



27 April 2023

(23-2973)

Page: 1/2

Committee on Sanitary and Phytosanitary Measures

Original: Spanish

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

COMMUNICATION FROM PERU

The following communication, received on 26 April 2023, is being circulated at the request of the delegation of Peru.

1. Peru would like to once again express before WTO Members its specific trade concern regarding various restrictive measures that, since 2017, have been preventing the entry into Bolivia of Peruvian exports of whole trout.
2. It should be noted that, in 2017¹, the Bolivian health authority officially communicated to Peru the approval of the health certificate for the exportation of fresh or chilled/whole or loose trout, along with the corresponding commitments to allow the export of whole trout to Bolivia.
3. However, despite the fact that the Peruvian health authority has been carrying out activities at the border that would allow trout to be marketed and a safe and healthy product to be guaranteed, Bolivia continues to prevent the entry of this product even though a health certificate was agreed upon over five years ago.
4. Peru wishes to reiterate its concern that, in January 2022, at a meeting between Peru and Bolivia, Peru was informed that Bolivia's 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.
5. 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, thereby unjustifiably restricting access.
6. It should be noted that Peru received the regulatory information from Bolivia² and carried out an analysis and exhaustive review of the standards, which showed that none of them prohibited the entry of whole trout.
7. Subsequently, in June 2022, Bolivia reported that the Bolivian standard according to which only eviscerated animals may be marketed had entered into force in April 2022.³

¹ CITE/SENASAG/DN No. 1232/2017.

² Sanitary regulations sent by the National Agricultural Health and Food Safety Service of Bolivia (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.

8. As a result, Peru has been expressing its deep concern about Bolivia's disregard for the international commitments taken on under the WTO SPS Agreement that relate to the principle of transparency, as Bolivia has failed to even notify WTO Members of any of its domestic standards, let alone provide a 60-day comment period for other countries.

9. Furthermore, through Official Note No. 332-2022-SANIPES/PE, dated 9 September 2022, the National Fisheries Health Agency of Peru (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 to Administrative Resolution SENASAG No. 078/2022. However, to date, Peru has not received a response to that request.

10. Subsequently, 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.

11. Bolivia 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.

12. 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 restrictions in place on Peruvian exports of whole trout.
