



**Government of the People's Republic of Bangladesh**  
**Bangladesh Regional Connectivity Project-1**  
**Ministry of Commerce**

**Study: Sanitary and Phyto-sanitary (SPS) and Technical  
Barrier to Trade (TBT), Coordination and Notification,  
Certification Process and Infrastructure for Promoting Trade**



**Bangladesh Foreign Trade Institute (BFTI)**

**March 2023**

**Government of the People's Republic of Bangladesh  
Bangladesh Regional Connectivity Project-1  
Ministry of Commerce**

Level 12 (Westside), Prabashi Kallyan Bhaban, 71-72 Eskaton Garden Road,  
Dhaka-1000, Bangladesh.

**Sanitary and Phyto-sanitary (SPS) and Technical Barrier to Trade (TBT),  
Coordination and Notification, Certification Process and Infrastructure for  
Promoting Trade**

**SUBMITTED TO:**

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## Preface

SPS and TBT measures are considered as Legal and Technical Measures, meant for the government's legitimate objectives to protect human, animal, plant health and environment to ensure standard product and consumer safety. Hence, these measures imposed by the government have implications for trade. The study intends to focus on the trade implications of these SPS and TBT measures from the export and import point of view of Bangladesh and attempts to find capacity-building measures for better compliance and less distortion for trade flows, as per the standard methodology.

The main objective of this study is to conduct a National Diagnostic Study (NDS) for a better understanding of the SPS and TBT situation in Bangladesh and its trade implications to address the required capacity-building activities both locally and regionally. Over recent past years, Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade issues have assumed an increasing significance in the context of international trade.

The outcomes of this study will be useful to the government and relevant authorities to revise and update policy and legislative regimes of SPS and TBT and develop SPS and TBT-related infrastructure, lab and technical professionals for facilitating trade. Moreover, the study also aims to review and identify gaps in the existing policy, infrastructure, testing lab, logistic support at quarantine stations and legal and regulatory regime at national and international levels.

I would like to convey my sincere thanks to BFTI team and all other relevant stakeholders directly and indirectly contributing with their valuable opinions and efforts for the preparation of this report.

**Mr. Md. Mijanur Rahman**

Project Director (Joint Secretary)

Bangladesh Regional Connectivity Project (BRCP)-1

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## Acknowledgment

Bangladesh, upon substantial socio-economic progress throughout the last decade, has been recommended for graduation from LDC status which will also pose certain challenges related to international trade for the country. The study-4 sheds light on the growing awareness and comprehension regarding the conformity to Sanitary and Phyto-sanitary (SPS) and Technical Barriers to Trade (TBT) measures in trade due to the persistent increasing concern for safe and sanitary food, animal or plants health measures and technical regulations of foods and for all products, industrials and agricultural particularly in developed countries. While these countries have responded to such preferences by implementing increasingly stringent SPS regulations and TBT standards. These prerequisites have frequently acted as considerable hindrances to the entrance of exports from developing countries. The study 4 titled 'Sanitary and Phyto-sanitary (SPS) and Technical Barriers to Trade (TBT), Coordination and Notification, Certification Process and Infrastructure for Promoting Trade' has been conducted by the Bangladesh Foreign Trade Institute as a part of "Conducting 04 studies suggested by Project Steering Committee (PSC) in FY 2021-22" under the Bangladesh Regional Connectivity Project-1. I would like to thank BRCP-1 for entrusting BFTI with the responsibility.

The major objectives of the study are to review the current scenario of SPS & TBT measures in Bangladesh and its institutional framework, infrastructure facilities, and legal structure and identify the coordination at national, regional, and international levels for ensuring SPS and TBT notification compliances as well as building a robust understanding of the specific needs of the country through National Diagnostic Studies (NDS).

I express my gratitude to the Additional Secretary, WTO Wing, Ministry of Commerce, Ms. Nusrat Jabeen Banu NDC, Md. Hafizur Rahman former Director General, WTO Wing, Ministry of Commerce, Team Leader of this project, Md. Atiqur Rahman Khan and National Trade Expert as well as the Director, BFTI, Mr. Md. Obaidul Azam, and other researchers, statisticians, data analysts, and field surveyors of the study team from BFTI who worked diligently on the report.

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## List of Abbreviations and Acronyms

ACFS	Agricultural Commodity and Food Standards
ADB	Asian Development Bank
APAC	The Asia Pacific Accreditation Cooperation
BAB	Bangladesh Accreditation Board
BARC	Bangladesh Agricultural Research Council
BAEC	Bangladesh Atomic Energy Commission
BB	Bangladesh Bank
BBIN	Bangladesh-Bhutan-India-Nepal
BCCI	Bhutan Chamber of Commerce and Industry
BCSIR	Bangladesh Council of Scientific and Industrial Research
BIS	Bureau of Indian Standards
BIDA	Bangladesh Investment Development Authority
BGMEA	Bangladesh Garment Manufacturers and Exporters Association
BKMEA	Bangladesh Knitwear Manufacturers and Exporters Association
BNTP	Bangladesh National Trade Portal
BSTI	Bangladesh Standards and Testing Institute
BTTC	Bangladesh Trade and Tariff Commission
CAC	Corporate Affairs Commission
CCC	Ceylon Chamber of Commerce
CGE	Computable General Equilibrium
CM	Certification Marks
COMTRADE	Commodity Trade Statistics
DAE	Department of Agriculture Extension
DCCI	Dhaka Chamber of Commerce & Industry
DGF	Directorate General of Food
DoF	Department of Fisheries
EIF	Enhanced Integrated Framework
EPB	Export Promotion Bureau
EU	European Union
FAO	Food and Agriculture Organization
FBCCI	Federation of Bangladesh Chambers of Commerce and Industry
FCCISL	Federation of Chambers of Commerce and Industry of Sri Lanka
FICCI	Federation of Indian Chambers of Commerce and Industry
FDA	Food and Drug Administration
FGD	Focus Group Discussion
FIQC	Fish Inspection and Quality Control Wing
FNCCI	Federation of Nepalese Chambers of Commerce and Industry
FOB	Free on Board

FSSAI	Food Safety and Standards Authority of India
GATT	General Agreement on Tariffs and Trade
GAP	Good Agriculture Practice
GMO	Genetically Modified Organism
GTAP	Global Trade Analysis Project
HACCP	Hazard Analysis Critical Control Point
HS	Harmonized System
ICD	Inland Container Depot
ICP	Integrated Check Post
IEC	International Electrotechnical Commission's
IFST	Institute of Food Science and Technology
ILAC	International Laboratory Accreditation Cooperation
IP	Import Permit
IPO	Initial public offering
IPPC	International Plant Protection Convention
IRC	International Rescue Committee
ISO	International Organization for Standardization
ITC	International Trade Centre
KII	Key Informant Interview
LCS	Land Customs Station
LDC	Least Developed Country
LMO	Living Modified Organism
MC	Ministerial Conference
MCCI	Metropolitan Chamber of Commerce and Industry, Dhaka
MFN	Most Favored Nation
MNCCI	Maldives National Chamber of Commerce and Industry
MoC	Ministry of Commerce
MoI	Ministry of Industries
MRL	Maximum Residue Levels
MRA	Mutual Recognition Agreements
MVA	Motor Vehicle Agreement
NBR	National Board of Revenue
NDS	National Directorate of Security
NES	Not Elsewhere Specified
NID	National Identity Card
NRCP	National Residue Control Plan
NTB	Non Tariff Barrier
NTM	Non Tariff Measure
PC	Phytosanitary Certificate
PQW	Plant Quarantine Wing

PTB	Para Tariff Barrier
RDS	Rural Development Sangstha
RJSC	Registrar of Joint Stock Companies and Firms
RTA	Roads and Transport Authority
RTF	Regional Trade Facilitation
SAARC	South Asian Association for Regional Cooperation
SASEC	South Asia Subregional Economic Cooperation
SANEM	South Asian Network on Economic Modeling
SAFTA	South Asian Free Trade Area
SAPTA	SAARC Preferential Trade Agreement
SCCI	SAARC Chamber of Commerce and Industry
S&DT	Special and Differential Treatment
SME	Small and Medium Enterprise
SGS	Standard Global Services
SOP	Standard Operating System
SPS	Sanitary and Phyto Sanitary
TBT	Technical Barrier to Trade
TIN	Taxpayer Identification Number
TSE	Transmissible Spongiform Encephalopathy
UN	United Nation
UNCTAD	United Nations Conference on Trade and Development
UNIDO	United Nations Industrial Development Organization
USDA	United States Department of Agriculture
USA	United States of America
VAT	Value-Added Tax
WITS	World Integrated Trade Solutions
WTO	World Trade Organization
4IR	Fourth Industrial Revolution

## Executive Summary

Sanitary and Phyto-sanitary (SPS) and Technical Barriers to Trade (TBT) have become burning issues in the context of international trade over the past years. Since the 1990s, several factors such as incremental demand for fresh, semi-processed and ready-to-eat food in the developed countries have led to the increase in trade of such products resulting in the emergence of the SPS and TBT issues. Besides, enhanced scientific understanding, coupled with growing public awareness and concern about food safety and health have resulted in an ever-increasing preference for safe and hygienic food, particularly in developed countries. While these countries have responded to such preferences by imposing stringent SPS regulations and TBT standards, these requirements have often acted as significant market access barriers to export from developing countries. Maintaining compliance with SPS and TBT would extend the opportunities for export and potential market access for Least Developing Countries (LDCs). International Trade Center (ITC) Survey results show that exporters in Bangladesh are affected by burdensome SPS & TBT and other obstacles to trade and in general, exporters were more affected (91%) than importers (53%). According to [eping.wto.org](http://eping.wto.org), about 47.8% of SPS notifications are issued due to food safety reasons, which implies SPS complaints can increase the potentiality of trade. Similarly, 16.1% of notification are issued due to animal health, 16% of notification arises due to plant protection, 14.1% of notifications are issued due to protection of humans from animal/plant pest or disease and 6.1% of notifications are issued for protecting the territory from other damage from pests. So following SPS compliance in trade will increase the potentiality of export.

This study has given an explanatory overview of SPS and TBT measures in Bangladesh, exploring the issues of national preparation for meeting the condition of SPS and TBT within the legislation and infrastructural area. The study conducts a National Diagnostic Analysis of the institution related to SPS and TBT and identifies major challenges with policy recommendations.

**Chapter 1** explores the objectives, scopes, methodology and data analysis process of the study. The objectives of the study are to identify potential products in SASEC countries that are subjected to SPS/TBT measures, to carry out a national diagnostic study of Bangladesh on SPS and TBT issues and finally to examine current national legislation, local practices, and international best practice along with recommendations. After contextualizing the background of the study, this chapter depicts the Key Provisions of SPS and TBT agreements and the basic idea of SPS and TBT, ranging from Equivalency, Mutual Recognition Agreements, Transparency and Notification Provisions, and Technical Regulations to Standards. The SPS agreement focuses on establishing

standards and ensuring safe food supply in accordance with criteria that each nation deems suitable, provided that such standards are based on scientific evidence for food safety and animal and plant health. The TBT Agreement aims to ensure the technical requirements and not to create an unnecessary hurdle to global trade. SPS and TBT issues can be considered both in case of export and import. Moreover, for exploring the importance of SPS and TBT in trade, the benchmark list of SPS and TBT provisions in RTA & FTAs are also discussed. Furthermore, the WTO Ministerial Conference (MC) declarations regarding SPS and TBT issues, especially the declaration of MC-12 have also been explored in this chapter.

**Chapter 2** reviews the current scenario of SPS & TBT measures in Bangladesh and its legal structure. It has further explored Special and Differential Treatments (S&DTs) for Developing Countries and LDCs under the SPS and TBT Agreements and the relevant implications of these agreements for LDCs and Bangladesh. This chapter further explores difficulties faced by Developing Countries and LDCs in getting the S&DT benefits in the areas of maintaining standards, transparency, notification requirements and special needs of developing countries for technical assistance. SPS and TBT measures, in many instances, have acted as market access barriers to exports from developing countries. In addition, owing to lack of adequate resources, Developing Countries and LDCs face difficulties to ensure compliance with many of the SPS and TBT provisions. As a result, their export potential has continued to remain unrealized. The chapter shows a synopsis of the major laws that regulate SPS and TBT issues in Bangladesh in order to identify the current situation of food safety, livestock, fisheries and plant management system of Bangladesh. The chapter also mentions that Bangladesh's key acts, rules and policies governing the SPS and TBT environment are in need of modification. Finally, this chapter explores the TBT and SPS linkage with Trade Facilitation Agreement (TFA) and depict that easier procedure of certification process may pare the cost of doing business and facilitate trade. Moreover, Conformity Assessment relation with TFA is also explored with example. Furthermore, SPS facilities in Plant Quarantine station at different port are also discussed in this chapter.

**In chapter 3**, the study reviews the current status of SPS and TBT measures, institutional framework and infrastructure facilities through National Diagnostic Analysis. This chapter discusses the certification process of SPS and TBT, institutional capacity assessment for SPS-TBT measures, and responsible agencies for executing the measures. The chapter evaluates existing facilities regarding SPS and TBT compliance in Bangladesh, certification procedure and organizations involved to implement SPS and TBT regulation. It is found that the Plant Quarantine Wing of Bangladesh has been providing Import Permit, Phytosanitary Certificate and Release Order through online and the time and cost for getting certificates have been reduced, but the logistic facilities and technical support at Plant Quarantine Stations of land ports need to be expanded.

On the other hand, BSTI has increased its Bangladesh Standards following international standard authority guidelines but the institution needs to expand its more accredited products and testing parameters. Similarly, existing infrastructure and testing facilities along with standard certifications procedures of the Department of Fisheries, Fish Inspection and Quality Control Wing (FIQCW), Department of Livestock, Bangladesh Council of Scientific and Industrial Research (BCSIR) and Bangladesh Food Safety Authority (BFSA) are also discussed. This chapter further emphasizes the development of the capacity of the relevant agencies and the private sector to ensure compliance with SPS and TBT-related standards for the well-being of people and businesses. In Bangladesh, testing laboratories and inspection facilities infrastructure have been improved considerably in recent years due to (i) an increase in the number of laboratories under various public agencies, and (ii) engagement of private sector investment and ownership in this area. Bangladeshi products now have the option of being tested by accredited laboratories in Bangladesh but Bangladesh needs to establish more accredited labs. In this chapter, constraints of different regulatory organizations and their activities along with required intervention against challenges are explored.

**Chapter 4** is about coordination at the national, regional and international levels for SPS & TBT notification compliances. It explores how the domestic market in Bangladesh is regulated in maintaining product quality, safety, cleanliness, and quality standards. Here, SPS and TBT compliances from production to exports along with regulatory body are discussed. It reviews the activities and responsibilities of the specific SPS and TBT related organizations like the Ministry of Agriculture, Ministry of Food, Ministry of Health, Department of Fisheries and Livestock, Department of Agriculture Extensions, Department of Plant Quarantine Wing, and Bangladesh Food Safety Authority as well as coordination among related organizations and departments. The chapter shows the present status of the SPS and TBT issues regarding foods, agricultural products, livestock and fisheries in order to identify the structure of the coordination and challenges retrieved from the implementation of the law. The chapter emphasized strengthening the coordination among the national level organization to ensure the implementation of rules and regulations. This chapter further reviews the implementing agencies' activities that are responsible for administering SPS and TBT measures in Bangladesh and explores the necessity for employing more skilled human resources and developing technical expertise. Moreover, SPS and TBT notifications by Bangladesh and Major SASEC Countries along with SPS and TBT notification procedures are also discussed in this chapter.

**Chapter five** reveals a significant number of potential export products that face a very high number of SPS-TBT measures, administered by multiple authorities in some of the importing SASEC countries. Findings show that India and Sri Lanka impose a substantial number of SPS-TBT measures on imports, while Nepal has a moderate

number of measures, and Bhutan and Maldives impose minimal SPS-TBT measures. For example, the study found 71 Bangladeshi products in the United Nations Harmonized Commodity Description and Coding System (HS code) 6-digit level that have potential for exports to Bhutan. Out of these 71 potential products, 61 of them face either SPS or TBT measures in Bhutan. Similarly, it was found that 127 Bangladeshi products in HS 6-digit level have the potential for export to India, but in reality, exporters are exporting in limited volume due to different SPS and TBT measures. All of these 127 potential products face multiple measures of either SPS or TBT in India. The major export items from Bangladesh to India i.e., items of jute and jute goods, textile and clothing, and frozen fish – are subject to extensive SPS and TBT measures in India. Likewise, 139 potential products were identified for exporting into Sri Lanka, out of which 54 products face SPS and TBT measures in Sri Lanka. Moreover, SPS and TBT Compliance for exporting into international countries including SPS and TBT Compliance in USA, United Kingdom (UK), EU, Japan and other Export Destinations are also discussed.

**In chapter six**, general insights, policy and regulatory insights based on the findings of the KII, FGD as well as public consultation are pictured. The exporters have informed that SPS affects most of the items of exportable products while TBT has an impact on fewer exportable goods. This chapter further elaborated that national and international level have different SPS rules and regulations. To promote export, Bangladesh needs to develop SPS and TBT-compliant export-oriented industry, keeping geographic concerns, public health concerns, and environmental protection measures in mind. And, here enhancing coordination between national and international levels about SPS and TBT-related issues need to be ensured.

An extensive evaluation is provided in **chapter seven** on the current environment of SPS and TBT-related infrastructure, human resources, testing facilities, policy and regulatory regimes in Bangladesh, and the state of the various agencies involved in administering the SPS and TBT policies. This chapter explores that the reluctance of exporters to comply with the import requirement and the delay in implementation of the Good Agriculture Practice (GAP) Policy 2020 has made stringent export market. The chapter further reviews the institutional capacity of BSTI, Department of Lives Stock and Fisheries, Plant Quarantine Wing, Fisheries inspection, Bangladesh Food Safety Authority and Quality Control Wing as well as conducts a gap analysis to find out specific challenges for the implementation of SPS and TBT regulations in the institutions. It is noted that many of the major laws in Bangladesh regulating the SPS and TBT environment are in need of reform, while most of the institutions related to SPS and TBT have shortage of technical workforce. The study also highlights the existing gap in policy implementation, testing facilities, monitoring systems as well as quality standards, safety and hygienic food issues. Although some progress like online service and certification processes have been made, the level of enforcement of law and monitoring

are needed to be improved. Moreover, the best practices of Malaysia, Thailand, India and USA regarding SPS and TBT issues are explored. USA has notification processes on SPS and TBT to address foreign government measures that hinder US exports and these are discussed in bilateral negotiation with potential trade partner. The US-FDA oversees the safety of most human and animal foods and drugs, while meat and poultry products are regulated by the FSIS under separate acts. In case of India, the country has strict rules and regulation for SPS measures and the SPS measures overseas by Food Safety and Standard Authority of India and Bureau of Indian Standards (BIS). So far BIS has set more than 17,000 standards in compliance with IPCC, Codex Alimentarius and World Organization for Animal Health (WOAH).

Evaluating the existing infrastructure in maintaining compliance with SPS and TBT, **chapter eight** of the study emphasizes establishing a network of properly equipped with food testing facilities run by qualified and experienced personnel to ensure consumers' access to safe food. Food safety needs to be tested and verified by an efficient network of accredited laboratories at every stage of production, including harvesting and processing to which regulatory bodies should pay special attention. Such a network will help safeguard local crops against pests and diseases notification issues from abroad while keeping food and water supplies away from contaminants and residues from microbiological and chemical sources and reduce the negative impacts of pesticides. In addition, to promote the agribusiness industry and encourage the export of goods with agricultural and animal origins, comprehensive management of the relevant sectors is needed, especially in maintaining product quality, traceability and Good Agriculture Practices. At the same time, maintaining adherence to the internationally accepted SPS and TBT standards will promote international trade in Bangladesh. The study has suggested to increase the number of accredited labs at strategic locations close to industry clusters, ports and main trading hubs. It is further suggested in the validation workshop that the Ministry of Commerce may formulate a national single coordination body regarding SPS and TBT issues which should include representatives from respective ministries, SPS and TBT-related government agencies, private sectors, and business associations. Moreover, stakeholder has requested to organize a minimum of two coordination meetings in quarterly basis on SPS and TBT issues under the Ministry of Commerce for addressing the challenges of SPS & TBT issues in trade.

## Chapter 1: Introduction

Transition to a developing country will create several challenges besides building a positive image of Bangladesh in the world and creating new opportunities for investment and trade. One of the challenges is the loss or limitation of duty-free quota-free market privileges in international markets under the World Trade Organization (WTO). In order to meet this challenge, production of high quality of export goods and services at competitive prices and market diversification are essential. It is necessary to conclude trade agreements with potential countries in order to regain market access. The current government has adopted several schemes to develop Bangladesh into a developed, prosperous and high-income country. Creation of Digital Bangladesh, Perspective Plan-2021- 2041 are placed in the plan Vision 2021 to upgrade Bangladesh from a lower middle-income country to an upper middle-income country by 2031 and a high-income country in 2041. The 8th Five Year Plan has served as a roadmap for the implementation of Vision 2021, Perspective Plan -2021-2041 and implementation of SDG-2030. The 8th Five Year Plan will act as a catalyst in the implementation of Export Policy 2021-2024.

An export-led growth strategy is currently Bangladesh's top priority in order to maintain the pace of ongoing economic development. In order to achieve this goal, the ministry of commerce recently formulated a new export policy for the fiscal years 2021–2024 that emphasizes Bangladesh's transformation into the club of developing nations, the challenges posed by the Fourth Industrial Revolution (4IR), and mitigating the potential economic effects of the pandemic. The goal of the strategy, which was enacted with the intention of fostering trade dynamism, is to strengthen the nation's position in the fiercely competitive global market, attract foreign direct investment (FDI), and promote the export of high-value goods.<sup>1</sup>

The National Economic Council (NEC) approved the eighth five-year plan (July 2020–June 2025) on December 29, 2020<sup>2</sup>, emphasizing export led growth and development of the sector. The policy will facilitate in pursuing out the political, social, and economic agenda of the current administration, which is led by the honorable Prime Minister Sheikh Hasina. The plan has placed an emphasis on proper institutions and policies and developed development methods for fostering inclusion, promoting prosperity, and reducing inequality and poverty. The Eighth Five Year Plan was created after careful

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<sup>1</sup> Bangladesh Export Policy 2021-24 Retrieved from [https://mincom.gov.bd/sites/default/files/files/mincom.portal.gov.bd/policies/1f0330db\\_c208\\_4a44\\_bd9f\\_4d58cfa8c336/export%20policy%2021-24%20pdf.pdf](https://mincom.gov.bd/sites/default/files/files/mincom.portal.gov.bd/policies/1f0330db_c208_4a44_bd9f_4d58cfa8c336/export%20policy%2021-24%20pdf.pdf)

<sup>2</sup> 8<sup>th</sup> Five-year plan,

[http://plancomm.gov.bd/sites/default/files/files/plancomm.portal.gov.bd/files/68e32f08\\_13b8\\_4192\\_ab9b\\_abd5a0a62a33/2021-02-03-17-04-ec95e78e452a813808a483b3b22e14a1.pdf](http://plancomm.gov.bd/sites/default/files/files/plancomm.portal.gov.bd/files/68e32f08_13b8_4192_ab9b_abd5a0a62a33/2021-02-03-17-04-ec95e78e452a813808a483b3b22e14a1.pdf)

consideration of the lessons learned during the implementation of the Sixth and Seventh Five Year Plans as tools for implementing the First Perspective Plan 2021, including the adjustment to the Covid-19 fall out.

### **1.1 Background of the Study**

In terms of contribution to GDP, creation of jobs, and encouragement of investment, trade in goods and services has significantly increased its importance to the nation's economy over the past ten years. Foreign trade plays a vital role in achieving rapid economic development of Bangladesh and trade contributes major share of GDP in most of the countries. Bangladesh's foreign trade has started to return to a positive trend after confronting the adverse effect of the COVID-19 pandemic. Export earnings stood at US\$4,100 million during July-June of FY 2020-21, which is 22 percent higher than the export earnings of the corresponding period of FY2019-20<sup>3</sup>. Following an export boom over the past decade, Bangladesh's total export in goods and services increased from US\$ 29,963.66 million in 2012-13 to US\$ 60,971.26 million in 2021-22.

Over the recent past years, Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade issues have assumed an increasing significance in the context of international trade. This may be attributable to several factors. On the one hand, there has been a significant increase in trade in fresh, semi-processed and ready-to-eat food since the 1990s, led by the demand in developed countries<sup>4</sup>. On the other, enhanced scientific understanding, coupled with growing public awareness and concern about food safety and health has resulted in an ever-increasing preference for safe and hygienic food, particularly in the developed countries. While these countries have responded to such preferences by putting in place ever stricter SPS regulations and TBT standards, these requirements have often acted as significant market access barriers for exports from developing countries. In fact, SPS and TBT requirements are widely considered by developing countries as one of the greatest impediments confronting their exports of manufacturing, agricultural and food products, particularly to the developed countries.

Recently, policymakers and researchers have quite interest in the topic of trade facilitation, as trade has become the key engine of growth. In broader definition, comprehensive approach for trade facilitation includes transparency, notification process, and the certification process of SPS and TBT measurements. Freedom to trade, and the benefits that result, must be balanced against the need to protect people, animals and plants from unacceptable risks to health and safety. WTO member countries negotiated the SPS Agreement to help achieve this balance. It establishes principles that

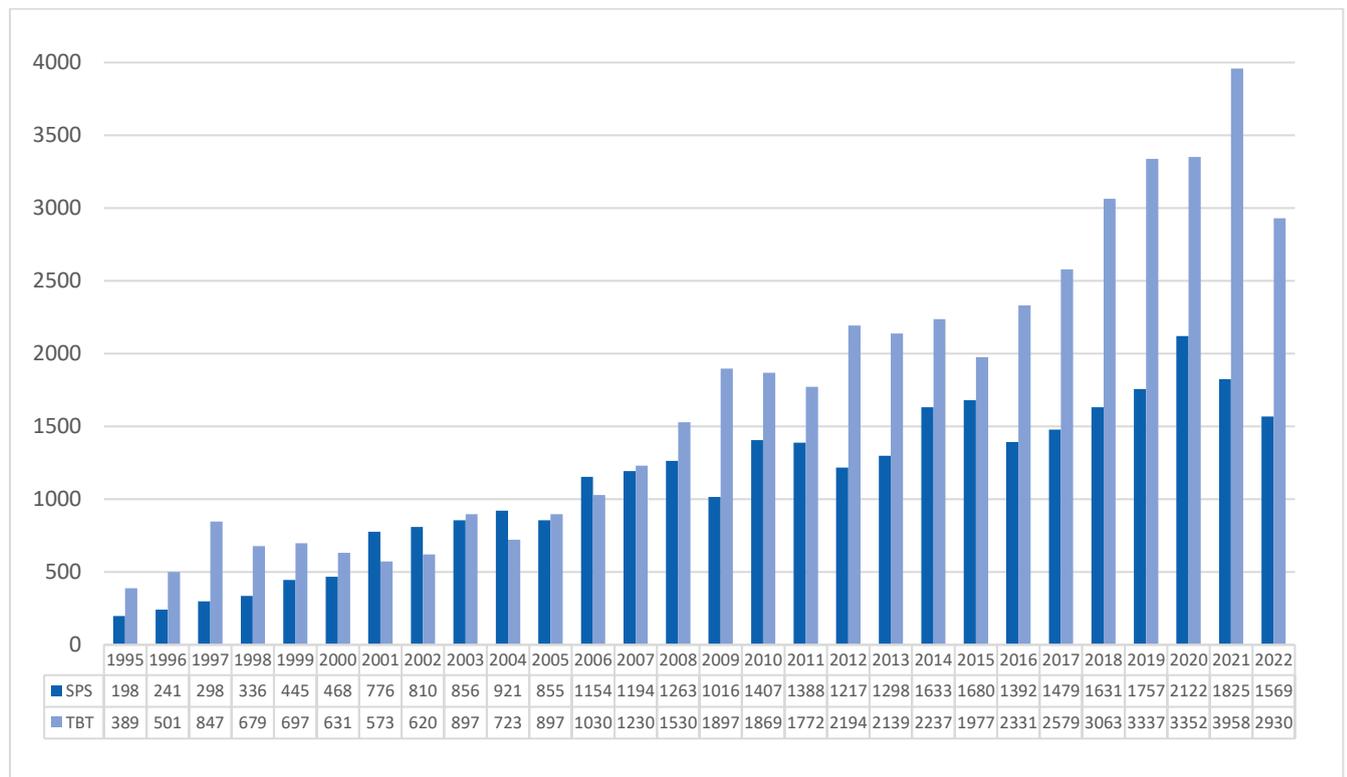
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<sup>3</sup> Bangladesh Economic Review FY2020-21, Finance Division, Ministry of Finance, Government of the People's Republic of Bangladesh.

<sup>4</sup> Sawhney, A. (2005), 'Quality measures in Food trade: the Indian experience', *The World Economy*, 28 (3), 329-348

countries are committed to uphold when trading in animals, plants and their products. The SPS Agreement support countries from protecting health and safety as well as it allows them to determine their own level of protection but requires that any restrictions on trade needed to achieve that protection be non-discriminatory, transparent and scientifically justified. Bangladesh, as a member of the WTO, has the sovereign right to decide its own level of health protection. Bangladesh also expect our exports to be allowed to compete fairly in foreign markets, while meeting the level of protection required by the importing country.

**Figure 1 Number of Notification on SPS and TBT**



The above graph showed that in 2021, WTO will receive the highest level of notifications in SPS and TBT, which was 5474. In recent year 2022, WTO data explores that 4499 notices have been received. As per WTO data, in 2021, 3,958 TBT related notifications were received and 1,825 numbers of notifications related to SPS are received. In 2022 the number of SPS and TBT notifications is received by WTO was 2930 and 1569 respectively. The illustrative figure explored that number of TBT related notification is on the rise compared to SPS notifications<sup>5</sup>.

Sanitary and Phytosanitary (SPS) measures are typically applied to both domestically produced and imported goods to protect human or animal life or health from food-borne risks; humans from animal and plant-carried diseases; plants and animals from pests or

<sup>5</sup> WTO SPS and TBT data source e-ping accessed on 26 October, <https://epingalert.org/en/FactsAndFigures/Notifications2022>

diseases; and, the territory of a country from the spread of a pest or disease. To reach these goals, SPS measures may address the characteristics of final products, as well as how goods are produced, processed, stored and transported. They may take the form of conformity assessment certificates, inspections, quarantine requirements, import bans, and others. While some of these SPS measures may result in trade restrictions, governments generally recognize that some restrictions are necessary and appropriate to protect human, animal and plant life and health.

The current scenario of SPS and TBT in Bangladesh is a mixed one, with progress made in implementing the agreements but also several challenges that need to be addressed. These challenges include the need for better coordination between government agencies responsible for SPS and TBT matters, the need for more training for SPS and TBT officials, and the need for more resources to be allocated for SPS and TBT compliance. Bangladesh has taken measures to address these challenges, such as the establishment of a National Enquiry Point and the implementation of good agricultural practices and quality standards for shrimp production. However, more support and cooperation from the international community are needed to address the remaining challenges and promote sustainable trade.

## **1.2 Sanitary and Phyto-sanitary (SPS) and Technical Barriers to Trade (TBT) issues in World Trade**

There is a growing interest from developed countries in strengthening national food control systems, reformulating national food regulations to align them with international standards, and establishing import/export food inspection and certification programmes to ensure compliance with SPS and TBT requirements. Although a number of developing countries have excellent food safety and veterinary and plant health services, others do not. For these, the requirements of the SPS Agreement present a challenge to improve the health situation of their people, livestock and crops which may be difficult for some to meet. Because of this difficulty, the SPS Agreement delayed all requirements, other than those dealing with transparency (notification and the establishment of Enquiry Points), until 1997 for developing countries, and until 2000 for the least developed countries. Later it was extended till 2026, which means that these countries are not required to provide a scientific justification for their sanitary or phytosanitary requirements before graduation. Countries which need longer time periods, for example for the improvement of their veterinary services or for the implementation of specific obligations of the agreement, can request the SPS Committee to grant them further delays<sup>6</sup>.

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<sup>6</sup> Understanding the WTO Agreement on Sanitary and Phytosanitary Measures, [https://www.wto.org/english/tratop\\_e/sps\\_e/spsund\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/spsund_e.htm)

### **1.3 Objectives of the study**

SPS/TBT Diagnostics Study comprises two broad phases: Building a robust understanding of the specific needs of individual South Asia Subregional Economic Cooperation (SASEC) countries through national diagnostic studies (NDS); and based on the national diagnostic studies, identifying common issues and challenges faced by the countries in a regional diagnostic study (RDS) to facilitate development of coordinated regional responses and required capacity building actions. The diagnostic also focused on the following issues:

- a. To identify the specific items which have the potential for exports from the SASEC country and subject to SPS/TBT measures of the importing countries;
- b. To carry out a national diagnostic study of Bangladesh on SPS and TBT issues
- c. To carry out practical field studies in identification of standards or regulations in the SASEC and Major countries that are impeding trade on the above identified items.
- d. To conduct a gap analysis that examines and compares current national legislation, infrastructure, local practices, and international best practice; and recommendations for the further initiatives.

### **1.4 Scope of the Study**

Bangladesh has been adopting an export-led agro-processing sector as a part of diversifying of our product basket. Agricultural products' exports have witnessed phenomenal growth over the past 12 years - fetching the country \$1,028 million in financial year 2020-21. In terms of the expansion of the agricultural and other related sectors of Bangladesh, Sanitary and Phyto-sanitary (SPS) and Technical Barriers to Trade becomes the major concern. Since the traders of Bangladesh have lack of knowledge on SPS and TBT measures implied in different countries and the relevant agencies have lack of capacities, it often creates an additional cost burden for them while trading.

This study aims to identify the existing gap concerning the SPS and TBT measures in Bangladesh and will also suggest strong recommendations to improve the SPS and TBT compliance capacity of Bangladesh and overall trade facilitation process. Moreover, this study will compare the current national SPS and TBT legislation and local practice against the best international practices. Another important aim of this study is to analyze the market potentials of Bangladesh in SASEC (Bangladesh, Bhutan, India, Maldives, Myanmar, Nepal, and Sri Lanka) countries and suggest a list of potential products. Hence special importance will be given on;

- Review the current scenario of SPS/TBT measures in Bangladesh and its institutional framework, infrastructure facilities and legal structure;
- Identify the coordination at National, Regional and international level to ensure SPS/TBT notification compliances;
- Identify gaps comparing current national SPS legislation, local practices, and

international best practices;

- Build a robust understanding of the specific needs of the country through national diagnostic studies (NDS)
- To identify common issues and challenges faced by the countries in a regional diagnostic study (RDS) to facilitate development of coordinated regional responses and required capacity building actions;
- Identify the specific items which have the potential for exports from the country and subject to SPS/TBT measures of the importing countries;
- Carry out practical field studies in identification of standards or regulations in the SASEC countries that are impeding trade on the above identified items;
- Identify the reforms in Institutional, infrastructure, legal capacity, and presenting prioritized recommendations for necessary future investments; and
- To strengthen the notification procedures of the SPS/TBT measures to WTO.

## **1.5 Methodology of the Study**

In order to capture the different aspects of governance and varying perspectives of the trade sector in Bangladesh, the methodology adopted for the study included a cohesive multi-stage approach and was based mainly on literature review and in-depth interviews, and consultation with the stakeholders. Thus the methodology of the study involved the following:

1. A desk review of all existing literature like relevant rules/regulations/policies and journal articles, etc.;
2. Key Informant Interviews (KII), Focus Group Discussions (FGD) and Public Consultations with policy level officials, think tanks, academia and other trade related agencies as decided by the client;
3. Data Analysis, using available data from acceptable national (Export Promotion Bureau, Bangladesh Bank, National Board of Revenue, etc.) and international (UN Comtrade, UNCTAD, World Bank, etc.) sources, for a reasonable time frame of the most recent 5 years in the least;
4. Public Consultations, Focus Group Discussions (FGD) and Key Informant Interviews (KII) with the policy level officials, think tanks, academia and other trade-related agencies as decided by the client using structured questionnaires;

### **1.5.1 Method**

The sequential steps followed are mentioned below:

(a) **Review of existing literature:** Available literature including relevant rules/regulations/policies, research/study reports, newspaper reports, official reports, published papers and policy documents of the GoB, think-tank organizations and other international bodies, etc. relating to the study were reviewed.

(b) **Gathering of data:** While the primary data collection process included the literature

review and review of official reports and documents, complementary qualitative data collection activities were done through key informant interviews, focus group discussions, etc. Representatives from stakeholder institutions were selected for in-depth structured interviews or FGDs. Due to the diversity of the problems of the study and the high numbers of stakeholders in the field, the main stakeholder groups in the country for the study were targeted. Nevertheless, every effort was made to include all important actors in the interviews and the FGDs. Efforts were also made to gather complete data so as to ensure analytic usefulness.

(c) **Questionnaire:** The structured Data collection questionnaires were developed and finalized in consultation with the client. All interview questionnaires were evaluated by the relevant experts. A mixed-method evaluation strategy combining qualitative and quantitative methods was adopted for the evaluation of the questions for the KIIs to produce a satisfactory analysis.

(d) **Sampling:** The sampling unit was decided according to the scope of the study in consultation with the client. Sample size with the specific method was determined for each different data collection method (KII, FGD & PC), etc.

(e) **Enumerators' engagement and training:** Required numbers of enumerators were engaged for conducting the KII and other primary data collection with structured questionnaires as per the scope of services for the study. A training workshop was organized to train the enumerators to ensure quality data collection.

(f) **Key Informants Interviews (KII):** A particular focus of the study was to address the goals and concerns of the client and stakeholders' groups. For that purpose, a total of Twenty (20) KIIs were conducted for the study involving the representatives of relevant stakeholders that included the government organizations, business associations, chambers, think-tank organizations, etc. Semi structured interview technique was used via purposeful rather than random sampling method. Appropriate measures were taken to avoid any risks of bias through sampling, response and the behavior of the interviewer. Three common techniques were used to conduct the KIIs: telephone interviews, email interviews and face-to-face Interviews. The KIIs were conducted both in Dhaka and outside Dhaka.

(g) **Focus group discussions (FGD):** Two FGDs relevant to the study was organized targeting mainly the people concerned with the subject matter of the study. The participants in the two FGDs were 20 in number. During discussions, participants were also facilitated to discuss different aspects of the subject amongst themselves. Documentation of discussions was done through video recording, audio tapes, and written notes.

(h) **Public consultation (PC):** One public consultation with the relevant stakeholders via a digital platform was conducted for the study to acquire relevant data.

(i) **Analysis of information and data:** All the information and data collected from various sources and through in-depth interviews, focused group discussions, public consultations, etc. with relevant stakeholders were analyzed separately for the study. Multiple methods of data gathering and analysis, covering both quantitative and qualitative data, including interviews, content analysis, and statistical analysis of secondary data were done. Qualitative techniques were also used to collect in-depth/perceptual information on selected indicators related to the study. Analysis of stakeholders' perceptions was done from the FGD, KIIs, and PC.

**(j) Potential Product Identifications Methodology and Data Gathering**

The study uses trade data from UN Comtrade database for Bangladesh with 5 other SASEC member countries for 5 years was considered. The period considered has been from 2011 to 2015, except for Bhutan. For Bhutan Bangladesh bilateral trade, data was available only for 2 years, for 2011 and 2012 at the time of this study. For Myanmar there was no export data available from 2011 to 2015<sup>7</sup>. For this specific purpose of identifying products with substantial export potential, only the UN Comtrade database was used for the sake of uniformity among all the SASEC member countries. Besides, UN Comtrade database provides information on unit prices, which has been considered an important factor for assessing export potential. All the products were considered at the 6-digit HS Code level. To identifying the potential products a 6-stage filtering process was developed to single out the products with the most reasonable potential for exports. The first filter was related to export frequency during the 5-year period, from 2011 - 2015. If Bangladesh had exported a certain product to another SASEC country only in one year out of these 4 years, then that particular product was not considered. In other words, only those products were considered which were exported at least in two years during 2011-2015 period.

The second filter was related to price. After applying the second filter we considered only those export products from Bangladesh which had a lower average export price per unit than the average import price per unit for the same product from the rest of the world in another importing country in SASEC. The third filter was related to market share of Bangladeshi exports. If the product from Bangladesh already had a market share of at least 20% or more in the importing SASEC country, then the product was not

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<sup>7</sup> ITC, Trade Map, Trade Statistics for international business development, [https://www.trademap.org/Bilateral\\_TS.aspx?nvpm=1%7c050%7c%7c104%7c%7cTOTAL%7c%7c%7c2%7c1%7c1%7c1%7c2%7c1%7c1%7c1%7c1%7c1](https://www.trademap.org/Bilateral_TS.aspx?nvpm=1%7c050%7c%7c104%7c%7cTOTAL%7c%7c%7c2%7c1%7c1%7c1%7c2%7c1%7c1%7c1%7c1%7c1)

considered, since it already enjoyed a fair portion of market share.

The fourth filter was related to supply side capacity of Bangladesh – if the product constituted at least 20% or more of Bangladesh’s export of that product to a partner country in SASEC importing that product, then the product was not considered a potential item, since it already enjoyed a fair share of export capacity. The last two filters were related to market size of the products.

The fifth filter was related to average export value of Bangladesh for that product in the importing country. For Indian market Bangladesh considered the highest average value of US\$ 1,000,000 as the average value filters for export and import, and for Bhutan, considering the small size of its economy, an average value of US\$ 100,000 was considered. For other SASEC countries, this value was US\$ 500,000. For example, if the annual average export value of a Bangladeshi product was less than US\$ 500,000 in Sri Lanka, then the product was not considered, and likewise, if the average annual import value of a product was less than US\$ 500,000 in Sri Lanka, then the product was not considered in the list of potential products. It should be noted here, that the filters were applied one after another. A detailed description of product identification methodology and the filters applied in each country is provided in the Annex 4.

For data uniformity, UN Comtrade Database is used whenever permitted by data availability. Where there is unavailability of data from the UN Comtrade, other widely used databases, such as, World Integrated Trade Solution (WITS), and Trade Map of International Trade Center (ITC), and national data are used in addition to the official data from Export Promotion Bureau (EPB) of Bangladesh and Bangladesh Bank have been used, with mention of the source, or the URL. The NTM database from ITC was particularly useful in developing the tables in Annex 3 for SPS and TBT related specific measures for the country wise potential export products identified.

#### **(k) Reporting**

Following are the reports that have been and will be submitted to the client in course of implementation of the impact evaluation:

- I. **Inception Report:** Containing detailed description of proposed methodology and work plan as well as initial findings from initial research and analysis, an Inception Report for the study was submitted within 02 weeks from the date of commencement of the services. This report included the detailed elaboration of questions, centering the objective of the study the details plan for qualitative or quantitative data analysis was defined based on the requirements. The methodology with justification specified the particular method of data collection, sampling design, indicators, data sources and data collection method. It also

defined the responsibilities of the key experts while ensuring the monitoring and evaluation with technical person.

- II. **Draft Reports:** Separate the study containing the discussions, qualitative or quantitative analysis (where necessary), findings, recommendations, etc. and all background and supporting documentation including any interview notes, questionnaires, etc. will be submitted.

## **1.6 Background of the WTO Sanitary and Phyto-sanitary (SPS) agreement**

Sanitary and phytosanitary (SPS) measures are not new issues in global trade. Because of the concern that SPS measures might be used for protectionist purposes, a specific Agreement on the Application of Sanitary and Phytosanitary Measures was negotiated during the Uruguay Round on 20 September 1986 and formally concluded at Marrakesh, Morocco, on 15 April 1994. The Agreement recognizes that countries have the right to maintain SPS measures for the protection of the population and the agricultural sector. However, it requires them to base their SPS measures on scientific principles and not to use them as disguised restrictions to trade. Despite growing concern that certain sanitary and phytosanitary measures may be inconsistent with the SPS Agreement and unfairly impede the flow of agricultural trade, developing countries are not well positioned to address this issue. They lack complete information on a number of measures that affect their exports and whether these measures are consistent or inconsistent with the SPS Agreement. They do not have reliable estimates on the impact such measures have on their exports or causing serious problems on scientific research, testing, conformity assessment and equivalency.

Developing countries are unable to effectively participate in the international standard-setting process and, therefore, face difficulties when requested to meet SPS measures in foreign markets based on international standards. Transparency-related requirements represent a burden for developing countries. The provision of adaptation to regional conditions, which would be great benefit to developing countries, has been little used because lack of capacities of developing countries. The provisions relating to special and differential treatment for developing countries remain rather theoretical and apparently have not materialized in any concrete step in their favour.

### **1.6.1 Key Provisions for WTO Sanitary and Phyto-sanitary (SPS) Agreement**

WTO member countries are encouraged to use the standards developed by the relevant international bodies whenever they exist. However, members may use measures which result in higher levels of health protection, so long as their measures are based on an appropriate assessment of risks and the approach is consistent, not arbitrary. The agreement sets out a framework for what countries can do, but is not prescriptive in how

countries use health standards and methods of inspecting products. The key provisions of SPS agreement as follows;

**Table 1 Key Provisions on WTO Sanitary and Phytosanitary Agreement**

SL.	Key Provisions	Definitions
1.	<b>Sanitary or Phytosanitary measure - Any measure applied</b>	<p>(a) to protect animal or plant life or health within the territory of the Member from risks arising from the entry, establishment or spread of pests, diseases, disease-carrying organisms or disease-causing organisms;</p> <p>(b) to protect human or animal life or health within the territory of the Member from risks arising from additives, contaminants, toxins or disease-causing organisms in foods, beverages or feed stuffs; to protect human life or health within the territory of the Member from risks arising from diseases carried by animals, plants or products thereof, or from the entry, establishment or spread of pests; or</p> <p>(c) to prevent or limit other damage within the territory of the Member from the entry, establishment or spread of pests.</p>
2.	<b>Harmonization</b>	The establishment, recognition and application of common sanitary and Phytosanitary measures by different Members.
3.	<b>International standards, guidelines and recommendations</b>	<p>a) for food safety, the standards, guidelines and recommendations established by the Codex Alimentarius Commission relating to food additives, veterinary drug and pesticide residues, contaminants, methods of analysis and sampling, and codes and guidelines of hygienic practice;</p> <p>b) for animal health and zoonoses, the standards, guidelines and recommendations developed under the auspices of the International Office of Epizootics;</p> <p>c) for plant health, the international standards, guidelines and recommendations developed under the auspices of the Secretariat of the International Plant Protection Convention in cooperation with regional organizations operating within the framework of the International Plant Protection Convention;</p> <p>d) for matters not covered by the above organizations, appropriate standards, guidelines and recommendations promulgated by other relevant international organizations open</p> <p>e) for membership to all Members, as identified by the Committee.</p>

SL.	Key Provisions	Definitions
4.	<b>Risk assessment</b>	a) The evaluation of the likelihood of entry, establishment or spread of a pest or disease within the territory of an importing Member according to the sanitary or Phytosanitary measures which might be applied, and of the associated potential biological and economic consequences; or the evaluation of the potential for adverse effects on human or animal health arising from the presence of additives, contaminants, toxins or disease-causing organisms in food, beverages or feedstuffs.
5.	<b>Appropriate level of sanitary or Phytosanitary protection</b>	The level of protection deemed appropriate by the Member establishing a sanitary or Phytosanitary measure to protect human, animal or plant life or health within its territory.
6.	<b>Pest- or disease-free area</b>	a) An area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest or disease does not occur. b) A pest- or disease-free area may surround, be surrounded by, or be adjacent to an area - whether within part of a country or in a geographic region which includes parts of or all of several countries - in which a specific pest or disease is known to occur but is subject to regional control measures such as the establishment of protection, surveillance and buffer zones which will confine or eradicate the pest or disease in question.
7.	<b>Area of low pest or disease prevalence</b>	a) An area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest or disease occurs at low levels and which is subject to effective surveillance, control or eradication measures.

### 1.7 Equivalency in Sanitary and Phyto-sanitary (SPS) agreement

The SPS Agreement encourages countries to give positive consideration to accepting as equivalent the SPS measures of other members, even if these measures differ from their own or from those used by other countries, if the exporting country demonstrates that its measures achieve the importing member's appropriate level of sanitary and phytosanitary protection (Article 4.1). However, the implementation of this principle so far has been limited. Developing countries have reported that in several instances importing countries are looking for "sameness", instead of equivalency, of measures. The interpretation of equivalency as sameness is depriving Article 4.1 of its function, which is to recognize that different measures can achieve the same level of sanitary and

phytosanitary protection and therefore countries can enjoy flexibility about the kind of measures to adopt to ensure adequate SPS protection.

Equivalency is the best option when harmonization of standards is not desirable or when international standards are lacking or are inappropriate. For developing countries, which face climatic, developmental, and technological conditions rather different from those prevailing in developed countries, the recognition of the equivalency of their SPS measures to those applied by the importing countries would represent a key instrument to enhance market access for their products.

Equivalency at regional level, in the framework of regional or sub-regional agreements, is easier to achieve. Developing countries may therefore have an interest in analyzing the possibility of including reference to equivalency of SPS measures in the framework of regional and sub-regional groupings. The recognition of the equivalence is not easy to achieve and usually implies the fulfilment of several requirements. However, for developing countries, this option is worth pursuing since it would greatly facilitate market access for their products.

### **1.8 Mutual Recognition Agreements in Sanitary and Phyto-sanitary (SPS) agreement**

Mutual Recognition Agreements (MRAs) can take several forms. They can cover testing methods, conformity assessment certificates, or they can be full-fledged and include the standards. MRAs of the first type entail only limited savings in international trade, but play an important role in building up confidence between laboratories in different countries and usually represent a necessary step towards the conclusion of broader MRAs. MRAs on conformity assessment improve market access by avoiding duplicative testing and the related costs, by reducing possible discrimination against foreign products and by eliminating delays. Moreover, they may represent crucial learning experiences, since they imply an intensive exchange of information and close contacts between relevant authorities. MRAs of the third type require that parties consider their domestic requirements as equivalent, with the consequence that a good which can be legally sold in one country may be legally sold in the other(s). Article 4.2 of the SPS Agreement makes reference to this last type of MRA.

### **1.9 Transparency and notification provisions in Sanitary and Phyto-sanitary (SPS) agreement**

Transparency is vital to make sure that SPS measures are scientifically sound and do not have an unnecessary detrimental impact on international trade. However, variations in the quality and content of the information provided by countries in their notifications, short comment periods, delays in responding to requests for documentation, absence, at times, of due consideration for the comments provided by other Members are recurrent problems limiting the effective implementation of the transparency provisions. In order

to improve transparency, some measures were agreed during the triennial review of the SPS Agreement. According to the Agreement, Members shall allow a reasonable interval between the publication of a SPS measure and its entry into force. This time frame is crucial for producers to adapt their products to the new requirements. As a means to improve the efficiency and the speed of the notification procedures, some countries, both developed and developing, have proposed the use of electronic transmission. While electronic means may in fact improve the system, it should be kept in mind that several developing countries still have limited access to INTERNET and that many enquiry points in developing countries do not have well-functioning e-mail systems. Therefore, not all countries would benefit from a switch from hard copy notification to electronic notification<sup>8</sup>.

### **1.10. The Sanitary and Phyto-sanitary (SPS) Scenario in Bangladesh**

As a signatory of the WTO's Agreement on Sanitary and Phyto Sanitary (SPS) measures, Bangladesh aims to administer SPS measures with the objective of protecting life and health of human, animals, and plants. Preliminary review of secondary sources suggests, Bangladesh imposes SPS measures to over 300 product categories<sup>9</sup>. These products are subject to quarantine, certification, and inspection requirements related to SPS measures. As a signatory of the WTO's Agreement on Sanitary and Phyto Sanitary (SPS) measures, Bangladesh has SPS regime and institutional mechanism in place to administer SPS measures with the objective of protecting life and health of human, animals, and plants.

#### **1.10.1 Sanitary and Phyto-sanitary (SPS) from Export and Import points of view in Bangladesh**

**Import point of view:** Bangladesh maintains few SPS measures on imported products.

- a. In case of imports of food items certificate, declaring the safety of food for human consumption, is required and radiation test before shipment is required.
- b. In case of imports of plants, plant products and animals, quarantine procedures need to be followed.

**Export point of view:**

- a. Bangladesh exports frozen foods and agro-products to that are subject to SPS measures.
- b. The Fish Inspection and Quality Control Wing of Department of Fisheries - introduced HACCP in fish processing industries and Carries out regular

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<sup>8</sup> Jhanvi Trivedi, Yann Duval, Danijel Bajt, Jeong Ho Yoo ESCAP Working paper on 'Non-Tariff Measures in Regional Trade Agreements in Asia and the Pacific: SPS, TBT and Government Procurement', 2019.

<sup>9</sup> Dr. Selim Raihan, D. M. (2014). NTMS in South Asia: Assessment and Analysis. Kathmandu, Nepal: SAARC TPN; p-38, 2014.

inspection of hygiene and sanitation of processing plant premises to verify HACCAP related records.

- c. Certify the export consignments Exports of plant and plant products are also certified by the Quarantine Wing and Department of Agriculture Extension (DAE).
- d. Frozen fish sector is trying to maintain all the requirements of export markets, like EU and USA Importers want our fish/shrimp to be safe for consumption free from Pathogenic bacteria and Prohibited antibiotics (nitro furans & chloramphenicol).
- e. Other hazardous chemicals (like Pesticides, Hormones) It is a great challenge to maintain the hygiene and sanitary requirements at all level, from the growers to exporters.

These views are administered on the basis of number of laws and related act, rules and regulations.

### 1.11 Benchmark list of SPS provisions in RTA & FTAs

The following provisions or features used to benchmark the RTAs on their SPS content are as follows<sup>10</sup>:

**Table 2 Benchmark list of SPS provisions in RTA & FTAs**

SL No	Issue	Description
1.	Reference to WTO SPS Agreement	The RTA specifically refers to and stresses compliance with the WTO Sanitary and Phytosanitary (SPS) Agreement.
2.	Provision on Information Exchange and Cooperation	The RTA includes a provision on exchange of information and cooperation on SPS measures.
3.	Assigning Competent Authorities and Contact Points	The RTA specifies that all the countries should have SPS Contact/Enquiry points with whom the other countries can instantly connect in case of an enquiry.
4.	Reference to use of International Standards	The RTA encourages the use of international standards for SPS measures - to conform to the relevant guidance of international standards.
5.	Establishment of an SPS Committee	The RTA partners form an SPS committee to fulfil the objectives of the SPS chapter.
6.	Provision on Risk Analysis	The RTA provides guidance on risk analysis for conformity to standards and norms and how they should be implemented/accepted.
7.	Provision on Equivalence	The RTA promotes mutual recognition and acceptance of SPS certificates issued by RTA partners, in order to prevent goods being tested in both the exporting and importing country.

<sup>10</sup>Jhanvi Trivedi, Yann Duval, Danijel Bajt, Jeong Ho Yoo ESCAP Working paper on 'Non-Tariff Measures in Regional Trade Agreements in Asia and the Pacific: SPS, TBT and Government Procurement', Page Number 8, 2019

SL No	Issue	Description
8.	Mutual Recognition of standards	The RTA encourages mutual understanding of SPS measures taken by the RTA partners – to foster mutual confidence and demonstrate the efficiency of the programmes.
9.	Import Check	The RTA specifies that SPS inspections should be conducted without undue delay at the border.
10.	Provision on taking Emergency Measures:	The RTA encourages RTA members taking emergency SPS measures to notify them to other members so they can be taken into consideration.
11.	Certification of Products	The RTA specifies the certification is only requested to the extent necessary to protect human, animal or plant life or health.
12.	Provision on Audits	The RTA includes a provision on audit specifying that the audit shall be system-based and follow the guidance of the WTO SPS Committee.
13.	Harmonization with International Standards	The RTA promotes harmonization between national and international standards, and between the parties' standards.
14.	Provision on Import Requirement	The RTA enables acquiring relevant information about imported commodities without undue delay to ensure the efficient management of available resources.
15.	Regionalization and Compartmentalization:	The RTA promotes importation based on region or compartment to facilitate mutual trade.

### 1.12 Agreement on Technical Barriers to Trade

Although the TBT Agreement has three separate fields of application (technical regulations, standards, and conformity assessment procedures), there are common principles and rules that are generally applicable throughout. This section concerns these common principles and rules. Within the WTO framework, the TBT Agreement is intended to ensure that technical regulations, standards and conformity assessment procedures do not constitute unnecessary barriers to international trade while recognizing the right of Members to take regulatory measures to achieve their legitimate objectives:

**Table 3 Key Provisions of WTO on TBT Agreement**

SL	TBT Key Points	Descriptions
1	<b>Marking, Packaging &amp; Labeling</b>	The technical regulation may include or deal exclusively with marking or labeling requirements, and agree that where their technical regulations contain mandatory marking or labeling.
2	<b>Conformity Assessment Procedures</b>	Conformity assessment procedures are used, directly or indirectly, to determine the fulfilment of relevant requirements contained in technical regulations or standards. They include procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; and registration, accreditation and approval.

SL	TBT Key Points	Descriptions
3	<b>International Standards</b>	As a basis for its technical regulations and conformity assessment procedures, each Party shall use relevant international standards, guides, and recommendations.
4	<b>Technical Regulations</b>	The Parties agree to make the best use of good regulatory practices, as indicated in the TBT Agreement on use relevant international standards as a basis for technical regulations including conformity assessment procedures.
5	<b>Transparency</b>	Each Party shall allow a period of at least 60 days following the notification of its proposed technical regulations and conformity assessment procedures to WTO.
6	<b>Cooperation</b>	Reasonable interval shall be understood to normally mean a period of not less than six months, except when this would be ineffective in fulfilling the legitimate objectives pursued.
7.	<b>Border Control and Market Surveillance</b>	Where a Party detains, at a port of entry, goods including testing samples for conformity assessment exported from the other Party due to a perceived failure to comply with a technical regulation or conformity assessment procedures, the reasons for the detention shall be promptly notified.
8.	<b>Information Exchange</b>	Any information that a Party provides upon request of the other Party shall be communicated in printed or electronic form or any other means acceptable to the Parties within a period of 60 days after the receipt of notification.
9.	<b>Committee on TBT</b>	The Parties hereby establish a Committee on Technical Barriers to Trade (hereinafter referred to as the "Committee"), comprising representatives of each Party.

So, the ultimate goals of the TBT agreement were the development of international standards, the Rights of Members to adopt technical measures, and no unnecessary obstacles to international trade.

**Products:** TBT agreement are applied in both agricultural and industrial products.  
**Measures Covered:** The TBT Agreement applies to:

- a. **Technical Regulations:** Technical Regulations lay down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production and test method.
- b. **Standards:** Standards are approved by a Recognized Body, that provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not

mandatory. They may also deal with terminology, symbols, packaging and labelling requirements<sup>11</sup>.

- c. **Conformity assessment procedures:** Conformity assessment procedures are used, directly or indirectly, to determine the fulfilment of relevant requirements contained in technical regulations or standards. They include procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; and certifications/registration, accreditation and approval.

### 1.13 TBT Scenario in Export and Import of Bangladesh

**Import point of view:** Bangladesh maintains few TBT measures on imported products.

- a) In case of imports of a product, Bangladeshi importers have to take compulsory certificate for 79 products from BSTI ordained by import policy order given mandatory product such as milk powders and creams, follow up formula, milk powders and cream powders, fruits and vegetable juices, carbonated beverage, edible oil, ceramic products, cosmetic products, electronics products and etc.
- b) Currently, 229 products are under the Compulsory Certification Marks (CM) of BSTI.
- c) Marketing of any of these items needs conformity certificate of BSTI. These include Food and Agriculture, Chemical, Jute and Textile, Electrical and Electronics and Engineering products.

**Export point of view:** Product regulations, registration requirements, language requirements, national packaging requirements, marking, labeling and packaging requirements varies from country to country

### 1.14 Benchmark list of TBT Provisions in RTAs

The following provisions or features used to benchmark the RTAs on their TBT content are as follows:<sup>12</sup>

**Table 4 Benchmark list of TBT Provisions in RTAs**

SL No	Issue	Description
1.	<b>In reference to WTO TBT Agreement</b>	The RTA specifically refers to and stresses compliance with the WTO Technical Barriers to Trade (TBT) Agreement, which aims to ensure that technical regulations, standards, and conformity assessment procedures are non-discriminatory and do not create

<sup>11</sup> The WTO Agreements Series, Technical Barriers to Trade, Third Edition, TBT Agreement – Annex 1 (Jurisprudence)

<sup>12</sup>Jhanvi Trivedi, Yann Duval, Danijel Bajt, Jeong Ho Yoo ESCAP Working paper on ‘Non-Tariff Measures in Regional Trade Agreements in Asia and the Pacific: SPS, TBT and Government Procurement’, 2019.

SL No	Issue	Description
		unnecessary obstacles to trade.
2.	<b>Provision on Dispute Settlement</b>	The scope of the dispute settlement committee under the RTA extends to TBT related matters.
3.	<b>Provision on Information Exchange and Cooperation:</b>	The RTA includes a provision on exchange of information and cooperation for better implementation of the provisions.
4.	<b>Reference to use of International Standards</b>	The RTA encourages the use of international standards to curb the cost of compliance with country-specific technical standards and norms.
5.	<b>Harmonization with International Standards:</b>	The RTA promotes harmonization of member's practices with international standards.
6.	<b>Provision on Conformity Assessment Procedures</b>	The RTA provides guidance on assessment procedures for conformity to technical standards and norms and how they should be implemented/accepted.
7.	<b>Mutual Recognition of Conformity Assessment Procedures</b>	The RTA promotes mutual recognition, i.e., acceptance and recognition of the Conformity Assessment Procedures used by the RTA partners, in order to prevent goods being tested in both the exporting and importing country - and to save time and cost.
8.	<b>Establishment of a TBT Committee</b>	RTA partners form a TBT committee to fulfil the objectives of the TBT chapter.
9.	<b>Assigning Contact Points</b>	The RTA specifies that all the countries should have TBT Contact/Enquiry points with whom the other countries can instantly connect in case of an enquiry.

Given the above key feature of TBT in trade agreement, it is urged that Bangladesh need to take pragmatic steps for complying with these. Especially, for dispute settlement, use of International Standards, harmonization with International Standards, conformity assessment and mutual recognition are the burning issue, coming first before the signing of a bilateral trade agreements.

### **1.15 Ministerial Conference (MC) and SPS- TBT Issue related Declaration**

Numerous MCs have proclaimed SPS-TBT-related outcomes are summarized as per Ministerial Conference (MC):

**MC-1 Declaration:** As part of the WTO Agreements and decisions the conference agreed to several provisions calling for future negotiations on Agriculture, Sanitary and Phytosanitary Measures, Safeguards, Subsidies and Countervailing Measures, Technical Barriers to Trade, Textiles and Clothing, Trade Policy Review Mechanism, Trade-Related Aspects of Intellectual Property Rights and Trade-Related Investment Measures.

**MC-4 Declaration:** The conference instructs the Committee on Trade and Environment, in pursuing work on all items on its agenda within its current terms of reference, to give particular attention to:

- the effect of environmental measures on market access, especially in relation to developing countries, in particular the least-developed among them, and those situations in which the elimination or reduction of trade restrictions and distortions would benefit trade, the environment and development;
- the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights; and
- labelling requirements for environmental purposes.

Work on these issues should include the identification of any need to clarify relevant WTO rules. The Committee shall report to the Fifth Session of the Ministerial Conference, and make recommendations, where appropriate, with respect to future action, including the desirability of negotiations. The outcome of this work as well as the negotiations carried out under paragraph 31(i) and (ii) shall be compatible with the open and non-discriminatory nature of the multilateral trading system, shall not add to or diminish the rights and obligations of members under existing WTO agreements, in particular the Agreement on the Application of Sanitary and Phytosanitary Measures, nor alter the balance of these rights and obligations, and will take into account the needs of developing and least-developed countries.

**MC-12 Declaration:** The conference reaffirms the rights and obligations of Members established by the SPS Agreement and call for Members' strengthened adherence to the SPS Agreement to support international trade while ensuring the protection of human, animal and plant life or health. The Ministerial Conference instructs the SPS Committee to further enhance the implementation of the SPS Agreement in an effort to better manage issues related to international trade in food, animals and plants by undertaking a work programme, open to all Members and Observers, consisting of new efforts to identify: (1) challenges in the implementation of the SPS Agreement and the mechanisms available to address them; and (2) the impacts of emerging challenges on the application of the SPS Agreement.

Through the work programme, the Ministerial Conference envisions that the SPS Committee should explore how the implementation and application of the SPS

Agreement can support the following themes, including but not limited to:

- How to facilitate global food security and more sustainable food systems, including through sustainable growth and innovation in agricultural production and international trade, and through the use of international standards, guidelines, and recommendations developed by the Codex Alimentarius Commission, the World Organization for Animal Health and the International Plant Protection Convention as the basis of harmonized SPS measures to protect human, animal or plant life or health.
- How to support basing SPS measures on scientific evidence and principles, including where international standards, guidelines, or recommendations do not exist or are not appropriate; and how to promote the use by Members of principles employed by the international standard setting bodies for considering scientific uncertainty in risk analysis.
- How to enhance the safe international trade in food, animals and plants and products thereof through the adaptation of SPS measures to regional conditions, including pest- or disease-free areas and areas of low pest or disease prevalence which can strengthen Members' ability to protect plant and animal life or health through efforts to limit the spread of pests such as the Mediterranean fruit fly, diseases such as African swine fever, disease-carrying organisms, or disease-causing organisms.
- How to encourage cooperation with observer organizations that support the work of the SPS Committee and the international standard setting bodies through technical exchanges and assistance in the context of this work programme.
- How to increase participation of and support for the special needs of developing and least developed country Members in the development and application of SPS measures; and in particular, to increase awareness of and sensitivity to the impacts of SPS.

## **Chapter 2: Review the Current Scenario of SPS & TBT Measures in Bangladesh and Its Legal Structure**

The Agreement on the Application of Sanitary and Phytosanitary Measures (the "SPS Agreement") entered into force with the establishment of the World Trade Organization on 1 January 1995. It concerns the application of food safety and animal and plant health regulations. In essence, SPS focuses on establishing standards and ensuring that the food supply is "safe" in accordance with criteria that each nation deems suitable, provided that such standards are founded on scientific evidence. SPS laws also provide that international standards, guidelines, and recommendations shall serve as the foundation for SPS measures if and when they exist. However, the agreement acknowledges the potential for variety in standard settings. As a result, members are expected to apply their measures based on globally defined and approved standards, as well as to take action toward standard harmonization. Even though countries are allowed under the Agreement on SPS to set the level of standard that they consider appropriate, the Agreement specifically requires concerned countries to avoid levels of protection that may consequently result in unnecessary obstacles to trade or in the arbitrary and unjustifiable discrimination between members where identical or similar conditions prevail.

To lend transparency to the process, WTO members are required to publish their respective SPS regulations. They also must identify a national notification authority. Each member is required to inform others about an enquiry point in the country that will be a focal point for the purpose of SPS and be responsible for submitting notifications and full texts of SPS regulations to interested parties. Information about revisions to existing laws and revised provisions are required to be notified to the WTO at the draft stage so as to enable other countries to react to the envisaged revisions.

The Agreement on Technical Barriers to Trade relate to international rules that are applicable to product standards in trade in goods. The TBT concerns procedures for conformity assessment with respect to those standards. The TBT allows countries to adopt conformity assessment procedures that do not essentially draw on internationally accepted guidelines. Conformity assessment procedures include such activities as registration, inspection, laboratory accreditation, independent audit and quality registration schemes. The Agreement on TBT is also geared to ensure conformity with technical requirements in packaging, marketing and labelling.

