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Committee on Sanitary and Phytosanitary Measures

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**PANAMA'S UNDUE DELAYS IN THE RENEWAL OF AUTHORIZATIONS FOR PLANTS OF  
PERUVIAN FISHERY AND LIVESTOCK ENTERPRISES**

COMMUNICATION FROM PERU

The following communication, received on 25 March 2021, is being circulated at the request of the delegation of Peru.

1. Peru would like to express before WTO Members its trade concern regarding Panama's undue delays in renewing authorizations for plants of Peruvian fishery and livestock enterprises.
2. Article 8 and Annex C(1)(a) and C(1)(c) of the SPS Agreement indicate that the procedures undertaken to check the fulfilment of a sanitary measure must be completed without undue delay and the information requirements limited to what is necessary for these procedures. Panama has failed to comply with this since no response has been received and the authorization of the fishery and livestock enterprises as requested by Peru has yet to be carried out. Moreover, Panama recently requested that information that had been duly sent in good time by the competent Peruvian health authority be updated.
3. Peru wishes to highlight that, despite the bilateral meetings and efforts undertaken, Panama has not communicated the anticipated processing period and there is uncertainty as to the length of time that would be granted to Peruvian enterprises should renewal be secured, in violation of Article 8 and Annex C (1)(b) of the SPS Agreement.
4. Twenty-two Peruvian exporters of hydrobiological products are currently affected and their authorization is thus no longer valid on the Panamanian health authority's official list, despite the fact that Peru has provided all the required health information since May 2020<sup>1</sup> and, at Panama's request, resent this information in March 2021<sup>2</sup>, without any health reasons being given to justify this second sending of information.
5. Likewise, there are four Peruvian livestock enterprises waiting for their authorization to be renewed by Panama. In this connection, in 2020, Peru issued five official communications<sup>3</sup> containing the required information, with no response being received to date. A further communication was issued in January 2021, which, similarly, has not been addressed in accordance with Annex C of the WTO SPS Agreement<sup>4</sup>.

<sup>1</sup> Official Notes No. 156-2020-SANIPES/PE and No. 157-2020-SANIPES/PE, 15 May 2020.

<sup>2</sup> Official Notes No. 084-2021-SANIPES/PE, 10 March 2021 and No. 022 - 2021 - MINCETUR/VMCE/DGPDCE/DRTCE, 11 March 2021.

<sup>3</sup> Communications:

CARTA-0108-2020-MINAGRI-SENASA-DSA of 19 February 2020;  
CARTA-0419-2020-MINAGRI-SENASA-DSA of 25 August 2020;  
CARTA-0442-2020-MINAGRI-SENASA-DSA of 7 September 2020;  
CARTA-0485-2020-MINAGRI-SENASA-DSA of 1 October 2020;  
CARTA-0659-2020-MIDAGRI-SENASA-DSA of 7 December 2020.

<sup>4</sup> Official Note No. 001 - 2021 - MINCETUR/VMCE/DGPDCE/DRTCE, 7 January 2021.

6. In addition, Peru wishes to recall that, pursuant to Articles 2.2 and 5.1 of the WTO SPS Agreement, Members' sanitary measures are to be applied only when they are necessary to protect human, animal or plant life or health and these measures must be based on a risk assessment. Unfortunately, Panama has failed to indicate any health reasons for the non-renewal of the authorizations of Peruvian enterprises.

7. This situation has caused damage to exports of Peruvian hydrobiological and livestock products, which decreased by approximately USD 2 million in 2020.

8. In the light of the foregoing, and in order to prevent a violation of Articles 2.2, 5.1, 8 and Annex C (1)(a), C(1)(b) and C(1)(c) of the WTO SPS Agreement, Peru asks Panama to renew the authorizations of Peruvian export plants and prevent increased barriers to bilateral trade.

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