



COUNCIL FOR TRADE IN GOODS

ECUADOR – IMPORT RESTRICTIONS ON GRAPES AND ONIONS¹

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 present to WTO Members its trade concern with respect to the restrictive measures applied by Ecuador on the reopening of access for grapes and onions from Peru.
2. Firstly, despite the fact that the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) provides that approval procedures must be undertaken without undue delay, Ecuador has provided replies that appear to stall access for Peruvian grapes to the market concerned beyond what is necessary, for example:
 - a. Ecuador submitted an unscheduled request for an inspection visit, and the inspection report was sent to Peru after seven months;
 - b. Ecuador unilaterally changed the action plan proposed by Peru to access the market for grapes;
 - c. It was proposed, without any technical justification and disregarding the fact that, historically, trade is conducted by land and that grapes should enter by ship only via Guayaquil seaport;
 - d. The use of refrigerated transport for grape consignments was proposed, despite this bearing no relation to the risk of the presence of pesticides.
3. In addition, in the case of onions, despite the fact that the ban on Peruvian imports has been deemed to be a trade-restrictive measure within the subregion, according to Resolution No. 2253 of the Andean Community,² Ecuador has requested a new risk analysis to provide access to its market.
4. It should be noted that the Ecuadorian regulations imposing restrictions on Peruvian exports of grapes and onions were not notified to the Committee on Sanitary and Phytosanitary Measures (SPS Committee), despite the fact that this measure establishes additional requirements that have an impact on the trade of other Members.

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 11.

² Resolution available at:
<https://www.comunidadandina.org/DocOficialesFiles/Gacetitas/Gaceta%204415.pdf>.

5. Considering that the measures applied by Ecuador contravene the provisions of the SPS Agreement,³ we request Ecuador to:

- a. avoid proposing measures that violate the provisions of the SPS Agreement and the basic principles of the WTO;
 - b. ensure that it does not disregard the technical agreements previously established;
 - c. notify its measure and give the other WTO Members the opportunity to submit comments; and
 - d. provide access for imports of Peruvian grapes and onions.
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³ Concerns previously raised in the March 2022 SPS Committee, as well as in documents G/SPS/GEN/1937, G/SPS/GEN/1975 and G/SPS/GEN/1907, and in the WTO SPS Committee on 5, 6 and 13 November 2020.