

Non-tariff Protectionism in Mercosur: Analysis and Recommendations on the Last Three Decades

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Abstract: This paper aims to discuss and demonstrate the non-tariff challenges to Mercosur's trade integration. Its Common External Tariff (CET) and exceptions will be discussed, as well as the evolution of its non-tariff protectionism framework in the last three decades. This is an unprecedented exploratory exercise on all 5019 non-tariff measures (NTM) notified by Mercosur members to the WTO from 1995 to 2020. As main results, we see that (i) members with fewer exceptions to the CET are the ones that most use NTMs to protect their markets; (ii) the stock of NTMs targeted at members and non-members varies accordingly; (iii) of the 10 countries most targeted by NTMs imposed by Mercosur members, its own members figure in the 3rd, 4th, 7th, and 8th positions; (iv) the bloc lacks deep regulatory harmonization, especially with regard to sanitary and phytosanitary barriers in 11 sectors. Based on these results, two critical policy action plans are suggested to the bloc.

Keywords: Mercosur, WTO, non-tariff measures, protectionism, common external tariff.

Introduction

This paper aims to discuss and demonstrate the non-tariff challenges to Mercosur's trade integration while debating the bloc's Common External Tariff (CET), its exceptions, and the evolution of its non-tariff protectionism framework in the last three decades. This is an unprecedented exploratory exercise on all 5019 non-tariff measures notified by Mercosur members to the WTO between 1995 and 2020¹.

The analysis made in the following pages is unprecedented because, in recent years, no literature on the bloc has addressed the non-tariff issue in depth. Most of the papers written in recent years on Mercosur are focused on its advances in promoting political stability and democracy in South America (Briceño and Ruiz 2013; Weiland 2015;

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Bianculli 2020; Fuccille, Luciano and Bressan 2021; Mariano and Menezes 2021), besides describing the difficulties of the bloc in overcoming the status of ‘imperfect customs union’, mainly due to the large number of exceptions to the Common External Tariff (CET), created in 1994 (Albuquerque 2002; Nofal 2002; De La Balze 2002; Vaz 2002; Carranza 2003; Laens and Terra 2005; Caichiolo 2017; Almeida 2019; Batista and Perrota 2018; Pezzola 2018; Caichiolo 2019; Bianculli 2020; Oliveira, Caldas and Mota 2020).

The non-tariff character of intra and extra-bloc protectionism, however, remains out of the spotlight, even though this is undoubtedly one of the major obstacles not only to the bloc’s progress towards the establishment of a Common Market, but to the progress of global trade. Proof of this is that from 1995 to 2020, there was a vertiginous growth in the use of non-tariff measures by WTO members, with a growth of more than 20 times in the stock of measures introduced (WTO 2021). A fact that gives relevance to the exercise that will be carried out in the following pages.

This exercise is based on qualitative and quantitative methods. On the qualitative side, a brief review of the bibliography on economic integration will be carried out. On the quantitative side, a complete analysis of the 5019 NTMs notified between 1995 and 2020 by the bloc to the WTO will be performed, presenting the patterns pertaining to such measures, such as sectors, products and markets most affected (frequency analysis). This analysis will be carried out using the software *Statistical Package for the Social Sciences* with primary data extracted from the Integrated Trade Intelligence Portal (I-TIP), a WTO database with information on NTMs notified by its members.

After due methodological considerations, it is worth pointing out that this article is divided into three sections, in addition to the introduction. In the first section, a debate on economic integration and protectionism in Mercosur will be conducted. The objective of this section is to demonstrate the state of the art of the literature on the advances and challenges of the bloc’s economic integration. The second section, in turn, will have a complete description of the non-tariff protection scenario in Mercosur. In addition to demonstrating the main patterns regarding NTMs introduced by members of the bloc, recommendations will also be made to improve the protection scenario. Finally, in the last section, the final considerations will be presented.