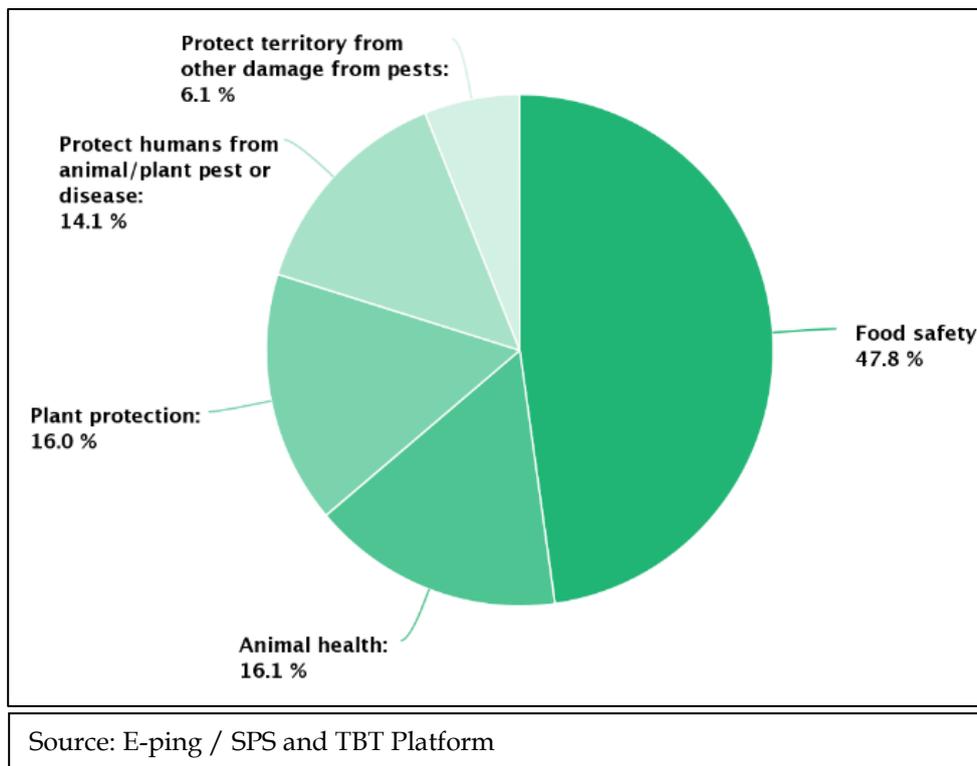
## 2.1 SPS and TBT Measure in Practice

There are both points of convergence and departure as far as the provisions of SPS and TBT are concerned. Both agreements are based on two policy considerations –

- a) every country's inherent right to take measures to protect its human, animal or plant life and health; its national security; to ensure the quality of its exports; or to prevent deceptive trade practices; and
- b) such measures should not create unnecessary obstacles to international trade or be used as protectionist measures.

Both agreements require that the preparation, adoption and implementation of measures/regulations are done in a transparent manner, inter alia, by inserting advance notification requirements and calling for the creation of enquiry points. However, these two Agreements also differ on some points: whilst under the SPS Agreement the only exception that can be made for not using a relevant international standard if there is a scientific justification for this while under the TBT Agreement, governments are not bound to use international standards; if these are deemed to be inappropriate owing to, for instance, technological or geographical reasons.

**Figure 2 Objectives of SPS Notifications**



As per WTO analysis it was found that centering five objectives, most of the countries impose SPS notification and these objectives are i) Food Safety; ii) Animal Health; iii) Plant Protection; iv) Protect humans from animal/plant pest or disease

and v) Protect territory from other damage form pests. The graph explored that about 47.8% of SPS notifications are issued due to food safety reason while 16.1% of notification are issued due to animal health and 16% of notification arises due to plant protection. On the other hand, 14.1% of notifications are issued due to protection of humans from

animal/plant pest or disease while 6.1% notifications are issued for protecting territory from other damage form pests<sup>13</sup>.

The aim of the TBT Agreement is to assure that the above technical requirements do not create an unnecessary hurdle to global trade. The Agreement tries to maintain a balance between allowing seamless international trade by regulating such technical non-tariff barriers and allowing countries to enact product regulations in the interests of health, environment, consumers, etc. The TBT Agreement tries to maintain a balance between the prevention of protectionism and the right of members to enact product regulations for legitimate public policy purposes.

## **2.2 Special and Differential(S&D) treatment for Developing and LDCs Countries under the SPS and TBT Agreements**

The extent to which developing country rights and obligations should differ from developed country rights and obligations due to their lower levels of development is one of the key concerns in multilateral trade discussions and the application of multilateral trade rules. It has long been a difficult issue how countries at different levels of development are treated in international trade. For developing nations, special and differentiated treatment (S&D), which satisfies the demands and unique needs of weaker member states, is essential. S&D therapy is also used to make up for perceived shortcomings in other trade negotiations agreement for developing countries<sup>14</sup>. The issue of S&D treatment has grown in importance over the years, first in the framework of the General Agreement on Tariffs and Trade (GATT) and now in the World Trade Organization (WTO), as developing countries' liberalization commitments have dependent on S&D treatment. And the developed countries are committed to provide support for trade in services, intellectual property rights protection, and agricultural trade, as a result of which developing countries have assumed significant new commitments in s technical trade barriers, and sanitary and phytosanitary measures for market access.

For developing countries, S&D treatment is now regarded as essential if they are to participate in and accept the additional obligations resulting from multilateral trade negotiations. In the absence of S&D treatment, many developing countries would find it extremely difficult to accept strict disciplines and higher liberalization commitments or be willing to join new negotiations. S&D treatment should give them more flexibility and discretion in the use of public policies to enhance their prospects for industrialization, diversification of production and exports, export promotion and

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<sup>13</sup> WTO SPS and TBT data source e-ping accessed ,<https://epingalert.org/en/Facts And Figures/Notifications>

<sup>14</sup> Special and Differential Treatment for Developing Countries in the WTO, Hesham Youssef, pecial and Differential Treatment for Developing Countries in the Multilateral Trading System, WT/GC/W/109, WT/COMTD/49, 5 November 1998).

overall growth and development. Crucially, S&D treatment also provides a means through which developed countries could offer enhanced trading opportunities to developing countries. Thus, for developing countries, S&D treatment constitutes an integral part of the balance of rights and obligations of the Uruguay Round Agreements as a whole. They accepted the obligations in the expectation that some of their concerns would be addressed and dealt with through S&D provisions.<sup>15</sup>

**Table 5 S&D Treatment for Developing Countries in SPS**

SL No.	Area of S&D Treatment in SPS	Specific Articles	Implications
1.	Longer time-frame for implementation	<ul style="list-style-type: none"> <li>• <b>Article 10 (2) SPS-</b> Where the appropriate level of sanitary or phytosanitary protection allows scope for the phased introduction of new sanitary or phytosanitary measures, longer time-frames for compliance should be accorded on products of interest to developing country Members so as to maintain opportunities for their exports.</li> <li>• <b>Article 14 SPS-</b> The least-developed country Members may delay application of the provisions of this Agreement for a period of five years following the date of entry into force of the WTO Agreement with respect to their sanitary or phytosanitary measures affecting importation or imported products. Other developing country Members may delay application of the provisions of this Agreement, other than paragraph 8 of Article 5 and Article 7, for two</li> </ul>	Granting longer time-frames for compliance on products of interest to developing countries. Developing countries (other than LDCs) may delay for 2 years and the least-developed country Members may delay application of the provisions of this Agreement for a period of five years.

<sup>15</sup> Special and Differential Treatment for Developing Countries in the WTO, Hesham Youssef, Special and Differential Treatment for Developing Countries in the Multilateral Trading System, WT/GC/W/109, WT/COMTD/49, 5 November 1998).

SL No.	Area of S&D Treatment in SPS	Specific Articles	Implications
		<p>years following the date of entry into force of the WTO Agreement with respect to their existing sanitary or phytosanitary measures affecting importation or imported products, where such application is prevented by a lack of technical expertise, technical infrastructure or resources.</p>	
2.	Flexibility	<ul style="list-style-type: none"> <li>• <b>Article 10 (3) SPS-</b> With a view to ensuring that developing country Members are able to comply with the Provisions of this Agreement, the Committee is enabled to grant to such countries, upon request, specified, time-limited exceptions in whole or in part from obligations under this Agreement, taking into account their technical, trade and development needs.</li> <li>• <b>Article 10 (4) SPS-</b> Members should encourage and facilitate the active participation of developing country Members in the relevant international organizations.</li> </ul>	<p>The notification procedures for proposed SPS measures should provide developing countries with the possibility of identifying where they may have potential problems meeting new requirements affecting their exports, and the opportunity to request a phased introduction of the proposed measures where this is possible.</p>
3.	Technical assistance	<ul style="list-style-type: none"> <li>• <b>Article 9 (1) SPS-</b> Members agree to facilitate the provision of technical assistance to other Members, especially developing country Members, either bilaterally or through the appropriate international organizations. Such assistance may be, inter alia, in the areas of processing technologies, research and</li> </ul>	<p>Providing technical assistance to developing country members [Where substantial investments are required for an exporting developing country to fulfil the SPS requirements of an importing country, the latter shall consider providing such technical assistance as will permit the developing country</p>

SL No.	Area of S&D Treatment in SPS	Specific Articles	Implications
		<p>infrastructure, including in the establishment of national regulatory bodies, and may take the form of advice, credits, donations and grants, including for the purpose of seeking technical expertise, training and equipment to allow such countries to adjust to, and comply with, sanitary or phytosanitary measures necessary to achieve the appropriate level of sanitary or phytosanitary protection in their export markets.</p> <ul style="list-style-type: none"> <li>• <b>Article 9 (2) SPS-</b> Where substantial investments are required in order for an exporting developing country Member to fulfil the sanitary or phytosanitary requirements of an importing Member, the latter (Developed Country) shall consider providing such technical assistance as will permit the developing country Member to maintain and expand its market access opportunities for the product involved.</li> </ul>	to maintain and expand its market access opportunities
4.	Notifications	<p><b>Annex B: Paragraph 9:</b> The Secretariat shall promptly circulate copies of the notification to all Members and interested international organizations and draw the attention of developing country Members to any notifications relating to products of particular interest to them.</p>	The WTO Secretariat should draw the attention of developing countries to any notifications relating to products of particular interest to them. However, in view of the fact that this provision has not been implemented in an effective or systematic manner, a more effective mechanism should be devised to ensure the

SL No.	Area of S&D Treatment in SPS	Specific Articles	Implications
			full implementation of this provision.

### 2.3 S&D Provision for Developing and LDCs Countries under TBT Agreement

Standards are increasingly being used as a cover for clandestine protectionism. National, regional, and global levels are developing environmental, health, and safety standards. Developing nations are not forced to adhere to international norms that conflict with their goals for development or that could jeopardize the survival of local technologies. However, despite the impact and actual need for these higher levels of standards from the perspective of developing countries, there are numerous activities, particularly among developed countries, in relation to standard setting and mutual recognition of standards that may inadvertently impose a requirement on developing countries to modify their standards in order to conform to those of developed countries. The most important provisions are as follows<sup>16</sup>-

**Table 6 S&D Treatment for Developing and LDCs Countries in TBT**

SL No.	Area of S&D Treatment in TBT	Specific Articles	Implications
1.	Flexibility	<ul style="list-style-type: none"> <li><b>TBT Articles 12 (4)</b>- Members recognize that, although international standards, guides or recommendations may exist, in their particular technological and socio-economic conditions, developing country Members adopt certain technical regulations, standards or conformity assessment procedures aimed at preserving indigenous technology and production methods and processes compatible with their development needs. Members therefore recognize that developing country Members should not be expected to use international standards as a basis for their technical regulations or standards, including test methods, which are not</li> </ul>	Developing countries should not be expected to use international standards as a basis for their technical regulations or standards, including test methods, which are not appropriate to their development, financial and trade needs. The Committee on TBT may grant, upon request, specified, time-limited exceptions in whole or in part from obligations under this Agreement.

<sup>16</sup>Special and Differential Treatment for Developing Countries in the WTO, Hesham Youssef, Special and Differential Treatment for Developing Countries in the Multilateral Trading System, WT/GC/W/109, WT/COMTD/49, 5 November 1998).

SL No.	Area of S&D Treatment in TBT	Specific Articles	Implications
		<p>appropriate to their development, technical and trade needs.</p> <p><b>TBT Articles 12 (8)</b>- It is recognized that developing country Members may face special problems, including institutional and infrastructural problems, in the end of preparation and application of technical regulations, standards and conformity assessment procedures. It is further recognized that the special development and trade needs of developing country Members, as well as their stage of technological development, may hinder their ability to discharge fully their obligations under this Agreement. Members, therefore, shall take this fact fully into account. Accordingly, with a view to ensuring that developing country Members are able to comply with this Agreement, the Committee on Technical Barriers to Trade provided for in Article 13 (referred to in this Agreement as the "Committee") is enabled to grant, upon request, specified, time-limited exceptions in whole or in part from obligations under this Agreement. When considering such requests, the Committee shall take into account the special problems, in the end of preparation and application of technical regulations, standards and conformity assessment procedures, and the special development and trade needs of the developing country Member, as well as its stage of technological development, which may hinder its ability to discharge fully its obligations under this Agreement. The Committee shall, in particular, take into account the special problems of the least-developed country Members.</p>	<p>Taking account of the special problems of LDCs in the preparation and application of technical regulations, standards and conformity assessment procedures</p>

SL No.	Area of S&D Treatment in TBT	Specific Articles	Implications
2.	Technical assistance	<p><b>Article 12 (7)-TBT:</b> Members shall give particular attention to the provisions of this Agreement concerning developing country Members' rights and obligations and shall take into account the special development, technical and trade needs of developing country Members in the implementation of this Agreement, both nationally and in the operation of this Agreement's institutional arrangements.</p> <p><b>Article 11 TBT-</b> TBT Agreement stipulates that technical assistance should be provided to developing countries in the preparation of technical regulations, the establishment of national standards bodies, regulatory or conformity assessment bodies, and for participation in international standards setting bodies. Developed countries should also provide technical assistance to developing countries on ways in which the technical regulations of the developed countries can best be fulfilled.</p>	<p>Members to advise other Members, especially developing countries, on request, on the preparation of technical regulations</p> <p>Members to provide technical assistance to developing countries to ensure that the preparation and application of technical regulations, standards and conformity assessment procedures do not create unnecessary obstacles to the expansion and diversification of exports from developing countries</p> <p>The terms and conditions of the technical assistance will be determined in light of the stage of development of the requesting Members, particularly in the case of LDCs</p>
3.	Financial and trade needs development	<p><b>Article 12 (2) TBT-</b> Members shall give particular attention to the provisions of this Agreement concerning developing country Members rights and obligations and shall take into account the special development, financial and trade needs of developing country Members in the implementation of this Agreement, both nationally and in the operation of this Agreements institutional arrangements.</p>	<p>Develop Country should help developing countries to develop financial and trade needs development at national and international levels</p>

SL No.	Area of S&D Treatment in TBT	Specific Articles	Implications
4.	Reasonable measures to ensure international standard and monitoring	<p><b>Article 12 (3) TBT-</b> Members shall, in the preparation and application of technical regulations, standards and conformity assessment procedures, take account of the special development, financial and trade needs of developing country Members, with a view to ensuring that such technical regulations, standards and conformity assessment procedures do not create unnecessary obstacles to exports from developing country Members.</p> <p><b>Article 12 (5) TBT-</b> Members shall take such reasonable measures as may be available to them to ensure that international standardizing bodies and international systems for conformity assessment are organized and operated in a way which facilitates active and representative participation of relevant bodies in all Members, considering the special problems of developing country Members.</p> <p><b>Article 12 (6) TBT-</b> Members shall take such reasonable measures as may be available to them to ensure that international standardizing bodies, upon request of developing country Members, examine the possibility of, and, if practicable, prepare international standards concerning products of special interest to developing country Members.</p> <p><b>Article 12 (9) TBT-</b> During consultations, developed country Members shall bear in mind the special difficulties experienced by developing country Members in formulating and implementing standards and technical regulations and conformity assessment procedures, and in their desire to assist developing</p>	Developing country's difficulties experienced faced to formulating and implementing standards and technical regulations and conformity assessment procedures. Developed countries should help to develop standards and technical regulations and conformity assessment procedures regarding the financial and trade needs of developing country Members to implement both national and international levels to ensure that such technical regulations, standards, and conformity assessment procedures would not create unnecessary obstacles to exports from developing country Members.

SL No.	Area of S&D Treatment in TBT	Specific Articles	Implications
		<p>country Members with their efforts in this direction, developed country Members shall take account of the special needs of the former in regard to financing, trade and development.</p> <p><b>Article 12 (10) TBT-</b> The Committee shall examine periodically the special and differential treatment, as laid down in this Agreement, granted to developing country Members on national and international levels.</p>	

#### 2.4 LDC Specific Issues and Related Concern for Bangladesh in SPS

SPS and TBT measures, in many instances, have acted as market access barriers to exports from these countries. In addition, owing to lack of adequate resources, developing countries and LDCs were not being able to ensure compliance with many of the SPS and TBT provisions. As a result, their export potentials have continued to remain unrealized<sup>17</sup>. The experience of Bangladesh for example **Ban on Imports of Bangladesh Shrimp** by the EU may serve as an example of how LDCs may end up in a situation where the opportunities and risks stemming from globalization could be unevenly distributed as a result of differential capacities to

- (a) ensure compliance and
- (b) review and revise the relevant regulations by taking into cognizance the emerging difficulties.

#### 2.5 Difficulties Facing Developing Countries in Getting the S&DT benefit

International trade theory is used to support the pursuit of the liberalization of international trade, on the grounds that it will promote allocative efficiency by exploiting comparative advantage. It is therefore expected to lead to higher levels of production and growth both nationally and internationally. All trading partners are said to benefit, though the theory does not suggest that all will benefit to the same extent. In the real world, market failure, imperfect competition, underdeveloped infrastructure and different levels of human and technological resources challenge the assumptions of the simple theoretical model and its predictions. Nonetheless, there are numerous benefits to be gained by engaging in international trade. The essential point, however, is that

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<sup>17</sup> Market Access Implications of SPS and TBT: Bangladesh Perspective, Prof. Mustafizur Rahman, 81-87222-69-7 CULT, 2002

trade is there to serve development and should be liberalized to the extent that it serves development objectives.

Thus, developing countries, although always eager to engage in greater international trade and in multilateral trade negotiations, have been aware that there may well be limits to what they could gain from such negotiations. These concerns have become more acute as a kind of "multilateral trading system" has evolved which, in view of the continuing relative weakness of developing countries due both to their relative underdevelopment and to their fragmented participation, has developed on lines that often operate to their disadvantage<sup>18</sup>.

### **2.5.1 Difficulties in the area of standards**

Developing countries are facing a number of difficulties in the area of standards, including in<sup>19</sup>:

- the preparation of technical regulations;
- ensuring the effective functioning of national standardizing bodies and bodies responsible for conformity assessment;
- evaluating how technical regulations of other members could best be met;
- participating in international standard setting bodies;
- the inadequacy of infrastructure especially with regard to SPS services.

A number of ideas were proposed in relation to the implementation of S&D provisions in the course of the review of the SPS Agreement, several of which may also be relevant to the TBT Agreement. These should be addressed in a practical and pragmatic manner, with a view to reaching concrete recommendations to operationalize these proposals in a manner that would address the difficulties facing developing countries in this area. Some suggestions in this regard include:

### **2.5.2 Difficulties in the area of transparency and notification requirements**

- to allow longer time periods to developing countries to comment on notifications and to allow reasonable time between the notification and the date of entry into force of the measure;
- to provide a more accurate description of notified measures and improving the description of deviations from international standards whenever this is possible; and
- to establish a data base that incorporates members' SPS rules and regulations, standards and comments on notifications, and make it accessible on the Internet.

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<sup>18</sup> Special and Differential Treatment for Developing Countries in the WTO, Hesham Youssef, Special and Differential Treatment for Developing Countries in the Multilateral Trading System, WT/GC/W/109, WT/COMTD/49, 5 November 1998).

<sup>19</sup> Special and Differential Treatment for Developing Countries in the WTO, Hesham Youssef, Special and Differential Treatment for Developing Countries in the Multilateral Trading System, WT/GC/W/109, WT/COMTD/49, 5 November 1998).

### **2.5.3 Difficulties in the area of the special needs of developing countries, including technical assistance<sup>20</sup>:**

- to adequately implement provisions related to the situation in which substantial investments are required to fulfil SPS requirements of an importing country;
- to assist in strengthening human resource development, national capacity building, transfer of technology and developing a more effective exchange of information through the provision of technical assistance;
- to strengthen the participation of developing countries in standard setting bodies and to monitor developments in standards of interest to them, since even when standards are developed multilaterally, in most cases, the participation of developing countries is nominal;
- to examine ways to encourage and facilitate mutual recognition arrangements.

According to Article 14 of the SPS Agreement, LDC members are allowed to delay application of the provisions of the SPS agreement for a period of five years following the date of entry into force of the WTO Agreement with respect to their sanitary and Phytosanitary measures. The two Agreements also contain provisions which call on the WTO Secretariat and member countries to provide technical assistance to developing and least developed countries and to assist them in putting in place the required legal and institutional frameworks for design and implementation of technical regulations and SPS measures.<sup>21</sup>

## **2.6 The Legal Structure and Law of SPS & TBT Measure**

The major laws that regulate SPS and TBT issues in Bangladesh are briefly summarized in the following section<sup>3</sup>:

### **2.6.1 The Conservation and Protection of Fish Act, 1950**

The Conservation and Protection of Fish Act, 1950 is the East Bengal Act No. XVIII of the Year 1950, made effective through Gazette notification, has 10 Sections. This Act contains regulatory provisions to provide for the protection and conservation of fishes in Bangladesh. It outlines the procedures and requirements of the power to make rules, power to prohibit sale of fish, prohibition about current Jal, penalties, power to confiscate, arrest without warrant for offence under the Act and so forth. This Act also determines the scope of the implementation authority under the Ministry of Livestock and Fisheries.

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<sup>20</sup> Special and Differential Treatment for Developing Countries in the WTO, Hesham Youssef, Special and Differential Treatment for Developing Countries in the Multilateral Trading System, WT/GC/W/109, WT/COMTD/49, 5 November 1998).

<sup>21</sup> The WTO Agreements Series, Technical Barriers to Trade, Third Edition, TBT Agreement [http://www.iatp.org/sites/default/files/Special\\_and\\_Differential\\_Treatment\\_for\\_Deve\\_2.htm](http://www.iatp.org/sites/default/files/Special_and_Differential_Treatment_for_Deve_2.htm)

### **2.6.2 The Animal Slaughter and Meat Control Act, 1957**

The Animal Slaughter and Meat Standard (Control) Act, 1957 was first promulgated as the 8th law enacted in Year 1957, having 13 Sections, and has been last amended in 1983. This law defines the regulatory provisions outlining the provisions which kind of animals can be slaughtered for commercial production and sale of meat and storage of meat and food preparation thereof for human consumption, the hygiene and safe handling of meat, inspection procedures, and penal measures for violations, and related rights and obligations of the producers and processors, retailers and government office bearers vested with the responsibilities outlines in the Act.

### **2.6.3 The Agricultural Pests Ordinance, 1962 is the East Pakistan Ordinance No. VI of the Year 1962**

The Agricultural Pests Ordinance, 1962 is the East Pakistan Ordinance No. VI of the Year 1962, effective immediately, has 16 sections. This Ordinance contains regulatory provisions to provide for the prevention of the spread of agricultural pests in Bangladesh and so forth. Key functions of this Ordinance include appointment and powers of inspectors, powers to prohibit, spread of agricultural pests, etc., notice to occupier to carry out preventive measures, powers to declare affected area and to recover costs, penalty, appeal, power to **make rules and so on**. This Ordinance also determines the scope of the implementation authority under the Ministry of Agriculture.

### **2.6.4 The Agriculture Produce Market Regulation Act,1964**

The Agriculture Product Market Regulation Act, 1964 is the East Pakistan Act No. IX of the year 1964, has 19 sections. This Act contains regulatory provisions to provide for the regulation of the purchase and sale of agricultural produce and of markets in which such produce is purchased and sold in Bangladesh and so forth. Key entities of this Act include declaration of notified market and licensing of market functionaries, licenses, market charges, penalty, trade allowance, settlements of disputes, power to make rules, power to amend the schedule and so on. This Act also focuses on the constitution of market advisory committee, term of the committee, procedure, etc., for meetings to be prescribed by rules, functions of the committee, etc. This Act also determines the scope of the implementation authority under the Ministry of Agriculture.

### **2.6.5 The Destructive Insects and Pests Rules (Plant Quarantine), 1966 (Amended in 1989)**

The Destructive Insects and Pests Rules (Plant Quarantine), 1966 enacted in the Year 1966, last amended in 1989, have 8 Sections. This set of Rules contains regulatory provisions to regulate the import, application for permit to plant or plant products, notice of arrival by the importer, import restrictions or prohibitions and so forth. Key entities of these rules include import of plant and plant products, inspection and certificate of plants and plant products for export, payment of fees and plant quarantine

charges, import restrictions and prohibitions, penalties, etc. These rules also determine the scope of the implementation authority under the Ministry of Agriculture.

#### **2.6.6 The Customs Act, 1969**

The Customs Act, 1969 is the 4th law enacted in year 1969, effective immediately, has 20 chapters, 223 sections and 4 schedules. This Act contains regulatory provisions outlining the collection of customs related rights and obligations of custom payers and government office bearers. It outlines the procedures and requirements of declaration of ports, airports, land customs stations, prohibition and restriction of importation and exportation, levy of, exemption from and repayment of, customs-duties, drawback, arrival and departure of conveyance, general provisions affecting conveyances at customs-stations, discharge of cargo and entry inwards of goods, clearance of goods for home- consumption, warehousing, transshipment, transit trade, exportation or shipment and re-landing, special provisions regarding baggage and goods imported or exported by post, provisions relating to coastal goods and vessels, prevention of smuggling - powers of search, seizure and arrest- adjudication of offences, alternative dispute resolution, appeals and revision, offences and penalties. Key function is to assess the goods for customs fixation. This law also determines the scope of the implementation authority, Chief Commissioner of Customs under the National Board of Revenue under Ministry of Finance. This Act was amended several times.<sup>22</sup>

#### **2.6.7 The Pesticide Ordinance, 1971 (and Rules, amended in 2010)**

The Pesticides Ordinance, 1971 is the Ordinance No. II of the Year 1971, last amended in 2010, has 4 Chapters and 30 Sections. This Ordinance contains regulatory provisions to regulate the import, manufacture, formulation, sale, distribution and use of pesticides, and related issues. Key functions of this Ordinance include constitution of the Pesticide Technical Advisory Committee including a Chairman, Vice-Chairmen and other members, registration of the entities involved in import, manufacture, sell, hold for stock, etc., of the pesticides, the period for which the registration shall be effective, power to fix the maximum price for pesticides, cancellation and renewal of registration, requirement of license, powers of inspectors, offences and penalties, etc. This Ordinance also determines the scope of the implementation authority, Pesticide Technical Advisory Committee, under the Ministry of Agriculture.

#### **2.6.8 The Fish and Fish Product (Inspection and Quality Control) Ordinance, 1983**

The Fish and Fish Products (Inspection and quality Control) Ordinance, 1983 is the 20th law enacted in Year 1983, effective immediately, has 15 Sections. This Ordinance contains regulatory provisions outlining the inspection and quality control of fish and fish products related rights and obligations of the owner of the fish products producers

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<sup>22</sup> Laws of Bangladesh, Legislative and Parliamentary Affairs Division, Ministry of Law, Justice and Parliamentary Affairs, <http://bdlaws.minlaw.gov.bd>

and processors, and government office bearers vested with the responsibilities outlines in the Ordinance. It outlines the procedures for inspection to ensure compliance with the provisions of the Ordinance, handling, storage, etc. of fish and fish products, operations of fish processing and fish packing plant and establishment, and various penal measures for failure to comply, and for consecutive offences. The key functions outlined in the Ordinance are related inspection and quality control of fish and fish products.

#### **2.6.9 The Animal and Animal Products Quarantine Act, 2005**

The Bangladesh Animal and Products Quarantine Act, 2005 is the 6th law enacted in Year 2006, effective immediately, has 26 Sections. This Act contains regulatory provisions outlining the steps needed to control of outbreak and spread of animal diseases, related rights and obligations of private sector, importers, exporters, and government office bearers. It outlines the procedures of controlling animal and animal products for quarantine, duties and functions of quarantine officers, import notice by the importer, provision for export of animal and animal products, licensing for Importers and exporters. The key purpose of the Act is to control the outbreak and spread of animal diseases. This law also determines the scope of work of the implementation authority, Department of Livestock Services under the Ministry of Fisheries and Livestock.

#### **2.6.10 Bangladesh Accreditation Board Act, 2006**

The Bangladesh Accreditation Board Act, 2006 is the 29th law enacted in Year 2006, effective immediately, has 7 Chapters and 49 Sections. This Act contains regulatory provisions outlining scope and procedures for the accreditation certificate for various testing laboratories, related rights and obligations of various testing and inspection organizations, related training institutions and government office bearers. It defines the accreditation board, accreditation certificate, appointment of officers and assessor, fund and annual budget, offence and punishment. Key function of this Act is to regulate the functions and quality of the laboratories and training institutions. This law also determines the scope of responsibilities and obligations of the implementation authority, the Ministry of Industries.

#### **2.6.11 The Animal Disease Act, 2005 (and Rules, 2008)**

The Animal Disease Act, 2005 is the 5th law enacted in Year 2005, effective immediately, has 33 Sections and 1 Schedule. This Act contains regulatory provisions outlining the control of animal disease related rights and obligations of private sector enterprises and government office bearers. It requires the declaration of affected area, vaccination in affected area, separation of affected animals, prohibition of sale of animals reared in the affected area, registration of animal farms and cancelation of registration. The key purpose of the Act is to protect healthy animals from the diseased animals. This law also determines the scope of work of the implementation authority, Department of Livestock Services under the Ministry of Fisheries and Livestock.

#### **2.6.12 The Bangladesh Standards and Testing Institution (Amendment) Act, 2018**

The basis of this Act is the Bangladesh Standards and Testing Institution Ordinance, 1985, is the Ordinance Number XXXVII of the Year 1985<sup>23</sup>. BSTI Act, 2018 has made into a full-fledged law after last amendments made in 2003. It has 52 Sections. This law contains regulatory provisions to provide for the establishment of an Institution for standardization, testing, metrology service, quality control-operating certification scheme of products, process and systems in Bangladesh. Key functions of the Ordinance include establishment and incorporation of the institution, general directions of affairs and the functions of the institution, composition of the council responsible for deciding on and supervising and guiding the activities of the institution, meetings of the council, appointment of the committee, appointment of officers, funds, budget, accounts, appeals, penalties and so on. This law also determines the scope of the implementation authority, Bangladesh Standards and Testing Institution (BSTI), under the Ministry of Industries. The National TBT Enquiry Point is Bangladesh Standards and Testing Institution (BSTI), governed under its own law, The Bangladesh Standards and Testing Institution (Amendment) Act, 2003. Bangladesh law recognizes BSTI as the sole authority for product certification, and if enforced, such regulation may restrict the scope for other public and private agencies to test and certify products.

#### **2.6.13 Plant Quarantine Act, 2011 and Plant Quarantine Rules 2016**

The Plant Quarantine Act, 2011 Act No. V of the Year 2011, effective immediately, has 6 Chapters and 41 Sections. This Act contains regulatory provisions to make provisions, in the context of international traffic in plants and plant products, for preventing the introduction of insects or pests into, and spread thereof within Bangladesh and for the matters relating to phyto-sanitary and other measures incidental and so forth. Key functions of this Act include establishing National Plant Quarantine Authority and outlining its powers and functions, delegation of powers by the authority, prohibition or restriction on import and export of plants or plant products, etc., regulations of plants or plant products for quarantine, import and export, containment and eradication of pests, offences and punishments and so on.

#### **2.6.14 The Food Safety Act, 2013**

The Safe Food Act, 2013 is the 43rd law enacted in Year 2013, effective immediately, has 13 Chapters, 90 Sections and 1 Schedule. This Act contains regulatory provisions outlining the related rights and obligations of businessman related to food processing and government office bearers, to prevent adulteration and to ensure food safety. An Act to make provisions for the establishment of an efficient and effective authority and for regulating, through coordination, the activities relating to food production, import, processing, stock, supply, marketing and sales, so as to ensure the rights toward access

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<sup>23</sup> Laws of Bangladesh, Legislative and Parliamentary Affairs Division, Ministry of Law, Justice and Parliamentary Affairs, <http://bdlaws.minlaw.gov.bd>

to safe food through appropriate application of scientific process, upon repealing and reenacting the existing laws connected thereto. Whereas it is necessary to ensure the rights toward access to safe food for the protection of human health and life; and Whereas it is necessary to make provisions for the establishment of an efficient and effective authority and for regulating, through coordination, the activities relating to food production, import, processing, stock, supply, marketing and sales, so as to ensure the rights toward access to safe food through appropriate application of scientific process, upon repealing and reenacting the existing law connected.

#### **2.6.15 Imports and Exports Control Act, 1950**

This Act was promulgated in 1950 to prohibit, restrict or otherwise control imports into and exports from Bangladesh. Under the provisions of the Act, the Government is empowered to regulate all practices and procedures connected with the import or export of goods, and may also provide for applications for licenses under the act including the charging of fees, etc.

#### **2.6.16 Packaged Food Labelling Act, 2017**

The Packaged Food Labelling Act, 2017 is the powers conferred by section 87 of the Food Safety Act, 2013 (Regulation no. 43 of 2013), the Food Safety Authority. The Food Labelling Act, 2017 has five chapters and 19 sections. The act states the General conditions of packaged food labeling and information that should be mentioned in the label, such as – Name and address of the manufacturer, packager, supplier or marketer; Food ingredients or material's type and name (Natural and artificial); Batch, code or lot number; Net weight or volume or number and total weight; Date of Manufacture; Date of Packaging; Expiry date or last date of use; Best before date; Information about nutritional value; Food additives; and If it is not possible to use food or food products properly without instructions, its use instructions. All provisions of Pure Food Rules, 1967 relating to the provisions of this Regulation shall come into force as soon as these Regulations come into force.

#### **2.6.17 Fish Feed and Animal Feed Act, 2010**

This Law, consisting of 24 sections, establishes that the Director General of Fisheries and the Director General of the Directorate of Livestock Services in this regard shall act as the fish and animal feed Licensing Authority. For the production of fish or animal feed, processing, import, export, marketing, sale, distribution and ancillary activities should apply to the Licensing Authority- under clause 5 in the prescribed form to obtain such license. The tenure of the license will be one year from the date of issuance and the renewal shall be filed to the Licensing Authority at least 30 days before the expiry date with the amount of a fixed renewal fee.

### **2.6.18 The Import Policy Order, 2021-2024**

The present policy seems to be more business-friendly, synchronization of clauses with the introduction of some new directives which are indispensable at this stage of the changed global system. The IPO addresses the current and emerging issues, such as, post-LDC graduation, COVID-19 recovery, the 8th five-year plan, the perspective plan 2021-2041 and the fourth industrial revolution. The new policy clearly mentions that the HS code will mean the first schedule of the Customs Act and the number would be eight or more digits. In chapter three, required fees have been converted into USD and the allowed amount has been changed. Import of raw materials and packaging products have been simplified, as like BGMEA, BKMEA will be allowed to issue Utilization Declaration (UD) as per entitlement, even products of controlled items can be imported if required for export. It will help increase RMG and Knit garments export. A good number of goods have been included in the prohibited list, which was in the controlled list earlier, some of these products are: shrimps( of specific HS Code), Poppy Seeds( of specific HS Code), grass, bhang, opium, wine lees and agro, liquefied propane and butanes(which is part of LPG), petroleum gas and other gaseous hydrocarbons, petroleum coke, sodium cyclamate, artificial mustard oil, polypropylene bag, and polyethylene bag, three-wheeler, three-wheeler with two-stroke engine, gas syringe, old motorcycle. It seems that government is sincere in protecting the environment and addressing the climate change issues. There are some supportive directives in the policy. Under Section 7 a rule is to mark the 2% of the packing with name, address and TIN number of the importer is included. On the other hand, section 46 of IPO on import of American cotton reminded unchanged and asked for quarantine certificate from Quarantine Department before release of USA origin cotton<sup>24</sup>.

### **2.6.19 The Export Policy, 2021-2024**

The export policy is issued by the Government under the provisions of Section 3(1) of the 'Imports and Exports (control) Act 1950'. It has been prepared keeping in view the contemporary developments in the global and regional trade regimes that include, among others, the world trade scenario, depression in the developed countries, probable sub-regional connectivity (Bangladesh-India-Nepal-Bhutan), One-Belt-One-Road initiative of China, BREXIT, etc. It also emphasizes on Bangladesh's transformation to developing nations club, effectively addressing the challenges of the Fourth Industrial Revolution (4IR), and offsetting the potential impacts on the economy posed by the pandemic<sup>25</sup>. In addition, it prioritizes capacity building efforts in view of Bangladesh's emergence as a developing country as well as visualizing the Middle-Income Country

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<sup>24</sup> Laws of Bangladesh, Legislative and Parliamentary Affairs Division, Ministry of Law, Justice and Parliamentary Affairs, <http://bdlaws.minlaw.gov.bd>

<sup>25</sup> Chowdhury, N.H., The New Export Policy 2021-2024: How it would Boost up the Export Target of Bangladesh, published by the Korea Institute for International Economic Policy, 2022

(MIC) status. In addition, the policy includes a special development sector comprising of products having export potential, but the basis of their production, quality, supply and export is not well-organized. Such products are: electrical, electronics, and ceramic products; value-added frozen fishes; printing and packaging; cutting and polished diamond and jewelry; paper and paper products; rubber and rubber products; silk materials; handloom and handicraft products; photovoltaic modules; crabs; cashew nuts; toys; halal fashion; halal meat and meat products; auger; etc.<sup>26</sup>.

#### **2.6.20 Bangladesh Good Agricultural Practices Policy 2020**

Ministry of agriculture prepared Good Agricultural Practices Policy (GAP) 2020, as safe food is becoming increasingly important in terms of human health and economic aspects. Safe food production is urgent because of the competition in the global export market, as well protecting people from food bound illness. Indiscriminate use of pesticides and chemicals, presence of heavy metals. Infection of microorganisms etc. from the early stages of production to the various stages of cool chain made food unsafe. For this reason, considering the availability of safe food, it is very important to follow Good Agricultural Practices (GAP) from the beginning of production, harvest and post-harvest processing, such as collection from field, packaging, transportation etc. to ensure safe food. Good Agricultural Practices (GAP) ensure producing safe and quality food as well as to play role to the environmental and social development.

#### **2.6.21 Bangladesh Consumer Rights Protection Act 2009**

The Bangladesh Consumer Rights Protection Law 2009 aims to protect consumer rights, prevent anti-consumer rights and other related matters, and state activities that are against consumer rights, providing for the establishment of the Consumer Right Protection Council. Any product contains or is found to be particularly injurious to human health, the Government, on the advice of the Director General, may, by notification in the Official Gazette, prohibit the manufacture, import, marketing, sale, display for sale, distribution, transportation for commercial purposes or use for commercial purposes of such product throughout the country or in any specified area. may issue directions regarding the closure or management of all those activities subject to the conditions laid down in the notification.

### **2.7 TBT and SPS linkage with Trade Facilitation Agreement (TFA)**

The Trade Facilitation Agreement (TFA), adopted by WTO Members in 2014, seeks to expedite the movement, release and clearance of goods across borders and reduce these trade transaction costs - by an average of 14.3<sup>27</sup> per cent as estimated by the 2015 World Trade Report. The TFA and TBT Agreements are in fact complementary, with the TFA

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26 Laws of Bangladesh, Legislative and Parliamentary Affairs Division, Ministry of Law, Justice and Parliamentary Affairs, <http://bdlaws.minlaw.gov.bd>

27 TBT AND TRADE FACILITATION AGREEMENTS: LEVERAGING LINKAGES TO REDUCE TRADE COSTS, Serra Ayrál, page-6, [https://www.wto.org/english/res\\_e/reser\\_e/ersd201602\\_e.pdf](https://www.wto.org/english/res_e/reser_e/ersd201602_e.pdf)

introducing some new requirements/recommendations, which are likely to apply to certain TBT measures. The Trade Facilitation Agreement focuses on expediting the movement, release and clearance of goods, including goods in transit and on reducing trade-related transaction costs. Given the context, the TBT Agreement strongly encourages Members to base their measures on international standards as a means to facilitate trade. The WTO Secretariat's SPS unit has already prepared an informal background note on the linkages between the TFA and the SPS Agreement and highlighted some SPS-plus elements (WTO 2014b).<sup>28</sup>

- a) **Publication and availability of information about SPS and TBT:** The list of TFA Article on Publication and Availability of information includes inter alia procedures for importation, exportation, transit, required forms and documents; fees and charges. Some of which will be linked to technical regulations and/or conformity assessment procedures. The TBT Agreement also requires that technical regulations and conformity assessment procedures, which have been adopted, are published promptly (Articles 2.11 and 5.8) and there is likely to be some reinforcing overlap in terms of the coverage between the publication requirements of the two Agreements. However, as the TBT Agreement does not specifically require the publication of forms and documents or fees and charges; the corresponding obligations in the TFA could therefore be considered TBT-plus provisions.
- b) **Opportunity to comment and regular consultations:** According to TFA Article, traders and other interested parties must be given an opportunity and reasonable time to comment on proposals for new or amended laws and regulations related to the movement, release and clearance of goods, which should be made publicly available as early as possible before their entry into force. Presumably, some of these new or amended measures could relate to TBT and SPS measures. For example inspection and sampling of goods at the border to check conformity with TBT requirements before clearance. The TBT Agreement obliges Members to establish TBT notification authorities, notify other Members at an early stage about proposed TBT measures and allow a reasonable time for comments (Articles 2.9 and 5.6). As per the recommendations of the TBT Committee, such reasonable period of time should normally be at least 60 calendar days.<sup>29</sup>
- c) **Procedures for appeal and review:** TFA Article 4 requires Members to provide traders with the right to appeal decisions by customs in an administrative and/or

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<sup>28</sup> World Trade Organization (WTO) (2014b), Informal Background Note on the Relationship between the Trade Facilitation Agreement and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) [http://www.wto.org/english/tratop\\_e/sps\\_e/tf\\_sps\\_e.pdf](http://www.wto.org/english/tratop_e/sps_e/tf_sps_e.pdf)

<sup>29</sup> WTO document G/TBT/1/Rev.12, para. 4.3.1.5.

judicial proceeding<sup>30</sup>. TFA Article 4 requires Members to provide traders with the right to appeal decisions by customs in an administrative and/or judicial proceeding. Members are also encouraged to make provisions of the Article applicable to appeals or reviews for administrative decisions issued by "relevant border agencies other than customs", which could include agencies in charge of TBT related controls.

- d) **Detention /opportunity for a second test:** TFA Article 5 focuses on measures to enhance impartiality, non-discrimination and transparency. With respect to conformity assessment procedures, including testing, it is worth noting that the TBT Agreement does encourage Members to accept results of conformity assessment procedures conducted in other Members, provided that certain conditions are met, which would reduce the need for testing by the importing Member in the first place. The TBT Committee has adopted an indicative list of Approaches to Facilitate Acceptance of the Results of Conformity Assessment and discussions on conformity assessment procedures continue in the Committee, including through thematic sessions held back-to-back with TBT Committee meetings.<sup>31</sup>
- e) **Facilitating release and clearance of goods:** TFA Article 7 on Release and Clearance of Goods includes detailed provisions on nine issues, including pre-arrival processing; electronic payments; risk-based controls; post-clearance audit; average release times; authorized operators; and perishable goods. TFA Article 7.3.6 recognizes this right by stating, "nothing in these provisions shall affect the right of a Member to examine, detain, seize or confiscate or deal with the goods in any manner not otherwise inconsistent with Member's WTO rights and obligations" (see also Article 7.8.3). In addition, TFA Article 24.6 also stipulates that the TFA does not diminish Members' rights under the SPS and TBT Agreements.
- f) **Freedom of transit:** Article 11.8 states that "Members shall not apply technical regulations and conformity assessment procedures within the meaning of the TBT Agreement to goods in transit". The provision is not softened by best endeavor language; rather it is a straightforward obligation. The text of the TBT Agreement does not contain specific provisions on transit, nor does it indicate whether goods in transit are included or excluded from its coverage. It is notable that Article 11.8 does not make reference to the SPS Agreement, presumably recognizing that goods

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<sup>30</sup> TBT AND TRADE FACILITATION AGREEMENTS: LEVERAGING LINKAGES TO REDUCE TRADE COSTS, Serra Ayrál, page-9, [https://www.wto.org/english/res\\_e/reser\\_e/ersd201602\\_e.pdf](https://www.wto.org/english/res_e/reser_e/ersd201602_e.pdf)

<sup>31</sup>WTO document G/TBT/1/Rev.12: Decisions and Recommendations Adopted by the WTO Committee on Technical Barriers to Trade since 1 January 1995, Annex 1 to Part I.

in transit might pose sanitary or phytosanitary risks – for example, live animals being transported could spread diseases or plants in transit could spread pests.

### **2.7.1 Conformity Assessment and TFA**

Conformity assessment procedures Article 5 of the TBT Agreement on "conformity assessment procedures" (including inter alia procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; and registration, accreditation and approval) is of particular relevance when considering possible linkages between the TFA and the TBT Agreement. It obliges Members to ensure that such procedures are not applied "more strictly than necessary" and requires that<sup>32</sup>:

- conformity assessment procedures are completed as expeditiously as possible;
- standard processing periods are published;
- information requirements are limited to what is necessary;
- confidentiality of information is respected;
- fees are equitable in relation to those charged on domestic or foreign like products;
- siting of facilities and selection of samples do not cause unnecessary inconvenience;
- a procedure exists to review complaints.

### **2.8 SPS and TBT issues at the port**

Annually on an average 130 lakhs tons of plants and plant products are imported for which Plant Quarantine Inspection are needed. Some times to ensure Phytosanitary measures Plant Quarantine treatment are adopted. Similarly, different commodities of plant and plant products are also exported to other countries of the world. Annually, on an average 10 lakh tons of Agricultural commodities, mainly Raw Jute and jute products, handicrafts, vegetable, fruits are inspected for the purpose of export for which Phytosanitary certificates are issued.<sup>33</sup> However, there were other issues at the port that Plant Quarantine Wing had to deal with. These issues experienced by the Plant Quarantine Wing at the port are covered in Section 7.3.3 of this report.

Quality standards are set and monitored by the Bangladesh Standards and Testing Institution (BSTI) following international standards, such as those established by the International Standards Organization. Bangladesh also recognizes and accepts goods bearing certifications from standards institutions of other countries. The issues experienced by the Bangladesh Standards and Testing Institution (BSTI) at the port are covered in Section 7.3.2 of this report.

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<sup>32</sup> TBT AND TRADE FACILITATION AGREEMENTS: LEVERAGING LINKAGES TO REDUCE TRADE COSTS, Serra Ayril, page-7, [https://www.wto.org/english/res\\_e/reser\\_e/ersd201602\\_e.pdf](https://www.wto.org/english/res_e/reser_e/ersd201602_e.pdf)

<sup>33</sup> PLANT QUARANTINE, PEST RISK ANALYSIS AND PHYTOSANITARY SERVICES FOR ENVIRONMENTAL FOOD SAFETY & SECURITY IN BANGLADESH, Ahsan Ullah, page-1, 2018 IJCRT | Volume 6, Issue 2 April 2018 | ISSN: 2320-2882

## **Chapter 3: Review the Current Status of SPS and TBT Measures, Institutional Framework and Infrastructure Facilities through National Diagnostic Study**

In this chapter the institutional Structure of SPS and TBT will be discussed regarding the local law and context to explore the legislative procedure and feature of existing law available in Bangladesh. The National Notification Authority for SPS related problems is the WTO Cell at the Ministry of Commerce in Bangladesh. However, a number of additional governmental organizations are involved in the implementation of SPS-related rules. Trade organizations from the private sector are also included in the consultation process before any notifications relating to SPS are made, as well as for implementation procedures. For instance, 30 processed food items must first undergo obligatory testing and certification by the BSTI in order to clear customs. The Department of Customs usually oversees the enforcement of the regulations under the prevailing Import Policy Order before a clearance is done. Products that need the approval from Bangladesh Standards and Testing Institution (BSTI) related to performance measures, labeling requirements, content requirements, or any other TBT issues, will require appropriate testing, inspections, and certification from BSTI before being marketed in Bangladesh or being exported from Bangladesh.

### **3.1 Existing Facilities regarding SPS and TBT Compliance in Bangladesh**

The WTO Cell at the Ministry of Commerce, Bangladesh is the National Notification Authority for SPS issues. However, as mentioned in the earlier paragraph, there are various other government agencies involved in the implementation of SPS related regulations. Private sector and trade bodies are also involved in the consultation process before any SPS related notifications are issued for implementation procedures. For example, 18 items falling under processed food categories require mandatory testing and certification by the BSTI before customs clearance. The major institutions directly and indirectly (private sector trade bodies) involved in SPS administrations are previously discussed.

#### **3.1.1 Organizations involved to implement Sanitary and Phyto-sanitary (SPS) regulations**

##### **Public Sector Organizations**

- Ministry of Health and Family welfare and attached Departments
- Ministry of Agriculture and attached Departments
- Ministry of Fisheries and Livestock and attached Departments
- Ministry of Environment and Forest Ministry of Commerce and attached Departments
- BSTI (Bangladesh Standards and Testing Institution) under the Ministry of Industries
- Different testing laboratories under different Ministries

### **3.2 Institutional Framework and Infrastructure Facilities of SPS and TBT**

The major organization responsible for administering phytosanitary related measures is the Plant Quarantine Wing of Department of Agriculture Extension (DAE), under the Ministry of Agriculture. They have the testing laboratories and inspection facilities. The Plant Quarantine Wing under the DAE operates plant quarantine stations as well in different port of Bangladesh.

#### **3.2.1 The Plant Quarantine Wing**

The plant quarantine wing has been made the Competent authority for the export and import of plants and plant products. The Wing under the Department of Agricultural Extension (DAE) has 30 plant quarantine stations all over the country, listed in Table 3.1 below. Out of these 30 stations, 23 are at various Land Customs Stations (LCS), 3 at international airports, 2 are at sea ports, and 1 at the inland container depot of railway. Additionally, the headquarters in Dhaka has a fully operations plant quarantine station. Plant Quarantine Wing of DAE currently has 16 laboratories and one more laboratory was established by 2018 in the Central Packing House. Currently they suffer from shortage in equipment and more importantly from lack of skilled personnel to run the laboratory properly. Moreover, there are financial constraints. The Plant Quarantine Wing of DAE under the Ministry of Agriculture is responsible for enforcing quarantine measures, testing, inspection, and certification on SPS and TBT related issues concerning plants, fresh fruits, vegetables, tubers, grains, flowers, foliage, spices, legumes, and other plant based unprocessed products, where applicable by its Plant Quarantine Wing and other departments. From the Plant-Quarantine-Wing (PQW)/ Department of Agricultural Extension (DAE), it is found that there are 16 laboratories under PQW, out of which 02 will be strengthened from the BTF project. Currently, the "Project for Conversion of Plant Protection Laboratory in Central Packing House into an International Standard Laboratory" is underway, and work is ongoing to set up an international standard laboratory in Purbachal.

From the desk review and KII, it is evident that the director of the Plant Quarantine Wing (PQW) should have separate authority and administrative power so that they can employ their technical officer in the plant quarantine section. And it is further proposed that the officials are not be transferred to any other post of the Department of Agriculture Extension as it creates barriers for developing the technically sound and skill professional in plant quarantine wing.

It is necessary to enable a network of well-equipped food testing laboratories run by a trained and skilled staff in a transparent manner to ensure consumer's access to safe and suitable food. An effective laboratory network tests and validates the safety of food from production through harvest and processing. Such a network protects domestic crops from foreign pest and disease, helps monitor for and keep microbiological and chemical

contaminates and residues out of food and water supplies, and contributes to assessments of environmental impacts of, for example, pesticides. Additionally, the laboratory network certifies exported food meets international standards.

**Table 7 Plant Quarantine Stations at field level**

Sl.No.	Category 'A' (12 no.)	Category 'B' (8 no.)	Category 'C' (10 no.)
1.	Seaport, Chittagong	Landport, Darsana, Chuadanga	Landport, Kamalpur, Bokshigonj, Jamalpur
2.	Landport, Teknaf, Cox's Bazer	Landport, Tamabil, Sylhet	Landport, Belonia, Feni
3.	Hajrat Shahjalal International Airport, Dhaka	Landport, Jokigonj, Sylhet	Landport, Birol, Dinajpur
4.	Seaport, Mongla, Bagerhat	Landport, Banglabandha, Panchagar	Landport, betuli(Phultola), Moulavibazar
5.	Landport, Bhomra, Satkhira	Landport, Rohanpur, Chapainababgonj	Landport, Chatalpur, Moulavibazar
6.	Landport, Benapol, Jessore	Landport, Bibir Bazar, Comilla	Landport, Haluaghat, Mymansingh
7.	Landport, Akhaura, Brahmanbaria	Riverport, Narayangonj	Landport, Daulatgonj, Jibannagar, Chuadanga
8.	Landport, Sonamosjid, Chapainababgonj	ICD, Kamalapur, Dhaka	Landport, Sheola, Bianibazar, Sylhet
9.	Landport, Hili, Hakimpur, Dinajpur		Landport, Bhurungamari, Kurigram
10.	Landport, Burimari, Patgram, Lalmonirhat		Landport, Nakugao, Nalitabari, Sherpur
11.	Shah Amanat International Airport, Chittagong		
12.	Osmani International Airport, Sylha		

### 3.2.2 Certification provided by Plant quarantine wing

The Plant quarantine wing provide a number of certificates related to SPS but for trade, the plant Import Permit (IP) for Plants and Plant Products, the Health Certificates for Plants and Plant Products (PC), Clearance of plants and plant products and Permitting anchoring of plants and plant products are citable certificate;

**Table 8 Certification provided by Plant quarantine wing**

Name of the services	Method of providing services	Required Papers and Location	Service charges and payment methods	Timeframe for delivering services
Import Permit (IP) for Plants	Receipt of application in prescribed form # Evaluation	a. Application in prescribed form b. Trade license	10 tk for 1st ton and 1tk per ton thereafter through challan	7 working days

Name of the services	Method of providing services	Required Papers and Location	Service charges and payment methods	Timeframe for delivering services
and Plant Products	# Issuance of permission	c. Import registration certificate. d. VAT certificate e. TIN number f. Registration certificate of Ministry of Agriculture in case of seeds g. Copy of deposit of treasury challan fee.		
Health Certificates for Plants and Plant Products (PC)	<ul style="list-style-type: none"> <li>• Receipt of application in prescribed form</li> <li>• Assess Health Competence (PC)</li> </ul>	a. Application in prescribed form b. Trade license c. export registration certificate. d. VAT certificate e. TIN number f. Registration certificate of Ministry of Agriculture in case of seeds g. Copy of deposit of treasury challan fee.	50/ ton and fumigation cost.	3 Working days
Clearance of plants and plant products	<ul style="list-style-type: none"> <li>• Receipt of application in prescribed form</li> <li>• Assessment clearance</li> </ul>	a. Application in the prescribed form b. Import Permit c. Health certificate of plants and plant products of exporting country, d. In-Voyage, e. Packing List f. Bill of Lading etc.	As per the type of product prescribed by Govt. Price by invoice	3 Working days
Permitting anchoring of plants and plant products	<ul style="list-style-type: none"> <li>• Receipt of application in prescribed form</li> <li>• Anchor permission</li> </ul>	a. In the prescribed form of application b. Name of the ship, c. Details of letter, d. Import permit, e. Bill of Lading etc.	Free	3 Working days

### **3.2.3 Government constructed a well-equipped central packing house**

Government has recently constructed a well-equipped central packing house at Shayampur, Dhaka to ensure harmonization of product quality and to comply with the requirements of importing country for export of fresh fruits and vegetables. Operations including sorting, grading, packing, inspections, sampling, testing & certification has already been started in Central Packing House.

Though the overall situation has improved gradually over the past years, especially after establishment of an accredited metrology laboratory at BSTI, and the plant quarantine stations at the ports, and other accredited laboratories in the country, there are many challenges.

### **3.3 Bangladesh Standards and Testing Institute (BSTI)**

The Bangladesh Standards and Testing Institution (BSTI) was established by the Government through an Ordinance passed in July 1985. BSTI is headed by a Director General (Additional Secretary to the Government). The primary activities of the Bangladesh Standards and Testing Institution (BSTI) are: standardization of services and products (S); introduction of the international unit system of weights and measures and promotion of metrology services (M); promotion of quality assurance activities; rendering testing facilities for services and products; preparation, promotion and adoption of national standards. The Institution is also empowered with some regulatory measures in these fields. The Institutional budget is fully supported by its own income, i.e. It is functioning as a self-financing organization. Around 1,000 experts from government, academic, research, consumer, NGO and standards application bodies bring their expertise to the standardization process. Typically, Bangladesh Standards (BDS) are developed in the committee environment and engage relevant stakeholders from various public and private sector<sup>34</sup>.

The Institution has also taken steps to create awareness among different bodies and entrepreneurs for adoption of all key ISO standards (ISO 9000, 14000, etc.), CAC, IEC. The Bangladesh Standards and Testing Institution (BSTI) signed the International Electrotechnical Commission's (IEC) affiliate country programme pledge in 2001. The importance of BSTI is being increasingly felt due to the government's cardinal policy to make industries export oriented and to supply the consumers at home and abroad with quality products. The Institution is emerging as a forceful exponent in the overall development of the country. Apart from development of national standards, emphasis is laid also on periodic review of standards to keep them at par with updated technological developments; some standards are also to harmonize with international and regional standards.

- Agriculture and Food

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<sup>34</sup> BSTI, Bangladesh Membership: Member body, <https://www.iso.org/member/1537.html>

- Chemical
- Electrical and Electronic
- Jute and Textile
- Engineering.

### 3.3.1 Certification provided by BSTI

BSTI provided a number of certificate related to export and import especially Issuance of clearance of imported goods, Clearance of imported weights/weighing instruments, measuring instruments and related parts and Issuance/renewal of Halal certificate related SPS and TBT issues. The process of certification has given below;

**Table 9 Bangladesh Standards and Testing Institution Provided certificate**

List of services	Method of providing services	Required Papers and Location	Service charges and payment methods	Timeframe for delivering services
1. Issuance of clearance of imported goods	<p>a. It is required to inspect the port's warehouse once it has received the application form.</p> <p>b. Issuance of specimen sealing and specimen submission forms under joint signature;</p> <p>c. Laboratory sample testing and reporting;</p> <p>d. Report overall assessment and final approval;</p> <p>e. Issuance of bills;</p> <p>f. Issuance of permit.</p> <p><b>Note:</b> The period of inspection may vary if the number of applications for the same product increases during a particular period of the financial year.</p>	<p>a) up-to-date trade license;</p> <p>b) LC;</p> <p>c) Bill of Lading (BL);</p> <p>d) IRC;</p> <p>e) Radioactivity test certificate (in case of powdered milk products);</p> <p>f) Photocopy of TIN certificate.</p> <p>g) Physical examination report by customs authorities.</p>	<p>Fees as per Table-1 are applicable on import value of goods.</p> <p><b>Mode of Payment:</b> Payable by DD or Pay-Order or Cash at BSTI One Stop Service Centre.</p>	<p>A total of 5 (five) working days, excluding inspection time, are required for the inspection process after receipt of the application form, other approvals following receipt of the inspection report, payment of the bill, and issue of the clearance.</p>
Clearance of imported weights/weighing instruments, measuring	<p>a. Scrutiny and acceptance of applications;</p> <p>b. Issuance of bills and receipt of fees;</p>	<p>a. VAT/TIN/ Photocopy of submission proof of</p>	<p>Applicable Fees to be paid as per rules (Table-4)</p>	<p>7 working Days</p>

List of services	Method of providing services	Required Papers and Location	Service charges and payment methods	Timeframe for delivering services
instruments and related parts	<ul style="list-style-type: none"> <li>c. Clearance issuance and concerned office of BSTI</li> <li>d. Providing on the Website;</li> <li>e. Verification and stamping subject to exemption</li> </ul>	<ul style="list-style-type: none"> <li>updated income tax</li> <li>b. Photocopy of NID of the applicant;</li> <li>c. Other documents (if applicable)</li> </ul>	<b>Mode of Payment:</b> Payable by DD or Pay-Order or Cash at BSTI One Stop Service Centre.	
Issuance/renewal of Halal certificate	<ul style="list-style-type: none"> <li>a. Examination of the application form;</li> <li>b. a two-stage audit;</li> <li>c. Submission of the audit report to the Halal Certification Committee;</li> <li>d. Receipt of the necessary fee and issuance/renewal of the certificate in accordance with the committee's decision.</li> </ul>	Updated Trade License, Premises License (for food) Certificate of Environment Department (if applicable), VAT, TIN Return Filing Certificate, Trade Mark Registration, BISIC Registration (if applicable), Third Party Calibration Certificate, Factory Layout Product, Production Process/Flow Other documents including charts (e.g.: HACCP, HCP), machinery list laboratory equipment and inspection facility details, Halal quality manual control plan, product specifications, source of product materials and other documents related to application		

### 3.3.2 Infrastructure of BSTI

Before a clearance is completed, the Department of Customs typically supervises the enforcement of the rules outlined in the current Import Policy Order. Before being marketed in Bangladesh or exported from Bangladesh, products that require the approval of Bangladesh Standards and Testing Institution (BSTI) due to performance measures, labeling requirements, content requirements, or any other TBT issues must pass the necessary testing, inspections, and certification from BSTI. According to BSTI, a concept note has already been submitted to the Department of Economic Relations and Ministry of Commerce regarding equipment, calibration, new lab, training, and capacity building for BSTI laboratories with the aim of obtaining the cooperation of development partners.

BSTI has a total of 18 laboratories, at its head office in Dhaka and 5 regional offices to perform various testing, conformity assessment, and certification. The head office and each of the 5 regional offices has 1 laboratory chemical testing, 1 laboratory for physical testing, and 1 laboratory for physical metrological testing. So, 3 laboratories in each of the 6 offices make the total of 18 laboratories of BSTI. There are 5 new laboratories are in progress, and expected to become functional with another year or so. So far, the BSTI laboratories have been set up in district towns, for ease of administration. BSTI should consider proximity to production clusters, such as, export processing zones, or other industrial zones for future establishment of laboratories for the convenience of product testing. The **Box 1** shows the geographical locations of the existing BSTI laboratories and the upcoming ones.

**Box 1 Location of Existing and Upcoming Laboratories of BSTI**



### **3.3.3 Initiative to Issue certificate from Government Security Printing Press**

Plant Quarantine Wing is being developing Automation system for online service to the stockholders for issuing Phytosanitary Certificate (PC), Import Permit (IP), Release Order (RO) and Anchorage Permit etc. Because of fraudulent activities by some exporters for exporting plants and plant products the govt. has implemented issuing Phytosanitary Certificates printed from the Government Security Printing Press. So, it was almost impossible to make fake PC for exporting plants and plant products.

### **3.3.4 BSTI Developed National Standards**

BSTI develops the national standards through 2 (two) National Committees, 6 (six) Divisional Committees and 76 (seventy-six) Sectional (Technical) Committees have developed 4008<sup>35</sup> national standards of Bangladesh. These committees consist of persons drawn from professionals, scientists and technical experts of high standing. BSTI provides the secretarial services. In fact, national standards development, amendment, revision and withdrawn is a continuous process which is done by the aforesaid Committees of BSTI. Product and service standards are now required to be set not only for its own domestic market but the eyes are also kept open to accommodate the fast changing and often fastidious consumer preference, market dynamics and exigencies prevailing in the global market. Failure to respond to these paradigms would not only push the product out of market but will also jeopardize the credibility and good will of the product's country of origin.

Currently, 229 products<sup>36</sup> are under the compulsory Certification Marks (CM) of BSTI which in other words means that marketing of any of these items needs conformity certificate of Bangladesh Standard from the BSTI. These include Food and Agriculture, Chemical, Jute and Textile, Electrical and Electronics and Engineering products. With the launching of BSTI website, the institution is now contemplating to insert as much information related to standards as possible in its website for the clientele at home and abroad.

### **3.3.5 BSTI Laboratory Accreditation**

BSTI develops the standards in conformity with ISO, Codex Alimentariaux, and other internationally accepted norms. It was revealed by the BSTI personnel that BSTI have already developed over 2,500 standards, all in harmony with international norms. However, they cannot yet enforce the standards due to lack of adequate facilities for conformity assessment, both in terms of equipment, laboratories, and personnel, and also in some cases, due to absence of Standard Operating Procedures (SOPs) for conformity assessment. The system of globalization has brought a revolutionary change

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<sup>35</sup> BSTI Standards catalogue 2021(Till August 2021), BSTI, 2021, Retrieved from [https://bsti.portal.gov.bd/sites/default/files/files/bsti.portal.gov.bd/page/c82bd863\\_c051\\_46ce\\_af11\\_eb5bec479d5b/2021-08-31-11-36-54b7b1099157fbe275580fb4511a00bf.pdf](https://bsti.portal.gov.bd/sites/default/files/files/bsti.portal.gov.bd/page/c82bd863_c051_46ce_af11_eb5bec479d5b/2021-08-31-11-36-54b7b1099157fbe275580fb4511a00bf.pdf)

<sup>36</sup> Bangladesh Standards and Testing Institution (BSTI) Annual Report 2020-2021, BSTI.

in every sphere of human life and society and is making the world move fast towards the development of trade, commerce, industry and the quality of industrial products. Exporters need certificates from internationally recognized institutions that their products conform to the requirements for quality, safety, health and environmental impact. The Accreditation of BSTI Laboratories have been granted in accordance with ISO/IEC 17025:2005 in the field of Chemical, Mechanical & Biological Testing by NABL India, on March 18, 2011 and valid date 14th June, 2017. With the approval of authority BSTI applied to the Bangladesh Accreditation Board (BAB) for getting the accreditation. Assessors of BAB assessed the laboratories of BSTI in the field of Chemical, Mechanical & Biological Testing and based on the satisfactory performance of the laboratories BAB awarded accreditation in accordance with ISO/IEC 17025:2017 to BSTI for 283 parameters of 35 products<sup>37</sup>. The validity of Accreditation Certification is up to 30 December 2023.

- a) **Accredited products of Chemical Testing Laboratories are:** Biscuits, Chanachur, Noodles, Instant Noodles, Fruit Juice, Fruit Drinks, Jam, Jelly, Marmalade, Pickle, Sauce, Tomato ketchup. Chutney, Fruit squash, Fruit syrup. Fruit Cordial, Tomato paste, Edible jell. Water, Cement, M.S. Rod and Soap, Carbonated Beverages, Soft drink Powder, Soybean oil, Palm oil, Palm Olein, Rice Bran oil, Sunflower oil and Black Tea.
- b) **Accredited products of Physical Testing Laboratories are:** Cement, Building Materials (MS-Rod, GI Pipe, MS Angle & MS Plate), Textile & Garments.

### 3.3.6 Other Accredited Laboratories

- a) Other public and private sector laboratories accredited by Bangladesh Accreditation Board (BAB) and accepted by the BSTI perform various product and performance related tests and conformity assessment. For example, the food laboratory at Bangladesh Council of Scientific and Industrial Research (BCSIR) performs tests on many food items.
- b) Additionally, international companies such as, Bureau Veritas, and SGS has laboratory testing facilities frequently used by manufacturers of textile and apparel goods for testing in Bangladesh. There are also a number of smaller private sector laboratories are operating for specific product-based testing services in the country. For example, azo dye testing is a requirement for many buyers of the textile and garments products, and a number of private laboratories have been set up for this purpose. In short, strong market compulsion has created opportunities for investment in this sector. In earlier years, exporters needed to go to laboratories situated in India or Singapore to do Azo-dye testing.

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<sup>37</sup> Bangladesh Standards and Testing Institution (BSTI) Annual Report 2020-2021, BSTI, 2021

- c) After the establishment of Bangladesh Accreditation Board (BAB) in 2006 as an autonomous organization responsible for upgrading the quality assurance infrastructure and conformity assessment procedures in Bangladesh and enhancing the recognition and acceptance of products and services in international, regional and domestic markets, the progress in areas of accreditation in Bangladesh has been rapid. Since 2015 BAB is a full member and MRA signatory to the Asia Pacific Laboratory Accreditation Cooperation (APLAC) for testing & calibration laboratories. Also since 2015 BAB is a full Member and MRA signatory to the International Laboratory Accreditation Cooperation (ILAC) for testing & calibration laboratories. The ILAC Arrangement supports international trade by promoting international confidence and acceptance of accredited laboratory data. The accreditation is renewed once in every 4 years after a due process on inspection and verification. Similarly, the institutions accredited by BAB are also subject to a 4-year period of renewal of accreditation. A complete list of all 52 laboratories accredited by Bangladesh Accreditation Board (BAB) is provided in Annex 2.

There has been advocacy on part of the private sector to urge upon the government to introduce incentives in form of tax breaks and lost cost financing for setting up testing laboratories. But strong regulatory mechanism is needed to be in place to ensure quality and performance of such private sector laboratories. Some of the gaps in SPS related legislation, local practices, and international best practices are briefly described below.

### **3.4 Department of Fisheries, Fish Inspection and Quality Control Wing (FIQCW)**

Department of Fisheries, Fish Inspection and Quality Control Wing (FIQC) is committed to good professional practices and to the quality of its performance according to provisions provided by the “Fish & Fish Product (Inspection & Quality Control) Rules, 1997” Amended 2008, 2014 & 2017. Regional Competent Authorities (RCA's) updates its resource's & skill by proper training as per needs and committed to continually improve the effectiveness of the management system.

