

# Market Access and Performance (MAP) Study; Technical and Governing Barriers to Trade in the Central Asian Region (CAR) (Case Study on Trade in Apricots)

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## Abstract

*This paper assesses non-tariff barriers to trade in the above-mentioned countries from two perspectives: the first is MAP; procedural and regulatory barriers to trade, both inside the region and with countries outside of the region; while the second perspective looks at a concrete example by focusing on the export of apricots (fresh and dried). Apricots were selected for this case study because they are produced in all of the CAR countries, although the growing conditions and volumes are different, as is their export potential.*

*The preparation of this paper involved: (a) desk research to review the work undertaken by international organizations, donor agencies, and trade associations on Technical and Governing Barriers to Trade in the Central Asian Region (CAR) Region, including apricots, (b) the identification of 27 respondents including 18 companies, involved in export/import, and 9 export promotion organizations, private business associations, foreign countries' trade representatives and experts in the CAR region, and other countries active in the region (Russia, Turkey), and (c) telephone and online interviews using two types of questionnaires made up of 5-8 questions. The first questionnaire was focused on general procedural and regulatory barriers to trade; the second dealt specifically with procedural and regulatory barriers to trade in fresh and dried apricots*

**Keywords:** Trade Barriers, Non-Tariff, Market Access & Performance, Technical and Governing

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## Introduction

During the last 20 years the Central Asia countries have seen significant developments in their economic relationships. Among other factors, the reduction of trade barriers by entering into free trade agreements and/or joining various economic unions has led to the rapid growth of trade volumes in this region.

The CAR region countries (Afghanistan, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan) are involved in trade both among themselves and with other countries of the world, where their main trading partners include (in descending order of importance) China, the Russian Federation, Turkey, Germany, France, Italy, Ukraine, India, Pakistan, Iran, UAE, Bangladesh, Indonesia, and Thailand.

At the same time, procedural and legal measures regulating foreign trade in the region remain complex and sometimes impose excessive requirements on traders, thus becoming barriers to trade. Such procedural and regulatory barriers have a greater negative impact on international trade than tariffs. Procedural and regulatory barriers to international trade are the result of excessive, bureaucratic documentary requirements, legal and other non-tariff measures<sup>2</sup>, procedures and practices, which go beyond those needed for a rational level of protection for society.

For the purposes of this paper, we looked at regulatory requirements (technical, sanitary, phytosanitary, veterinary, origin of goods, laboratory tests, quality assurance, market surveillance against counterfeit or unsafe goods, etc.), which go beyond the normal scientific requirements for such inspections, or the needs of society for the safety and protection of consumers and producers from disloyal competition and unsafe goods. These can be due to:

- a) Diverging standards that are not harmonized with international standards;
- b) Standards that are outdated and do not reflect current technologies;
- c) Technical regulations that are not proportionate to the risks that they set out to address;
- d) Conformity assessment procedures that are unnecessarily restrictive (for example, requirements to have all imports nationally tested/certified);

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<sup>2</sup> UNCTAD defines non-tariff measures (NTMs) as “policy measures, other than ordinary customs tariffs that can potentially have an economic effect on international trade in goods, changing quantities traded, or prices or both”. Some NTMs such as standards and regulations may expand trade by facilitating production and exchange of information, reducing transaction costs, guaranteeing quality and achieving the provision of public goods. Others, such as quotas or voluntary export restraints, are restrictive by design, which explains why the word “barrier” is used for them, meaning discriminatory non-tariff measures imposed by Governments to favor domestic over foreign suppliers (see Non-Tariff Measures to Trade: Economic and Policy Issues for Developing Countries, UNCTAD 2013, online: [http://unctad.org/en/PublicationsLibrary/ditctab20121\\_en.pdf](http://unctad.org/en/PublicationsLibrary/ditctab20121_en.pdf))

- e) Inadequate or lacking "quality infrastructure" (such as no testing labs, no accredited laboratories, no internationally recognized certification bodies, or
- f) Lack of expertise by business and/or the administration.