The debate over economic integration and protectionism in Mercosur

When dealing with the process of economic integration it is inevitable to resort to authors such as Balassa (1961), Haas (1961) and Hurrell (1995). Standing out among them, Balassa (1961) defines economic integration as a process and a situation. Viewed as a process, integration implies measures aimed at abolishing discrimination between economic units of different States. In this context, integration progresses through the removing of trade barriers, the liberalization of factor movements, and the harmonization of national economic policies (Balassa 1976). As a situation, on the other hand, it can correspond to the absence of various forms of discrimination between national economies

(Balassa 1961). According to the author (1961), economic integration can take several forms in a gradual process, namely: free trade zone, customs union, common market, economic union, and total economic integration.

Briefly, a free trade area presupposes the elimination of customs and non-tariff barriers. A customs union is equivalent to a free trade area, but with the addition of a common external tariff. The common market, in turn, is further advanced in relation to the customs union by presupposing the free movement of labor and capital. The economic union, on the other hand, requires a harmonization of the national economic policies among the members in order to expand the common market. Finally, with regard to total economic integration, there is a need to promote a deep regulatory harmonization, with the creation of a supranational authority², as well as a single currency and a common central bank (Balassa 1961).

The consequences of such stages of integration for the creation and/or detour of trade are widely addressed by the literature. One sees, on the one hand, extensive bibliographic production highlighting that the materialization of regionalism in the form of regional agreements is beneficial to trade creation (Ahcar and Rodríguez 2020; Anderson and Yotov 2016; Bagwell, Bown and Staiger 2016; Baier, Yotov and Zylkin 2019; Baldwin 2016; Baldwin and Freund 2011; Baldwin and Seghezza 2010; Bohara, Gawande and Sanguinetti 2004; Calvo-pardo, Freund and Ornelas, 2009; Chafer, Gil-pareja and Llorca-vivero 2021; Estevadeorval, Freund and Ornelas 2008; Felbermayr et al. 2015; Foroutan 1998; Irwin 1993; Kemp and Wan 1976; Koo, Kennedy and Skripnitchenko 2006; Lawrence 1996; Magee 2016; McLaren 2002; Pfaffermayr 2020; Riezman 1999). On the other hand, there is a large group of authors claiming the opposite. In their opinion, such agreements fragment global trade, in addition to creating different rules between different regions that hinder free trade and reinforce the spaghetti bowl logic (Bhagwati 1995)³, causing harm to members and especially non-members of such arrangements (Bhagwati 1992, 1995, 2016; Bhagwati and Panagariya 1996; Dai, Yotov and Zylkin 2014; Hayakawa 2013; Krishna 1998; Krugman 1991; Lemon 2006; Menon 2014; Sorgho 2016; Vamvakidis 1998; Viner 1950).

Regarding the debate on trade creation or detour, Balassa (1961), when proposing a gradualist model of integration, made clear the possibility of both phenomena occurring, requiring a case-by-case analysis, given the complexity of the variables involved. His gradualist model, despite being iconic, has been the object of criticism and improvements over the past decades. In this context, in general, the categories proposed by Balassa (1961) are considered by critics as airtight, which does not correspond to practical reality. In spite of this, in the present article, we have chosen to use Balassa's concepts because of their timelessness. Having said this, it is necessary to first make a point regarding Mercosur, considering the concept of customs union. For many years, the bloc has failed to make significant progress in the economic integration process, being classified as an 'imperfect customs union' (Albuquerque 2002; Nofal 2002; De La Balze 2002; Vaz 2002; Carranza 2003; Laens and Terra 2005; Caichiolo 2017; Almeida 2019; Batista and Perrota 2018; Pezzola 2018; Caichiolo 2019; Bianculli 2020; Oliveira,

Caldas and Mota 2020). The reason for such a classification, according to most of the literature already produced, lies in the large number of exceptions to the CET, which was created in 1994 and implemented in 1995.

