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**PANAMA - MEASURES CONCERNING THE IMPORTATION OF CERTAIN PRODUCTS
FROM COSTA RICA**

REQUEST FOR THE ESTABLISHMENT OF A PANEL BY COSTA RICA

The following communication, dated 19 August 2021, from the delegation of Costa Rica to the Chairperson of the Dispute Settlement Body, is circulated pursuant to Article 6.2 of the DSU.

On 11 January 2021, Costa Rica requested consultations with Panama pursuant to Articles 1 and 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), Article 19 of the Agreement on Agriculture, Article 11 of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), and Article XXII of the General Agreement on Tariffs and Trade 1994 (GATT 1994), with respect to measures taken by Panama that restrict or prohibit the importation of various products or groups of products originating in Costa Rica, including: (i) strawberries; (ii) milk products; beef products; pork products; cured beef, pork and poultry products; aquatic animal (fish) food; and pet (dog) food containing protein of ruminant origin; (iii) pineapples; and (iv) plantains and bananas.

The consultations between the two countries were held on 8 February 2021. However, these consultations failed to settle the dispute.

Accordingly, Costa Rica respectfully requests the establishment of a panel pursuant to Articles 4.7 and 6 of the DSU, Article 19 of the Agreement on Agriculture, Article 11.1 of the SPS Agreement, and Article XXIII of the GATT 1994, in order to examine the matters described below.

I. SPECIFIC MEASURES AT ISSUE

1. Measure restricting or prohibiting imports of strawberries originating in Costa Rica

On 20 February 2020, through communication AUPSA-AG-051-2020, and without prior notice, Panama took the decision to ban imports of strawberries from Costa Rica. The only reason given by Panama was the alleged detection of oxamyl residues that exceeded Panama's maximum residue levels (MRLs) in two shipments of Costa Rican strawberries sent in February 2020. According to the above-mentioned communication, the ban on these imports will be maintained until the phytosanitary authority of Costa Rica indicates that it has taken corrective measures. This communication from Panama identifies Executive Decree No. 467 of 7 November 2007 as the basis for establishing the oxamyl MRL for strawberries, yet the instrument in question does not stipulate any such MRL for this specific product.

In response, Costa Rica sent Panama official letter DSFE-0343-2020 of 5 May 2020, indicating that the Costa Rican authority had made an inspection visit to the producer concerned, during which it had conducted a residue analysis and found no oxamyl residues. In this same communication, Costa Rica reported that, despite having found no oxamyl residues at the producer's premises, the phytosanitary authority of Costa Rica had issued recommendations to the producer in order to prevent the potential contamination of future shipments and had indicated that it would continue to monitor this producer's situation. In the absence of a reply from Panama to this communication, Costa Rica sent Panama official letters DSFE-0525-2020 of 12 June 2020 and DSFE 108-108-2021

of 19 February 2021, in which it asked Panama to reply and reiterated Costa Rica's readiness to resolve this situation, with the fundamental aim being to resume exports of Costa Rican strawberries.

Panama replied through communication DNSV-0111-2021-OIAR of 22 February 2021, stating, in general terms, that its authorities had "initiated a review process for 'phytosanitary policies' and safety policies as key matters under the competencies of both entities", without mentioning any concrete action geared towards reviewing the ban on imports of Costa Rican strawberries. In this communication, Panama makes no reference to the comments by the phytosanitary authority of Costa Rica that the relevant analyses did not bring to light any data on the use of oxamyl in strawberries. Moreover, the communication from Panama indicates that the measures adopted by Costa Rica and the explanations provided "show little effectiveness in terms of controls and traceability, meaning that the level of protection required in this area by our authorities has not been met". However, Panama fails to explain and give the reason why it considers the measures adopted by Costa Rica to be ineffective and why these measures would fall short of complying with Panama's level of protection.

