

# THAILAND: COMPANY PERSPECTIVES

AN ITC SERIES ON  
NON-TARIFF MEASURES



*Draft prepared for discussion at the NTM Stakeholder Meeting  
(Bangkok, 29 October 2014)*

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# Executive Summary

## Introduction

In the global context of increasing economic liberalization and a widespread tendency to eliminate or reduce tariffs, the importance of trade barriers resulting from non-tariff measures (NTMs) has risen in recent decades. Because consumers are demanding more information about products, importing countries are implementing more regulations such as sanitary and phytosanitary measures (SPS) or certification requirements. Most of these regulations do not have protectionist objectives, but are implemented to protect health or the environment. Compliance with these regulations may be beyond the reach of companies seeking to export, particularly those from emerging and least developed countries (LDCs). Analyses of the commercial impact of NTMs as well as technical cooperation with developing countries to build government and business capacities are hence becoming increasingly important.

In this context, the Ministry of Commerce of Thailand requested the Geneva-based International Trade Centre (ITC), joint agency of the United Nations (UN) and the World Trade Organisation (WTO), to carry out an in-depth analysis of the business perspectives on NTMs with an objective to reduce existing trade impediments.

The following provides a summary of the results of the analysis and serves as background document for the stakeholder meeting on NTMs on 29 October 2014 in Bangkok, Thailand.

## Implementation of the NTM survey in Thailand

The ITC, in collaboration with the Department of Trade Negotiations (DTN) of the Thai Ministry of Commerce, officially launched a survey of Thai exporters and importers in August 2013. The Bangkok-based company Rapid Asia Co., Ltd., implemented the survey on behalf of and under the guidance of ITC. The survey concluded in July 2014 with 1,067 companies interviewed.

The aim of the survey is to provide a better understanding of the trade obstacles experienced by Thai companies and to identify potential bottlenecks related to trade procedures and cross-border operations. This information will assist both the private sector and government in creating an enabling environment for private-sector development and improved export competitiveness for Thailand and the region.

Prior to the start of the survey, ITC compiled a business registry of exporting and importing companies in Thailand, based on information provided by DTN. This registry contains information such as contact details, location and major export or import products of over 10,000 Thai companies participating in international trade. This registry was used to calculate the sample size and to contact the companies for an interview.

The interview process itself consisted of two steps. The first step involves screening of exporting and importing companies through a basic telephone interview (phone screening). The aim of this telephone interview is to confirm the main sector of activity, the direction of trade and whether the company experienced difficulties with NTMs. Companies interviewed in the phone screening phase are selected based on stratified random sampling. As per NTM survey sampling methodology, phone screen interviews are designed to cover a representative share of Thailand's export sectors (excluding arms and minerals).

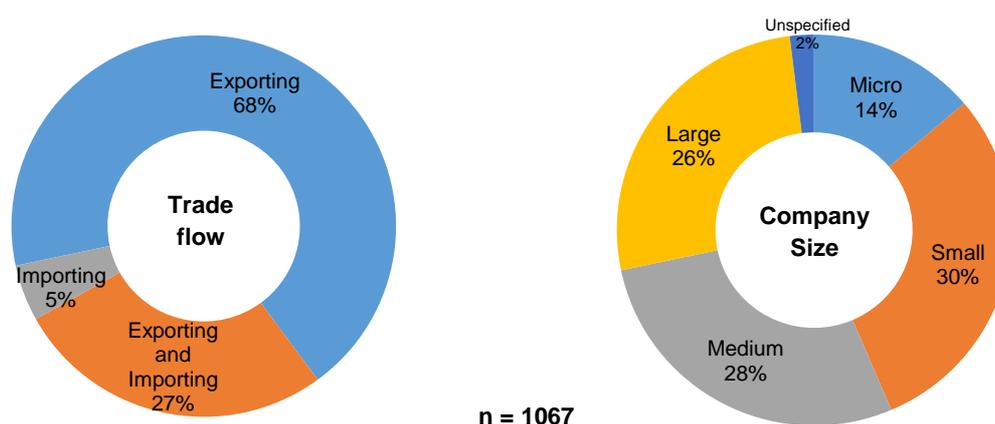
Overall, 1,067 companies were interviewed during the telephone screening about their experience with non-tariff measures. 68% of the sampled companies were exporters, 5% importers, while the remaining 27% were involved with both exporting and importing business. Likewise, 72% of the sampled companies were SMEs with 14% of them being micro enterprises. Large companies made up 26% of the sample (figure 1).

The second step involves a detailed face-to-face interview with those companies that reported having experienced obstacles to trade and are willing to participate. In Thailand, 340 companies that were affected and were willing to participate in a more detailed interview were questioned about the specific nature of the problems they faced. Typically, the survey respondents were general managers

or the company's employee responsible for the export and import process. All responses from the companies are treated with utmost confidentiality.