As already pointed out, the CET is one of the conditions for an integration arrangement to be considered a customs union (Balassa 1961). Under the current rules, in view of decision number 26/2015, of the Mercosur Common Market Council (CMC), each party State is entitled to maintain a national list of exceptions to the CET (Camex 2015). In the cases of Brazil and Argentina, up to 100 Mercosur Common Nomenclature (NCM) codes are allowed until December 31, 2021. As for Uruguay and Venezuela⁴, exceptions are allowed for up to 225 NCM codes valid until December 31, 2022. With regard to Paraguay, there is a limit of 649 NCM codes until December 31, 2023. Each party State has the prerogative to modify up to 20% of such lists every six months, depending on multiple factors, especially considering the actions of private interest groups, which historically in Mercosur trade negotiations also interfere in the creation of other other exceptional tariff rules (Tussie, Botto and Delich 2004; Botto and Quiliconi 2007; Kume and Piani 2011; Batista and Perrotta 2018; Pezzola 2018).

In addition to these exceptional tariff rules, it is worth mentioning the exceptions to the application of the CET for products from the automotive and sugar sectors, as per Economic Complementation Agreement (ACE) n° 18. There are also exceptions for toys and dairy products, as per decisions 28 and 30, of 2015, of the Mercosur CMC. In this context, products subject to ex-tariffs, such as computer and telecommunications goods and capital goods also figure as exceptions, as provided for in decisions 56/10, 25/15, 26/15, 28/15, 29/15 and 30/15 of the CMC, as well as in Resolutions 26/16 and 27/16, of the Common Market Group (GMC). Finally, products subject to specific action due shortage, according to GMC Resolution 49/19, also receive differentiated treatment. These exceptions, to a greater or lesser extent, allow the practice of tariffs above the CET or even the total or partial reduction of consolidated tariffs, on a permanent or temporary basis. With this set of exceptions as a parameter, it is not possible, therefore, to affirm that the bloc is consolidated as a full customs union.

As if the tangle of tariff exceptions related to the bloc were not enough, we have, from the non-tariff point of view, an even more complex scenario. Today, of the 5019 NTMs notified by Mercosur members since 1995 to the WTO, at least 84%, or 4221 NTMs, create obstacles to intra-bloc trade, as will be seen in the next section.

Such intrabloc protectionism makes it possible to state, from an economic perspective, that Mercosur is closer to regressing to a free trade area, also imperfect, rather than moving towards the construction of a common market. In this regard, Mariano and Menezes (2021) point out that, over the last 30 years, the goal of the common market has been disappearing without being replaced by a clear commitment to the customs union. Thus, discussions about the possibility of restricting the bloc's integration to a free trade area recur (Mariano and Menezes 2021; Fonseca and Marconi 2006). The lack of commitment of the member countries toward the advancement of the economic integration process, coupled with the scenario of great intra-bloc protectionism, makes it possible to understand why its results for economic growth of its members are timid.

In this regard, Mariano, Ramanzini Júnior and Vigevani (2021) point out that intra-bloc trade has a downward trend, clarifying that the ideals of Mercosur's economic and commercial integration have not been fully achieved. In a similar vein, Alemán and Acevedo (2019), analyzing economic and social data from the bloc's member States in the period between 1990 and 2014, conclude that Mercosur, despite having favored greater trade in the region, was not enough to promote consistent growth in the per capita GDP of its members. The authors point out that the level of extra-bloc trade is higher than intra-bloc trade, and that when it comes to GDP growth, only Brazil has seen clear gains from the greater trade flow in the region.

For Caichiolo (2017), Mercosur's main achievement was to create a better political understanding among its members. The literature regarding the subject is extensive, with consensus on the benefits of Mercosur for the promotion of democracy and stability in the region (Briceño and Ruiz 2013; Weiland 2015; Bianculli 2020; Fuccille, Luciano and Bressan, 2021). However, for Caichiolo (2017), when it comes to the economic benefits arising from the bloc's integration, the scenario is different. The reason for this lies in the fact that the integration process has not developed enough to create its own dynamics, the logic of spill over (Haas 1961), leaving dormant the regulatory obstacles that the bloc faces due to the lack of harmonization of its members' policies. From this perspective, Viola and Lima (2017) point out that the bloc's economic integration has advanced little, even showing signs of retraction since 2011. Almeida (2018), in a similar vein, states that since the inception of the customs union in 1995, little substantive progress has been made in trade integration, and perhaps more restrictions – both internal and external – have been introduced than promises of trade liberalization have been kept. In this regard, Reid (2021), Martins and Burnquist (2020), and Oliveira, Caldas, and Mota (2020) point out that, in addition to the weak tariff liberalization promoted by the bloc, several obstacles of a non-tariff nature have impeded the advancement of economic integration in Mercosur, leaving clear the imperfections of the customs union, as well as the shortcomings of the free trade area.