The study underlying this paper was conducted with two purposes: first, to analyze technical and governing barriers to trade in the CAR countries with a focus on the trade in apricots, as an example, and second, to develop some proposals/recommendations for moving forward on the regional elimination of non-tariff barriers for the Governments of these countries to consider.

## 1. Methodology

This paper assesses non-tariff barriers to trade in the above-mentioned countries from two perspectives: the first is MAP and procedural and regulatory barriers to trade, both inside the region and with countries outside of the region; while the second perspective looks at a concrete example by focusing on the export of apricots (fresh and dried). Apricots were selected for this case study because they are produced in all of the CAR countries, although the growing conditions and volumes are different, as is their export potential.

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The respondents in the study were as follows:

Afghanistan – 4 (all traders)

Azerbaijan – 2 (1 trader, 1 trade representative)

Kazakhstan – 2 (both experts)

Kyrgyzstan – 7 (6 traders and 1 trade representative)

Tajikistan – 6 (3 traders, 1 business association and 2 experts)

Turkmenistan – 2 (1 trader, 1 trade representative)

Uzbekistan - 2 (1 trader, 1 export support organisation)

Russia – 1 (trader)

Turkey - 1 (trader)

Total: -27

Given a limited timeframe, the study had to focus on a small number of respondents, who were not always willing to respond over the telephone to those questions that they considered to cover sensitive issues. Consequently, this paper does not provide an exhaustive analysis of non-tariff regulatory and procedural barriers in the CAR region. The findings should be interpreted as indicative, and can be used for discussions on further activities, as well as a basis for further work, in the case where the Governments of the CAR countries decide to request further regional studies on regulatory and procedural barriers to trade or work in support of regional supply chains.

## 2. General issues related to market conditions

Half of the interviewed traders in the CAR region noted that the procedures for obtaining export documents are often protracted on purpose. Officials seem not to be in a rush, and traders feel that they artificially delay the issuance of documents, which results in many traders looking for “unofficial channels” to accelerate the process, based on paying an extra “facilitation” fee.

Intermediaries are often involved by traders in order to help them overcome documentary and procedural barriers. More than half of the interviewed traders (some of whom had worked, out of dire necessity, with these intermediaries (i.e. unofficial “brokers”)<sup>3</sup> indicated that the unofficial “facilitation” channels were well-organized and performed better than the official institutions.

There is definitely a need to reduce subjective decisions in the official controls of trade and to reduce face-to-face contacts during controls. The introduction of more computer-based procedures and services, and the use of digital signatures in the region would increase transparency and accountability, and greatly reduce personal contacts in the regulatory processes, thus helping to reduce the hurdles created by the need to obtain paper-based documents, signatures and seals.

Some respondents (notably exporters of apricots) also mentioned issues related to the difficulty of newcomers to obtain sales outlets/locations at bazaars (market places) in a target country, even if all the documents are in order, unless they pay unofficially to “special people”. At the same time, this is a local market access issue that goes beyond the scope of this paper.

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3 These intermediaries should not be confused with legitimate customs brokers who assist companies in fulfilling their legal obligations by taking care for formalities related to customs clearance.

According to studies by UNOPS<sup>4</sup> and ESCAP<sup>5</sup>, since 2004 the foreign trade turnover of Afghanistan with Central Asian countries has been growing, with the exception of 2009 (due to the generalized trade contraction in the aftermath of the global financial crisis). Nevertheless, officially recorded trade between Afghanistan and its Central Asian partners remains very limited. According to UNCTAD's UNCOMTRADE and UNECE data (see annex II), Afghanistan's exports to the CAR countries constituted only 7.40% of Afghanistan's total exports and imports from the CAR countries only 8.05% of Afghanistan's total imports. "Dry ports" (17 in Afghanistan), are connected among themselves and with Central Asia by railroads, and play an important role in trade. Three dry ports connect Afghanistan with Tajikistan, two with Turkmenistan, and one with Uzbekistan; and trade has been increasing between Afghanistan and these three countries since 2007. The long-term plan is to build a railroad across Afghanistan to the Indian Ocean ports. The rye and wheat imported to Afghanistan from Kazakhstan, using this dry-port system, increased by 96.5% in the first quarter of 2015, compared to the same period in 2014.<sup>6</sup>