Surveyed companies were based in the following locations: Ayutthaya, Bangkok, Chachoengsao, Chiang Mai, Chonburi, Chumphon, Karnchanaburi, Krabi, Lampang, Lamphun, Nakhon Pathom, Nakhon Ratchasima, Nakhon Si Thammarat, Nonthaburi, Pathum Thani, Prachin Buri, Rayong, Samut Prakan, Samut Sakhon, Surat Thani, Trang, Yala, Sukothai, and Uttaradit.

**Figure 1: Company surveyed in phone screens, by type**



**Source:** ITC business survey on NTMs in Thailand (2014).

## Aggregate results and cross-cutting issues

Survey results reveal that around 38% of the exporters in Thailand are affected by burdensome regulations. The share of affected companies in Thailand is below the cross-country average of 56% (based on results of 21 other countries surveyed by ITC). The ITC survey also finds important differences between sectors with regard to difficulties with NTMs. Exporters in agro-food sector are more affected than exporters in manufacturing sector. This is consistent with the fact that countries often regulate agro-food product more vigilantly for reasons of consumer and environmental protection.

Companies exporting fresh food and processed food are among the most affected with 46% and 47% of the companies affected. Among companies in the manufacturing sector exporters of leather products, chemicals, and textiles are the most affected. Exporters of electronics, consumer and IT products – Thailand's largest export product – are relatively less affected (figure 2). Compared to exporters, the share of importers in both the agro-food and manufacturing sector which is affected by NTMs is much lower (less than one-quarter).

### Partner (importing) countries applying NTMs

Comparing the share of Thai exports for various economic regions with the share of NTM cases concerning regulations applied by these partners allows assessing the degree of difficulty to access a specific market (figure 3).

Across partner countries, quite distinct regional differences are evident. The EU28, in particular, appears to be a relatively difficult market to access for Thai exporters. Countries in EU28 import less than 11% of Thai exports but account for 23% of NTM cases reported by Thai exporters to be burdensome. In total, 59% of interviewed companies exporting to EU28 reported to be facing difficulties complying with their regulations.

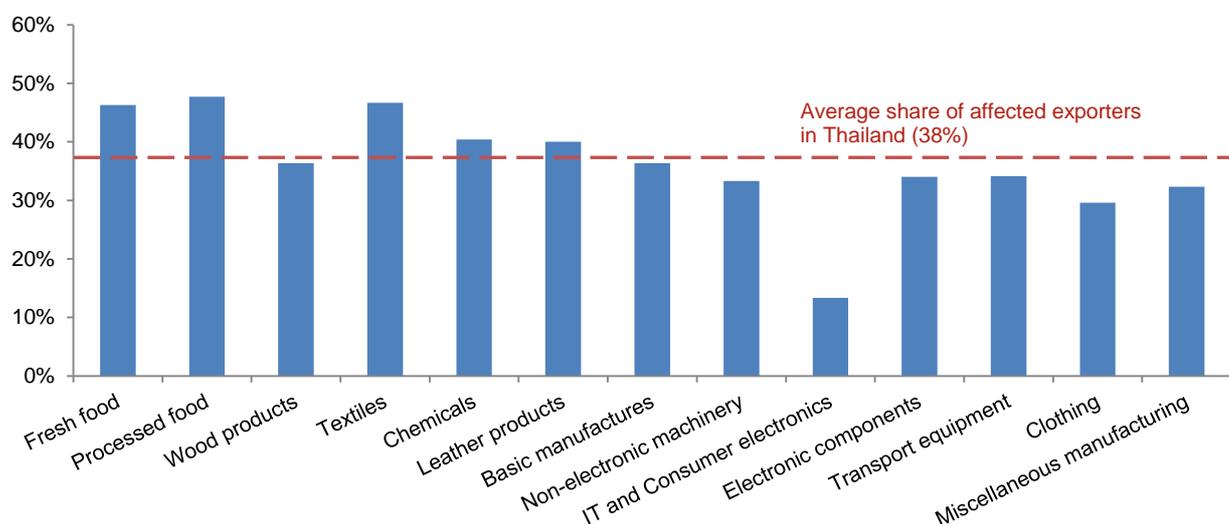
In contrast to the EU28, less than 7% of the problems reported by exporters are related to regulations applied by China and the United States each, while both countries import roughly the same value from Thailand as EU28 countries. In the case of Japan, the share of NTMs relative to the export share is somewhat higher.