Subsequently, through communication DSFE-0128-2021 of 1 March 2021, Costa Rica requested from Panama a copy of the analysis results, as well as the data from the analysis and sampling methods used for the two strawberry shipments that were alleged to contain oxamyl residues. In its response contained in communication AUPSA-AG-151-2021 of 17 March 2021, Panama failed to provide the analysis results requested by Costa Rica. However, in the same communication, Panama: (i) requests specific information from Costa Rica regarding its control programmes for good agricultural practices and sampling at export production sites; and (ii) belatedly reports that further violations of Panama's MRLs for a number of substances were detected in two shipments of Costa Rican strawberries.¹ According to Panama, these violations concern results "issued after the temporary ban communicated on 20 February 2020 [...] in note AG-051-2020 following the oxamyl-related violation".²

In view of this situation, Costa Rica sent communication DSFE-0393-2021 to Panama on 18 May 2021, in which it repeated its request to receive a copy of the analysis results, as well as the data from the analysis and sampling methods used for the two original strawberry shipments, and explained the importance of having this information. This request is consistent with Codex Alimentarius guidelines, which recognize the right of the exporting country that has had its food products rejected due to MRL violations to receive details on the analyses applied. By means of communication DSFE-0393-2021, Costa Rica, in good faith and in response to Panama's request³, also provided detailed information on its good agricultural practices, sampling at sites producing strawberries for export, laboratory results, analysis methods and analytical techniques.⁴

Despite the information and explanations provided by Costa Rica, Panama continues to maintain the ban on imports of Costa Rican strawberries indicated in communication AUPSA-AG-051-2020 of 20 February 2020, which is baseless and lacks scientific evidence, a risk analysis or any other valid justification under WTO rules.

¹ See also Panama's communication DNSV-0128-2021 of 1 March 2021, in which Panama reported that it had detected residues of spiromesifen, acephate, methamidophos, prochloraz, cypermethrin and carbendazim in two shipments of Costa Rican strawberries. Carbendazim is the only one of these substances listed in Panamanian Executive Decree No. 467/2007 as a substance subject to MRLs for strawberries.

² Panama's communication DNSV-0128-2021 of 1 March 2021.

³ See Panama's communication AUPSA-AG-151-2021 of 17 March 2021.

⁴ In its communication DSFE-0393-2021, Costa Rica submitted 23 annexes with information supporting its explanation of its good agricultural practices, sampling at sites producing strawberries for export, laboratory results, analysis methods and analytical techniques.

2. Measure restricting or prohibiting imports of: (i) milk products; (ii) beef products; (iii) pork products; (iv) cured beef, pork and poultry products; (v) aquatic animal (fish) food; and (vi) pet (dog) food containing protein of ruminant origin, all originating in Costa Rica.

As stated in a number of communications⁵ and in spite of the renewal requests submitted in advance by Costa Rica, Panama decided not to renew the sanitary approvals for various exporting establishments⁶, which expired on 30 June 2020. Until the date of expiry, these establishments had been exporting the following products to Panama for decades: milk products; beef products; pork products; cured beef, pork and poultry products; aquatic animal (fish) food; and pet (dog) food containing protein of ruminant origin. Exports of animals products from Costa Rica to Panama were banned from 30 June 2020, without there having been a change in Costa Rica's sanitary status, an emergency situation or an increase in the risks associated with the products. Panama's decision not to renew the establishments' approvals thus meant that the market closed down due to the application of a measure that is unsubstantiated and lacks sufficient scientific evidence, a risk analysis or any other justification, thereby constituting a disguised restriction on trade.

Panama took this step even though the Costa Rican Government had requested, prior to the expiry date, that the sanitary approvals be extended in order to avoid disrupting trade, as is the practice between the two countries.⁷ Unlike the practice previously applied to Costa Rican establishments⁸ (and that applied to other countries), the Panamanian authority refused on this occasion to extend the validity of the approvals, thereby preventing the export of these products to Panama.

In a number of communications⁹, Panama stated that instead of renewing the previous approvals, it was, in this case, necessary to conduct a new procedure to determine Costa Rica's zoosanitary eligibility and thus establish whether the country was "eligible" to send these products to Panama. This disregarded the fact that the Costa Rican system had for years been considered by Panama to be eligible to export, which is obvious when the length of time during which Costa Rica sent these products to the Panamanian market is taken into account.