In the other direction, the yield of crops in Afghanistan depends very much on the climate, while Afghanistan's water irrigation system was almost destroyed during the civil war.

The current infrastructure also lacks warehouses with chilling equipment and transportation services. One kg of grapes currently costs less than \$0.5 in Afghanistan, while in the Gulf countries it reaches \$5.0 per kg. Expanding exports to international markets would significantly increase the profits of Afghan agricultural producers.

In April 2015 Afghanistan, Tajikistan and Pakistan reported reaching the final stage of negotiations of a trade agreement which will simplify transit between the countries. Such a "transport corridor" is likely to decrease barriers, help increase the volume of regional trade and enhance foreign investments.

Turkmenistan has maintained a positive trade balance for many years, and its trade surplus has grown since the early 2000s. The country has a very small share in global agricultural trade. Turkmenistan has not yet applied to accede to the WTO, does not belong to any regional trade agreement, and its economy remains relatively isolated. Foreign trade is *de facto* controlled by the State. There is an obligation to

4 Abuse of Legal Trade to Organize Trafficking in Opiates in West and Central Asia, UN ODC report, October 2012

5 Afghanistan and Central Asia: Strengthening trade and economic ties, Economic and Social Commission for Asia and the Pacific, 2014, online: <http://www.unescap.org/sites/default/files/Afghanistan%20and%20Central%20Asia-Strengthening%20Trade%20and%20Economic%20Ties.pdf>

6 [www.afghanistan.ru](http://www.afghanistan.ru)

register all wholesale and export-import contracts with the State Raw Material and Commodity Exchange. A company representative should be present in person for the registration.

### **3. Apricots case study**

As mentioned above, apricots (fresh and dried) were selected for a case study because apricots are produced in all CAR countries. The weather conditions and volumes of trade are very different. However, cross-border trade in apricots is visible across the region, and a review of trade in apricots can serve the purpose of this paper in highlighting barriers to trade.

We have identified: three countries as key producers of apricots (Tajikistan, Kyrgyzstan and Uzbekistan); two countries (Afghanistan and Azerbaijan) which produce and export less than the first three countries, and we have described separately Kazakhstan, which has become a hub for re-exporting apricots to Russia, and Turkmenistan, where apricots are grown in small quantities, and are mainly imported.

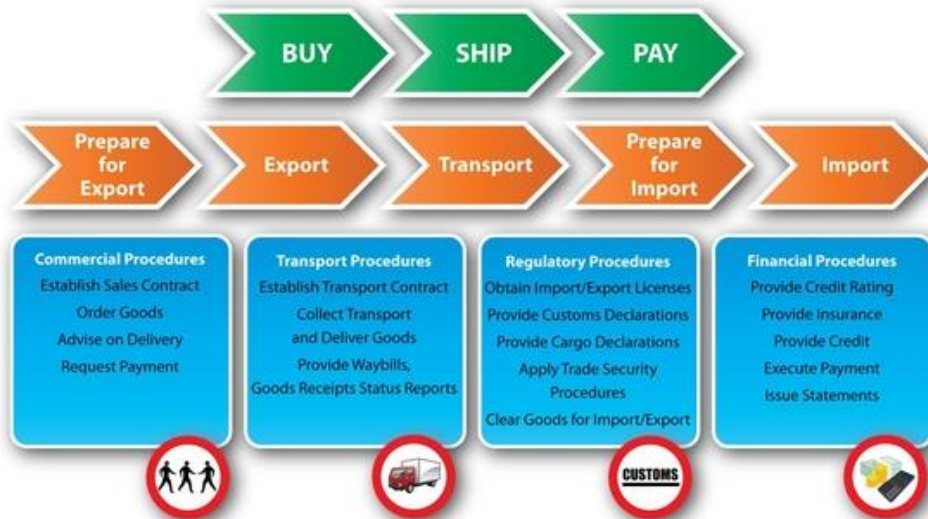
### **4. Impact of identified Technical and Governing barriers on supply chains in the region**