Overall, the ASEAN bloc is one of Thailand's largest trading partners with ASEAN members importing 23% of Thai exports. Despite the regional economic integration among ASEAN countries, which

results in increased trade, the share of NTM cases originating from ASEAN countries (20.5%) is also relatively high.

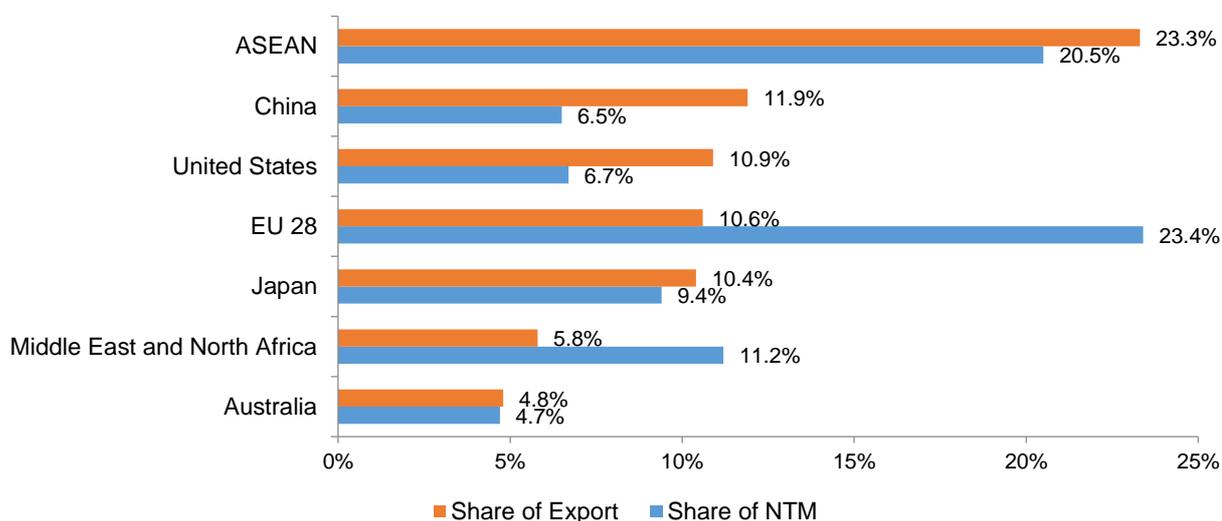
Thai exporters also seem to be facing difficulties exporting to countries in the Middle East and North Africa (MENA) region. The region overall imports 6% of Thai exports but more than 11% of the reported problems relate to regulations originating from these countries.

**Figure 2: Share of exporting companies affected by NTMs, by sector**



**Source:** ITC business survey on NTMs in Thailand (2014).

**Figure 3: Share of total exports<sup>1</sup> and share of NTM cases applied by partner countries (selected partners), 2013**



**Source:** ITC business survey on NTMs in Thailand (2014) and Trade Map (2013).

The reasons for rendering partner country regulations burdensome can be both the strictness of the NTM itself or related procedural obstacles, which render compliance with the regulation difficult. These procedural obstacles can be encountered abroad but also in Thailand. It is hence important to keep in mind that the problem with accessing a partner country may very well be located in Thailand (see section on procedural obstacles further below).