In view of the aforementioned, we can draw at least three partial conclusions from the exercise of exploring the debate carried out in this first section. First, we see that the literature reinforces the idea that Mercosur is an imperfect customs union due to the numerous exceptions to the CET, without exploring the intra-bloc non-tariff protection scenario. Second, when we consider the non-tariff protection scenario, we see that the difficulties of economic integration are even deeper. Third, we realise that despite the consensus on Mercosur's role in strengthening democracy and stabilizing the region, the bloc needs to advance in economic integration to reap the benefits of trade creation, since evidence shows that there is little economic growth coming from the bloc to its members. It is important to mention that the advance in economic integration, besides depending on the reduction in the framework of exceptions to the CET, will not occur if there is no improvement in the volume of intra-bloc non-tariff protection. In this regard, in the next section, an analysis of this framework will be conducted.

The non-tariff protection scenario in Mercosur: challenges and recommendations

Data regarding non-tariff measures (NTMs) notified to the WTO between 1995 and 2020 show a high level of intra-bloc protection, as seen in Table 1:

Table 1. NTMs imposed by Mercosur members (1995–2020)

Imposing member	Trade partner affected			Total
	Group 1	Group 2	Group 3	
	From Mercosur to Mercosur	From Mercosur to Mercosur and beyond	From Mercosur outwards	
Brazil	48	2966	470	3484
Argentina	58	662	305	1025
Venezuela	0	182	20	202
Uruguay	2	152	2	156
Paraguay	2	149	1	152
Total	110	4111	798	5019

Source: author with data from WTO (2021).

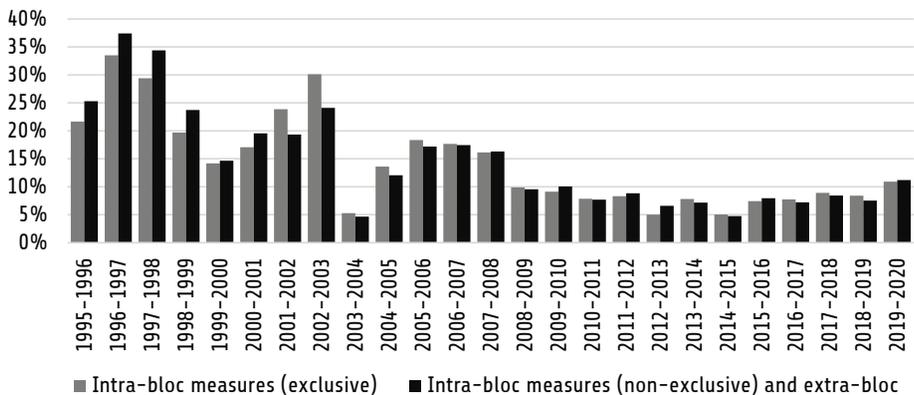
From 1995 to 2020, at least 5019 non-tariff measures imposed by Mercosur members were notified to the WTO. For analytical purposes, we have structured this volume into three distinct groups. The first of these, called ‘Mercosur to Mercosur,’ is composed of those measures submitted by members and which exclusively have impact on another member of the bloc. Secondly, we have the group of measures presented ‘From Mercosur to Mercosur and beyond.’ In other words, these measures impact on both bloc and non-member countries. Finally, in third place, there is the group ‘From Mercosur outwards,’ composed of measures presented by Mercosur countries, but which impact only on countries that are not part of the bloc. It is important to mention that there is no overlap or repetition among the groups. Thus, it is reasonable to say that at least 4221 measures, or 84% of them, have impact on intra-bloc trade.