The CAR countries have the potential to export agricultural and textile products on much higher levels than they currently do. Yet in order to do this, they have to create an enabling environment for the development of international supply chains, including for perishable goods, such as fruits and vegetables, which require fast delivery and special transportation conditions. Cross-border supply chains in Central Asia, which encompass a large number of participants from the seller to the buyer, add a great deal of complexity to the process.

The main problem indicated in the study was the lack of coherence between different national requirements as well as the lack of cooperation and coordination between various actors involved in the supply chains of the region: starting from the producers and traders, and including transporters, regulatory agencies, and trade financing institutions and agents. Traders in apricots noted that they face problems already in establishing contracts and finding their place in the markets of importing countries (issues that are not the focus of this paper, but which constitute an integral part of the supply chains for the goods we are looking at). They do not have serious problems with obtaining certificates and licenses, but face obstacles at the stage of Customs clearance, which indicates a lack of coordination and transparent collaboration among regulatory agencies. In addition, even if exporters of dried apricots may not have serious problems in obtaining certificates at home, these certificates are not recognized in some target countries for export (e.g in Western Europe) thus reducing the possibilities for export diversification.



Figure 1: The International Supply Chain as defined by the United Nations Centre for Trade Facilitation and Electronic Business UNCEFACT Supply Chain Reference Model



The information available to the author of this paper identified several measures that limit the expansion of cross-border supply chains. These are limitations both to the efficient interaction between various participants in the process, and to the fast movement of goods.

Partly due to the fragmentation of the regional market after the independence of the CAR countries, which introduced new borders and multiple new layers of regulations and costs (in particular for goods transit), they have been largely excluded from global and regional value chains. A country can develop when new value chains develop, and they are linked through cross-border supply chains. Countries that manage to integrate into such international supply chains stand much better chances to reap the benefits of modernization, technological development and prosperity. Globalization has offered new opportunities. Transport and communication links crossing Central Asia could positively affect the services sector, as well as local agribusiness, minerals and textile industries, which are traditionally the sectors where many CAR countries have a competitive advantage.

Becoming a transit region between Europe, South and East Asia, Russia and the Middle East is an obvious opportunity. Yet the challenge is how to integrate the Central Asian economies into international supply chains or create new, regional ones; and how to add value through increased production, provision of services and logistics along these supply chains. These issues can be partly addressed through trade facilitation and regulatory harmonization along supply chains; yet these have to be elements of a concerted effort involving all participants in these supply chains.

Currently, many “intermediaries” make money on the inefficiency of these supply chains by “facilitating” business processes; thus helping businesses, and particularly SMEs to deal with problems

due to overly complex procedures. The prolonged time for issuing of documents, delays at the borders (often until perishable goods really perish), requirements to submit the same data or even documents more than once, and requests for additional documents, as indicated by the study, point to inefficient supply chains. The causes of these inefficiencies may be many: a simple lack of maturity of supply chains, a lack of skilled regulatory agencies' staff, or a conscious activity aimed at extracting rents from trade. The results are the same: reduced competitiveness and reduced economic diversification.

Expanding already developed channels of exportation, market diversification, and leveraging niche markets for organic, ecological produce by local producers as well as exporting to Europe, the USA and Japan (all discussed by respondents) may become real opportunities, but for this to happen these ideas would need development and the producers and exporters would need to become better integrated into cross-border supply chains.

