed at lowering tariffs. However, a sticking point in discussions is how to first define what classifies as an environmental good or service. This is not a trivial problem as many environmental goods are dual-use products that have both environmental and non-environmental uses. For example, batteries may be used to store wind or solar generated power, but they are equally suitable for storing fossil fuel generated electricity. A customs officer has little chance to determine the end use of imports when applying duties. The number of core environmental goods with clear environmental benefits that few would dispute – like solar panels, wind turbines and air purifying filters – is limited (Baltzer & Jensen, 2015).

Recognising the difficulty of classifying an environmental good to make it eligible for a tariff reduction at the border, trade negotiators tag it with the phrase “**ex-out**,” leaving it up to each economy to create a specific code for that commodity in their national tariff lines (Steenblik, 2020a). This practice effectively introduces an element of **uncertainty for traders of environmental goods at the border about what level of tariff they will have to pay**.

Ex-Outs

“In the language of trade negotiators ex-outs are goods defined at a more detailed level than what is allowed by the Harmonized Systems (HS) nomenclature created by the World Customs Organization. The HS assigns each product category with a numerical code; the more digits, the more disaggregated the product category is. The HS codes are standardized worldwide down to the 6-digit level (yielding more than 5000 categories), but below this, each country uses its own system to add digits to create more finely disaggregated categories.”

(Baltzer & Jensen, 2015, p.8).

Ex-outs are also a **burden for customs officials** as they have to identify an incoming product against a list of “national tariff lines” at the border to check the tariff due. Experience from the implementation of an APEC initiative to reduce tariffs on trade of environmental goods has shown:

- It is impractical for customs officials to verify the end use of the good at the border.
- Unclear national tariff lines can result in the application of a wrong tariff rate.
- Difficulties in making decisions can result in costly time delays at the border.
- Inconsistent decisions on tariff classification resulting from the rotating allocation of customs officers (de Melo, 2015).

Under these circumstances, de Melo (2015) suggests that **trade facilitation measures** (such as the WTO Trade Facilitation Agreement) may be able to reduce uncertainty and increase predictability, consistency, and transparency for traders through:

- Publication and availability of information (Art. 1): e.g. publishing on the internet rates of duty and taxes; rules for the classification of goods for custom purpose.
- Advance rulings (Art. 3): binding decision by customs, at the request of the trader, on the tariff classification of the good (and other characteristics such as origin, custom valuation).
- Advance rulings would give a binding commitment that the good will be classified as an environmental good in the national tariff line (particularly important for “ex-outs”) and thus, benefit from tariff reduction.
- Reduce disputes with the customs authority on tariff headings at the moment of release or clearance, and thus avoid delays.
- Customs integrity will not be challenged during the clearance process and thus, less possibilities for corruption.

General lack of awareness among customs officials of tariff reductions for environmental goods

Steenblik (2020b) reports that the World Customs Organization, which revises the HS Codes every five years, released amendments in 2020 which are due to come into force in 2022. Some of these amendments relate to environmental goods, particularly some components in solar technologies. This could point to potential awareness-raising needs among customs officers. Two reports recommend the involvement of officials at the World Customs Organization (WCO) and World Trade Organization (WTO) to resolve the issue. Steenblik (2019) recommends creating a standing WCO-WTO expert group on environmentally relevant technologies, while Lim (2017) recommends close collaboration between trade negotiators and customs officials.

Nampoothiri & Manoharan (2013) report that:

“Even though tax and duties have been removed for sustainable energy products and associated components, the news has not propagated further down the hierarchy and to the people who actually implement the regulations in practice. The customs officials in some countries in Africa continue to impose taxes on these products most likely because they are not informed of these changes in regulations” (p.39).

“Many manufacturers in countries where [an] exemption is provided, such as Ethiopia and Tanzania, complained of the delays associated with lengthy procedures at the port of entry that stem from customs agents’ lack of understanding of solar products, corruption,

and/or inconsistent tax treatment of goods at the airport. This issue also holds true in the case of India, where the exemption on taxes is given only after approval from [the Ministry of New and Renewable Energy, MNRE]. For instance, an inverter to be used in solar installations is typically exempt from taxation, but is still charged a 5.3 per cent [extra levy], and if the clearance from MNRE is not received on time, the importer has to pay taxes and duties to the tune of about 30 per cent or risk delaying their installation activities” (p.58).

Nampoothiri & Manoharan (2013, p.63) also mention the issue of the HS codes as above, and recommend creating a “fund for the training of customs authorities in countries where it may be necessary. Such ‘awareness-creation’ exercises could also include updated information on any changes to HS codes or reclassifications that countries may agree upon for [sustainable energy access] products.