#### **3.4.1 Certification and Services provided by Fish Inspection and Quality Control Wing**

FIQC Dhaka is the official control authority for ensuring safe and quality fish & fish products to the consumers. This official control is based on the acts, rules, guidelines & official control protocol. The major functions are:

- Licensing of the fishery establishments
- Monitor the compliance of fishery establishments
- Monitor supply of safe and quality products to the consumers
- Certify fish and fishery products for export
- Conducting awareness and training programs for ensuring Food Safety and Quality Issues at stakeholders in the value chain

- Evaluation of establishments
- Implementation of HACCP based Processing and Traceability
- Implementation of social compliances
- Plan and implement of risk based NRCP & FRCP

### **3.4.2 Conformity with Standards**

The regulations, policies and guidelines of Bangladesh governing safety & quality control measures of fish and fishery products are in-line with EU regulations/directives and WTO SPS Agreement. The service and procedure of RCA's official controls in respect to the certification, approval, licensing, inspection, audit and monitoring to the production of fish and fishery products in the industry related stakeholders in the value chain are transparent and transmitting a perception of the integrity and effectiveness of control operations for safety and quality. All methods and procedures and regulatory instruments used for conformity assessment, verification and official guarantees in terms of compliance are in line with EU, US-FDA and other developed country control systems. Residue Monitoring Program assess compliance with the tolerance limits for contaminants and MRLs for permitted substances as well as to determine the origin of residue contamination of farm products. It is also an internationally validated program in place.

### **Export Certification**

1. The government and its agent (DoF Quality Control Wing) will remain responsible for the issuance of health certificates declaring the fish or fish products fit for consumption and the local and international market.
2. Audit the effectiveness of the QC Wing through an assessment by a supervisory audit team comprising local and international experts.
3. Establish the creditability of export certification by minimizing the percentages of rejected consignments,
4. As the government is the competent authority recognized by EU, no need to have a third-party certification.
5. The issuance of certificates would be supported by documentation detailing the production process from hatchery to processor and details of input supplies from accredited sources,
6. All hatcheries, ice plants, depots and feed plants should be licensed,
7. Increase the understanding and ownership of the certification process so that there is a mutual understanding of the needs for compliance.
8. Establish quality criteria needed for different markets.

### **Traceability**

1. The recent demands by both the US FDA and the EU for all fish and fish products to be traced back to source of origin have placed an increased burden on the certification process.

2. The traceability of processed goods must be ensured through clear documentation of the source of the product from hatchery level to processor
3. Traceability for producers should be supported through zonation and be extended up to Union level and can include farmer groups.
4. A suitable system to monitor compliance with traceability should be developed. This could be supported by authorized third party organizations.

To find out of the products trace and assurance of the products quality seal of quality control in the Department of Fisheries to be introduced. to perform this job some institution could be involved subject to the approval of MoFL.

### 3.4.3 Certification Given by Department of Fisheries, Fish Inspection and Quality Control Wing (FIQCW)

Department of Fisheries, Fish Inspection and Quality Control Wing (FIQCW) SPS related certificate such as Issuance of no-objection letter of import of Juvenile fish/PL/Fish, Issuance of No Objection Certificate for Import of Fish Feed/Fish Feed Materials/Fisheries/Fish Hatchery Materials and Issuance of no-objection letter for import of fishing nets. The process certification and time required for the service are described in the table below;

**Table 10 Certification Given by Department of FIQCW**

SL. No	Name of the Service	Maximum service delivery time	Necessary Documents	Obtain required documents / application forms	Service price and method of payment (if any)
1.	Issuance of no-objection letter of import of Juvenile fish/PL/Fish	30 working days	Exporting country's forma invoice with application form, Purpose of Import, Description of the Species, Qualitative descriptions of the species, Health Certificate, Fish hatchery Registrations Certificate (If Applicable) and etc.	Extension Branch	Free of Cost
2.	Issuance of No Objection Certificate for Import of Fish Feed/Fish Feed Materials/Fisheries/Fish Hatchery Materials	10 working days	Updated license of Fisheries Department along with application form, exporting country's forma invoice with application form, Test Report, product Descriptions, Health Certificate, Radiation Certificate and etc.	Extension Branch	Free of Cost

SL. No	Name of the Service	Maximum service delivery time	Necessary Documents	Obtain required documents / application forms	Service price and method of payment (if any)
3.	Issuance of no-objection letter for import of fishing nets	10 working days	Exporting country's form invoice with application form,	Marine Branch	Free of Cost

### 3.5 Department of Livestock

The Livestock department under the Ministry of Fisheries and Livestock is one of the service providers and regulatory agencies of the livestock sector in Bangladesh. The services of the Department of Livestock extend to the farmyard to ensure the safe supply of animal protein. The Department of Livestock has dedicated itself to improving livestock production, entrepreneurship and skill development, aquaculture development, value chain management, and market management of aquaculture products ever since it was established. Additionally, import and export certificates are issued by the livestock department. Department of Livestock Services has offices in every Upazila in Bangladesh. From where citizens get livestock services and veterinary services.

#### 3.5.1 Certification Given by Livestock Department

Department of Livestock provided a number of certificate related SPS and TBT issues such as Issuance of license for import, storage and marketing of fodder Issuance of No Objection Certificate of Import/Export of Animal feed materials, vaccines; Issuance of No Objection Certificate for Import of Cow, Buffalo, Goat, Sheep, Camel, Dumba, Rabbit, Embryo, Frozen Semen; Issuance of No Objection Certificate for export of Cow, Buffalo, Goat, Sheep, Camel, Dumba, Rabbit, Embryo, Frozen Semen; Issuance of no-objection certificate for import of chicks (including turkeys); Issuance of veterinary health certificate sanitary certificate in case of import and export of animals and animal products and Issuance of no-objection certificate for import and export of domestic animals Chemical Analysis of Animal Feeds. The process certification and time required for the service are described in the table below;

**Table 11 Certification Given by Livestock Department**

Name of the services	Method of providing services	Required Papers and Location	Service charges and payment methods	Timeframe for delivering services
1. Issuance of license for import,	The applicant shall apply in the prescribed form to the Director General.	a) Application in prescribed form (Source: Animal Feed Rules, Schedule-11, Form-	List of application fee, license fee, renewal fee and appeal fee for	48 working Days

Name of the services	Method of providing services	Required Papers and Location	Service charges and payment methods	Timeframe for delivering services
storage and marketing of fodder (Category-II).	Grant of license subject to payment of prescribed fee if approved by the 15-member committee meeting after verification by the head of the concerned department and after receiving the inspection report from the departmental director.	2 of 2013 and www.dls.gov.bd) (b) Picture c) Photocopy of National Identity Card (NID) d) Details of standard storage and storage capacity (Damage, hygrometer, fire extinguisher, room thermometer, and AC if applicable) e) Updated trade license and income tax certificate f) Imported product name and product brochure. g) Treasury bills verified In case of online application url: rlms.dls.gov.bd	different categories as per government rules: <b>Category-2</b> Application Fee Rs.1000/ License Fee Rs.10000/ Renewal Fee Rs.5000/ Appeal Fee Rs.5000/ Duration: one year from the date of issue of license <b>*N.B.</b> All fees are subject to 15% VAT. Invoice Code-( License Fee) 1-4441-0000-2681 Invoice Code-( VAT) 1-1133-0040-0311	
2. Issuance of No Objection Certificate of Import/Export of Animal feed materials, vaccines	The applicant shall apply to the Director General. No Objection Certificate is issued after verification by concerned Branch Head.	a. application form b. Photocopy of National Identity Card (NID). c. Proforma Invoice (PI) d. Contract paper e. Product literature f. Veterinary Health Certificate/ Sanitary Certificate (Attn: Directorate of Livestock) g. Lab report h. Up-to-date trade license, tax certificate, VAT and BIN registration i. Export Permit (Address: Export Development Bureau) j. Import permit k. Information on fodder warehousing and storage capacity l. Information on packing and labelling	Free	16 working Days
3. Issuance of No Objection	The applicant shall apply to the Director General. No	a. Application to Director General b. Farm Registration Form	free	60 working days

Name of the services	Method of providing services	Required Papers and Location	Service charges and payment methods	Timeframe for delivering services
Certificate for Import of Cow, Buffalo, Goat, Sheep, Camel, Dumba, Rabbit, Embryo, Frozen Semen	Objection Certificate is issued after verification by concerned Branch Head.	<ul style="list-style-type: none"> <li>c. Proforma Invoice (PI)</li> <li>d. Contract Paper</li> <li>e. Veterinary Health Certificate (Received at: Directorate of Livestock)</li> <li>f. Pedigree Information</li> <li>g. Photocopy of National Identity Card (NID)</li> <li>h. Import Permit</li> <li>i. Issued by OIE Up-to-date infection information</li> <li>j. Other conditions (if any)</li> </ul>		
4. Issuance of No Objection Certificate for export of Cow, Buffalo, Goat, Sheep, Camel, Dumba, Rabbit, Embryo, Frozen Semen	The applicant shall apply to the Director General. No Objection Certificate is issued after verification by concerned Branch Head.	<ul style="list-style-type: none"> <li>a. Application to Director General</li> <li>b. Farm Registration Form (if applicable) (Received at: Directorate of Livestock)</li> <li>c. Proforma Invoice (PI)</li> <li>d. contract paper</li> <li>e. Veterinary Health Certificate/ Sanitary Certificate from: Department of Animal Husbandry)</li> <li>f. Lab Report</li> <li>g. Pedigree Information (if applicable)</li> <li>h. Photocopy of National Identity Card (NID)</li> <li>i. Updated Trade License, Tax Certificate, VAT &amp; Bin registration)</li> <li>j. Export Permit (Attn: Export Development Bureau)</li> <li>k. Import Permit</li> <li>l. Other conditions (if any) In case of online application</li> </ul>	free	60 working days
5. Issuance of no-objection certificate for import of chicks (including turkeys).	The applicant shall apply to the Director General. No Objection Certificate is issued after verification by concerned Branch Head.	<ul style="list-style-type: none"> <li>a. Application to Director General</li> <li>b. Farm Registration Renewal Letter</li> <li>c. Proforma Invoice (PI)</li> <li>d. Product Information</li> <li>e. Contract Paper</li> <li>f. Veterinary Health Certificate (Location: Directorate of Livestock)</li> <li>g. Pedigree Information</li> <li>h. Certificate of Non Importation (if applicable)</li> </ul>	Free	60 working days

Name of the services	Method of providing services	Required Papers and Location	Service charges and payment methods	Timeframe for delivering services
		<ul style="list-style-type: none"> <li>i. Farm inspection report undertaking by the importing organization</li> <li>j. Photocopy of National Identity Card (NID)</li> <li>k. Import permit</li> <li>l. Updated disease transmission (HPAI and LPAI) issued by OIE OST</li> <li>m. Farm capacity and current stock information)</li> <li>n. Quarantine certificate of previously imported chicks (if applicable)</li> <li>o. Quarantine monitoring report of previously imported chicks (if applicable)</li> </ul>		
6. Issuance of veterinary health certificate sanitary certificate in case of import and export of animals and animal products	The applicant shall apply to the Director General. No Objection Certificate is issued after verification by concerned Branch Head.	<ul style="list-style-type: none"> <li>a. Application to Director General)</li> <li>b. Lab Report, Updated Trade License, Tax Certificate, VAT</li> <li>c. Proforma Invoice (PI)</li> <li>d. Export Permit</li> <li>e. Place of receipt: Export Development Bureau). Import Permit)</li> <li>f. Other conditions (if any)</li> </ul>	Free	3 working Days
7. Issuance of no-objection certificate for import and export of domestic animals		<ul style="list-style-type: none"> <li>a. Application to Director General</li> <li>b. Vaccination Certificate</li> <li>c. Veterinary Health Certificate (Attack: Directorate of Livestock)</li> <li>d. Deworming Certificate</li> <li>e. Copy of Passport and Visa</li> <li>f. Color photograph of pet</li> <li>g. Photocopy of National Identity Card (NID)</li> <li>h. Microchips number</li> <li>i. Other conditions (if any) In case of online application url: <a href="http://dls.ussbd.net">dls.ussbd.net</a></li> </ul>	Free	3 working Days
8. Chemical Analysis of Animal Feeds	Chemical analysis is done and report is provided subject to payment of	<ul style="list-style-type: none"> <li>a. Application form</li> <li>b. Samples of animal feeds</li> </ul>	<b>At government fixed rates:</b> Test Name	7 Working days.

Name of the services	Method of providing services	Required Papers and Location	Service charges and payment methods	Timeframe for delivering services
	prescribed fee after application with samples of animal feed and different types of feed materials.		Moisture, 70 taka/ Dry Matter (DM), 70/ Crude Protein (CP) 200/ Ether Extract (EE) 150/ Crude Fiber (CF) 300/ Ash (Ash) 70/ Acid Insoluble Ash (AIA) 80/ Total cost of Proximate (including AIA) diagnosis is 700/ Calcium (titration method) 200/ Phosphorus (titration method) 200/ Calcium and Phosphorus (Titration Method) 350/	

### 3.6 Bangladesh Atomic Energy Commission (BAEC)

Bangladesh Atomic Energy Commission (BAEC) was established in 1973 as a multidisciplinary R&D organization with the view of promoting peaceful uses of nuclear energy in Bangladesh. From the very beginning of its formation, BAEC started R&D works in areas covering physical science, bioscience, engineering and nuclear medicine for human welfare and economic uplift of the country.

#### 3.6.1 Certificate provided by Bangladesh Atomic Energy Commission (BAEC)

Bangladesh Atomic Energy Commission (BAEC) provide Radiation Certificate for permitting import of radio-active material and Nuclear Reactors & its parts. The process of certification given below:

**Table 12 Certificate provided by Bangladesh Atomic Energy Commission (BAEC)**

Name of the service	Certificate	Organization	Procedure of Testing
Permit required for radio-active material	Radiation Certificate Requirement	Bangladesh Atomic Energy Commission (BAEC)	Thorium nitrate classifiable under H.S. Heading No. 28.34, all items including radio-active chemical/element & isotopes classifiable under H.S. Heading No. 28.44 to

Name of the service	Certificate	Organization	Procedure of Testing
			28.46, X-ray including radiography or radiotherapy apparatus classifiable under H.S. Heading No.90.22 & H.S. Code No. 9022.19.00, 9022.21.00,9022.29.00 is importable only with prior permission from the Bangladesh Atomic Energy Commission
Permit required for Nuclear Reactors & its parts	Radiation Certificate Requirement	Bangladesh Atomic Energy Commission (BAEC)	Nuclear Reactors & its parts (H.S. Heading No. 84.01 & all H.S. Code No. classifiable under it) are importable by Bangladesh Atomic Energy Commission only with the clearance of sponsoring Ministry.

### 3.7 Bangladesh Council of Scientific and Industrial Research (BCSIR)

BCSIR is the most ancient research organization of Bangladesh, having 13 research institutes, 378 active scientists supported by about 677 technical and official personnel. From the very beginning, it has been playing an important role in R&D activities covering approximately 60 major branches of basic and applied sciences such as synthetic chemistry, pulp, and paper, fiber and polymer, tissue culture, genomics, medicine, herbal products, biomedical engineering, toxicology, food supplements, industrial physics, physical instrumentation, light engineering, mine and minerals, glass and ceramics, thin-film, magnetic materials, leather products, renewable energy, etc.

BCSIR is providing the following important services to the nation:

- Provide technical and analytical supports to the industries, government and non-government organizations, Small and Medium Enterprises (SMEs),
- Provide testing services to entrepreneurs for examining the quality of locally produced and imported products with international level testing facilities,
- Perform analytical test for the presence of tetracycline and nitro furan metabolites in the exported shrimp as per the requirement of the European Union,
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#### 3.7.1 Certification Provided by BCSIR

Sl. No	Name of the Service	Maximum service delivery time	Necessary Documents	Obtain required documents/ application forms	Service price and method of payment (if any)
1.	Product quality analysis services	Maximum 7 working days. However, based on the sample's nature, it may take more than 7 working	a. Submit the application in the required form with sample	Analytical Service Cell, BCSIR, Dhaka. Phone: 02-96711108	BCSIR's Fixed Product quality analysis services fee, Pay Oder/Check/

Sl. No	Name of the Service	Maximum service delivery time	Necessary Documents	Obtain required documents/ application forms	Service price and method of payment (if any)
		days in some circumstances.	b. Product quality analysis fee deposit receipt c. Provide Invoice d. Product quality analysis Report		Deposit cash in bank
2.	Product quality analysis services	Seven working days after getting letter	a. Submit the application in the required form with sample b. Product quality analysis fee deposit receipt	Leather Research Institute	Council's Fixed Product quality analysis services fee (With VAT), Check/ Deposit cash in bank

### 3.8 Bangladesh Food Safety Authority

The main duties and functions of the Bangladesh Food Safety Authority (BFSA) are "to regulate and monitor the activities related to manufacturing, importing, processing, storage, distribution, and sale of food so as to ensure access of safe food through exercise of appropriate scientific methods, and to coordinate the activities of all organizations concerned with food safety management"<sup>38</sup>. The BFSA is the main governing body for ensuring food safety and for establishing rules and regulations. This includes setting permissible limits of chemical contaminants, microbial contaminants, heavy metals, processing aids and food additives, mycotoxins, and MRLs of pesticides, veterinary and fishery drugs, antibiotics, etc. Also included in BFSA's role is providing concerned authorities or organizations with necessary support in updating or upgrading permissible limits/MRLs at the highest safety levels for contaminants in food products as determined by any other organization under the existing laws, as well as monitoring the implementation. Albeit, MRL is not mandatory for all importer countries. maximum residue level (MRL) test is defined by the Plant Quarantine Wing if the products are needed the MRL test, as per the requirement of importer countries.

BFSA regulates imported food products as per its regulations (i.e., food labeling regulations, additives and contaminants regulations). During the import of food products, the Bangladesh Standards and Testing Institution (BSTI) checks for label

<sup>38</sup> Bangladesh Food Safety Authority. (2019). Harmonization of Bangladesh's food safety standards with Codex Standards and other international best practices. [https://bfsa.portal.gov.bd/sites/default/files/files/bfsa.portal.gov.bd/notices/a84613c2\\_1de6\\_475f\\_97c9\\_784374431701/BFSA-Strategy-for-Harmonization-of-Standards-draft-V-1.pdf](https://bfsa.portal.gov.bd/sites/default/files/files/bfsa.portal.gov.bd/notices/a84613c2_1de6_475f_97c9_784374431701/BFSA-Strategy-for-Harmonization-of-Standards-draft-V-1.pdf)

compliance and its standard marks on the food product. During enforcement, both BFSA and BSTI are responsible for testing food samples from the domestic market. However, due to a lack of sufficient testing resources under BFSA, it is difficult for BFSA to execute this task. In addition, because BFSA is a young organization, it lacks workforce and technical capability. BFSA has designated 10 food testing labs under various departments and public institutions, and a few of them have accreditations for various testing parameters. Several food testing labs within the public organizations do not have a mandate for regulatory testing and therefore do not pursue accreditation. To enhance capacity, BFSA and the Food and Agriculture Organization of the United Nations (FAO) established a National Food Safety Laboratory in 2012 at the Institute of Public Health in Dhaka, which is accredited with the International Organization for Standardization (ISO) 170259.

**Table 13: Certification Provided by Bangladesh Food Safety Authority (BFSA)**

SL. No	Name of Service	Service Delivery Method	Required Papers and Place of receipt	Service charges and payment methods	Timeframe for delivering services
1.	Food sampling, testing and interpretation of regulations	<ol style="list-style-type: none"> <li>1. Through direct communication at the office</li> <li>2. By sending letters by e-mail/telephone/postal</li> <li>3. Through the official website</li> </ol>	White Paper Application/Direct/E-Mail/Telephone Contact www.bfsa.gov.bd 03 (three) working days	free	03 (three) working days
2.	Interpretation of the results of samples tested by the service recipient	<ol style="list-style-type: none"> <li>1. Through direct communication</li> <li>2. By e-mail/telephone/post</li> </ol> By sending letter	Report of results of tested food samples	free	07 (seven) working days
3.	Providing training to food related business man	By providing in-person or online training	Application form in white paper by direct/telephone contact or e-mail or post from the service aspirants	free	15 (fifteen) working days
4.	Dissemination of food safety risks	<ol style="list-style-type: none"> <li>1. By direct contact</li> <li>2. By sending letters by e-mail/telephone/post</li> <li>3. Through the official website</li> </ol>	White Paper/Direct Application	Free	07 (seven) working days

SL. No	Name of Service	Service Delivery Method	Required Papers and Place of receipt	Service charges and payment methods	Timeframe for delivering services
5.	Issuance of health certificate for export food products	Through issue of certificate with approval of proper authority	<ol style="list-style-type: none"> <li>1. Filled application form saved on website (www.bfsa.gov.bd).</li> <li>2. Receipt for payment of processing fee for issuing the health certificate in favor of Bangladesh Safe Food Authority leading bank account number-0200014000411</li> <li>3. Sample of exported food products</li> </ol>	<ol style="list-style-type: none"> <li>1. FOB below Tk 10 lakh processing fee: Tk 2000/-, Tk 10 lakh to Tk 50 lakh processing fee: Tk 3000/-; Processing fee above Rs.50 lakh: Rs.5000/-</li> <li>2. Processing fee for Re-issue / Duplicate issue of health certificate</li> </ol>	15 (fifteen) working days
6.	Sample testing and report delivery in mobile lab	Sending report by post/e-mail	Collection of refilled food samples	free	03 (three) working days

### 3.9 Bangladesh Accreditation Board

Bangladesh Accreditation Board (BAB) was established as per the Bangladesh Accreditation Act, 2006 mandated for providing accreditation to laboratories, certification bodies, inspection bodies, training institutions and persons in the country. BAB, the apex body of the national quality infrastructure, is playing a leading role for the development of an internationally recognized accreditation system in the country.

BAB has signed Mutual Recognition Arrangement (MRA) with Asia Pacific Accreditation Cooperation (APAC) and International Laboratory Accreditation Cooperation (ILAC). Certificates or test reports of products and services from BAB accredited organizations have gained worldwide acceptance and local products and services are being consolidated in the international market. The main objectives of BAB are that to establish a national accreditation system harmonized to international best practice by adopting relevant international standards and following procedures recommended by ILAC, APLAC, PAC, and IAF.

Bangladesh Accreditation Board (BAB) has many functions including Testing & Calibration and Medical Laboratories to ISO/IEC 17025 and ISO 15189 that involves assessing and recognizing the competence of laboratories in performing tests, calibrations, and medical laboratory activities. The accreditation process involves evaluating personnel qualifications and competence, equipment, reagents and supplies, quality assurance, and analytical, pre-analytical, and post-analytical factors.

Bangladesh Accreditation Board (BAB) can also be accredited to ISO/IEC 17021, ISO/IEC 17024, and ISO/IEC 17065. Bangladesh Accreditation Board (BAB) can also be accredited to ISO/IEC 17020 which involves assessing and recognizing their technical competence in conducting inspections within the scope of the standard. In addition to accreditation, establishing MRA Multilateral Agreements (MLA) with regional and international forums is important for harmonization of standards and requirements and BAB is currently working in that.

### **3.10 Constraints and required interventions in SPS and TBR Measure**

BSTI, DAE, Department of Fisheries, and others SPS and TBT related institutions have limited infrastructure, laboratories, accredited testing lab, accommodation facility for employees. BSTI, DAE, Department of Fisheries, and others SPS and TBT related institutions do not use the existed capacity, albeit if they have such plans to design, develop and implement the institutions do not use the optimal resources they have.

A needs assessment study for priority infrastructure including major laboratories under BSTI, DAE, Department of Fisheries, and others should be initiated. An infrastructure needs assessment should be conducted to increase accredited lab test, examine and propose strategic locations for new laboratories and similar infrastructure close to industry clusters, and main trading hubs, rather than at district headquarters, to better serve industry and business at a practical level. Regional dimensions of SPS-TBT related infrastructure should be considered as opportunities to coordinate and collaborate through regional platforms (SASEC, SAARC, SARSO) and optimize existing capacity. Specially, a study should be taken whether Bangladesh can explore regional dimension to expedite the cooperation among the SAARC countries. Optimal use of automated

systems should be considered, to speed the integration of SPS and TBT related government agencies into national plans to design, develop and implement a national single window system for international trade.

### **3.10.1 Constraints in Legislative structure**

Many of the major laws governing the SPS and TBT regimes in Bangladesh are outdated, with some dating to the 1960s. Such laws should be updated and brought in line with national and international trade regimes, standards, and obligations that protect human, animal, and plant health, and to maintain the quality and safety standards of public consumption. For example, the Agriculture Produce Marketing Act 1964 currently does not adequately cover the issues of maximum residue level (MRL) of various pesticides in agricultural produce. Bangladeshi SPS-related rules and regulations are balanced with international standards in the case of import of agricultural goods but not balanced in the case of export. Consultative bodies comprising of public and private sector representatives, and relevant experts and officials should be formed to initiate the review process of SPS and TBT related existing laws that require such update and reform. International norms and standards, such as those stipulated in ISO or Codex Alimentarius, should be a consistent reference and baseline while reforming the existing laws in Bangladesh is underway.

### **3.10.2 Lack of Quality Standard in International and Domestic Products**

Currently, quality standards for all types of products are often unregulated in Bangladesh, with different treatment. Quality standards sometimes being applied for products bound for the domestic markets and those bound for international trade is different. Quality parameters are generally followed for export-oriented products as per the requirements of the importing country but for domestic production often such standards are not being followed. Quality standards should be consistently applied to and enforced for all products, whether traded domestically or internationally. Here, Bangladesh Food Safety Authority can take pragmatic steps along with the coordination of different regulatory bodies like BSTI, DLS, Plant Quarantine wing, etc. If domestic regulations are enforced in a strong manner, then overall quality standards will be enhanced in the manufacturing process automatically.

### **3.10.3 Limited Number of Products Requiring Mandatory Certification by BSTI**

BSTI have limited number of products requiring mandatory certifications, the new products list for Certification Marks (CM) are yet to be developed for local and international products. New products need to be included in the Certification Marks (CM) list can be identified according to their importance for both domestic and export markets. BSTI has developed 619 List of Bangladesh Standards (BDS) on Agricultural

and Food Products till January 2022. The study has noted that although BSTI has already developed and adopted contains 4095<sup>39</sup> national standards of Bangladesh that are now in vogue for various products, these products have not yet been brought under the mandatory CM scheme – this should be considered as a priority action. Moreover, BAB awarded accreditation in accordance with ISO/IEC 17025:2017 to BSTI for 283 parameters of 35 products, which in number is not citable. The current list of 229 products requiring the mandatory CM of Bangladesh Standards and Testing Institution (BSTI) should be expanded. The number of accreditation parameters of products need to be increased by expanding the technical and lab capacities of BSTI. Chemical residue testing, heavy metal testing, antibiotic and hormone testing, pesticide testing, virus, bacterium, fungus, mycotoxin testing, eyes testing, illnesses diagnostic lab and reference lab should be introduced.

**Harmonization of the BDS with the international requirement and the Role of SARSO:** Since there is no universal standard, the problems of NTBs may continue to exist without a mutually agreeable standard. Thus, BSTI is required to work with regional organization actively for developing international standard and need more active engagement in this organization. SARSO was formed to operate this kind of activity specially to harmonize standards in South Asian countries and to facilitate intra-regional trade. Since SARSO works to eliminate technical barriers to trade among member countries by conformity assessment. Multilateral Arrangement on Recognition of Conformity Assessment (MARCA) in 2017 is progress in that direction. However, the political will to run this regional arrangement effectively is weak. Nevertheless, it is advised in stakeholder consultation to maintain the harmonized standard first before continuing the negotiations with other nations to lower the technical trade barriers.

#### **3.10.4 Lack of Inter-Agency and Public-Private Coordination**

The study found that there is a lack of inter-agency coordination between public and private business body. The study also found that private business associations have reluctance to know about SPS and TBT measures. Regular interactions between customs officials, port officials, and BSTI officials should be scheduled at the ground level as well as at headquarters and district office levels to identify short-comings and/or divergence between the agency- specific rules, regulations, and practices, and ensure future consistency of approach in application of SPs and TBT related legislation and regulations. Effective and regular coordination between private sector business and traders on one hand, and government officials and agencies on the other also remains a challenge. From the KII and Public, Consultation, it implies that most of the agricultural

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<sup>39</sup> BSTI Standards Catalogue 2021(Till August 2021), BSTI, 2021 Retrieved From [https://bsti.portal.gov.bd/sites/default/files/files/bsti.portal.gov.bd/page/c82bd863\\_c051\\_46ce\\_af11\\_eb5bec479d5b/2021-08-31-11-36-54b7b1099157fbe275580fb4511a00bf.pdf](https://bsti.portal.gov.bd/sites/default/files/files/bsti.portal.gov.bd/page/c82bd863_c051_46ce_af11_eb5bec479d5b/2021-08-31-11-36-54b7b1099157fbe275580fb4511a00bf.pdf)

products are exported by air, mainly from Hazrat Shahjalal International Airport in Dhaka but the central packing house of the product is in the capital's Shyampur area. Bringing the perishable plants and products to Shyampur for packing and then transporting them to the airport, takes hours due to the situation of traffic in the city. This, too, causes a problem for exporters and a depletion of product standards. In KII and stakeholder consultation, it was found that the lack of coordination between different agencies responsible for SPS and TBT in Bangladesh is causing inefficiencies, inconsistencies, and barriers to trade, making it difficult for businesses to comply with regulations and export their products. Addressing the situation, the government may establish a coordinating body and create a public-private forum to facilitate collaboration and develop solutions regarding SPS and TBT related barrier in trade that in turn benefit both businesses and government officials.

According to desk review, KII and Public Consultation, the number of MOUs or MRAs with an importing countries and organizations like India, China, and the European Union, is very low or in the initial process. Bangladesh cannot extend MRA with potential trading partners as few products testing procedure and certificate are internationally accredited. As a result, following international standard both for domestic product and exportable products are not maintained with due diligence. Therefore, it is crucial for Bangladesh to prioritize effective coordination between regulatory bodies, increasing accredited testing procedure of product and accredited labs to facilitate signing MOUs and MRAs for expanding international trade.

### **3.10.5 Departmental oversight framework**

The strong departmental chain is critical to ensure hazardous risks are detected before they enter the food supply. Therefore, as a priority, the regulatory authorities must reinforce and build-up the entire risk chain from risk identification in the field to risk characterization and evaluation in labs to risk management decision making with high-level officials. To support and enable improved departmental oversight framework, SPS policies and regulations need to be thoroughly reviewed and updated. This will provide a solid management base for decision makers and provide strong enforcement mechanisms to back the policies.

### **3.10.6 Bangladesh Food Safety Authority (BFSA)**

The study found that the National Food Safety Authority have limited financial and human resources. BFSA and BSTI are responsible for testing food samples from the domestic market. However, due to a lack of sufficient testing resources under BFSA, it is difficult for BFSA to execute this task. In addition, as BFSA is a young organization, it lacks workforce and technical capability. Adequate financial and human resources should be allocated to effectively empower and enforce this law to gradually improve safety, hygiene, and sanitary issues in food production, processing, retailing, and trading of

fresh and processed food items. The example of India's Food Safety and Standards Authority of India (FSSAI) as the national apex authority for setting safety and standards parameters and enforcing the same is one that Bangladesh may consider following for further development of the National Food Safety Authority.

### **3.10.7 Information Gap among Private Sector Business and Traders**

Between govt. and business associations representative from FBCCI, DCCI, MCCI, BCI and relevant association have information gap regarding SPS and TBT measures. For immediate intervention, the Bangladesh National Trade Portal managed by the WTO Cell of the Ministry of Commerce should be regularly updated to serve as a one-stop-shop where traders can get updated data and notifications on SPS and TBT related information for their respective products.

### **3.10.8 Limited Laboratory Facilities**

In the proximity of the product category, manufacturing region, and trade-related office/organization/port, an accredited laboratory according to international standards (ISO/IEC 17025) are not adequate in numbers. Laboratory accreditation under BAB is necessary, as is continuing scope improvement. The scope of testing can be expanded by registering or recognizing modern laboratories of various private, international, or educational establishments by BSTI or government standards.

### **3.10.9 Lack of formal Procedure to Resolve SPS & TBT related Problems**

A formal procedure to resolve SPS & TBT related Problems are yet to be formed by govt. and private stakeholder. Thai exporters have closer co-operation between private producers and government regulators to promote consistent compliance with GLOBALGAP standards in Thailand, for which Bangladesh should need to take pragmatic steps.<sup>40</sup> Similarly, the national level committee or coordination authority is required to be formed to address the concern and dispute related to SPS and TBT issue in international trade. Most of the time, the Thai commercial consular in the importing countries will first collect the information and facts and at the same time ask the Thai exporters to examine their own products. Depending on the responses from trading partners, Thailand usually starts with bilateral negotiations and asks the importing country to send their experts to investigate the production site in Thailand. Like Thailand, Bangladeshi commercial councilor can perform the same responsibility for expanding the export, though Bangladesh some time invite importing countries' experts to investigate the production site.

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<sup>40</sup> A Scheme and Training Manual on Good Agricultural Practices (GAP) fruits and vegetables, Food and Agriculture Organization of the United Nations, 2016

### **3.10.10 Lack of Awareness among the Stakeholders**

Lack of awareness among stakeholders about, i) Rules & regulations of modern production system; ii) Bad impacts of insecticides and pesticides and iii) SPS requirements of the importing countries. Thailand has increased awareness of the importance of Codex and disseminated information on the results of meetings, and of progress in the preparation of Codex standards among all relevant stakeholders. Thus, regulatory authorities need to pragmatic steps to raise awareness at national where public and private precipitation can expand the new avenue of opportunities.

### **3.10.11 Lack of Incentive Schemes for Testing Laboratories**

Incentive Schemes for Testing Laboratories are yet to introduced by the govt. However, in this case, adequate regulatory frameworks should be in place to ensure the quality and performance of these laboratories. Incentive schemes may be introduced not only for new laboratories, but for existing ones also, if they invest in new machinery, trained personnel, as well as for obtaining accreditation. If sufficiently incentivized through meaningful and sustainable schemes, the number of accredited laboratories in private sector may be expected to increase within a short time.

### **3.10.12 Lack of Standard Operating Procedure (SOP) for All the Testing and Certificate Agencies**

SOP for all the testing and certificate agencies are yet to be developed and introduced to public. The Plant Quarantine Wing and Department of Livestock as a certification authority, follow SOP to provide PC certificate and therefore, the time, cost and hassles related to PC certificate has been reduced. At present, there is no crowd in the Plant Quarantine office of Dhaka or Plant Quarantine Station at different port.

### **3.10.13 Lack of Mutual Recognition Agreement**

Without adequately equipped and operational accredited laboratory facilities, it will be exceptionally challenging to secure accreditation, to develop Mutual Recognition Agreements with neighboring SASEC countries, and Conformity Assessment Procedure as per International Norms. There is substantial need to upgrade laboratory equipment, apparatus, and trained personnel and increase the number of accredited testing procedure of product as per the international standard so that EU, India and other bilateral trade partner become interested to sign Mutual Recognition Agreement with Bangladesh.

### **3.10.14 Negotiation with India and other countries regarding MRA**

For reducing the non-tariff barriers in Bangladeshi export to India, the proper implementation of mutual recognition between the BSTI and Bureau of Indian Standard (BIS) is needed. BSTI and BIS have already signed a mutual agreement for recognizing

the standard in 2015. However, in many cases, India raised question about the BSTI standard and the certificate as sometimes BSTI certificates are not compliant or harmonized with the Indian standard in many products. For mitigating this, if any Indian trade barriers go against the international trade rules the effective discussion and negotiation between Bangladesh and India on the removal of the non-tariff barriers have to be continued. The government of Bangladesh and BSTI has to go to a mutual agreement with the BIS and Food Safety and Standards Authority of India (FSSAI) about developing the harmonized standard and accepting each other's test certificate. Apart from the negotiation with India, Non-tariff barriers imposed by the other countries should also be addressed. In this case, the BSTI needs to sign more bilateral cooperation agreements for export facilitation. The bilateral 'agreement must be in the improvement of the standardization, certification, calibration, testing, technical information, dispute settlement and training. From KII and Public Consultation, it was found that lack of MoU, MRA, bilateral agreements, multilateral agreements with India and Nepal create technical and regulatory barriers. Hence the stakeholder had suggested to negotiation on MRAs (mutual recognition agreements) may be started in this situation especially with India.

#### **3.10.15 Regular updating of the standard**

The current practice of physically examining all 79 BSTI mandatory products in the custom may be replaced with a strategic risk management system that targets high-risk shipments and would not unnecessarily delay the release of low-risk shipments, as urged in KII. Identifying the low or high-risk shipment of the BSTI mandatory imported product is the prime issue of applying the risk management provision. For this, the introduction of the trusted trader and Authorized Economic Operator (AEO) programs, with the coordination of the BSTI and custom house, can help implement the green and yellow channel-based clearance process through the ASYCUDA world server and thus reduce clearance times drastically. Thus, risk management provisions are considered to be added in the IPO for the BSTI mandatory products.

#### **3.10.16 Constraint regarding Bangladesh Accreditation Board (BAB)**

The exporters of Bangladesh face non-tariff barriers due to not maintaining compatibility with the standard of the overseas market that equipping the labs with proper technical tests, and required testing facilities is not enough to assure the exporters about the entry of their products into target markets. Therefore, the exporters' long-awaited demand is for BSTI institutional capacity and testing quality needs to be improved. Thus, compatibility can be ensured through the accrediting agency, authorized to conduct tests as per strictly followed and monitored guidelines. Bangladesh accreditation board (BAB) is responsible for providing accreditations to Bangladeshi laboratories, testing centres, and certification bodies. However, BAB has yet to be accredited by many international

agencies and international accreditation bodies. As a result, exporters sometimes go to India for having accreditation for some products. Measures to make our accreditation board recognized should be our priority. For this, well-equipped modern technology and internationally accredited and reliable national accreditation infrastructure are needed. In addition, to ensure country-specific compliance and conformity with the importing countries' standards, BSTI needs to establish the quality labs and set up the quality and dimensions of BDS and prepare and promote standards on a national and international basis.

### **3.10.17 Risk Management regrading SPS and TBT**

Risk Management (RM) in SPS and TBT refers to the process of identifying, assessing, and controlling risks to human, animal, or plant life or health, as well as risks to the environment, posed by goods traded internationally and also coordinated activities to direct and control an organization with regard to risk. Coordinated activities by administrations include direct and control risk and practice for identifying potential risks in advance, analyzing them, and taking precautionary steps to reduce/curb the risk. On the other hand, the TBT Agreement does not specifically require countries to conduct a risk assessment, but it does require countries to ensure that their TBT measures are not more trade-restrictive than necessary to achieve their legitimate.

According to Article 5 of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), it is required that member countries ensure their sanitary or phytosanitary measures are established through an evaluation, considering the specific circumstances, of the risks posed to human, animal, or plant life and health. This evaluation should take into consideration the risk assessment techniques developed by relevant international organizations. Under this agreement the effective implementation of SPS measures demands a competent authority. In other words, there should be one competent authority with overall responsibility for each sector (food safety, animal health, and plant health), even if some of its functions are delegated to other implementing bodies or contracted out to such bodies. Though Bangladesh is taking pragmatic measures to establish such competent authority in (food safety, animal health, and plant health), but there is long way to go ahead.

This lack of a required competent authority in SPS border inspection is cause for serious concern for several reasons. First, SPS “policy” appears to have been interpreted simply as a responsibility for internal agriculture or food safety, thus creating difficulties in its implementation in the form of border measures. Moreover, plant quarantine station at border point has lack of logistic and technical official to handle these issues efficiently. Second, even if the border inspection agency were part of the ministry mandated with overall responsibility for SPS (as in the United Kingdom, for example), there should still be legal separation between “policy” and inspection operations. Otherwise, inspection

services could not be adequately supervised. Indeed, a distinction should be made between the “regulator” as competent authority and the “inspectorate” under the administrative supervision of the former in Bangladesh. And third, the issue referred to above is compounded by the complex issue of SPS standards versus technical regulations. Since technical regulations constitute a regulatory package, they are not simply a set of standards meant only to consist of physical parameters. Instead, they should be the basis for the standards imposed by the competent authority under its own regulations, such as import requirements. In international trade, Bangladesh does not ensure compliance international standard and technical regulation while exporting to neighboring countries like India and there is no citable mutual recognition of agreement (MRA), as a result exporter face more SPS and TBT issue regarding trade with Indian businessmen.

In response to modernization and trade facilitation, countries around the world have incorporated risk management into their customs codes as part of reforms aligned with international practices. However, the customs codes of Bangladesh mention of risk, risk assessment, or risk management regarding SPS and TBT issues, but its implementation is not much as expected level. The reality in border control operations in Bangladesh is that inspection and testing procedures relating to perishable agricultural commodities cause significant delays. These delays occur even if border controls for food of plant and animal origin do not generally follow risk-based SPS measures. In contrast, the international (Codex) food standards provide the appropriate basis for food import requirements, codex standards being physical standards that are devoid of the quality specifications and regulatory content in trade. The degree to which they actually contribute to the delays and unauthorized payments cannot be accurately assessed, because, in many cases, these border control procedures physically take place at inland locations rather than at the border itself. As every border point or land port, there is not BSTI testing laboratory or office of Bangladesh Food Safety authority to make sure the safe food import and export.

According to Article 2 of the WTO Agreement on Technical Barriers to Trade, member countries are obligated to ensure that technical regulations are not formulated, adopted, or implemented with the intention or effect of creating unnecessary barriers to international trade. In order to fulfill this requirement, technical regulations should not impose restrictions on trade that exceed what is necessary to achieve a legitimate objective, while considering the potential risks associated with non-compliance. Legitimate objectives may include national security requirements, prevention of deceptive practices, and the protection of human health or safety, animal or plant life or health, and the environment. When assessing such risks, relevant factors to consider include available scientific and technical information, relevant processing technology, and the intended end-uses of products.

To improve integrated border management and reduce delays, the various interpretations of risk assessment and risk management under the SPS Agreement and in customs laws should be standardized. The key to standardization is to harmonize the provisions in the customs regulations for “prohibited,” “restricted,” and “free to enter” goods with the risk-based classifications of goods made by the SPS competent authorities. However, Bangladesh Customs took some measures such as applying RM via ASYCUDA selectivity module, All Custom Houses and large LC stations have a separate LRMU and in the meantime inserted the RM provision in the Customs Act, 1969 in 2019 in Sec. 197A and Customs Risk Management Commissionerate (CRMC) has started functioning.

### **3.10.18 Good Agricultural Practices GAP in Bangladesh**

Good agricultural practices (GAP) were first introduced in 1997 as the European GAP by the super shops and major suppliers in Europe, which was later renamed as Global GAP in 2007. At the regional level, the ASEAN GAP was introduced in 2006 by the ASEAN Secretariat to the member countries. The GAP scheme was launched in 2013-14 by the Food and Agriculture Organisation of the United Nations (FAO) in four SAARC countries- Bangladesh, Bhutan, Maldives and Nepal to produce horticulture vegetables and fruits. As a result, national GAP standards, scheme owner organisations and certification systems were initially formulated in these countries. GAP is an international food safety certification program that helps farmers, growers, and suppliers meet the highest standards of food safety and quality. The program is recognized by retailers and foodservice companies around the world, and it can help businesses gain access to new markets and improve their bottom line.

Following good agricultural practices or GAP is essential for safe crop production and access to the export markets to survive in global competition. As a result of the implementation of the GAP in Bangladesh, the agricultural products produced in the country will be safe. It will also ensure the quality of the products and food and nutrition security. Further, it would speed up economic growth by maintaining a sustainable environment. Bangladesh prepared the Bangladesh Good Agricultural Practices Policy 2020 which has been effective since 2020.

Agriculture in Bangladesh is gradually changing from subsistence agriculture to commercial agriculture. As a result, products such as dragon fruit, tangerine, orange, strawberry, coffee, cashew nut, melon etc are being cultivated in this country. Although we are in a very good position in agricultural production, we are still lagging behind in the export market. Hence, in Bangladesh, Global GAP is becoming increasingly important as the country's agricultural sector grows. The country is a major producer of fruits, vegetables, and other agricultural products, and it is well-positioned to benefit from the growing demand for safe and high-quality food. Global GAP certification

covers various aspects of agricultural production, including crop cultivation, livestock rearing, and aquaculture. It provides guidelines for proper land and water management, responsible use of inputs such as fertilizers and pesticides, animal welfare practices, and worker health and safety. By adhering to these standards, farmers in Bangladesh can demonstrate their commitment to sustainable and responsible farming practices.

Bangladesh needs to focus on two things - implementing good agricultural practices (GAP) and ensuring the testing of products in the International Organisation for Standardisation (ISO) accredited laboratories before export to have a good position in the export market. If these two practices can be adopted successfully, it would be possible to increase the export of agricultural products several times. Obtaining Global GAP certification can open doors to international markets for Bangladeshi agricultural products. It gives assurance to buyers and consumers that the products have been produced following stringent standards and meet the requirements for safety, quality, and sustainability. This certification can lead to increased market access, higher prices for agricultural products, and improved competitiveness for farmers and producers in Bangladesh.

## **Chapter 4: Identify Coordination at the National, Regional and International Levels for SPS & TBT Notification Compliances**

Bangladesh has various rules, regulations, and policies related to SPS and TBT issues. Different ministries, bodies, and organizations are responsible for implementing or enforcing these rules and policies. The WTO cell in the Ministry of Commerce is currently the national notification authority of SPS measures and Bangladesh Standards and Testing Institutions (BSTI) is the focal point for TBT. Ministries of agriculture, health, fisheries, and environment and their respective departments or divisions are also involved in SPS-related matters. Local businesses are not fully aware of the related government bodies about different SPS measures and functions. Moreover, it is difficult to get comprehensive information on SPS and TBT in Bangladesh through a single window. Bangladesh Trade Portal provides two separate links of the SPS and TBT inquiry points where one can send a request to the points seeking information on any SPS or TBT measure.

The Fifth Review Report of the Operation and Implementation of the SPS Agreement<sup>41</sup>, adopted on 31 July 2020<sup>3</sup>, includes several recommendations on various topics, including national SPS coordination mechanisms. From the experiences of members with national SPS coordination mechanisms and experiences of regional organizations in facilitating and strengthening national SPS coordination mechanisms; best practices shared by Members proposed the following way or mechanism for Coordination of SPS and TBT issues at regional & national Level.

### **4.1 SPS and TBT Coordination mechanism**

The SPS coordination at national level follows several steps among them Single agency responsible for covering both SPS and TBT issues followed by different international countries. Creating a "single window" for meeting transparency requirements and for managing regulatory issues in the SPS area and Single regulatory agency cover food safety, animal and plant health issues, jointly governed by two Ministries with relevant portfolios (e.g. Agriculture and Health). Dedicated multidisciplinary coordination team are also prepared to monitor and follow action on trade barriers to increase access to export markets, drawing on expertise from several govt. ministries is one of the major tasks for Inter-departmental/ Inter-ministerial agencies.

This involves reporting to the business community and maintaining frequent contact with it. Inter-ministerial coordination scheme involving various Ministries and Commissions (e.g. Commerce, Agriculture, Customs and Health) with a clear-cut assignment of responsibilities across the various entities to ensure transparency of SPS

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<sup>41</sup> Fifth Review Report of the Committee on Sanitary and Phytosanitary Measures, WTO

notifications. Coordination across SPS competent authorities through the organization of periodic coordination meetings organized (e.g. 2 to 3 times per year) to Coordination of SPS-related issues through a national SPS committee composed of Government departments and ministries, private sector and non-governmental organizations. Steps of SPS coordination mechanisms at the national are given below<sup>42</sup>:

#### **4.1.1 Single agency covering both SPS and TBT issues**

Single agency responsible for covering both SPS and TBT issues, creating a "single window" for meeting transparency requirements and for managing regulatory issues in the SPS area, as well as interfacing at the national and international level. Some key tasks include:

- Notification of all technical and SPS regulations that may impact trade, including those based on international standards.
- Definition of priorities for regulatory issues through the establishment of a regulatory agenda.
- Continuous engagement in international partnerships in order to encourage regulatory convergence and promote common standards and guidance with strategic partners.

#### **4.1.2 Single regulatory agency for SPS issues**

Single regulatory agency covering food safety, animal and plant health issues, jointly governed by two Ministries with relevant portfolios (e.g. Agriculture and Health). One of the major tasks of Single regulatory agencies are as follows

- supporting transparency is to efforts through partnerships with multiple regional and international stakeholders (e.g. Standards and Trade Development Facility (STDF), the Asia Pacific Economic Cooperation (APEC), the Food and Agriculture Organization (FAO), the World Health Organization (WHO) and the Global Food Safety Partnership (GFSP)).

#### **4.1.3 Inter-departmental/ Inter-ministerial coordination mechanisms**

Dedicated multidisciplinary coordination team to monitor and follow action on trade barriers to increase access to export markets, drawing on expertise from several ministries. This involves reporting to the business community and maintaining frequent contact with it. Inter-ministerial coordination scheme involving various Ministries and Commissions (e.g. Commerce, Agriculture, Customs and Health) with a clear-cut assignment of responsibilities across the various entities to ensure transparency of SPS notifications. Coordination across SPS competent authorities through the organization of periodic coordination meetings organized (e.g. 2 to 3 times per year) to:

- Share the concerns to be considered at the international level;

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<sup>42</sup> Collection of resources to facilitate implementation of national SPS coordination mechanism, WTO, 2020.

- Identify STCs and issues of interest to be raised in the SPS Committee;
- Participate in harmonization meetings coordinated at the regional level; and
- Monitor/audit notifications of nonconformity and corrective measures.

#### **4.2 Coordination of SPS and TBT issues at Regional Level**

The Agreement on the Establishment of South Asian Regional Standards Organization (SARSO) entered into force with effect from 25 August 2011 after ratification by all member States of SAARC. SARSO Sectoral Technical Committees (STCs) discussing harmonization of standards on Refined sugar, biscuits, instant noodles, black tea, vanaspati, skimmed milk powder on food and agricultural products.

Some of the key SPS and TBT articles in SAARC is as follows-

- Agreement on the Establishment of South Asian Regional Standards Organization (SARSO) (August 2008).
- SAARC Agreement on Multilateral Arrangement on Recognition of Conformity Assessment (November 2011).
- SAARC Agreement on Implementation of Regional Standards (November 2011).

The key SPS and TBT articles in SAFTA agreement are as follows-

- Article 3(d) - free movement of goods, between countries through, inter alia, the elimination of tariffs, para-tariffs and non-tariff restrictions on the movement of goods and any other equivalent measures.
- 6(c) Arrangements relating to non-tariff measures.
- 8(a) Harmonization of standards, reciprocal recognition of tests and accreditation of listing laboratories of contracting states and certification of procedures.

##### **4.2.1 Coordination of SPS and TBT issues at SARSO**

SARSO was established after the 'Agreement on the Establishment of South Asian Regional Standards Organization (SARSO)' entered into force - 25 August 20. The aim of the SARSO to develop Harmonized Standards for the region to facilitate intra-regional trade and to have access in the global market, to achieve and enhance coordination and cooperation among SAARC Member States in the fields of Standardization and Conformity Assessment. The Objectives and Function of the SARSO as follows-

- To promote and develop harmonization of Standards of the SAARC Member States with a view to removing the technical barriers to trade and facilitate flow of goods and services in the region.
- To encourage exchange of information and expertise among the National Standards Bodies of the Member States in the fields of Standardization and Conformity Assessment.

- To facilitate capacity building among the Member States in the fields of Standardization and Conformity Assessment by way of training, workshops, seminars etc.
- To act as a source of information for the Member States on standards, regulations, conformity assessment.
- To promote Mutual Recognition Arrangements (MRAs) on Conformity

### Member Bodies of SARSO

The number of the SARSO are as follows-

Countries	Institute or Organizations
Afghanistan	Afghanistan National Standards Authority (ANSA)
Bangladesh	Bangladesh Standards and Testing Institution (BSTI)
Bhutan	Bhutan Standards Bureau (BSB)
India	Bureau of Indian Standards (BIS)
India	Ministry of Economic Development (MoD)
Nepal	Nepal Bureau of Standards and Metrology (NBSM)
Pakistan	Pakistan Standards and Quality Control Authority (PSQCA)
Sri Lanka	Sri Lanka Standards Institution (SLSI)

### Mechanism of Formulation of SAARC Standards

- Sectoral Technical Committees (STCs)
- Composed of Representatives of the Member Bodies, each dealing with a particular subject
- Responsible for development and maintenance of SAARC Standards. The STCs is responsible for maintain the following standards-
  1. STC on Food and Agricultural Products
  2. STC on Electrical, Electronics, Telecom and IT
  3. STC on Building Materials
  4. STC on Jute, Textile and Leather
  5. STC on Chemicals and Chemical Products
  6. STC on Conformity Assessment

Highest authority of SARSO, vested with all powers relating to its functioning. The GB consists of Heads of the respective National Standards Body of each Member States. The Chairperson of the TMB, the Secretary General of SAARC or his representative and Director General of SARSO are the ex-officio Members. SAARC Agreement on 'Multilateral Arrangement on Recognition of Conformity Assessment' (MARCA) Agreement have been ratified by all SAARC Member States and came into effect from 18 July 2017 to facilitate the Parties to accept results of Conformity Assessment with a view to eliminate Technical Barriers to Trade within SAARC.

### 4.3 Coordination of SPS and TBT at other regional level

To facilitating and strengthening national mechanisms these mechanisms/systems are indicated in the below<sup>43</sup>:

**African Union:** The African Union undertakes efforts to facilitate domestic and regional SPS coordination and increase participation of African countries in the work of standard setting bodies and the SPS Committee. These efforts are also aimed at building synergies to resolve food safety, animal and plant health issues; and promoting dialogue with other regional blocs for mutual support during standard-setting activities. Examples of coordination activities undertaken include supporting electronic forum/physical meetings to discuss specific trade concerns prior to SPS Committee meetings; supporting physical participation of AU member States in the meetings of Codex, OIE and the SPS Committee; and conducting training activities to strengthen domestic SPS coordination mechanisms.

**Asia-Pacific Economic Cooperation (APEC):** APEC Food Safety Cooperation Forum (FSCF)<sup>44</sup>Partnership Training Institute Network (PTIN) uses a public-private partnership model for improving food safety and facilitating trade in the APEC region. It works with FSCF Regulators to deliver capacity building through workshops, encouraging the adoption of good regulatory practices in APEC economies in areas such as public consultation in the drafting of food safety regulations; and systematic publication of regulations.

**ECOWAS:** Economic Community of West African States (ECOWAS) has undertaken various coordination efforts and supported implementation of transparency provisions in the region. Some of the challenges faced include limitations in terms of knowledge, awareness and ownership of SPS issues; cooperation between the notification authority and other government authorities; and compliance with SPS transparency provisions. Possible solutions include increasing training on SPS transparency provisions, revitalizing the functioning of the national SPS committees, establishing monitoring and management systems within the notification authorities, and increasing advocacy and sensitization of high-level authorities or decision makers on the importance of SPS.

**IICA:** Inter-American Institute for Cooperation on Agriculture (IICA) has facilitated various domestic coordination initiatives implemented in the Latin American and Caribbean region. Based on IICA's experience, countries should consider the following

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<sup>43</sup> Collection of resources to facilitate implementation of national SPS coordination mechanism, WTO, 2020.

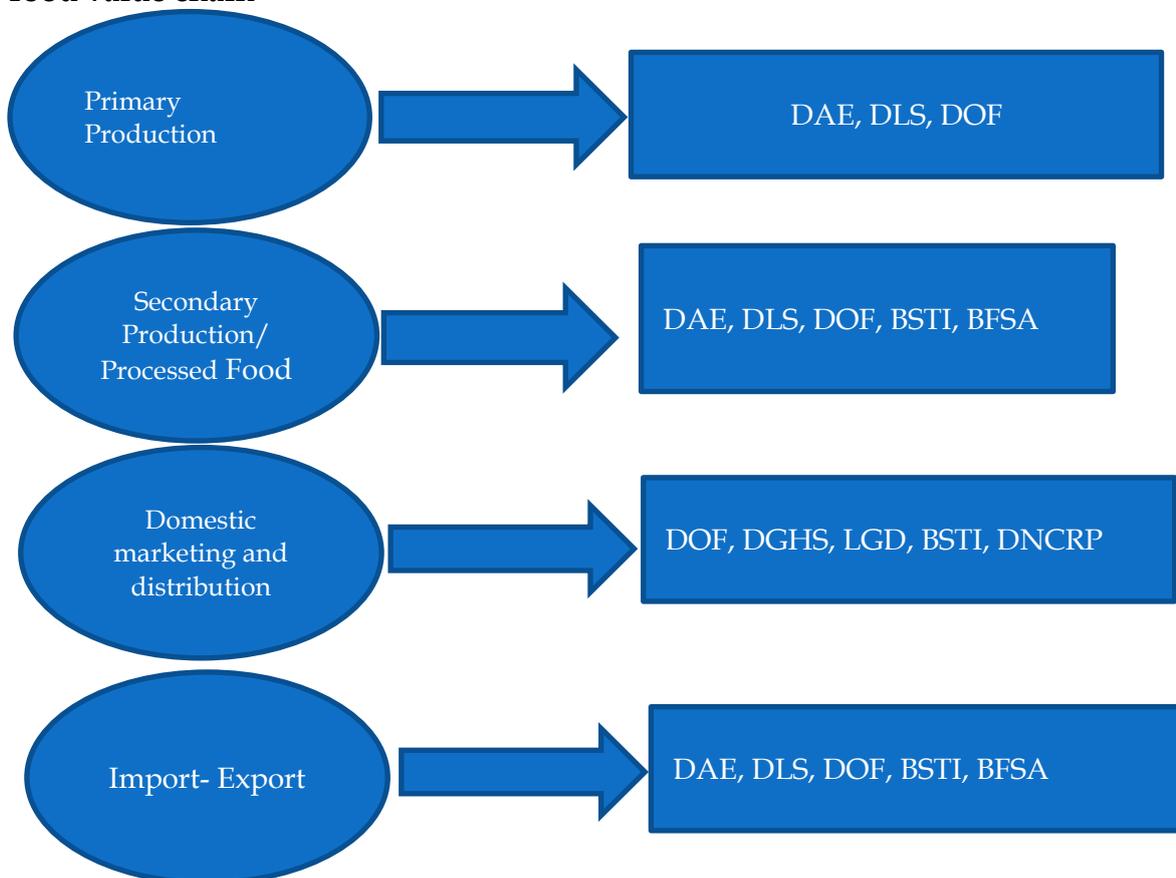
<sup>44</sup> APEC Food Safety Cooperation Forum (FSCF) includes food safety regulators from the 21 APEC economies. The APEC FSCF focuses on food safety capacity building and regulatory dialogue, encourages the use of science-based international standards and alignment to Codex standards, as well as the adherence to WTO SPS and TBT provisions.

points when establishing a national SPS committee: possibility to interact with different actors (public and private); need for periodic training of all actors involved; capacity to identify and resolve issues, and disseminate results on a permanent basis; and importance of a strong solid focal point.

#### 4.4 National Level Coordination in Bangladesh

The Bangladeshi government is having considerable difficulties enforcing numerous food-related laws and regulations. There are overlaps in regulatory responsibilities among multiple ministries and agencies for ensuring the compliance of SPS and TBT. Under the Food Safety Act 2013, Bangladesh Food Safety Authority (BFSA)'s role is to establish a food safety network among authorities involved in the food safety management system, up to the field level in order to develop and implement Good Agricultural Practices (GAPs), Good Manufacturing Practices (GMPs), Good Hygiene Practices (GHPs), hazard analysis and food safety auditing systems. Currently, the safe food regulations do not include any standards for GMP, GHP, or hazard analysis. The BFSA is currently switching from reactive to risk-based inspections. Recently, 725 approved food safety inspectors from across the nation received training on risk-based assessments from the Directorate General of Health Service (DGHS) and the Food Safety and Standards Administration (BFSA).

**Figure 3 Involvement of various departments and agencies in food safety across the food value chain**



Albeit the BFSA is the focal point, most food establishments are registered by BSTI, the

Ministry of Industries. The present conflicts in the coordination of food safety efforts between the BFSA and BSTI are notable as there is no single point of registration for the 2.56 million food establishments in Bangladesh. If food establishment regulation and registration are united under the jurisdiction of one authority, or communication among authorities is improved, food safety and the food system would become more viable, functional, and effective. BFSA recently released “Harmonization of Bangladesh’s Food Safety Standards with Codex Standards and other international best practices” to review the existing standards and draft new standards and codes of practice for implementation in the country. BFSA has proposed the following two approaches: revision or formulation of vertical standards for different food products or groups of food products and revision or formulation of horizontal standards:

Primary production, which starts at the farm level, is controlled by the Department of Agricultural Extension (DAE), Department of Livestock Services (DLS), and the Department of Fisheries (DOF). As per the Fish Feed and Animal Feed Act, 2010, the DLS and DOF regulate feed control at the farm level. The DAE regulates the registration and inspection of pesticides and fertilizers through the Pesticides (Amendment) Act, 2009; Fertilizer (Control) Ordinance/Fertilizer (Management) Act 2006; and the Import Policy Order. DAE provides skill development training on topics such as good agricultural practices to producers, including small farm holders. BFSA has limited implementation governance at the farm level. For example, per the recommendations of the Food Safety Act, 2013, BFSA has set the MRL of pesticide residues for food but has no control over the pesticides used at the crop production level. Pesticide usage is controlled by the Plant Protection Wing (PPW) under the DAE.

In order to maintain quality standards, BSTI also conducts inspection procedures and tests on food products during processing but the BFSA controls the requirements for food additives, pollutants, toxins, pesticides, packaging, labeling, management of hygiene and sanitation, and testing throughout processing. The execution of food safety through inspections is the responsibility of city corporations, district health departments, sub-district health departments, and the Directorate of National Consumer Rights Protection (DNCRP).

The Institute of Public Health (IPH), BSTI, and Bangladesh Council of Scientific and Industrial Research (BCSIR) assist these agencies by providing technical capabilities and testing infrastructure. BSTI is the agency responsible for the control of imported food products through inspection, testing, certification, and import clearance. DAE, DOF, and the customs office regulate the export of food products. DAE controls plant product exports as per the sanitary and phytosanitary (SPS) requirements. DOF provides the mandatory health certificates for fisheries and fishery products for export after those fisheries and products meet export compliance requirements. However, the notification

process is not mandatory for complying with SPS and TBT issues if it is at international standard. Although after LDC graduation, the notification process will be the most vital factor for Bangladesh.

#### **4.4.1 Focal point of SPS and TBT in Bangladesh**

The World Trade Organization (WTO) Wing, formed under the Ministry of Commerce, carries out operations under the WTO by regularly communicating with the Bangladesh Mission in Geneva on all issues relating to the WTO and works as a focal point of SPS in Bangladesh. Several workshops/trainings on TRIPS, SPS, TBT, Notification, Trade in Services, Non-Agricultural Market Access (NAMA) by WTO Cell for human resource development and capacity building Organized and through which more than 1200 officials of government and private institutions/university, university teachers, Chamber of Commerce representatives and journalists were imparted training on trade. Some of the major functions of the World Trade Organization (WTO) Division relating to SPS is as follows:

- Acting as a “National Inquiry Point” to provide information on Bangladesh's Sanitary Phyto-Sanitary (SPS) Measures and Rules-Regulations as required by other countries;
- Acting as Notification Authority to send regular notifications to the WTO Secretariat under various WTO Agreements;
- Carrying out activities related to various capacity building programs adopted by WTO (Enhance Integrated Framework, Aid for Trade etc.);
- Organize trainings, workshops/seminars with the assistance of the WTO Secretariat to inform stakeholders about various WTO agreements and issues;
- Maintain regular liaison with the Bangladesh Mission in Geneva on ongoing negotiations at the WTO Secretariat and all matters relating to the WTO;
- Implementation of existing agreements and decisions under WTO and all related activities.
- A project called Trade Notification of the WTO Wing is working on notifications and it has sent two notifications to the WTO through two letters.
- WTO Wing, the ministry of commerce is now working on issues for which Bangladesh has not provided notification in the past and issues that should be addressed in next future for notification.
- The Trade Facilitation project is currently working on building EU-standard Laboratory for SPS and TBT issues.

Bangladesh Standards and Testing Institutions (BSTI) is the focal point for TBT and it develops the national standards through 2 (two) National Committees, 6 (six) Divisional Committees and 76 (seventy-six) Sectional (Technical) Committees have developed 4008

<sup>45</sup>national standards of Bangladesh.

**Bangladesh Trade Facilitation Project:** The Bangladesh Trade Facilitation (BTF) project, a five-year, \$18 million USDA-funded initiative, is designed to help Bangladesh enhance its trade facilitation system and expand regional and international agricultural trade opportunities. Working in concert with key Government of Bangladesh agencies and by supporting and enhancing the National Trade Facilitation Committee, the project addresses the systemic constraints to agricultural trade at Bangladeshi ports; simplifies and automates import and export processes; improves the capacity of government agencies, laboratories, and warehouses; and fosters private and public investment, especially in cold storage. BTF will reduce the cost of trade in agricultural goods; decrease the release time of imported agricultural goods; and improve the predictability of agricultural trade through increased transparency, streamlining, and automating processes<sup>46</sup>.

Land O'Lakes Venture is implementing the Bangladesh Trade Facilitation project (BTF), funded by the United States Department of Agriculture (USDA) which will help the Government of Bangladesh (GoB) implement World Trade Organization's (WTO) Trade Facilitation Agreement (TFA) measures through five key activities<sup>47</sup>:

- a) Increasing harmonization of processes, formalities, and pre-clearance processing;
- b) Increasing transparency of trade information and WTO notification compliance;
- c) Strengthening risk management systems;
- d) Improving laboratories and testing procedures; and
- e) Enhancing cold storage infrastructure for perishable goods.

For the successful implementation of automation and a Risk Management framework, it is important to entrust NBR Customs as the lead organization to spur collaboration within several government agencies as urged in the evaluation of the project. Similarly, it is urged in the report of *Bangladesh Trade Facilitation Evaluation: Baseline Report*, National Single Window (NSW) should include initiatives to develop "transaction modules" (e.g., electronic payment of any fee, application process, queries on application progress, communication of partial application outcomes, request/submittal of missing/incomplete information, allowing document flow along all agencies involved) for fostering automation process and replacing outdated manual procedures within respective agencies. Moreover, the report further urged for speeding up the certification process, innovative pilot programs can be tested to "privatize" any or all

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<sup>45</sup> BSTI Standards catalogue 2021(Till August 2021), BSTI, 2021, Retrieved from [https://bsti.portal.gov.bd/sites/default/files/files/bsti.portal.gov.bd/page/c82bd863\\_c051\\_46ce\\_af11\\_eb5bec479d5b/2021-08-31-11-36-54b7b1099157fbe275580fb4511a00bf.pdf](https://bsti.portal.gov.bd/sites/default/files/files/bsti.portal.gov.bd/page/c82bd863_c051_46ce_af11_eb5bec479d5b/2021-08-31-11-36-54b7b1099157fbe275580fb4511a00bf.pdf)

<sup>46</sup> <https://www.landolakesventure37.org/Where-We-Work/113>

functions (e.g., inspection, quarantine, testing) related to the issuance of certificates. Similarly, to improve service delivery, private participation in other functions (such as process re-engineering and system updates for targeted agencies), importing countries standard and certification authorities' collaboration with Bangladesh need to be facilitated.

Recently, the BTF project has organized the first-ever Food and Chemical Lab Expo, titled 'Food and Chemical Lab Expo 2022', jointly with the Bangladesh Food Safety Authority in September 2022. The daylong expo featured 38 public and private laboratories and six entities supplying machineries. The expo will serve as a platform to share knowledge and experiences about technologies, best practices, and international standard food safety issues.

Moreover, the BTF project is currently working on automating or digitizing procedures in the three laboratories of the Department of Fisheries. Despite the limited implementation of e-certification and other automation measures, respondents have expressed high enthusiasm for the implementation of the project. Along with these, the project is also conducting a number of activities to establish Pest Risk Analysis (PRA) procedure. Furthermore, the project is currently working on establishing an access point interface between different SPS and TBT certification authorities with the ASYCUDA software at the Chittagong port.

#### **4.5 Coordination in Food Safety and SPS Compliance**

The agricultural sector is governed by 13 divisions housed in nine separate ministries, but there is limited coordination between these offices – aggravating an already complicated and confusing system. For example, in a study done by the USDA<sup>48</sup> team, it was found that the Ministry of Livestock and Fishery department has lack coordination with animal husbandry and animal health (veterinarian medicine) unit. Thus, there is an extreme need to establish links within each agency and for cross-consultation between these agencies or ministries to ensure better communication and coordination of their work as well as to better define each agency's roles and responsibilities. A study done by USDA and FDA in 2013, found that there is much overlap of roles without appropriate coordination or communication for information sharing.