The result of inefficient supply chains is essentially the same everywhere: transaction costs increase, and traders ask higher prices at the market to recoup them; however, high prices directly affect their competitiveness. This is probably why agricultural produce from China or South America is offered at lower prices in Moscow than produce from Central Asia, despite the distance and logistics. A food embargo introduced in mid-2014 and extended by the Russian government until mid-2016 has created a surprise opportunity for Central Asian producers, but it seems that they are missing this opportunity to increase exports to countries where barriers to trade are lower.

## **5. Conclusions and recommendations**

### **5.1 Conclusions**

The results of the study indicated that issues exist in various aspects of the clearance of goods, yet the respondents noted that a significant portion of the problems, notably in the case study of exports of apricots, are related to the process of Customs clearance, as well as to problems related to the lack of recognition of laboratory testing results in the target countries and/or the use of outdated standardization systems.

Half of the interviewed traders in the CAR countries claim that public officials delay the issuing of export-related documents artificially, creating additional complexity, and making traders look for "unofficial channels", i.e. intermediaries who are able to accelerate the process for an extra fee of up to 30-40% of the value of the goods. The widespread use of these "unofficial channels", which facilitate the movement of goods, indicates that trade and regulatory procedures are both not simple and not properly implemented.



There is a problem with the still high rate of subjective decisions included in regulatory agency controls in Central Asia. One of the possibilities for addressing this issue is to increase the use of electronic procedures and documents which could limit face-to-face contact between traders and officials, and reduce the scope for subjective decisions and potential abuse.

The problems reported by the traders point to the insufficient development of national regulations and procedures, following international rules, and guiding international trade in the region. The CAR countries are the region that is least integrated in the global rules-based trading system – more than half of the CAR countries are not yet members of the WTO. Even if, as indicated by the respondents, problems persist in Kazakhstan, Kyrgyzstan and Tajikistan, which are already members of WTO, the EEU, or both, the problems are primarily related to the inefficient implementation of international standards and agreements, while accession to the global trading system and its rules can help improve the situation.

Delays at the borders persist, and there is a multiplicity of reasons, as indicated by the respondents. Even if no more Customs controls are required at borders between members of the Eurasian Economic Union, traders still report border delays caused by those control agencies that are still active at the border. Inter-agency coordination is typically low in the region, and it is “normal” to ask traders to physically submit the same data to different state agencies located in different places.

The problems with delays at the borders, as well as with arbitrary controls (as indicated in the responses) should be dealt with by automation and also by focusing on risk-based selective controls. Judging from the character of problems indicated by traders, risk management systems, regular cooperation among national control agencies, as well as organized cross-border cooperation (e.g. by establishing bilateral committees to oversee the organization of joint controls at border-crossing points) are weak or missing. There is a lack of coordination and cooperation among the participants in supply chains.

There are a number of different issues in the CAR countries linked to obtaining certificates (phytosanitary, of origin, of conformity etc.), testing of produce and recognition of certificates in the countries to which the goods are exported.

Problems with transit and difficulties in access to trade financing were at the top of the “problem list” of three quarters of the study respondents. With the accession of Pakistan (from January 2015) and possibly China to the TIR Convention, Central Asia will see an increase in its role as a transit region. The TIR Convention and other instruments facilitating transit will become increasingly important not only for Central Asian exports and imports, but also for trade flows transiting the region. The CAR countries need to adapt to these changes. Renegotiating the legal basis for transit trade with Pakistan and China may

become a priority. Concrete remarks made by respondents indicate that an old tendency of independent local political entities taking independent action in order to extract an excessive rent from transit trade in the region may be coming back, even if this is contrary to the long term interests of the countries and peoples in this crossroad of trade routes. The implementation of international rules and standards regulating and facilitating transit is the way to move forward. These instruments include: the mentioned TIR Convention; the 1982 UNECE International *Convention* on the *Harmonization* of Frontier Controls of Goods; the GATT article V; the new WTO Trade Facilitation Agreement; regional and bilateral transit agreements (such as the trilateral agreement on transit trade among Afghanistan, Pakistan and Tajikistan); the ECO transit transport framework agreement; bilateral agreements on harmonizing border-crossing procedures and exchange of information, etc. It is very important that a “spaghetti bowl” of agreements be avoided (as this would hinder rather than facilitate transit), and an overarching solution be sought for the region. The TIR Convention may serve as a good basis, even if other solutions are explored.

