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Page: 1/3

Committee on Sanitary and Phytosanitary Measures

Original: Spanish

**PANAMA'S UNDUE DELAYS IN THE RENEWAL OF AUTHORIZATIONS FOR PLANTS
OF PERUVIAN FISHERY AND LIVESTOCK ENTERPRISES (STC NO. [509](#))**

COMMUNICATION FROM PERU

The following communication, received on 4 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 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 establish 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 Peruvian enterprises' authorizations have not been granted or renewed despite the repeated requests sent by Peru and without due technical justification.
3. Peru wishes to highlight that, despite the bilateral meetings and efforts undertaken, Panama has not communicated the anticipated processing period for renewing authorizations or including new authorized enterprises; there is also uncertainty as to the length of time that would be granted to Peruvian enterprises should renewal or a new authorization be secured, in violation of Article 8 and Annex C(1)(b) of the SPS Agreement, which indicates that upon request, Members must communicate the anticipated processing period for an approval procedure. Peru is also uncertain as to why some companies are granted a longer period for the renewal of their licences and others a shorter period.
4. Twenty-four Peruvian exporters of hydrobiological products are currently affected (their authorization is no longer valid): two whose authorization expired on 30 June 2021 and another 22 whose authorization expired on 31 October 2021, without technical justification. There is also another enterprise¹ whose registration will expire in April of this year and, as in the aforementioned cases, remains unattended by Panama. Furthermore, Panama has failed to attend to another 49 enterprises whose inclusion on the Panamanian health authority's official list has been requested,

¹ The enterprise is VITAPRO S.A.

despite the fact that Peru has provided all the required health information since 2019.² On this point, it is worth noting that Peru has a USD 1.4 million export potential for hydrobiological products.³

5. Likewise, three⁴ Peruvian livestock enterprises are awaiting the renewal of their authorization and one⁵ enterprise has applied for a new authorization from Panama. In this connection, Peru has issued communications since October 2020, which have not been addressed in accordance with Annex C of the WTO SPS Agreement. These enterprises' exports to Panama reached USD 323,000 in 2020. Furthermore, Peru's export potential in Panama of frozen turkey meat and turkey, not cut in pieces, is approximately USD 138,900 and USD 338,000, respectively.⁶

6. Likewise, the renewal is still pending for one⁷ Peruvian enterprise exporting processed dairy products, for which the relevant communications and repeated requests have been issued.⁸ The enterprise's dairy exports to Panama amounted to USD 697,000 in 2020. It should be noted that Peru's export potential for dairy products (milk/concentrated cream) in Panama totals USD 1.5 million.⁹

7. 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 must be based on a risk assessment. Unfortunately, Panama has still failed to indicate any health reasons for not renewing the authorizations or granting new authorizations to Peruvian enterprises.

8. In the light of the foregoing, and in order to prevent a continued violation of Articles 2.2, 5.1 and 8, and of 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, to provide new authorizations and to avoid further delays that have no technical justification and that in practice represent unnecessary barriers to trade.

9. Lastly, Peru reiterates the following queries that were raised during the Trade Policy Review of Panama held in February of this year. It would be appreciated if Panama could provide written answers to these questions.

² Communications sent:

1. Official Note No. 676 - 2019-SANIPES/DHCPA, 17 December 2019;
2. Official Note No. 014 - 2020-SANIPES/DHCPA, 7 January 2020;
3. Official Note No. 063 - 2020-SANIPES/DHCPA, 17 January 2020;
4. Official Note No. 109 - 2020-SANIPES/DHCPA, 31 January 2020;
5. Official Note No. 231 - 2020-SANIPES/DHCPA, 21 February 2020;
6. Official Note No. 346 - 2020-SANIPES/DHCPA, 30 April 2020;
7. Official Note No. 158 - 2020-SANIPES/PE, 15 May 2020;
8. Official Note No. 763 - 2020-SANIPES/DHCPA, 8 October 2020;
9. Official Note No. 1009 - 2020-SANIPES/DHCPA, 28 December 2020;
10. Official Note No. 0073 - 2021-SANIPES/DHCPA, 29 January 2021;
11. Official Note No. 0194 - 2021-SANIPES/DHCPA, 5 March 2021;
12. Official Note No. 0207 - 2021-SANIPES/DHCPA, 10 March 2021;
13. Official Note No. 0454 - 2021-SANIPES/DHCPA, 1 June 2021;
14. Official Note No. 0587 - 2021-SANIPES/DHCPA, 4 August 2021;
15. Official Note No. 059 - 2022-SANIPES/DHC, 3 February 2022.

³ According to the ITC's Export Potential Map.

⁴ The enterprises are:

- SAN FERNANDO S.A., plant code CBSF2502 SENASA;
- REDONDOS S.A., plant code EST. 01143-SENASA;
- RINTI S.A., plant code ESTABLECIMIENTO 0000013963.

Communications sent:

1. CARTA-0485-2020-MINAGRI-SENASA-DSA, 1 October 2020;
2. CARTA-0659-2020-MIDAGRI-SENASA-DSA, 7 December 2020;
3. Official Note No. 069 - 2021-MINCETUR/VMCE/DGPDCE/DRTCE, 14 June 2021.

⁵ Official Note No. 065 - 2021 - MINCETUR/VMCE/DGPDCE/DRTCE, 8 June 2021.

⁶ According to the ITC's Export Potential Map.

⁷ GLORIA S.A., plant code SNP1.

⁸ Communications sent:

1. Official Note No. 001 - 2021-MINCETUR/VMCE/DGPDCE/DRTCE, 7 January 2021;
2. Official Note No. 069 - 2021-MINCETUR/VMCE/DGPDCE/DRTCE, 14 June 2021.

⁹ According to the ITC's Export Potential Map.

- a. Considering that Annex C(1)(a) of the SPS Agreement establishes that approval procedures should be undertaken and completed without undue delay and in no less favourable manner for imported products than for like domestic products:
 - What is the authorization process for Panamanian enterprises in your country?
 - What is the legislation in force?
 - What is the authorization period granted by Panama to its national enterprises?
 - What is the recommended time frame for Panamanian enterprises to apply for a renewal of their authorization?
 - b. On the basis of what technical justification and legislation does Panama grant longer or shorter authorization periods to the enterprises of its trading partners?
 - c. What is the technical justification for Panama's continued non-renewal of the authorizations of Peruvian enterprises?
 - d. What is the technical justification for Panama not to grant new authorizations to Peruvian enterprises?
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