In notes SENASA-DG-1233-2020 of 13 October 2020, SENASA-DG-1420-2020 of 24 November 2020 and SENASA-DG-191-2021 of 24 February 2021, Costa Rica informed Panama that the initiation of a new zoosanitary evaluation procedure was neither justifiable nor necessary considering that Costa Rican establishments had exported these goods to Panama for decades thanks to the country's eligibility having previously been approved by Panama.¹⁰ Costa Rica, in good faith and in order to provide information for the resumption of trade, issued its updated replies to Panama's questionnaire through communication SENASA-DG-340-2021 of 24 March 2021, with a view to verifying Costa Rica's sanitary status. By means of communication SENASA-DG-725-2021 of 3 June 2021, Costa Rica clarified that it had provided this information in fulfilment of the commitment undertaken with Panama at a previous meeting and in order to enable Panama to conduct an evaluation of Costa Rica's sanitary system leading to the renewal of the permits in question, and not so that Panama could carry out an analysis of whether Costa Rica was eligible to export these products, as if the country were exporting them for the first time.

⁵ These communications include notes AUPSA-AG-229-2020 of 10 July 2020, AUPSA-AG-395-2020 of 21 August 2020, AUPSA-AG-481-2020 of 9 October 2020, AUPSA-AG-571-2020 of 23 November 2020 and AUPSA-AG-100-2021 of 22 February 2021.

⁶ The Annex to this panel request contains the list of Costa Rican establishments that have not had their sanitary approvals renewed by Panama. The establishments are identified according to the establishment number assigned by the Panamanian Food Safety Authority (AUPSA).

⁷ The Government of Costa Rica asked the Government of Panama to extend the validity of the sanitary approvals in question through a number of communications, including notes SENASA-DG-721-2020 of 12 June 2020, DM-COR-CAE-0330-2020 of 8 July 2020, DM-COR-CAE-0349-2020 of 15 July 2020 and SENASA-DG-152-2021 of 12 February 2021.

⁸ See, for example, Panama's communication AUPSA-AG-399-2019 of 15 October 2019.

⁹ These communications include notes AUPSA-AG-229-2020 of 10 July 2020, AUPSA-AG-395-2020 of 21 August 2020, AUPSA-AG-481-2020 of 9 October 2020, AUPSA-AG-571-2020 of 23 November 2020, AUPSA-AG-001-2020 of 2 January 2020 and AUPSA-AG-100-2021 of 22 February 2021.

¹⁰ Costa Rica also stated that Panama's actions were contrary even to the country's own national regulations, which identify two specific cases for the loss of sanitary approval, neither of which apply in this situation (see note SENASA-DG-191-2021 of 24 February 2021).

Despite these steps taken by Costa Rica, Panama continues to maintain an import ban stemming from the non-renewal of the sanitary approvals of a number of Costa Rican establishments¹¹ that produce and export the above-mentioned products, and from Panama's requirement for a new zoosanitary eligibility procedure to be conducted in order to restore trade in these products, as if Costa Rica were a country that will be exporting for the first time.

3. Measure restricting or prohibiting imports of fresh pineapples originating in Costa Rica

On 29 January 2019, through communication AUPSA-AG-032-2019, and without prior notice, Panama took the decision to ban imports of fresh pineapples from Costa Rica. These exports had previously been permitted in line with the requirements established by Panama in Decision AUPSA-DINAN-116-2008 of 4 July 2008. Panama stated that the reason for the ban was the presence of the *Maconellicoccus hirsutus* (pink hibiscus mealybug) pest in Costa Rica. Although this pest was reported by Costa Rica in 2014, it is not found in pineapple production areas in Costa Rica, hence its presence had not prevented exports of pineapples to Panama, which had continued as normal for years before the unjustified closure of the market. In addition, on 24 September 2019, in note 1029.OIAR/EA-19, Panama raised its concern regarding the possible presence in Costa Rica of *Fusarium guttiforme* (Fusarium in pineapples), a pest that is absent throughout Costa Rican territory.