Even in such a simple supply chain as the production, drying and export of apricots, basically concentrated in one trans-border region (the Fergana Valley), where exports are concentrated on a large importer (Russia) with some attempts at diversification, one can observe the key problems facing supply chain formation and functioning in the CAR countries. Dynamic changes in trading and transit regimes – e.g. the establishment of the EEU, different documentary requirements, different levels of taxation in the different countries, and the imposition of some measures by Uzbekistan in response to these changes – may become impediments to trade.

The reduction and gradual elimination of trade barriers, trade and transport facilitation, the harmonization of the regulatory frameworks, and the implementation of common (UNECE) agricultural quality standards would bring trade costs down. At the same time, since these are cross-border, region-wide issues, only joint efforts between the CAR countries can have a significant impact on achieving these aims.

## 6.2 Recommendations

### 6.2.1. Recommendations stemming from the study

The conclusions of the study and desk study provided above lead to the following recommendations which the CAR Member States and Working Group on Trade may wish to consider.

The Governments of the CAR countries, the CAR Project Working Group on Trade, supporting international organizations and development partners should collaborate in order to:

1. Support the integration of CAR countries into the universal rules-based multilateral trading system under the WTO (in compliance with sustainable development goal 17.10), so that the

implementation of international rules strengthens the capacity of these countries to increase transparency and trade cooperation. Implementing the WTO Agreements on technical, sanitary and phytosanitary measures and on trade facilitation will significantly improve the business climate in the region. Regional action on these issues has been on the agenda of CAR for years, and it is important that international development partners support this work.

2. Strengthen regional cooperation in trade facilitation, notably by the development of a regional CAR trade facilitation strategy, addressing identified procedural barriers to trade; creating and establishing interaction among national mechanisms for trade facilitation, such as national public-private, interagency trade facilitation bodies (in compliance with the WTO Trade Facilitation Agreement and UNECE trade facilitation recommendations 4 and 40) and/or Single Window facilities.
3. Support the public and private sectors in the region in establishing an enabling environment for the development of cross-border supply chains – in particular by helping them to identify regulatory and procedural barriers to trade and possible ways for them to be eliminated. The national trade facilitation bodies mentioned above may also wish to concentrate on overcoming the lack of coordination and cooperation among various actors along the supply chains (for example as indicated in the apricot supply chains case study).
4. Explore the possibilities and demand for a more in-depth regional study on non-tariff barriers to trade.
5. Attract international donors to support the elimination of specific, concrete obstacles. A few examples from the study on apricots include:
  - a. Building high-quality laboratories in the region for tests, the results of which would be recognized in new more lucrative export markets;
  - b. Helping producers, traders and experts from the CAR countries participate in the development of international agricultural quality standards.
6. Assist CAR countries in the implementation of international trade facilitation and regulatory standards and the harmonization of standards with neighbouring regions, thus contributing to the countries' integration into international supply chains.
7. Further develop CAR as a platform for building regional cooperation between the leaders from governments and businesses in the region in a concerted effort to eliminate trade barriers. Political will and support from the private sector for regional cooperation in trade are necessary, and this requires the establishment of increased trust between all parties. ports and even longer distances to

the main international markets, so the absence of cooperation diminishes even further their chances for development.