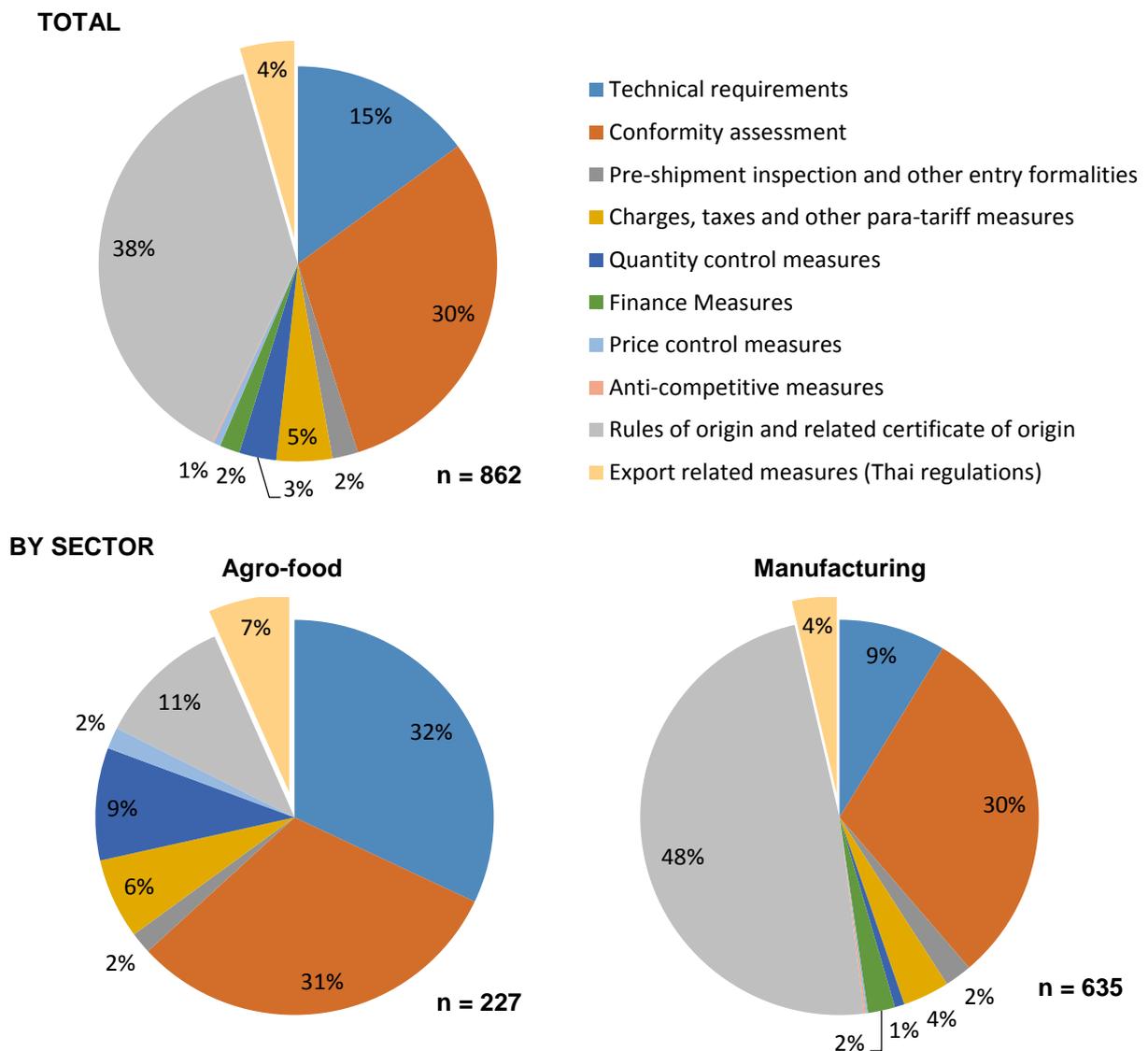
<sup>1</sup> Excludes export of mineral and arms

### Types of NTMs experienced by exporters

In Thailand, the exporting companies reported 862 cases of burdensome regulations, the vast majority all of which (96%) are applied by partner (importing) countries. There are only few incidents of difficulties related to export regulations imposed by Thailand in addition to a few cases concerning private standards. This contrasts with the results in other countries where ITC business surveys finds that typically 75% of all challenging NTMs reported by exporting companies are applied by the partner (importing) countries while 25% are burdensome export-related measures imposed by the home country.

Overall, 47% of the burdensome NTM cases experienced by Thai exporters are technical measures (figure 4). Technical measures include 'technical requirements', which are product specifications that exported products need to comply with (including sanitary and phytosanitary [SPS] measures) as well as 'conformity assessment' procedures such as certification which provide proof of compliance with the underlying technical requirements. Around 15% of the burdensome regulations are technical requirements while 30% relate to conformity assessment. This suggests that exporters face more problems proving their compliance to regulations than with the regulations itself.

**Figure 4: Types of burdensome regulations experienced by Thai exporters**



**Source:** ITC business survey on NTMs in Thailand (2014).

Issues related to rules of origin or the process of obtaining certificate of origin has also been frequently reported by exporters to be a problem (38%).

Interestingly, there are significant differences between the agricultural and the manufacturing sector in the incidence of the different burdensome technical measures (figure 4, lower panel): for exporters of agro-food products, technical requirements themselves are more often reported as burdensome than measures of conformity assessment (32% of cases versus 31%), while the opposite holds true for exporters of manufactured products, where difficulties related to conformity assessment (30% of cases) is more prominent than technical requirements (8%).

Complaints regarding rules of origin and the related certificate of origin account for 38% of all problems reported by the exporters (figure 4, upper panel). It is interesting to note that a vast majority of these difficulties are reported by exporters from the manufacturing sector (48%). Regulations concerning charges, taxes and para-tariff measures and quantity control measures were mostly reported by agro-food exporters and account for 5% and 3% of all reported problems, respectively.