Regarding pink hibiscus mealybug, Costa Rica explained to Panama in various communications – including official letters DSFE-083-2019 of 6 February 2019, DSFE-0838-2019 of 8 October 2019, DSFE-0849-2019 of 10 October 2019 and DSFE-0109-2021 of 19 February 2021 – that its phytosanitary status has not changed since 2014 (with pink hibiscus mealybug being a pest that is present but not widespread in Costa Rica), that its pineapple shipments are certified as being free of this pest, and that there are no reports of pink hibiscus mealybug being detected in pineapple shipments from Costa Rica to Panama. In these communications, Costa Rica also asked Panama for a copy of the pest risk analysis that allegedly supported the closure of the Panamanian market to fresh pineapples from Costa Rica. However, Panama failed to provide this information.

Regarding Fusarium in pineapples, Costa Rica explained to Panama, in official letter DSFE-0848-2019 of 10 October 2019, that the pest status has been determined as absent in Costa Rica, and that the pest has never been recorded in Costa Rica. In this regard, Costa Rica referred to the communication issued by the *Organismo Internacional Regional de Sanidad Agropecuaria*, OIRSA (International Regional Organization for Plant and Animal Health), in note 110-038/19 of 30 September 2019, addressed to Costa Rica. In this communication, OIRSA specifically clarifies that attributing the risk of Fusarium to Costa Rica in the August–September 2019 edition of the *Boletín del Clima N° 11* (Climate Newsletter No. 11) was a transcription error, and that this pest is absent from Costa Rica.

Panama did not reply to Costa Rica until two years after the market had been closed. On 22 February 2021, Panama sent communication DNSV-0112-2021.OIAR, requesting Costa Rica to provide further information on the phytosanitary status of pineapple production areas with respect to pink hibiscus mealybug and reiterating its concern regarding Fusarium in pineapples. On 1 March 2021, Costa Rica replied through communication DSFE-0127-2021, requesting Panama to provide details of the kind of information that would be required to re-establish trade. In response, Panama sent notes DNSV-0127-2021 of 1 March 2021 and DNSV-0177-2021 of 10 March 2021, specifying this information. In communication DSFE-0165-2021 of 17 March 2021, Costa Rica provided the information requested on the absence of Fusarium in pineapples in Costa Rica, attaching the OIRSA note confirming the absence of this pest in Costa Rican territory. In addition, in communication DSFE-0254-2021 of 28 April 2021, Costa Rica sent Panama the information requested on the status of pink hibiscus mealybug in pineapple production areas, attaching a 45-page report with 34 annexes. Panama acknowledged receipt of this information on 29 April 2021. In addition, on 23 July 2021, in communication DSFE-0497-2021, Costa Rica supplemented the information sent to Panama with a 141-page report on the specific surveillance carried out at pineapple production sites to determine the status of the pest in question. The sampling manual used by the Costa Rican authorities (document OR-BSI-M-01) was also attached to the report. All the information provided to Panama confirms that the pink hibiscus mealybug pest has only been

¹¹ The Annex to this panel request contains the list of Costa Rican establishments that have not had their sanitary approvals renewed by Panama. The establishments are identified according to the establishment number assigned by the Panamanian Food Safety Authority (AUPSA).

detected in the ornamental plant *Hibiscus* sp. but is absent from pineapple growing sites. Despite this, the Panamanian market remained closed to fresh pineapples from Costa Rica without any technical justification to support the closure.

To date, Panama has maintained the ban on imports of fresh Costa Rican pineapples notified in communication AUPSA-AG-032-2019 of 29 January 2019.

4. Measure restricting or prohibiting the importation of plantains and bananas originating in Costa Rica

In October 2019, Panama prohibited imports of plantains and bananas from Costa Rica, without any scientific justification, through communications AUPSA-AG-392-2019 of 10 October 2019 and AUPSA-AG-424-2019 of 25 October 2019, respectively. In these communications, Panama stated that the importation of these products would remain suspended until Panama had completed a technical review of the existing phytosanitary requirements and had approved Costa Rican packing plants. This is despite the fact that trade in plantains and bananas between the two countries had continued as normal for years before the unjustified closure of the market. The phytosanitary requirements for the importation of plantains from Costa Rica are provided for in Decision AUPSA-DINAN-106-2009 of 27 November 2009, and the phytosanitary requirements for the importation of bananas from Costa Rica are contained in Decision AUPSA-DINAN-019-2012 of 26 April 2012.

