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Committee on Sanitary and Phytosanitary Measures

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**RESTRICTIONS IMPOSED BY BOLIVIA ON PERUVIAN
AGRICULTURAL EXPORTS (STC NO. [530](#))**

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 express before WTO Members its specific trade concern regarding various restrictive measures that have been preventing the entry of Peruvian exports of whole trout to Bolivia since 2017, which have no technical basis.
2. In particular, it should be noted that, despite the fact that the Bolivian health authority officially communicated the approval of the harmonized health certificate for the exportation of fresh or chilled/whole or loose trout in 2017¹, to date it has not honoured the corresponding commitments to allow the export of whole trout to Bolivia. This is in spite of the fact that the Peruvian health authority has been carrying out activities at the border that would allow trout to be marketed, guaranteeing a safe and healthy product.
3. In this regard, Peru wishes to reiterate its concern that, in January 2022, at a meeting between the National Fisheries Health Agency of Peru (SANIPES) and the National Agricultural Health and Food Safety Service of Bolivia (SENASAG), the latter indicated to us that its current regulations allowed for the marketing only of eviscerated animals and that other types of products could thus not be accepted under its regulatory framework.
4. In other words, five years after approving a health certificate for the exportation of whole trout, Bolivia informed us that, under its domestic regulations, it is not possible to import this type of product, unjustifiably restricting access.
5. It should be noted that Peru received this regulatory information from Bolivia² and carried out an exhaustive review of the standards, which showed that none of them prohibits the entry of whole trout. Therefore, this ban would contravene the provisions of Article XI of the GATT 1994 on the general elimination of quantitative restrictions.
6. Subsequently, in June 2022, Bolivia reported that the Bolivian standard according to which only eviscerated animals may be marketed entered into force in April 2022.³

¹ CITE/SENASAG/DN No. 1232/2017.

² Sanitary regulations sent by SENASAG:
Administrative Resolution No. 0143-2017;
Administrative Resolution No. 015-2018;
Administrative Resolution No. 112 2006;
Administrative Resolution No. 012-2005;
Administrative Resolution No. 142-2017;
Administrative Resolution No. 07-2018.

³ Administrative Resolution No. 078/2022 approving the second edition of the Procedural Manual for the Accreditation of Establishments that Produce or Process Livestock Products and By-products to be Exported to the Plurinational State of Bolivia.

7. For this reason, Peru wishes to reiterate its deep concern regarding Bolivia's lack of transparency on its domestic regulations, as none of the standards submitted in January or the one that entered into force in April 2022 were notified beforehand to the WTO SPS Committee in accordance with Article 7 of, and Annex B to, the SPS Agreement.

8. Furthermore, through Official Note No. 332-2022-SANIPES/PE, dated 9 September 2022, SANIPES requested SENASAG to provide the technical justification and the risk assessment carried out for the inclusion of fresh, chilled or frozen (eviscerated) fish in health risk category 1 of Annex 1 of Administrative Resolution SENASAG No. 078/2022. However, to date, we have received no response to that request.

9. Lastly, Peru wishes to highlight that, on 6 October 2022, another bilateral technical meeting was held between the health authorities of both parties, at which Bolivia requested a face-to-face meeting to resolve the issue of the exportation of non-eviscerated trout and undertook to send the formal invitation so that it could be held at the border.

10. It also undertook to send an email attaching its standards and specifying the articles in which reference is made to the ban on imports of whole trout. To date, however, Peru has not received this information.

11. Based on the foregoing, Bolivia would be in breach of the provisions of Article XI of the GATT 1994, as well as Articles 2, 3, 5, 7 and 8 of, and Annexes B and C to, the SPS Agreement. In this connection, we ask Bolivia to rescind any *de jure* or *de facto* restrictions in place on Peruvian exports of whole trout.