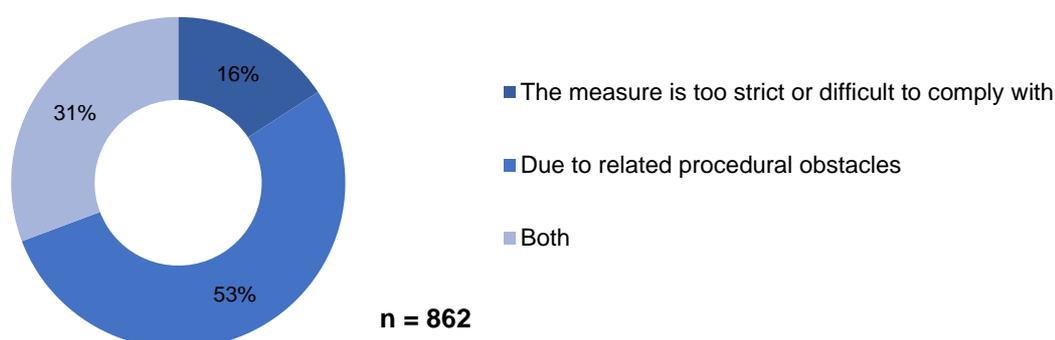
Only 4% of the reported problems were related to regulations applied by the Thai government on its exports. It is also worthwhile noting that a few problems faced by the exporters were regulations regarding voluntary (private) standards.

### Difficulties with Procedural Obstacles (POs)

To have a better understanding of the nature of problems faced by exporters, the NTM survey methodology identifies both the measures that are burdensome to the exporters as well as the underlying reason to why they are burdensome. Very often exporters face difficulties with a given regulation not only because they are too strict and complex to comply with but also (and at times solely) because of the related procedural obstacles (POs). While NTMs are official regulations implemented by competent authorities in the exporting or importing country that traders must comply with, POs are hindrances that companies face due to the manner in which the regulation is applied or implemented.

In case of Thailand, only 16% of all problems faced by exporters seem to be problematic due to the given regulations being too strict or difficult to comply with (figure 5). In contrast, 53% of NTMs are difficult to the exporters due to various procedural obstacles, most of which occur in Thailand itself. In the remaining 31% of the reported NTM cases both the measure and the related procedural obstacles are regarded as problematic.

**Figure 5: Why exporters face difficulties with NTMs**



**Source:** ITC business survey on NTMs in Thailand (2014).

Overall, exporters report 1,179 incidents of procedural obstacles which make compliance to a given regulation difficult. 76% of these incidents (897 cases) occur in Thai agencies. There are three main types of procedural obstacles hindering export process in Thailand (figure 6). Delay in obtaining relevant documents, certification or approval from concerned authorities in Thailand is the most frequently mentioned type of PO experienced by exporters (29% of reported POs). Likewise, high fees and charges imposed by various agencies for various processes relevant to the regulation account for 20% of POs. Exporters also feel burdened by the fact that they have to submit many different kinds of documents to authorities in the export process (24% of all POs), multiple administrative windows (8%) and documentation being difficult to fill out (3%). Exporters also report

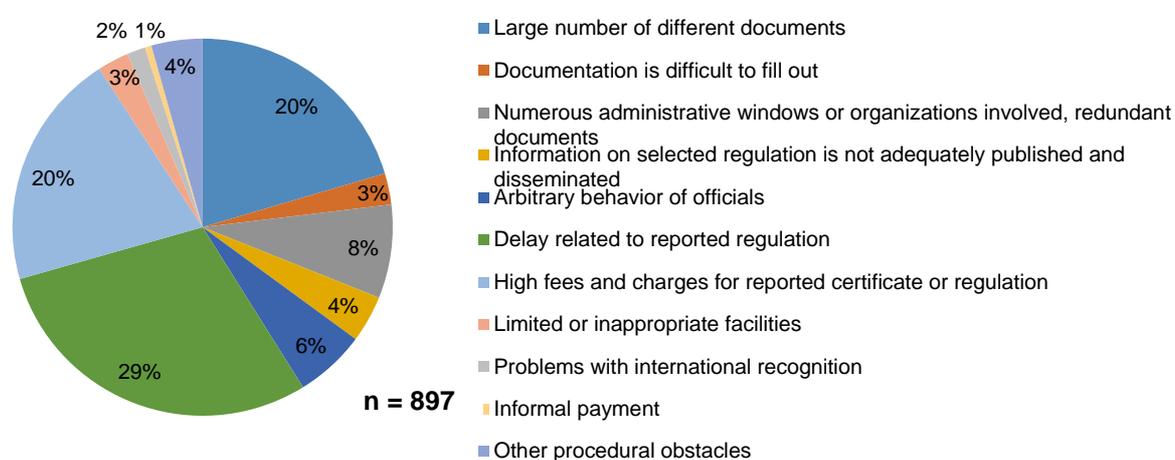
other kinds of POs, such as issues of transparency or with international recognition, but which are of much less prominence.