When it comes to the first group of NTMs, Argentina (58) is the member with the highest number of notified measures, followed by Brazil (48), which ranks second. In the cases of Uruguay and Paraguay, both have 2 NTMs each, while Venezuela has no measures aimed exclusively at the bloc. Of Argentina’s 58 measures, at least 51 (88%) are directed at Brazil, while of the 48 measures imposed by Brazil, at least 45 (94%) are directed exclusively at Argentina. Therefore, when referring to the first group, it is correct to state that at least 96% (106) of the measures are aimed at protection between Argentina and Brazil.

Regarding the second group, we see that Brazil (2966) is in first place in terms of notifications, followed by Argentina (662). Venezuela, with a much lower total, occupies the third position, with 182 notified measures. When it comes to the third group of measures, we see a reproduction of the pattern of the second group, with Brazil at the top of the list (470), and Argentina the second highest (305), which is followed by Venezuela (20). Interestingly, from the tariff point of view, Argentina and Brazil are the countries with the fewest number of exceptions to the CET (100), followed by Venezuela and Uruguay, with 225 exceptions each, and Paraguay, which has 649 exceptions. Based on these numbers, it is possible to state, recognizing the absence of correlation and/or causality, that countries with fewer exceptions to the CET are those that use non-tariff instruments to protect their markets the most.

Another interesting pattern to be noted lies in the growth of the stock of such measures. It is surprising to note, despite the reduction in the number of measures over time, that the stock of non-tariff measures directed at intra-bloc and extra-bloc economies varies at the same average growth rate, as shown in Chart 1.

Chart 1. Stock growth of NTMs notified (1995-2020)



Source: author with data from WTO (2021).

The average growth rate of the stock of notified measures⁵ that impact on intra-bloc trade, for the period 1995 to 2020, is 14.28% (standard deviation of 8.28%), while the average for measures that impact not only on the bloc, but also non-member countries, is 14.53% (standard deviation of 8.93%). This data makes it clear that when it comes to non-tariff protectionism, there is no difference between members and non-members.

Regarding the targets of the measures shown in Chart 1, Table 2 presents a list of the most impacted countries.

Table 2. Targeted countries by NTMs imposed by Mercosur Members (1995–2020)

Most affected trade partners	NTMs notified to WTO
World (all members)	4095
China	224
United States	61
Brazil	55
Argentina	46
South Korea	38
Chile	34
Uruguay	28
Paraguay	28
Taipei	30
Mexico	24

Source: author with data from WTO (2021).

When considering the first two groups of measures⁶, which have measures that impact intra-bloc trade, we observe that, in addition to the measures that offer barriers to the entry of products from any and all trading partners ('World' category), we have China as the biggest protection target. Despite the Chinese preponderance, the most interesting pattern to be noted from Table 2 is the fact that 100% of the currently participating Mercosur members, namely Brazil, Argentina, Uruguay, and Paraguay, are among the countries most affected by non-tariff measures that they themselves have presented. This pattern confirms the status of an 'imperfect customs union' and demonstrates how far the bloc is from achieving good levels of economic integration, with a clear obstacle when it comes to co-operation for regulatory harmonization among members.

The need for regulatory harmonization becomes even clearer when we analyze the types of measures most imposed in each group, as shown in Table 3.

In general, there is a preponderance of sanitary/phytosanitary measures, technical measures and antidumping measures as the main protection instruments used by Mercosur members, whether for intra or extra-bloc protection. According to the WTO (2021), sanitary and phytosanitary measures, when used legitimately, are intended to ensure the protection of human, animal, and plant health, and are used to restrict the entry of plants and foodstuffs into the importing country, usually *in natura*. Technical measures, on the other hand, are those used to set technical standards that are aimed at protecting human health and safety or protecting the environment (WTO 2021). Anti-dumping measures, in turn, are those used to adjust the cost of importing products that are sold by an exporting country at a price lower than that charged in its domestic market (WTO 2021).

The preponderance of sanitary/phytosanitary and technical measures denotes the need for greater harmonization between the rules of each member's regulatory bodies. Each of these institutions is seen in Table 4.