Costa Rica sent a number of communications to Panama to try to secure the reopening of the market. These communications were DSFE-0909-2019 and DSFE-0910-2019, both of 31 October 2019; DM-COR-CAE-0615-2019 of 21 November 2019 (note from the Minister of Foreign Trade); DSFE-0079-2020 and DSFE-0080-2020 of 30 January 2020; DSFE-0348-2020 of 6 May 2020; and DSFE-0110-2021 of 19 February 2021. In these communications, Costa Rica noted that there had been no change in Costa Rica's phytosanitary status to justify closing the market, that all shipments of Costa Rican plantains and bananas are accompanied by the relevant phytosanitary certificate attesting that the product is free from pests of concern to Panama, and that Panama's measure without technical justification restricts trade in a manner that is inconsistent with its international obligations. Nevertheless, Costa Rica expressed its willingness for Panama to conduct any approval visits to plantain and banana packing plants it deems appropriate.

Following the suspension of imports of Costa Rican plantains and bananas, and in connection with note DM-COR-CAE-0615-2019 from the Ministry of Foreign Trade of Costa Rica, the Minister of Trade and Industry of Panama sent note DM-N-1352-2019 of 18 December 2019, stating that the Panamanian authorities had declared a national state of alert on account of the risk of introduction of the "fungus *Fusarium oxysporum* f. sp. cubense tropical race 4 affecting musaceae" (Foc R4T). This pest is a quarantine pest for Costa Rica and is absent throughout its territory.

More than a year after it closed the market to Costa Rican plantains and bananas without providing any response to Costa Rica's many communications, Panama finally sent Costa Rica notes DNSV-0113-2021.OIAR of 22 February 2021 and DNSV-0129-2021 of 1 March 2021. In these notes, it reiterated, without providing any information, its requirement that Costa Rican packing plants be approved and its concern regarding Foc R4T. It also mentioned, for the first time, that in 2019 the Panamanian authorities had detected non-compliance with the MRLs established by national regulations for the pesticide chlorpyrifos, but did not provide further details on the alleged finding. On 1 March 2021, Costa Rica replied to Panama in communication DSFE-0129-2021, again requesting details of Panama's requirements for reopening the plantain and banana market, as well as documents supporting Costa Rica's alleged non-compliance with MRLs. In response, on 17 March 2021, Panama sent note DNSV-0207-2021, reiterating what it had stated in its two previous communications and keeping the market closed to Costa Rican plantains and bananas without providing any justification.

Lastly, on 6 August 2021, in communication DSFE-0533-2021, Costa Rica reiterated its concern over the sudden closure of the Panamanian market to plantains and bananas from Costa Rica, where the Foc R4T pest is absent. Costa Rica also supplemented the information sent to Panama with a detailed description of actions taken since 2013 to ensure that the Foc R4T pest is not introduced into Costa Rica. The above-mentioned communication, consisting of an explanatory note and 10 annexes containing supporting documentation, not only confirms that Foc R4T is absent in Costa Rica, but also demonstrates that the country has been proactive in preventing the entry of this pest into the national territory by taking specific action. Despite this, the Panamanian market remained closed to Costa Rican plantains and bananas without any technical justification to support the closure.

To date, Panama has maintained the ban on imports of Costa Rican plantains and bananas notified in communications AUPSA-AG-392-2019 of 10 October 2019 and AUPSA-AG-424-2019 of 25 October 2019.