Cases related to corruption (informal payments) make up less than 1% of the cases, which is one of the lowest shares reported among the countries surveyed by ITC.

During the interviews, companies were asked to specify where the procedural obstacles are encountered. Most of the reported POs occurred at the Department of Foreign Trade – Ministry of Commerce, which is the responsible agency for issuing certificate of origins. These POs were mostly delays or administrative burdens when applying for the certificate of origin. Other agencies which are reported frequently include the Food and Drugs Administrations, Thai chamber of commerce, Thai customs, as well as private testing and certification bodies.

Furthermore, exporters also report of POs occurring in embassies of some partner countries, especially countries from the MENA region, that require exporters to have their paper works and certificates attested by the respective embassies. Exporters complain of additional time and cost due to this procedure.

**Figure 6: Procedural obstacles faced by exporters in Thailand**



Source: ITC business survey on NTMs in Thailand (2014).

## Snapshot of major issues faced by exporters

### Technical requirements

As described earlier, technical requirements are a major concern for agricultural exporters. Especially the EU has very **strict quality standards on imported food products**. Thai exporters of processed sea food products find it for example difficult to meet the **tolerance limit of chemical substances such as Edetic Acid (EDTA)**. The companies claim that the tolerance limit set by the EU is difficult to comply with. Similarly, exporters complained that Germany does not allow any residues of chemicals on mangoes, which is difficult to fulfil as chemicals are needed to preserve the product until it reaches its destination.

As another illustration, companies exporting processed food such as canned fish to the EU are required to have the **HACCP certificate** that attests the safety and quality standards of the company. To obtain this certification, an external agency has to inspect the production process and the company has to prepare many documents for this purpose. Reportedly, the certification has to be re-issued every 2 months and costs 4,000-5,000 baht each time.

Turning to other export markets, exporters of rice and fresh food face difficulties with the **packaging and fumigation requirements** of Australia and New Zealand. The products have to be fumigated (Methyl Bromide) and packed in plastic sacks. The surveyed companies find these additional requirements costly and time consuming. This echoes the concerns voiced by rice exporters in Cambodia.

Exporters of wood products also find the **fumigation requirements for Australia** very difficult. Fumigation procedure (chemical solution) for Australia is different compared to other markets and requires products to be fumigated for up to 24 hours. As this procedure is not common companies are concerned about inadequate facilities providing such services. Furthermore, this procedure together with the entire documentation requirement is costly. According to one furniture exporter fumigation for Australia can cost up to THB 25,000 while for other countries it is around THB 5,000.

Thai rice exporters also face a number of procedural obstacles when exporting to the United States: Exporters need to be registered with the Thailand Food and Drugs Administration (FDA). However, according to the exporters, the United States requires this **registration to be renewed every few months**, which is considered problematic because of the registration cost of 40-50 thousand baht and the time involved (registration takes about 4 days each time).

The **irradiation requirement** of the USA and Republic of Korea when exporting mangoes and mangosteens represents another difficulty for food exporters, as the irradiation process is considered lengthy (7-10 days) and costly. In addition, the also required heat treatment accelerates rotting of the fruits.

Exporters of crocodile leather products indicated that the **United States does not allow import of crocodile skin or products** from Thailand as there are two species of crocodile, *Crocodylus Porosus* and *Crocodylus Siamensis*, which are listed as endangered under Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). However, according to the concerned companies, the crocodiles are easy to breed, and have been raised in farms registered with CITES (via the Department of Fisheries).

Furthermore, Japan requires **CITES export permit** for each item of crocodile leather product they export, which must be obtained from the Department of Fisheries in Bangkok. Some companies exports in large volume and as there are only a few officers issuing the permit at the DoF it leads to long waiting times for the exporters.

### **Problems related to conformity assessment**

Conformity assessment measures, including testing and certification requirements, are commonly reported type of NTMs, by both agro-food and manufacturing exporters (see figure 6). Most of these measures appear problematic due to various procedural obstacles including delays, high fees and charges, and other administrative procedures.

For exporters of fresh food products most of the problems related to testing and technical inspections occur in the European Union. According to the exporters, EU countries **do not easily accept product certification** issued in Thailand and insist on doing their own testing (notably the GMO test). This test takes 5 to 7 days and costs approximately € 600. This **additional cost** together with the possibility of fresh food (fruits and vegetables) going bad because of the delay is a big financial risk to the company.

In general, most agro-food exporters face **difficulties obtaining the food and drug authority (FDA) certification**. Obtaining this certification from the FDA can take a few months and costs several thousand baht depending upon the product. Furthermore, countries in the EU require BSCI and HACCP certification issued by their own agencies, while the United States and Hong Kong require certificates issued by the United States FDA.

