

**Executive decree 902, REFORM OF THE SHARK FISHING, COMERCIALIZATION and EXPORTACION, Executive Decree 486, Official Register Supplement 137, 30/07/2007**

Art. 2.- To prohibit in all the national territory the fishing whose specific objective was the shark. Consistently it would be prohibiting the use of arts and systems of fishing that employ specifically to shark's catches.

It establishes like politics of the Ecuadorian State to the conservation and management of the resource shark, through the implementation of the National Action Plan for the Conservation and the Management of Sharks of Ecuador (PAT - Ec), and other instruments that for the effect issue by the Undersecretary of Fishing Resources.

Note: Article reformed by Executive Decree No. 902, published in Official Register 274 of 15 February of the 2008.

Art. 3.- To prohibit in all the national territory the use of the fishing art designated "palangre tiburonero", in which it is use hooks No. 1/0, No. 2/0 and/or No. 3/0 twisted of normal buttonhole and reinal of malleable steel, wire or chain.

Note: Article reformed by Executive Decree No. 902, published in Official Register 274 of 15 February of the 2008.

Art. 9.- In the case that realized incidental catches of specimens alive or died of the following species: shark whale (Rhincodon typus), of the shark pilgrim (Cetorhinus maximus), of the white shark (Carcharodon carcharias), Fish saws or Catanuda (Pristis spp), these will have to be returned immediately to the mar.

Note: Article reformed by Executive Decree No. 902, published in Official Register 274 of 15 February of the 2008.

Art. 11.- It will allow the storage, commercialization, transport and export of shark fins from the incidental fishing made by vessels registered in Undersecretary of Fishing Resources, and in the Captaincies of Port, and that are landed in the fishing ports of the continental coast. The commercialization of the shark fins will do satisfied the following procedure:

1.- At the arrived of the vessels to the fishing ports of the continental coast, any member of the crew will report to the fishing authority the product of the incidental catches. The Fishing authority will verify this information with the goal to award to the interested the corresponding "Certificate of Monitory of Incidental Fishing". This document will contain:

- a) Detail of the species;
- b) Number and weight of bodies and fins; and,
- c) Any another notable information to the catches.

2.- The trader, natural or juridical person legally registered in the Undersecretary of Fishing Resources, that purchase the product of the incidental fishing, has to demand the corresponding certificate of monitory of the fishing.

3.- In the case of the carrier, it will have to obtain from the fishing authority the pertinent "Guide of Mobilization of Incidental fishing", that pretend to mobilizer, document that it will be awarded according to the certificates of monitory of said fishing.

The Certificates of Monitory of Incidental Fishing and the Guides of Mobilization of Incidental Fishing will have a coding that allow the traceability of the product.

4.- In the case of the exporter, natural or juridical person, will have to obtain from the fishing authority, the permission to export, the same that would be qualified by the certificates of monitory, and guides of corresponding mobilization.

5.- Anyway, any natural or juridical person, that had shark fins, will have to justify them with any one of the documents referred in the numeral that precede.

If during the actions of control, certified that the product of the incidental fishing of shark does not find properly justified, with the certificates, permissions, or permissions mentioned or described in this decree, it will be proceeding to confiscated and incineration of all the product of the incidental fishing, according to the procedure established in the article 8.

The fishing authority will use as criteria for the control, the weight or the units of the product of the incidental fishing.

In the case of repetition, the fishing authority will suspend definitely the permission of commercialization or permission to export to the natural or juridical person, who fails to comply with the provisions of this decree, previous the procedure of law.

Note: Article reformed by Executive Decree No. 902, published in Official Register 274 of 15 February of the 2008.

Art. 17.- The articles 6, 7, 8, 9 and 11 will have a term of force of six months from the force of the present executive decree.

Note: Declare into force the articles 6, 7, 8, 9 and 11, given by Executive Decree No. 902, published in Official Register 274 of 15 February of the 2008.

Art. 17-A.- The Environment and Industries and Competitiveness Ministries will participate in the application of the measures of conservation and the management of the shark resource inside the frame of his competitions.

Note: aggregated Article by Executive Decree No. 902, published in Official Register 274 of 15 February of the 2008.