Table 3. Most Recurring Types of NTMs by Group (1995–2020)

Type	Trade partner affected			Total
	Group 1 From Mercosur to Mercosur	Group 2 From Mercosur to Mercosur and beyond	Group 3 From Mercosur outwards	
Sanitary and phytosanitary measures	41	2022	134	2197
Technical measures	0	1881	0	1881
Anti-dumping measures	69	0	646	715
Export subsidies	0	91	0	91
Tariff quotas	0	63	0	63
Quantitative restrictions	0	44	0	44
Compensatory measures	0	0	18	18
Safeguard measures	0	10	0	10
Total	110	4111	798	5019

Source: author with data from WTO (2021).

Table 4. Main regulatory bodies of each Mercosur member for debating NTMs

Country	Institution	Area
Brazil	Ministry of Agriculture, Livestock and Supply	Agriculture
	National Health Surveillance Agency	Health and food regulation
	National Institute of Metrology, Quality and Technology	Technical standards
	National Mining Agency	Mining
Argentina	Ministry of Agriculture, Livestock and Fisheries	Agriculture
	National Administration of Drugs, Food and Medical Technology	Health and food regulation
	National Institute of Metrology	Technical standards
	Mining and Energy Secretariat	Mining
Paraguay	Ministry of Agriculture and Livestock	Agriculture
	Dirección Nacional de Vigilancia Sanitaria	Health and food regulation
	National Institute of Technology, Standardization and Metrology	Technical standards
	Viceministerio de Minas y Energía	Mining
Uruguay	Ministry of Livestock, Agriculture and Fisheries	Agriculture
	Ministry of Public Health	Health and food regulation
	Technological Laboratory of Uruguay	Technical standards
	Dirección Nacional de Minería y Geología	Mining

Source: author.

With respect to the recurrence of antidumping measures, while not indicating the need for regulatory harmonization, makes it clear that there is a dispute between domestic and international producers for markets that are part of Mercosur, and that domestic producers act to reduce competition by restricting the entry of products with more competitive prices in their markets.

When we deal specifically with groups one and two of NTMs, the conclusions of the previous paragraph are valid, but some considerations are necessary. Regarding the group one, composed of measures submitted by members 'from Mercosur for Mercosur', we see the need for co-operation on sanitary and phytosanitary matters among members, but not specifically on technical issues. Looking at group two, we see a clear need for the members of the bloc to simplify their regulations in order to reduce barriers to the entry of foreign products. A simplification agenda in non-tariff matters, coupled with the reduction of protectionist exceptions to the CET, will contribute to a freer intra-bloc trade flow, which promotes significant benefits to its members. Regarding the short-term benefits, we have (i) a greater supply of goods, (ii) more competitive and accessible prices (a critical factor for lower-income populations), and (iii) reduced raw material costs for domestic industries with comparative advantages. As for the long-term benefits, we have (iv) poverty reduction, (v) fostering the national competitiveness of sectors with comparative advantage, (vi) increasing productivity, (vii) increasing the overall number of jobs, as well as (v) increasing the quality of public spending on education, among others (Canuto 2015; 2018; Dutz 2018; Franco 2018, 2021; Kalout et al. 2018; Pio et al. 2018; Bernini and Lembergman 2020; Bansah and Mohsin 2021; Cheong and Jung 2021; Fiorini, Sanfilippo and Sundaram 2021; Khan, Walmsley and Mukhopadhyay 2021; Murakami 2021).

When addressing the benefits of greater regulatory harmonization with trade liberalization in the bloc in mind, it is important to evaluate which sectors would be most impacted. An analysis of the notified NTMs by NCM impacted is shown in Table 5.

The table shows that 11 sectors⁷ should be the focus for an intra-bloc regulatory harmonization agenda, given that they account for 80% of the notified non-tariff measures. It is worth noting that these 11 sectors account for at least 18% of the free on board (FOB) value traded within the bloc⁸ (International Trade Centre, n.d.), fact that demonstrates the importance of reducing tariff protection for the promotion of intra-bloc trade. Of the 11 sectors⁹, four of them contain about 41% of the restrictions. These sectors are mostly responsible for the production of articles with lower added value within the production chains, highlighting the mineral and steel sectors (chapters 72, 73 and 80), responsible for 21% of restrictions; textile (chapters 51 and 63), responsible for 10% of restrictions; and machinery and equipment (chapters 84 and 85), also responsible for 10% of restrictions. A co-operation agenda for regulatory harmonization among the bloc members, therefore, should prioritise them with a view to making trade freer from non-tariff restrictions.