Likewise, exporters of wood products to Europe complained of the high cost of acquiring bio-degradable certificates, the Belgian EN 13432 and the American ASTM, which cost € 1,300 and € 250 euro per year respectively. As Thailand's FDA certifications is not recognized these certificates must be issued by private certification bodies namely, TUV, NORD, and SGS. According to some companies the total cost of complying with these certificate requirements comes to around THB 1 million.

Exporters of manufactured products face similar problems with the **recognition of Thai test results and certifications** in importing markets, including ASEAN countries. Indonesia, in particular does not accept Thai Industrial Standard (TIS) and require Thai exporters to obtain the Indonesian National Standard – SNI certification. Obtaining this certification requires sending samples for inspection or testing in Indonesia or to have inspectors come to do the necessary inspection or testing. This additional procedure leads to higher cost and additional processing time.

A canned fish exporter explains that exporting to Egypt and Syria requires a health certificate issued by a private agency in the respective country. The company finds it hard to obtain the required certification due to a limited number of local laboratories with the capacity to do the required testing.

The United States also insist on testing leather products for dangerous chemicals residues such as lead and ketone. The cost of this inspection of between 100,000 and 200,000 baht is considered very high. The US authorities accept only test results from labs in the United Kingdom or the United States. The exporter claims that if they were allowed to conduct the test in China instead, the cost would be significantly lower and the procedure would be more convenient for them.

### **Issues related to Rules of Origin**

According to the survey results, difficulties with rules of origin are experienced more by companies from the manufacturing sector (figure 4). Majority of these cases relate to the process of obtaining the relevant certificate of origin from the Department of Foreign Trade at the Ministry of Commerce (MoC). The most common complaint relates to the time required by the Ministry to process the request, which could last from a few days to a couple of weeks.

For example, a company exporting manufacturing materials to Indonesia complained about the process of obtaining certificate of origins at the Thai Department of Foreign Trade. According to the company, although it is possible now to submit the forms online, they are still required to submit the supporting documents at the Department of Foreign Trade. In addition to the online form exporters also recommend online submission of documents which can make the process faster.

Part of the problem, especially among SMEs, is that they are not familiar with all the necessary requirements and processes. Companies have reported that officers at the MoC request different documentation etc. from exporters and often the companies have to resubmit the forms leading to lost time.

The documentation requirements necessary for the certificate of origin is an obstacle to many companies as well. Processing companies, in particular, who source their inputs from multiple sources find it difficult to get the necessary documentation from each of its suppliers in order to obtain the certificate of origin for the final product. An exporter of wood products to United Arab Emirates, for example, complained about the requirement of UAE to declare the origin of all wooden parts used in the product. However, since the company's products are made from various kind of wood, it is difficult and complicated to gather the information required.

Companies exporting to Indonesia have also stated that they cannot request for certificates before the actual shipping process. As the shipping time to Indonesia is not long, exporters have a relatively short window to apply and obtain the certificates. Very often, it takes long for the certificates to be issued and the cargo has to wait in the Indonesian ports for the paper works to arrive leading to additional storage costs.

Another issue highlighted by exporters concerns the HS code of the product specified in the certificate of origin and related forms. The Ministry specifies the product code at the National Tariff Line (NTL) level which is not uniform across countries. Due to this exporters have had problems in several countries, including major importers of Thai products such as China, Republic of Korea and Japan, where the product description did not correspond to the NTL product code of the importing country. For instance, an exporter of textiles to Japan complained about the different HS codes between Thailand and Japan which in turn caused difficulties in the documentation process.

### **Licenses, restriction and other issues**

The preliminary survey results highlight a number of additional issues, including exporters' difficulties with **document attestation** when exporting to countries in the Middle East and North Africa such as Egypt, Iran, Libya, Saudi Arabia, and Jordan. To export to these destinations all documents have to be attested and cleared by the embassy of respective countries. This is an entirely bureaucratic procedure which is usually accompanied by high costs and delays. For exports to Libya, this process is rendered even more burdensome due to the fact that there is currently no official representation of Libya in Thailand, and hence the exporters have to get these documents attested by the Libyan embassy in the Philippines.

The survey results also point at a few regulations applied by partner countries, including within ASEAN, involving **quantitative restrictions**. According to the testimony of one exporter, the Malaysian authorities does not allow the import of Thai rice or rice flour in the part of the country that shares a border of with Thailand in order to protect the value of Malaysian rice produce. Similar problems are observed in Indonesia which allegedly imposes a quota of 1 container (down from previously 3) for export of onions and durian – reportedly to protect the domestic producers.