### 6.2.2 Recommended measures for building regional supply chains

The formation of efficient cross-border supply chains is a key element in the development of prosperous regions today (for example Europe and East Asia). The lack of maturity of such supply chains in Central Asia is a clear sign of the lack of regional cooperation, and the responses to this study underline this problem.

There should be a conscious effort on the behalf of Governments and international development partners, including in the framework of CAR, to provide an enabling environment for the efficient functioning supply chains in the region. In this context:

- Governments in the region should work towards establishing political and economic cooperation at the regional level, which would make possible cooperation and coordination between the various participants in cross-border supply chains.
- Facilitating supply chains should be one of the objectives of removing procedural and regulatory barriers to trade in the region, so that the movement of goods is not impeded by excessive measures.
- The CAR governing body on trade and transport may collaborate to encourage transport corridors, on the basis of multilateral and bilateral agreements, crossing the region north-south (Russia - Central Asia - Afghanistan - Iran and Pakistan) or east-west (China - Central Asia – the Caucasus or Russia – Europe). Trade facilitation and the harmonization of regulatory standards should become a key component of the work on these corridors.
- Governments should: build trust, public-private partnerships, and collaboration with the business community, including foreign enterprises involved in cross-border trade: this should include conducting regular meetings and establishing dialogues on issues that impede international trade including; establishing the right conditions for timely and accurate information exchange on changes in trade regimes minimizing the impact of new measures on trade through improved design and procedures for their introduction; giving time for businesses to comment on or suggest changes to draft laws and relevant regulatory documents; giving time to traders to manage changes in business processes that reflect legal amendments; maintaining a stable financial policy; and, in general, simplifying trade procedures and regulations and working to eliminate the need for intermediaries to “facilitate” international trade.

- Assistance should concentrate on the enhancement of rules as the basis of the trading system in the region. In this sense, CAR could help countries accede to, or use better, membership in the WTO in order to implement better global rules, standards and best practices for trade. Assistance would also be needed in order to implement regional and sectorial instruments (conventions, agreements, standards and recommendations) in the area of trade facilitation, standardization of certificates, licenses and other trade and transport documents, and related procedures. The countries should further develop the legal basis for regional free trade, and combine their forces in the implementation of WTO agreements, notably the WTO Trade Facilitation Agreement. In 2015 Tajikistan made steps to ratify this Agreement, and Kazakhstan has to ratify it as part of the package for its accession to the WTO. The WTO encourages the Central Asian countries to seize the benefits that the Trade Facilitation Agreement offers, including in the area of “freedom of transit” which is especially important for land-locked countries.
- Governments of the CAR countries may wish to implement measures to:
  - a. Improve coordination among control agencies at the border, reducing the number of checks and delays. Implementing e-government services; submitting paper documents only once; and a transition to paperless document exchange (without requirements for stamps and submission in person) would help.
  - b. Install videocameras around border crossing points, and prohibit control agency staff from accepting cash payments from anyone crossing the border.
  - c. Develop and introduce internal, publicly available, standards for control agency staff, stipulating a concrete benchmark time (in hours) for checking vehicles crossing the border. Such a measure can be based on Time Release Studies and business process analyses.
  - d. Support the improvement of certain services such as: the guarding of cargo; cheap leasing/donation of second-hand refrigerator trucks to transport companies, training for exporters on how to use L/C, as well as business planning and filling in documents for bank loans upgrading warehouse facilities to respond to the concerns of traders.
  - e. Abolish legal requirements, if any, for advance payments for goods to be exported, and leave this to contractual relationships between the seller and the buyer.
- Invite international development partners to consider technical assistance projects on:
  - a. Providing equipment for testing laboratories in the CAR countries, which would be accredited by relevant international organizations, and located in places convenient for traders. Training of relevant staff and study visits may be included in the package;

- b. Improving relevant legislation for the reduction of regulatory and procedural barriers to trade.

Improving export and import statistics in the region, so that these statistics are as accurate and as broadly available as possible

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