The agricultural industries' export market requires the implementation of SPS measures that will safeguard human health and protect against the spread of unwanted diseases or pests borne by animal and plant products. In order to realize the opportunities for

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<sup>48</sup> Assessing SPS Capacity in Bangladesh, SPS Capacity Building in Bangladesh, Grant Agreement Number 58-3148-2-124, USDA Study 2013

international trade, exporters must be aware of SPS requirements. The Government of Bangladesh (GoB) and regulatory authorities are aware of international SPS standards; however, the country has policies or regulatory infrastructure constraints to adequately implement sound SPS systems. Currently, eight ministries in the government are directly involved in controlling affairs of food and food safety while four others are involved indirectly, Bangladeshi Ministries and Departments involved in Food Control describing these entities. Coordination and cooperation between these multifaceted control systems are complex and difficult. The stakeholders and exporters remain unaware, untrained, or unconcerned about the import requirement of foreign countries<sup>49</sup>. In the following table, the lists of the major stakeholder ministries involved in controlling food and food safety are described below:

**Table 14 Bangladeshi Ministries and Departments Involved in Food Control**

Ministry	Department/ Organization	Major Activities
Ministry of Agriculture	Department of Agricultural Extension (DAE) Plant Protection Wing	<ul style="list-style-type: none"> <li>• Phytosanitary certificate for imported/exported plants/plant products</li> <li>• Pesticide use control</li> <li>• Fertilizer use control</li> </ul>
Ministry of Food	Directorate General of Food (DGF)	<ul style="list-style-type: none"> <li>• Quality Control of Public Food Distribution System (PFDS), Stock, Procured Food grains/Food Stuff, Imported food, etc.</li> <li>• Food Control in the Market (not done at present)</li> </ul>
Ministry of Health & Family Welfare	Directorate General of Health; District & Upazila Health Administration and Institute of Public Health	<ul style="list-style-type: none"> <li>• Food Quality and Sanitation Control at Upazila/District level</li> <li>• Testing vendor food sample</li> </ul>
Ministry of Local Government and Rural Development (MoLGRD)	City Corporation & Pourashava Health Units	<ul style="list-style-type: none"> <li>• Sanitary inspection</li> <li>• Lab food quality control/lab analysis</li> </ul>
Ministry of Fisheries & Livestock	A) Department of Fisheries, Fish Inspection and Quality Control Wing (FIQC)	<ul style="list-style-type: none"> <li>• Fish Quality Control &amp; Certification for export</li> <li>• Same for the domestic market</li> </ul>
	B) Department of Livestock	<ul style="list-style-type: none"> <li>• Animal Health</li> <li>• Animal Product</li> <li>• Imported Animal</li> </ul>

<sup>49</sup> Retrieved from the KII from the Stakeholders

Ministry	Department/ Organization	Major Activities
Ministry of Industries	Bangladesh Standards and Testing Institute (BSTI)	<ul style="list-style-type: none"> <li>• Frame Standards and test methods of Food Products</li> <li>• Testing &amp; Certification Marks and Surveillance (i.e. product certification, Halal certification, and management systems certification) for using Certification Marks)</li> </ul>
Ministry of Science, Information and Communication Technology	Bangladesh Atomic Energy Commission (BAEC)	<ul style="list-style-type: none"> <li>• Test for Radiation level of Imported Food items</li> <li>• Test for Pesticides Residues</li> </ul>
Ministry of Commerce (MoC)	CCI&E EPB	<ul style="list-style-type: none"> <li>• Export Import Policy</li> </ul>

#### 4.5.1 Coordination between BSTI, BFSA, and DNCRP

The universal best practice is to have a sole authority who works in setting food standards, testing, licensing and monitoring standard. India has a sole authority related to food safety "The Food Safety and Standards Authority of India (FSSAI). The role of this is being played by the BSTI for many years but the resources of BSTI are limited to cover the whole country. While BFSA is in practice, it can be allowed to set its own standard if any standard has yet to be set in any food under other existing law. For instance, there are limited food products which require mandatory BSTI permission prior to the market, Thousands of other products are out of the BSTI's examination and the standard enforcing authority does not have standards for them. BFSA may play the role of making standards, issuing licensing and monitoring local markets to ensure the standards other than the mandatory food item of BSTI. In addition, BFSA can propose adding a new parameter to the existing BSTI standard if BFSA thinks that not including the parameter in the standard is harmful to human health. In this way, specifying the coordination between these two government agencies can reduce the overlapping task and different standards in ensuring food safety. Thus, both BFSA and BSTI need to collaborate to coordinate the implementation of food safety and control in Bangladesh. At this point, BFSA and BSTI have not signed Framework Agreements or a Memorandum of Understanding (MOU), which limits coordination between the two agencies. Directorate of National Consumer Rights Protection (DNCRP) is responsible for the implementation of consumer product safety through inspections at domestic distribution and marketing levels. BSTI, BFSA, and DNCRP have control at the division level through license control, sample monitoring, and testing. As DNCRP does not have their lab, they need to coordinate with BSTI labs for testing. GOB can establish the Technical Regulation Frameworks (TRF) for the development, implementation and maintenance of technical regulation across all relevant Ministries and their Agencies.

**The Plant Quarantine Wing**, DAE under the Ministry of Agriculture the Plant Protection Wing monitor the Phytosanitary related matter in plant and plant product of Bangladesh. Existing laboratories are not fully equipped and do not have the properly trained personnel to manage the lab or perform risk assessments<sup>50</sup>. There is a need to develop skilled field personnel, entomologists, chemists, and toxicologists to perform risk assessments. The Departments of Plant Quarantine and Livestock Services in Bangladesh have responsibilities for plant and animal health and serve as contact points for respective international standard-setting organizations - International Plant Protection Convention (IPPC) and the World Organization for Animal Health (OIE). Plant protection measures are implemented under the following legislation:

- Destructive Insects and Pests rule, 1996, amended in 1989, and now Plant Quarantine Law has been enacted in 2011, which includes provisions of SPS measures and provision for establishing a Plant Quarantine Authority.
- Pesticide Ordinance, 1971, and Pesticide Rules, 1985 Oversight of plant health provisions are administered by several areas of the Ministry of Agriculture (MoA) as follows:

**Table 15 Plant Health Oversight**

<b>Department/ Organization</b>	<b>Major Activities</b>
<b>Plant Protection Wing</b>	<ul style="list-style-type: none"> <li>• Sets and maintains standards for optimum use of chemical fertilizers, pesticides, and prevention of entry of harmful plants, insects, or disease.</li> <li>• Inspects consignments and assigns phytosanitary certificates for materials destined for sale in foreign markets by using quarantine check posts located at 26 different entry/exit points to and from Bangladesh.</li> </ul>
<b>Plant Quarantine Wing</b>	<ul style="list-style-type: none"> <li>• Provides services in Plant Quarantine, Pesticide Administration, and Quality Control involving testing pesticides for registration, Operation, Surveillance and Forecasting, and Integrated Pest Management (IPM)</li> </ul>
<b>Plant Protection Wing Bangladesh Agricultural Research Council (BARC) BSTI</b>	<ul style="list-style-type: none"> <li>• Set standards, formulate rules and procedures, propose Acts and Laws by the IPPC</li> </ul>

<sup>50</sup> Retrieved from the KII of the Stakeholders

#### 4.6 Coordination in Animal Health Provisions

The Departments of Livestock Services in Bangladesh have responsibilities for animal health and serve as contact points for respective international standard-setting organizations World Organization for Animal Health (OIE). The following legislations provide guidelines and set standards for animal health issues:

- Fish Protection and Conservation Act 1950, amended in 1995
- Marine Fisheries Ordinance and Rules 1983
- Fish and Fish Products Inspection and Quality Control Ordinance, 1983, Rules 1997
- Animal Diseases Act 2005
- Animal and Animal Products Quarantine Act 2005
- Bangladesh Feed Law (This law was passed in early 2012; it bans harmful ingredients in feed and provides quality control, inspection, registration, adulteration control, etc.)
- Oversight of animal health provisions is administered by the Ministry of Fisheries and Livestock (MoFL) as follows:

**Table 16 Animal Health Oversight**

<b>Department/Organization</b>	<b>Major Activities</b>
<b>Department of Fisheries</b>	<ul style="list-style-type: none"> <li>• Prevention and control of diseases in fish and aquatic animals.</li> <li>• Responsible for the safety and quality of fish and aquaculture products.</li> </ul>
<b>Department of Livestock</b>	<ul style="list-style-type: none"> <li>• Inspects for disease and provides quarantine as necessary for imported animals, poultry, and fish</li> <li>• Surveillance within the country for any outbreak of disease, and provides vaccines or veterinary medicine</li> <li>• Maintains liaison with OIE and proposes new rules and standards, when deemed necessary</li> </ul>

#### 4.7 Structure of Notification to WTO

If a Member revises its position, following its indication of the use of a standard, guideline, or recommendation as a condition for import, it should explain its change and so inform the Secretariat as well as the relevant international organizations, unless such notification and explanation is given according to the procedures. To avoid unnecessary duplication, the Committee may decide, as appropriate, to use the information generated by the procedures, particularly for notification, which is in operation in the relevant international organizations.

#### 4.8 SPS Notification and Trade Facilitation Process

As per the Article 7 of SPS agreement, members shall notify changes in their sanitary or phytosanitary measures and shall provide information on their sanitary or phytosanitary measures in accordance with the provisions of Annex B. Similarly,

members shall ensure that all SPS regulations are published promptly and available for interested Members. Except in urgent circumstances, members shall allow a reasonable interval between the publication of SPS regulation and its entry into force.

#### **4.8.1 Notification Procedures**

When international standard, guideline or recommendation does not exist on a standard, and if the regulation may have a significant effect on trade, Members shall:

- Publish a notice at an early stage with the proposal to introduce a particular regulation;
- Notify other members on products to be covered by regulation together with a brief indication of the objective;
- Provide upon request copies of proposed regulation;
- Allow reasonable time for other members to make comments in writing.

Where urgent problems of health protection arise, member may omit previous steps, provided that the Member:

- Immediately notifies other members of the particular regulation and the products covered, with a brief indication;
- Provides copies of the regulation to other Members;
- Allows other members to make comments and takes comments and the results of the discussions into account;
- Notifications to the Secretariat shall be in English, French or Spanish.

Secretariat shall promptly circulate copies of the notification to all Members and interested international organizations. Members shall designate a single central government authority as responsible for the implementation, on the national level, of the provisions concerning notification procedures of SPS Agreement. This is SPS NNA. National Notification Authority (NNA) is responsible for implementing the notification requirements of the SPS Agreement. In Bangladesh, WTO is the national notification authority and responsible for notification. They will do the following task as follows:

- Ensuring proposed regulations are published early, to allow for comments;
- Notifying other Members, through the Secretariat, of proposed SPS regulations, using the appropriate notification forms;
- Providing copies of proposed regulations on request;
- Ensuring that comments are handled correctly.

#### **4.8.2 National Enquiry Point**

NEP is responsible for answering questions on all existing SPS measures (even those that existed before the WTO and the SPS Agreement came into force). Accessing and managing notifications made by other Members are important functions of the NNA/NEP. Each member should have National Enquiry Point (NEP) or WTO Wing, Ministry of Commerce responsible for the provision of answers to other Members and for the provision of relevant documents on:

- Any SPS regulations adopted or proposed;

- Any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures;
- Risk assessment procedures, appropriate level of SPS protection
- Membership and participation in international and regional SPS organizations and systems, bilateral and multilateral agreements, arrangements and the texts of such agreements and arrangements.

#### 4.8.3 Writing SPS Notification

Notifications should be written, or at least scrutinized, by someone (such as the author of the document being notified) who has a good knowledge of the measure being notified. Templates for notifications are available on the SPS Members' transparency toolkit web site: <https://www.wto.org/spstransparency>. Notifications may be submitted by Members directly online through SPS Notification Submission System (SPS NSS). Regular notifications must be made on an official WTO notification form.

**Procedure and submission of SPS Notification:** For writing SPS notification, some explanations need to give to clarify for whom the notification is issued and on which products, the notification is applied. The whole process of writing notification is given below with explanation

- a) **Notifying Member:** (If applicable, name of local government involved): name of the WTO Member making the notification.
- b) **Agency responsible:** Indicate the name of the agency or department responsible for developing the proposed SPS regulation being notified under the notification, e.g.: **Health; Fisheries; Agriculture; Forestry; Environment.**
- c) **Products covered:** provide tariff item numbers) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable.
- d) **Regions or countries likely to be affected, to the extent relevant or practicable:**  
 All trading partners  Specific regions or countries.
- e) **Title of the notified document: Language(s): Number of pages:** This must contain the exact title, language and number of pages of the notified document; usually a law or regulation.
- f) **Description of content:** Summarize the SPS measure clearly, indicating its health protection objective and content. The summary should be as complete and accurate as possible to allow full understanding of the proposed regulation. Write clearly and without abbreviations.
- g) **Objective and rationale:**  food safety;  animal health;  plant protection;  protect humans from animal/plant pest or disease;  protect territory from other damage from pests. Here, put a cross in the relevant box.

- h) Is there a relevant international standard? If so, identify the standard:**  Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text);  World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number);  International Plant Protection Convention (e.g. ISPM number);  
 None Does this proposed regulation conform to the relevant international standard?  
 Yes  
 No
- i) Proposed date of adoption (dd/mm/y):** Proposed date of publication (dd/mm/yy): Specify the date when the sanitary or phytosanitary regulation is expected to be adopted (or approved) and published; when no more changes will be made to the text of the measure.
- j) Proposed date of entry into force:**
- Six months from date of publication, and/ or (dd/mm/y)
  - Trade facilitating measure.
- k) Final date for comments:**  
 Sixty days from the date of circulation of the notification and/or (dd/mm/y):  
 Agency or authority designated to handle comments:  National Notification Authority;  National Enquiry Point. Address, fax number and email address (if available) of other body.
- l) Texts available from:**  National Notification Authority,  National Enquiry Point. Address, fax number and email address (if available) of other body.

SPS measures should normally be available from the NNA. For measures notified on behalf of other agencies, give the name, address, fax number and address for the appropriate contact for that agency. This might be the designated NNA/NEP or the author of a standard. If the document is available on the internet, give the precise hyperlink. Notifications may be submitted online by using the SPS Notification.

**Submission System (SPS NSS) platform** (<https://nss.wto.org/spsmembers>) or as an email attachment to WTO CRN ([crn@wto.org](mailto:crn@wto.org)). Contact the WTO Secretariat if you are not able to submit notifications via the SPS NSS or e-mail. Where applicable, send both the notification and the full text regulation to your website IT personnel for publication on your website. It is helpful to include the title of the regulation and the deadline for comments. The link to the website where the text has been published should be included in the notification, to make it easily accessible to interested Members.

#### 4.8.4 Case Study on SPS and TBT

##### Box 2 Case study on Betel leaves

Back in the year 2011 a woman in the United Kingdom suffered from an acute stomach pain. Physicians and the UK authorities concerned later traced a shop from where she had sourced betel leaves to chew. The leaves were found to be contaminated with salmonella bacteria and had been part of an export consignment from Bangladesh.

In February 2014, the EU imposed a temporary ban on the import of betel leaves from Bangladesh, citing concerns over the presence of salmonella bacteria in the exported betel leaves. The ban resulted in Bangladesh losing the opportunity to export betel leaves to 29 countries, causing a significant decline in the country's yearly export earnings from agricultural products. The exporters tried to continue exporting betel leaves illegally, but the EU authorities detected a high number of rapid alerts, indicating a high level of contamination and a serious risk to human health.

**Challenges for betel leaves exporter in Bangladesh:** Betel leaves exporter of Bangladesh faces some major problem while export betel leaves in EU. One of the primary problems for the exporter of betel leaves is product traceability. On the other hand, most of the agricultural products are exported by air, mainly from Hazrat Shahjalal International Airport in Dhaka but the central packing house of the product is in the capital's Shyampur area. Bringing the goods to Shyampur for packing and then transporting them to the airport takes hours. Due to the situation of traffic in the city, the quality of the products deteriorated which is the major problem.

**Steps taken by DAE and Plant Quarantine wing:** Against this backdrop, Bangladesh firstly selects betel cultivation areas and conducts bacterial-free contract farming, program implementation in the light of good agricultural practices, monitoring, traceability or identification, testing of betel samples. Regarding this issue, Bangladesh Fruits, Vegetables & Allied Products Exporters' Association (BFVAPEA) advisor agronomist Manjurul Islam, told that subsequent research had shown that Salmonella in Pan was an animal-borne disease, which was transmitted through water, livestock and humans in the damp environment. As a result, it has been possible to get rid of these bacteria easily by using ground water in all fields, animal and bird free waste, hygiene of all involved from cultivation to packaging and using chlorine water. He further added that selection and training of farmers, training of exporters' representatives, regular testing of soil and water in drinking lands, safe and pest-free production of betel for export market were also underway. As a result, the bacteria were not found in the betel leaves after 2019.

DAE and Plant Quarantine wing has introduced the traceability and ensured that betel leaf growth will be continuously monitored and introduce contract farming, and pre-testing of samples from every export shipment. According to the Plant Quarantine Wing, Bangladesh has fulfilled the EU's 22 conditions, including: laboratory tests, zone-based product production, farmer selection, farmer and exporter training, soil tests, irrigation water tests, production situation monitoring, field inspection and monitoring, and certification. After that the ban was lifted in March, 2021.

The case study of the betel leaves export ban in the EU from Bangladesh highlights the importance of maintaining high standards of phytosanitary, quality control and traceability measures for agricultural exports.

### Box 3 Case study on Potato

Russia imposed a restriction on the import of potatoes from Bangladesh in 2014 after the Brown rot disease was found in the potatoes. The restriction persisted for seven years before being repealed in March 2022 as a result of Bangladesh's government taking steps to guarantee the quality of its potatoes.

**Challenges for potato exporter in Bangladesh:** Potato exporter of Bangladesh faces some major problem while export Potato in Russia and these problems are product traceability, use of fake phytosanitary certificates and the location of central packaging houses are located at Shyampur outside the production area. Similarly, lack of sufficient storage facilities in the vicinities of potato growing areas, causes deterioration of product quality.

**Steps taken by DAE and Plant Quarantine wing:** Government worked to improve its trade relations with Russia through Commonwealth of Independent States (CIS), to lift ban on potato exports. DAE and Plant Quarantine Authority, took appropriate action to upgrade the phytosanitary system, security measures (online certification) to prevent use of fake phytosanitary certificates, and proper inspection at ports to ensure shipment of safe agricultural produce. Moreover, DAE and Plant Quarantine wing also ensure strict phytosanitary and quality control requirements for agricultural exports. Similarly, exporters provide associated health certificates and ensuring hygiene and manufacturing practices from production to shipment.

The case study of the restriction on Bangladeshi potato entering the Russia the need of upholding strict phytosanitary and quality control requirements for agricultural exports is very important. Bangladesh now has the chance to reestablish its export market and enhance the standard of Potato production.

## 4.9. Status of SPS and TBT notifications by Bangladesh and Major SASEC Countries

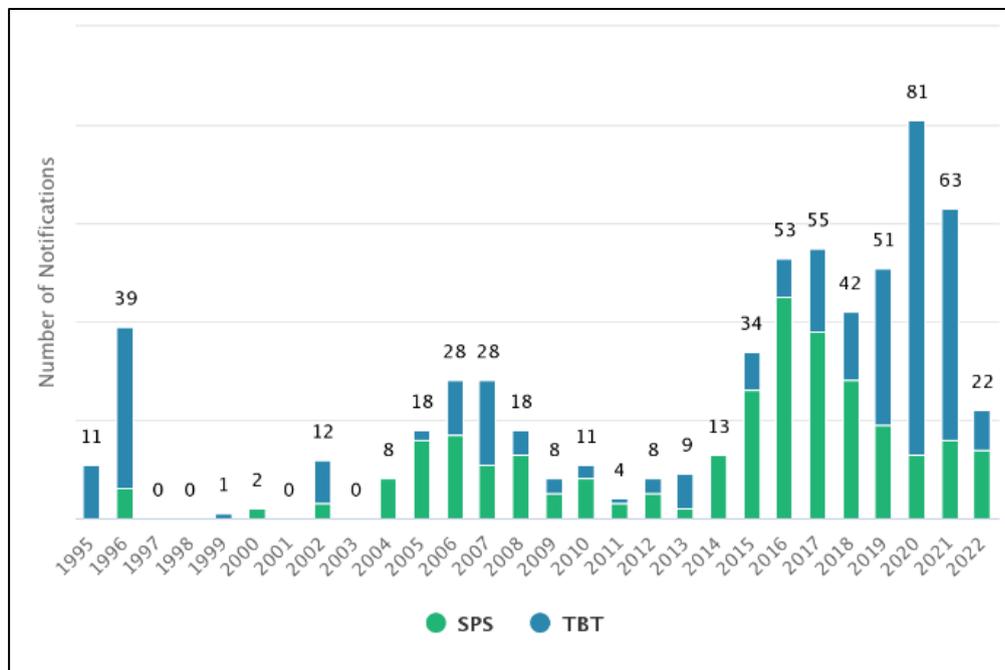
According to WTO, in SASEC countries most of the SPS and TBT notifications are issued by India. In 2020, India issued 81 SPS and TBT notifications while in 2021 the number of notifications was reduced to 63 in 2022, the number of notifications are 22 where 14 of them are SPS-related notifications and the rest of the notifications are TBT related, as urged in figure 4(a). On the other hand, it is explored that from 1995 to 2022, Nepal notifies mostly SPS-related notifications. As per figure 4(c), in 2008 Nepal notifies the highest nine notifications and in 2022, Nepal issued 5 SPS-related Notifications. In figure 4(d), it is shown that Sri Lanka has issued the highest number of notifications related to

SPS and TBT after India. In 2001, the highest number of SPS and TBT notifications issued by Sri Lanka is 18 while in 2021, the number of SPS notifications was one. However, in 2022, there are no notifications on SPS but there are 13 notifications on TBT-related issues.

As per WTO data, figure 4(b) shows, compare to other SASEC countries i.e. India, Nepal, and Sri Lanka, the notification process of Bangladesh is quite lingering. The time series data shows that from 1995 to 2018, there were no notifications on SPS and TBT, though in 2019 and 2020, there were 4 TBT related notifications, however, in 2021 and 2022 there were no notifications by Bangladesh in WTO database but Bangladesh has taken tremendous effort to address the SPS & TBT related issue.

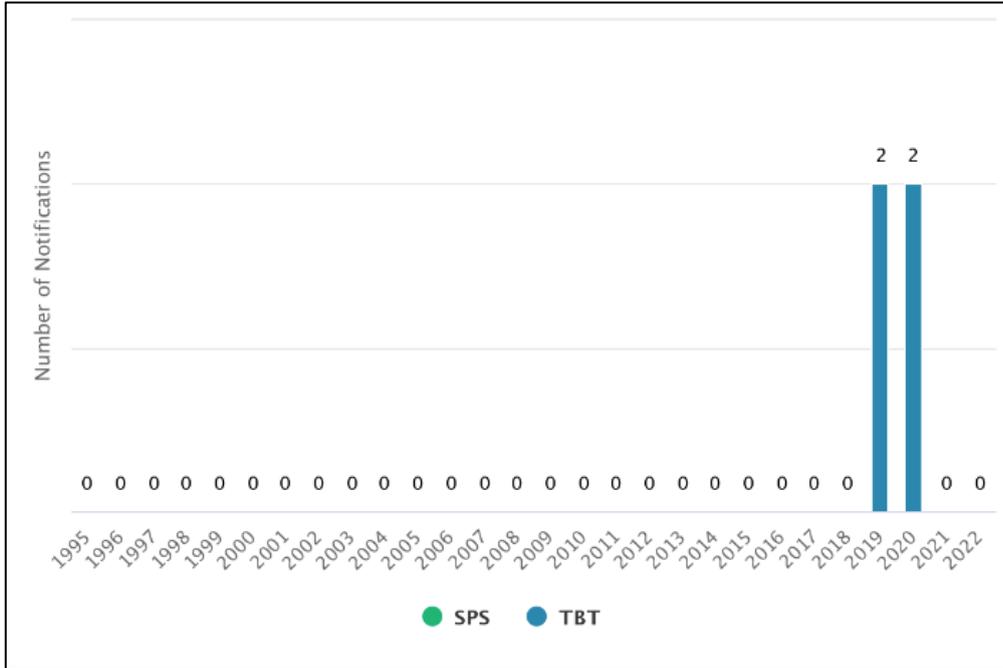
**Figure 4 Comparison of the Number Notifications on SPS and TBT from 1995 to 2022**

**Figure 4(a)** Number of SPS and TBT Notifications Imposed by India from 1995 to 2022



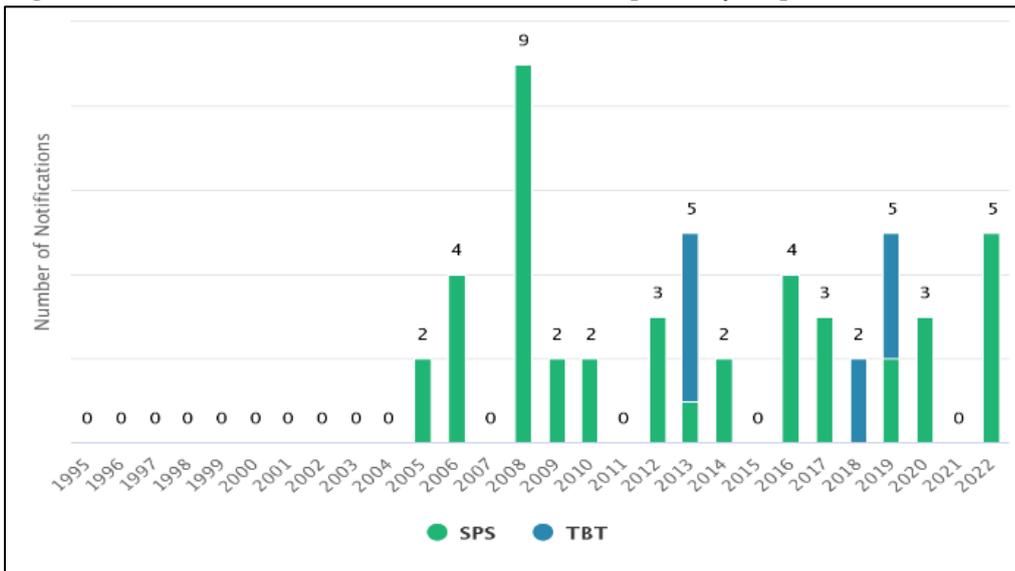
Source: E-ping/SPS and TBT Platform

**Figure 4(b)** Number of SPS and TBT Notifications Imposed by Bangladesh from 1995 to 2022



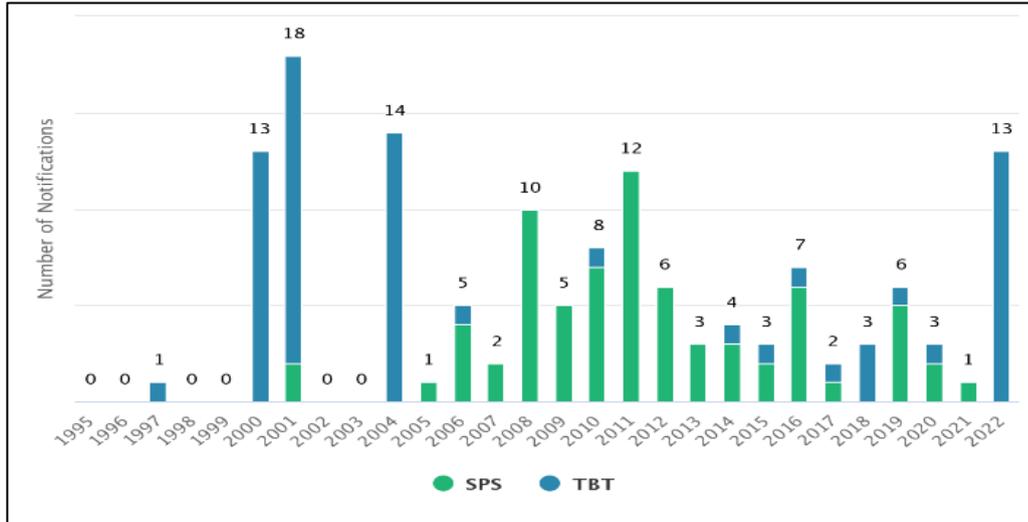
Source: E-ping/SPS and TBT Platform

**Figure 4(c)** Number of SPS and TBT Notifications Imposed by Nepal from 1995 to 2022



Source: E-ping/SPS and TBT Platform

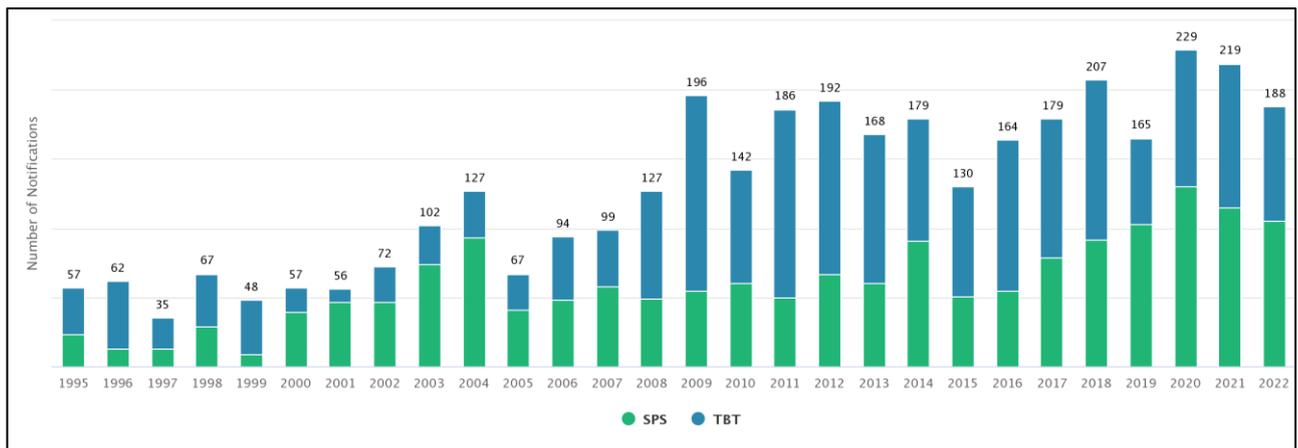
**Figure 4(d)** Number of SPS and TBT Notifications Imposed by Sri Lanka from 1995 to 2022



Source: E-ping/SPS and TBT Platform

Given the fact, BSTI makes compulsory 229 products under the compulsory Certification Marks (CM) of BSTI in other words that marketing of any of these items needs a conformity certificate of Bangladesh Standard from the BSTI. These include Food and Agriculture, Chemical, Jute and Textile, Electrical and Electronics, and Engineering products, and impose compulsory certificate issues conditions for importing 79 products into Bangladesh. Meanwhile, the department of the Plant Quarantine Wing has issued Phytosanitary Requirements for imported Plants and plant products into Bangladesh for 20 products till October 2022. It is expected that this process will improve the condition of Bangladesh’s SPT and TBT-related preparation for notification in near future.

**Figure 4(e)** Number of SPS and TBT Notifications Imposed by European Union (EU) from 1995 to 2022



Source: E-ping/SPS and TBT Platform

From 1995 to 2022, the EU participated in discussions on SPS trade concerns, raising 114 cases of SPS notifications. The EU supported 58 of these notifications and responded in 127 cases. In the case of TBT, the EU raised 319 cases, supported 23 cases, and responded in 173 cases. In 2022, EU issued 188 SPS & TBT notification while in 2019, the block has issued 219 notifications regarding SPS and TBT issues. It implies that number of notifications provided by the developed countries are higher than that of LDC and Developing Countries.

## **Chapter 5: Identification of Potential Exportable Products and SPS and TBT Measures in the Trade Competing Countries**

WTO Agreements do not contain provisions for LDC graduation. Against the background of the looming graduation of an increasing number of LDCs, graduation has become an important issue for LDCs at the WTO. Concerns have been expressed by the LDCs over the loss of their special benefits following graduation. In a Declaration at the Eleventh WTO Ministerial Conference in December 2017, LDC Trade Ministers called for positive actions for LDCs on graduation.

At the request of the LDC Group, the Secretariat of the World Trade Organization, with the support of the Enhanced Integrated Framework (EIF), undertook a project to assess the trade-related implications of graduation from LDC status, in particular the impacts it may have on market access currently enjoyed by the LDCs, as well as on their participation in the WTO. Although a number of developing countries have excellent food safety and veterinary and plant health services, others do not. For these, the requirements of the SPS Agreement present a challenge to improve the health situation of their people, livestock and crops which may be difficult for some to meet. Because of this difficulty, the SPS Agreement delayed all requirements, other than those dealing with transparency (notification and the establishment of Enquiry Points), until 1997 for developing countries, and until 2000 for the least developed countries. Later it was further extended for Least Developed Countries. This means that these countries are not required to provide a scientific justification for their sanitary or phytosanitary requirements before that time<sup>51</sup>. There is a growing interest from developing countries like Bangladesh in strengthening national food control systems, reformulating national food regulations to align them with international standards, and establishing import/export food inspection and certification programmes to ensure compliance with SPS and TBT requirements. In this section discuss about the regional country export basket that Bangladesh like to export. This section overview which potential product Bangladesh can export to its regional country.

### **5.1 Pattern of trade with other SASEC countries**

The trade data for export and import between Bangladesh and other 5 members states of SASEC sub-region was analyzed for the years 2012 – 2022. In this study data is taken from the Export Promotion Bureau (EPB) and Bangladesh Bank (central bank of Bangladesh) has also been used at places. In Annex 2 Tables 1 through 5, a closer look at the Bangladesh export data for the most recent year, July 2021 – June 2022 fiscal year

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<sup>51</sup> Sanitary and Phytosanitary Measures: Introduction Understanding the WTO Agreement on Sanitary and Phytosanitary Measures, Retrieved from, [https://www.wto.org/english/tratop\\_e/sps\\_e/spsund\\_e.htm](https://www.wto.org/english/tratop_e/sps_e/spsund_e.htm)

reveals that the top 10 of export products generally constitute a very high proportion of the total exports. This tendency of high concentration of a few export products is the same for all 6 other SASEC member countries. The country specific details are as follows:

It reveals very low volume of intra-sub-region trade flow. The exports from Bangladesh to SASEC have been particularly low comparing to world export, ranging from a meager 2.33% in 2012-13 fiscal year, to the highest 4.24% in 2021-22 fiscal year of the total exports to the world from Bangladesh. It is evident that the exporting trend showing upward in the past 6 years. For example, in the 2013-14 fiscal year, Bangladesh exported a total of US\$ 30186.62 million to the world, but exported only worth US\$ 516.84 million in the SASEC countries, with India being the largest export destination for Bangladesh in the region. The detailed table is given bellow:

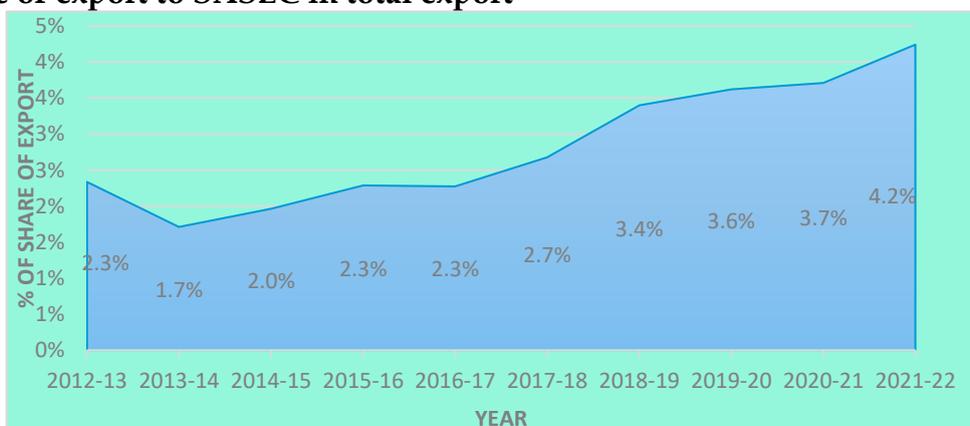
**Table 17 Merchandise Export from Bangladesh to other SASEC countries (million US\$)**

Country/ Fiscal year	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Bhutan	1.82	1.91	4.92	4.74	3.21	4.38	7.56	4.36	6.98	9.56
India	563.96	456.63	527.16	689.62	672.40	873.27	1248.05	1096.38	1276.67	1991.39
Maldives	1.53	1.71	5.64	3.05	2.97	5.39	6.38	5.14	6.02	5.84
Nepal	26.41	13.69	25.05	17.88	47.40	45.30	38.05	46.01	68.66	105.50
Sri Lanka	23.69	26.81	23.92	30.45	42.25	31.60	45.55	38.40	47.32	58.13
Myanmar	13.67	16.10	25.80	38.23	23.73	21.37	32.54	28.31	31.40	38.89
Total export to SASEC	631.07	516.84	612.49	783.97	791.96	981.31	1378.13	1218.60	1437.05	2209.30
Total export to the World	27027.36	30186.62	31208.94	34257.18	34846.84	36668.17	40535.04	33674.09	38758.31	52082.65
% share of SASEC in total export	2.33%	1.71%	1.96%	2.29%	2.27%	2.68%	3.40%	3.62%	3.71%	4.24%

Source: [http://epb.gov.bd/site/view/epb\\_export\\_data/](http://epb.gov.bd/site/view/epb_export_data/)

### Bangladesh shares of export to SASEC in total export

**Figure 5 % share of export to SASEC in total export**



Source: EPB Export Data

It is evident from the figure 4 that the exporting trend is upward and over the years the volume of importing products by SASEC country is growing. In 2021-22 fiscal year Bangladesh export<sup>52</sup> about 4.24% of the total export which is about 13.5% higher than the previous fiscal year. We can visualize the poor export volume of Bangladesh within the SASEC partners compared to Bangladesh’s total export volume with the world in the Figure 1 below. Since the export volume of Bangladesh to SASEC remains below US\$ 3,000 million, the line for exports to SASEC in Figure 2 is almost lying along the horizontal axis.

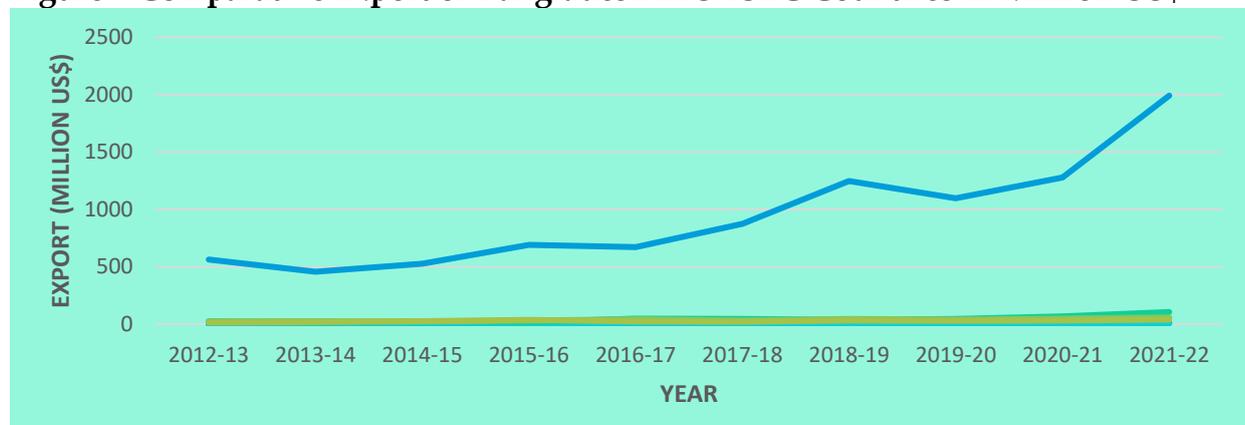
**Figure 6 Comparative Bangladesh Exports to World and SASEC (Million US\$)**



**Source:** EPB Statistics and Pocket Export Statistics FY 2020-21

The Figure 5 also reveals the fact that India has been the largest importer of Bangladesh in the SASEC sub-region. Nepal is the second largest importer, while Sri Lanka holds the third largest importer from Bangladesh in the sub-region. Bhutan and Maldives have a very small volume of imports from Bangladesh. Their import volume is so small, under US\$ 100 million from Bangladesh that they are not visible in the line-chart provided in Figure 6 below:

**Figure 7 Comparative Export of Bangladesh in SASEC Countries in Million US\$**

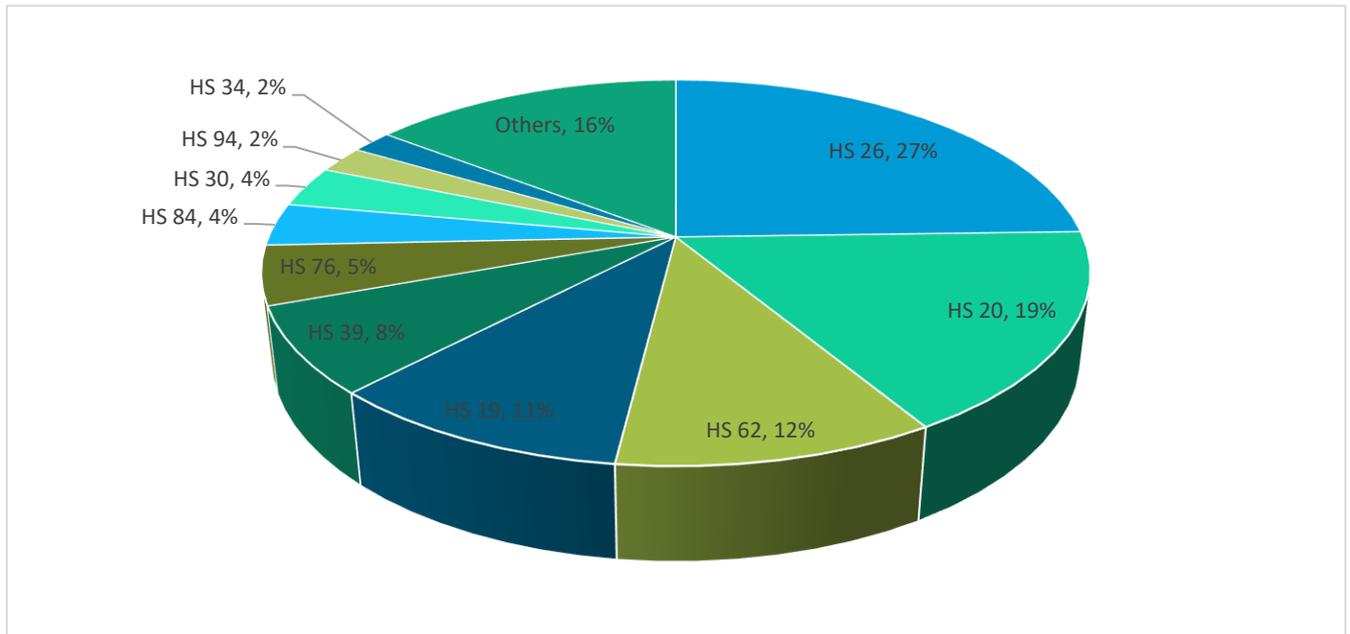


**Source:** EPB Statistics and Pocket Export Statistics FY 2020-21

<sup>52</sup> [http://epb.gov.bd/site/view/epb\\_export\\_data/](http://epb.gov.bd/site/view/epb_export_data/)

Referring to Annex Tables 1 through 5 in Annex 2, a closer look at the Bangladesh export data for the most recent year, July 2021 – June 2022 fiscal year reveals that the top 10 export-products generally constitute a very high proportion of the total exports. This tendency of high concentration of a few export products is the same for all 5 other SASEC member countries. The country specific details are as follows:

**Figure 8 Top 10 Export Products from Bangladesh to Bhutan**



HS 26: Ores, slag and ash

HS 20: Preparation of vegetables, fruit, nuts or other parts of plants

HS 62: Articles of apparel and clothing accessories, not knitted or crocheted

HS 19: Preparations of cereals, flour, starch or milk; pastrycooks' products

HS 39: Plastics and articles thereof

HS 76: Aluminium and articles thereof

HS 84: Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof

HS 30: Pharmaceutical products

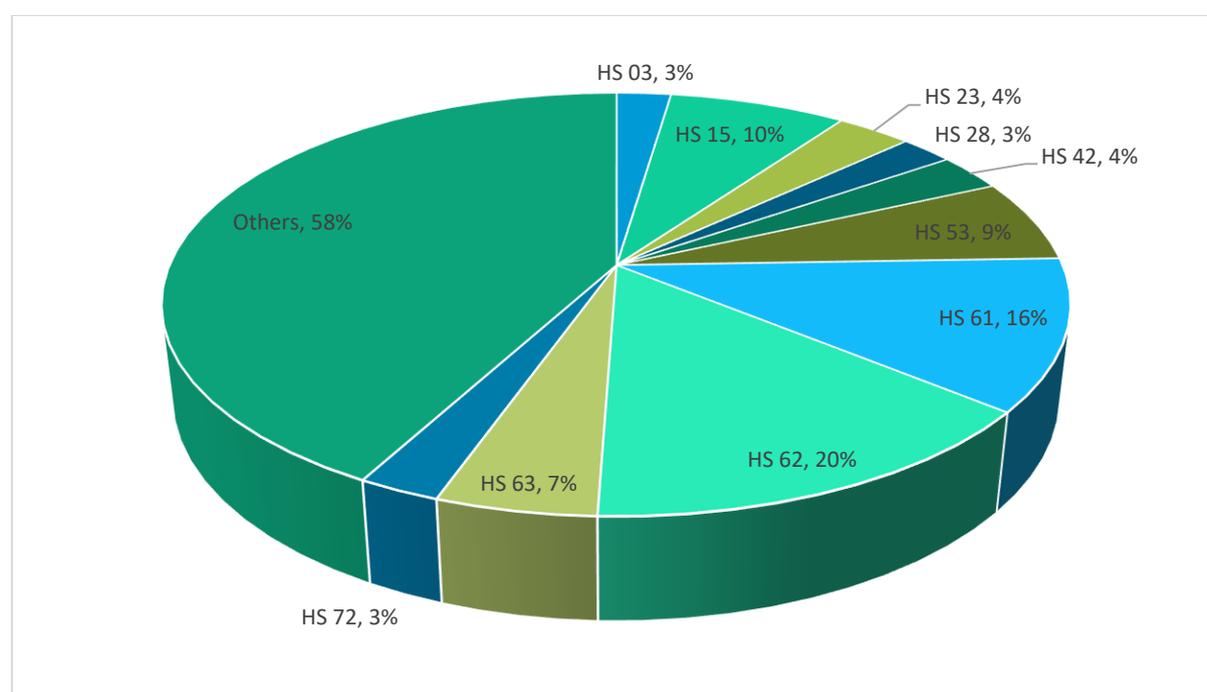
HS 94: Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishing; lamps and lighting fittings, NES or incl.; illuminated signs or name-plates and the like; prefabricated buildings

HS 34: Soap, organic surface-active agents, washing and lubricating prep., artificial or prepared waxes, polishing or scouring prep., candles and similar, modelling pastes, dental waxes and prep. with basis of plaster

Bhutan: Top 10 export products from Bangladesh to Bhutan under HS chapter, valued at US \$ 9.0 million, constitute 94% of all exports valued at US \$ 9.6 million for 2021-2022 fiscal year. Ores, slag and ash (HS Chapter 26) was the top export product to Bhutan in that year. Under HS Chapter 20 Preparation of vegetables, fruit, nuts or other parts of plants was in the second place with 20% of all export to Bhutan. Under HS Chapter 62 Articles of apparel and clothing accessories, not knitted or crocheted in the third positions with 12% of the total export. Under HS Chapter 19 the Preparations of cereals,

flour, starch or milk; pastry cooks' products export about 11%, under HS chapter 39 Plastics and articles thereof export about 8% , Aluminium and articles thereof under HS chapter 76 was 5% , Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof under HS chapter 84 was 4%, Pharmaceutical products was 4% under HS chapter 30. In the FY 2021-22 Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishing; lamps and lighting fittings, NES or incl.; illuminated signs or name-plates and the like; prefabricated buildings under HS 94 was 2% and Soap, organic surface-active agents, washing and lubricating prep., artificial or prepared waxes, polishing or scouring prep., candles and similar, modelling pastes, dental waxes and prep. with basis of plaster under HS chapter 34 was 2% and any other products under different HS chapter was 16%.

**Figure 9 Top 10 Export Products from Bangladesh to India**



HS 03: Fish and crustaceans, mollusc and other aquatic invertebrates

HS 15: Animal or vegetable fats and oils and their cleavage products; prepared edible fats, animal or vegetable waxes.

HS 23: Residues and waste from the food industries; prepared animal fodder.

HS 28: Inorganic chemicals; organic or inorganic compounds of precious metals, of rare earth metals, of radioactive elements or isotopes

HS 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut)

HS 53: Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn

HS 61: Articles of apparel and clothing accessories, knitted or crocheted

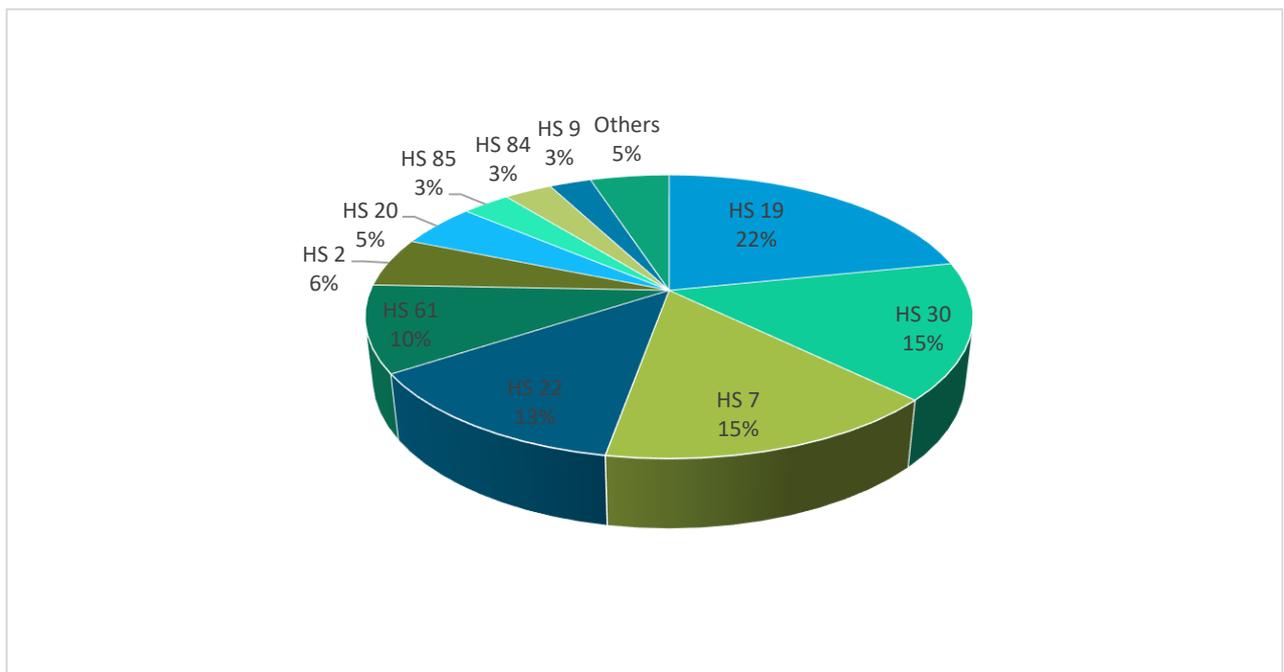
HS 62: Articles of apparel and clothing accessories, not knitted or crocheted

HS 63: Other made-up textile articles; sets; worn clothing and worn textile articles; rags

HS 72: Iron and steel

Top 10 export products from Bangladesh to India, valued at US \$ 1587 million, constitute 42% of all exports to India valued at US \$ 1991.391 million in 2021-2022 fiscal year. Articles of apparel and clothing accessories, not knitted or crocheted under HS chapter 62 Bangladesh export 20% of total export product to India. Articles of apparel and clothing accessories, knitted or crocheted under HS chapter 61 Bangladesh export 16% of total export to India though 58% of other types of products are exported in FY 2021-22.

**Figure 10 Top 10 Export Products from Bangladesh to Maldives**



HS 19: Preparations of cereals, flour, starch or milk; pastrycooks' products

HS 30: Pharmaceutical products

HS 7: Edible vegetables and certain root and tubers

HS 22: Beverages, spirits and vinegar

HS 61: Articles of apparel and clothing accessories, knitted or crocheted

HS 2: Meat and edible meat offal.

HS 20: Preparation of vegetables, fruit, nuts or other parts of plants

HS 85: Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles

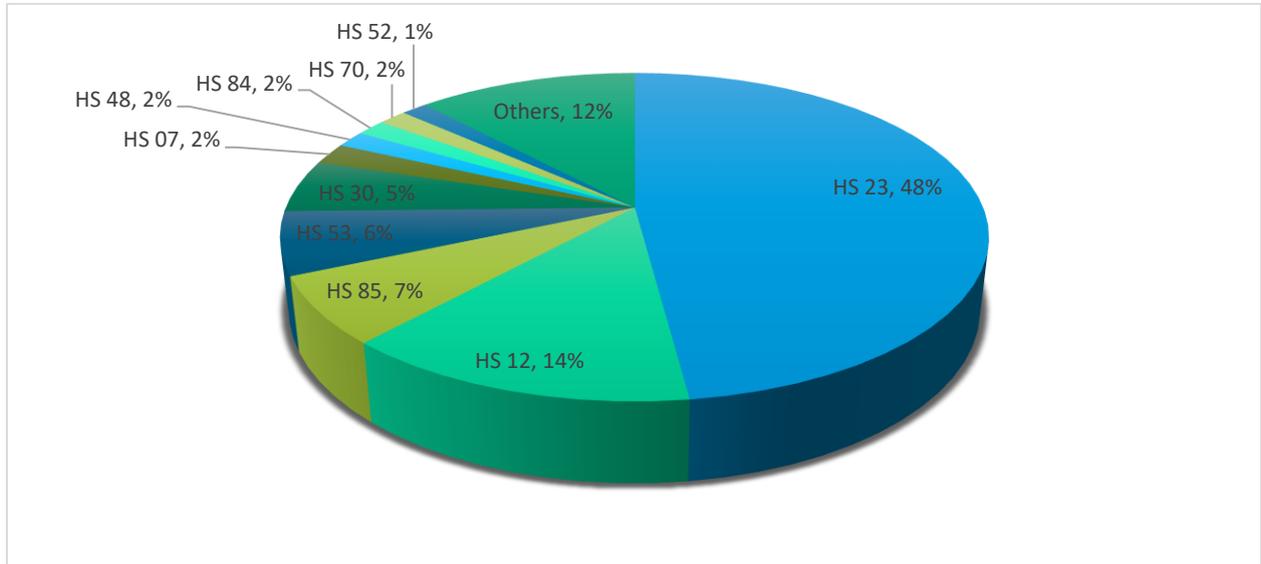
HS 84: Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof

HS 9: Coffee, tea, mate and spices

Top 10 export products from Bangladesh to Maldives, valued at US \$ 5.53 million, constitute 95% of all exports valued at US \$ 5.84 million in 2021-2022 fiscal year. Preparations of cereals, flour, starch or milk; pastrycooks' products under HS chapter 19 was the top export product to Maldives in that year with 22% of total export to Maldives and Pharmaceutical Products Under HS chapter 30, Edible vegetables and certain root

and tubers under HS chapter under 7 was 15% respectively. The figure shows that only 5% of others product under different chapter exported by Bangladesh in fiscal year 2021 to 2022.

**Figure 11 Top ten Export Products from Bangladesh to Nepal**



HS 23: Residues and waste from the food industries; prepared animal fodder.

HS 12: Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder

HS 85: Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles

HS 53: Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn

HS 30: Pharmaceutical products

HS 07: Edible vegetables and certain root and tubers

HS 48: Paper or paperboard; articles of paper pulp, of paper or paperboard

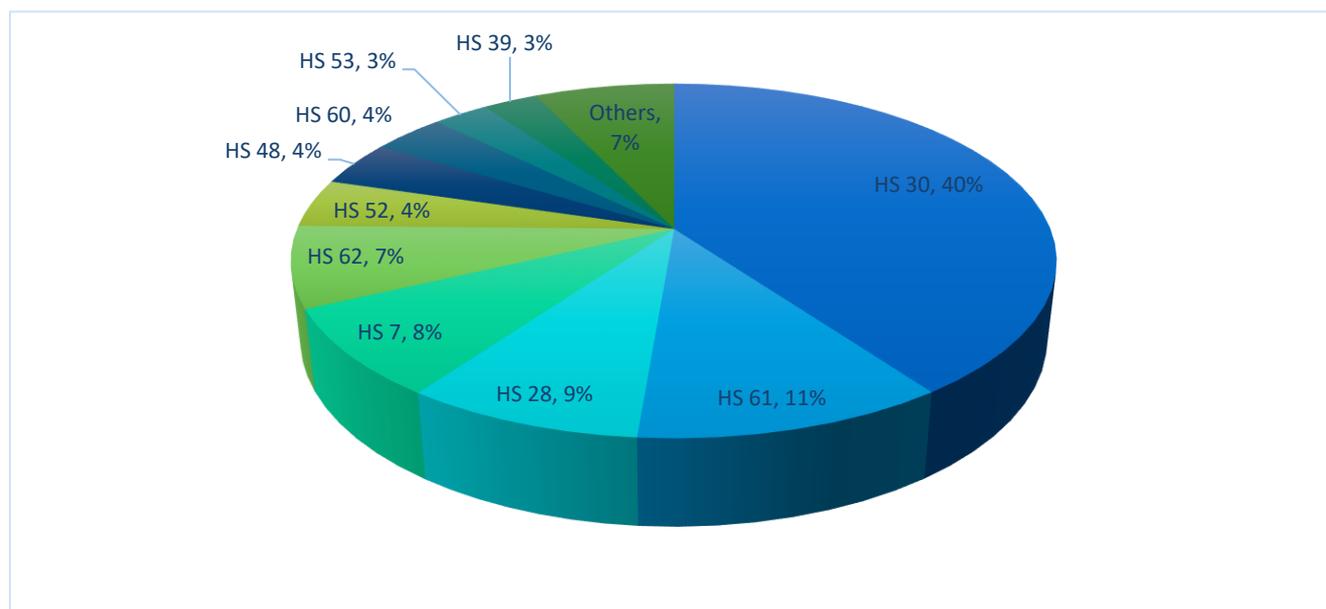
HS 84: Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof

HS 70: Glass and glassware

HS 52: Cotton

The top 10 export products from Bangladesh to Nepal, valued at US \$ 93.31 million constitute 80% of all exports valued at US \$ 105.50 million in 2021-2022 fiscal year. Residues and waste from the food industries; prepared animal fodder under HS chapter 23 was the top export product to Nepal in that year with 48% of total export. Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder under HS chapter 12 Bangladesh export about 14% of total export in FY 21-22 and under different chapter only 12% of total products.

**Figure 12 Top Ten Export Products from Bangladesh to Sri Lanka**



HS 30: Pharmaceutical products

HS 61: Articles of apparel and clothing accessories, knitted or crocheted

HS 28: Inorganic chemicals; organic or inorganic compounds of precious metals, of rare earth metals, of radioactive elements or isotopes

HS 7: Edible vegetables and certain root and tubers

HS 62: Articles of apparel and clothing accessories, not knitted or crocheted

HS 52: Cotton

HS 48: Paper or paperboard; articles of paper pulp, of paper or paperboard

HS 60: Knitted or crocheted fabrics

HS 53: Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn

HS 39: Plastics and articles thereof

Top 10 export products valued at US \$ 53.84 million from Bangladesh to Sri Lanka constitute 93% of all exports valued at US \$ 58.13 million in 2021-2022 fiscal year. Pharmaceutical products under HS chapter 30, 40% of total export Bangladesh export to Sri Lanka in FY 21-22. Under HS Chapter 61 Articles of apparel and clothing accessories, knitted or crocheted exported about 11% of total export in FY 21-22.

### 5.1.1 Bangladesh Export in SASEC member countries

Among the SASEC member countries, India, the largest economy in the region, remains the largest export destination of Bangladesh, followed by Sri Lanka and Nepal during the period covered from 2002-2015, as shown in Section I of the report. Exports to Bhutan and Maldives from Bangladesh are quite negligible. While looking at the staggering difference in the export volumes of Bangladesh to the SASEC countries in comparison to the total exports, it would be prudent to note that Bangladesh's export basket is heavily dominated by readymade garments (RMG) products falling under HS Chapters 61 and 62, constituting over 80% of the exports (Export Promotion Bureau).

The main reason for Bangladesh's prominence achieved over the years and currently maintaining the 2nd position after China since 2014 in the global supply chain of readymade garments products is her cheap labor as the basis of competitive advantage in RMG exports.

## 5.2 SPS Legislation, Local Practices, and International Best Practices

As a signatory of the WTO's Agreement on Sanitary and Phyto Sanitary (SPS) measures, Bangladesh aims to administer SPS measures with the objective of protecting life and health of human, animals, and plants. Review of secondary sources suggests that as of 2013, Bangladesh imposes SPS measures to over 300 product categories. Out of 91 potential export products identified from Bangladesh only 4 items are facing SPS measures in Nepal. At the same time the national diagnostic study of Nepal identifies SPS measures on 23 potential export items from Nepal facing SPS measures in Bangladesh. Similarly, 38 items out of 139 potential export products from Bangladesh face SPS measures in Sri Lanka. The report from Sri Lanka identifies only 7 potential export items from Sri Lanka facing SPS measures in Bangladesh. Out of 127 potential export products of Bangladesh, the number of items facing SPS related measures is 14 in India. These products are subject to quarantine, certification, and inspection requirements related to SPS measures.

Table 18 Potential Export Products Facing SPS Measures in SASEC Sub-Region

Country	Potential Products of Bangladesh Facing SPS Measures in SASEC (6-digit)	Products from SASEC Partners Facing SPS Measures in Bangladesh(6-digit)
Bangladesh	-	
Bhutan	3 out of 71	
India	14 out of 127	
Maldives		
Nepal	4 out of 91	23 out of 100
Sri Lanka	38 out of 39	7 out of 100

**Source:** Identification of Potential Export Items Facing SPS and TBT Measures in the SASEC Sub-region, The Bangladesh Country Study, Asian Development Bank (ADB), 2017.

Bangladesh imposes SPS measures to over 300 products (6-digit) categories. On the other hand, out of 91 potential export products identified from Bangladesh only 4 items are facing SPS measures in Nepal. Besides, 23 potential export Products from Nepal facing SPS measures in Bangladesh and 38 items out of 139 potential export products from Bangladesh face SPS measures in Sri Lanka and 7 potential export products from Sri Lanka facing SPS measures in Bangladesh.

The competitive advantage derived from cheap labor as the basis of in RMG exports is unlikely to work when it comes to export of RMG products in the SASEC countries, where the wages are also cheap, though higher than in Bangladesh. In fact, for RMG products, India, Sri Lanka, and in some cases, Nepal too are competitors of Bangladesh

in the world market. Hence, Bangladesh's major export products of RMG under HS Chapters 61 and 62 have limited market penetration in other SASEC countries, compared to other export destinations among the developed countries. Such factors influencing trade volume and destination are discussed further in a sub-section G, later in this chapter.5.3 SPS/TBT Compliance in Major Regional Countries and Export Markets.

#### Box 4 Trade Summary for Bangladesh in Terms of No. of Products and Partners

According to WITS data, Bangladesh exported 1,728 products (having a minimum value of US \$ 100,000) under HS 6-digit code to 188 countries in 2015, as shown in Box 2. However, most items under 6-digit HS code have insignificant export volume and values in most of the destination countries. The



export basket of Bangladesh is dominated by only a handful of major export products, namely, readymade garments, frozen fish, jute and jute goods, leather and leather goods, and processed agro-food items.

Depending on the requirements in the destination countries, exporters do the needful to comply with the SPS/TBT measures before sending the consignments. However, according to most exporters, it is much easier to comply with the SPS/TBT related measures on the major export products in the developed countries of the EU and USA, compared to those practiced in the SASEC countries in most cases. A comparison with the measures imposed by the major export destinations of Bangladesh, e.g., Germany and the UK on the same products that also face SPS/TBT measures in India and Sri Lanka revealed a high level of difficulties in terms of the number of measures and the number of implementing authorities. For example, India imposes, on MFN basis, 41 Nos. SPS and TBT related measures on frozen shrimp (HS Code 030616), which are implemented by at least 6 different authorities for testing, inspection, and certification. But for the same product, United Kingdom imposes, again on MFN basis, only 10 Nos. SPS and TBT measures, administered by a single authority. More details are provided in Table for India. Similarly, Sri Lanka imposes, on MFN basis, 33 Nos. SPS and TBT measures on imported black tea (HS Code 090230), whereas the United Kingdom imposes only 15 Nos, SPS and TBT measures on the same product imported from other countries in MFN basis.

The study also finds an extensive list of SPS and TBT measures imposed by some other SASEC countries, particularly India and Sri Lanka, on the potential export items from Bangladesh. Nepal has a moderate list, and though quite long, Nepal's SPS/TBT measures are mostly on the Nepalese importers requiring them to obtain licenses and authorization related to SPS and TBT reasons from relevant Nepalese authorities, and hence these measures do not have impact on Bangladeshi export products or exporters. Bhutan and Maldives have minimal TBT or SPS measures in place.

### **5.3 Potential export products of Bangladesh subject to the SPS and TBT measures in Regional Countries**

The report has identified and prepared a list of potential export products from Bangladesh which have limited or no exports to other SASEC member countries. The methodology of making the selection followed the terms stipulated in the Terms of Reference, and are reflected in a self-explanatory manner in the labels of the column-heads of the tables. The lists of such potential export products for each of the 5 other SASEC countries are provided in the Annex Tables 6 - 10 in Annex 3.

We have used UN Comtrade Database as the basis for product selection. However, data on export of Bangladesh is unavailable in Comtrade Database. Hence, we have used all other SASEC member country's import from Bangladesh and summed export values and quantity exported by commodity code and finally used it as export of Bangladesh. Unit value of export of Bangladesh is calculated after dividing the export value by the quantity exported. Partner country's import from the world is collected from Comtrade Database. Unit value of import of partner country is calculated after dividing the imported value by the quantity imported for particular commodities. Import share of partner country from Bangladesh is defined as the ratio of that country's import from Bangladesh and that country's total import from the rest of the world. Bangladesh's export share to partner country is the ratio of Bangladesh's export to the partner country and total export of Bangladesh to the rest of the world. Then all the data (2011-2015 period, except for Bangladesh-Bhutan where only 2 years' data for 2011 and 2012 were available at the time of preparation of the report) are appended in a file. Then average of 2011-2015 period of all the variables is calculated along the HS 6-digit commodity codes. We have used six filters to select the products in which Bangladesh has its export potential and partner country has its import demand.

### **5.4 Bangladesh-Bhutan: Bangladesh's export to Bhutan**

The final dataset provided for Bhutan in **Table 3 of Annex 3** comprises 71 products at 6-digit HS Code. The minimum value of Bangladeshi exports for these 71 products was US\$ 100,000, while Bhutan also imported each of these products worth at least US\$ 100,000 from the rest of the world. The average unit value of Bangladeshi exports was

less than the average unit price of Bhutan's imports of the same product from the rest of the world. Investigation on TBT and SPS related measures and available data for potential export products from Bangladesh reveal that 61 out of these 71 products shown in HS 6- digits are subject to TBT/SPS measures by Bhutan. No information was available on the rest 11 items.

