

**IMPORT RESTRICTIONS IMPOSED BY ECUADOR  
ON GRAPES AND ONIONS (STC NO. 498)**

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 once again 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. In the case of grapes, and in addition to the information submitted to this Committee in previous concerns<sup>1</sup>, Peru points out that, in accordance with Article 8 and Annex C of the SPS Agreement, sanitary and phytosanitary procedures must be undertaken and completed without undue delay, with information being provided to the interested party and with requirements that are limited to what is reasonable and necessary. Meetings have been held and communications have repeatedly been sent with the corrective measures requested by Ecuador from August 2014 to date. The responses received seem to delay opening longer than is necessary, for example:

- a. Ecuador submitted an unscheduled request for an inspection visit for grapes, which was conducted in February 2020, 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, that grapes should enter by ship only via Guayaquil seaport;
- d. The use of refrigerated transport for grape shipments was proposed, despite this not being justified by the risk of the presence of pesticides or any quarantine pest for Ecuador linked to fruit originating in and coming from Peru.

3. Regarding refrigerated transport, the Agency for Phytosanitary and Animal Health Regulation and Control (AGROCALIDAD)<sup>2</sup> notes that, according to publicly available scientific data, refrigerating fruits and vegetables is the best way of keeping such foods fresh and increasing their commercial life. In that regard, it adds that investing in refrigeration:

- a. delays the maturation and ageing of tissue cells;
- b. avoids microorganism attacks;
- c. minimizes overall quantitative and qualitative product losses.

<sup>1</sup> Concerns previously presented in documents [G/SPS/GEN/1937](#), [G/SPS/GEN/1975](#) and [G/SPS/GEN/1907](#), and to the WTO SPS Committee on 5, 6 and 13 November 2020.

<sup>2</sup> Official Circular AGR-AGROCALIDAD/DE-2021-001556-OF.

4. In view of the above, it should be noted that AGROCALIDAD only provided information to prevent the presence of microorganisms and ensure the optimal conservation of fruit and vegetables; however, no mention is made of the treatment of (cold) sanitary transportation and the presence of pesticide residues in grapes originating in Peru, and whether this requirement meets the ultimate aim of reducing the risk of contamination.

5. Moreover, AGROCALIDAD works on the basis of a study entitled "Technical aspects of the proper transport of table grapes in containers". This study concerns the transportation of grapes, from production to their arrival in the foreign target market, with the product needing to remain refrigerated for a long time during transportation until it reaches its final destination (the United States and the European Union, among others).

6. Ecuador, meanwhile, refers to the "Feasibility study to determine the viability of investing in a grape-packing plant in the agricultural association Compositan Alto, La Libertad"; this states that grapes must undergo cold treatment in order to kill, inactivate or remove pests related to the fruit fly, which is not relevant in this case.

7. In addition, it should be noted that AGROCALIDAD does not require compliance with conditions on fruit quality or refrigerated transport for the entry and exit of grapes from other countries.

8. Regarding onions, the Andean Community, in its Resolution No. 2253, indicated that Ecuador's measures arising from implementation of the National Plan for the Monitoring and Control of Contaminants in Primary Production are considered to restrict trade within the subregion, and requests that Ecuador repeal the measures identified as restrictive.<sup>3</sup> However, Ecuador is proposing measures that would make the access process for Peruvian onions lengthier by developing a new pest risk analysis.<sup>4</sup> It should be noted that the suspension of trade is not envisaged as a means of updating pest risk analyses under the International Standards for Phytosanitary Measures of the International Plant Protection Convention (IPPC).

9. Peru regrets that, despite having fulfilled all the requirements imposed by Ecuador, the restrictions on access to the Ecuadorian market for Peruvian grapes and onions remain in force, with no technical justification provided, thus violating Articles 2.2 and 5.1 of the SPS Agreement.<sup>5</sup>

10. Considering that the measures applied by Ecuador are discriminatory and violate Articles 2, 3, 5, 7 and 8 and Annexes B and C of the SPS Agreement, we request that Ecuador:

- 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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<sup>3</sup> Resolution available at:

<https://www.comunidadandina.org/DocOficialesFiles/Gacetas/Gaceta%204415.pdf>.

<sup>4</sup> Under Official Circular AGR-AGROCALIDAD/DE-2022-000412-OF, AGROCALIDAD is allegedly lifting import restrictions on Peruvian onions, but Official Circular AGR-AGROCALIDAD/DE-2022-000425-OF indicates the intention to launch a pest risk analysis to provide access to Peruvian onions.

<sup>5</sup> Communications sent to AGROCALIDAD to maintain the restrictions on onions:  
CARTA-0047-2022-MIDAGRI-SENASA-DIAIA;  
CARTA-0046-2022-MIDAGRI-SENASA-DIAIA.