Potential customs issues for trade in environmental services

Trade in environmental goods is often accompanied by services, such as installation, maintenance, advisory and engineering services that enable exports of goods (National Board of Trade, 2014). In a checklist of issues for Environmental Services Negotiators at the World Trade Organization, Grosso (2005) provides questions on some potential sticking points for international trade in environmental services at customs:

- Are there any restrictions on the temporary entry of service-related tools of the trade (e.g. construction equipment, technical and training material or engineering software and design tools)?
- Do restrictions apply to the temporary intra-firm transfer of service-related equipment?
- Do restrictions on services-related tools of the trade apply to contractual service suppliers?
- Do customs procedures exist in the importing country allowing for duty-free temporary admission of services-related tools of the trade?

4. Relative Significance of Trade Facilitation Measures for Increasing Trade in Environmental Goods and Services

The research undertaken for this rapid review found **no record of previous trade facilitation projects** which include a concern with environmental goods and services. Searches of several national or multi-lateral aid databases of project documents or evaluations found no evidence of trade facilitation projects with an element related specifically to environmental goods and services.

One major independent evaluation examined the **World Bank** Group’s work on trade facilitation from 2006 to 2018, covering 893 trade facilitation projects amounting to almost US\$8 billion in value (World Bank, 2019). One part of the evaluation looked at the degree to which these projects supported wider social goals related to public health, safety, and environmental outcomes. It found that **3 percent of the projects evaluated mentioned the environment**, but that the impact of project activities on environmental outcomes were not tracked in any cases. Overall, the evaluation found that successful trade facilitation requires sustained and coordinated

engagement over time, as well as careful attention to political economy challenges (Stone, 2019).

Another evaluation looks at the trade facilitation programme of the **International Trade Centre**, a joint agency of the World Trade Organization and the United Nations (ITC, 2019). The trade facilitation programme was set up to provide technical assistance to help countries ratify and apply the 2013 WTO Agreement on Trade Facilitation (TFA). The evaluation covers 206 activities in the programme from 2014-18 amounting to around US\$ 7 million. The evaluation reports that key aspects of sustainable development, such as gender and **environment, have “barely been touched in the programme’s activities”** (p.x).

Notwithstanding the information presented in Section Three above, research undertaken for this review found that trade facilitation for encouraging international trade in environmental goods was rarely mentioned in the literature. However, it should be cautioned that the research undertaken for this report is **not** a comprehensive review of the literature.

This report found **little evidence within the trade facilitation literature of an interest on environmental goods**. For example, a 31-page UNCTAD report titled “Trade facilitation and development” (2016) makes no mention of environmental goods or green technologies. A 58-page ITC report on using technology in trade facilitation does not mention environmental goods or green technologies (ITC, 2018).

This report also found **few references to custom procedures within the literature on facilitating trade in green technologies** or supporting green growth generally. For example, a joint 107-page report by the WTO and UN Environment called “Making Trade Work for the Environment, Prosperity and Resilience” does not mention trade facilitation or customs procedures for environmental goods or green technologies (2018). A 154-page report by the UN’s Environment and Trade Hub has the purpose of serving as “a ‘how to’ guide for national partners considering different trade-related policy options to promote green industrial development” (PAGE, 2017). It does not mention trade facilitation or streamlined customs procedures to facilitate trade in environmental goods or green technologies.

An environmental assessment of the Canada-European Union Comprehensive Economic and Trade Agreement considered the environmental impact of trade facilitation measures within the agreement (Government of Canada, undated). It found that “the overall estimated environmental implications would be minor in significance.”

The survey of firms presented in Section Three above presents evidence that customs procedures are a barrier to international trade in environmental goods (Fliess & Kim, 2007). However, the report’s authors state that “it will take more than initiatives that reduce or remove non-tariff barriers (for example streamlining customs procedures, reforming public procurement practices or other domestic regulations) to spur international trade in this sector” (p.33).

5. Gender Dimension

The research undertaken for this report found gender considerations for trade facilitation, and for environmental technologies, but **not for both together**.

There is some literature on how trade facilitation projects in general can contribute to enhancing gender equality. For example, one study finds that female exporters face more procedural obstacles than male exporters due to discriminatory behaviours on the borders by customs officials or clients (ITC, 2016). This gives rise to the idea that reducing the number of face-to-face interactions could encourage women to participate more in trade activities. The Global Alliance for Trade Facilitation (undated) provides a series of suggestions on actions to support gender equality when supporting developing and least developed countries implement the WTO's Trade Facilitation Agreement.

There is also a large literature on the different affects that the adoption of different environmental technologies can have on men and women. For example, research has shown that the collection of firewood or dung for cooking tends to fall on women in developing countries, taking up time that could otherwise be spent on education, increasing farm yields, or other economically productive activities (Nampoothiri & Manoharan, 2013, p.10). This means that increasing access to good-quality alternative energy sources at the household level could benefit women in particular. Further research from India shows that involving women in solar electrification of villages impacts positively on education, productivity, rural entrepreneurship, gender relations, and even reduces infant mortality rates (Hagen & Willems, p.18).

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