Among these 61 products, only 3 items belonging to HS Chapters 20 and 22 have SPS related regulations and all the 61 items have TBT regulations imposed on them. Out of these 61 products, 1 belong to HS Chapter 20 (Fruity Beverages), 5 belong to HS Chapter 39 (Plastics and Articles Thereof), with 7 TBT measures related to certification and inspection requirement for quality and performance on each product, commensurate with Bhutan's high priority on environmental protection as part of their national policy framework. 12 products belong to HS Chapter 85 (Electrical and Electronic Machinery and Equipment's and Parts Thereof) with 7 TBT measures related to certification and inspection requirement for quality and performance on each product. 4 products belong to HS Chapter 87 (Vehicles: Other than Railway or Tramway Rolling Stock, and Parts and Accessories Thereof), with 1 TBT measure on each item for ensuring performance and safety requirements. 4 more products belong to HS Chapters 69 (Construction Materials) and 73 (Metal Products and Containers) with 6 and 7 TBT measures related to safety and performance. However, a summary of the SPS and TBT measures imposed on these 61 products from Bangladesh with potential export to Bhutan is provided in the **Table below**:

**Table 19 SPS/TBT Measures Imposed by Bhutan on Potential Exports of Bangladesh**

HS Chapter	No. of Products	TBT Measures	SPS Measures	Code Description	Legislation/Implementation Authority
HS 85= Electrical machinery and equipment and parts	12	B8, B14, B41, B81, B83, B 89 – Authorization, certification,	B7	Authorization, Licensing, Certification, Conformity Assessment where approval is granted at the discretion of the issuing authority, Ministry of Economic Affairs.	Sales Tax, Customs and Excise Act 2000/ Ministry of Economic Affairs, Royal Government of Bhutan
HS 84= Nuclear reactors, boilers, machinery and mechanical appliances; parts	7	inspection related TBT measures			
HS 39= Plastics and articles	5				
HS 69= Ceramic products	4	B8, B41, B81, B83, B 89	B7	do	do
HS 73= Articles of iron or steel	4				

HS Chapter	No. of Products	TBT Measures	SPS Measures	Code Description	Legislation/Implementation Authority
HS 94= Furniture	6	B31, B 89		do	do
HS 87= Vehicles others than railway or tramway rolling-stock, and parts and accessories	4	B 89		do	do
HS 63= Other made up textile articles; sets; worn clothing and worn textile articles; rags	3	B8, B41, B81, B83, B 89	B7	do	do
HS 22= Beverages, spirits and vinegar	2		A3, A 83	do	do
HS 20= Preparation of vegetables, fruit, nuts or other parts of plants	1		A3, A 83	do	do
HS 20= Preparation of vegetables, fruit, nuts or other parts of plants	1	B 41	B 7	do	do
HS 40= Rubber and articles thereof	2	B8, B41, B83, B 89	B7, B82	do	do
HS 42= Articles of leather	2				
HS 41= Raw hides and skins (other than furskins) and leather	2				
HS 62= Articles of apparel and clothing accessories, not knitted or crocheted	2				
HS 90= Optical, photographic, cinematographic, measuring, checking, precision, medical or	1	B8, B41, B83, B 89	B7, B82,	do	do

HS Chapter	No. of Products	TBT Measures	SPS Measures	Code Description	Legislation/Implementation Authority
surgical instruments and apparatus; parts and accessories					
HS 61= Articles of apparel and clothing accessories, knitted or crocheted	1				
HS 54= Man-made filaments					
HS 46= Manufactures of straw, of esparto or of other plaiting materials; basket ware and wickerwork	1				
	1				
HS 72= Iron and steels					
HS 95= Toys, games and sports requisites; parts and accessories	1				
	1				
<b>Total</b>		<b>61 products under 6-digit HS Codes with SPS/TBT measures out of 71 products</b>			
<b>SPS and TBT Code</b>		<b>A3:</b> Labeling, marking and packaging requirements for SPS reasons; <b>A83:</b> Certification requirement for SPS reasons; <b>B7:</b> Product-quality or -performance requirement; <b>B8:</b> Conformity assessment related to TBT; <b>B 14:</b> Authorization requirement for TBT reasons; <b>B31:</b> Labeling requirement; <b>B 41:</b> TBT regulations on production processes; <b>B 81:</b> Product registration requirement for TBT reasons; <b>B 82:</b> Product testing requirement against a given standard, <b>B 83:</b> Certification of conformity with a given regulation; <b>B 89:</b> Conformity assessment related to TBT, n.e.s.			

Source: Raihan et al (2014); NTM Inventory (Annex 2) of NTMs in South Asia: Assessment and Analysis.

#### **5.4.1 Respective SPS & TBT Regulations in Bhutan that are Impeding Export on identified items**

There are no significant impediments faced by Bangladeshi export products to Bhutan. The BSTI certification mark is readily accepted by Bhutanese authorities, even without a formal Mutual Recognition Agreement between the two countries. Plastic products, fruity beverages, bakery items, and readymade garments find ready access in Bhutanese markets. It is not necessarily the SPS and TBT measures that restrict export of Bangladeshi products to Bhutan. Annex Tables 6 of Annex 3 identify 71 potential export products from Bangladesh to Bhutan and associated of SPS and TBT measures. Out of these 71 products under 6-digit HS code, 61 are identified with associated SPS and TBT related measures. No information could be found on the rest 11 items. Fruity Beverages (HS Chapters 20 and 22) have SPS related measures A3 and A83 related to marking, labeling, packaging and certification requirements, which are easy for Bangladeshi exporters, since the quality mark of BSTI is readily accepted by Bhutanese authorities. Plastic items falling under HS Chapter 39 require 7 TBT related compliance requirements, i.e., B7, B8, B14, B 41, B43, B83, and B89, all of which are related to quality and performance related measures and certification requirements thereof. Bangladeshi 49 plastic products are getting a windfall in Bhutan market recently, and exporter do not find it difficult to comply with these TBT measures.

Electronic appliances, engine parts, and metal items falling under HS Chapters 85, 87, and 94 face the same set of 7 TBT related compliance requirements, i.e., B7 (Product-quality or -performance requirement), B8 (Conformity assessment related to TBT), B14 (Authorization requirement for TBT reasons), B41 (TBT regulations on production processes), B83 (Certification of conformity with a given regulation), and B89 (Conformity assessment related to TBT) all of which are related to quality and performance related measures and certification requirements thereof, but Bangladesh has no or very limited exports to Bhutan for these items. The reasons are not very clear from available sources.

Textile and clothing items falling under HS Chapters 61, 62, and 63 face 6 TBT measures, B7, B8, B14, B 41, B83, and B89 related to quality and performance related measures and certifications thereof, show very limited or no export from Bhutan to Bangladesh. However, the fact remains that these items have a large presence in Bhutanese market, entering as medium sized luggage accompanying small traders. So, there is quite a considerable amount of informal export of clothing items from Bangladesh to Bhutan, but official data is not available due to informal nature of such exports.

Among the 11 potential exports of Bangladesh to Bhutan, for which no SPS/TBT information could be found, Portland cement (not elsewhere specified) (HS 252329) is of particular interest for Bangladesh. Bhutan has her own production of this item, and

has it under the SAFTA sensitive list. So, it can be logically inferred that Bhutan has high tariff imposed on this item to discourage imports. However, Bhutan has global imports of HS 252329 of average value worth US\$ 7,574,228 with average unit value of import standing at 12 cents per KG, while Bangladesh has exported worth US\$ 17,843,934 with an average unit value of exports at 8 cents per KG during the period covered in this study. In short, Bangladesh had both price advantage and supply capacity but did not or could not export any to Bhutan.

Similarly, another potential export item from Bangladesh to Bhutan, with no information found on associated SPS/TBT measures, are *Basketwork, wickerwork and other articles, made directly to shape from* (HS 460219), is on SAFTA sensitive list, with zero export to Bhutan though Bangladesh have both supply capacity and price advantage. Three other items, namely, Furniture, metal, nes (HS 940320), Furniture, wooden, nes (HS 940360, and Furniture parts nes (HS 940390) are on the SAFTA sensitive list, but they each have 2 TBT measures associated with them. These TBT related measures are B 31 (Labeling Requirement for TBT reasons), and B 89 (Conformity assessment related to TBT n.e.s), as required by Bhutan's Customs and Excise Act 2000 administered by Bhutan's Ministry of Economic Affairs. Further details could not be known.

### **5.5 Bangladeshi Exportable Product to India under SPS & TBT Regime**

The final dataset provided for India in the Table 11 comprises 127 products at 6-digit HS Code. The minimum value of Bangladeshi exports for these 127 products was US\$ 1,000,000, while India also imported each of these products worth at least US\$ 1,000,000 from the rest of the world. The average unit value of Bangladeshi exports was less than the average unit price of India's imports of the same product from the rest of the world.

Investigation on TBT and SPS related measures for potential export products from Bangladesh reveals that all 127 out of these 127 products shown in HS 6-digits are subject to TBT/SPS measures imposed by India. Among these 127 products, 28 belong to HS Chapter 62 (Apparel and Clothing Accessories: Not Knitted or Crocheted); 21 belong to HS Chapter 61 (Apparel and Clothing Accessories: Knitted or Crocheted); 6 belong to HS Chapter 41 (Hides and Skins (other than Fur skins) and Leather. 7 products belong under HS Chapter 63 (Home Textiles, Worn Clothing, Rags, etc.). 4 products each under HS Chapter 20 (Preparations of Vegetables, Nuts, Fruits, or other Parts of Plants) and HS Chapter 30 (Pharmaceutical Products). 3 products each under HS Chapters 52 (Cotton) and 87 (Vehicles: Other than Railway or Tramway Rolling Stock, and Parts and Accessories Thereof); 2 products under HS Chapter 55 (Manmade Staple Fibres). 1 product each under 9 HS Chapters 03, 09, 38, 54, 56, 57, 72, 85, and 87 are also subject to various SPS and TBT measures.

It is interesting to note that India has its own domestic production for most of these 88 potential export products of Bangladesh, and India has significant (above US\$ 1 million) global imports for these products. A further examination of the details may reveal whether and how these TBT/SPS measures have any trade restricting impact or not. Such examination, at least for some products will be incorporated in the final version of the report.

More details on the potential export products from Bangladesh to India can be found in the shaded rows of Annex Table 7 of Annex 3. However, a summary of the SPS/TBT measures imposed on these 127 products from Bangladesh with potential export to India is provided in the Table below:

**Table 20 SPS/TBT Measures Imposed by India on Potential Exports of Bangladesh**

HS Chapter	No. of Products	TBT Measures	SPS Measures	Code Description	Legislation/Implementation Authority
HS 62= Articles of apparel and clothing accessories, not knitted or crocheted	28	B 83	B 82	Import consignment of textile products shall be accompanied by a pre-shipment certificate from a textile testing laboratory accredited to the National Accreditation Agency of the Country of Origin. In cases where such certificates are not available, the consignment will be cleared after getting a sample of the imported consignment tested & certified from any of the agencies indicated in Public Notice No. 12 (RE-2001)/1997-2002 dated 3rd May, 2001.	B 82 & B 83
HS 61= Articles of apparel and clothing accessories, knitted or crocheted	21	B 83	B 82	do	do
HS 63= Other made up textile articles; sets; worn clothing and worn textile articles; rags	7	B 83	B 82	do	do
HS 52= Cotton	3	B 83	B 82	do	do
HS 55= Man-	2	B 83	B 82	do	do

HS Chapter	No. of Products	TBT Measures	SPS Measures	Code Description	Legislation/Implementation Authority
made staple fibres					
HS 41= Raw hides and skins (other than furskins) and leather	6		A 85, A 86, A 89	No objection certificate is required for clearance of import consignment from Officer-in-Charge of the Animal Quarantine and service station located at Delhi, Chennai and Kolkata or any other stations after inspection of good	Notification No S S.O. 794(E) 2008 of Department of Animal Husbandry and Dairying/Department of Animal Husbandry, Dairying & Fisheries
HS 20=Preparation of vegetables, fruit, nuts or other parts of plants	4	A41 A31	A33 , A82	Imported products must conform to the standards set by Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011	Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011/Food Safety and Standards Authority of India
HS 30=Pharmaceutical products	4	B81		Imports are permitted subject to Registration and other requirements as administered by Drug Controller General of India under the provisions of Drugs and Cosmetics Act.	The Drugs and Cosmetic Act, 1940/Ministry of Health and Family Welfare
HS 87=Vehicles others than railway or tramway rolling-stock, and parts and accessories	3	B19 B83	B82	The second hand or used vehicle shall not be older than three years from the date of manufacture, shall be tested before clearance and should have a minimum roadworthiness for a period of 5 years from the date of importation into India with assurance for providing service facilities within the country during the five year period.The new vehicle shall conform to the provisions of the Motor Vehicles Act, 1988	Import Policy 2012/DGFT

HS Chapter	No. of Products	TBT Measures	SPS Measures	Code Description	Legislation/Implementation Authority
				and the rules made thereunder.	
HS Chapter (03, 09, 38, 54, 56, 57, 72, 85, 87) (Fish and crustaceans, mollusc and other aquatic invertebrates, Coffee, tea, mate and spices, Miscellaneous chemical products, Miscellaneous chemical product, Other vegetable textile fibres, Wadding felts and non wovens, Special woven fabrics, Iron and steel, Electrical machinery and equipment and parts, Vehicles others than railway or tramway rolling-stock, and parts and accessories) respectively	49				Various legislation under relevant implementing authority
<b>Total</b>				<b>127 Products under 6-digit HS Code</b>	
<b>SPS and TBT Code</b>				B 83 - Certification requirement for TBT reasons, B 82 - Testing requirement, A41-Microbiological criteria of the final product, A31 - Labelling requirement, A33 - Packaging requirement for SPS reasons, A82 - Testing Requirement, B81 - Product registration requirement for TBT reasons, B19 - Prohibition/restriction of imports for objectives set out in TBT Agreements, A85-Traceability information requirements, A86-Quarantine requirement, A89- Conformity assessment related to SPS n.e.s.	

Source: Raihan et al (2014); ITC Market Access Map

### 5.6.1 Respective SPS & TBT Regulations in India that are Impeding Export on identified items

A total of 127 potential export products for India, and associated SPS and TBT measures for these products are identified and listed in Annex Tables 7 and 12. It is of interest to note that all 127 out of these 127 products shown in HS 6-digits are subject to TBT/SPS measures imposed by India. It is interesting to note that India has its own domestic production for most of these 127 potential export products of Bangladesh, and India has significant (above US\$ 1 million) global imports for these products. Among these 127 products, 28 belong to HS Chapter 62 (Apparel and Clothing Accessories: Not Knitted or 50 Crocheted as well as 21 belong to HS Chapter 61 (Apparel and Clothing Accessories: Knitted or Crocheted); 6 belong to HS Chapter 41 (Hides and Skins (other than Fur skins) and Leather. While 7 products belong under HS Chapter 63 (Home Textiles, Worn Clothing, Rags, etc.) and Similarly, 4 products each under HS Chapter 20 (Preparations of Vegetables, Nuts, Fruits, or other Parts of Plants) and HS Chapter 30 (Pharmaceutical Products). 3 products each under HS Chapters 52 (Cotton) and 87 (Vehicles: Other than Railway or Tramway Rolling Stock, and Parts and Accessories Thereof) and 2 products under HS Chapter 55 (Manmade Staple Fibres) as well as 1 product each under 49 HS Chapters including 03, 09, 38, 54, 56, 57, 72, 85, 87, and so forth are also subject to various SPS and TBT measures.

#### Box 5 Maximum Level Permitted for the Use of Non Nutritive Sweetener

Source: ITC Market Access Map; [http://www.macmap.org/Offlinedocument/NTM/IND\\_244.pdf](http://www.macmap.org/Offlinedocument/NTM/IND_244.pdf)

2. In the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, -  
 (a) In regulation 3.1.3 relating to "Artificial Sweetener", after sub regulation (5), and the entries relating thereto shall be added:

"(6) Use of Non Nutritive Sweetener. – The non nutritive sweetener mentioned in column (2) of the Table below may be used only in the food articles mentioned in column (3) and in quantities not exceeding the limits mentioned in column (4) and as per the provisions contained in these regulations:

Sl.No.	Name of non-nutritive sweetener	Articles of food	Maximum level (mg/kg) (steviol equivalent)
(1)	(2)	(3)	(4)
1	Steviol Glycoside	Dairy based drinks flavored	200
		Dairy based desserts (ice-cream, frozen desserts, cream toppings)	330
		Yoghurt	200
		Fruit Nectars	200
		Non-carbonated water-based beverages (non alcoholic)	200
		Ice Lollies or edible Ice	270
		Jams, Jellies, Marmalades	360
		Ready to eat cereals	350
		Carbonated water	200
		Soft drink concentrate	200 (in the final product after reconstitution)
		Chewing gum	

Among the 21 items under HS Chapter 61 (*Apparel and Clothing Accessories: Knitted or Crocheted*) and 28 items under HS Chapter 62 (*Apparel and Clothing Accessories: Not Knitted or Crocheted*), and 7 items under HS Chapter 63 (*Home Textiles and Drapery*), all are

subject to inspection, certification, and registration requirements related to TBT reasons, classified as B15 (Authorization requirements for importers), B31 (Labelling requirements), B33 (Packaging requirements), B82 (Testing requirements), and B83 (Certification requirements). They mostly need testing for hazardous chemicals, e.g., azo dye, etc. Bangladeshi exporters do not find these TBT measures restrictive per se, except for some procedural difficulties, bureaucratic hassles, and congestion, particularly when exporting via land ports. 6 products under HS Chapter 41 (*Hides, Skin and Leather*) face 6 TBT measures - B14 (Authorization requirements for importing certain Products), B15, B31 and B33 with repetition, related to inspection and certification requirements, registration requirements for TBT reasons, and to some measures for protection of wildlife.

The **1972 Wildlife (Protection) Act** states that,

*“The export of any of the species included in Schedules 1 to 5 requires an export permit. Re-export of these species requires a re-export certificate, and the import of any specimen of species in Schedules 1, 2 and 3 requires an import permit. Specimens of certain animal species which are bred in captivity may not be traded unless they are marked. Any person trading in specimens from Scheduled species must be registered”.*

Bangladeshi exporters face difficulty in complying with the measures that require certification that the animal from which the leather or hide was obtained was farmed and not belonged to wildlife. The reason is that Bangladesh does not yet have such laws or any competent authority to issue any certificate in this regard. 4 products falling under fruity beverages (*HS Chapter 20*) face a whopping 40 Nos. SPS and TBT measures for food quality, maximum residual level of trade elements and pathogens, and a plethora of labeling, marking, packaging, testing, inspection and certificate requirements. One example of restricted use of certain substance, Steviol Glycoside, an artificial sweetener, not exceeding a certain amount, is provided below in Box-4 as a screen shot from the notification issued by Food Safety Authority of India:

### Box 6 Maximum Level Permitted for Certain Naturally Occurring Contaminants

“3. Polychlorinated biphenyls (PCBs) and Polycyclic Aromatic Hydrocarbon (PAH) compounds in Fish and Fishery Products:			
Sl.No.	Name of the contaminants	Article of food	Limit
(1)	(2)	(3)	(4)
1.	Polychlorinated biphenyls (Sum of PCB28, PCB52, PCB101, PCB138, PCB153 and PCB180)	Inland and Migratory Fish	2.0 ppm
2.	Polychlorinated biphenyls (Sum of PCB28, PCB52, PCB101, PCB138, PCB153 and PCB180)	Marine Fish, Crustaceans and molluscs	0.5 ppm
3.	Benzo(a)pyrene	Smoked Fishery Products	5.0 ppb.”

Sl.No.	Name of the contaminants	Article of food	Limit (µg/kg)
(1)	(2)	(3)	(4)
1.	Paralytic Shellfish Poison (PSP)	Bivalve Molluscs	80 µg/100g (Saxitoxin Equivalent)
2.	Amnesic Shellfish Poison (ASP)	Bivalve Molluscs	20 µg/g (Domoic acid equivalent)
3.	Diarrhetic shellfish poison (DSP)	Bivalve Molluscs	160 µg of Okadaic acid equivalent/Kg
4.	Azaspiracid poison (AZP)	Bivalve Molluscs	160 µg of azaspiracid equivalent/Kg
5.	Brevetoxin (BTX)	Bivalve Molluscs	200 mouse units or equivalent/Kg.”

(Source: ITC Market Access Map; [http://www.macmap.org/Offlinedocument/NTM/IND\\_241.pdf](http://www.macmap.org/Offlinedocument/NTM/IND_241.pdf))

Other food and beverage items belonging to HS Chapters 09 – 19 are also subject to around 40 Nos. SPS and TBT measures. Frozen fish falling under HS Chapter 03 (freshwater and marine fish, shellfish, etc.) are subject to more than 40 measures. Food Safety and Standards (Contaminants, Toxins and Residues) Amendment Regulation, 2016 regarding limit of biotoxins in fish and fish products states that

*“Fish and Fishery Products are subject to microbiological limits for the naturally occurring toxic substances Polychlorinated biphenyls (PCBs), Polycyclic Aromatic Hydrocarbon (PAH) and several biotoxins.”*

The maximum tolerable limits set by the Indian regulation are shown in Box 4 below. Bangladesh exporters find it difficult to undergo various tests and obtain certification for all these contaminants. The testing facilities for shrimp and fish in Bangladesh are normally attuned to the residue requirements of the European Union, which are slightly different than the amounts shown in **Box 4**. However, that is not the main problem. The main problem lies in monitoring and tuning the production, culture and harvest process of fish and shrimp, which do not automatically need any monitoring for these contaminants in question, due to absence of appropriate food safety law, standards, and enforcement thereof.

**Specific Prohibitions and Restrictions:** There is general prohibition on **melamine contents** on all milk and dairy products. Additionally, there is general restriction on Genetically Modified Organisms unapproved by designated Indian authority. Since Bangladesh does not have any well-formulated and well-enforced policy or authority for managing the GMO, there is a general view that many GMO products are entering Bangladesh, and the final products using the GMO items may contain GMO which are manufactured locally. There is no testing and certification facility for GMO in Bangladesh.

**5.7. Bangladesh-Maldives: Exportable Product to Maldives Under SPS & TBT Regime**  
Investigation on TBT and SPS related measures for potential export products from Bangladesh reveals that only 1 6-digit level product, HS Code 871200 (Bicycles and other cycles, including delivery tricycles, not motorized) out of these 71 products shown in HS 6- digits are subject to TBT measures for safety and performance reasons by Maldives.

It should be noted here that source for the TBT measure mentioned in paragraph 57 above is from 2012. Updates on the data source for Maldives are difficult to come by, and more legislation on product standards, quality, and performance related measures were not readily available. However, (Raihan et al, 2014) urged that with the reference of the telephone conversation with officials at Maldives National Chamber of Commerce and Industry, that UNIDO had started developing 20 TBT and SPS related standards for standardization and metrology, out of which 18 relate to fish and fish products, and the other two to management systems. The TBT Enquiry Point is being developed but has not yet started functioning.

A special quarantine unit has been set up by the Ministry of Fisheries and Agriculture in Maldives to issue certificates and monitor imports. It needs to be mentioned that business houses in Sri Lanka and India buys bulk of fish products, conducts the necessary testing and inspection and then export them to EU and other developed countries, and thus causing trade deflection. Uncertain political situation resulting in stagnant policy and regulatory regime was also mentioned by the business community. Details on the SPS and TBT measures on potential export products from Bangladesh to Maldives could not be found based on available information. But the potential products are listed in the Annex Table 8 of Annex 3. The summary of the TBT measures imposed on the 2 products from Bangladesh with potential export to Maldives is provided in the Table below:

**Table 21 SPS/TBT Measures Imposed by Maldives on Potential Exports of Bangladesh**

HS Chapter	No. of Products	TBT Measure	SPS Measure	Code Description	Legislation/Implementation Authority
HS 02 (HS 020220) Frozen unboned bovine meat (excl. carcasses)	1	B11 - Prohibition for TBT reasons		Bovine cuts bone in, frozen required halal certification	Export and Import Law, 1979 (No. (31/79)/Ministry of Economic Development
HS 87 (HS 871200) Bicycles and other cycles, not motorized	1	B11 - Prohibition for TBT reasons		Imports of used motor vehicles and cycles over five-years old and three-years old, respectively, are also prohibited	Export and Import Law, 1979 (No. (31/79)/Ministry of Economic Development

Source: Raihan et al (2014); NTM Inventory (Annex 1) of NTMs in South Asia: Assessment and Analysis.

### 5.7.1 Respective SPS & TBT Regulations in Maldives that are Impeding Export on Identified Items

Investigation of the potential export products from Bangladesh to Maldives identifies 66 items under 6-digit HS code and these products are listed in Annex Table 8 of Annex 3. TBT related measures were identified only for two products out of these 66 items. The products are HS 020220 (*Bovine cuts bone in, frozen*), and Code 871200 (*Bicycles and other cycles, including delivery tricycles, not motorized*). Both are subject to B11(Prohibition for TBT reasons) classification of TBT related NTM, prohibition for TBT reasons. Meat products need halal certification, and there is prohibition on imported used cycles if they are older than specific number of years, considering the safety and performance issues.

Examining the list of 66 potential products from Bangladesh, we find there are 4 items

under HS Chapter 03 (Fish and crustaceans), 4 products under HS Chapter 04 (Edible vegetables), 12 items under HS Chapters 17, 19, 20, 21, and 22 for various processed food and beverage items, and 8 items under HS Chapter 61 (Woven articles of clothing and apparel) may be considered as important for which Bangladesh has significant export capacity.

Two important points should be noted while discussing potential exports to Maldives; first, the very small size of Maldivian market and economy making it less attractive to Bangladeshi exporters, according to a number of exporters consulted; and secondly, the unavailability of information on Maldivian regulatory requirements and standards affecting trade. Most of the trade related regulations are still mostly under formulation. However, this makes Maldives an import friendly country with few technical requirements that are mandatory. As revealed in the Maldives National Diagnostic Study, the existing NTM requirements fall on a narrow band of products namely, plants, animals, food, medicine and dangerous items. These requirements are also quite basic, focusing on labeling or health certificates from the country of origin.

We found 14 products, or 29.71% items are under SAFTA sensitive list out of the 66 potential export products from Bangladesh to Maldives. The top export product from Bangladesh, Waters included mineral & aerated, containing sugar or sweetening matter or flavor (HS Code 220210) also falls under SAFTA sensitive list and hence facing high tariffs, but apparently these high tariffs did not create any significant obstacle, probably due to MFN treatment of tariffs. Bottled water is subject to standards and packaging related SPS and TBT measures in Bangladesh at the time of processing, bottling, and retailing and requires the mandatory approval and quality certification mark from Bangladesh Standards and Testing Institution (BSTI), which is readily accepted in Maldives, for bottled non-alcoholic beverages.

### **5.8 Bangladesh-Nepal: Bangladesh's export to Nepal**

Investigation on TBT and SPS related measures for potential export products from Bangladesh reveals that all 92 products shown in HS 6-digits are subject to TBT/SPS measures by Nepal. However, most number of these 92 products have only 2 TBT measures imposed on them. These measures are related to license and authorization requirement for TBT reasons for the Nepalese importers from their government. Such TBT measures are classified as B8 and B14 (UNCTAD Classification), and a one-time compliance is required, and does not necessarily pose any significant obstacle to trade. But there are 12 products that face a more extensive SPS and TBT measures. Out of these 12 products, 3 belong to HS Chapter 19 (Preparations of Cereals, Flour, Starch or Milk; Pastry Cooks' Products). Another 3 products belong to HS Chapter 20 (Preparations of Vegetables, Nuts, Fruits, or other Parts of Plants). The rest of the 6 potential export products from Bangladesh facing SPS or TBT measures in Nepal belong to 6 different categories or food, cement, fertilizer, and electronic items.

**TBT Related Measure:** The TBT related measures by Nepal on these 12 products are mostly related to quality, safety, and performance, commensurate with the country's legitimate and valid interests for protecting public health and ensuring product quality and safety. More details on the potential export products from Bangladesh to Nepal can be found in the shaded rows of the Annex Table 9 of Annex 3. However, a summary of the SPS and TBT measures imposed on 12 products from Bangladesh with potential export to Nepal is provided in the Table below:

**Table 22 SPS/TBT Measures Imposed by Nepal on Potential Exports of Bangladesh**

HS Chapter	No. of Products	TBT Measure	SPS Measure	Code Description	Legislation/Implementation Authority
HS 19 = Preparations of cereals, flour, starch or milk; pastrycooks' products	3		B22- Restricted use of certain substances in foods and feeds and their contact materials	Food grain must be pure, clean and healthy and free from artificial colour and harmful matters	The Food Act, 2023 (1966) Food Regulation, 2027 (1970)/The Department of Food Technology and Quality Control (DFTQC), under the Ministry of Agriculture and Cooperatives
HS 20 = Preparation of vegetables, fruit, nuts or other parts of plants	3	A 14, B 14	B7, B 14 -	Product must comply with quality requirement	do
HS Chapter (14, 21, 25, 31) (Vegetable plaiting materials, Miscellaneous edible preparations, Salt, sulphur; earths and stone; plastering materials, lime and cement, Fertilisers) respectively	6	A 14, B14	B14	Imports requiring a license or permission For Narcotic and	Export and Import Control Act (1957, as amended in 2006)/ Ministry of Commerce and Supplies

HS Chapter	No. of Products	TBT Measure	SPS Measure	Code Description	Legislation/Implementation Authority
(34, 85) (Soap, organic surface active agents, washing and lubricating prep., artificial or prepared waxes, polishing or scouring prep., candles and similar, modelling pastes, dental waxes and prep. with basis of plaster, Electrical machinery and equipment and parts)		A1, B1	B1	intoxicating medicine and chemistry thereof, Pre-shipment quality inspection certificates are required for industrial chemical products.	
<b>Total</b>			<b>12 Products under 6-digit HS Code</b>		
<b>SPS and TBT Code</b>			A1-Prohibitions or restriction of products or substances because of SPS reasons B22- Restricted use of certain substances in foods and feeds and their contact materials, A 14, B 14 - Authorization requirement for SPS and TBT reasons; B7 - Product quality or performance; B 14 - Authorization requirement for SPS and TBT reasons; B1 - Prohibitions/restrictions of imports for objectives set out in the SPS and TBT agreement.		

*Source: Raihan et al (2014); ITC Market Access Map*

### 5.8.1 Respective SPS & TBT Regulations in Nepal that are Impeding Export on Identified Items

Nepal is the 3<sup>rd</sup> largest export destination of Bangladesh in the SASEC sub-region, but export potential to Nepal is often stymied due to lack of direct port access, Nepal being a land-locked country. The multi-state transshipment agreements, including the Bangladesh-Bhutan-India-Nepal (BBIN) Motor Vehicle Agreement (MVA) are not yet in force, and export consignments from Bangladesh to Nepal have to reach Nepalese land ports after crossing over Indian border posts and territory, a subject fraught with many difficulties which include infrastructure problems, bureaucratic hassles, and other challenges in borders.

Investigation of the potential export products from Bangladesh to Nepal identifies 91 items under 6-digit HS code. These products are listed in Annex Table 9 of Annex 3. All of these 91 items are subject to TBT/SPS measures by Nepal. However, 80 of these 91 products have only 2 TBT measures imposed on them. These measures are related to license and authorization requirement for TBT reasons for the Nepalese importers from

their government. Such TBT measures are classified as B8 (Conformity assessment related to technical barriers to Trade) and B 14 (Authorization requirements for importing certain Products) (UNCTAD Classification), requiring a one-time compliance, does not necessarily pose any significant obstacle to trade.

The 12 remaining products under 6-digit HS code face slightly more extensive SPS/TBT regulations. Out of these 12 products, 3 belong to HS Chapter 19 (Preparations of Cereals, Flour, Starch or Milk; Pastry Cooks' Products). Another 3 products belong to HS Chapter 20 (Preparations of Vegetables, Nuts, Fruits, or other Parts of Plants). The rest of the 6 potential export products from Bangladesh facing SPS or TBT measures in Nepal belong to 6 different categories or food, cement, fertilizer, and electronic items. But these are not deemed as significant barriers to Bangladeshi traders. Some of these items belonging to Chapters 19 and 20 for processed food and beverage items have mandatory quality mark by BSTI, which is readily accepted by Nepalese authorities, even without any formal mutual recognition agreement (MRA) existing between the two countries.

### Box 7 Nepal Standards for Contaminants in Ordinary Portland Cement

Portland cement, (HS Code 252329) from Bangladesh has significant export potential to Nepal, with no export at the moment. This product is under SAFTA sensitive list of Nepal, and it also has 8 TBT related measures imposed by Nepal, the highest number of TBT related measures for a single product among the 91 potential

NTM classification NTM rev. 2012

Official title	Nepal Bureau of Standards and Metrology website - Nepal Standard no. 49-2041, Ordinary Portland Cement		
Start date	01.1984	End date	Not specified
		Date submitted	01.2012
Document	NA	Web link	

**Requirement - 1-Tolerance limits for residues of or contamination by certain substances (NTM code - B21)**

**Measure definition** "A measure that establishes a maximum level or "tolerance limit" of substances, which are used during their production process but are not their intended ingredients: Example: Salt level in cement, or sulphur level in gasoline, must be below specified amount."

**Other countries affected** World

Source: ITC Market Access Map:  
<http://QuickSearch/FindNtm/FindNtmResultDetails.aspx?reporter=524&par tner=050&product=25232900>

export products identified for Bangladesh to Nepal. The TBT related measures identified belong to NTM Classifications of two measures of B6 (Product identity requirements), and B1 (Import authorization/licensing related to technical barriers to

trade) each of B8 (Conformity assessment related to technical barriers to Trade) , B14 (Authorization requirements for importing certain Products), B21 (Tolerance limits for residues of or contamination by certain substances), B32 (Marking requirements), and B33 (Packaging requirements) – related to testing, inspection, and certification measures for TBT reasons.

### 5.9 Bangladesh-Sri Lanka: Bangladesh’s export to Sri Lanka

Investigation on TBT and SPS related measures for potential export products from Bangladesh reveals that 87 out of these 139 products shown in HS 6-digits are subject to TBT/SPS measures by Sri Lanka. Among these 87 products, 4 belong to HS Chapter 85 (Electrical and Electronic Machinery and Equipment’s and Parts Thereof). 3 belong to HS Chapter 20(Preparations of Vegetables, Nuts, Fruits, or other Parts of Plants), reflecting Sri Lanka’s priority on food safety and quality. 2 products belong to HS Chapter 40 (Rubber and Articles Thereof). The rest 2 of 10 the products are single products of HS 6-digit code and cannot be shown clustered under 2-digit HS Chapters.

Most of these regulations are related to certification and inspection requirements for SPS and TBT reasons, and some are labeling requirements for information and for ensuring product safety and performance standards. More details on the potential export products from Bangladesh to Sri Lanka can be found in the shaded rows of the Annex Table 10 of Annex 3. However, a summary of the TBT measures imposed on these 19 products from Bangladesh with potential export to Sri Lanka is provided in the Table below:

**Table 23 SPS/TBT Measures Imposed by Sri Lanka on Potential Exports of Bangladesh**

HS Chapter	No. of Products	TBT Measure	SPS Measure	Code Description	Legislation/ Implementation Authority
HS 85 = Electrical machinery and equipment and parts	7	B 83		a certificate of compliance with the standard stipulated for that article, issued by a laboratory in the exporting country, either accredited by a recognized accreditation body or recognized by the SriLanka Standards Institution.	Imports (Standardization and Quality Control) Regulations 2006/Sri Lanka Standards Institution.
HS 20= Preparation of vegetables, fruit, nuts or other parts of plants	5	d o		do	Do

HS Chapter	No. of Products	TBT Measure	SPS Measure	Code Description	Legislation/ Implementation Authority
HS Chapters (09, 19, 22, 27, 40, 95)= Coffee, tea, mate and spices, Preparations of cereals, flour, starch or milk; pastrycooks' products, Beverages, spirits and vinegar, Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes, Rubber and articles thereof, Toys, games and sports requisites; parts and accessories	10 (= 2 x 5)	do		do	do
HS Chapters (05, 07, 08, 19, 21, 22, 34, 35, 55, 69, 87, and others)= Products of animal origin, not elsewhere specified or included, Edible vegetables and certain root and tubers, Edible fruits and nuts; peel of citrus fruit or melon, Preparations of cereals, flour, starch or milk; pastrycooks' products, Miscellaneous edible preparations, Beverages, spirits and vinegar, Soap, organic surface active agents, washing and lubricating prep., artificial or prepared waxes, polishing or scouring prep., candles and similar, modelling pastes, dental waxes and prep. with basis of plaster, Albuminoidal substances; modified starches; glues;	32		A 9, A11, A14 , A 83		Miscellaneous regulations including Food (Irradiation) Regulations (2005,Food (Colouring Substances) Regulations (2006,the Animal Disease Act, No. 59 of 1952/ Ministry of Health,Department of Animal Production and Health (DAPH)

HS Chapter	No. of Products	TBT Measure	SPS Measure	Code Description	Legislation/ Implementation Authority
enzymes, Ceramic products, Vehicles others than railway or tramway rolling-stock, and parts and accessories					
<b>Total</b>		<b>54 Products under 6-digit HS Code</b>			
<b>SPS and TBT Code</b>		<b>B 83- Certification requirement for TBT reasons, A 9 - SPS measures n.e.s; A11 - Temporary geographic prohibitions for SPS reasons; A14 - Special Authorization requirement for SPS; A 83 -Certification requirement for SPS reasons;</b>			

Source: Raihan et al (2014); ITC Market Access Map

Each of these products identified in Annex 3 has been examined closely for SPS and TBT related NTMs faced by it either in Bangladesh or in the importing country. For SPS/TBT measures faced in India, Nepal, and Sri Lanka, the extensive NTM database of ITC's Market Access Map (MacMap) provided valuable information on the SPS and TBT measures, the respective implementation authorities and the legislation behind them. For Bhutan and Maldives, no such published source of information was available. The consultant had to depend on limited published information from secondary sources, mostly the Annexure of (**Dr. Selim Raihan, 2014**) report, and information gathered from traders and business associations. Some of the SPS/TBT related NTMs have been further examined by looking at the specific regulation, the required procedural steps, the institutional mechanism to implement them and limitations thereof (if any), and by talking to the people at the government agencies responsible for enforcing those, and with the traders.

### 5.9.1 Respective SPS & TBT Regulations in Sri Lanka that are Impeding Export on Identified Items

Sri Lanka is the 2<sup>nd</sup> largest export destination of Bangladesh trailing behind India in the SASEC sub-region. Considering the high potential of trade between the two countries, both governments are currently contemplating a bilateral free trade agreement (FTA). Right now, extensive consultation process is going on in both countries. If signed, it will be the first ever bilateral trade agreement of Bangladesh. During the last few years, Sri Lanka has undertaken extensive reforms and updates in their trade related policies, regulations, and quality regime. As a result, the number of regulatory measures has gone up significantly, which is reflected in quite high numbers of SPS/TBT measures. This study identifies 139 products with export potential from Bangladesh to Sri Lanka. These 139 products are listed in Annex Table 10 of Annex 3. Out of these 139 products, 88 are found to have no information available for SPS and TBT measures imposed on by Sri Lanka, as per the ITC Market Access Map and from the secondary sources as well. The rest of the 54 products have information on respective SPS/TBT measures imposed on them.

Among these 54 products, 7 belong to HS Chapter 85 (Electrical and Electronic Machinery and Equipment's and Parts Thereof) and 5 belong to HS Chapter 20 (Preparations of Vegetables, Nuts, Fruits, or other Parts of Plants), reflecting Sri Lanka's priority on food safety and quality. 2 products belong to HS Chapters 09 (Tea, mate & spices), 19 (Preparations of cereals, flour, starch or milk; pastry cooks' products), 22 (Beverages, spirits and vinegar), 27 (Light petroleum oils and preparations), 40 (Rubber and Articles Thereof), and 95 (Toys, games and sports requisites; parts and accessories thereof). The rest of the products are mostly single products of HS 6-digit code and cannot be shown clustered under 2-digit HS Chapters.

### Box 8 Synthetic Dyes Permitted by Sri Lanka's Ministry of Health

It is interesting to note that for a product like Black Tea (HS Code 090230 and 090240) has 33 Nos. SPS and TBT related measures imposed by Sri Lanka. Sri Lanka herself is one of the major producers, blenders and exporters of black tea in the world, and it is likely they are keen on maintaining their leadership position and quality standards by putting strict measures to ensure safety, hygiene, and quality.

*Source: ITC Market Access Map;  
http://www.macmap.org/Offlinedocument/NTM/LKA\_20.pdf*

Synthetic dyes that are permitted to be used as colorings substances in food

No.	Column I Colour	Column II Common Name	Column III INS Number
1.	Red	1. Carmoisine (Azorubine)	122
		2. Ponceau 4R	124
		3. Erythrosine	127
		4. Allura Red	129
5.	Yellow	1. Sunset yellow FCF	110
		2. Tartrazine	102
3.	Blue	1. Indigotine	132
		2. (Indigo carmine)	
		3. Brilliant Blue FCF	133
4.	Green	1. Fast Green FCF	143

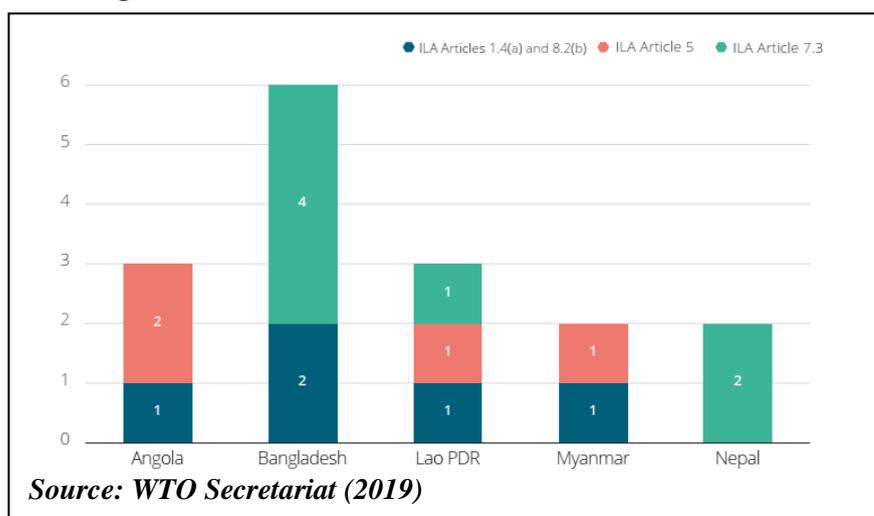
The screenshot in Box 6 is provided from Sri Lanka's **Food (Colouring Substances) Regulations, 2006, published in the Gazette No. 1688/28**. These Regulations cover not only the amount of food coloring permitted and their types, but also require that they need to be mentioned in the product labels and packages, and appropriate inspection, testing and certifications will be required where applicable.

### 5.10 Sanitary and Phytosanitary Condition for Exporting into International Market

Since the reference to LDCs in the SPS Agreement is not exclusive in nature, as the provision allows other developing country situations to be taken into account when a member is considering introducing an SPS. However, there might be some implications with regard to accessing funds under the Standards and Trade Development Facility. Upon graduation, there will be an increase in terms of co-financing from 10% to 20%.

**Figure 13 Existing notifications from graduating LDC WTO members under the Agreement on Import Licensing Procedures**

Currently, five graduating WTO LDC members have submitted notifications pursuant to the Agreement (Figure 3). However, most of the notifications under Article 7.3 related to the submission of the



annual questionnaires have remained outstanding for the past five years. Among graduating LDCs, Bangladesh is the most frequent respondent to the annual questionnaire, followed by Nepal, and Lao PDR.

### 5.10.1 SPS and TBT Compliance for Exporting into International Countries

Measures related to technical barriers to trade (TBTs) and to sanitary and phytosanitary (SPS) standards and regulation have become important dimensions of Preferential Trade Agreements (PTAs). Governments seek to act through their PTAs, as well as through the World Trade Organization (WTO), to protect human, animal, or plant life or health. Such efforts within WTO guidelines, provided that they are not discriminatory and that regulations and standards are not used as disguised protectionism. In a number of instances, PTA members seek to go beyond the broad rules-based approach followed in the WTO and to reduce differences in national standards and certification processes that impede trade.

There are, broadly, two models for dealing with standards measures in PTAs. Where the European Union (EU) is a party to a PTA, the agreement often calls for the partner country to harmonize its national standards and conformity assessment procedures with those of the EU. PTAs in the Asia-Pacific region and those in which the United States is a partner typically seek to address problems resulting from different national standards and conformity procedures through a preference for international standards or through the use of mutual recognition mechanisms.

### 5.10.2 SPS and TBT Compliance for Exporting into USA

In USA, Bangladesh has to comply different SPS and TBT regulations especially for exporting frozen and vegetables foods including fruits and other fried able foods like singara, roti, parata, samucha, puri etc.) Fresh products with Phytosanitary Certificate

(PC) for SPS and improved packaging for TBT are two measures that Bangladesh has to comply for exporting frozen and vegetables foods. In the case of Tobacco exporting to USA Bangladesh has to comply SPS measure i.e. Free from storage pests such as (*Lasioderma serricornis*) with PC. In the case of Rice export to USA Bangladesh has to comply SPS measure i.e PC with Khapra Beetle moth. The moth should be removed by Fumigation process with import requirements.

### 5.10.3 SPS and TBT Compliance for Exporting into United Kingdom (UK)

In UK Bangladesh export different types of vegetables including Spiny Gourd, Bitter Melon, Yardlong Bean, Pumpkin based Products (Snake Gourd, Ridge Gourd, Bottle Gourd, Sponge Gourd, Wax Gourd and etc.), Eggplant/ Aubergine, Leafy Bases Vegetables (Red Spinach, Amaranthus, Jute Leaf, Mint Leaf, Holy Basil Leaf, Malabar Spinach) and others vegetables. To enter into the UK market different type of SPS measures such as Free from Fruit Fly (Mainly: *Bactocera Dorsalis*), Trips (Mainly: Palmi) with Phytosanitary Certificate (PC), Free form Fruit Fly and Thimposh with PC and Free from White Fly, Leaf Minor, Spodoptera and etc. with PC SPS measures have to comply by Bangladesh. On the other hand, if the products want to enter into the UK super market Bangladesh has to comply the Fresh products with PC SPS measure and improved packaging and GAP Certifications for TBT measure. In the the case of exporting Citrus Bases Fruits (Jara Lemon, *Citrus Macroptera*, *Citrus Limetta*, Bangladeshi Lemon, Kagoji Lemon, Alas Lemo and etc.), Mango, Other fruits (Jackfruits, Lychee, Pendant) Bangladesh has to follow SPS measures as Free from Citrus Black Spot, Bankar and wash with soap based products like (Sodium OrthoPhenyl Phenate) and collect fruits from disease control ed environment with PC, Free from fruit fly (Mainly: *Bactocera Dorsalis*), Pump Uvil, Stone Uvil and Purification with Hot Water Treatment/Vapour Heat Treatment with PC and TBT measure Fresh products with PC and improved packaging.

### 5.10.4 SPS and TBT Compliance for Exporting into EU

In the case of exporting Frozen food including Vegetables, fruits and other fried able foods like singara, roti, parata, samucha, puri etc.) Fresh products with PC one SPS measure and improved packaging one TBT measure has to acquiesce by the Bangladeshi Exporter. In the case of Tobacco exporting one SPS measure i.e. Free from storage pests such as (*Lasioderma serricornis*) with PC Bangladesh has to comply. Exporting Jute and Jute products and Rice to EU countries one SPS measures that is PC with Khapra Beetle moth should be tested and the moth should be removed by Fumigation process. Similarly, for other products following conditions need to be followed.

**Animal health:** Compulsory conditions for animals and products of animal origin to be imported into the EU and imports of live animals into the European Union (EU) must comply with the general health requirements related to **Country Health approval, Approved establishment, Health certificates, Health controls, Common Veterinary**

**Entry Document (CVED).** Live animals can only be imported into the EU if they come from a third country included in a positive list of eligible countries for the relevant animal, are accompanied by the proper certificates and have succeeded the mandatory controls at the pertinent Member State's border inspection post (BIP).

**Health control of products of animal origin for human consumption:** If a country wants to import products of animal origin intended for human consumption once must comply **General rules on hygiene of foodstuffs and other specifications for food of animal origin, Country health approval and approved establishments, Official certificates, Official control and Particular provisions for specific foodstuffs** and the following rules need to be complied for import.

**Health control of fishery products intended for human consumption:** Imports of fishery and aquaculture products intended for human consumption must comply with general health requirements related to **Country health approval, Approved establishment, Official certificates** and **Official control**.

**Plant health:** Imports into the European Union (EU) of plants, plant products and any other material have to follow the following EU conditions:

- a. **Import bans:** Plants, plant products and other objects originating from non-EU countries listed to Regulation (EU) 2019/2072 (CELEX 32019R2072) are prohibited for introduction within the whole EU or in defined protected zones of the EU.
- b. **Phytosanitary certificate:** Imports of plants and plant products to Regulation (EU) 2019/2072 (CELEX 32019R2072) must be accompanied by an official phytosanitary certificate.
- c. **Inspection and plant health checks:** Imports of plant, plant products the importer country follows i) Documentary checks to examine that the required certificates, alternative documents or marks have been issued or satisfied and ii) Identity checks to verify that the plants, plant products or other objects conform to the ones declared on the required official certificates.
- d. **Importers register:** Importers, whether or not producers, of plants, plant products or other objects must be included in an official register of a Member State under an official registration number.
- e. **Emergency measures:** plants and plant products as well as other material capable of harboring plant pests may be subject to emergency measures.

**Traceability, compliance and responsibility in food and feed:** Food and feed cannot be placed on the market in the European Union (EU) if they are unsafe. EU Food Law pursues not only a high level of protection of human life and health and consumers' interests but also the protection of animal health and welfare, plant health and the

environment, covering all stages of food/feed production and distribution such as:

- a. **Compliance with Food Law:** Imported food and feed must comply with the relevant requirements of food law or conditions recognized by the EU to be at least equivalent. The competent authority of the exporting country must offer guarantees as to the compliance or equivalence with the EU requirements.
- b. **Traceability:** The EU Law defines traceability as the ability to trace and follow any food, feed, food-producing animal or substance that will be used for consumption, through all stages of production, processing and distribution.
- c. **Responsibilities:** Food business operators at all stages of production, processing and distribution within the businesses under EU control, shall ensure that foods satisfy the requirements of food law which are relevant to their activities and shall verify that such requirements are met.

### 5.10.5 SPS and TBT Compliance for Exporting into Japan

In the case of Mango and Other fruits including Jackfruits, Lychee, Pendant export to Japan Bangladesh has to comply Free from fruit fly (Mainly: *Bactrocera Dorsalis*), Pump Uvil, Stone Uvil and Purification with Hot Water Treatment/Vapour Heat Treatment with PC SPS measures and one TBT measures i.e. improved packaging has to comply.

### 5.11 Product Specific SPS and TBTs in Different Export Destinations

This section provides some descriptions SPS and TBT in selected Bangladeshi products face in export destinations of Bangladesh. We identified five products (jute and jute products, footwear, shrimp, plastic products and potato) have been selected for this study. For each export item selected, the non-tariff measures have been collected country-wise for major export destinations. This section also identifies the NTMs that are perceived or turn out to be more restrictive than necessary and thus difficult to comply with. These measures thus emerged as non-tariff barriers. The findings from the stakeholders' consultations, interview and first-hand experiences of the exporters are also provided in this section.

**Table 24 Product Specific SPS and TBTs in Export Destinations**

Sl. No	Product Name	SPS Measure	TBT Measure
1.	RMG/Textile products		<ol style="list-style-type: none"> <li>1. Import of clothing and textile products in Australia is subject to mandatory information standards;</li> <li>2. In India these are subject to condition of free from hazardous dyes;</li> <li>3. Import of apparels in Singapore is subject to technical regulations and noncompliance with</li> </ol>

Sl. No	Product Name	SPS Measure	TBT Measure
			<p>regulations may cause fines and/or imprisonment.</p> <p>4. Import of garments in Thailand is subject to import restrictions involving licensing and prohibition;</p> <p>5. In Republic of Korea these are subject to standards of the Korean Agency for Technology and Standards<sup>53</sup>.</p>
2.	<b>Frozen foods (Shrimps and others types of frozen foods)</b>	<ol style="list-style-type: none"> <li>1. In the EU and US markets, Bangladeshi frozen foods are facing problems, e.g. HACCP, lack of traceability and capacity building of testing facility etc.</li> <li>2. EU uses RASFF food and fish testing to prevent Nitrofurans Hazards and some antibiotic problems.</li> <li>3. In the Middle East, especially in the Gulf markets, Bangladeshi frozen foods have been facing some antibiotic problems.</li> <li>4. Import of fish and fish products in Pakistan is subject to quarantine requirements.</li> <li>5. Import of fish and seafood in Singapore and Mauritius is subject to import license<sup>54</sup>.</li> <li>6. EU mostly put SPS-related NTMs for ensuring health safety of its consumers. SPS and quality certification, therefore, is the major criteria that needs to be complied with in order to export Shrimp from Bangladesh.</li> <li>7. At present 78 processing plants have qualified maintaining EU standards and are approved by</li> </ol>	<ol style="list-style-type: none"> <li>1. The buyer's specific packaging requirements are burdensome for the exporters. It is costly to make different patterns and sizes of cartons for each buyer.</li> <li>2. Exporting Shrimp to the USA has been perceived to be a matter of hassle by some exporters.</li> <li>3. TBT faced by the exporter is the requirement of labelling in local language for Belgium and some middle-eastern countries. This increases the cost of production of the exporters.</li> </ol>

<sup>53</sup> & <sup>40</sup> Export Related Compliance: Bangladesh Perspective, Md. Abu Musa, Bangladesh Journal of Tariff and Trade, 2015

<sup>54</sup> Export Related Compliance: Bangladesh Perspective, Md. Abu Musa, Bangladesh Journal of Tariff and Trade, 2015

Sl. No	Product Name	SPS Measure	TBT Measure
		<p>the EU authority<sup>55</sup>. The FIQC of Bangladesh provides the health certificate for exporting shrimp to EU. Though the certificate is recognised by the EU, what makes the legitimate matter problematic for Bangladesh is that the cost of obtaining the certification has increased by almost 75%. Sometimes, traceability certificates are required by the buyers of EU and Middle East and Bangladesh lack this certification.</p> <p>8. Illegal, Unreported and Unregulated (IUU) certificate is also needed to export sea case shrimp to EU, which is difficult to comply for Bangladeshi exporters.</p>	
3.	<b>Agro and agro-processed products</b>	<ol style="list-style-type: none"> <li>1. HACCP and EUREPGAP standards must be met for supplying agro and agro-processed products in to EU markets.</li> <li>2. Due to Aflatoxin problem with Bangladeshi Nuts in Chanachur was prohibited in EU Countries in 2015.</li> <li>3. EU countries always claim Sudan Dye Certificate for all types of spices. Import of pickle is prohibited in pickle as mixed by Mustard Oil.</li> <li>4. EU countries always ask products definite percent of ingredients in the labels. Besides, they do not accept the certificates/test reports issued by Bangladesh Standards and Testing Institution (BSTI) and Bangladesh Council of Scientific and Industrial Research (BCSIR).</li> </ol>	<ol style="list-style-type: none"> <li>1. Import of every unit of packaged vegetables in Malaysia must contain the importers details, including labeling with nutritional information, manufacturing of goods and best before information.</li> </ol>

<sup>55</sup> A Study on Identification of Non-Tariff Barriers Faced by Bangladesh in Exporting Potential Exportable Products to Major Export Markets by BFTI 2019

Sl. No	Product Name	SPS Measure	TBT Measure
		<p>5. In the USA market the preservative label of Bangladesh is not acceptable. Import of Mustard oil, Pickles and Chutney is restricted in Australia and Singapore for containing Benzoic acid. Import of all primary agricultural products in India is subject to bio-security and SPS permit.</p> <p>6. Australia ban on the shipment of aromatic rice from Bangladesh and Australia will not accept rice that has been fumigated with aluminum phosphate. Instead, they prefer that the rice be fumigated with methyl bromide.</p>	
4.	<b>Pharmaceuticals</b>		<p>1. Exports of pharmaceuticals of Bangladesh have to face difficult challenges due to importing countries' product regulations, language requirements, cultural preferences, national packaging requirements, industry protection mechanisms etc.</p> <p>2. To Export pharmaceutical goods, registration of the drug, import licensing and No Objection Certificates (NOC) are compulsory in many importing countries (Malaysia, Pakistan, India, etc). Import of pharmaceuticals in South Korea requires a free sale certificate from the exporting country<sup>56</sup>.</p>

<sup>56</sup> Export Related Compliance: Bangladesh Perspective, Md. Abu Musa, Bangladesh Journal of Tariff and Trade, 2015

Sl. No	Product Name	SPS Measure	TBT Measure
5.	<b>Jute and jute products</b>	<ol style="list-style-type: none"> <li>1. Fiber products that are packed in wooden crates or placed on wooden pellets have to be fumigated.</li> <li>2. In the past, methyl bromide was used to fumigate these crates and pellets, but use of methyl bromide is now banned in many countries. Alternative treatments are costly because more than one chemical is needed to treat the broad spectrum of pests.</li> <li>3. The plethora of standards imposed by importing countries has increased cost of compliance to significant levels. In Australia, sacks and woven fabrics require certification that industrially processed JACKS have originated from pest-free crops.</li> <li>4. In Japan, blended products require additional certification depending on the specific percentage of certain JACKS in the fabric.</li> <li>5. Import of Jute and Jute goods in India is regulated by Plant Quarantine Order (Regulation of Import into India), 2003, and the Jute Grading and Marking Rules, 1978, Jute Bags Marking Order of 4th July, 2002.</li> </ol>	<ol style="list-style-type: none"> <li>1. Exporters need to pay inspection and fumigation fees ranging from around Rs. 900 to Rs. 9000 per shipment. Twelve (12) land ports of entry are specified in the legislation through which jute and other plants can be exported to India.</li> <li>2. India issued a rule in 2010 by which labeling of a country of origin for jute bags becomes mandatory for exports.</li> <li>3. Moreover, it was mandated that it should be machine stitched on four sides which raises the manufacturing cost for the exporters.</li> </ol>
6.	<b>Leather and leather products</b>	EU's EBA policy; market access of Bangladesh into EU countries has been facing TBT measures, e.g. packaging, marking and labeling related barriers	EU's EBA policy; market access of Bangladesh into EU countries has been facing SPS measure e.g. environmentally friendly chemical usage certification; leather products must be AZO1 free certified on health grounds due to its risk of cancer hazard in many EU countries, etc.
7.	<b>Potatoes</b>		1. The major export destinations for Bangladeshi potatoes

Sl. No	Product Name	SPS Measure	TBT Measure
			<p>(HS code 070190) are Malaysia, Sri Lanka, Kuwait and Singapore.</p> <ol style="list-style-type: none"> <li>2. While exporting to Kuwait, the standard or legislation that Bangladesh needs to comply with is the GCC regulations that Kuwait follows.</li> <li>3. The conditions mainly include use of materials that are not inconsistent with the principles of Islamic law, cultural or moral values. But the buyers at times impose some additional requirements which basically turn out to be TBTs for the potato exporters.</li> <li>4. Different buyers have different packaging requirement and it is hard and costly for exporters to comply with.</li> <li>5. Another stringent barrier for potato exporter is the color and size of potatoes. The buyers do not accept potatoes that have black or red skins and only white skin potatoes are eligible to export.</li> <li>6. The exportable potatoes should have the weight limit of 80-140 grams. These stringent quality criteria pose additional burden to the exporters. These criteria and requirement of the buyers are discriminatorily stringent for Bangladesh due to the negative image</li> </ol>

Sl. No	Product Name	SPS Measure	TBT Measure
			of the sector in international market <sup>57</sup> .
8.	<b>Plastics</b>	<ol style="list-style-type: none"> <li>1. Some country has recently put a limit to the import of plastic waste. Exporter or domestic importers require to register at the GAQSIQ or the entry-exit inspection and quarantine body going for trade.</li> <li>2. A state-level pre- inspection will be conducted for plastic waste import and certification will be provided by the entry-exit inspection and quarantine bodies or the inspection organs designated by the GAQSIQ<sup>58</sup>.</li> </ol>	<ol style="list-style-type: none"> <li>1. Plastic goods from Bangladesh are mainly exported to Hong Kong, Japan, Middle East, EU and USA.</li> <li>2. The product- and country-specific SPS and TBT for the top export destinations are imposed.</li> <li>3. The Consumer Goods Safety Regulation, 1997, Consumer Goods Safety Ordinance, 1997, and the Waste Disposal Ordinance, 1980, are the major regulations that deals with import of Plastics waste in Hong Kong.</li> <li>4. The legislations impose quality control measures, authorization of importers under certain environmental regulations, labelling and packaging requirements etc. Authorization for disposal of imported plastic waste is required.</li> <li>5. Bilingual labelling in both English and Chinese for any kind of warning or caution is one of the requirements<sup>59</sup>.</li> <li>6. China imposes regulations on Product Registration, packaging rules, product inspection and pre- shipment inspection, Conformity Assessment etc. China</li> </ol>

<sup>57</sup> BFTI Team Interview with Stakeholders from agribusiness

<sup>58</sup> BFTI Team Interview with Stakeholders from Plastic Sector

<sup>59</sup> BFTI Team Interview with Stakeholders from Plastic Sector

Sl. No	Product Name	SPS Measure	TBT Measure
			has set its waste material import standard higher.

### 5.12 Mandatory matters for importers and exporters in importing and exporting plants and plant products:

In today's world, it is mandatory for all countries to follow WTO-SPS Agreement and IPPC adopted strict rules and guidelines for importing and exporting plants and plant products. Bangladesh is unlikely to be exceptional as a voting country in WTO and IPPC. According to WTO-SPS Agreement in Section-1 of Article 2, all Nations are said to adopt sanitary and phytosanitary measures to protect the people, flora and fauna of their country. In continuation of the said Agreement under IPPC the Basic principal strongly describes in subsection 1.1 that

Contracting parties have sovereign authority, in accordance with applicable international agreements, to prescribe and adopt phytosanitary measures to protect plant health within their territories and to determine their appropriate level of protection for plant health.

As a result, if any country wants to export plants and plant-related products to another country, the exporting countries is obliged to export the products by fulfilling the Import Requirements of importing countries and if it is violated, then the importing country can ban the entry of those products, prevent the entry or destroy them or return back to them or may allow to enter into the country on the condition of purification. For this reason, it should be noted that, each country has made sure that any plants and plant-like products will enter their country under conditions adopted by IPPC by delineating the limit of appropriate level of protection on the basis of what rules and conditions are followed to enter this product in their countries.

Starting from producer level to importer-exporter and almost all levels of individuals in Bangladesh have no idea or unclear idea about import and export of plants and plant products, especially for export, the matter has become complicated day by day. Many people think that SPS Measure is Trade Restrictive, but actually because the Measure is WTO-SPS Agreement, it is business friendly as all the countries that are able to follow the SPS Measure, i.e. they are able to export by fulfilling the import conditions of the importing country, and their exports are increasing day by day. As an example, we can see countries like Thailand, Vietnam, Philippines, Malaysia, India, Kenya etc. are producing products to meet the needs of importing countries in the export of their country's plants and plant products.

In 2014, India negotiated with the EU to engage the Quarantine Department of India to produce fruit fly free mangoes and in 2015 there was no problem in their mango exports. Moreover, India has created an Irradiation Facility to capture the mango market in

America and has applied for market access in Australia and New Zealand. It should be noted that plants and plant products cannot enter any country without fulfilling the SPS conditions as well as GAP Certification is required to enter the Super Market of any country. If the goods are bought and exported from the market, there is no possibility of meeting the conditions of the importing country, so the goods are intercepted and at one time the goods are banned from entering the importing country. Although Salmonella bacteria is not a disease of betel nut, in 2011, when its existence was detected in betel sent from Bangladesh in England, they repeatedly notified Bangladesh and Plant Quarantine Wing stopped providing PC. Without PC, the export of betel was ongoing and hence the EU banned the import of betel from Bangladesh for 1 year in 2013. As Bangladesh could not take effective measures, the ban was extended from June/2015 to June/2016. Likewise, our main vegetable exports may be banned from exporting to the EU at any time due to repeated interceptions. However, if these exportable products are monitored from the beginning of production, it will be possible to bring down the interception of the product at once, thus, it will be ensured that the export will increase to a large extent.

It is to be noted that Bangladeshi exporters are improving their positions with regard to quality and compliance. Earlier the European Union EU Customs authority used to test 20 percent of frozen fish consignments from Bangladesh to be sure about quality. It was a difficult barrier for Bangladeshi firms to export shrimp to EU. The EU lifted the testing requirement restriction in Nov 2011 (which was slapped two years ago) after the country made progress in its residue monitoring system over the past several years. Similarly, with registration of 190,000 shrimp farms, implementation of traceability has become easier<sup>19</sup>. Still, there are some NTBs that Bangladesh just cannot address. In order to promote our export interests, exporters will have to comply with the buyers' requirements; otherwise, buyers may switch to other sourcing nations (who satisfies their requirements) and we may be lost ground to other competitors.

Developed countries frequently change their rules and regulations. Currently, Qatar, Saudi Arabia have set new rules and regulations to protect their domestic industry. Buyer, Ramez Group - Hypermarket has placed an order for Bangladeshi plastics. But Qatar wants the tests for each item of one container while testing cost amounted to US\$ 80000<sup>60</sup> which is really burdensome for the exporters to bear the huge testing cost. Because exporters have to do these tests in other countries including China, India as in Bangladesh there is no testing lab but in case of India, it doesn't create a burden on the exporters as they have their own accredited testing lab.

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<sup>60</sup> A Study on Identification of Non-Tariff Barriers Faced by Bangladesh in Exporting Potential Exportable Products to Major Export Markets, Bangladesh Foreign Trade Institute (BFTI), 2019

Initiatives and arrangements should be done to establish testing labs in Bangladesh so that the exporters don't have to go to third parties testing labs in other countries including Hong Kong, Guangzhou and India to do these tests. Export volume can be enhanced if these barriers can be reduced to remain competitive and stable in the global market.

**Table 25 Phytosanitary Requirements of different countries for exportable Bangladeshi products are shown below<sup>61</sup>:**

S L.	Name of the Plant and Plant Based Products	Importing Country	Phytosanitary Import Requirements from Importing Country	Product entry Requirements into Super Market from Importing Country
1.	a. Spiny Gourd, Bitter Melon, Yardlong Bean.	UK, Italy, Germany, French, Denmark, Sweden and etc.	Free from Fruit Fly (Mainly: <i>Bactocera Dorsalis</i> ) and Trips (Mainly: <i>Palmi</i> ) with Phytosanitary Certificate (PC)	Fresh products with PC, improved packaging and GAP Certifications.
	b. Pumpkin based Products (Snake Gourd, Ridge Gourd, Bottle Gourd, Sponge Gourd, Wax Gourd and etc.)	Do	Free form Fruit Fly and Thimposh with PC	Do
	c. Eggplant/ Aubergine	Do	Free form Thimposh with PC	Do
	d. Leafy Bases Vegetables (Red Spinach, Amaranthus, Jute Leaf, Mint Leaf, Holy Basil Leaf, Malabar Spinach)	Do	Free from White Fly, Leaf Minor, Spodoptera and etc. with PC	Do
	e. Other Vegetables	Do	Free from disease with PC	Do
2.	All types of Fruits and Vegetables	Middle East	Fresh products with PC and improved packaging	Do
3.	Citrus Bases Fruits (Jara Lemon, <i>Citrus Macroptera</i> , <i>Citrus Limetta</i> , Bangladeshi Lemon, Kagoji Lemon, Alas Lemo and etc.)	UK, Italy, Germany, French, Denmark, Sweden and etc.	Free from Citrus Black Spot, Bankar and wash with soap based products like (Sodium OrthoPhenyl Phenate) and collect fruits from disease control ed environment with PC.	Do

<sup>61</sup> DAE Citizen Charter, Retrieved

from:[http://dae.portal.gov.bd/sites/default/files/files/dae.portal.gov.bd/page/902599be\\_5f17\\_4c92\\_9a29\\_676fd187c1cc/Phytosanitary%20requirements%20of%20Export%20and%20Import.pdf](http://dae.portal.gov.bd/sites/default/files/files/dae.portal.gov.bd/page/902599be_5f17_4c92_9a29_676fd187c1cc/Phytosanitary%20requirements%20of%20Export%20and%20Import.pdf)

S L.	Name of the Plant and Plant Based Products	Importing Country	Phytosanitary Import Requirements from Importing Country	Product entry Requirements into Super Market from Importing Country
4.	Fruits a. Mango	Do	Free from fruit fly (Mainly: <i>Bactrocera Dorsalis</i> ), Pump Uvil, Stone Uvil and Purification with Hot Water Treatment/Vapour Heat Treatment with PC	Fresh products with PC, improved packaging and GAP Certifications with RAL test report.
	Do	Japan, Korea	Entry is Prohibited	-
	Others Fruits (Jackfruits, Lychee, Pendant)	UK, Italy, Germany, French, Denmark, Sweden and etc.	Fresh products with PC and improved packaging	
5.	Potato	Middle East, Malaysia, Russia, Sri Lanka, Singapore, Vietnam and etc.	<b>For Russia:</b> Free from Bofaun Roat, Sist Nimotod, Potato Timber Moth. <b>Note:</b> If the conditions is fulfilled Russia will notify first. For other country the conditions is to have fresh products with PC and improved packaging	Potato exports to the EU are restricted and other countries have their own import conditions
6.	Rice	USA, Canada, Eu and Middle East	PC with Khapra Beetle moth. The moth should be removed by Fumigation process with import requirements.	If Khapra Beetle is insect free, there is no problem in entering the Super Market
7.	Jute and Jute Products	Russia, Iran, Turkey, Syria, Egypt, India, Pakistan, Mexico, Eu, Vietnam, Chili, Korea and others 25 country	Do	Do
8.	<b>Food Staff</b> (Pupped Rice, Flattened Rice, Bombay Mix, Juice, Biscuit, Pickle, Dal Moth, Mustard oil and etc.)	About 80 countries total		All these products applicable for marketing
9.	<b>Processed Spice</b> (Turmeric, Chili Paper, Coriander and etc.)	Do	Must have PC with test report free of Sudan dye, heavy metal.	Do

S L.	Name of the Plant and Plant Based Products	Importing Country	Phytosanitary Import Requirements from Importing Country	Product entry Requirement s into Super Market from Importing Country
10.	<b>Frozen food</b> (Vegetables, fruits and other fried able foods like singara, roti, parata, samucha, puri etc.)	USA, Canada, EU, Middle East and various countries in Asia	Fresh products with PC and improved packaging	
11.	<b>Wood Packaging Material:</b> (Packaging cover used for shipping jute goods, machinery etc.)	All countries of the world	IPPC approved Heat Treatment or Dielectric Treatment or Methyl Bromide etc. should be treated so that the wood does not contain any kind of insect or other pests and the exporting packaging material must have PC with ISPM-15 adopted logo by IPPC.	The ISPM-15 logo has not yet been registered because shipment of products using wood packaging material is at risk.
12.	Tobacco	EU, Brazil, USA	Free from storage pests such as ( <i>Lasioderma serricorne</i> ) with PC	
13.	Other products		Specific conditions of the importing country with PC	

## **Chapter 6: Insights Gathering from Key Informant Interview (KII), Focus Group Discussion (FGD) and Public Consultation (PC)**

As per the field study, it was found that currently, quality standards for all types of products in Bangladesh are needed to be regulated frequently, with differing treatment and quality requirements applied for products bound for domestic markets vs those bound for international trade. For export-oriented items, quality parameters are normally followed in accordance with the standards of the importing country. This attitude toward quality standards needs to change, and quality standards should be adopted and enforced consistently for all export and import products, whether traded domestically or internationally. If domestic regulations are strictly enforced, overall quality standards in the manufacturing process will immediately improve.

