

16 November 2022

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Committee on Sanitary and Phytosanitary Measures

Original: Spanish

ECUADOR'S IMPORT RESTRICTIONS ON GRAPES AND ONIONS (STC NO. [498](#))

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 with respect to the restrictive measures applied by Ecuador on the reopening of access for onions and grapes from Peru.
2. With regard to onions, Peru wishes to state that, on 19 April 2022, a bilateral technical meeting was held between the sanitary authorities of both Parties, at which the Ecuadorian agency committed to re-establishing access for onions in July 2022.
3. However, on 8 July 2022, the Ecuadorian sanitary authority informed Peru of the reasons why it was unable to finalize the proposed phytosanitary requirements for the importation of onions for consumption before the agreed deadline. Nevertheless, Peru repeated its request to that authority to forward the proposed phytosanitary requirements in order to continue with the process in the interest of determining how to reopen access, with no response received to date.¹
4. Meanwhile, with regard to grapes, Ecuador continues to require that refrigerated transport be used to export Peruvian grapes, with one of its arguments being that the refrigeration of fruit and vegetables is the best way of keeping such foods fresh and increasing their commercial life. However, Ecuador does not require compliance with conditions on fruit quality or refrigerated transport for the entry and exit of grapes from other countries.
5. Peru therefore regrets that, despite having met all the sanitary requirements imposed by Ecuador, the restrictions on access to the Ecuadorian market remain in force for Peruvian grapes, with no technical justification provided, thus violating Articles 2.2 and 5.1 of the SPS Agreement.² In addition, Peru has requested Ecuador hold a virtual bilateral meeting to address these issues, to which there has been no response to date.³
6. To that end, considering that the measures applied by Ecuador are discriminatory and violate Articles 2, 3, 5, 7 and 8, and Annexes B and C of the SPS Agreement, we request that Ecuador:

¹ Communications sent to AGROCALIDAD on the maintenance of the restrictions on onions: CARTA-0427-2022-MIDAGRI-SENASA-DSV.

² Communications sent to AGROCALIDAD on the maintenance of the restrictions on grapes: CARTA-0047-2022-MIDAGRI-SENASA-DIAIA; CARTA-0046-2022-MIDAGRI-SENASA-DIAIA; CARTA-0108-2022-MIDAGRI-SENASA-DIAIA.

³ Communication sent to AGROCALIDAD on holding a bilateral meeting: CARTA-0494-2022-MIDAGRI-SENASA-DSV.

- a. Avoid proposing measures that violate the provisions of the SPS Agreement and the basic principles of the WTO;
 - b. Ensure that it does not disregard the technical agreements previously established and that it provides responses to CARTA-0427-2022-MIDAGRI-SENASA-DSV from SENASA and to Official Note No. 505-2022-MINCETUR;
 - c. Reopen access for imports of Peruvian grapes and onions.
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