Table 5. NCMs most impacted by NTMs imposed “by Mercosur members to Mercosur members”

NCM chapter	Recurrence	%	Pareto	Description
72	20	10%	10%	Cast iron, iron and steel.
44	14	7%	17%	Wood, charcoal and wooden works.
82	14	7%	25%	Tools, cutlery and cutlery, and parts thereof, of base metal.
51	13	7%	31%	Wool, fine or coarse hair; horsehair yarns and fabrics.
80	13	7%	38%	Tin and his works.
10	12	6%	44%	Cereals.
39	12	6%	50%	Plastic and its works.
85	12	6%	56%	Electrical machines, apparatus and materials, and parts thereof; sound recording or reproducing apparatus, television image and sound recording or reproducing apparatus, and parts and accessories thereof.
69	10	5%	62%	Ceramic products.
20	8	4%	66%	Preparations of vegetables, fruit or other parts of plants.
73	7	4%	69%	Works of cast iron, iron or steel.
84	7	4%	73%	Nuclear reactors, boilers, machinery, mechanical apparatus and instruments, and parts thereof.
63	6	3%	76%	Other made-up textile articles; assortments; second-hand textile articles and similar articles; rags.
40	5	3%	78%	Rubber and its works.
70	5	3%	81%	Glass and its works.
Others	37	19%	100%	Others

Source: author with data from WTO (2021).

Once the data concerning the non-tariff protectionism scenario in Mercosur is presented, at least four conclusions can be drawn. First, we see that at least 96% (106) of the measures are protection-oriented between Argentina and Brazil. Second, we note that countries with fewer exceptions to the CET are those that use non-tariff instruments to protect their markets the most. Third, it is seen that, when it comes to non-tariff protectionism, there is no difference between members and non-members, given the similarity between the average growth of the stock of NTMs with intra and extra-bloc impacts. Lastly, we see the existence of a clear obstacle regarding co-operation for regulatory harmonization among the members, especially in relation to the competencies of the regulatory bodies of each member mentioned in the Table 4 for 11 sectors, with emphasis on mining and steel, textile production, and machinery industry.

Final considerations

In the Mercosur context, the benefits of a greater economic integration aimed at the liberalization of intra-bloc trade are explicit: more competitive and accessible prices, cost reduction, fostering productivity, increasing employment, among others. Nevertheless, the bloc's protectionist scenario, both in terms of tariffs and non-tariffs, persists as an important challenge to consolidating it into a full customs union. When we think about the establishment of a common market, the path is even longer. In the face of this, what is to be done?

In the exercise carried out in the last pages, two priorities become evident. First, it is clear that there is a need for a regional co-operation agenda aimed at resolving the most dormant trade barriers. The first priority is to resolve the entanglement of current exceptions to the CET, a fact that compromises the bloc's tariff liberalization and encourages the presentation of non-tariff measures. As we have seen, the members with the fewest exceptions to the CET are the ones that use non-tariff measures the most. A potential solution to this problem is to promote a general and gradual reduction of the tariffs laid down in the CET, which will reduce the need to maintain such a large number of exceptions. Today there is a clear window of opportunity to do this. Today, there is an intense discussion going on to promote reductions in CET. Proof of this is that, despite the renewal of the exception lists for Brazil and Argentina that expired in December 2021, we saw Brazil temporarily reducing its import tariffs by 10%. This decision impacted about 87% of its imported goods and it was taken without consensus within the bloc (Campos and Máximo 2021). Regarding the lists of Uruguay and Paraguay, they expire in 2022 and 2023, respectively. As a recommendation, we see the extension of the lists until 2023 as positive and, until then, a general tariff reduction should be implemented.

