



COUNCIL FOR TRADE IN GOODS

PLURINATIONAL STATE OF BOLIVIA – EXPORT RESTRICTIONS ON AGRICULTURAL AND HYDROBIOLOGICAL PRODUCTS¹

Communication from Peru

The following communication, dated 25 April 2022, is being circulated at the request of the delegation of Peru.

1. Peru would like to express before WTO Members its trade concern regarding various restrictive measures that the Government of Bolivia has applied on Peruvian agricultural exports. These measures have established blockades on the entry into the Bolivian market of the main products originating in Peru, such as potatoes and onions, as well as the exportation of whole trout.
2. In this connection, it should be mentioned that Bolivia has implemented the following measures that are in contravention of the provisions of Article XI of the GATT 1994:
 - a. The Bolivian government authorities, together with the private sector, have made short-, medium- and long-term commitments to, *inter alia*, control and restrict access to the Bolivian market for agricultural products by increasing tariffs and imposing non-tariff restrictive measures such as the operation of quotas;²
 - b. The Bolivian health authorities have indicated that their regulations only allow for the marketing of eviscerated animals and that other types of products could not be accepted under its regulatory framework, despite the fact that five years earlier the same authorities approved a health certificate for the exportation of whole Peruvian trout and that there is no technical justification for this ban.³
3. In addition, Bolivia has applied measures that are in contravention of the provisions of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), such as:
 - a. Failure to grant any phytosanitary permits for the importation of Peruvian agricultural products such as potatoes and onions;
 - b. Failure to conduct phytosanitary inspections on perishable agricultural products originating in Peru;

¹ This statement was delivered by the delegation of Peru during the Council for Trade in Goods meeting held on 21-22 April 2022, under agenda item 10.

² On 21 July 2021, the Bolivian government authorities, represented by the Ministry of Rural Development and Lands, the Vice-Ministry for Anti-Smuggling, the Directorate-General for Anti-Smuggling, the National Directorate of the National Service for Agricultural Health and Food Safety (SENASAG), and the Cochabamba Regional Customs Office, in conjunction with the Federation of Agricultural Producers of Valle Bajo and the Federation of Horticultural Farmers of the Paria and Soracachi Municipality in the Oruro Department, signed a memorandum of understanding, as part of which they made short-, medium- and long term commitments to, *inter alia*, control and restrict access to the Bolivian market for agricultural products by increasing tariffs and imposing restrictive non-tariff measures such as the operation of quotas.

³ CITE/SENASAG/DN No. 1232/2017.

- c. Refusal of the importation of potato consignments without any evidence of a technical justification for imposing a ban as an emergency measure;
- d. Failure to notify the WTO Committee on Sanitary and Phytosanitary Measures (SPS Committee) of the draft regulations that may affect trade.

4. These actions would also be in breach of the bilateral agreements between Peru and Bolivia, which include addressing any type of issue relating to bilateral trade in agricultural products and ensuring the issuance of phytosanitary permits and the conducting of phytosanitary inspections at the border.

5. In view of the above, and as mentioned in the SPS Committee,⁴ Bolivia's actions would contravene the provisions of the GATT, the SPS Agreement, and the agreements between both Parties. We therefore request Bolivia to rescind any *de jure* or *de facto* restrictions in place on Peruvian exports of perishable goods and whole trout.

⁴ Specific trade concern (STC) raised in the March 2022 SPS Committee and document G/SPS/GEN/1971.