Ministry of Commerce allocates the quota for duty free rice exports to the EU among Thai companies. Some interviewed companies find the **process of granting the allocated quota not transparent** and claim that only a few large companies are benefiting from this concession. Smaller companies find it difficult to get a fair share of the quota, if any. Without the allocated quota, exporters are required to pay duties of around US\$ 175 per ton.

Rice exporters have also reported that their businesses have been badly affected due to the government's **rice mortgage scheme**. Under the scheme the government buys directly from the producers at above market price. Since most farmers are now selling to the government, exporters are finding it difficult to find adequate supply to export. In addition, the scheme has led to increased prices leading the Thai exporters to lose their competitiveness in the international market. Some surveyed rice exporters reported up to 60% reduction in profits.

Thai exports of canned sweet corn are faced with **anti-dumping duties** in EU countries. According to surveyed companies, the duty has gone up to 11% for the product which has harmed the business of the companies concerned. Repeated attempts to negotiate with the EU have not succeeded.

In addition, automobile exporters to the Middle East are required obtain **a certificate of free sale** from the Thai Chamber of Commerce and Board of Trade for a fee of 10,000 baht. This certificate can be requested online, but exporters complain of frequent errors in the site and delays of a few days to solve the problem.

Exporters of furniture expressed concern with the new Thai regulation that does not allow products to be knocked down when being shipped (for example, the wooden cupboard needs to be put together in one piece, not as parts when being shipped). This, exporters allege, is imposed to prevent them from exporting lumber. For the exporters, they have to pay higher shipping cost, as assembled product takes up more space compared to disassembled products.

Some of the difficulties relate to conditions in obtaining export licenses or permits from the Thai authorities. Companies exporting products made of teak must request for **Teak Export Product License**, as teak is restricted wood species for exports. The license is issued by Royal Forest Department of Thailand. For the exporters fees for this license fee is very costly, and the validity of 3 days too short. As a result, licenses cannot be issued in advance, but only when there is a confirmed shipment schedule

Similarly, exporters of handicraft goods faced hindrances with Thai Customs requests for **Antiques Export Product Permit**, even though the company's Buddha statues are newly produced. One company based in Chiang Mai did get an approval (that the product is not an antique and can be exported without a permit) from Fine Art Department, Ministry of Culture of Thailand. However, this was not acceptable to the customs and who insisted on the permit. The process to obtain the Permit from Fine Art Department is complicated (but free of charge), as it requires the company to submit many documents every week, product inspection appointment must be made every Monday, and all the documents must be approved by the mayor. Even though there is an alternative procedure to obtain the permit without the signature of the Mayor, but the fee is THB 300 per each Buddha statue, which the company cannot afford.

Finally, there are a few reports of difficulties due to **lack of information**. For example an exporter reportedly needed a certificate of Technical Standard and Safety Authority (TSSA) to export furniture to Canada. However, the company found it extremely difficult to obtain information on the processes required to obtain the certification, including at the export department of the Ministry of Commerce.

Some of the companies producing processed foods also highlight that they are struggling to find information of quality and safety requirements of some countries (e.g. South Africa, Nepal, Japan, Republic of Korea, Chinese Taipei, Papua New Guinea, Ghana, Bangladesh and Nigeria), which occasionally leads shipments to being rejected at customs.

## Conclusion

The results of the NTM survey in Thailand highlight the potential for further improvements in the domestic trade environment, particularly at the procedural level, as important trade impediments persist. The relatively low incidence of burdensome NTMs and the types of problems reported however also demonstrate that Thailand has already undertaken considerable efforts to facilitate trade.

The results of the NTM survey will contribute to optimizing existing policies and processes, in particular with a view to support the deeper regional integration within ASEAN. As such, they are a meaningful complement to similar NTM studies carried out in Cambodia, Indonesia and the Philippines.

The stakeholder meeting on NTMs on 29 October 2014 with representatives of the Thai public sector as well as the business community will focus on validating the survey results as well as identifying necessary measures to address the problems faced by Thai companies. The insights and recommendations of the meeting will be incorporated in the final NTM country report on Thailand, which will be published as part of the ITC series on NTMs.

### Note:

*ITC is the joint agency of the World Trade Organization and the United Nations. ITC assists small and medium-sized enterprises in developing and transition economies to become more competitive in global markets, thereby contributing to sustainable economic development within the frameworks of the Aid-for-Trade agenda and the Millennium Development Goals.*

*The NTM survey in Thailand was carried out as part of the ITC programme on NTMs. To date, NTM surveys have been completed in 25 developing and least developed countries around the world, including in Cambodia, Indonesia and Sri Lanka. Surveys are ongoing in Bangladesh and the Philippines. The NTM survey in Thailand was funded by the United Kingdom's Department for International Development (DFID).*

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