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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 8 July 2022, is being circulated at the request of the delegation of Peru.

1. Peru would like to express before WTO Members its trade concern regarding various restrictive measures that the Government of Bolivia has applied on Peruvian agricultural exports over the past three years. These measures have established (*de facto*) blockades on the entry into the Bolivian market of the main products originating in Peru, such as potatoes and onions. Measures restricting the exportation of Peruvian whole trout, which have no technical basis, have also been in place since 2017.

2. In this connection, it should be mentioned that, on 9 May 2022, the General Secretariat of the Andean Community issued Resolution No. 2264 on the investigation procedure presented by Peru to Bolivia, in which it decided to qualify as restrictions of any kind the set of administrative measures applied by Bolivia, which consisted of temporarily ceasing to issue phytosanitary import permits, temporarily suspending phytosanitary inspections at the Binational Border Service Centre (CEBAF) at Desaguadero, and hindering the import process of various Peruvian plant products.

3. In this regard, Peru wishes to request Bolivia to comply with the provisions of the aforementioned Resolution and to submit quarterly reports on the issuance of phytosanitary import permits, phytosanitary inspections and the import process at the CEBAF at Desaguadero for agricultural products originating in Peru, for a period of one calendar year.

4. Furthermore, with respect to Peru's interest in exporting trout, 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 complied with the corresponding commitments to allow the export of whole trout to Bolivia, even though the Peruvian health authority has been carrying out activities at the border so that trout can be marketed and a safe and healthy product guaranteed.

5. It is much more worrying that, in January 2022, the National Agricultural Health and Food Safety Service (SENASAG) indicated 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. In other words, five years after approving a health certificate for the exportation of whole trout, SENASAG is unjustifiably restricting access for this product.

¹ CITE/SENASAG/DN No. 1232/2017.

6. It should be noted that Peru received this information from Bolivia² and carried out an exhaustive review of the standards, with a verification by Peru showing that none of them had been notified beforehand to the WTO SPS Committee in accordance with Article 7 of, and Annex B to, the SPS Agreement. Moreover, this ban would contravene the provisions of Article XI of the GATT 1994 on the general elimination of quantitative restrictions.

7. Lastly, Peru wishes to express once again its deep concern regarding the new information received from Bolivia on 10 June 2022 indicating that the Bolivian standard according to which only eviscerated animals may be marketed entered into force in April 2022³, a standard that was not notified to this Committee either, in violation of Article 7 of, and Annex B to, the SPS Agreement.

8. 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.

² Sanitary regulations issued 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.