### **6.1 General Insights**

The World Trade Organization (WTO) is the sole global international organization that deals with international trade rules. WTO rules help to ensure that these products are traded safely and that health-protection measures are not used to protect domestic producers. Bangladesh is lag behind to adhere to international product standards for certain industries. Inadequate worldwide standard laboratory and acceptability inadequate number of recognized certification bodies are major gaps in implementing SPS and TBT measurements.

### **6.2 Policy and regulatory insights**

Bangladesh became a codex member in 1975 and Bangladesh Food Safety Authority was set up in 2015 according to Food Safety Act, 2013. For this reason, harmonization is defined firstly to bring into consonance or accord, the adjustment of differences and inconsistencies among different measurements, methods, procedures, schedules, specifications, or systems to make them uniform or mutually compatible. Harmonization will need to be a part with international standards; ensure the availability of safe food to Bangladesh's citizens; enhance exports; comply with international commitments and improve production practices.

Some laws have been seen in importing nations for which Bangladesh does not yet have a properly updated legislative or policy framework in place. Bangladesh, for example, has no policy, regulation, or guideline governing the treatment of genetically modified organisms (GMOs). As a result, Bangladesh is unable to meet the standards for GMO-related certificates in SASEC importing countries. It has also been noticed that some products in which Bangladesh has a strong offensive trade interest encounter a very high number of SPS and TBT measures in the importing country.

### **6.3 Key Informant Interviews (KII)**

The study's primary purpose was to meet the goals and concerns of the client and stakeholder groups. A total of twenty (20) KIIs were performed for the study, with representatives from important stakeholders such as public organizations, business associations, chambers, think-tanks, exporter, importer, C&F agents and so on. The main stakeholders for this study are public and private sector officials, businesspersons, associations, and other relevant stakeholders who deal with SPS and TBT issues in Bangladesh. In this regard the participants are from Ministry of Commerce, Ministry of Health and Family welfare, Ministry of Industries, Ministry of Agriculture, Ministry of Fisheries & Livestock, and Ministry of Food are citable. The related government organizations are BSTI, FIQC, EPB, RJSC, BTTC, BPC, BB, BIDA, NBR, BTRC, SME Foundation. The probable apex associations and chambers are FBCCI, DCCI, sectoral Bangladesh Frozen Food Exporters' Association, Bangladesh Agro-Processors' Association, Bangladesh Fresh Vegetables Exporters' Association, Bangladesh Fish Exporters' and Importers' Association, Bangladesh Fruits, Vegetables & Allied Products Exporters' Association, Bangladesh live and chilled food exporters association, and some other specialized/product-based associations etc. The KIIs were conducted using three methods: telephone interviews, email interviews, and face-to-face interviews. The KIIs were held both in and outside of Dhaka. Twenty participants participate in the key informant interview. The detailed list of the participants is enclosed in the **Appendix 1**.

### **6.4 Focus group Discussions**

Bangladesh Foreign Trade Institute (BFTI) organized two FGD on " Sanitary and Phyto-sanitary (SPS) and Technical barrier on Trade (TBT), Coordination and notification, certification, process and infrastructure for promoting trade" Suggested by the Project Steering Committee (PSC) under the Bangladesh Regional Connectivity Project-1 of WTO Cell, Ministry of Commerce. The FGDs were held simultaneously on June 12, 2022, at 9:30 AM in Conference Room and Classroom 2 BFTI, Dhaka. The participants in the FGD were 20 in number. Each FGD contained 10 Members. Mr. Dr. Md. Jafar Uddin, the CEO of BFTI was present as the Chief Guest at the Focus Group Discussion. Mr. Md. Obaidul Azam, Director, BFTI delivered the welcome remarks and moderated the discussion as Chairperson of the Focus Group Discussion Session.

#### **6.4.1 The FGD questions**

The FGDs set following question to pile up the information about SPS-TBT measurements from learning and experiment of different relevant stakeholders:

- a. What are the key challenges in the areas of SPS and TBT measures in export and import, and infrastructure limitations that need to be addressed in improving our trade competitiveness? How these challenges can be addressed?
- b. What are the infrastructure limitations of Bangladesh in a trade that should be

solved immediately?

- c. What can be done to improve inter-agency cohesion and cooperation for better facilitation in the WTO notification system?
- d. What measures should be taken to improve the trade potential between Bangladesh and SASEC countries (India, Nepal, Bhutan Myanmar, Maldives, and Sri Lanka)?

The detailed list of the participants **of the FGD-1** along with the name of the group she or he assigned is enclosed in the **Appendix 1**. **And the** detailed list of the participants **of the FGD-2** along with the name of the group she or he assigned is enclosed in the **Appendix 1**. The detailed list of the participants **of the Public Consultation** along with the name of the group she or he assigned is enclosed in the **Appendix 2**.

**Table 26 Insight Matrix of KII, FGD and Public Consultation**

Objectives	Primary Data Collection Sources	Comment from Stakeholders
1.Current SPS/TBT measures in Bangladesh and its institutional framework	KII	<ul style="list-style-type: none"> <li>• The SPS and TBT rules and regulations are scientific and up to the international level with some limitations. Because of association pressure, and a shortage of skilled personnel, these requirements may not be successfully implemented.</li> <li>• In Bangladesh, the existing rules/systems/guidelines for the protection of human, animal, and plant health are not updated on a regular basis. Even though many rules/measures/guidelines are followed for exporting or marketing domestic products, they are insufficient in comparison to the number of imported products.</li> <li>• To maintain plant health, several modifications must be made to current laws and regulations. Good Agriculture Practice (GAP), traceability, and other current and important topics should be included.</li> </ul> <p><b>Current challenges in international trade in terms of SPS and TBT:</b></p> <ul style="list-style-type: none"> <li>• Infrastructure problems, lack of lab facilities, lack of testing facilities at the port.</li> <li>• Lack of infrastructure, no identification methods to remedy gaps, and the present procedures are difficult.</li> </ul>

Objectives	Primary Data Collection Sources	Comment from Stakeholders
		<ul style="list-style-type: none"> <li>• Strict TBT standards for items and quality testing might also be difficult for dealers.</li> <li>• One of the difficulties is the cost of complying with Standards. This covers both direct and indirect compliance expenses which includes both permanent expenditures such as infrastructure investment and recurring costs such as administrative fees. It also covers variable expenses like compliance assessment in comparison to the cost of inspection, testing, and certification.</li> <li>• Incompatible laboratory facilities, lack of accredited lab along with testing parameter and understanding of the local supply chains for major non-traditional products are creating challenges.</li> <li>• Challenges encompass enforcement of the existing provisions, effective controls and inspection services for any SPS or TBT measures including checks at the borders.</li> <li>• Usage of more chemical fertilizer and pesticides in the production of agricultural goods is the main challenge in complying with the SPS Measures.</li> <li>• Inadequacy of technical personnel at the national policy-making level</li> <li>• Lack of adequate infrastructure (process, test, store, transport, etc.) and applicable technical knowledge and training for all levels concerned</li> <li>• It is challenging for developing nations to meet all requirements, especially when it comes to export.</li> </ul>
	FGD	<ul style="list-style-type: none"> <li>• The latest updates about the SPS and TBT need to be continuously disseminated through seminars, campaigns, and using entertainment media.</li> <li>• Lack of traceability of agricultural products is the main problem in implementing SPS and TBT measurements in Bangladesh</li> </ul>

Objectives	Primary Data Collection Sources	Comment from Stakeholders
	Public Consultation	<ul style="list-style-type: none"> <li>• Bangladesh has two committees on SPS and TBT respectively, every three months the SPS and TBT committees discussed SPS and TBT.</li> </ul>
2. Coordination at National, Regional and international level	KII	<ul style="list-style-type: none"> <li>• Lack of coordination between the existing laws and regulations of various departments of the government.</li> <li>• SPS and TBT-based laws and regulations across exporting and importing nations are not harmonized.</li> <li>• Formatting all national rules according to the same standards is a difficult task.</li> <li>• Lack of coordination between implementing agencies and Certification body.</li> </ul>
	FGD	<ul style="list-style-type: none"> <li>• Live animals like Carb, fish and etc. need a commercial testing facility near Dhaka Airport for Product inspection and certification.</li> <li>• Govt. should develop a system as a contact point, contact center, and suggestion center for farmers</li> </ul>
	Public Consultation	<ul style="list-style-type: none"> <li>• Bangladesh participates in every WTO meeting regarding SPS and TBT.</li> <li>• WTO wing, Ministry of Commerce regularly arrange consultation meeting if the trade dispute arises</li> <li>• The private stakeholder can join only when the public stakeholder consultations meetings are organized by WTO Cell.</li> </ul>
3. Gaps comparing current national SPS legislation, local practices, and international best practices	KII	<ul style="list-style-type: none"> <li>• In response to having enough laboratories and infrastructure facilities in Bangladesh for SPS and TBT, 15% of the respondents have said that there is enough laboratories and infrastructure facilities and 85% of the respondents have said there is not enough laboratories and infrastructure facilities.</li> <li>• There is no meaningful supply chain management compliant with SPS and TBT.</li> <li>• Insufficient lab equipment and a technical professional scarcity for lab testing procedure in plant Quarantine Station</li> </ul>

Objectives	Primary Data Collection Sources	Comment from Stakeholders
		<ul style="list-style-type: none"> <li>The testing facility is located a long distance from the port area.</li> <li>There was too many paperwork to submit for getting SPS and TBT certificate</li> </ul>
	FGD	<ul style="list-style-type: none"> <li>Interactions between functionaries and policy level executives should be formalized</li> </ul>
	Public Consultation	<ul style="list-style-type: none"> <li>India is a good place to look for best practices because they are currently considerably more advanced in handling SPS and TBT-related concerns.</li> </ul>
4. Specific needs of the country for SPS and TBT compliance	KII	<ul style="list-style-type: none"> <li>There are not enough testing laboratories near ports to maintain the product quality 100%, as there is a delay in communication, and a cold storage dilemma.</li> <li>Lack of MoU, MRA, bilateral agreements, multilateral agreements with India and Nepal create technical and regulatory barriers.</li> <li>India frequently prohibits export without prior notice, causing issues, and many imported items lack the appropriate certificates.</li> <li>SASEC nations' trade progress is impeded by a lack of sufficient testing facilities, transportation (multi-connectivity), and product storage.</li> <li>Key issues include failure to adhere to international standards, a lack of certification, and a lack of cooperation among regulatory organizations.</li> </ul>
	FGD	<ul style="list-style-type: none"> <li>Bangladesh has insufficient facilities in smart warehouse and smart cooling system for perishable products and non-perishable products in all ports.</li> </ul>
	Public Consultation	<ul style="list-style-type: none"> <li>A financial strategy, which might be part of a 5-year plan or national budget, is necessary to handle SPS and TBT-related concerns continuously.</li> <li>The entire value chain of products should include SPS and TBT compliance, from manufacture to sales.</li> </ul>

Objectives	Primary Data Collection Sources	Comment from Stakeholders
5. Common issues and challenges faced by the countries to facilitate development of coordinated regional responses and required capacity	KII	<ul style="list-style-type: none"> <li>• Improper port management, testing and certification issues, rules of origin, anti-dumping issues, tariff structure, tariff, para-tariff, and non-tariff barriers are all hurdles in trade with SASEC countries</li> <li>• Even if Bangladesh has accreditation facilities, India would not import items from Bangladesh unless our laboratories/accreditation organizations are registered in accordance with their own requirements.</li> <li>• Despite a lengthy notice period, 12 items are still not acknowledged by India, in violation of the stipulated MoU/BCA/MRA.</li> <li>• Lack of a PC quality control system for imported products are Major Concern in SPS related issues.</li> <li>• Importers face a variety of certification issues, including (Bovine Spongiform Encephalopathy) BSE Free Certificate/BSE Free Status of MBM and Avian Influenza Free Status for DOC.</li> <li>• The absence of a radiation test prior to shipment and certification concerns for declaring food safety for human consumption.</li> <li>• Many imported products are not covered by the Import Policy Order 2021-2024, and Customs ACT 1969, where port authorities require to test samples for clearance issuance which itself a lengthy procedure, causing financial loss to importers.</li> </ul> <p><b>Issues faced by the Exporters:</b></p> <ul style="list-style-type: none"> <li>• Inability to secure adequate product traceability.</li> <li>• Inadequate accredited laboratory and acceptability.</li> <li>• Inadequate number of recognized certification bodies.</li> </ul>

Objectives	Primary Data Collection Sources	Comment from Stakeholders
		<ul style="list-style-type: none"> <li>• Not producing the products as per international standards and not testing the exporting products from accredited labs.</li> <li>• Few years ago, Betel leaf export to UK was banned due to Salmonella.</li> <li>• According to the FIQC act and rules the quality control and certification system are operated in the country is not fully implemented.</li> <li>• Quality control is also dependent on the specific quality demand of the importing countries and exporters are often reluctant to comply with these terms and condition.</li> <li>• There are FMD (Foot and Mouth Disease) free status for Meat certification problem, Traceability problem.</li> <li>• As Bangladesh is lagging behind to implement Sanitary and phytosanitary measures, it faces difficulties in exporting to the EU and Northern Hemisphere.</li> <li>• Lack of Coordination between existing domestic rules/systems, different food controlling ministries/agencies/departments and limitations of timely dissemination of updates or information for general population</li> <li>• Lack of proper and adequate facilities of transportation.</li> <li>• Exporters face Size, shape, colour, packaging and processing problems for products while exporting into foreign market.</li> <li>• Exporters fail to fulfill the phytosanitary import requirements and as there is no surety of traceability of goods, Non-Compliance in exporting goods is increasing.</li> <li>• Associations/chambers' capacities should be increased for providing training to importer-exporters and raising their awareness.</li> </ul>

Objectives	Primary Data Collection Sources	Comment from Stakeholders
		<ul style="list-style-type: none"> <li>• Good agricultural practice, proper traceability, field-to-consumer food safety, pest-free zone etc. measures are needed.</li> <li>• Every division needs an approved accredited laboratory in this regard.</li> <li>• In order to maintain the quality of the commodities in the supply chain, development in transportation and storage systems is required.</li> </ul>
	Public Consultation	<ul style="list-style-type: none"> <li>• To connect exporters and importers on one platform, the Ministry of Commerce (MoC) should operate the Bangladesh Trade portal with updated information.</li> <li>• With which exporters and importers are informed on notifications made under the WTO SPS-TBT that affect Bangladesh. Through this trade portal, roughly 3600 emails are sent to trade body associations each week to promote trade.</li> </ul>
6. The specific potential items for exports subject to SPS/TBT measures	KII	<ul style="list-style-type: none"> <li>• RMG, (Lower-Higher End), Agra-fish (Seven Sisters), and Processed food can be exported.</li> <li>• Agro-based Products like Potato, Mango, Betel, Vegetables, Processed food, banana, Pineapple, Lemon, Cabbage, Pumpkin, Guava, Pineapple, Litchi, Banana, Jackfruit Fruits, Jute and Jute Products.</li> <li>• Live Fishes, Meat, Pharmaceutical Goods and Raw Materials of Animal Feed, Fish, Frozen Fish, Shrimps, Pharmaceuticals, Frozen Foods, Leather and Leather Goods, Jute And Jute Goods, Ships, ICT Goods, Software, Aluminium, Refrigerators, AC and Electronics Goods.</li> </ul> <p><b>Export to India:</b> Ceramics, processed food (Agricultural product), woven and knitwear, jute and jute products, cotton and cotton products, plastics, and leather and leather products.</p> <p><b>Export to Bhutan:</b> Baby clothes and clothing accessories, men's trousers and shorts, jackets and</p>

Objectives	Primary Data Collection Sources	Comment from Stakeholders
		<p>blazers, jute and jute goods, leather and leather goods, dry cell batteries, fans, watches, potatoes, condensed milk, cement, toothbrush, plywood, particle board, mineral and carbonated water, green tea and orange, pineapple, and guava juice.</p> <p><b>Export to Maldives:</b> Vegetables, processed food, ceramics, leather goods, RMG, jute products, pharmaceutical products</p> <p><b>Export to Nepal:</b> Jute, potatoes, plastic products, washing machines, medicines, soybean seeds and drinks, machinery materials, batteries, readymade garments, tissue paper</p> <p><b>Export to Sri Lanka:</b> Readymade garment, vegetables (agro products), ceramics, plastics, Garments, jute products, leather products, different variants of tea, medicine and medical accessories (PPE), plastic products, frozen foods (fish, snacks, chicken, etc.), processed food products, fresh vegetables, fruits, flowers, etc.</p> <ul style="list-style-type: none"> <li>• In addition to software / IT service products, etc., new products can be selected according to the needs of the target group by conducting a survey in the target country.</li> </ul>
7. Identification of standards or regulations in the SASEC countries that are impeding trade	FGD	<ul style="list-style-type: none"> <li>• South Asian Regional Standards Organization (SARSO) is not active. So, it's needed to expedite the SARSO activities.</li> </ul>
	Public Consultation	<ul style="list-style-type: none"> <li>• Farmers need to be educated about SPS and TBT-related information. For instance, root-level clarification is required regarding what pesticides should be used at what amounts.</li> </ul>
8. Reforms in Institutional, infrastructure,	KII	<ul style="list-style-type: none"> <li>• The land port requires a full Accreditation labs and testing institutes with sufficient equipment and facilities as well as logistic</li> </ul>

Objectives	Primary Data Collection Sources	Comment from Stakeholders
legal capacity, and recommendations		<p>services, phase-wise development is needed.</p> <ul style="list-style-type: none"> <li>• A full quarantine facility should be ensured at every custom station of Bangladesh, as well as central and regional development.</li> <li>• Infrastructure development necessitates extensive planning.</li> <li>• Establishment of internationally accepted standard testing centers, developing manpower skills, buying need-based testing machines, and organizing national and international training programs are necessary in this regard.</li> <li>• Category-wise systems for storage, transportation of goods (Multimodal Connectivity), Coordinated/paperless automation system connecting different departments, and QR code-based logistic systems are needed.</li> </ul>
	FGD	<ul style="list-style-type: none"> <li>• One Stop Service center (Depending on Import-Export Zone), Internationally recognized laboratory.</li> </ul>
	Public Consultation	<ul style="list-style-type: none"> <li>• We should concentrate on maintaining standard of the importing country because international standards can differ. For instance, other countries standards might not be comparable to European standards.</li> <li>• MRAs (mutual recognition agreements) may be started in this situation especially with India</li> </ul>
9. Strengthen the notification procedures of the SPS/TBT	KII	<ul style="list-style-type: none"> <li>• The plant quarantine wing can play an important role in the development, modernization and compliance system for plant-based goods.</li> <li>• WTO wing, Ministry of Commerce can convey WTO notification and SPS and TBT compliance to the traders.</li> <li>• Coordination of the regulatory bodies with WTO wing can facilitate the existing coordination mechanism of SPS and TBT in Bangladesh.</li> </ul>

Objectives	Primary Data Collection Sources	Comment from Stakeholders
		<ul style="list-style-type: none"> <li>• Countries with chronic capacity shortages struggle with the WTO's complicated notification responsibilities and standards until they achieve greater levels of development. As a result, stronger institutional capacities need to be ensured. In this sense, institutional capacity building must be considered at first.</li> <li>• The WTO wing should be more proactive, and inter-ministerial cooperation should be enhanced.</li> <li>• Establishment of a particular technical committee or trained pool of negotiators for the establishment of SPS, TBT conditions compliance, and notification compliance systems in international trade.</li> <li>• Involve all levels of stakeholders at the public-private level for informing and implementing current information by creating a regional one-stop service under a centralized information transmission system.</li> </ul>
	FGD	<ul style="list-style-type: none"> <li>• Providing product-specific SPS and TBT training at regular intervals with the participation of experts from the WTO Cell from Ministry of Commerce.</li> </ul>
	Public Consultation	<ul style="list-style-type: none"> <li>• If the International Standard is not compatible to Bangladeshi standard, then Bangladesh should notify WTO otherwise not.</li> <li>• WTO encourages to Notify though notification is not mandatory regarding the regular SPS and TBT measures recognized by WTO.</li> <li>• As Bangladesh follow the international standard i.e. Codex, IPPC, and IEC, currently Bangladesh does not notify WTO to avoid unnecessary queries of export destinations countries.</li> </ul>

## **6.5 Finding Summary from KII, FGD and Public Consultation**

Bangladesh lacks adequate human resource capacities to address key SPS-TBT concerns in appropriate global area. Based on the findings of the KII, FGD and Public Consultation, it was found that Bangladesh has a considerable need to strengthen its quality infrastructure in terms of institutional capacity - both physical and human - in testing, inspection, and certification facilities for exporters. Here, modernization and automation of procedural stages along with the reduction of various stage approvals need to be ensured for trade facilitation. There is also a need for having accredited testing procedure and laboratories so that Bangladesh can easily convince regional trading partners to harmonize the conformity evaluation procedure for numerous items in accordance with scientific and international standards. Given the concern, government policy should prioritize training programs to address local issues and situations. Because of Bangladesh's limited implementation and monitoring capabilities, it is difficult to assure compliance with SPS-TBT procedures even when explicit compliance needs are communicated to firms and organizations. Similarly, it was suggested in the stakeholder consultation the several public entities in charge of enforcing SPS and TBT-related regulations should improve interagency coordination.

## **6.6 Findings from Desk Review**

SPS is one of the WTO Agreement agreed during Uruguay Round of Trade negotiations (1986-84). These are based on GATT Article XX.b. and it came into force in 1995. SPS measures are quarantine and biosecurity measures which are applied to protect human, animal or plant life or health from the risks arising from the introduction, establishment and spread of pests and diseases and from risks arising from additives, toxins and contaminants in food and feed. TBT Agreement having regard to the Uruguay Round of Multilateral Trade Negotiations, desiring to further the objectives of GATT 1994 and recognizing the important contribution that international standards and conformity assessment systems that can make in this regard by improving efficiency of production and facilitating the conduct of international trade. Bangladesh has adopted various SPS and TBT related legislations and acts such as The Pure Food Ordinance, 1959, The Bangladesh Standards and Testing Institution (Amendment) Act, 2003, The Iodine Deficiency Disorders Preventions Act, 2005, The Fish Protection and Conservation Act, 1950, The Fish and Fish Product (Inspection and Quality Control) Ordinance, 1983, The Pesticide Ordinance, 1971 (and Rules, Amended in 2010), Agricultural Pest Ordinance, 1962, The Agriculture Produce Market Regulation Act, 1964, The Destructive Insects and Pests Rules (Plant Quarantine), 1966 and etc. to implement compliance of SPS and TBT in international trade.

The desk review revealed that BSTI has already developed and adopted contains 4095 national standards of Bangladesh that are now in vogue for various products, these products have not yet been brought under the mandatory CM scheme. Moreover, BSTI

has achieved BAB awarded accreditation in 283 parameters of 35 products. It was revealed by the BSTI personnel that BSTI have already developed over 2,500 standards, all in harmony with international norms. As for the BFSA which is the main governing body for ensuring food safety and for establishing rules and regulations, has designated 10 food testing labs under various departments and public institutions, and a few of them have accreditations for various testing parameters. It is also revealed that the plant quarantine wing has been made the competent authority for the export and import of plants and plant products. The Wing under the Department of Agricultural Extension (DAE) has 30 plant quarantine stations all over the country. Out of these 30 stations, 23 are at various Land Customs Stations (LCS), 3 at international airports, 2 are at sea ports, and 1 at the inland container depot of railway.

Over the past ten years, trade in goods and services has become increasingly important to the Bangladesh economies as per the finding of the literature review. Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT) issues have become significant barriers of exports for developing countries, particularly in the agriculture, and food sectors. This also becomes true for Bangladesh. It implies that Bangladesh needs to enhance its capacity specially in infrastructural, technical capacity development and maintaining compliance with global standard like codex Alimentarius, IPPC and World Organization for Animal Health (WOAH). The desk review also reveals that the number of SPS and TBT notifications are increasing day by day. Based on secondary sources, it appears that Bangladesh enforces SPS measures on more than 300 product categories, while only 4 export items from Bangladesh face SPS measures in Nepal out of 91 potential export products. Nepal's national diagnostic study identifies SPS measures on 23 potential export items from Nepal are facing SPS measures in Bangladesh. Similarly, 38 out of 139 potential export products from Bangladesh face SPS measures in Sri Lanka, while only 7 potential export items from Sri Lanka face SPS measures in Bangladesh. India imposes SPS measures on 14 out of 127 potential export products from Bangladesh, subjecting these products to quarantine, certification, and inspection requirements.

It was found that the logistic and technical capacity related to the institution (food, livestock, plant, standardization) need to be enhanced. The number of accredited laboratory and testing parameter of the BSTI test is not at an expected level which in turn make us weak to sign Mutual Recognition Agreement (MRA) with potential trade partners. Similarly, in the literature review, a lack in the capacity of the Food Safety Authority was found. Meanwhile, legislative inefficiency to ensure the effective implementation of the international level of SPS and TBT Standard in both the domestic and export market creates a hindrance to expanding export in the world market. It was also found, the expected level of incentives in establishing testing labs and developing testing parameters accredited by international standards drag Bangladeshi ability to maintain compliance with SPS and TBT in international trade.

## **Chapter 7: Gap analysis of Institutional, Infrastructural, Legal Capacity relating SPS and TBT Measures along with International Best Practices**

The major laws directly affecting SPS regulations are quite old in Bangladesh. Some parts of these laws are revised from time to time through Statutory Regulatory Orders (SRO) notified by official gazettes, but traders are not quite aware of the updates. There have been some debates recently on biotech vegetable products developed by local scientists. The issue of genetically modified organisms (GMOs) and living modified organisms (LMOs) is an example, for which the legal framework is not adequate in Bangladesh. Though the existing Plant Quarantine Act prohibits the import of GMO seeds, GMO grains are being imported for uses as feeds for poultry, fish and livestock industries in absence of a clearly defined regulatory framework and Rules on managing GMO products. The Food Safety Act 2013 has been enacted by merging about 13 separate laws related to food safety, adulteration, food toxicity, and safe handling of food products but the implementation of this law is not yet fully functional. Traditionally, inspectors from municipalities and city corporations are vested with the power to inspect food production facilities. Bangladesh has been found to be technically active under the Department of Agricultural Extension but poor understanding among the exporter and importers, lack of knowledge, inefficient lab facilities, lack of supporting manpower in quarantine station are making wide gaps with other countries, affecting trade negatively. Given the concern, this chapter analyze the gap of existing institution, law and organization related to SPS and TBT and identify the challenges, drawing back export competitiveness of Bangladesh.

### **7.1 Institutional Capacity of Food Safety Authority and Its Gap Analysis**

Food safety at the farm production level is controlled by the Department of Agricultural Extension (DAE), Department of Fisheries (DOF), and Department of Livestock Services (DLS). As per the Act, the BFSa has a role in coordinating the activities of DAE, DOF, and DLS by establishing a food safety network up to the field level. After the farm products become food, they are classified and monitored by the BFSa to control adulterated foods and food additives. Most food establishments food are not registered by the BFSa, but by the BSTI under the Ministry of Industries. There is no single point of registration for the 2.56 million food establishments in Bangladesh and FAO, and the current coordination gap between BFSa and BSTI in coordination of food safety activities are salient<sup>62</sup>.

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<sup>62</sup> Food Safety System in Bangladesh: Current Status of Food Safety, Scientific Capability, and Industry Preparedness

## **7.2 Lack of adequate human resources, weak implementation and monitoring**

Bangladesh lacks adequate human resource capacities to deal with the relevant SPS-TBT issues in the appropriate global area. There is a lack of trained manpower at all levels and a degree of awareness about related issues. Bangladesh's weak implementation and monitoring capacity mean that it is also difficult to ensure compliance with SPS-TBT measures even when specific compliance demands are notified to firms and enterprises<sup>63</sup>. As a result, when faced with market access difficulties originating from SPS-TBT measures, Bangladesh has formidable difficulties in addressing the attendant concerns, and often unable to take adequate corrective measures. Such vacuum in terms of capacity is pervasive not only at the level of governments but at the level of firms as well. Firms do not have the required technical expertise to ensure compliance; and at the firm level, awareness about SPS-TBT related demands continues to remain alarmingly low. This will mean devising for WTO a system and specific measures of positive and active support for the development process and the strengthening of national capacities of developing countries. Its implementation would become a central objective in whatever the negotiations or activities in the WTO.

## **7.3 Gap Analysis Regarding the TBT legislation, local practices, and international best practices**

Interviews of the members of the core SPS/TBT group formed, and secondary research revealed some gaps in the current TBT related legislations, local practices, and international best practices. Generally speaking, for all TBT related requirements, Bangladesh enforces only those which are applicable for 229 products requiring the mandatory BSTI Certification Marks (CM) before marketing in Bangladesh. For other products, there is weakness in the current legislation, and there is a need for identifying priority areas where regulatory reforms are needed immediately. Some of the gaps in TBT related legislation, local practices, and international best practices are briefly described centering the discussion of institutional capacity.

### **7.3.1 Gap Analysis in Local Practices of TBT**

The enforcement of the prevailing laws is poor. The domestic market goes fairly unregulated, except for the 229 products requiring mandatory BSTI marks. For all other products, there are no clearly defined standards or quality parameters for which the TBT measures can be formulated. This is also valid for most imported products, if they do not fall under the mandatory 229 products, then importers have to take compulsory certificate for 79<sup>64</sup> products from BSTI ordained by import policy order given mandatory product. These products are butter, infant formula end formula for special medical

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<sup>63</sup> Market Access Implications of SPS and TBT: Bangladesh Perspective, Prof. Mustafizur Rahman, 81-87222-69-7 CULT, 2002

<sup>64</sup> List of the Mandatory Products Under Import Policy 2021-24, BSTI, 2022, BSTI Retrieved from <http://www.bsti.gov.bd/site/page/de9acc2b-2399-45f3-a5e1-237025cd2698/List-of-the-Mandatory-Products-Under-Import-Policy-Order>

purposes intended for infants, Chocolate, Refined Sugar, Follow up Formula, Milk powders and Cream Powders, Sugar, James, Biscuit, Lozenges, Sauce, Fruits and Vegetable Juices, Tomato Paste, Tomato Ketchup, Fermented vinegar, Coffee Powder, Carbonated Beverage, Natural Mineral Water, Soft Drink Water, Instant Noodles, Chips, chewing gum, Fortified Soybean Oil, Fortified Edible Palm Oil, Fortified Edible Sunflower Oil, Fortified Palm Olin, Synthetic Vinegar, Other Edible oil, Mosquito Coil, Toilet Soup, Coconut Oil, Pencil, Diesel and Gasoline, Writing and Printing Paper, Ceramic Products, Tooth Paste, Shampoo, Skin Powders, Hair Oils, Skin Creams, Ball pen Points, Lipstick, After Shave Lotion, Baby Oil, Toilet Soup for Babies, Skin powder and cream lotion for babies, Baby Shampoo, Skin Lotion, Polyester Suiting, Sanitary Napkins, Motor, Electric Fans, Household Refrigerators and Freezer, Primary Batteries, Electric Irons, Switches, Plugs and Sockets, Circuit Breakers, Electricity Metering, LED Lamps, Protective Helmet, Sanitary Ware Appliances, Gas Cylinder and Ceramic Tiles, etc.

### **7.3.2 Institutional Capacity of BSTI and Its Gap Analysis**

The Department of Customs usually oversees the enforcement of the regulations under the prevailing Import Policy Order before clearance is done. Products that need the approval from Bangladesh Standards and Testing Institution (BSTI) related to performance measures, labeling requirements, content requirements, or any other TBT issues, will require appropriate testing, inspections, and certification from BSTI before being marketed in Bangladesh or being exported from Bangladesh. One major gap in the institutional capacity of BSTI is the lack of adequate number of personnel working at different sections and regional offices of BSTI. Out of the approved permanent positions for the different offices and the head office, and the laboratories of the BSTI, there are only about 66% of the approved workforce is working at the moment.

From field level assessment it was found that BSTI has already developed and adopted contains 4095 <sup>65</sup>national standards of Bangladesh that are now in vogue for various products, these products have not yet been brought under the mandatory CM scheme. Moreover, BSTI has achieved BAB awarded accreditation in 283 parameters of 35 products, which in number is not citable. On-going Development Program and Activities need to be completed immediately as urged in the BSTI Annual Report 2020-21. Especially those are related to capacity building and facilitating SPS and TBT compliance related.

1. Inclusion of 48 products under mandatory certification marks of BSTI.
2. Development and implementation of Web based Real Time Quick Response (QR) code system for issuing BSTI licenses, certificates and clearance certificates.

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<sup>65</sup> BSTI Standards Catalogue 2021(Till August 2021), BSTI, 2021 Retrieved From [https://bsti.portal.gov.bd/sites/default/files/files/bsti.portal.gov.bd/page/c82bd863\\_c051\\_46ce\\_af11\\_eb5bec479d5b/2021-08-31-11-36-54b7b1099157fbc275580fb4511a00bf.pdf](https://bsti.portal.gov.bd/sites/default/files/files/bsti.portal.gov.bd/page/c82bd863_c051_46ce_af11_eb5bec479d5b/2021-08-31-11-36-54b7b1099157fbc275580fb4511a00bf.pdf)

3. Development of e-application system for online applications, SMS services, fee receipt, deposit and database of BSTI personnel.
4. Development of apps for 'b' mark checking of packaged goods registration issued by BSTI.
5. Establishment of bank booth at BSTI head office for receiving fees.
6. Establishment of 10 BSTI regional offices with different laboratories.
7. Expansion of physical and chemical testing laboratories of BSTI.
8. Expansion of Metrology laboratories of BSTI with training facilities.
9. Vertical extension of 4 (four) BSTI Divisional and District Offices.
10. Issue of certificate for Halal products.
11. Establishment of 41 BSTI District Offices.
12. Revision of Package Commodities Rules 2007.
13. Issuance of certificate for purity of imported Gold.

### **7.3.3 Institutional Capacity of Plant Quarantine Wing and Its Gap Analysis**

The results of his preliminary assessment and inventorial studies show that Bangladesh did not have an effective control measure (Plant Quarantine) system for the introduction of exotic pests, diseases and weeds in terms of laboratory facilities, technical support, and logistic support at the plant quarantine station at the land port. From field visit, it was found that the logistic support provided to the technical officers for transportation, communication and late night stay at workplace is not satisfactory at the plant quarantine stations of the land port. Moreover, officer belonging to plant quarantine station has to suffer a lot for poor salary growth, promotional facilities from existing post and even they risk their own life when returning home at late night on foot in most of the border post. Thus, lack of financial and logistics supports create barriers for quarantine stations officer to work efficiently. Currently, because of lack of manpower a dedicated official from the plant quarantine wing needs to take minimum four days even more to give the import permit, export PC certificate and release order. To fully understand the sampling and processing good, the adequate workforce and special officer employment is critical concern. On the other hand, stakeholders informed about the higher service fees amounting 200 taka for online application of PC Certificate and Import Permit whereas the certificate fees are around 50 taka. The overall competency of the quarantine personnel is not always at their best because of frequent transfers from Plant Quarantine Wing to another wing when the tenure comes. Due to this reason the competency and skill cannot be developed as would be required in areas of phytosanitary certification, pest identification, diagnosis and other relevant phytosanitary issues that require experience along with technical expertise. The inadequate logistic and technical staff support specially in different plant quarantine stations especially in Bhomara, Akhaura and other land port create extra barrier to facilitate export.

#### **7.3.4 Lack of accredited laboratories and logistic facilities**

In a discussion with the stakeholders, it was revealed that there are lack of laboratory for the wing though a number of project have been taken to establish research laboratory. For example, Heat treatment facilities in *Chapainawabganj* and other area can facilitate trade and investment in mango and other potential products. They further urged that as Bangladesh does not maintain domestic food safety procedures, some issues related to SPS issues arise naturally in cases of export. Meanwhile, farmers and exporters are unaware of using scientific methods while exporting their products. For maintaining traceability of the products, it was suggested to follow zoning in regional export zone. It is necessary to have a regional testing laboratory at export zone because although if the export of mangos is subject to strict inspection in Rajshahi, by the time it reached Dhaka, it had become contaminated. Meanwhile, the officials further stressed pest risk analysis especially for pest basis and using pest in crop to reduce the health hazard related issues while exporting. From stakeholder interview, it was found that the fundamental issue with export is that Bangladeshi exporters are unwilling to adhere to GAP (Good Agricultural practice), where plant quarantine wing along with private sector industries and relevant association can take pragmatic measures to raise the awareness of the stakeholders. Stakeholders urged in Public Consultation for expanding agro-product exports, a study needs to conduct for evaluating whether the contract farming with compliance is friendly for agro-product trade or following Good Agriculture Practices (GAP) is necessary. This will help address the needs of GAP and ensure that agricultural products meet export requirements.

#### **7.3.5 Institutional Capacity of Department of Live Stock and Its Gap Analysis**

The Animal Diseases Act does not have sufficient provisions to require the DLS to establish an animal disease information management system for recording and analyzing notifiable and other animal disease information. There is no requirement in any of the current legislation for the DLS to use risk analysis in setting standards for importation of animals and animal products. The DLS is weakly represented on the Pharmacy Board and there is currently insufficient regulatory control over the registration, distribution, sale and use of veterinary medicines or biologicals in Bangladesh for livestock. As private veterinary practice develops and the commercialization of poultry and dairy farming grows in volume, there will be an urgent need to address the regulation of veterinary drugs in order to avoid the misuse of medicines, addressing the SPS concerns. In some cases, powers and authority to make technical decisions and delegate responsibility have been vested in the Director General of the DLS who is not always a veterinarian, whilst in others, for instance the power to ban or regulate the import of animals or animal products, is given to the Customs Authority under the Import and Export Control Act (1950) and the Customs Act (1969) and Import Policy Order 2021-24, where opinion of DLS are considered less important. Such cases could compromise the technical independence of the DLS. DLS is currently

issue certificate for sweet meat (like sweet, Yogurt and other milk products) while BSTI also issue certificate of these product. Lack of coordination of BSTI with DLS make confusion which institution should issue certificate on these products. Similarly, DLS is the authority, providing approval for the farming of pigeon, hen and other domestic animal but sometimes Forest Department intervene some of the farming house, having the approval of DLS for farming<sup>66</sup>.

### **7.3.6 Institutional Capacity of Department of Fisheries inspection and Quality Control Wing and Its Gap Analysis**

The government of Bangladesh has formulated the national fisheries policy which provides the legal framework for better management of the fisheries sector and contributing to the nation's economy. The policy mainly focuses on enhancing production of the fisheries sector. Indeed, it emphasized biological and ecological resource sustainability as well as social and economic aspects of the fisher community. Even the national fisheries policy is rich in a strength, management regime, and it is not supported by the required actions of putting the policy into practice but the fisheries department has the accredited lab facilities in Bangladesh and testing standard can be classified as world standard. The testing certificate given by the Department of Fisheries inspection and Quality Control Wing, are well accepted in worldwide. Specially in EU and other export destination, fisheries department has proved its ability with scientific ability and testing procedure.

### **7.3.7 Lack of Coordination Various Department with Department of Fisheries**

Department of Fisheries are responsible authorities for prevention and control of diseases in fishes and aquatic animals. They are also responsible for the safety and quality of fish and aquaculture products. Because of lack of coordination between department of fisheries, water development board and ministry of agriculture, zoning in shrimp cultivation cannot be ensured till now. Which land should be used for agricultural sector and which should not, there is always debate regarding this issues. Land use in coastal Bangladesh is diverse, competitive and conflicting. Agriculture, shrimp farming, salt production, forestry, ship-breaking yards, ports, industry, settlements and wetlands are some of the uses. However, as the region has a history of traditional shrimp farming, polders provided an opportunity for intensive shrimp farming. Crop land and mangroves were transformed to shrimp farming. This created social conflict. Planned management of diverse land use, including zoning, has been recommended to follow to mitigate this conflict.

### **7.3.8 Weakness in Good Agriculture Practice (GAP) Policy Implementation**

The responsibility for the implementation of Good Agriculture Practice (GAP) policy has already been delegated institutionally by formulating a time-bound action plan.

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<sup>66</sup> Interview of BFTI Team with the Stakeholders

Bangladesh Agricultural Research Council (BARC) has been nominated as a scheme owner. In addition, a steering committee, technical committee and certification committee consisting of various stakeholders have been formed to manage the GAP policy. In the existing value chain process, the farmers' products go through a channel of intermediaries who take a big chunk of the money from both the farmer and the customer but most of them are not following GAP. However, there are some looming threats. From 1997 to 2010, pesticide usage in food production increased eight folds. With the increasing use of pesticides in food production comes the threat of dangerous diseases like leukemia, lung cancer, and birth effects, among others.

Fear of harvest loss, pressure of market demand, unaware farmers of the dangers of using insecticides and lack of supervision from both the private sector and the government, lead farmers to conduct traditional farming. Finally, as customers themselves are not completely aware of the threat of pesticides and other contaminants in their food, retailers don't feel the need to pay much attention to this issue. Hence, implementation of the GAP policy has become the challenging task for Bangladesh. Moreover, regarding contract farming following GAP, there's limitation from the private sector to invest in training and education, and that's where the call is for the public sector and the government, who can support the research and development on how to best improve food safety.

### **7.3.9 Reluctant to comply with the import requirements**

It has been learned from the DAE personnel that the Exporters are reluctant to comply with the import requirement of the importing countries. Most of them are not yet prepared to meet the current phytosanitary requirements, mostly because the domestic market does not enforce phytosanitary measures. Complying with the Phytosanitary issues like Codex issues MRL, HACCP and GAP issues are burden for them. Though they are now gradually improving their preparedness. "There are not sufficient supporting staff and official against the approved workforce are working at the moment at different quarantine stations..."

#### **Some of the challenges related to implementation of SPS measures are as follows:**

- a. Lack of awareness among stakeholders about:
  - Rules & regulations of modern production system
  - Bad impacts of insecticides and pesticides
  - SPS requirements of the importing countries
- b. Inadequate capacity to comply with SPS requirements – this is particularly true for small and medium enterprises because their lack of equipment, trained personnel, and often unhygienic production facilities, and poor control over the supply chain. For example, in 2017, due to presence of formalin (a toxin, which is added as a preservative, and not naturally found in fish) in samples of fish

imported from Bangladesh. The news clippings from both countries clearly mention that formalin was found in all 6 samples of the export consignments from Bangladesh checked at the Agartala Integrated Check Post (ICP), and from 5 other samples of Bangladeshi fish collected from the Market.

- c. Inadequate infrastructure and lab facilities at the national level.
- d. Weak coordination among various entities involved in production and export activities.

Such setbacks are clear examples of institutional weakness of the concerned implementation authorities (in this case, Department of Livestock and Fisheries) to carry out the required tests before the consignment was cleared for export. Lack of adequate number of personnel is a major reason for such incidents of failure to comply with the regulations<sup>9</sup>. The fish export to Tripura resumed again officially on May 22, 2017. However, the export consignments would go only through Agartala ICP, as this port has the only one having a formalin testing facility, and other 5 land ports of Tripura do not have such facilities.

## 7.4 International Best Practices

BSTI develops the standards in conformity with ISO, Codex Alimentariaux, and other internationally accepted norms. It was revealed by the BSTI personnel that BSTI has already developed over 4008 standards<sup>67</sup>, all in harmony with international norms. However, they cannot yet enforce the standards due to lack of adequate facilities for conformity assessment, both in terms of equipment, laboratories, and personnel, and also in some cases, due to absence of Standard Operating Procedures (SOPs) for conformity assessment. Similarly, Bangladesh can follow international best practices:

### Case Study 1

#### 7.4.1 Successful activities of the Malaysia WTO/TBT Inquiry and Notification Point

The Malaysian WTO/TBT Inquiry and Notification Point (MWENP) has been managed by appointment of the Malaysian Government since 1993 by SIRIM Berhad<sup>68</sup>. Since January 2002, this function was managed by the Standards Research and Management Center, a department attached to SIRIM Berhad. MWENP provides a number of services, including:

- Assistance in answering foreign inquiries regarding existing or proposed Malaysian Standards, regulations and conformity assessment systems;
- Assistance in answering domestic inquiries regarding existing or proposed standards, regulations and conformity assessment systems affecting trade of

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<sup>67</sup> BSTI Annual Report, BSTI, 2021

<sup>68</sup> SIRIM Perhaps is a wholly-owned company of the Malaysian Government under the control of its Ministry of Finance. Considered as the government's mandated machinery for research and technology development and the national champion of quality, SIRIM Berhad has always played an important role in the creative activities and the growth of the private sector in Malaysia. More about the SIRIM's activities, see: <http://www.sirim.my/home>

- other WTO Members;
- Assistance in the preparation and submission of notification of Malaysia's proposed technical regulations to WTO in accordance with TBT agreement obligations;
  - Disseminating information on proposed foreign regulations to government agencies, institutions, organizations, associations and other interested parties in Malaysia through the WTO/TBT Newsletter; and
  - Managing National TBT Subcommittee (NSC)<sup>69</sup>.

Of these five services provided, the fourth has been particularly successful in past years in facilitating export activities of Malaysian manufacturing industries in general, and of the Malaysian plastic industry in particular. Examples of successful services are activities relating to the WTO/TBT Notification Newsletter<sup>70</sup> and to Export Alert!. Regarding the WTO/TBT Notification Newsletter, it is published in order to propagate information to Malaysian companies and other interested parties on notifications made by other WTO Members under the article 10 of the TBT Agreement<sup>71</sup>. It consists of a summary of the proposed technical regulations and a conformity assessment requirement, including its name, a brief description about its fields of application and related rules; a final date for comments and proposed date of entry into force. This timely capture of information is critical for the Malaysian plastic manufacturers to ensure that they have time to find suitable solutions to these changes. In addition, under the TBT Agreement, a member is entitled to make comments on the proposed technical regulations of the other Members in a reasonable time fixed by them, the fore-mentioned permanent publication is so important that Malaysian exporters may review these proposed technical regulations and forward their comments

Export Alert!, is a unique, automated, and customized e-mail notification service that helps exporters in general, and plastic manufacturers in particular, keep abreast of technical regulatory changes in global markets before they enter into force. For example, when foreign regulators update the requirements that apply to any Malaysian export product, an e-mail is sent by Export Alert! To industry subscribers<sup>35</sup>. In addition, subscribers are entitled to full access to complete texts of the proposed technical regulations and are given an opportunity to directly comment on changes. This free service, the only alert service of its kind in Malaysia, is provided by SIRIM Berhad with the support of the Malaysian Government.

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<sup>69</sup> Malaysian WTO/TBT Inquiry and Notification Point, Retrieved from: <http://www.sirim.my/web/srmc/overview1>.

<sup>70</sup> WTO/TBT Notification Newsletter, Retrieved from: <http://www.sirim.my/web/srmc/wto/tbt-notificationnewsletter>

<sup>71</sup> Article 10.1 of the TBT Agreement provides: "Each Member shall Each Member shall ensure that an enquiry point exists which is able to answer all reasonable enquiries from other Members and interested parties in other Members as well as to provide the relevant documents regarding..."

## Case Study 2

### 7.4.2. Measures applied by Thailand to overcome SPS regulations

SPS measures have been found to be barriers to agricultural trade, particularly for developing and the least-developed countries, since it is financially, scientifically and technically challenging for them to comply with related SPS obligations. SPS measures are problematic themselves but large exporters like Thailand can only maintain their competitiveness by meeting the importers' SPS regulations. On such a basis, Thailand has developed a food safety system and conformity assessment on the ground such that there will be equivalent food safety standards for domestic and foreign consumers in conformity with international standards. Moreover, the National Bureau of Agricultural Commodity and Food Standards (ACFS) in Thailand is responsible for "developing standards and processes for production of agricultural commodities and food products; inspect and certify product standards at farm-level production, monitor and evaluate on-going programs and measures on food safety, engage in international negotiations on technical aspects at the bilateral level and with the international organizations to ensure fairness of the use of SPS measures and function as the Central Information Center and Traceability on food standards of agricultural commodities". All these efforts have been made to make sure that Thai agricultural products can meet the SPS requirements in importing countries<sup>72</sup>.

Furthermore, Thailand has also placed an effective import control system focusing on target chemical residues, plant and animal diseases and pests; encouraged the use of hygienic practices and HACCP in the industry and promoted farm registration and certification. In such a way, exporters need to obtain products certification, export permits from related government departments and have their products inspected for chemical residues through a rather complicated, expensive and time consuming procedures. Although exporters might be upset as the products have already begun to spoil by the time they have finished all those processes, it is necessary to certify their product quality in order to avoid detention and/or destruction that might happen when products reach destination.

## Case Study 3

### 7.4.3. Measures applied by India to overcome SPS and TBT regulations

India has managed to create suitable position for itself in the global food market and is currently amongst the largest producers for some food products in world. These include production of grains like wheat and paddy, dairy, fruits and vegetables, marine products etc. Some incentives are taken by India in SPS regulations as follows<sup>73</sup>-

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<sup>72</sup> Implementation of SPS/TBT agreements experiences from other countries and lessons for Vietnam, Ngoc Thuy Hoa, Ha Ngoc Nguyenb and Ngan Kim Vu , 2013

<sup>73</sup> Case study on SPS measures and TBT measures in India: An analysis, Rita Ghial, Assistant Professor, Department of Law, Punjab University, Chandigarh, Punjab India, International Journal of Academic Research and Development, Volume 3; Issue 1; January 2018; Page No. 1334-1340,

Food Safety and Standard Authority of India under the Food products Orders, Essential Commodities and the Prevention of Food Adulteration Acts specify the bindings for the producers and sellers of foodstuff. It regulates sanitary and hygienic conditions at all levels of supply chain, and lay down the minimum requirements for:

- Sanitary and hygienic conditions of premises, surrounding environment and personnel;
- Water to be used for processing;
- Machinery and equipment;
- Product standards

Besides this, maximum limits of preservatives, additives and contaminants have also been specified for various products. Ministry of Food Processing Industries, Ministry of Agriculture and some other agencies are responsible for implementing these legislations. The followings are giving the various legislations enacted, and the institutions responsible for their implementation:

- Ministry of Agriculture control the Insecticide, Milk and Milk Product, Meat Food Product
- Ministry of Rural Development: Directorate of Marketing and Inspection (DMI) responsible for Agriculture Produce (Grading and Marking).
- Ministry of Health and Family Welfare inspect Prevention of Food Adulteration.
- Ministry of Food Processing Industries inspect the quality of Fruit and Vegetables Product.
- Ministry of Commerce control the Export (Quality Control and Inspection)
- Ministry of Civil Supplies, Consumer Affairs and Public Distribution control Standards of Weights and Measures, Standards of Weights and Measures (Enforcement), Solvent Extracted Oils, De-oiled Meal and Edible Flour, Vegetables Product and Bureau of Indian Standards.
- Ministry of Environment and Forests inspect Aquaculture Authority Notification, Environment Protection, Coastal Regulation Zone for marine products

**Some others important organization are as follows-**

- a) **Bureau of Indian Standards (BIS):** "This is a premier organization for setting standards. So far it has set more than 17,000 standards, out of which 150 are mandatory, while others are voluntary.
- b) **Food and Agriculture Department (FAD):** It deals with the standardization in the field of food and agriculture, including processed food, agricultural inputs, agricultural machinery and livestock husbandry.
- c) **Ministry of Food Processing Industry (MFI):** As the name suggests, this ministry formulates the procedures and standards for the food processing industries
- d) **Export Inspection Council (EIC):** This is an apex agency that facilitates exports

of SPS compliant commodities. It also gives advice to the government regarding measures to be taken for enforcement of quality control an inspection. EIC provides three kinds of inspection and certification:

- Consignment-wise inspection.
- In-process quality control.
- Food safety management system-based certification.

#### Case Study 4

##### 7.4.4 U.S. Strategy for Addressing SPS and TBT Concerns

The United States maintains ongoing interagency processes and mechanisms to identify, review, analyze, and address foreign government standards-related measures that can act as barriers to U.S. exports. These activities are coordinated through the Trade Policy Staff Committee (TPSC), which is chaired by United States Trade Representative (USTR) and comprised of representatives from federal agencies with an interest in foreign standards-related measures<sup>74</sup>. Representatives meet formally a few times per year and also maintain ongoing informal consultation and coordination on SPS and TBT issues throughout the year. Representatives of the subcommittee include officials from USDA, the Department of Commerce, and the Department of State, and also officials from the Office of Management and Budget (OMB) and federal regulatory agencies, such as the HHS Department's Food and Drug Administration (FDA) and the Environmental Protection Agency (EPA). More broadly, USTR chairs an interagency group (i.e., both USDA and non-USDA agencies with SPS and TBT responsibilities) that meets regularly on WTO SPS issues. As part of this ongoing interagency process, the United States regularly reviews SPS and TBT measures involving globally traded goods that are notified to the WTO, as required under the SPS and TBT Agreements.

**Ongoing Interagency Efforts:** Regarding agricultural products, the U.S. process for identifying and dealing with SPS and TBT issues is coordinated, at least in the initial stages, by staff of USDA's Foreign Agricultural Service (FAS), the lead USDA trade agency. An FAS office is the designated WTO "enquiry" point for communicating with other countries on SPS measures, and shares information with and from industry groups and exporters, USTR, FAS's overseas posts, and various regulatory agencies such as USDA's Animal and Plant Health Inspection Service (APHIS) and Food Safety and Inspection Service (FSIS), EPA, and FDA. FAS staff maintain a database on foreign SPS and agriculture related TBT measures with a potential impact on trade, even those which may comply with WTO or other international trade agreement provisions. FAS chairs regular meetings of USDA technical staff from various USDA agencies to discuss the status of emerging and ongoing SPS/TBT issues, including options for resolving a potential dispute.

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<sup>74</sup> USTR's Report on Technical Barriers to Trade

As SPS and agriculture-related TBT concerns arise in USA, technical staff and other government officials usually initiate at least informal dialogue with countries concerning the measure in question. They also communicate with affected industries in the private sector. Oftentimes an SPS or TBT issue is most likely to be resolved when USDA or other government experts discuss its scientific aspects with their foreign counterparts. These staff-level discussions often help the importing and exporting parties to clarify their differences, and to determine mutually acceptable conditions for importing the affected product that will not compromise the importing party's safeguards.

**U.S. Reporting Systems:** USTR is required to submit to the President, the Senate Finance Committee, and appropriate committees in the House of Representatives, an annual report on significant foreign trade barriers, the National Trade Estimate Report on Foreign Trade Barriers (or NTE report). The NTE report covers significant barriers – including tariffs and various nontariff barriers, including those that are consistent and also inconsistent with international trading rules. The report categorizes, describes, and in some cases quantifies these barriers on a country-by-country basis. As part of its NTE Report and its other two accompanying reports on SPS and TBT barriers to U.S. trade, USTR<sup>75</sup> reports that SPS and TBT trade barriers continue to threaten, constrain, or block U.S. agricultural exports. These reports address concerns within more than 60 major U.S. trading partners.

**Responsibility of U.S. Government Agencies:** The United States, like other countries, has in place an extensive, often intersecting, system to protect consumers from unsafe food and agricultural products and to protect its animal and plant resources from foreign pests and diseases. A variety of statutes and implementing regulations, directives, and administrative procedures underpin this system. These essentially constitute the nation's SPS measures. At the same time, U.S. officials work cooperatively with other governments, frequently within international scientific bodies, to develop commonly recognized guidelines for SPS measures (and TBTs) that will promote balanced but safe trade in plants, animals, agricultural, and food products.

**Trade Policy and Negotiations:** The Office of the United States Trade Representative (USTR), an agency within the Executive Office of the President, is responsible for developing and coordinating U.S. international trade policy and overseeing negotiations with other countries, including with respect to foreign SPS and TBT measures. USTR meets with governments, business groups, legislators, public interest groups, and other

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<sup>75</sup> USTR, *National Trade Estimate Report on Foreign Trade Barriers* (or NTE Report); also USTR's *Report on Sanitary and Phytosanitary Measures and Report on Technical Barriers to Trade 2010*

interested parties to gather input on SPS and TBT issues and to discuss trade policy and negotiating positions. USTR coordinates U.S. trade policy through an interagency structure, and also serves as the lead U.S. agency in negotiating bilateral, regional, and multilateral trade agreements and lead U.S. counsel in all WTO disputes. USTR consults with other government agencies on trade policy matters through the Trade Policy Review Group (TPRG) and the Trade Policy Staff Committee (TPSC), and coordinates processes regarding the specialized subgroups addressing SPS and TBT issues.

**Food and Agricultural Products Related Strategies:** Within the Department of Health and Human Services, the Food and Drug Administration (FDA) oversees the safety of most human and animal foods and drugs. The primary exceptions are meat and poultry and their products, which are regulated by USDA's Food Safety and Inspection Service (FSIS) under the Federal Meat Inspection Act and the Poultry Products Inspection Act. USDA's Animal and Plant Health Inspection Service (APHIS) has lead responsibility for animal and plant health under the Animal Health Protection Act and the Federal Plant Protection Act. Pesticides are regulated by the independent Environmental Protection Agency (EPA) under the Federal Insecticide, Fungicide, and Rodenticide Act.

Each of the responsible agencies has promulgated an extensive body of regulations to implement these laws, all of which apply to imports as well as domestic products. For example, plants, animals, and their products require an APHIS import permit. Whether a product can be imported and the conditions for entry are dependent upon an APHIS risk assessment of a product and where it originated, taking into account internationally recognized scientific guidelines—that is, for animal health, the Office of International Epizootics (OIE), and for plant health, the International Plant Protection Convention (IPPC). The risk assessment usually culminates with formal rules in the Federal Register. FSIS evaluates foreign meat and poultry programs to ensure their equivalency with U.S. requirements and reinspects samples at the border. FDA requires imports to comply with the same safety and labeling standards that apply to domestic foods.

## Chapter 8: Recommendation & Conclusion

The prioritized recommendations proposed in this chapter are based on the findings of the National Diagnostic Study (NDS), analysis of relevant trade data and the suggestions retrieved from the KII, Focus Group Discussion and Public Consultation. Following the suggested SPS and TBT measures in trade, Bangladesh can **proliferate** its product diversification in potential export markets. All of these recommendations are categorized under the following categories, namely: (i) Infrastructure Development & Institutional Strengthening; (ii) Coordination; (iii) Reform of Policy and Legislative Frameworks and (iv) Capacity Building and R&D.

### 8.1 Recommendation on Infrastructure Development & Institutional Strengthening

The following recommendations can guide to facilitate Infrastructure Development of BSTI, Plant Quarantine Wing, DAE, BFSA and others SPS and TBT related agencies:

1. Increase the number of accredited labs at strategic locations adjacent to industry clusters, ports and main trading hubs;
2. SPS and TBT certification authorities need to develop their own Standard Operating Procedure (SOP) to reduce the cost and time for providing the SPS and TBT certificate for export and import;
3. Standard Operating Procedures (SOP) should also be reviewed with evolving obligations and requirements of Trade Facilitation;
4. Introduce One Stop Service (OSS) for health certificate with effective SOP to facilitate trade.
5. Upgrade laboratory equipment, logistic apparatus and trained personnel at testing labs of Quarantine station at land and seaport;
6. Promote consistent compliance with GLOBAL GAP and establish a certification body for GLOBAL GAP for close cooperation between private sectors and government regulators;
7. The testing facility needs to be expanded by registering or enlisting modern laboratories of various private, international, or educational establishments by BSTI or government standards;
8. Import rapid detection devices and kits for BFSA, BSTI, and other testing labs to pare the time-consuming conventional testing methods for microbiological contamination of food;
9. Strengthen the logistic support and technical support at every plant quarantine station at the port while incentivizing the technical professional with fiscal and non-fiscal incentives;
10. The Plant Quarantine Wing should have administrative power so that they can employ their technical officer in the plant quarantine section and not be transferred to any other post of the Department of Agriculture Extension;

11. Quality standards for products should be consistently applied to local and export-oriented products while following Codex standards for food additives in both domestic and foreign markets;
12. The current list of 229 products requiring the mandatory Certification Marks (BSTI) should be expanded according to their importance for both domestic and export markets;
13. The number of accredited testing of products parameters needs to be increased by expanding the technical and lab capacities of BSTI;
14. Chemical residue testing, heavy metal testing, antibiotic and hormone testing, pesticide testing, virus, bacterium, fungus, mycotoxin testing, illnesses diagnostic lab, and reference lab should be introduced;
15. Existing Bangladesh Trade Portal may be updated on a regular basis, particularly for the SPS and TBT related information in export and import;
16. Modern cool chain and packaging facilities needs to be established near the ports area for perishable goods.

## **8.2 Recommendation on Coordination**

To subsequent suggestions may promote better inter-agency coordination:

1. Ministry of Commerce may encourage relevant associations and business chambers to organize training programs, and seminars and provide technical policy support for exporters regarding SPS and TBT;
2. Ministry of Commerce may formulate a national single coordination body regarding SPS and TBT issues which should include representatives from respective ministries, SPS and TBT related government agencies, private sectors, and business associations;
3. Ministry of Commerce may formulate national single window under a coordination body aligned with WTO notification system regarding SPS and TBT issues
4. A notification platform for SPS and TBT needs to be established for regular notification and update in line with e-ping WTO notification system.
5. The ToR of the coordination body may include the clause like identifying the SPS and TBT related barriers in international trade, disseminating notification, promoting MRA with potential trade partners, facilitating training and workshop on raising awareness among business and consumer regarding SPS and TBT issues.
6. Organize minimum two coordination meetings on a quarterly basis on SPS and TBT issues under the Ministry of Commerce for addressing the challenges while exporting to foreign markets;
7. The National Trade Portal should regularly be updated in line with WTO E-ping notification system to serve as a one-stop service where traders can get updated

- data and notifications on their respective products;
8. The various ministries and public agencies engaged in administering SPS and TBT-related regulations should enhance inter-agency coordination under the National Focal point, WTO Wing, Ministry of Commerce;
  9. The private sector should inform Bangladesh Trade & Tariff Commission (BTTC) instantly whenever they face any SPS and TBT-related problem in export so that BTTC can directly point out the problem while negotiating with a potential trade partner;
  10. EPB may create a common information hub for SPS and TBT for exporters.

### **8.3 Recommendation on Reform of Policy and Legislative Frameworks**

Reformation of laws and signing MRA agreements have significant implications for expanding export of potential sectors of Bangladesh. In this context, the following recommendations are suggested:

1. Laws governing the SPS and TBT regimes in Bangladesh, need to be updated and brought in line with international standards, and obligations of human, animal, and plant health;
2. The Government may introduce fiscal and other incentive schemes to attract private sector investors for establishing testing laboratories and other SPS-TBT-related infrastructure, testing facilities, and labs;
3. Develop Mutual Recognition Agreements (MRA) and Conformity Assessment Procedures with neighboring SASEC countries as well as other potential trading partners;
4. Increase the number of accredited testing parameters of to attract EU, India and other bilateral trade partners to sign Mutual Recognition Agreement with Bangladesh.

### **8.4 Recommendation on Capacity Building and R&D**

Investing in R&D and training initiatives can help businesses and individuals stay up-to-date with the latest developments in SPS and TBT issues. In this context, the following suggestions are prescribed:

1. A need assessment study for priority infrastructure, including major laboratories under BSTI, DAE, Department of Fisheries and Bangladesh Food Safety Authority needs to be initiated;
2. A detailed study needs to be conducted to identify laws, rules and policies of Bangladesh that are not complying with international standards of SPS and TBT issues;
3. The government may develop a formal procedure for responding to the SPS and TBT dispute in international trade to mitigate the loss of exporters and farmers, like the Thai government;
4. Technical, vocational institutions and universities should include appropriate

curricula and design courses on subjects such as metrology, food safety, chemical and toxic hazards, and so forth;

5. A new study needs to be taken to address, whether contract farming along with compliance will expedite the export of agricultural products or Bangladesh can expand Agro-Products exports in farming level by following Good Agriculture Practice (GAP) in farming level.
6. Strengthen the BAB capacity to provide accreditation services for conformity assessment bodies (CABs) related to SPS and TBT measures. This would involve enhancing BAB's technical competence and its ability to conduct assessments and evaluations of CABs in accordance with international standards and guidelines.

## **8.5 Conclusion**

Reviewing the context of existing infrastructure and SPS and TBT-related skills, regulatory authorities should facilitate capacity-building activities of technical professionals, as it will facilitate trade concerning SPS and TBT issues. Meanwhile, it was found in KII, FGD, Public Consultation and the secondary literature reviews that regulatory authorities should implement the existing policies and review the regulations related to SPS and TBT measures to suit the needs of the trade regime of the 21st century. Moreover, the government may facilitate the capacity building of the regulatory authorities by empowering the implementing agencies, and allocating adequate financial resources, human resources, and technical and financial support for the lab while adopting additional international standards both in the domestic market and in export. The international compliance of SPS and TBT needs to be followed in all phases of production, processing, retailing, and trading at the domestic and international levels. In the case of coordination at the national level, the Ministry of Industry, Ministry of Agriculture, and Ministry of Live Stock and Fisheries under the umbrella of the Ministry of Commerce can develop an integrated approach with the participation of the relevant private sector and the public agencies. Similarly, these ministries and their relevant authorities can play a vital role in addressing the existing gaps regarding infrastructure and the lack of awareness among exporters about SPS and TBT-related information. Furthermore, it is suggested to improve institutional efficiency through reforms in procedural steps followed for SPS or TBT-related functions, such as sampling, testing, inspection, conformity assessment, certification, etc. At the same time, in the case of infrastructure, relevant ministries and agencies may develop and scale up existing lab facilities and initiate a needs assessment study for the infrastructure needs of the major institutions responsible for SPS and TBT administration. Besides, develop an incentive mechanism for mobilizing investments and accreditation of testing laboratories and enhance cooperation with regulatory authorities. All of these exercises will help to formulate future strategies for trade and industrialization, facilitating the compliance of SPS and TBT in the world market.