Second, it is necessary to reinforce dialogue and co-operation among the regulatory bodies described in Table 4 aimed at resolving non-tariff barriers. With this recommendation, however, we don't mean to suggest the creation of another institutional sphere in Mercosur. This recommendation is meant to organise the lines of dialogue that already exist between these regulatory bodies, and that is currently used for the debate of new legislation, such as legislation on nutrition labeling. The focus, therefore, should not only be debating the new legislations, but also debating existing rules that are not harmonised and, therefore, generate non-tariff barriers to trade.

As we have seen, the presentation of 'From Mercosur to Mercosur' measures is frequent. There is a significant volume of NTMs that impact on intra-bloc trade, and there is no difference between members and non-members when it comes to the imposition of such barriers. The establishment of such a forum should count on the participation of all regulatory bodies described in Table 4, especially Argentina, given the clear scenario of trade competition between both members during the last three decades. Here, however, we have a relationship challenge between the top leadership of their respective executive powers, which must be overcome with a predominance of technical discussions, as is characteristic when we talk about regulatory harmonization. Furthermore, as we have

seen, given the analysis of the NCMs most impacted by the NTMs presented between 1995 and 2020, this forum should prioritise at least 11 sectors, with a priority agenda for mining and steelmaking, as well as for the textile and equipment and machinery sectors.

Once the two suggested priorities are met, there is the confidence that the bloc will progress to overcome the status of an imperfect customs union, besides contributing to the economic growth of its members.

Notes

- 1 This specific period was selected because 1995 was the year the WTO started to operate, which allows for greater reliability and availability of data on non-tariff measures. The choice of 2020 as the final period of the analysis follows the same explanation.
- 2 Balassa (1961) understands a supranational authority as one placed above the government of each Member State of an economic union. This authority is responsible for overseeing the implementation of common policies; defining policies that are the object of harmonization; and seeking to ensure convergence of results in the case of policies managed at the national level.
- 3 Defined as the entanglement of hundreds of FTAs with various rules, tariffs and institutional arrangements.
- 4 Suspended in 2017 by the provisions of the Ushuaia Protocol on Democratic Commitment in Mercosur.
- 5 Intra-bloc (exclusive) measures are composed of groups 1 and 2 of NPMs, as shown in Table 1. Intra-bloc (non-exclusive) and extra-bloc measures are comprised of groups 2 and 3.
- 6 The sum of the measures shown in Table 2 does not equal 4221, as one measure can have an impact on more than one market.
- 7 12 sectors, as chapters 72, 73 and 80 pertain to the mining and steel sectors; chapters 51 and 63 pertain to the textile sector; and chapters 84 and 85 pertain to the machinery and equipment sector.
- 8 Average of the FOB values imported and exported in 2018, 2019, and 2020.
- 9 The sum of recurrence in column 2 is greater than 110 MNTs, as one measure can have an impact on multiple NCMs.

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Protecionismo Não-Tarifário no Mercosul: Análise e Recomendações Sobre as Últimas Três Décadas.

Resumo: O presente artigo tem por objetivos discutir e demonstrar os desafios não-tarifários à integração comercial do Mercosul. Serão objetivo de debate a sua tarifa externa comum (TEC) e exceções, bem como a evolução do seu quadro de protecionismo não-tarifário nas últimas três décadas. Trata-se de um exercício exploratório, sem precedentes, sobre todas as 5019 MNTs notificadas pelos membros do Mercosul à OMC entre 1995 e 2020. Como principais resultados, vemos que (i) membros com menos exceções à TEC são os que mais utilizam MNTs para proteger seus mercados; (ii) o estoque de MNTs direcionadas a membros e não-membros varia na mesma medida; (iii) dos 10 países mais alvejados por MNTs impostas por membros Mercosul, seus próprios membros figuram nas posições 3º, 4º, 7º e 8º; (iv) o bloco carece de uma profunda harmonização regulatória, sobretudo no que toca a barreiras sanitárias e fitossanitárias em 11 setores. Com base nesses resultados, são sugeridos dois planos de ação prioritários ao bloco.

Palavras chaves: Mercosul, OMC, medidas não-tarifárias, protecionismo, tarifa externa comum.

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