II. BRIEF SUMMARY OF THE LEGAL BASIS OF THE COMPLAINT

Each and every one of the measures described in Section I of this request (collectively referred to as "measures at issue") are inconsistent with each and every one of the following obligations for Panama under the WTO covered agreements:

- Article 1.1 of the SPS Agreement, because each of the measures at issue is applied in a manner that is not in accordance with the provisions of the SPS Agreement.
- Article 2.1 of the SPS Agreement, because each of the measures at issue is inconsistent with the provisions of the SPS Agreement.
- Article 5.1 of the SPS Agreement, because none of the measures at issue are based on an assessment, as appropriate to the circumstances, of the risks to human, animal or plant life or health, taking into account risk assessment techniques developed by the relevant international organizations.
- Articles 5.2 and 5.3 of the SPS Agreement, because, in failing to carry out a risk assessment for each of the measures at issue, Panama did not take into account the scientific, technical and economic factors listed in these provisions.
- As a result of the violation of Articles 5.1, 5.2 and 5.3, each of the measures at issue is also inconsistent with Article 2.2 of the SPS Agreement, since the measures are not based on scientific principles and are maintained without sufficient scientific evidence.
- Article 5.4 of the SPS Agreement, because, when determining the appropriate level of sanitary or phytosanitary protection, Panama failed to take into account the objective of minimizing negative trade effects.
- Panama cannot justify any of the measures at issue under Article 5.7 of the SPS Agreement, since it is not complying with the requirements of this provision, i.e. that the scientific evidence be insufficient, that the sanitary or phytosanitary measures be adopted on the basis of available pertinent information, that efforts be made to obtain the additional information necessary, and that the measures be reviewed within a reasonable period of time.
- Article 3.1 of the SPS Agreement, because none of the measures at issue are based on existing international standards, guidelines or recommendations.
- Article 5.6 of the SPS Agreement, because each of the measures at issue is more trade-restrictive than required to achieve its appropriate level of sanitary or phytosanitary protection, taking into account technical and economic feasibility, and considering that there are alternative measures to the import ban that are reasonably available, that achieve the appropriate level of protection and that are significantly less restrictive to trade. Consequently, Article 2.2 of the SPS Agreement, given that none of the measures at issue are applied only to the extent necessary to protect human, animal or plant life or health.

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- Article 5.5 of the SPS Agreement, because each of the measures at issue reflects arbitrary or unjustifiable distinctions in the levels that Panama considers to be appropriate in different situations, resulting in discrimination or a disguised restriction on international trade. Consequently, Article 2.3 of the SPS Agreement, because each of the measures at issue arbitrarily or unjustifiably discriminates between Members where identical or similar conditions prevail and constitutes a disguised restriction on international trade.
 - Article 5.8 of the SPS Agreement, because, in spite of Costa Rica's requests, Panama has not provided an explanation of the reasons for any of the measures at issue.
 - Article 6.1 of the SPS Agreement, because none of the measures at issue are adapted to the sanitary or phytosanitary characteristics of the area from which the product originated and to which the product is destined.
 - Article 7 and Annex B, paragraph 1, of the SPS Agreement, because Panama failed to meet its transparency and publication obligations in relation to each of the measures at issue, including by failing to publish the MRLs for substances in respect of which Panama stated that it had detected nonconformities in imports from Costa Rica. The foregoing also gives rise to a violation of Article X:1 of the GATT 1994, since Panama failed to publish laws, regulations and administrative rulings of general application pertaining to requirements, restrictions or prohibitions on imports.
 - Annex C, paragraph 1(a), of the SPS Agreement, read in conjunction with Article 8, because Panama has incurred undue delay when undertaking and completing the necessary procedures to check and ensure the fulfilment of each of the measures at issue.
 - Annex C, paragraph 1(b), of the SPS Agreement, read in conjunction with Article 8, in relation to the processing by Panama of the procedures to check and ensure the fulfilment of each of the measures at issue.
 - Annex C, paragraph 1(c), of the SPS Agreement, read in conjunction with Article 8, because Panama requires more information than is necessary to carry out the control, inspection and approval procedures related to each of the measures at issue.
 - Article I:1 of the GATT 1994, since Panama is acting inconsistently with the most-favoured-nation treatment obligation in relation to each of the measures at issue.
 - Article X:3(a) of the GATT 1994, because Panama administers each of the measures at issue in a manner that is not uniform, impartial or reasonable.
 - Article XI:1 of the GATT 1994, because, in relation to each of the measures at issue, Panama is acting inconsistently with the obligation not to adopt import restrictions or prohibitions.
 - Article 4.2 and note 1 of the Agreement on Agriculture, because each of the measures at issue constitutes a "quantitative import restriction[...]", or in any case a "similar [...] measure[...]", within the meaning of note 1 of the Agreement on Agriculture.