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## Appendices

### Appendix 1: Participant List KII and FGD

**Annex Table -1: KII Participant list**

SL. No.	Name	E-mail	Organizations
1.	Md. Hafizur Rahman		Additional Secretary (Director General), WTO Wing
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4.	Mamun Askari	mamun.askari@bt.c.gov.bd	Bangladesh Trade & Tariff Commission
5.	Md. Anwar Hossain Khan		DAE
6.	Rezaul Karim	rezaulkarim60@gmail.com	BSTI, Former Director
7.	Hafizur Rahman	hafizgopal@yahoo.com	Bangladesh Fruits, Vegetables & Allied Products Exporters' Association
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10.	Dr. Muhammad Ahsan Habib	ahsancdil@gmail.com	Department of livestock Services(DLS)
11.	Md. Omar Faruk	faruqdae36@yahoo.com	Plant Quarantine wing
12.	Field Officer, BSTI	ahpoddo@yahoo.com	Bangladesh Standards and Testing Institution (BSTI)
13.	Nihar Ranjan	arman.niharRanjan@yahoo.com	Department of Patent, Design and Trademark
14.	Faria azad	faria.azad@bfsa.gov.bd	Bangladesh Food safety Authority
15.	Najnin Parveen	najneen-p73@yahoo.com	Ministry of Commerce
16.	Md. Rayhan	rayhanftns@gmail.com	Kazi food Industries Ltd
17.	KBD Md. Habibullah	kbd.habib@gmail.com	Plant quarantine Station
18.	Md. Bayezid Mamun	bayeazidmamun@gmail.com	Patent Design and Trademarks Department
19.	Md. Akramul	akramuldae@gmail.com	DAE

SL. No.	Name	E-mail	Organizations
	Haque	l.com	
20.	Md. Sohrab Hossain	sohrab.lrc@gmail.com	Department of livestock Services (DLS)
21.	Mohammad Shahjahan sabuj	sabuj.stat@gmail.com	Agricultural Marketing Department

**Participants of the FGD-1 were as follows –**

1. Mr. Md. Mamun-Ur-Rashid Askari, Joint Chief (CC), BTTC;
2. Mr. Nafees Imtiaz, Deputy Director, Daffodil International University;
3. Mr. Shamsuddin Ahmed, Ex-Director, EPB;
4. Mr. Md. Shawkat Ali, Deputy Secretary, Policy, Law & International Cooperation, Ministry of Industries;
5. Mr. Md. Serajul Islam, Senior Asst. Director, Department of Fisheries (DoF);
6. Mr. Atiqure Rahman, Business Manager (Agricultural Commodities), SGS;
7. Mr. Habibur Rahman Shamim Mridha, Secretary, Bangladesh Live and Chilled Food Exporters Association (BLCFEA);
8. Mr. Aminul Islam, Secretary, Bangladesh Land Port Authority (BLPA);
9. Mr. A.H.M. Golam Saklayen, representative, Inter-Tek

**Participant list for FGD-2**

1. Ms. Tania Islam, Deputy Secretary, Export Wing, Ministry of Commerce;
2. Mr. Md. Serajul Islam, Senior Asst. Director, Department of Fisheries (DoF)
3. Ms. Tripti Gonsalves, Vice-Chairman, Bangladesh Live and Chilled Food Exporters Association (BLCFEA);
4. Mr. Abdur Rahman, Deputy Chief, MCCI;
5. Mr. Md. Zahangir Alam, Asst. General Manager, Pran Group (BAPA);
6. Dr. Foyasal Khan, Deputy Executive Secretary, DCCI;
7. Mr. Mehedunnabi, Research Officer, EPB;
8. Mr. Md. Humayun Kabir, Senior QCO, Bangladesh Frozen Foods Exporters Association (BFFEA);
9. Mr. Md. Hafizur Rahman, Executive Secretary, Bangladesh Fruits, Vegetables & Allied Product Exporter's Association (BFVAPEA);
10. Ms. Afsana Hossen, Field Officer, BSTI;
11. Mr. Atiqul Islam, Inter-Tek

## Appendix 1.2: Participant List of Public Consultation

Participants of the Public Consultation Program are as Follows:

SL	Name & Designation	Designation	Organization
1.	Mr. Nazmus Sakib Khan	Deputy Director	Bangladesh Bank
2.	Dr. Pallab Kumar Dutta	Deputy Director, HRD	Department of livestock Services (DLS)
3.	Dr. Sayed Rafiqul Amin	Director	Department of Agriculture Extension (DAE)
4.	Mr. Muhammad Liakat Hossain Khan	Deputy Director (Import)	Department of Agriculture Extension (DAE)
5.	Mr. Ziaul Islam,	Deputy Director (Export)	Department of Agriculture Extension (DAE)
6.	Mr. Md. Sirajul Islam	Senior Assistant Director	Department of Fisheries (DoF)
7.	Mr. Mizanur Rahman	Assistant Research Director	Food Planning and Monitoring Unit (FPMU), Ministry of Food
8.	Dr. Md. Houmyoun Kabir Khan	Director (Strategic Investment Unit)	Bangladesh Investment Development Authority (BIDA)
9.	Mr. Rashedul Islam	Sr. Executive	Bangladesh Garment Manufacturers and Exporters Association (BGMEA)
10.	Mr. Md Shahidul Islam	First Secretary (Addl. Commissioner)	NBR (Customs)
11.	Mr. Shamsuddin Ahmed	Consultant	BFTI
12.	Mr. Md. Monjurul Islam	Advisor	Bangladesh Fruits, Vegetables & Allied Product Exporter's Association (BFVAPEA)
13.	Mr. Shahidul Islam	Head of Business	Syngenta Bangladesh Limited
14.	Mr. H.M. Rezaul Karim	Vice-Chairman	Bangladesh Jute Goods Exporters' Association (BJGEA)
15.	Mr. Muridul Alam Chowdhury	Director	Bangladesh Jute Goods Exporters' Association (BJGEA)
16.	Mr. Bhushan Chandra Nath	Assistant Chemist	Directorate General of Food (DoF)
17.	Dr. Md. Arif Hossain Mazumder	Assistant Professor	BRAC Business School, BRAC University
18.	Mr. Md. Abdul Latif	Deputy Chief	Bangladesh Trade and Tariff Commission
19.	Mr. Humayun Kabir	Sr. QCO	Bangladesh Frozen Foods Exporters Association (BFFEA)

SL	Name & Designation	Designation	Organization
20.	Ms. Mahmuda Akter Khan	Asst. Deputy Secretary	Bangladesh Knitwear Manufacturers and Exporters Association (BKMEA)
21.	Ms. Kaniz Fatema	Senior Research Associate	Business Initiative Leading Development (BUILD)
22.	Mr. Ahsanul Hasan	Officer	Bangladesh Agro-Processors' Association (BAPA)
23.	Dr. Md. Azhar Ali	Ex- Director, Quarantine	DAE, Ministry of Agriculture
24.	Mr. Md. Saidul Islam	Additional Secretary General	Metropolitan Chamber of Commerce (MCCI)
25.	Ms. Nazma Begum	Joint Secretary	Ministry of Industries
26.	Mr. Salehin Sufaraz	Deputy Executive Secretary	Dhaka Chamber of Commerce & Industry (DCCI)
27.	Ms. Farjana Nur Purabi	Senior Executive	FBCCI
28.	Ms. Ismat Jerin Khan	Managing Director	Jermatz Limited
29.	Mr. AKM Saydul Haq		Bengal Meat
30.	Mr. Md. Fahim Bin Asmat	Deputy General Manager	SME Foundation
31.	Shah Mohammad Mahbub		BIDA
32.	Mr. Rasel Ahmed	Investigator	EPB
33.	Mr. Habibur Rahman Mridha	Secretary	Bangladesh Live & Chilled Food Exporters Association (BLCFEA)

## Appendix 1.3: Questionnaire of KII on 4<sup>th</sup> Studies

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

বাণিজ্য মন্ত্রণালয়

ডিরিউটিও সেল

বাংলাদেশ রিজিওনাল কানেস্টিভিটি প্রজেক্ট-১

(প্রকল্পের আওতায় পরিচালিত চার (০৪)টি স্টাডির মধ্যে চার (০৪) নম্বর স্টাডির প্রয়োজনে মূল তথ্যদাতা  
(কেআইআই)-গণের জন্য প্রশ্নমালা)

( ৪টি স্টাডি, পিএসসি কর্তৃক নির্ধারিত)

স্টাডির বিষয়ঃ আন্তর্জাতিক বাণিজ্য উন্নয়নের লক্ষ্যে Sanitary and Phyto-sanitary (SPS) ও Technical Barrier to Trade (TBT) এর সমন্বয়সাধন এবং এর জন্য নোটিফিকেশন ও সনদপত্র প্রদান পদ্ধতি এবং অবকাঠামো সম্প্রসারণ।

Study 4: Sanitary and Phyto-sanitary (SPS) and Technical Barrier to Trade (TBT) co-ordination and notification, certification process and infrastructure for promoting trade.

### ১ম অংশ: সাধারণ তথ্য

উত্তরদাতার নামঃ .....

প্রতিষ্ঠানের নামঃ .....

প্রতিষ্ঠানের ঠিকানাঃ .....

মোবাইল নাম্বার ..... ই-মেইল ঠিকানা .....

মন্ত্রণালয়/বিভাগ .....

### ২য় অংশ: নির্দিষ্ট প্রশ্নাবলী

১) আপনি কি মনে করেন যে বাংলাদেশে মানব, প্রাণী ও উদ্ভিদ স্বাস্থ্য সুরক্ষার জন্য যেসব নির্ধারিত বিদ্যমান বিধি/ব্যবস্থা/নির্দেশিকা আছে সেগুলো বিজ্ঞানভিত্তিক এবং আন্তর্জাতিক মানসম্পন্ন? উত্তরের স্বপক্ষে মতামত দিন।

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২) বাংলাদেশের ব্যবসায়ীরা আন্তর্জাতিক বাণিজ্য ক্ষেত্রে পণ্যভিত্তিক কি কি ধরনের এসপিএস (SPS) ও টিবিটির (TBT) সম্মুখীন হয়ে থাকে?

আমদানি	রপ্তানি

৩) বাংলাদেশে এসপিএস (SPS) ও টিবিটি (TBT) সংক্রান্ত কি ধরনের আইন ও বিধিমালা রয়েছে? এবং এক্ষেত্রে টেস্টিং (Testing), ইন্সপেকশন (Inspection) ও সার্টিফিকেশন (Certification) এ জড়িত কোন কোন সংস্থা বিদ্যমান রয়েছে?

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৪) আপনি কি মনে করেন যে বাংলাদেশে এসপিএস (SPS) বিষয়ক নিয়ম ও প্রবিধানসমূহ জাতীয় এবং আন্তর্জাতিক ক্ষেত্রে ভিন্নরকম ও বৈষম্যমূলক?

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৫) বাংলাদেশে মানব, প্রাণি ও উদ্ভিদ স্বাস্থ্য (SPS) সুরক্ষা এবং বাণিজ্যে কারিগরী বাধা (TBT) অপসারণ বিষয়ক বিদ্যমান বিধানাবলী ও করণীয় বিষয়ে ব্যবসায়ীদের কি পরিকার ধারণা রয়েছে এবং ব্যবসায়ীগণ ও সংশ্লিষ্ট সংস্থার জন্য এইধরনের তথ্যাবলী কি সহজপ্রাপ্য?

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৬) আপনার মতে বর্তমানে আন্তর্জাতিক বাণিজ্যে এসপিএস (SPS) ও টিবিটি (TBT) এর শর্তসমূহে পরিপালনের ক্ষেত্রে বিদ্যমান চ্যালেঞ্জ কি কি?

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৭) বাংলাদেশে এসপিএস (SPS) ও টিবিটির (TBT) ক্ষেত্রে যথেষ্ট পরীক্ষাগার (Laboratory) ও অবকাঠামোগত সুবিধা আছে বলে আপনি মনে করেন?

ক) হ্যাঁ খ) না

৮) ৭ নং প্রশ্নের উত্তর হ্যাঁ হলে,

ক) কি ধরনের পরীক্ষাগার (Laboratory) প্রয়োজন?

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খ) কি ধরনের অবকাঠামোগত উন্নয়ন প্রয়োজন?

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৯) আপনি কি অন্যান্য দেশের (SPS) ও (TBT) ক্ষেত্রে এমন কোনো উত্তম পদ্ধতি বা বেস্ট প্র্যাক্টিস উল্লেখ করতে পারবেন যা বাংলাদেশে চালু করলে বাণিজ্য সহজীকরণে ভূমিকা রাখবে?

ক)এসপিএস (SPS)

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খ) টিবিটি (TBT)

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১০) আপনার মতামত অনুসারে SASEC ভুক্ত দেশসমূহে (ভারত, ভুটান, মালদীপ, মায়ানমার, নেপাল ও শ্রীলংকা) বাংলাদেশ থেকে রপ্তানিতে সম্ভাবনাময় পণ্য কি কি?

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১১) আপনার মতামত অনুসারে বাংলাদেশ ও SASEC ভুক্ত দেশসমূহের (ভারত, ভুটান, মালদীপ, মায়ানমার, নেপাল ও শ্রীলংকা) মধ্যকার বাণিজ্যে কি ধরনের বাধা-বিপত্তি বিদ্যমান আছে?

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১২) বাংলাদেশের (SPS) ও (TBT) এর নোটিফিকেশন ডব্লিউটিওতে দেয়ার পদ্ধতি উন্নয়নের সুযোগ আছে কি?

ক) হ্যাঁ

খ) না

১৩) WTO Agreement on SPS and TBT অনুসারে আন্তর্জাতিক বাণিজ্যে (SPS) ও (TBT) এর শর্ত অনুসরণ এবং (SPS) ও (TBT) এর নোটিফিকেশন কমপ্লায়েন্স ব্যবস্থার উন্নয়নে কি কি ব্যবস্থা গ্রহণ করা যেতে পারে বলে আপনি মনে করেন?

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**উত্তরদাতার স্বাক্ষর (সীলসহ):**

তথ্যসংগ্রহকারীর নাম :

স্বাক্ষরঃ

তারিখঃ

### Annex 1: List of Accredited Conformity Assessment Bodies

Sl. No.	Name of the CAB	Field/status
<b>Testing Laboratory (ISO/IEC 17025:2005)</b>		
1.	Institute of National Analytical Research Services (INARS), BCSIR , Dhaka	Withdrawn
2.	Bangladesh Standards and Testing Institutions (BSTI): Chemical, Biological and Physical testing Laboratories in Dhaka	Products Testing
3.	SGS Bangladesh Limited, Dhaka	Textile Testing
4.	AAA Corporation-Laboratory-01, Gazipur	Chemical Testing
5.	Interstoff Apparels Ltd. Laboratory (IALL), Gazipur	Textile Testing
6.	Fish Inspection and Quality Control (FIQC) Laboratory, Savar, Dhaka	Food Testing
7.	Textile Testing Services Ltd., Gazipur	Textile Testing
8.	Testing Laboratory, Dysin International Ltd., Dhaka	Textile Testing
9.	ITS Labtest Bangladesh Ltd., Tejgaon I/ A, Dhaka	Textile Testing
10.	Concrete Innovation and Application Centre ( CIAC), Holcim Cement (Bangladesh) Ltd., Dhaka	Mech. test of Aggregate and Concrete
11.	Lub-rref (Bangladesh) Ltd. Chittagong Petroleum	Products Testing
12.	Bureau Veritas Consumer Products Services (Bangladesh) Ltd., Savar, Dhaka	Textile Testing
13.	Nestle Sreepur QA Laboratory, Gazipur	Food Testing
14.	Fish Inspection and Quality Control (FIQC) Laboratory, Chittagong	Food Testing
15.	Fish Inspection and Quality Control (FIQC) Laboratory, Khulna	Food Testing
16.	Modern Testing Services (Bangladesh) Ltd., Savar, Dhaka	Textile Testing
17.	Bureau Veritas Consumer Products Services (Chittagong) Ltd	Voluntary suspension
18.	ITS Labtest Bangladesh Ltd., Chittagong	Textile Testing
19.	Analytical Chemistry Laboratory, Atomic Energy Centre, Dhaka	Chemical Testing
20.	Central laboratory, Divine Fabrics Ltd., Gazipur	Textile Testing
21.	Petromax Refinery Ltd. Khulna Petroleum	Product Testing
22.	Central Laboratory, Samuda Chemical Complex Limited, Munshiganj	Chemical Testing

Sl. No.	Name of the CAB	Field/status
23.	TÜV SÜD Bangladesh (Pvt.) Ltd., Dhaka	Textile Testing
24.	Bangladesh Material Testing Laboratory Ltd., Dhaka Construction	Construction material testing
25.	Quality Control Laboratory, Julphar Bangladesh Ltd., Gazipur	Pharmaceutical Testing
26.	NUSDAT-UTS, Walton Hi-Tech Industries Ltd., Gazipur	Electrical Testing
27.	PRAN Beverage Laboratory, PRAN Dairy Limited, Narshingdi	Food Testing
28.	Fakir Testing Services Ltd., Fatulla, Narayanganj	Textile Testing
29.	TAHA GIYIM Lab Bangladesh, Gulshan, Dhaka	TAHA GIYIM Lab Bangladesh, Gulshan, Dhaka Textile Testing
30.	SGS Food & Agricultural Testing Laboratory, Dhaka	Food Testing
31.	UL VS Bangladesh Ltd., Uttara, Dhaka	Textile Testing
32.	Plasma Plus Application and Research Laboratory, Uttara, Dhaka	Textile, Food, Pharmaceuticals and Environmental testing
33.	Brachi Testing Service (BD) Ltd., Kawan Bazar, Dhaka	Textile Testing
34.	Amber Textile Services Ltd., Gazipur	Textile Testing
35.	SGS Bangladesh Limited, Chittagong	Textile Testing
36.	TÜV Rheinland Bangladesh PVT. Ltd., Gulshan, Dhaka	Dhaka Textile testing
37.	Quality Control Laboratory (Central Laboratory), Renata Limited, Mirpur, Dhaka	Pharmaceutical testing
38.	Quality Control Laboratory (Potent Product Facility), Renata Limited, Mirpur, Dhaka	Pharmaceutical testing
39.	Pesticide Analytical Laboratory (PAL), BARI, Gazipur	Chemical testing
40.	GMS Testing Laboratory, Gazipur	Textile testing
41.	Testing Laboratory, Impess-Newtex Composite Textiles Limited, Tangail	Textile testing
42.	Testing Laboratory, Qtex Solutions Limited, Uttara, Dhaka	Chemical testing
<b>Calibration Laboratory (ISO/IEC 17025:2005)</b>		
43.	National Metrology Laboratory (NML-BSTI), Dhaka	Calibration (Length, Temperature, Mass, Volume, Pressure, Time and Frequency)

Sl. No.	Name of the CAB	Field/status
44.	Training Institute for Chemical Industries (TICI), Narshindi	Mechanical
45.	Calibration Laboratory, Dysin International Ltd., Dhaka	Voluntary suspension
46.	OTS (Pvt.) Ltd., Dhaka	Mechanical
47.	Instrumentation Engineering Services Ltd., Dhaka	Mechanical
<b>Medical Testing Laboratory (ISO 15189:2012)</b>		
48.	United Hospital, Pathology Laboratory, Gulshan, Dhaka	Pathological Testing
49.	Pathological Laboratory, Labaid Limited, Dhanmondi, Dhaka	Pathological Testing
<b>Certification Body (ISO/IEC 17021:2011)</b>		
50.	BSTI, Management System Certification Wing, Dhaka	Management Systems (ISO 9001, ISO 14001, ISO 22000 and HACCP) Certification
51.	United Certification Services Limited, Dhaka	Management System Certification
<b>Inspection Body (ISO/IEC 17020:2012)</b>		
52.	Qtex Solutions Limited, Dhaka	Qtex Solutions Limited, Dhaka
53.	Envirotech International Ltd., Uttara, Dhaka	Workplace Environment

*Source: Bangladesh Accreditation Board, as on July 2017*

## Annex 2: Top 10 export products from Bangladesh to other SASEC countries in the most recent year at the 6-digit HS code level

Annex Table 1: Top 10 export to Bhutan in Fiscal Year 2021-2022 (July-June)

Sl. no	HS code (6 digit)	Description	Export value in US\$
1	261900	Slag, dross, etc, from the manufacture of iron or steel	2,585,175.20
2	200989	Juice of any other single fruit or vegetable other than Cranberry Juice	1,686,163.84
3	620711	Men's or boys' underpants and briefs of cotton	1,080,905.81
4	392410	Tableware and kitchenware of plastics	735,256.61
5	190590	Other bread, etc, nes; communion wafers, rice paper, etc	591,020.80
6	761510	Table, kitchen or other household articles and parts thereof; of aluminium polishing	415,410.05
7	190531	Sweet biscuits	270,745.52
8	340111	Soap and organic surface-active products in bars, etc, for toilet use	201,163.41
9	170490	Sugar confectionery (incl. white chocolate), not containing cocoa, nes	186,504.74
10	300490	Other medicaments of mixed or unmixed products, for retail sale, nes	185,785.41
	<b>Total of top 10</b>		<b>7,938,131.39</b>
	<b>% share of top 10 in total export to Bhutan</b>	<b>US \$ 7,938,131.39 as percentage of total export value of US \$ 9555321.87</b>	<b>83.08%</b>

Data source: Export Promotion Bureau, Bangladesh ([http://epb.gov.bd/site/view/epb\\_export\\_data/2021-2022](http://epb.gov.bd/site/view/epb_export_data/2021-2022))

Annex Table 2: Top 10 export to India

Sl. no	HS code (6 digit)	Description	Export value in US \$
1	151590	Other fixed vegetable fats and fractions, nes	182,019,655.19
2	620342	Men's or boys' trousers, breeches, etc, of cotton	114,724,996.91
3	631090	Used or new rags, worn out scrap twine, cordage, rope, etc, not sorted	85,022,320.42
4	230400	Oil-cake and other solid residues, of soya-bean	84,786,775.06
5	530310	Jute, etc (excl. flax, true hemp and ramie), raw or retted	80,838,615.97
6	420212	Trunks, suit-cases..., etc, with outer surface of plastic or textiles	60,912,537.49
7	720421	Waste and scrap of stainless steel	60,131,677.98
8	610910	T-shirts, singlets and other vests, of cotton, knitted or crocheted	59,523,251.64
9	620520	Men's or boys' shirts of cotton	58,059,023.13

Sl. no	HS code (6 digit)	Description	Export value in US \$
10	281410	Anhydrous ammonia	43,874,427.72
	<b>Total of top 10</b>		<b>829,893,281.51</b>
	<b>% share of top 10 in total export to India</b>	<b>US \$ 829,893,281.51 as percentage of total export value of US \$ 1991390835.610</b>	<b>41.67%</b>

Data source: Export Promotion Bureau, Bangladesh ([http://epb.gov.bd/site/view/epb\\_export\\_data/2021-2022](http://epb.gov.bd/site/view/epb_export_data/2021-2022))

**Annex Table 3: Top 10 export to Maldives**

Sl. no	HS code (6 digit)	Description	Export value in US \$
1	70190	Other potatoes, fresh or chilled	789,090.75
2	220210	Waters (incl. mineral and aerated), with added sugar, sweetener, etc	754,310.38
3	190540	Rusks, toasted bread and similar toasted products	469,526.00
4	190190	Food prep's of goods of hdgs 0401-0404 or of flour, meal, etc not cont'g cocoa...nes	469,359.55
5	610910	T-shirts, singlets and other vests, of cotton, knitted or crocheted	438,523.79
6	300390	Other medicaments with &gt;=2 constituents, not for retail sale, nes	319,858.42
7	300490	Other medicaments of mixed or unmixed products, for retail sale, nes	317,948.05
8	20220	Frozen unboned bovine meat (excl. carcasses)	310,172.59
9	300320	Medicaments of other antibiotics, not for retail sale	242,092.62
10	190590	Other bread, etc, nes; communion wafers, rice paper, etc	215,017.14
	<b>Total of top 10</b>		<b>4,325,899.29</b>
	<b>% share of top 10 in total export to Maldives</b>	<b>US \$ 4,325,899.29 as percentage of total export value of US \$ 5837167.02</b>	<b>74.11%</b>

Data source: Export Promotion Bureau, Bangladesh ([http://epb.gov.bd/site/view/epb\\_export\\_data/2021-2022](http://epb.gov.bd/site/view/epb_export_data/2021-2022))

**Annex Table 4: Top 10 export to Nepal**

Sl. no	HS code (6 digit)	Description	Export value in US\$
1	230400	Oil-cake and other solid residues, of soya-bean	50,261,642.64
2	120190	Soya beans, whether or not broken other than Seed, Wrapped/canned upto 2.5 Kg	14,519,451.30
3	530310	Jute,etc (excl. flax, true hemp and ramie), raw or retted	5,311,181.97

Sl. no	HS code (6 digit)	Description	Export value in US\$
4	850710	Lead-acid accumulators for starting piston engines	4,051,378.29
5	70190	Other potatoes, fresh or chilled	2,213,869.32
6	300490	Other medicaments of mixed or unmixed products, for retail sale, nes	1,903,165.68
7	300439	Medicaments of other hormones, for retail sale, nes	1,885,919.20
8	700510	Non-wired unworked sheets of float/ground/polished glass, with absorbant ...layer	1,521,751.59
9	190540	Cotton waste, nes	1,250,840.79
10	151319	Sugar confectionery nes (includg white chocolate),not containg cocoa	1,204,847.23
	<b>Total of top 10</b>		<b>84,124,048.01</b>
	<b>% share of top 10 in total export to Nepal</b>	<b>US \$ 84,124,048.01 as percentage of total export value of US \$ 105501576.030</b>	<b>79.74%</b>

Data source: Export Promotion Bureau, Bangladesh ([http://epb.gov.bd/site/view/epb\\_export\\_data/2021-2022](http://epb.gov.bd/site/view/epb_export_data/2021-2022))

**Annex Table 5: Top 10 export to Sri Lanka**

Sl. no	HS code (6 digit)	Description	Export value in US\$
1	300490	Other medicaments of mixed or unmixed products, for retail sale, nes	13,007,292.23
2	610910	T-shirts, singlets and other vests, of cotton, knitted or crocheted	3,717,165.32
3	70190	Other potatoes, fresh or chilled	3,283,170.25
4	281511	Sodium hydroxide (caustic soda), solid	3,196,322.92
5	300320	Medicaments of other antibiotics, not for retail sale	3,075,966.92
6	300420	Medicaments of other antibiotics, for retail sale	2,420,945.57
7	300390	Other medicaments with >=2 constituents, not for retail sale, nes	2,325,613.53
8	600192	Pile fabrics of man-made fibres, nes, knitted or crocheted	2,001,454.33
9	300439	Medicaments of other hormones, for retail sale, nes	1,870,992.64
10	70110	Seed potatoes	1,391,949.86
	<b>Total of top 10</b>		<b>36,290,873.57</b>
	<b>% share of top 10 in total export to Sri Lanka</b>	<b>US \$ 36,290,873.57 as percentage of total export value of US \$ 58127763.02</b>	<b>62.43%</b>

Data source: Export Promotion Bureau, Bangladesh ([http://epb.gov.bd/site/view/epb\\_export\\_data/2021-2022](http://epb.gov.bd/site/view/epb_export_data/2021-2022))

### Annex 3: Identification of potential export items for exports from the country and subject to SPS/TBT measures of the importing countries

**Annex Table 6: Potential export products in Bhutanese market**

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	190190	Malt extract&food prep of Ch 19 <50% cocoa&hd 0401 to 0404 < 10% cocoa	0	162377	0.79	154452	2.57	0.000%
2.	190219	Uncooked pasta, not stuffed or otherwise prepared, nes	0	732889	1.33	2812483	2.09	0.000%
3.	200980	Fruit&veg juice nes (exc mx) unferment unspirtd,whether/ not sug/sweet	0	1893061	0.65	510622	0.98	0.000%
4.	220210	Waters incl mineral&aeratd,containg sugar o sweeteng matter o flavourd	51144.5	5211851	0.47	301709	1.18	16.952%
5.	220290	Non-alcoholic beverages nes,excludg fruit/veg juices of headg No 20.09	0	2605020	0.57	543404	1.15	0.000%
6.	230990	Animal feed preparations nes	0	307988	2.36	222205	3.09	0.000%
7.	252329	Portland cement nes	0	17843934	0.08	7574228	0.12	0.000%
8.	271011	Light petroleum oils and preparations	0	44204264	0.94	3892429	1.08	0.000%
9.	330300	Perfumes and toilet waters	0	106054	53.46	123850	843.82	0.000%
10.	390110	Polyethylene having a specific gravity of less than 0.94	0	1244426	0.71	429882	1.19	0.000%
11.	390190	Polymers of ethylene nes, in primary forms	0	288439	0.76	429335	1.52	0.000%
12.	391590	Plastics waste and scrap nes	0	40503320	0.91	529608	2.06	0.000%
13.	392310	Boxes, cases, crates & similar articles of plastic	0	302724	2.78	134293	4.47	0.000%
14.	392690	Articles of plastics or of other materials of Nos 39.01 to 39.14 nes	0	2818980	3.91	379935	7.90	0.000%
15.	401150	Pneumatic tires new of rubber for bicycles	0	1594561	3.05	120977	10.18	0.000%
16.	401693	Gaskets, washers and other seals of vulcanised rubber	0	256972	2.42	110592	8.17	0.000%
17.	420212	Trunks, suit-cases&sim container w/outer surface of plastics/textiles	0	2072331	18.04	195081	22.08	0.000%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
18.	420222	Handbags w outer surface of sheetg of plastics o of textile materials	1173	1857792	16.01	332190	31.39	0.353%
19.	420292	Containers, with outer surface of sheeting of plas or tex materials,nes	0	15163559	12.13	420941	14.99	0.000%
20.	460129	Mats, matting and screens, of vegetable plaiting materials, flat-woven	0	260568	2.28	813099	11.01	0.000%
21.	460219	Basketwork, wickerwork and other articles, made directly to shape from	0	2888100	4.29	1079660	10.20	0.000%
22.	490110	Brochures, leaflets and similar printed matter, in single sheets	0	627527	3.07	1256226	9.48	0.000%
23.	490199	Books, brochures, leaflets and similar printed matter, nes	0	221029	5.15	176727	11.97	0.000%
24.	540710	Woven fab of high tenacity fi yarns of nylon oth polyamides/polyesters	0	148696	12.72	592367	33.37	0.000%
25.	610333	Mens/boys jackets and blazers, of synthetic fibres, knitted	0	3246247	16.22	439265	34.09	0.000%
26.	620323	Mens/boys ensembles, of synthetic fibres, not knitted	0	769003	17.16	197858	32.24	0.000%
27.	620452	Womens/girls skirts, of cotton, not knitted	0	117522712	23.77	308000	43.68	0.000%
28.	630231	Bed linen, of cotton, nes	0	135938160	9.62	100952	11.49	0.000%
29.	631010	Used or new rags of textile materials, sorted	0	33587696	0.45	102392	4.91	0.000%
30.	631090	Used or new rags of textile materials, not sorted	0	23971734	0.46	1394332	3.70	0.000%
31.	690290	Refractory bricks etc nes	5951	589834	0.04	118561	0.08	5.019%
32.	690410	Building bricks	0	137253	0.11	156049	0.14	0.000%
33.	690790	Tiles, cubes and sim nes, unglazed ceramics	0	188076	0.25	225996	3.34	0.000%
34.	690890	Tiles, cubes and sim nes, glazed ceramics	0	739870	0.25	179029	0.83	0.000%
35.	720719	Semi-fin prod, iron or non-alloy steel, cntg by wght <.25% carbon, nes	0	1350980	0.70	1590667	0.86	0.000%
36.	730900	Reservoirs,tanks,vats&sim ctrn,cap >300L,i o s (ex liq/compr gas type)	0	155179	3.63	210560	4.28	0.000%
37.	731100	Containers for compressed or liquefied gas of	0	158687	0.53	383632	2.73	0.000%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
		iron or steel						
38.	731815	Bolts o screws nes,with o without their nuts o washers,iron o steel	0	260224	2.48	146971	7.26	0.000%
39.	732399	Table,kitchen or oth household art&parts thereof,of iron or steel,nes	0	409444	8.69	380142	24.86	0.000%
40.	840999	Parts for diesel and semi-diesel engines	0	1047647	4.99	355857	14.93	0.000%
41.	841191	Parts of turbo-jets or turbo-propellers	0	135606	39.72	190379	1167.88	0.000%
42.	841391	Parts of pumps for liquid whether or not fitted with a measurg device	0	104375	25.18	199259	39.88	0.000%
43.	841490	Parts of vacuum pumps, compressors, fans, blowers, hoods	0	223487	1.77	144406	8.38	0.000%
44.	844399	Parts and accessories of printers, copying machines and facsimile mach	0	1329780	29.17	245094	68.64	0.000%
45.	846693	Parts & accessories nes for use on machines of headg No 84.56 to 84.61	0	527058	4.14	692202	5.04	0.000%
46.	847330	Parts&accessories of automatic data processg machines&units thereof	62	899127	12.09	1216773	68.99	0.005%
47.	850211	Generatg sets,diesel/semi-diesel engines,of an output not exced 75 KVA	0	960078	8.14	340379	13.71	0.000%
48.	850213	Generatg sets,diesel/semi-diesel engines,of an output exceedg 375 KVA	0	213309	7.97	401499	13.70	0.000%
49.	850239	Electric generating sets	0	401043	13.73	572087	20.49	0.000%
50.	850422	Liq dielect transf havg a power handlg cap >650 KVA but <= 10,000KVA	0	297328	5.51	1506773	7.04	0.000%
51.	850440	Static converters, nes	0	237532	39.84	573725	122.15	0.000%
52.	851712	Telephones for cellular networks mobile telephones or for other wirele	0	1243912	174.92	223227	14932.98	0.000%
53.	851762	Machines for the reception, conversion and transmission or regeneratio	0	265000	166.06	3136358	696.22	0.000%
54.	851769	Apparatus for the transmission or reception of voice, images or other	0	125500	19.82	111198	3619.83	0.000%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
55.	851770	Parts of telephone sets, telephones for cellular networks or for other	0	2891463	60.93	1956443	158.68	0.000%
56.	852580	Television cameras, digital cameras and video camera recorders	0	329079	99.86	160603	989.86	0.000%
57.	854140	Photosensitive semiconduct device,photovoltaic cells&light emit diodes	0	7314036	1693.31	270585	3885.35	0.000%
58.	854390	Parts of electrical machines & apparatus havg individual functions,nes	0	247262	1110.33	121592	1373.03	0.000%
59.	870324	Automobiles with reciprocating piston engine displacing > 3000 cc	0	131849	10.46	567419	17.20	0.000%
60.	870390	Automobiles nes including gas turbine powered	0	367198	2.03	8544662	24.69	0.000%
61.	870810	Bumpers and parts for motor vehicles	0	298705	11.81	148934	23.27	0.000%
62.	870899	Motor vehicle parts nes	535	284893	5.68	1038434	11.07	0.052%
63.	903180	Measuring or checking instruments, appliances and machines, nes	0	240374	332.68	186278	419.75	0.000%
64.	940169	Seats with wooden frames, nes	0	221891	4.63	215353	7.70	0.000%
65.	940179	Seats with metal frames, nes, other than those of heading No 94.02	0	2659868	5.29	178502	18.08	0.000%
66.	940320	Furniture, metal, nes	0	1759928	4.59	346867	5.37	0.000%
67.	940360	Furniture, wooden, nes	0	664785	4.98	850025	5.45	0.000%
68.	940390	Furniture parts nes	0	254903	2.57	806789	6.08	0.000%
69.	940550	Non-electrical lamps and lighting fittings	0	299775	10.09	160540	18.65	0.000%
70.	940600	Prefabricated buildings	0	465244	2.39	127050	3.23	0.000%
71.	950699	Articles&equip for sports&outdoor games nes&swimmg&paddlg pools	0	1452866	9.20	870062	10.53	0.000%

Data source: UN Comtrade Database

Note: X = Bangladesh being country of exports, M = Bhutan being the importing country

Color Code: Orange = SAFTA sensitive list (phase II)

**Annex Table 7: Potential export products in Indian market**

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	030616	Frozen cold-water shrimps and prawns	0	2062926	8.73	8412623	26.59	0.000%
2.	050800	Coral&sim mat,shellfish shell,cuttl bone,echinoderm unwk unshp pdr&wast	0	1232998	0.58	5366523	2.79	0.000%
3.	090240	Black tea (fermented) & partly fermented tea in packages exceedg 3 kg	0	1501780	2.20	42310300	2.23	0.000%
4.	100630	Rice, semi-milled or wholly milled, whether or not polished or glazed	0	5569144	0.89	1124982	0.99	0.000%
5.	120740	Sesamum seeds, whether or not broken	0	17671538	0.96	54318556	1.52	0.000%
6.	170199	Refined cane or beet sugar, solid, without flavouring or colouring matter	0	4954871	0.68	3600403	1.61	0.000%
7.	190410	Prep foods obtaind by the swellg o roastg of cereal o cereal products	138582	4043849	1.01	1376803	2.70	10.065%
8.	190531	Sweet biscuits	50478	2213301	1.31	4293499	2.82	1.176%
9.	190590	Communion wafers,empty cachets f pharm use&sim prod&bakers' wares nes	1013418	9494282	1.75	8529443	2.73	11.881%
10.	200819	Nuts&seeds nes incl mx,o/w prep o presvd,sugard,sweetend,spiritd o not	232117	2241248	1.25	5864912	3.72	3.958%
11.	200980	Fruit&veg juice nes (exc mx) unferment unspiritd,whether/not sug/sweet	280156	1893061	0.65	5978389	1.45	4.686%
12.	200989	Juice of fruit or vegetables, unfermented, whether or not containing added sugar or other	70851	6189548	0.43	7544313	1.93	0.939%
13.	200990	Mixtures of juices unfermentd&not spiritd whether o not sugard o sweet	70382	3562315	0.48	4600449	1.89	1.530%
14.	240120	Tobacco, unmanufactured, partly or wholly stemmed or stripped	28192	80136376	4.22	14692954	8.21	0.192%
15.	300420	Antibiotics nes, in dosage	0	7477425	63.38	37812312	1186.42	0.000%
16.	300440	Alkaloids or their derivs, not cntg antibiotics or hormones, in dosage	0	1245041	27.29	3238604	1848.11	0.000%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
17.	300450	Vitamins and their derivatives,in dosage	0	1730534	56.36	6252648	765.61	0.000%
18.	300490	Medicaments nes, in dosage	41822	38608208	32.68	519696128	1038.86	0.008%
19.	382490	Chemical/allied industry preparations/prods nes	43010	1222495	1.81	437501632	2.24	0.010%
20.	392321	Sacks and bags (including cones) of polymers of ethylene	22450	18285068	2.07	13934866	6.84	0.161%
21.	392390	Articles for the conveyance or packing of goods nes, of plastics	25104	12493644	5.03	57254172	5.21	0.044%
22.	401150	Pneumatic tires new of rubber for bicycles	48785	1219433	3.31	1413384	4.81	3.452%
23.	401699	Articles of vulcanised rubber nes, other than hard rubber	1411	1228678	6.87	246262368	10.39	0.001%
24.	410411	Full grains, unsplit and grain splits, in the wet state "incl. wet-blu	81798	3603174	4.14	10519514	11.89	0.778%
25.	410419	Hides and skins of bovine "incl. buffalo" or equine animals, in the we	1336269	20187568	1.61	136971168	8.39	0.976%
26.	410711	Full grains leather "incl. parchment-dressed leather", unsplit, of the	95716	7249054	23.44	6626649	25.31	1.444%
27.	410719	Leather "incl. parchment-dressed leather" of the whole hides and skins	1002729	8684038	23.25	49992488	24.03	2.006%
28.	410799	Leather "incl. parchment-dressed leather" of the portions, strips or s	3357032	26481616	18.63	48091040	21.41	6.981%
29.	411390	Leather further prepared after tanning or crusting "incl. parchment-dr	10397	1014800	15.94	7420622	22.15	0.140%
30.	420211	Trunks,suit-cases & similar containers with outer surface of leather	0	1938137	38.22	4919645	42.80	0.000%
31.	420222	Handbags w outer surface of sheetg of plastics o of textile materials	18889	6300535	21.18	40290048	23.37	0.047%
32.	420231	Articles carried in pocket or handbag, with outer surface of leather	1961	6670260	64.56	8975033	95.70	0.022%
33.	420292	Containers,with outer surface of sheeting of plas or tex materials,nes	8677	46789332	14.63	8179359	17.16	0.106%
34.	520531	Cotton yarn,>/=85%, multi,	0	1068331	2.01	4246833	6.86	0.000%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
		uncombed,>/=714.29 dtex, not put up, nes						
35.	520942	Denim fabrics of cotton,>/=85%, more than 200 g/m2	60293	1466536	5.58	25974726	7.74	0.232%
36.	521142	Denim fabrics of cotton, <85% mixed with m-m fib, more than 200 g/m2	8434	1572110	6.33	6007753	7.44	0.140%
37.	540752	Woven fabrics,>/=85% of textured polyester filaments, dyed, nes	2656	1513538	8.32	39374156	10.65	0.007%
38.	550510	Waste of synthetic fibres	38624	1012110	0.71	15774128	0.83	0.245%
39.	550810	Sewing thread of synthetic staple fibres	6951	2044634	4.33	3514677	6.40	0.198%
40.	560750	Twine, cordage, ropes and cables, of other synthetic fibres	140784	1407589	4.58	5390569	4.99	2.612%
41.	570110	Carpets of wool or fine animal hair, knotted	0	1177568	32.21	1100114	35.68	0.000%
42.	610333	Mens/boys jackets and blazers, of synthetic fibres, knitted	128380	5800536	14.82	2000384	33.64	6.418%
43.	610343	Mens/boys trousers and shorts, of synthetic fibres, knitted	195039	76416432	13.16	2288011	27.19	8.524%
44.	610443	Womens/girls dresses, of synthetic fibres, knitted	6500	67012888	17.79	2565116	41.27	0.253%
45.	610444	Womens/girls dresses, of artificial fibres, knitted	9574	25875256	19.27	1612017	50.16	0.594%
46.	610462	Womens/girls trousers and shorts, of cotton, knitted	360065	632954688	15.39	1924541	24.23	18.709%
47.	610463	Womens/girls trousers and shorts, of synthetic fibres, knitted	141498	112479288	16.01	2651476	31.27	5.337%
48.	610469	Womens/girls trousers and shorts, of other textile materials, knitted	86584	29350136	12.90	2229680	30.98	3.883%
49.	610510	Mens/boys shirts, of cotton, knitted	1384143	803242944	16.24	9013346	33.88	15.357%
50.	610610	Womens/girls blouses and shirts, of cotton, knitted	131550	277628832	17.77	2480486	34.47	5.303%
51.	610620	Womens/girls blouses and shirts, of man-made fibres, knitted	73405	55897416	20.51	4985064	37.86	1.473%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
52.	610690	Womens/girls blouses and shirts, of other materials, knitted	96091	5035315	29.23	1727079	64.19	5.564%
53.	610711	Mens/boys underpants and briefs, of cotton, knitted	67433	238330304	17.54	1076606	25.27	6.263%
54.	610822	Womens/girls briefs and panties, of man-made fibres, knitted	191263	82710624	32.74	2183354	53.94	8.760%
55.	610990	T-shirts,singlets and other vests,of other textile materials,knitted	851465	393528928	20.75	13711272	40.61	6.210%
56.	611020	Pullovers, cardigans and similar articles of cotton, knitted	1348651	2119963776	18.71	7406716	30.81	18.208%
57.	611030	Pullovers, cardigans and similar articles of man-made fibres, knitted	1725135	1653824000	17.23	9730858	32.85	17.728%
58.	611529	Pantyhose and tights of textile materials, knitted or crocheted (excl.	294675	4277618	16.92	2945894	24.14	10.003%
59.	611610	Gloves impregnated, coated or covered with plastics or rubber, knitted	499480	9299095	7.13	2985748	17.45	16.729%
60.	611692	Gloves, mittens and mitts, nes, of cotton, knitted	146519	3310163	6.90	1801153	7.15	8.135%
61.	611710	Shawls, scarves, veils and the like, of textile materials, knitted	35604	8709872	15.91	2053608	36.69	1.734%
62.	611780	Clothing accessories nes, of textile materials, knitted	607	5001783	22.61	3682634	32.46	0.016%
63.	620193	Mens/boys anoraks and similar articles,of man-made fibres,not knitted	694106	280954688	31.36	4306281	43.53	16.118%
64.	620293	Womens/girls anoraks & similar article of man-made fibres,not knitted	372105	183799600	30.84	1893299	45.24	19.654%
65.	620311	Mens/boys suits, of wool or fine animal hair, not knitted	0	12333893	45.45	3109312	132.54	0.000%
66.	620331	Mens/boys jackets and blazers,of wool or fine animal hair,not knitted	2489	7943577	39.97	3047517	104.47	0.082%
67.	620332	Mens/boys jackets and blazers, of cotton, not knitted	681156	22292324	21.12	3686955	46.20	18.475%
68.	620333	Mens/boys jackets and blazers, of synthetic	2333409	35654384	24.96	10753335	39.42	21.699%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
		fibres, not knitted						
69.	620339	Mens/boys jackets and blazers, of other textile materials, not knitted	169200	6219831	31.11	1988091	64.74	8.511%
70.	620341	Mens/boys trousers and shorts,of wool or fine animal hair,not knitted	0	6759261	24.13	1123825	65.56	0.000%
71.	620432	Womens/ girls jackets, of cotton, not knitted	76990	33603368	22.99	1063163	49.80	7.242%
72.	620433	Womens/ girls jackets, of synthetic fibres, not knitted	479129	42086400	23.25	3596695	49.13	13.321%
73.	620439	Womens/ girls jackets, of other textile materials, not knitted	39906	6120088	22.34	1381546	71.25	2.889%
74.	620442	Womens/ girls dresses, of cotton, not knitted	17554	63645488	26.04	2799426	52.49	0.627%
75.	620443	Womens/ girls dresses, of synthetic fibres, not knitted	13446	22152798	23.83	3636751	57.40	0.370%
76.	620444	Womens/ girls dresses, of artificial fibres, not knitted	45996	14267148	33.22	2936295	65.46	1.566%
77.	620449	Womens/ girls dresses, of other textile materials, not knitted	5197	16167585	4.12	1417496	142.63	0.367%
78.	620453	Womens/ girls skirts, of synthetic fibres, not knitted	17802	21824696	19.85	1062314	43.50	1.676%
79.	620462	Womens/ girls trousers and shorts, of cotton, not knitted	3336426	2388698624	19.73	18984876	32.91	17.574%
80.	620463	Womens/ girls trousers and shorts, of synthetic fibres, not knitted	246255	153748592	19.03	2548511	36.60	9.663%
81.	620469	Womens/ girls trousers & shorts,of other textile materials,not knitted	446220	137576304	20.07	4538225	42.42	9.832%
82.	620630	Womens/ girls blouses and shirts, of cotton, not knitted	268291	387380480	28.67	3057907	50.39	8.774%
83.	620640	Womens/ girls blouses and shirts, of man-made fibres, not knitted	205446	143075312	23.50	7632045	51.29	2.692%
84.	620920	Babies garments and clothing accessories of cotton, not knitted	379923	362621408	22.77	2092594	33.71	18.156%
85.	620990	Babies garments&clothg accessories of oth	47999	7408246	19.34	2229244	31.85	2.153%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
		textile materials,not knitted						
86.	621010	Garments made up of textile felts and of nonwoven textile fabrics	0	1947511	8.65	2117904	10.30	0.000%
87.	621040	Mens/boys garments nes,made up of impreg,ctd,cov,etc,textile woven fab	257535	211656400	29.07	2374969	43.56	10.844%
88.	621210	Brassieres and parts thereof, of textile materials	1283840	239589344	33.33	10540461	66.71	12.180%
89.	621290	Corsets,braces & similar articles & parts thereof,of textile materials	40639	6432439	33.13	1529437	47.06	2.657%
90.	621600	Gloves, mittens and mitts, of textile materials, not knitted	14012	1068607	11.09	1356173	35.90	1.033%
91.	630399	Curtain/drape/interior blind curtain/bd valance,of oth tex mat,nt knit	350	3226402	5.73	3302329	7.68	0.011%
92.	630492	Furnishing articles nes, of cotton, not knitted or crocheted	529122	3450578	11.99	20519456	13.56	2.579%
93.	630532	Flexible intermediate bulk containers, man-made mater	28243	31035342	2.54	1423459	7.65	1.984%
94.	630539	Sacks & bags,for packing of goods,of other man-made textile materials	0	1069477	2.27	1297338	4.91	0.000%
95.	630590	Sacks and bags, for packing of goods, of other textile materials	115130	1480662	4.37	1007654	6.38	11.426%
96.	630622	Tents, of synthetic fibres	159333	146401344	6.41	1165530	7.87	13.670%
97.	630790	Made up articles, of textile materials, nes, including dress patterns	8163	10564076	4.42	19915856	6.04	0.041%
98.	640291	Footwear,outer soles/upper of rubber or plastics,coverg the ankle,nes	144483	14277063	13.43	1167669	19.77	12.374%
99.	640299	Footwear, outer soles/upper of rubber or plastics, nes	122016	34297020	14.61	54812112	18.86	0.223%
100.	640320	Footwear,outr sole/uppr of leathr,strap across the instep/arnd big toe	109110	1008116	23.28	9480026	40.67	1.151%
101.	640351	Footwear, outer soles and uppers of leather, covering the ankle, nes	290517	2025084	22.29	2815402	57.43	10.319%
102.	640359	Footwear, outer soles and uppers of leather, nes	63373	5089800	35.88	11312132	67.00	0.560%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
103	640391	Footwear,outer soles of rubber/plast uppers of leather covg ankle nes	89827	173939824	26.29	3635586	36.75	2.471%
104	640399	Footwear, outer soles of rubber/plastics uppers of leather, nes	185741	202574976	24.18	36123232	35.71	0.514%
105	640411	Sports footwear w outer soles of rubber o plastics&uppers of tex mat	628906	10148156	18.90	25064524	31.28	2.509%
106	640419	Footwear o/t sports,w outer soles of rubber/plastics&uppers of tex mat	3480341	83806016	14.01	45910036	21.57	7.581%
107	640520	Footwear with uppers of textile materials, nes	41	1748136	10.41	4652976	20.97	0.001%
108	640690	Parts of footwear; removable in-soles, heel cushions and similar articles; gaiters, leggin	0	2699501	2.75	26271638	5.62	0.000%
109	670300	Human hair,worked;wool/animal hair&other tex mat,prepared for wigs,etc	0	1569191	19.47	1212233	102.90	0.000%
110	701959	Woven fabrics of glass fibre nes	0	1446441	2.23	11817453	4.88	0.000%
111	720917	Cold rolled iron/steel, coils >600mm x 0.5-1mm	0	4335747	0.73	379781632	0.78	0.000%
112	844399	Parts and accessories of printers, copying machines and facsimile mach	32245	1451873	20.29	384963008	56.03	0.008%
113	847330	Parts&accessories of automatic data processg machines&units thereof	95727	2168803	21.46	1502694400	83.38	0.006%
114	850431	Transformers electric power handling capacity not exceeding 1 KVA, nes	14811	2548841	22.07	49057020	25.32	0.030%
115	850720	Lead-acid electric accumulators nes	207198	3982005	4.08	125791304	4.29	0.165%
116	851770	Parts of telephone sets, telephones for cellular networks or for other	19251	2021177	42.09	3195409152	54.69	0.001%
117	853120	Indicator panels incorporatg liquid crystal device/light emittg diode	7828	5571505	124.39	28203828	134.13	0.028%
118	871200	Bicycles and other cycles (including delivery tricycles),not motorised	3076757	79521152	8.46	36177328	8.72	8.505%
119	880212	Helicopters of an unladen weight exceeding 2,000 kg	0	8485884	907.81	97404760	1167.55	0.000%
120	900211	Objective lenses f cameras,projectors/ photographic	5074	8950738	225.43	28878394	515.32	0.018%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
		enlargers/reducers						
121	900219	Objective lenses, nes	7384	6147427	280.78	14456109	584.16	0.051%
122	900290	Lenses, prisms, mirrors and other optical elements, mounted, nes	4292	6236751	206.18	18279344	446.79	0.023%
123	900311	Frames and mountings for spectacles, goggles or the like, of plastic	0	2305176	264.51	10828524	278.40	0.000%
124	940180	Seats nes, other than those of heading No 94.02	6292	1114797	4.09	22806144	6.69	0.028%
125	940190	Parts of seats other than those of heading No 94.02	19272	2552262	2.93	117528376	8.78	0.016%
126	940430	Sleeping bags	75883	20634042	10.40	1182998	13.26	6.414%
127	950699	Articles&equip for sports&outdoor games nes&swimmg&paddlg pools	391	2254130	9.74	62948416	10.18	0.001%

Data source: UN Comtrade Database

Note: X = Bangladesh being country of exports, M = India being the importing country

Color Code: Orange = SAFTA sensitive list (phase II)

**Annex Table 8: Potential export products in Maldivian market**

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	030389	Frozen fish, n.e.s.	42746	23506244	3.91	601175	8.08	7.110%
2.	030614	Crabs frozen, in shell or not, including boiled in shell	193	511699	4.61	1021635	18.15	0.019%
3.	030617	Other frozen shrimps and prawns	3019	485104704	10.39	5278712	14.75	0.057%
4.	030749	Cuttle fish and squid,shelled or not,frozen,dried,salted or in brine	0	949051	2.23	988350	6.63	0.000%
5.	040229	Milk and cream powder sweetened exceeding 1.5% fat	0	601488	5.24	10895053	5.75	0.000%
6.	070390	Leeks and other alliaceous vegetables, fresh or chilled	272	2015589	2.26	732023	2.34	0.037%
7.	070960	Peppers of the genus Capsicum or of the genus Pimenta,fresh or chilled	1244	1571164	1.51	2816612	3.91	0.044%
8.	070999	Fresh or chilled vegetables n.e.s.	5686	19609992	1.87	3162281	4.13	0.180%
9.	080280	Areca nuts	0	1217600	2.05	2834498	2.90	0.000%
10.	080290	Nuts edible, fresh or dried, whether or not shelled or peeled, nes	42	77270048	1.39	966969	6.84	0.004%
11.	081090	Fruits, fresh nes	945	1064107	3.50	3292557	4.79	0.029%
12.	090230	Black tea (fermented) & partly fermentd tea in packages not exceedg 3 kg	0	995197	3.51	1241293	6.74	0.000%
13.	091099	Spices nes	2441	3926414	1.83	827056	3.10	0.295%
14.	151590	Veg fats&coils nes&their fractions,refind or not but not chemically mod	0	5633706	0.92	7128755	4.18	0.000%
15.	160250	Bovine meat and meat offal nes,excluding livers, prepared or preserved	1234	4213531	4.75	682236	10.27	0.181%
16.	170199	Refined cane or beet sugar, solid, without flavouring or colouring matter	0	6175861	0.70	832053	1.28	0.000%
17.	170490	Sugar confectionery nes (includg white chocolate),not containg cocoa	2022	1436352	1.10	1679701	2.52	0.120%
18.	190219	Uncooked pasta, not stuffed or otherwise prepared, nes	1288	926975	1.25	4845196	2.13	0.027%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
19.	190410	Prep foods obtained by the swelling or roasting of cereal or cereal products	2265	4379973	0.97	1290155	4.84	0.176%
20.	190531	Sweet biscuits	8396	1985378	1.32	5968827	1.93	0.141%
21.	200819	Nuts & seeds nes incl mx,o/w prep or preserved,sugared,sweetened,spirited or not	6121	1712723	1.15	2298707	2.97	0.266%
22.	200989	Juice of fruit or vegetables, unfermented, whether or not containing added sugar or other	133656	5375046	0.44	3591262	1.00	3.722%
23.	200990	Mixtures of juices unfermented&not spirited whether or not sugared or sweet	2869	2242186	0.48	2448919	1.52	0.117%
24.	210690	Food preparations nes	22165	2530853	1.44	6512310	3.49	0.340%
25.	220290	Non-alcoholic beverages nes,excluding fruit/veg juices of heading No 20.09	16436	3317898	0.49	7429186	1.35	0.221%
26.	240220	Cigarettes containing tobacco	4183	704083	9.00	13109530	29.41	0.032%
27.	251710	Pebbles, gravel, broken or crushed stone used for aggregates etc	0	9530377	0.03	11411461	0.04	0.000%
28.	252329	Portland cement nes	575	15673607	0.08	14937755	0.09	0.004%
29.	340111	Toilet soap&prep,shaped;papers&nonwovens impreg with soap toilet use	635	1456139	1.99	1192446	2.62	0.053%
30.	382490	Chemical/allied industry preparations/prods nes	0	1212825	2.12	1837062	3.37	0.000%
31.	390190	Polymers of ethylene nes, in primary forms	0	1207011	0.80	1762300	1.05	0.000%
32.	392321	Sacks and bags (including cones) of polymers of ethylene	360	17132734	2.08	711634	3.26	0.051%
33.	392329	Sacks and bags (including cones) of plastics nes	12	3653973	2.73	729202	5.77	0.002%
34.	392410	Tableware and kitchenware of plastics	0	2650713	4.32	1451000	5.40	0.000%
35.	392490	Household and toilet articles nes, of plastics	84	2706364	3.16	1518251	5.32	0.006%
36.	392690	Articles of plastics or of other materials of Nos 39.01 to 39.14 nes	0	3538275	2.98	4952642	9.59	0.000%
37.	420292	Containers,with outer surface of sheeting of plastic or textile materials,nes	0	34111204	14.01	557368	17.05	0.000%
38.	460290	Basketwork,wickerwork&other article made up	3900	1355013	4.70	578568	5.94	0.674%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
		from oth plaited materials						
39.	570299	Carpets of other textile materials, woven, made up, nes	0	8705857	3.21	601168	4.70	0.000%
40.	610342	Mens/boys trousers and shorts, of cotton, knitted	5860	162478192	14.99	1282447	22.53	0.457%
41.	610349	Mens/boys trousers and shorts, of other textile materials, knitted	5049	6161576	21.54	1823534	30.44	0.277%
42.	610449	Womens/girls dresses, of other textile materials, knitted	585	2752745	13.44	887898	82.70	0.066%
43.	610469	Womens/girls trousers and shorts, of other textile materials, knitted	1674	21732514	12.71	588019	31.94	0.285%
44.	610510	Mens/boys shirts, of cotton, knitted	1122	799012224	16.66	577836	34.45	0.194%
45.	610590	Mens/boys shirts, of other textile materials, knitted	3995	4554167	21.82	749562	49.68	0.533%
46.	610990	T-shirts,singlets and other vests,of other textile materials,knitted	16691	341062848	21.24	1555817	39.86	1.073%
47.	630231	Bed linen, of cotton, nes	0	149613120	9.71	935085	11.88	0.000%
48.	630291	Toilet and kitchen linen, of cotton, nes	326	19548562	5.04	1852789	8.57	0.018%
49.	630533	Sacks, bags, packing, of strip plastic material	9869	3437248	2.39	825382	2.90	1.196%
50.	630790	Made up articles, of textile materials, nes, including dress patterns	5	10401985	4.22	803965	15.55	0.001%
51.	640391	Footwear,outer soles of rubber/plast uppers of leather covg ankle nes	0	153400960	25.51	537792	36.22	0.000%
52.	640590	Footwear, nes	3739	945099	15.73	4147705	20.16	0.090%
53.	690890	Tiles, cubes and sim nes, glazed ceramics	0	648920	0.23	7065872	0.49	0.000%
54.	691110	Tableware and kitchenware of porcelain or china	0	46165948	3.94	794673	4.62	0.000%
55.	721049	Flat rolled prod,i/nas,plated or coated with zinc,>/=600mm wide, nes	0	1064813	1.04	4996339	1.46	0.000%
56.	732690	Articles, iron or steel, nes	59403	1079501	2.60	4793177	7.03	1.239%
57.	840999	Parts for diesel and semi-diesel engines	0	965434	4.51	7041206	29.08	0.000%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
58.	844399	Parts and accessories of printers, copying machines and facsimile mach	326	1424360	22.66	3814768	55.07	0.009%
59.	851712	Telephones for cellular networks mobile telephones or for other wirele	690	1474310	347.39	14333950	489.46	0.005%
60.	851770	Parts of telephone sets, telephones for cellular networks or for other	0	2333981	48.53	625586	206.88	0.000%
61.	852851	Monitors of a kind solely or principally used in an automatic data-pro	435	807075	33.08	690773	37.52	0.063%
62.	871200	Bicycles and other cycles (including delivery tricycles),not motorised	0	75824288	8.49	816615	8.72	0.000%
63.	940180	Seats nes, other than those of heading No 94.02	0	1367800	3.49	943329	6.57	0.000%
64.	940320	Furniture, metal, nes	0	937030	4.51	2919625	4.95	0.000%
65.	940370	Furniture, plastic, nes	0	660917	1.91	518867	4.99	0.000%
66.	940490	Articles of bedding/furnishing, nes, stuffed or internally fitted	233	5714696	7.13	2619216	9.22	0.009%

Data source: UN Comtrade Database

Note: X = Bangladesh being country of exports, M = Maldives being the importing country.

