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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
(STC NO. 509)**

COMMUNICATION FROM PERU

The following communication, received on 14 November 2022, is being circulated at the request of the delegation of Peru.

1. Peru would like to present to WTO Members its specific trade concern regarding Panama's undue delays in renewing authorizations for plants of Peruvian fishery and livestock enterprises.
2. In particular, Peru wishes to point out that Article 8 of, and Annex C(1)(a) and C(1)(c) to, 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 renewed, with no technical justification, and despite the repeated requests made both bilaterally and multilaterally before this Committee.
3. In addition, despite the bilateral meetings and efforts undertaken, Panama has failed to communicate the anticipated processing period for renewing authorizations in manner that is timely and based on its regulations. There is also no information or certainty about the length of time that would be granted to Peruvian enterprises should renewal of their authorization be secured, in violation of Article 8 of, and Annex C(1)(b) to, the SPS Agreement, which indicates that, upon request, Members must communicate the anticipated processing period for an approval procedure.
4. Peru is uncertain as to why some companies are granted a longer period for the renewal of their authorizations and others a shorter period. Currently, the authorizations have expired, without a valid technical justification, for a total of 31 Peruvian exporters of hydrobiological and livestock products.
5. It should be noted that, despite the requests made in the bilateral meetings and the fact that, in one of these meetings, Panama had stated that it had the necessary information to renew the authorization, in particular, of the livestock companies (San Fernando S.A. and Redondos S.A.), on 8 April 2022, by Note APA-DD-209-2022, the Panamanian health authority informed Peru that it was required to initiate the "zoosanitary eligibility process", which had not been notified beforehand either bilaterally or multilaterally in this Committee. Peru responded to the Note¹, requesting information on the process and the steps to be followed. However, to date, we have not received a reply.

¹ Letter No. 0152-2022-MIDAGRI-SENASA-DSA.

6. Likewise, the renewal is still pending for one Peruvian enterprise² exporting processed dairy products, for which the relevant communications and repeated requests have been issued.³

7. At the last meeting of this Committee in June 2022, Panama indicated that it would take note of our concern and convey it to capital. It also stated that a high-level bilateral meeting had been held between our countries within the framework of the Twelfth WTO Ministerial Conference, at which it had been agreed to hold a meeting of the Administrative Commission of our trade agreement (in October) where pending issues of interest to both Parties would be discussed.

8. However, despite having made this commitment, Panama has failed to respond to repeated requests made by Peru by email or to Official Note No. 540-2022-MINCETUR/DM, dated 8 September 2022 and addressed to the Minister for Trade and Industry of Panama, requesting a meeting of the Peru-Panama Free Trade Agreement Administrative Commission.

9. Peru regrets the clear failure of the Government of Panama to show any commitment to or interest in providing responses to Peru's communications, or to the consultations regarding the non-renewal of the authorizations of Peruvian fishing and livestock enterprises.

10. To that end, Peru wishes to recall - once again - 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 still failed to indicate any health reasons for not renewing the authorizations or granting new authorizations to Peruvian enterprises.

11. In the light of the foregoing, and in order to prevent a continued violation of Articles 2.2, 5.1 and 8 of, and Annex C(1)(a), C(1)(b) and C(1)(c) to, the WTO SPS Agreement, Peru asks Panama to renew the authorizations of Peruvian export plants and to avoid further delays that have no technical justification and that, in practice, represent unnecessary barriers to trade.

² GLORIA S.A., plant code SNP1.

³ Communications sent:

Official Note No. 001-2021-MINCETUR/VMCE/DGPDCE/DRTCE, 7 January 2021:

Official Note No. 069-2021-MINCETUR/VMCE/DGPDCE/DRTCE, 14 June 2021.