Costa Rica has identified the rules, acts and omissions that, on the basis of the information available, it considers underpin the various measures at issue. Nevertheless, this list is without prejudice to any other rules, administrative or legal decisions, acts, practices, guidance or guidelines issued by Panama that may be relevant in examining this dispute. Accordingly, the scope of this panel request covers all the above-mentioned actions, as well as any possible amendments, extensions or additions where applicable.

Given the inconsistencies described above, pursuant to Article 3.8 of the DSU, Costa Rica considers that the measures at issue nullify or impair the advantages accruing to Costa Rica under the various provisions mentioned in this request.

Costa Rica requests that, pursuant to Article 6 of the DSU, the Dispute Settlement Body (DSB) establish a panel to examine this matter. Costa Rica further requests that the panel be given the standard terms of reference provided for in Article 7.1 of the DSU.

Costa Rica asks that this request for the establishment of a panel be included in the agenda of the DSB meeting scheduled for 30 August 2021.

Annex**List of Costa Rican establishments affected by the non-renewal of permits by Panama**

Establishment number assigned by the Panamanian Food Safety Authority (AUPSA)	Product(s)
12-C	Pig products, as indicated in Resolution No. 010 of 3 April 2014 of the Institutional Technical Commission of the Panamanian Food Safety Authority (AUPSA)
12	Beef products, as indicated in Resolution No. 014 of 3 March 2014 of the AUPSA Institutional Technical Commission
5	Cured beef, pork and poultry products that undergo a process to ensure the inactivation of significant infectious agents, as indicated in Resolution No. 046 of 7 November 2014 of the AUPSA Institutional Technical Commission
46-A	Milk products, as indicated in Resolution No. 028-2014 of 7 May 2014 of the AUPSA Institutional Technical Commission
46-B	Milk products of bovine origin, as indicated in Resolution No. 029-2014 of 23 January 2013 of the AUPSA Institutional Technical Commission
46-C	Milk products of bovine origin, as indicated in Resolution No. 030-2014 of 7 May 2014 of the AUPSA Institutional Technical Commission
8	Beef products, as indicated in Resolution No. 016 of 3 March 2014 of the AUPSA Institutional Technical Commission
8-C	Pig products, as indicated in Resolution No. 011 of 3 April 2014 of the AUPSA Institutional Technical Commission
21	Pig products, as indicated in Resolution No. 012 of 3 April 2014 of the AUPSA Institutional Technical Commission
40	Milk products, as indicated in Resolution No. 010-CTI-16 of 15 February 2016 of the AUPSA Institutional Technical Commission
9	Beef products, as indicated in Resolution No. 015 of 3 March 2014 of the AUPSA Institutional Technical Commission
48	Milk products, as indicated in Resolution No. 039 of 18 June 2014 of the AUPSA Institutional Technical Commission
30-E	Cured beef, pork and poultry products that undergo a process to ensure the inactivation of significant infectious agents, as indicated in Resolution No. 045 of 7 November 2014 of the AUPSA Institutional Technical Commission
7	Cured beef, pork and poultry products that undergo a process to ensure the inactivation of significant infectious agents, as indicated in Resolution No. 044 of 7 November 2014 of the AUPSA Institutional Technical Commission
45	Milk products, as indicated in Resolution No. 008-CTI-16 of 15 February 2016 of the AUPSA Institutional Technical Commission
47	Milk products, as indicated in Resolution No. 007-CTI-16 of 15 February 2016 of the AUPSA Institutional Technical Commission
762	Aquatic animal (fish) food, as indicated in Resolution No. 042 of 21 July 2014 of the AUPSA Institutional Technical Commission
158	Pet (dog) food containing protein of ruminant origin, as indicated in Resolution No. 048 of 7 November 2014 of the AUPSA Institutional Technical Commission