Color Code: Orange = SAFTA sensitive list (phase II)

**Annex Table 9: Potential export products in Nepali market**

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	140490	Vegetable products nes	0	595989	0.80	1348012	1.62	0.000%
2.	190410	Prep foods obtained by the swellg o roastg of cereal o cereal products	3660	4043849	1.01	935602	2.17	0.391%
3.	190490	Cereals,exc maize (corn),in grain form,pre-cookd or otherwise preparad	1678	1131793	0.91	576087	1.52	0.291%
4.	190531	Sweet biscuits	21222	2213301	1.31	10250660	1.32	0.207%
5.	200819	Nuts&seeds nes incl mx,o/w prep o presvd,sugard,sweetend,spiritd o not	3785	2241248	1.25	665815	3.50	0.568%
6.	200899	Fruits&oth edible pts of plants nes,prep/presvd,sug,sweet/spir/not	695	592122	0.85	3730289	0.90	0.019%
7.	200980	Fruit&veg juice nes (exc mx) unferment unspiritd,whether/not sug/sweet	53477	1893061	0.65	568110	1.27	9.413%
8.	210690	Food preparations nes	70291	3005545	2.44	34384104	3.05	0.204%
9.	252329	Portland cement nes	0	14499271	0.08	34939652	0.08	0.000%
10.	271012	Light petroleum oils and preparations	0	36393344	0.70	299515808	1.10	0.000%
11.	310210	Urea,wthr/nt in aqueous solution in packages weighg more than 10 kg	0	21677092	0.38	80379592	0.47	0.000%
12.	340111	Toilet soap&prep,shaped;papers&nonwovens impreg with soap toilet use	4343	1472447	1.98	2836965	2.05	0.153%
13.	390110	Polyethylene having a specific gravity of less than 0.94	0	584771	1.11	17576328	1.34	0.000%
14.	390190	Polymers of ethylene nes, in primary forms	3	1606062	0.81	1505083	1.54	0.000%
15.	390720	Polyethers nes	8	542130	2.10	2115435	2.32	0.000%
16.	390760	Polyethylene terephthalate	0	580887	0.92	12793576	1.36	0.000%
17.	392410	Tableware and kitchenware of plastics	6559	2980871	4.31	1556111	5.46	0.421%
18.	392490	Household and toilet articles nes, of plastics	43284	3395315	3.27	1411920	5.39	3.066%
19.	392690	Articles of plastics or of other materials of Nos 39.01 to 39.14 nes	1476	3456869	2.99	3698054	4.93	0.040%
20.	400121	Natural rubber in smoked sheets	107072	7389445	2.72	951604	3.16	11.252%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
21.	401150	Pneumatic tires new of rubber for bicycles	0	1219433	3.31	767550	4.81	0.000%
22.	401320	Inner tubes of rubber for bicycles	0	897171	4.89	624161	5.77	0.000%
23.	401699	Articles of vulcanised rubber nes, other than hard rubber	0	1228678	6.87	610367	13.76	0.000%
24.	420222	Handbags w outer surface of sheetg of plastics o of textile materials	14	6300535	21.18	1494989	23.37	0.001%
25.	420229	Handbags, of vulcanised fibre or of paperboard	840	611504	18.16	1628827	19.56	0.052%
26.	420330	Belts and bandoliers of leather or of composition leather	609	1532347	32.81	1045412	61.89	0.058%
27.	520531	Cotton yarn,>/=85%, multi, uncombed,>/=714.29 dtex, not put up, nes	0	750050	1.86	6007922	3.09	0.000%
28.	520839	Woven fabrics of cotton,>/=85%, not more than 200 g/m2, dyed, nes	0	513363	8.56	1051700	17.23	0.000%
29.	520942	Denim fabrics of cotton,>/=85%, more than 200 g/m2	141505	1466536	5.58	2081151	7.74	6.799%
30.	610339	Mens/boys jackets and blazers, of other textile materials, knitted	8368	1197304	27.69	723451	39.26	1.157%
31.	610910	T-shirts, singlets and other vests, of cotton, knitted	80829	4420477440	14.65	3731208	27.71	2.166%
32.	610990	T-shirts,singlets and other vests,of other textile materials,knitted	37961	393528928	20.75	6114209	40.61	0.621%
33.	611019	Jerseys, pullovers, cardigans, waistcoats and similar articles, of fin	5113	6659383	18.42	710281	67.78	0.720%
34.	611030	Pullovers, cardigans and similar articles of man-made fibres, knitted	2753	1653824000	17.23	2140338	32.85	0.129%
35.	611599	Hosiery nes, of other textile materials, knitted	635	999939	10.08	2096683	18.36	0.030%
36.	611710	Shawls, scarves, veils and the like, of textile materials, knitted	115	8709872	15.91	501779	36.69	0.023%
37.	620119	Mens/boys overcoats&sim articles of oth textile materials,not knitted	2429	893494	20.23	589113	50.75	0.412%
38.	620199	Mens/boys anoraks&similar articles,of oth textile materials,not knitted	5083	2482153	29.79	657861	50.29	0.773%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
39.	620322	Mens/boys ensembles, of cotton, not knitted	3069	3710630	17.14	9828052	21.80	0.031%
40.	620332	Mens/boys jackets and blazers, of cotton, not knitted	766	22292324	21.12	949555	46.20	0.081%
41.	620333	Mens/boys jackets and blazers, of synthetic fibres, not knitted	4053	35654384	24.96	7205533	39.42	0.056%
42.	620339	Mens/boys jackets and blazers, of other textile materials, not knitted	24999	6219831	31.11	542981	64.73	4.604%
43.	620342	Mens/boys trousers and shorts, of cotton, not knitted	40982	4370372608	16.71	2774226	28.03	1.477%
44.	620349	Mens/boys trousers and shorts, of other textile materials, not knitted	18865	51900104	21.77	865911	32.57	2.179%
45.	620412	Womens/girls suits, of cotton, not knitted	490	7231421	36.88	1321206	48.13	0.037%
46.	620413	Womens/girls suits, of synthetic fibres, not knitted	0	5009249	19.88	2317170	39.76	0.000%
47.	620419	Womens/girls suits, of other textile materials, not knitted	3158	584133	8.29	3410182	54.64	0.093%
48.	620422	Womens/girls ensembles, of cotton, not knitted	2110	1604981	19.87	1562061	25.55	0.135%
49.	620442	Womens/girls dresses, of cotton, not knitted	246	63645488	26.04	964212	52.49	0.025%
50.	620469	Womens/girls trousers & shorts, of other textile materials, not knitted	5505	137576304	20.07	652358	42.42	0.844%
51.	620520	Mens/boys shirts, of cotton, not knitted	20207	1812625536	22.24	1522487	43.59	1.327%
52.	620590	Mens/boys shirts, of other textile materials, not knitted	32237	65932064	25.68	1012671	46.77	3.183%
53.	620711	Mens/boys underpants and briefs, of cotton, not knitted	1157	28816222	18.43	1203192	23.76	0.096%
54.	620799	Mens/boys bathrobes, dressg gowns, etc of oth textile materials, not knit	4906	3630260	11.62	563700	15.75	0.870%
55.	620930	Babies garments & clothing accessories of synthetic fibres, not knitted	1459	24590996	18.04	1650841	31.51	0.088%
56.	620990	Babies garments & clothg accessories of oth textile materials, not knitted	3777	7408246	19.34	868104	31.85	0.435%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
57.	621040	Mens/boys garments nes,made up of impreg,ctd,cov,etc,textile woven fab	9322	211656400	29.07	1858939	43.56	0.501%
58.	621050	Womens/girls garments nes,of impregnatd,ctd,cov,etc,textile woven fab	1830	125975680	31.59	2163839	43.13	0.085%
59.	621132	Mens/boys garments nes, of cotton, not knitted	638	27034448	17.04	616966	24.76	0.103%
60.	621142	Womens/girls garments nes, of cotton, not knitted	2985	44695024	23.68	9710583	31.59	0.031%
61.	621143	Womens/girls garments nes, of man-made fibres, not knitted	5085	34007864	22.02	6879893	35.11	0.074%
62.	621210	Brassieres and parts thereof, of textile materials	151	239589344	33.33	1398130	66.71	0.011%
63.	621490	Shawls,scarves,veils & the like,of other textile materials,not knitted	99	1030058	24.01	1142300	40.45	0.009%
64.	630221	Bed linen, of cotton, printed, not knitted	28	197799328	9.50	800313	11.64	0.003%
65.	630291	Toilet and kitchen linen, of cotton, nes	6182	20119876	4.89	593094	8.54	1.042%
66.	630612	Tarpaulins, awnings and sunblinds, of synthetic fibres	0	857475	5.79	856514	8.04	0.000%
67.	630629	Tents, of other textile materials	0	1532358	6.54	1048645	8.69	0.000%
68.	640219	Sports footwear, outer soles and uppers of rubber or plastics, nes	0	714902	9.76	1941085	29.01	0.000%
69.	640299	Footwear, outer soles/upper of rubber or plastics, nes	75	34297020	14.61	6170517	18.86	0.001%
70.	640319	Sports footwear,o/t ski,outr sole of rbr/plas/leather&upper of leather	0	835492	30.09	632842	36.86	0.000%
71.	640399	Footwear, outer soles of rubber/plastics uppers of leather, nes	729	202574976	24.18	1610082	35.71	0.045%
72.	640411	Sports footwear w outer soles of rubber o plastics&uppers of tex mat	0	10148156	18.90	771168	31.28	0.000%
73.	640419	Footwear o/t sports,w outer soles of rubber/plastics&uppers of tex mat	2746	83806016	14.01	4044870	21.57	0.068%
74.	640520	Footwear with uppers of textile materials, nes	0	1748136	10.41	2698189	20.97	0.000%
75.	640590	Footwear, nes	8643	990747	17.45	2953483	22.64	0.293%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
76.	650400	Hats&other headgear,plaited or made by assemblg strips of any material	468	658276	17.70	630091	24.17	0.074%
77.	650590	Hats&other headgear,knitted or made up from lace,or other textile mat	11370	84613472	18.14	807400	30.87	1.408%
78.	690890	Tiles, cubes and sim nes, glazed ceramics	544	550262	0.23	11808215	0.49	0.005%
79.	691110	Tableware and kitchenware of porcelain or china	0	46156184	3.97	853479	4.81	0.000%
80.	720917	Cold rolled iron/steel, coils >600mm x 0.5-1mm	0	4335747	0.73	1831412	0.78	0.000%
81.	732690	Articles, iron or steel, nes	0	1403297	2.18	2307809	7.03	0.000%
82.	790112	Zinc not alloyed unwrought containg by weight less than 99.99% of zinc	0	1139339	1.47	6553107	2.15	0.000%
83.	840999	Parts for diesel and semi-diesel engines	0	869922	4.50	1999336	29.55	0.000%
84.	844399	Parts and accessories of printers, copying machines and facsimile mach	0	1451873	20.29	553771	56.03	0.000%
85.	850431	Transformers electric power handling capacity not exceeding 1 KVA, nes	0	2548841	22.07	867901	25.32	0.000%
86.	851712	Telephones for cellular networks mobile telephones or for other wirele	95	3358118	389.77	94310864	482.32	0.000%
87.	851770	Parts of telephone sets, telephones for cellular networks or for other	0	2021177	42.09	5243913	206.89	0.000%
88.	852851	Monitors of a kind solely or principally used in an automatic data-pro	0	676752	34.45	3731539	37.69	0.000%
89.	871200	Bicycles and other cycles (including delivery tricycles),not motorised	2528	79521152	8.46	5813135	8.72	0.043%
90.	940320	Furniture, metal, nes	408	754585	4.09	3427884	4.97	0.012%
91.	950699	Articles&equip for sports&outdoor games nes&swimmg&paddlg pools	0	2254130	9.74	676134	10.18	0.000%

Data source: UN Comtrade Database

Note: X = Bangladesh being country of exports, M = Nepal being the importing country

Color Code: Orange = SAFTA sensitive list (phase II)

**Annex Table10: Potential export products in Sri Lankan market**

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1.	051191	Fish,shellfish&aqua invert prod nes&dead anim of Ch 3 nt for hum cons	0	835178	0.89	3015094	1.08	0.000%
2.	080290	Nuts edible, fresh or dried, whether or not shelled or peeled, nes	53	71268816	1.63	580067	5.13	0.009%
3.	090230	Black tea (fermented) & partly fermentd tea in packages not exceedg 3 kg	0	926201	3.54	511740	7.25	0.000%
4.	090240	Black tea (fermented) & partly fermented tea in packages exceedg 3 kg	0	1501780	2.20	13191508	2.74	0.000%
5.	140490	Vegetable products nes	0	595989	0.80	7803296	2.49	0.000%
6.	170490	Sugar confectionery nes (includg white chocolate),not containg cocoa	7017	1748492	1.12	1411171	2.26	0.497%
7.	190410	Prep foods obtaind by the swellg o roastg of cereal o cereal products	0	4043849	1.01	2111888	2.01	0.000%
8.	190590	Communion wafers,empty cachets f pharm use&sim prod&bakers' wares nes	1331	9494282	1.75	836776	2.73	0.159%
9.	200819	Nuts&seeds nes incl mx,o/w prep o presvd,sugard,sweetend,spiritd o not	0	2241248	1.25	1504277	3.50	0.000%
10.	200899	Fruits&oth edible pts of plants nes,prep/presvd,sug,sweet/spir/not	0	592122	0.85	998748	1.57	0.000%
11.	200980	Fruit&veg juice nes (exc mx) unferment unspiritd,whether/not sug/sweet	0	1893061	0.65	880974	1.15	0.000%
12.	200989	Juice of fruit or vegetables, unfermented, whether or not containing added sugar or other	0	6189548	0.43	597129	1.86	0.000%
13.	200990	Mixtures of juices unfermentd&not spiritd whether o not sugard o sweet	122	3562315	0.48	1032155	1.80	0.012%
14.	210690	Food preparations nes	191294	3005545	2.44	32951510	7.67	0.581%
15.	220210	Waters incl mineral&aeratd,containg sugar o sweeteng matter o flavourd	383	5998232	0.48	683743	1.01	0.056%
16.	220290	Non-alcoholic beverages nes,excludg fruit/veg juices of headg No 20.09	1470	3739460	0.50	3344320	1.58	0.044%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
17.	240110	Tobacco, unmanufactured, not stemmed or stripped	0	11048812	3.28	61513580	21.77	0.000%
18.	240120	Tobacco, unmanufactured, partly or wholly stemmed or stripped	0	80136376	4.22	582452	7.58	0.000%
19.	240210	Cigars, cheroots and cigarillos, containing tobacco	0	3096592	8.28	898851	65.11	0.000%
20.	240220	Cigarettes containing tobacco	0	593281	7.99	5070096	27.81	0.000%
21.	240319	Other smoking tobacco, whether or not containing tobacco substitutes in any proportion	0	548049	3.31	2114896	5.65	0.000%
22.	271011	Light petroleum oils and preparations	0	44204264	0.94	440980064	0.97	0.000%
23.	271012	Light petroleum oils and preparations	0	36393344	0.70	593640960	0.89	0.000%
24.	284700	Hydrogen peroxide	184979	4573289	0.44	1350568	0.55	13.696%
25.	310210	Urea,withr/nt in aqueous solution in packages weighg more than 10 kg	0	21677092	0.38	180415680	0.42	0.000%
26.	340111	Toilet soap&prep,shaped;papers&nonwovens impreg with soap toilet use	0	1472447	1.98	1092846	3.63	0.000%
27.	350300	Gelatin and gelatin derivs; isinglass; glues of animal origin, nes	0	718222	4.31	4294504	6.83	0.000%
28.	390110	Polyethylene having a specific gravity of less than 0.94	0	584771	1.11	67655912	1.50	0.000%
29.	390190	Polymers of ethylene nes, in primary forms	0	1606062	0.81	3607934	1.75	0.000%
30.	390720	Polyethers nes	0	542130	2.10	18982048	2.28	0.000%
31.	390760	Polyethylene terephthalate	0	580887	0.92	13396118	1.42	0.000%
32.	392321	Sacks and bags (including cones) of polymers of ethylene	41305	18285068	2.07	8222485	3.38	0.502%
33.	392329	Sacks and bags (including cones) of plastics nes	14358	3397628	2.77	6155096	3.91	0.233%
34.	392390	Articles for the conveyance or packing of goods nes, of plastics	108	12493644	5.03	3807233	5.39	0.003%
35.	392690	Articles of plastics or of other materials of Nos 39.01 to 39.14 nes	412679	3456869	2.99	31584378	6.35	1.307%
36.	400121	Natural rubber in smoked sheets	619388	7389445	2.72	44919396	3.08	1.379%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
37.	401150	Pneumatic tires new of rubber for bicycles	53659	1219433	3.31	1509100	4.81	3.556%
38.	401320	Inner tubes of rubber for bicycles	50670	897171	4.89	735944	5.77	6.885%
39.	401699	Articles of vulcanised rubber nes, other than hard rubber	22523	1228678	6.87	9663019	8.06	0.233%
40.	410449	Hides and skins of bovine "incl. buffalo" or equine animals, in the dr	0	19753800	14.41	1608619	17.11	0.000%
41.	410799	Leather "incl. parchment-dressed leather" of the portions, strips	40052	26481616	18.63	1485561	23.58	2.696%
42.	411200	Leather further prepared after tanning or crusting "incl. parchment-dr	29591	3130262	30.12	5727211	76.21	0.517%
43.	411310	Leather further prepared after tanning or crusting "incl. parchment-dr	0	15405117	27.90	2460967	40.50	0.000%
44.	411390	Leather further prepared after tanning or crusting "incl. parchment-dr	0	1014800	15.94	1648602	37.90	0.000%
45.	420229	Handbags, of vulcanised fibre or of paperboard	977	611504	18.16	1269820	19.56	0.077%
46.	420310	Articles of apparel of leather or of composition leather	0	550551	45.00	872498	118.16	0.000%
47.	480300	Paper,household/sanitary,rolls of a w >36 cm,sheets one side >36 cm	145136	2082715	1.13	2633305	1.27	5.512%
48.	482110	Paper labels of all kinds, printed	202180	949306	12.03	15609097	17.70	1.295%
49.	520511	Cotton yarn,>/=85%,single,uncombd,>/=714.29 dtex, nt put up	722	641090	3.81	11397216	5.30	0.006%
50.	540231	Texturd yarn nes,of nylon/oth polyamides fi,<=50tex/s.y.,not put up	0	784226	4.53	10070774	6.70	0.000%
51.	540233	Textured yarn nes,of polyester filaments,not put up for retail sale	18862	1337469	2.20	18592372	2.55	0.101%
52.	540752	Woven fabrics,>/=85% of textured polyester filaments, dyed, nes	0	1513538	8.32	2396439	17.06	0.000%
53.	540761	Woven fabric >85% non-textured polyester filaments	0	619046	10.13	4350741	15.18	0.000%
54.	550810	Sewing thread of synthetic staple fibres	23056	2044634	4.33	1751737	6.40	1.316%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
55.	550922	Yarn,>/=85% of polyester staple fibres, multiple, not put up, nes	82942	1725590	3.75	17426604	4.27	0.476%
56.	551011	Yarn,>/=85% of artificial staple fibres, single, not put up	379422	5492033	3.71	9151894	7.17	4.146%
57.	551311	Plain weave polyest stapl fib fab,<85%,mixd w/cottn,<=170g/m2,unbl/bl	254	942690	5.64	11115343	5.71	0.002%
58.	560750	Twine, cordage, ropes and cables, of other synthetic fibres	0	1407589	4.58	1447712	28.95	0.000%
59.	560790	Twine, cordage, ropes and cables, of other materials	44116	15320518	1.08	2401439	6.89	1.837%
60.	560900	Articles of yarn, strip, twine, cordage, rope and cables, nes	383	624945	4.42	1580110	10.86	0.024%
61.	570500	Carpets and other textile floor coverings, nes	0	989529	2.96	1323233	4.97	0.000%
62.	580639	Narrow woven fabrics of other textile materials, nes	8959	708016	2.90	9461759	7.27	0.095%
63.	600410	Knitted or crocheted fabrics, of a width of > 30 cm, containing >= 5%	0	823077	7.46	87633104	17.58	0.000%
64.	600622	Dyed cotton fabrics, knitted or crocheted, of a width of > 30 cm (excl	137167	1377425	1.34	100403352	8.30	0.137%
65.	600634	Printed fabrics, knitted or crocheted, of synthetic fibres, of a width	0	2129899	2.51	2807040	8.76	0.000%
66.	610342	Mens/boys trousers and shorts, of cotton, knitted	115692	186386080	15.08	630124	21.75	18.360%
67.	610610	Womens/girls blouses and shirts, of cotton, knitted	13919	277628832	17.77	940730	34.21	1.480%
68.	610690	Womens/girls blouses and shirts, of other materials, knitted	47562	5035315	29.23	1066701	63.17	4.459%
69.	610711	Mens/boys underpants and briefs, of cotton, knitted	5389	238330304	17.54	918491	24.37	0.587%
70.	610719	Mens/boys underpants and briefs, of other textile materials, knitted	15663	2589988	12.67	1063441	26.36	1.473%
71.	610829	Womens/girls briefs and panties, of other textile	101655	2228876	28.81	1568254	36.62	6.482%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
		materials, knitted						
72.	610831	Womens/girls nightdresses and pyjamas, of cotton, knitted	53886	171566208	15.63	579310	23.10	9.302%
73.	610990	T-shirts,singlets and other vests,of other textile materials,knitted	165082	393528928	20.75	4824979	37.20	3.421%
74.	611020	Pullovers, cardigans and similar articles of cotton, knitted	91704	2119963776	18.71	1145494	30.76	8.006%
75.	611692	Gloves, mittens and mitts, nes, of cotton, knitted	33258	3310163	6.90	5231821	8.03	0.636%
76.	620319	Mens/boys suits, of other textile materials, not knitted	4197	3018611	28.18	650119	49.39	0.646%
77.	620332	Mens/boys jackets and blazers, of cotton, not knitted	10448	22292324	21.12	597813	45.51	1.748%
78.	620339	Mens/boys jackets and blazers, of other textile materials, not knitted	1052	6219831	31.11	1330209	62.29	0.079%
79.	620342	Mens/boys trousers and shorts, of cotton, not knitted	673053	4370372608	16.71	17558166	27.42	3.833%
80.	620349	Mens/boys trousers and shorts, of other textile materials, not knitted	181352	51900104	21.77	11504502	30.12	1.576%
81.	620419	Womens/girls suits, of other textile materials, not knitted	206	584133	8.29	693857	50.80	0.030%
82.	620439	Womens/girls jackets, of other textile materials, not knitted	823	6120088	22.34	845765	69.59	0.097%
83.	620442	Womens/girls dresses, of cotton, not knitted	18270	63645488	26.04	2057567	51.59	0.888%
84.	620443	Womens/girls dresses, of synthetic fibres, not knitted	1836	22152798	23.83	1209396	54.98	0.152%
85.	620449	Womens/girls dresses, of other textile materials, not knitted	3956	16167585	4.12	3100235	142.62	0.128%
86.	620452	Womens/girls skirts, of cotton, not knitted	16535	119623224	23.47	595367	37.54	2.777%
87.	620459	Womens/girls skirts, of other textile materials, not knitted	35857	8516268	24.48	1861322	50.00	1.926%
88.	620462	Womens/girls trousers and shorts, of cotton, not knitted	248320	2388698624	19.73	3815207	32.36	6.509%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
89.	620469	Womens/girls trousers & shorts,of other textile materials,not knitted	700071	137576304	20.07	11791708	41.20	5.937%
90.	620520	Mens/boys shirts, of cotton, not knitted	217896	1812625536	22.24	6344512	42.33	3.434%
91.	620590	Mens/boys shirts, of other textile materials, not knitted	98215	65932064	25.68	1131337	41.10	8.681%
92.	620630	Womens/girls blouses and shirts, of cotton, not knitted	64270	387380480	28.67	2826013	46.15	2.274%
93.	620640	Womens/girls blouses and shirts, of man-made fibres, not knitted	33161	143075312	23.50	2190487	48.46	1.514%
94.	620690	Womens/girls blouses and shirts,of other textile materials,not knitted	167410	20710728	22.37	3774051	50.01	4.436%
95.	621290	Corsets,braces & similar articles & parts thereof,of textile materials	0	6432439	33.13	17110836	42.42	0.000%
96.	621490	Shawls,scarves,veils & the like,of other textile materials,not knitted	462	1030058	24.01	541660	37.78	0.085%
97.	621600	Gloves, mittens and mitts, of textile materials, not knitted	0	1068607	11.09	827807	14.67	0.000%
98.	621710	Clothing accessories nes, of textile materials, not knitted	22496	9986533	19.49	4156658	19.93	0.541%
99.	621790	Parts of garments or of clothg accessories nes,of tex mat,not knitted	12875	1162998	20.50	9912242	36.04	0.130%
100.	630260	Toilet&kitchen linen,of terry towellg or similar terry fab,of cotton	13115	158899216	5.39	1469603	6.56	0.892%
101.	630532	Flexible intermediate bulk containers, man-made mater	0	31035342	2.54	887953	4.10	0.000%
102.	630533	Sacks, bags, packing, of strip plastic material	0	3172737	2.35	644626	2.73	0.000%
103.	630790	Made up articles, of textile materials, nes, including dress patterns	4509	10564076	4.42	1409691	7.29	0.320%
104.	640299	Footwear, outer soles/ uppers of rubber or plastics, nes	0	34297020	14.61	958293	18.86	0.000%
105.	640351	Footwear, outer soles and uppers of leather, covering the ankle, nes	0	2025084	22.29	1223453	57.43	0.000%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
106.	640359	Footwear, outer soles and uppers of leather, nes	61244	5089800	35.88	2893500	67.00	2.117%
107.	640391	Footwear,outer soles of rubber/plast uppers of leather covg ankle nes	0	173939824	26.29	557166	36.75	0.000%
108.	640399	Footwear, outer soles of rubber/plastics uppers of leather, nes	5793	202574976	24.18	1075140	35.71	0.539%
109.	640411	Sports footwear w outer soles of rubber o plastics&uppers of tex mat	0	10148156	18.90	734577	31.28	0.000%
110.	640419	Footwear o/t sports,w outer soles of rubber/plastics&uppers of tex mat	0	83806016	14.01	1480190	21.57	0.000%
111.	640590	Footwear, nes	1088	990747	17.45	9090737	22.64	0.012%
112.	690890	Tiles, cubes and sim nes, glazed ceramics	0	550262	0.23	43545132	0.49	0.000%
113.	701959	Woven fabrics of glass fibre nes	0	1446441	2.23	668707	7.19	0.000%
114.	730820	Towers and lattice masts, iron or steel	0	621529	1.65	10722533	1.95	0.000%
115.	732690	Articles, iron or steel, nes	3968	1403297	2.18	24987156	3.27	0.016%
116.	740829	Wire, copper alloy, nes	0	546532	8.39	638599	10.15	0.000%
117.	761290	Container,alum,cap <300L,lined/heat insul/nt,n/ftd w/mech/thermo equip	0	601669	5.35	10975269	6.28	0.000%
118.	780199	Lead unwrought nes	0	8241078	2.04	1338762	3.03	0.000%
119.	790112	Zinc not alloyed unwrought containg by weight less than 99.99% of zinc	70187	1139339	1.47	537052	1.79	13.069%
120.	840999	Parts for diesel and semi-diesel engines	0	869922	4.50	20496994	21.22	0.000%
121.	841199	Parts of gas turbines nes	0	519721	32.57	11574955	147.77	0.000%
122.	841490	Parts of vacuum pumps, compressors, fans, blowers, hoods	0	715746	3.17	3206350	11.56	0.000%
123.	844399	Parts and accessories of printers, copying machines and facsimile mach	41	1451873	20.29	22138966	38.84	0.000%
124.	847330	Parts&accessories of automatic data processg machines&units thereof	116	2168803	21.46	22350838	27.09	0.001%
125.	850423	Liq dielectric transf havg a power handlg capacity exceedg 10,000 KVA	0	982519	7.75	6710722	9.94	0.000%
126.	850431	Transformers electric power handling capacity	0	2548841	22.07	2906063	25.32	0.000%

S. No.	HS Code	Description	Export value of X to M	Global export value of X	UV exports of X	Global import value of M	UV imports of M	X Share of exports in M (in %) [(4)/(7)]
		not exceeding 1 KVA, nes						
127.	850710	Lead-acid electric accumulators of a kind used for starting piston engines	2309751	14271493	2.82	15702176	3.11	14.710%
128.	850720	Lead-acid electric accumulators nes	16	3982005	4.08	5409432	4.29	0.000%
129.	851712	Telephones for cellular networks mobile telephones or for other wireless	181	3358118	389.77	128778240	482.32	0.000%
130.	852851	Monitors of a kind solely or principally used in an automatic data-processor	221	676752	34.45	11634184	37.69	0.002%
131.	853120	Indicator panels incorporating liquid crystal device/light emitting diode	0	5571505	124.39	1395306	134.13	0.000%
132.	860800	Signalling devices for railways, waterways & airports & parts thereof	0	550071	27.00	1952032	28.72	0.000%
133.	871200	Bicycles and other cycles (including delivery tricycles), not motorised	8393	79521152	8.46	755027	8.72	1.112%
134.	900211	Objective lenses of cameras, projectors/photographic enlargers/reducers	0	8950738	225.43	566401	424.61	0.000%
135.	940180	Seats nes, other than those of heading No 94.02	0	1114797	4.09	790844	6.69	0.000%
136.	940190	Parts of seats other than those of heading No 94.02	0	2552262	2.93	3100267	8.48	0.000%
137.	940370	Furniture, plastic, nes	0	706362	1.97	848978	2.31	0.000%
138.	950699	Articles & equip for sports & outdoor games nes & swimming & paddling pools	2750	2254130	9.74	1337933	10.18	0.206%
139.	960200	Worked vegetable/mineral carved art objects; worked unhardened gelatin	0	594191	7.11	669850	30.80	0.000%

Data source: UN Comtrade Database

Note: X = Bangladesh being country of exports, M = Sri Lanka being the importing country

Color Code: Orange = SAFTA sensitive list (phase II)

## Annex 4: Potential Product Identifications Methodology and Data Gathering

### Filters for Selection of Products with Export Potential

#### 1. Bangladesh-Bhutan: Bangladesh’s export to Bhutan

Append: After appending data for 2 years, we have 1775 observations (data are available only for 2 years).

**Filter 1:** Drop if the product is exported only one year within the considered year: (we did not consider this filter since data are available only for 2 periods). After removing duplicates: 1211 commodities.

**Filter 2:** Keep if average unit value of export of Bangladesh < average unit value of import of Bhutan: 723 observations.

**Filter 3:** Keep if average import share of Bhutan  $\leq 0.2$ : 698 observations.

**Filter 4:** Keep if average export share of Bangladesh  $\leq 0.2$ : 698 observations.

Drop if average unit value of import of Bhutan = . : 660 observations.

**Filter 5:**

Keep if average export value of Bangladesh >	50000	100000
	183 observations	89 observations

**Filter 6:**

Keep if average import value of Bhutan >	50000	100000
	112 observations	71 observations

The final dataset provided for Bhutan in Table 6 of Annex 2 comprises 71 products.

## 2. Bangladesh-India: Bangladesh's export to India

Append: After appending data for 5 years, we have a total of 11887 observations.

**Filter 1:** Drop the products if it were exported only one year throughout the time span. There were remaining 8192 observations. We removed duplicate commodities. After removing, there were 2771 observations.

**Filter 2:** We removed the products for which unit value of export of Bangladesh is greater than or equal to the unit cost of import of India. There were remaining 1432 products in the data set.

**Filter 3:** Drop the observations if average import share of India is greater than 0.20. There were 1353 observations after 3<sup>rd</sup> filter.

**Filter 4:** Drop the observations if average export share of Bangladesh is greater than 0.20. After removing, there were 1036 products.

Drop if average unit value of import of India = . : 966 observations (Stata considers . as the highest value. Therefore we dropped the data for which average unit value is .)

**Filter 5:** We consider the products which has a large export capacity of Bangladesh for our analysis. From this perspective, we consider the products which have average export value of at least 1 million dollar. There are 225 products in the dataset.

**Filter 6:** Only those products are considered for which there is a large import demand in India. Products are taken into account if India's import value is greater or equal to 1 million dollar. There are 127 products on the dataset after applying this last filter.

The final dataset provided for India in Table 7 of Annex 2 comprises 127 products.

### 3. Bangladesh-Maldives: Bangladesh's export to Maldives

Append: After appending data for 4 years, we have 6525 observations

**Filter 1:** Drop if the product is exported only one year within the considered year: 4275 observations left. After removing duplicates: 1782 commodities.

**Filter 2:** Keep if average unit value of export of Bangladesh < average unit value of import of Maldives: 1194 observations.

**Filter 3:** Keep if average import share of Maldives  $\leq 0.2$ : 1190 observations.

**Filter 4:** Keep if average export share of Bangladesh  $\leq 0.2$ : 1164 observations.

Drop if average unit value of import of Maldives = . : 988 observations.

**Filter 5:**

Keep if average export value of Bangladesh >	100000	500000
	496 observations	326 observations

**Filter 6:**

Keep if average import value of Maldives >	100000	500000
	236 observations	66 observations

The final dataset provided for Maldives in Table 8 of Annex 2 comprises 66 products.

#### 4. Bangladesh-Nepal: Bangladesh's export to Nepal

Append: After appending data for 5 years, we have 11612 observations.

**Filter 1:** Drop if the product is exported only one year within the considered year: 8002 observations left. After removing duplicates: 2700 commodities.

**Filter 2:** Keep if average unit value of export of Bangladesh < average unit value of import of Nepal: 12669 observations.

**Filter 3:** Keep if average import share of Nepal  $\leq 0.2$ : 1234 observations.

**Filter 4:** Keep if average export share of Bangladesh  $\leq 0.2$ : 1182 observations.

Drop if average unit value of import of Nepal = . : 1029 observations.

**Filter 5:**

Keep if average export value of Bangladesh >	100000	500000
	510 observations	337 observations

**Filter 6:**

Keep if average import value of Nepal >	100000	500000
	265 observations	91 observations

The final dataset provided for Nepal in Table 9 of Annex 2 comprises 91 products.

### 5. Bangladesh-Sri Lanka: Bangladesh's export to Sri Lanka

Append: After appending data for 5 years, we have 11778 observations.

**Filter 1:** Drop if the product is exported only one year within the considered year: 8108 observations left. After removing duplicates: 2758 commodities.

**Filter 2:** Keep if average unit value of export of Bangladesh < average unit value of import of Sri Lanka: 1301 observations.

**Filter 3:** Keep if average import share of Sri Lanka  $\leq 0.2$ : 1273 observations.

**Filter 4:** Keep if average export share of Bangladesh  $\leq 0.2$ : 1197 observations.

Drop if average unit value of import of Sri Lanka = . : 1123 observations.

**Filter 5:**

Keep if average export value of Bangladesh >	100000	500000
	519 observations	218 observations

**Filter 6:**

Keep if average import value of Sri Lanka >	100000	500000
	357 observations	139 observations

The final dataset provided for Sri Lanka in Table 10 of Annex 2 comprises 139 products.

## Annex 5: Detail Insights From KII, FGD and Public Consultation

### Findings from KII

The respondents shared their views and suggestions based on the topics presented in the questionnaire. The summary of the findings is presented topic-wise as follows:

#### Existing rules/systems/guidelines for protection of human, animal and plant health in Bangladesh:

- The SPS and TBT rules and regulations are scientific and up to the international level with some limitations. Because of association pressure, and a shortage of skilled personnel, these requirements may not be successfully implemented.
- Bangladesh's SPS and TBT-based rules and regulations are still in the development stage.
- In Bangladesh, the existing rules/systems/guidelines for the protection of human, animal, and plant health are not updated on a regular basis. Even though many rules/measures/guidelines are followed for exporting or marketing domestic products, they are insufficient in comparison to the number of imported products.
- To maintain plant health, several modifications must be made to current laws and regulations. Good Agriculture Practice (GAP), traceability, and other current and important topics should be included.

#### Types of product-wise SPS and TBT do Bangladeshi traders in international trade

SPS	TBT
There is no meaningful supply chain management.	Need to introduced One stop service
Lengthy testing procedures	Poor logistical service.
The market system is outdated.	There were much too many paperwork to submit.
There is very little traceability.	
There is no storage facility.	
Not yet producing products in accordance with international standards and failing to test exporting products in accredited labs	
The testing procedure is very Costly	
The testing facility is located a long distance from the port area.	
Inadequate quarantine system facilities	
Insufficient lab equipment and a labor scarcity for lab testing procedure in plant Quarantine Station	

## **General Comments**

SPS and TBT measurements differ from one product to the next and from one country to the next. SPS or TBT is determined by the product and market nature of the different countries, depending on the standard. It was found that 70% of the products are facing the SPS barriers while 29% of product face TBT barriers rest of the 1% of the total product face other obstacle.

### **Import measures and trade difficulties include:**

#### **In terms of SPS Barriers**

- Lack of a PC quality control system for imported products are Major Concern in SPS related issues.
- Importers face a variety of certification issues, including (Bovine Spongiform Encephalopathy) BSE Free Certificate/BSE Free Status of MBM and Avian Influenza Free Status for DOC.
- Inability to secure adequate product traceability.
- Failure to adhere to international product standards for certain industries.
- Inadequate accredited laboratory and acceptability Inadequate number of recognized certification bodies.
- The absence of a radiation test prior to shipment and certification concerns for declaring food safety for human consumption.
- International standards regarding SPS or TBT measures i.e. Standard packaging, Heat Treatment, Testing and etc. are not being followed.

#### **In terms of TBT Barriers**

- Slow notification process about updated laws in various exporting countries.
- Lack of coordination between implementing agencies and Certification body.
- Many imported products are not covered by the Import Policy Order 2021-2024, and Customs ACT 1969, where port authorities require to test samples for clearance issuance which itself a lengthy procedure, causing financial loss to importers.

#### **Issues faced by the Exporters:**

- Not producing the products as per international standards and not testing the exporting products from accredited labs.
- Few years ago, Betel leaf export to UK was banned due to Salmonella 1000, Standards.
- According to the FIQC act and rules the quality control and certification system are operated in the country is not fully implemented.
- Quality control is also dependent on the specific quality demand of the importing countries and exporters are often reluctant to comply with these terms and condition.
- There are FMD (Foot and Mouth Disease) free status for Meat certification problem, Traceability problem.

- As Bangladesh is lagging behind to implement Sanitary and phytosanitary measures, it faces difficulties in exporting to the EU and Northern Hemisphere.
- Lack of Coordination between existing domestic rules/systems, different food controlling ministries/agencies/departments and limitations of timely dissemination of updates or information for general population
- Lack of proper and adequate facilities of transportation.
- Exporters face Size, shape, colour, packaging and processing problems for products while exporting into foreign market.
- Exporters fail to fulfill the phytosanitary import requirements and as there is no surety of traceability of goods, Non-Compliance in exporting goods is increasing.

### **Rules and regulations regarding SPS in Bangladesh**

- SPS rules regulations are not discriminatory but many deficiencies exist. However, those who do not have any Mutual Recognition Agreement do not accept Bangladesh's certificate.
- Rules and regulations are similar in some cases, but concise and limited (not everything that includes in our rules).
- Bangladeshi technical system is poor than the EU, Australia, Thailand, India, Indonesia, and other countries and the international standard.
- Bangladeshi SPS-related rules and regulations are balanced with international standards in the case of import of agricultural goods but not balanced in the case of export.
- It is necessary to ensure coordination between national and international SPS with the aim of developing the country's producers and industries while keeping geographical issues, public health and environmental protection measures in mind as well.
- Importers and Exporters do not have any clear idea about SPS and TBT rules and regulations.

### **Understanding on the existing regulations and actions on human, animal, and plant health (SPS) protection and removal of TBT in Bangladesh:**

- Persuasion should be continued to make these regulations more available to traders. A consultation meeting with stakeholders related to SPS and TBT will be helpful in this regard.
- Although information is easily accessible, understanding non-tariff barriers (where SPS and TBT are used) are not easy for traders. Highly technical information needs to be presented in easy-to-understand language, awareness-raising ways and user-friendly way.

- Information management systems and availability systems should be developed more.
- The business people do not have adequate knowledge regarding SPS and TBT-related policies, acts. Regulatory bodies like Ministries and government agencies have tried to facilitate the issues by making them more transparent and readily available.
- Although the existing regulations and actions related to SPS and TBT removal in Bangladesh are applicable to the interests of the export large industrial enterprises, most of the small and medium enterprises belonging to SMCE do not get such provisions.

**Current challenges in international trade in terms of SPS and TBT:**

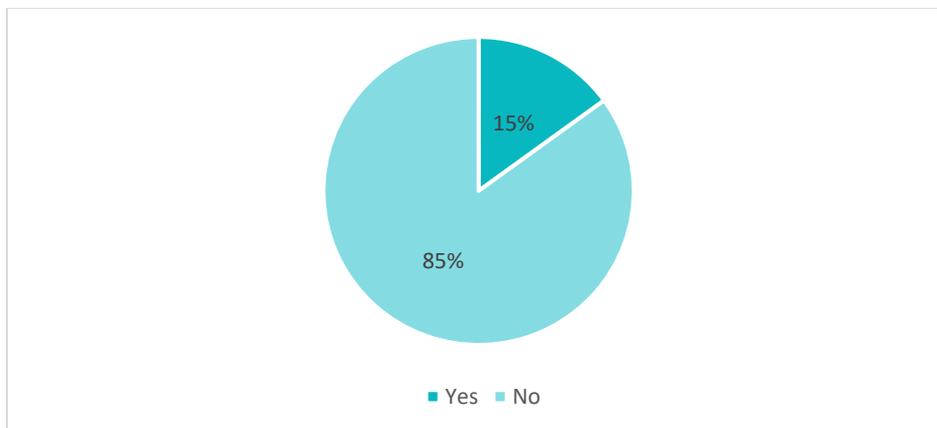
- GAP, Traceability implementation and compliance with the developed world market.
- Infrastructure problems, lack of lab facilities, lack of testing facilities at the port
- Need to capacitate public and commercial sector, where to go for difficulties or information, numerous gaps, need to distribute (widely diffused) exporter's intelligible language, lack of coordination (NSW implementation)
- Lack of infrastructure, no identification methods to remedy gaps, and the present procedures are difficult.
- Strict TBT standards for items and quality testing might also be difficult for dealers.
- One of the difficulties is the cost of complying with Standards. This covers both direct and indirect compliance expenses which includes both permanent expenditures such as infrastructure investment and recurring costs such as administrative fees. It also covers variable expenses like compliance assessment in comparison to the cost of inspection, testing, and certification.
- TBT and SPS controls are becoming more common in developed-country markets in response to rising consumer demand for safer imported food and agricultural goods.
- The nature and extent of the impact of SPS and TBT measures are influenced by several factors, including the size of exporting firms, the nature of the destination market, the exporting country's economic status, and, as a result, scientific, legal, and other compliance capacities.
- Incompatible laboratory facilities, lack of accredited lab along with testing parameter and understanding of the local supply chains for major non-traditional products are creating challenges.
- Building scientific, legal and other capacities through investment in infrastructure and relevant public institutions is a challenge.

- Challenges encompass enforcement of the existing provisions, effective controls and inspection services for any SPS or TBT measures including checks at the borders.
- Usage of more chemical fertilizer and pesticides in the production of agricultural goods is the main challenge in complying with the SPS Measures.
- Inadequacy of technical personnel at the national policy-making level
- Lack of coordination between the existing laws and regulations of various departments of the government
- Lack of adequate infrastructure (process, test, store, transport, etc.) and applicable technical knowledge and training for all levels concerned
- SPS and TBT-based laws and regulations across exporting and importing nations are not harmonized. Formatting all national rules according to the same standards is a difficult task.
- It is challenging for developing nations to meet all requirements, especially when it comes to export.

#### **Laboratories and infrastructure facilities in Bangladesh for SPS and TBT**

In response to having enough laboratories and infrastructure facilities in Bangladesh for SPS and TBT, 15% of the respondents have said Yes and 85% of the respondents have said there is not enough laboratories and infrastructure facilities.

**Figure 14 Percentage of enough laboratories and infrastructure facilities in Bangladesh for SPS and TBT**



#### **Required Laboratory and Testing Facilities:**

- Accredited Testing Laboratory with as per international standards where it is possible to test standards for meeting quarantine requirements (including MRL).
- Land port should have Accredited Testing Laboratory
- Most laboratories rely on traditional and totally inadequate methods of identifying fungal plant pathogens, such as culturing and microscopy. They do not use modern methods for identifying bacteria, viruses, phytoplasma, and

cryptic fungi that cannot be cultured and these labs should be set up at integrated check post/land customs stations (LCS).

- Chemical residue testing, heavy metal testing, antibiotic and hormone testing, pesticide testing, virus, bacterium, fungus, mycotoxin testing, eyes testing, illnesses diagnostic lab, reference lab should be introduced.
- Facilities of all quarantine centers should be developed.

#### **Necessary Infrastructure Development:**

- The land port requires a full Accreditation labs and testing institutes with sufficient equipment and facilities with like logistic services, phase-wise development is needed.
- A quarantine facility should be built at every custom station of Bangladesh, as well as central and regional development. Infrastructure development necessitates extensive planning.
- Establishment of internationally accepted standard testing centers, developing manpower skills, buying need-based testing machines, and organizing national and international training programs are necessary in this regard.
- One Stop Service center (Depending on Import-Export Zone), Internationally recognized laboratory.
- Category-wise systems for storage, transportation of goods (Multimodal Connectivity), Coordinated/paperless automation system connecting different departments, and QR code-based logistic systems are needed.
- Associations/chambers' capacities should be increased for providing training to importer-exporters and raising their awareness.
- Good agricultural practice, proper traceability, field-to-consumer food safety, pest-free zone etc. measures are needed.
- Every division needs an approved accredited laboratory in this regard.
- In order to maintain the quality of the commodities in the supply chain, development in transportation and storage systems is required.

#### **Best practices of other countries related to SPS and TBT contributing to trade facilitation:**

- GAP and Traceability implementation systems.
- E-certification, integration system of SPS and implementation of food safety law like India
- Product identification and production at zone-based to reduce the health hazard issues.
- Group -based and zone-based training for Farmers.
- Implementation of Good Agricultural Practices, storing capacities in ports and developed proper marketing systems with cooling chain system.

- Argentina, Brazil and Uruguay have reasonably provided stakeholder better SPS services; as they are very efficient global food and agricultural exporters, they are usually reluctant to set apart their national practices and standards from international best practices.
- FMCS (Foreign Manufacturer Certification Scheme), and MRA (Mutual Recognition Agreement) can be counted as best practices.
- For SPS, with effective coordination, the traceability of products is ensured in many countries.
- Contract farming in agriculture sector is introduced in many countries.

**Potential products for export from Bangladesh to SASEC countries (India, Bhutan, Maldives, Myanmar, Nepal and Sri Lanka):**

- RMG, (Lower-Higher End), Agra-fish (Seven Sisters), and Processed food can be exported.
- Agro-based Products like Potato, Mango, Betel, Vegetables, Processed food, banana, Pineapple, Lemon, Cabbage, Pumpkin, Guava, Pineapple, Litchi, Banana, Jackfruit Fruits, Jute and Jute Products.
- Live Fishes, Meat, Pharmaceutical Goods and Raw Materials Of Animal Feed, Fish, Frozen Fish, Shrimps, Pharmaceuticals, Frozen Foods, Leather And Leather Goods, Jute And Jute Goods, Ships, ICT Goods, Software, Aluminium, Refrigerators, AC and Electronics Goods.

**Export to India:**

Ceramics, processed food (Agricultural product), woven and knitwear, jute and jute products, cotton and cotton products, plastics, and leather and leather products.

**Export to Bhutan:**

Baby clothes and clothing accessories, men's trousers and shorts, jackets and blazers, jute and jute goods, leather and leather goods, dry cell batteries, fans, watches, potatoes, condensed milk, cement, toothbrush, plywood, particle board, mineral and carbonated water, green tea and orange, pineapple, and guava juice.

**Export to Maldives:**

Vegetables, processed food, ceramics, leather goods, RMG, jute products, pharmaceutical products

**Export to Nepal:**

Jute, potatoes, plastic products, washing machines, medicines, soybean seeds and drinks, machinery materials, batteries, readymade garments, tissue paper

**Export to Sri Lanka:**

Readymade garment, vegetables (agro products), ceramics, plastics, Garments, jute products, leather products, different variants of tea, medicine and medical accessories (PPE), plastic products, frozen foods (fish, snacks, chicken, etc.), processed food products, fresh vegetables, fruits, flowers, etc.

- In addition to software / IT service products, etc., new products can be selected according to the needs of the target group by conducting a survey in the target country.

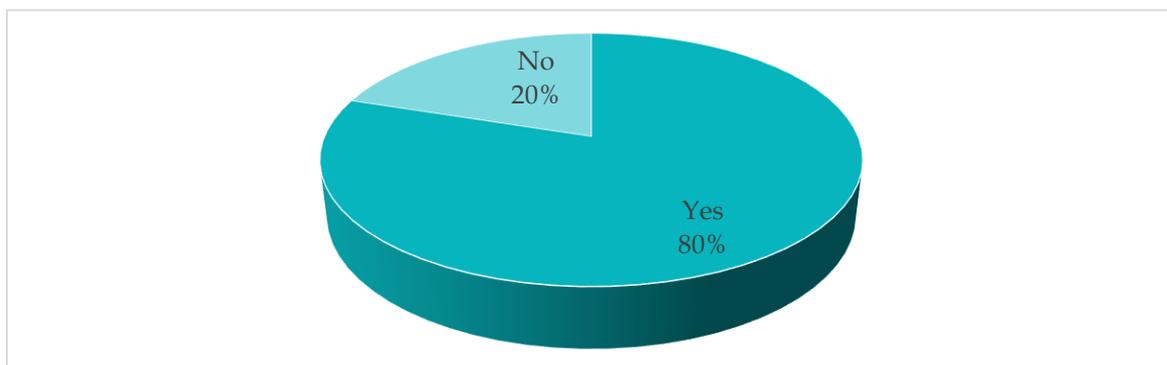
**Obstacles exist in trade between Bangladesh and SASEC countries (India, Bhutan, Maldives, Myanmar, Nepal and Sri Lanka:**

- Issues with non-tariff barriers and quarantine certification.
- There are not enough testing laboratories near ports to maintain the product quality 100% as the same as reported, as there is a delay in communication, and a cold storage dilemma.
- Lack of MoU, MRA, bilateral agreements, multilateral agreements with India and Nepal create technical and regulatory barriers.
- India frequently prohibits export without prior notice, causing issues, and many imported items lack the appropriate certificates.
- Improper port management, testing and certification issues, rules of origin, anti-dumping issues, tariff structure, tariff, para-tariff, and non-tariff barriers are all hurdles.
- Even if Bangladesh has accreditation facilities, India would not import items from Bangladesh unless our laboratories/accreditation organizations are registered in accordance with their own requirements.
- Despite a lengthy notice period, 12 items are still not acknowledged by India, in violation of the stipulated MoU/BCA/MRA.
- SASEC nations' trade progress is impeded by a lack of sufficient testing facilities, transportation (multi-connectivity), and product storage.
- Key issues include failure to adhere to international standards, a lack of certification, and a lack of cooperation among regulatory organizations.

**Opportunity to improve the method of submitting notification:**

80% of the respondent urged that there are possibilities to improve the method of submitting notification of (SPS) and (TBT) to WTO while 20% of the respondent has said limited scope of improvement

**Figure 15 opportunity to improve the method of submitting notification of (SPS) and (TBT) to WTO**



### **Steps for compliance system of (SPS) and (TBT) in international trade**

- The plant quarantine wing can play an important role in the development of a modernization and compliance system for plant-based goods.
- WTO wing, Ministry of Commerce can convey WTO notification and SPS and TBT compliance to the traders. And coordination of the regulatory bodies with WTO wing can facilitate the existing coordination mechanism of SPS and TBT in Bangladesh.
- Producing high-quality agricultural commodities through contract farming and exporting those items in accordance with the export destination's standard requirements.
- Countries with chronic capacity shortages struggle with the WTO's complicated notification responsibilities and standards until they achieve greater levels of development and, as a result, stronger institutional capacities. In this sense, institutional capacity building must be considered.
- The WTO cell should be more proactive, and inter-ministerial cooperation should be enhanced.
- The Technical and Infrastructure Development of SPS and TBT-related Departments can help to strengthen the Compliance System.
- Establishment of a particular technical committee or trained pool of negotiators for the establishment of SPS, TBT conditions compliance, and notification compliance systems in international trade.
- Involve all levels of stakeholders at the public-private level in informing and implementing current information by creating a regional one-stop service under a centralized information transmission system.
- Providing product-specific SPS and TBT training at regular intervals with the participation of experts from the WTO Cell from Ministry of Commerce.

### **The FGD questions**

The FGDs set following question to pile up the information about SPS-TBT measurements from learning and experiment of different relevant stakeholders:

- e. What are the key challenges in the areas of SPS and TBT measures in export and import, and infrastructure limitations that need to be addressed in improving our trade competitiveness? How these challenges can be addressed?
- f. What are the infrastructure limitations of Bangladesh in a trade that should be solved immediately?
- g. What can be done to improve inter-agency cohesion and cooperation for better facilitation in the WTO notification system?
- h. What measures should be taken to improve the trade potential between Bangladesh and SASEC countries (India, Nepal, Bhutan Myanmar, Maldives, and Sri Lanka)?

## **Findings from FGD-1**

The suggestions from FGD-1 are as following:

- a. Most of the core stakeholders do not have enough information about the SPS and TBT measures and non-tariff measures at the national and international levels. There exists an information gap between Govt. and related stakeholders. The latest updates about the SPS and TBT need to be continuously disseminated through seminars, campaigns, and using entertainment media.
- b. The core stakeholder should have a clear picture of what measures and regulations are being taken about export-oriented products on SPS and TBT and need a common platform for regular updates.
- c. It is important to identify potential exportable product lists and develop country-wise SPS and TBT measures for potential products. Need accredited laboratory for certification of export destination product.
- d. Live animals like Carb, ell fish and etc. need a commercial area near Dhaka Airport for Product inspection and certification.
- e. Govt. should develop a system as a contact point, contact center, and suggestion center for farmers.
- f. An initiative may be taken to establish a SASEC retailed hub for agricultural products

## **Findings from FGD-2**

- a. Lack of traceability of agricultural products is the main problem in implementing SPS and TBT measurements in Bangladesh.
- b. Lack of maintenance facilities for TBT measures and Lack of proper working environment, infrastructural facilities from field level.
- c. Lack of testing laboratory, lack of inspection body and Weak import and export policy.
- d. Bangladesh has insufficient facilities in smart warehouse and smart cooling system for perishable products and non-perishable products in all ports.
- e. Needs to strengthen policies and regulations regarding export and import industries
- f. Bangladesh Accreditation Board need to facilitate more accredited laboratories for future purposes.
- g. South Asian Regional Standards Organization(SARSO) is not active. So it's needed to expedite the SARSO activities.
- h. Interactions between functionaries and policy level executives should be formalized.
- i. Regular interactions between customs officials, port officials, and BSTI officials should be scheduled on the ground as well as at the headquarters and district office levels to identify shortfalls and/or divergence between agency-specific

rules, regulations, and practices, and to ensure future consistency of approach in application of SPS and TBT related legislation and regulations.

### **Findings from Public Consultation**

- Bangladesh has two committees on SPS and TBT respectively, every three months the SPS and TBT committees discussed SPS and TBT.
- Bangladesh participates in every meeting regarding SPS and TBT. The private stakeholder can join only when the private stakeholder consultations meetings are organized by WTO Cell.
- If the International Standard is not compatible to Bangladeshi standard, then Bangladesh should notify WTO otherwise not. WTO encourages to Notify though notification is not mandatory regarding the regular SPS and TBT measures recognized by WTO. As Bangladesh follow the International standard i.e. Codex, IPPC, and IEC, currently Bangladesh does not notify WTO to avoid unnecessary queries of export destinations countries.
- To connect exporters and importers on one platform, the Ministry of Commerce (MoC) operates the Bangladesh Trade portal. With which exporters and importers are informed on notifications made under the WTO SPS-TBT that affect Bangladesh. Through this trade portal, roughly 3600 emails are sent to trade body associations each week to promote trade. The MoC is working to improve this capability.
- We should concentrate on the standard of the importing country because international standards can differ. For instance, other countries standards might not be comparable to European standards. MRAs (mutual recognition agreements) may be started in this situation.
- Current information about SPS and TBT should be freely accessible to our traders.
- India is a good place to look for best practices because they are currently considerably more advanced in their handling of SPS and TBT-related concerns.
- A financial strategy, which might be part of a 5-year plan or national budget, is necessary to handle SPS and TBT-related concerns continuously.
- The entire value chain of products should include SPS and TBT compliance, from manufacture to sales.
- To comprehend and duplicate measures based on how other developed countries are addressing their SPS TBT concerns, technology transfer and technical specialists are needed.
- Bangladesh should give focus to establish more accredited labs. For instance, airport-based laboratories should comply to Middle East or European standards, whereas land-based laboratories should have lab technician, logistic

support and enough workforce along with technical infrastructure to meet Indian standards.

- In order to fill positions in the laboratories, skilled workers such as officers, scientists, lab technicians, and chemists are required.
- The most important strategy to employ the SPS and TBT issue is to ensure the food safety issue in national market as food safety is non-negotiable. It will facilitate to maintain the international compliance of SPS and TBT in international Market.
- Farmers need to be knowledgeable about SPS and TBT-related information. For instance, root-level clarification is required regarding which crops are appropriate for animals and what pesticides should be used at what amounts.

## Annex 6: Validation Workshop Meeting Minutes

Government of the People's Republic of Bangladesh  
Bangladesh Regional Connectivity Project-1  
Ministry of Commerce  
Level-12 (west side) Prabasi Kalyan Bhaban  
71-72, Eskaton Garden, Dhaka-1000

### Validation Workshop on Study

- (i) A compiled policy and regulatory guidelines/standard operating procedures (SOP) for Cross Border Land Port Management with respect to international trade and transport formalities, procedures, documentation and related matters;
- (ii) Sanitary and Phyto-sanitary (SPS) and Technical Barriers to Trade (TBT), coordination and notification, certification process and infrastructure for promoting trade.

**Jointly Organized by: Bangladesh Foreign Trade Institute (BFTI) and Bangladesh Regional Connectivity Project (BRCP)-1, WTO Wing, Ministry of Commerce**

**Date:** February 09, 2023

**Venue:** Bangladesh Foreign Trade Institute (BFTI) Conference Room

### Introduction:

Bangladesh Foreign Trade Institute (BFTI) organized a Validation Workshop on 2<sup>nd</sup> and 4<sup>th</sup> studies of four under Bangladesh Regional Connectivity Project-1 of WTO Wing, Ministry of Commerce on February 09, 2023, at 09:30 AM in Bangladesh Foreign Trade Institute (BFTI) Conference Room and Class Room 2, BFTI Dhaka.

Ms. Wahida Akter, Secretary, Ministry of Agriculture graced the occasion as the Chief Guest of the validation workshop. Mr. Md. Obaidul Azam, Director, BFTI delivered the welcome remarks, and Mr. Md. Hafizur Rahman, Director General, WTO Wing, Ministry of Commerce and Mr. Md. Mijanur Rahman, Project Director (Joint Secretary), Bangladesh Regional Connectivity Project (BRCP)-1 were present as special guests. Dr. Md. Jafar Uddin, Chief Executive Officer (CEO), Bangladesh Foreign Trade Institute (BFTI) presided over the Validation Workshop as the chairperson.

### Summary of the Welcoming Session:

**Mr. Md. Obaidul Azam, Director, BFTI** welcomed the guest and shared the background of the studies, including the process on how data was collected and draft reports were prepared in consultation with relevant stakeholders. He remarked that post LDC graduation scenario and aspiration to become a developed country was taken into consideration as policy recommendations that were proposed in the studies.

**Chief Guest, Ms. Wahida Akter, Secretary, Ministry of Agriculture** thanked BFTI for conducting the study on SPS & TBT and SOP for Cross Border Land Port Management. She further expressed her gratitude to make the opportune for gracing the occasion as the chief guest. She informed that the traditional agriculture sector of Bangladesh had been transforming into an export-oriented sector through commercialization and pragmatic policy and fiscal support provided by the government. She also informed that Bangladesh has become self-reliant in onion production and successfully met our demand due to a strong supply chain in the agriculture sector. Citing the contribution of the Ministry of Agriculture in securing the food safety of the nation, she informed that the Ministry has expanded mustard plant production to become self-reliant in oil production. She added that now Bangladesh can almost meet up the demand for rice with our domestic production. She further informed Bangladesh needs 2.5 crore metric tons of rice yearly and we could meet the largest portion of this demand domestically. *Citing the importance of the SPS issue in trade, she urged that SPS certificates for exporting agricultural products should be upgrade to international standards so that importing countries could accept our certificate.* Finally, *she put emphasis on complying with SPS and TBT-related regulations to increase the export competitiveness of the agricultural product, where both Ministry of Agriculture and the Ministry of Commerce can work together.*

**Dr. Md. Jafar Uddin, Chief Executive Officer (CEO), BFTI Chairperson of the Validation workshop** thanked BRCP-1 and the personnel working at the project and WTO wing, as they had trusted BFTI to conduct these studies. He informed that the Ministry of Agriculture and the Ministry of Commerce had worked together to ensure the food safety of the nation during Covid-19. Addressing the significance of product diversification, he highlighted that the export basket of Bangladesh is limited to few products. In this context, the agriculture sector could contribute to product diversification as it has about 100% value added products. He expressed that if Bangladesh could comply with the SPS and TBT issues in the agriculture sector, it would **proliferate** product diversification and new market access.

**Mr. Md. Hafizur Rahman, Additional Secretary & Director General, WTO Wing, Ministry of Commerce** informed that Bangladesh is compliant with the notification process to WTO. He further informed that the country would not need to notify WTO if she follows international product testing procedures. However, if Bangladesh sets a higher standard, then Bangladesh will have to notify WTO with scientific evidence. He further added that Bangladesh presently faces SPS and TBT-related notification processes and infrastructural challenges. Addressing the importance of Mutual Recognition Agreement (MRA) in trade, he informed that Bangladesh and India are working on MRA and India sent a draft agreement of the MRA, which is under the consideration. He further added that India presently accepts certificates for 21 products from Bangladesh. Regarding SPS and TBT issues, he stressed interagency coordination for resolving SPS TBT challenges. Moreover, for efficient land port management, he suggested that the SOP related study should explore the processes that can ease export-import procedures in Land ports. Moreover, he remarked that SOP should also prescribe the ways for improving interagency coordination among land ports, customs and other agencies.

**Mr. Md. Mijanur Rahman, Project Director (Joint Secretary), Bangladesh Regional Connectivity Project (BRCP)-1** remarked that complying with SPS and TBT conditions is a precondition for exporting/importing agricultural and other products into a foreign and domestic market. He emphasized on infrastructure development and strengthening coordination among the different related organizations, working for SPS and TBT issues. He further stressed the efficiency of the trade procedure of ports and interagency coordination among ports, customs and export-import-related agencies to ease the export-import procedure.

After the welcoming session, representative from BFTI gave presentation on the 2<sup>nd</sup> and 4<sup>th</sup> studies and the panellist and participants shared their comments, suggestions and recommendations on the same which are summarized below:

**Recommendations for Study:**

- (ii) Sanitary and Phyto-sanitary (SPS) and Technical Barriers to Trade (TBT), coordination and notification, certification process and infrastructure for promoting trade.

**Technical Session-2**

**Moderator: Mr. Md. Obaidul Azam, Director, BFTI**

**Panellist: Mr. Jewel Rana, Additional Deputy Director (Export), Department of Agricultural Extension (DAE), Ministry of Agriculture**

- The study on SPS and TBT is comprehensive so far, I have seen the study but some recommendations regarding Plant Quarantine, which I depict need to be included.
- SPS regarding frozen foods and shrimps should be written in one section not differently while defining the specific SPS and TBT issues of products.
- Prohibited acids written in Agro and Agro-processed products in the study needs to be revised as prohibited preservative and here Bangladesh uses Benzoic acid as a preservative while exporting products into a foreign market.



- MRL is not mandatory for all importer countries. maximum residue level (MRL) test is defined by the Plant Quarantine Wing if the products are needed the MRL test, as per the requirement of importer countries.
- In the product identification section, the study needs to be focused on EU market-related SPS and TBT issues regarding their Standards and Regulations.
- What are the clear roles of the Bangladesh Food Safety Authority (BFSA) in terms of Import and Export need to be cleared in the study and the study also needs to be identified the capability of BFSA's role in export and import with the existing setup.
- The Plant Quarantine wing has been made the Competent Authority for the export and import of plants and plant products.
- "Fivers have to be quarantined" should be written as "Fivers have to be Fumigated" in the study.
- Due to the ban on the shipment of aromatic rice from Bangladesh last year, Australia will not accept rice that has been fumigated with aluminium phosphate. Instead, they prefer that the rice be fumigated with mithai bromides. In addition, at present, Bangladesh has no capacity for producing mithai bromides fumigation.
- Bangladesh has a great need to increase Mutual Recognition Agreements (MRA) with various countries that have export potential.
- The director of the Plant Quarantine wing should have administrative power so that they can employ their technical officer in the plant quarantine section and not be transferred to any other post of the Department of Agriculture Extension. It should be included as recommendations.
- The role of the private bodies in complying with the SPS rules while exporting needs to be depicted in the study.
- The information regarding SPS and TBT needs to be disseminated through an information hub and therefore a website on SPS and TBT issue need to prepare.
- EPB may create a common information hub for SPS and TBT for the exporter.
- Most of the Agricultural Products are exported by air, mainly from Hazrat Shahjalal International Airport in Dhaka. However, the central packinghouse of the product is in the capital's Shyampur area. Bringing the goods to Shyampur for packing and then transporting them to the airport takes hours due to the situation of traffic in the city. This, too, causes a problem for exporters and a depletion of product standards.

**Mr. Md. Obaidul Azam, Director, BFTI**

- The government needs to formulate a national coordination body regarding SPS and TBT issues, including representatives both from private and public bodies.
- A national single window for SPS and TBT notification centers should be formed.
- One-Stop Service for Health Certificates of products may be effective with SOP for providing certificate.
- A new study needs to be taken to address whether contract farming along with compliance is necessary for exporting agricultural products or following Good Agriculture Practices, Bangladesh can expand its Agro-Products exports.

**Dr. Md. Alam Mostafa, Joint Secretary (WTO Section-3), Ministry of Commerce (MoC)**

- The study is comprehensive, as a specific measure for complying with SPS and TBT, and all the relevant agencies regarding SPS and TBT issues are diagnosed as per the objectives of the studies.
- The notification process is not mandatory for complying with SPS and TBT issues if it is at international standard. Although after LDC graduation, the notification process will be the most vital factor for Bangladesh.
- A project called Trade Notification of the WTO Wing is working on notifications and it has sent two notifications to the WTO through two letters.
- WTO Wing, the ministry of commerce is now working on issues for which Bangladesh has not provided notification in the past and issues that should be addressed in next future for notification.
- The Trade Facilitation project is currently working on building EU-standard Laboratory for SPS and TBT issues.



**Mr. Sharif Rayhan Kabir, Deputy Secretary (Trade Consult), FTA Wing**

- Urged for arranging a minimum of two coordination meetings on SPS and TBT under the Ministry of Commerce for addressing the challenges while exporting to foreign markets.

**Ms. S.M Sumaiya Zabeen, Deputy Chief (C.C), Bangladesh Trade & Tariff Commission (BTTC)**

- Two case studies on SPS and TBT notification for exportable products for example Rice, Mango, Lemon, Potato, and Betel Leaves may be included in the study.
- The notification procedure format should be included in the study.
- The private sector should inform Bangladesh Trade & Tariff Commission (BTTC) instantly whenever they face any SPS and TBT-related problem in export. BTTC can directly point out the problem while negotiating with a potential trade partner.

**Mr. Badrul Islam, Assistant Manager-Export, Kazi Farms Group**

- Bangladesh has no GlobalGAP certification body to comply with the super shop of EU countries and their Standards.
- In recommendation, the study should emphasize on establishing a Global GAP certification body.

**Mr. Md. Zahangir Alam, Assistant General Manager-R&D, PRAN Group**

- Bangladesh lags in terms of product testing facilities and the study rightly finds out it.
- A recommendation for Bangladesh to develop a local international testing facility for domestic and exportable products needs to be included.
- The study needs to have a recommendation for developing a central laboratory for testing the quality standard of products.
- To follow and develop the GAP certification process, DAE should initiate and increase the contract farming process.
- Private trade bodies can provide training on products specific to SPS and TBT that exporters face in the export destination.
- Conduct study and start piloting contract farming to evaluate the impact of it on traceability and compliant farming.

**Mr. Mohammad Arafat Hossain Sarker, Assistant Director (CM), Bangladesh Standards and Testing Institution (BSTI)**

- One sub-section for Bangladesh Accreditation Board (BAB) needs to be added to the study, as BAB provides an accredited certificate for laboratories and institutions.
- Bangladesh should increase Mutual Recognition Agreement (MRA) in Bilateral Trade Agreement so that potential products can be exported with BSTI and other national certifications.
- A specific coordination body for SPS and TBT needs to be established for addressing SPS and TBT issues in international trade
- The study needs to recommend strong coordination for addressing coordination problems among SPS and TBT-related institutions and organizations.

**Mr. Md. Monjurul Islam, Adviser, Bangladesh Fruits, Vegetables & Allied Products Exporter's Association (BFVAPEA)**

- EU countries follow the GAP and Global GAP require exporting agricultural products in Mainstream Super market.
- Certification bodies like Global GAP needs to be established
- Increase the number accredited laboratories in both public sector and private sector.
- If the import countries have the requirement for GAP, then the exporter countries should follow the GAP certification process.

**Ms Tania Akter, Senior Lecturer BRAC Business School, BRAC University**

- Two case studies on SPS and TBT notification for exportable products should be included in the study.



**Technical Session-2**

Following participants were present in the validation workshop for the Study

- (ii) Sanitary and Phyto-sanitary (SPS) and Technical Barriers to Trade (TBT), coordination and notification, certification process and infrastructure for promoting trade.

<b>Sl.</b>	<b>Name and Designation</b>	<b>Organization</b>
1.	Mr. Jewel Rana Additional Deputy Director (Export)	Department of Agricultural Extension (DAE)
2.	Mr. Md. Obaidul Azam Director	Bangladesh Foreign Trade Institute (BFTI)
3.	Dr. Md. Alam Mostafa Joint Secretary (WTO -3)	MoC
4.	Mr. Sharif Rayhan Kabir Deputy Secretary (Trade Consult) FTA Wing	MoC
5.	Mr. Mohammad Jakir Hossain Deputy Secretary (Export -2)	MoC
6.	Ms. S.M Sumaiya Zabeen Deputy Chief (C.C)	Bangladesh Trade & Tariff Commission (BTTC)
7.	Dr. Mohammad Maqueshudul Haque Bhuiyan, Sr. Asst. Director (PSO-FIQC)	Department of Fisheries (DoF)
8.	Mr. Mohammad Arafat Hossain Sarker, Assistant Director (CM)	Bangladesh Standards and Testing Institution (BSTI)
9.	Mr. Md. Mozibur Rahman Assistant Director	Export Promotion Bureau (EPB)
10.	Sourav Kumar Singha Scientific Officer	Bangladesh Food Safety Authority (BFSA)
11.	Ms. Tania Akter Lecturer	BRAC Business School, BRAC University
12.	Mr. Md. Zahangir Alam, Assistant General Manager-R&D	PRAN Group
13.	Mr. Badrul Islam Assistant Manager-Export	Kazi Farms Group
14.	Mr. Md. Monjurul Islam Adviser	Bangladesh Fruits, Vegetables & Allied Products Exporter's Association (BFVAPEA)
15.	Mr. Kawser Ali Deputy Secretary	Bangladesh Garment Manufacturers and Exporters Association (BGMEA)
16.	Ms. Parvin Akther Sr. Executive (QA)	Bengal Meat Processing Industries Ltd.
17.	Mr. Harunur Rashid Research Associate, North & South America	BFTI
18.	Mr. H. M Simon Research Associate, Asia and Oceania	BFTI

## Annex 7: Terms of Reference

### Terms of Reference (revised)

#### Consultancy/Research firm for conducting 04 studies suggested by Project Steering Committee (PSC) in FY 2021-22.

#### Background

The Government of the People's Republic of Bangladesh has received an SDR 150 million Credit from the International Development Association (IDA) - a member of the World Bank Group - for financing the cost of the Bangladesh Regional Connectivity Project 1(BRCP-1), being jointly implemented by the Bangladesh Land Port Authority (BLPA), National Board of Revenue (NBR) and Ministry of Commerce. The second component of this umbrella project is being implemented by the Ministry of Commerce as a separate technical assistance project. The overall objective of this technical assistance project is to strengthen trade related institutional capacity in order to ensure active and sustainable cooperation between multiple trade-related stakeholders and economic empowerment of women traders.

This technical assistance project consists of following three (3) components:

- Component A: Develop (pilot) programs to support female traders and entrepreneurs. This component will pilot activities to help address barriers to women becoming more integrated into regional and global supply chains and trading opportunities.
- Component B: Capacity Development Support for the National Trade and Transport Facilitation Committee. The inter-ministerial National Trade and Transport Facilitation Committee (NTTFC) has been set up to coordinate all trade and transport-related policies and activities in Bangladesh, and will also serve as the Advisory Committee for the Project.
- Component C: Improvements to Bangladesh Trade Portal and to set up a National Enquiry Point for Trade. The Bangladesh Trade Portal (BTP) was launched in March 2016. This component will support further up gradation of the BTP to expand its functionality to include information of relevance to potential Bangladesh exporters and to ensure that content is kept up to date. This component will also set up the National Enquiry Point for Trade, which will help Bangladesh to meet a key requirement of WTO Trade Facilitation Agreement.

The Ministry of Commerce intends to apply part of the IDA Credit for procuring consultancy services from qualified research/consultancy firms or institutions/individuals to conduct three studies selected from the list of studies identified under NTTFC activities of the project (Component B). These studies aim to develop in-depth understanding about three relevant areas of trade facilitation and are directly linked with the activities of three implementing agencies of the BRCP-1 umbrella project.

## **2. Scope of Consultancy Services:**

The project will conduct the following four studies in 2020-21/2021-22 fiscal year that are critical for export promotion and trade facilitation:

- **Study 1:; WTO Special and Differential Treatment (S & DT) and Graduation Challenges**
- **Study 2: A compiled policy and regulatory guidelines/standard operating procedures ( SOP ) for Cross Border Land Port Management with respect to international trade and transport formalities, procedures , documentation and related matters ;**
- **Study 3: Simplification of Trade Procedures, Custom Modernization ease of doing business for export promotion of Bangladesh to ensure policy coherence between national development priorities and international obligations on Trade facilitation Agreements**
- **Study 4 : Sanitary and Phyto-sanitary ( SPS ) and Technical Barrier on Trade ( TBT ) co-ordination and notification, certification process and infrastructure for promoting trade;**

The detail scope of the proposed studies is given below:

### **Study 4 : Sanitary and Phyto-sanitary ( SPS) and Technical Barrier on Trade ( TBT ), Coordination and notification , certification process and infrastructure for promoting trade**

The main objective of this research initiative is to conduct a National Diagnostic Study (NDS) in Bangladesh to reach a better understanding of the SPS and TBT situation in Bangladesh, its cost of trade implications, and to address the required capacity building action, both locally and regionally. This study intends to serve the broader objectives to promote trade and resulting economic development in the sub-region, fraught with negligible intra-regional trade. Generally speaking, SPS and TBT measures are considered as so called ‘Technical Measures’, meant for the governments’ legitimate objectives to protect human, animal, and plant health and environment, and to ensure product and consumer safety. Hence, these measures imposed by governments are there to stay and be enforced. This has implications for trade. The study intends to focus on the trade implications of these SPS/TBT measures, and attempts to find capacity building measures for better compliance and less distortion for trade flows, as per the pre-approved methodology. SPS/TBT Diagnostics Study comprises the following phases:

1. Review the current scenario of SPS/TBT measures in Bangladesh and its institutional framework, infrastructure facilities and legal structure ;
2. Identify the coordination at National, Regional and international level to ensure SPS/TBT notification compliances ;
3. Gaps comparing current national SPS legislation, local practices, and international best practices;
4. Building a robust understanding of the specific needs of the country through national diagnostic studies (NDS);

5. Based on the national diagnostic studies, identifying common issues and challenges faced by the countries in a regional diagnostic study (RDS) to facilitate development of coordinated regional responses and required capacity building actions;
6. Identify the specific items which have the potential for exports from the country and subject to SPS/TBT measures of the importing countries;
7. Conducting a gap analysis that examines and compares current national legislation, local practices, and international best practice;
8. Carrying out practical field studies in identification of standards or regulations in the SASEC countries that are impeding trade on the above identified items;
9. Identifying the reforms in Institutional ,infrastructure, legal capacity, and presenting prioritized recommendations for necessary future investments; and
10. How to strengthening the notification procedures of the SPS/TBT measures to WTO;