

The Ecuadorian government carries out all the necessary verifications to authorize a fishing vessel, the internal processes of our country are fulfilled, in case of not being in accordance with what is established by the measure, they are sanctioned in accordance with the provisions of the Law of Fishing and Fisheries Development. Under this perspective, the following is done:

National Action Plan Against IUU

3.3. National Legislation

Ecuador has national legislation that, based on its Constitutional principles, promotes and encourages the sustainable management and development of living resources and the protection of the marine environment and biodiversity.

- **Constitution of the Republic of Ecuador**

It establishes as a principle the Right to Nature to be fully respected its existence and the maintenance of its life cycles, as a management measure establishes the precautionary right or induces pro nature, as well as the protection of ecosystems and biodiversity.

- **Fisheries Law and Fisheries Development**

The rational use of bio-aquatic resources in the extraction, crop, processing and commercialization phases are regulated by the Fisheries Law and Fisheries Development, issued by Supreme Decree No. 178 / RO497, of 1974, with a reform in 1985 and the coding in 2005.

For the exercise of the fishing activity in its different phases, express authorization of the Ministry of the Branch is required; Penalties are established: fines, confiscation of fishing or fishing gear, suspension of benefits and of the activity.

Currently working on a new fisheries law to modernize the management, regulation, control and monitoring of the fishing sector in all its phases, which has measures to dissuade the commission of infractions that threaten the sustainability of fish stocks inside and outside of jurisdictional areas and discourage the IUU fishing commitment.

- **General Regulation of the Fisheries Law.**

The General Regulation of the Fisheries Law and Fisheries Development was issued by Executive Decree No. 3198 of October 24, 2002. This Regulation establishes the procedures for obtaining authorizations for the exercise of fishing activity in the extraction phase, crop, processing, commercialization and includes authorization for related research activities; regulates the procedure for fishing permits; the transshipments; norm quality control of fishery products, association contracts; the artisanal fishing promotion; the use of Turtle Excluder Devices, and in general the sanction and control procedure.

The Regulation to the Law is being reformed, in order to strengthen the sanctioning procedure and ratify the traceability measures of the fishing, in order to avoid, discourage and eliminate IUU fishing.

- **Maritime Police Code**

The scope of this law is given in the responsibilities and structure of the port captaincies, norm in general the registration of vessels and naval artifacts; registry of naval property, patents and navigational passports, use of the flag, reception and dispatch of vessels, inspections, import of foreign vessels, construction and repair of vessels, tonnage, traffic permits, free talks, prevention and control of the pollution, concession of beach and bay areas.

- **Regulation of Maritime Activity.**

The procedures to the Maritime Police Code are contained in this regulation, including the regulations for the shipping agencies.

- **Executive Decree No. 723 of July 10, 2015**

It defines the competences between the DIRNEA and the Undersecretary of Ports and Maritime Transport with regard to the State of flag, Rector State of the Port and Coastal State, in the context of the Maritime Authority.

3.4. Control of Citizens under the jurisdiction of Ecuador

The Fishing Law and Fisheries Development and its regulations determine management measures for the monitoring, control and surveillance of fishing activity in all its phases, including related activities. Individuals and / or Legal Entities that exercise the activity are required to:

- ✓ Respect minimum sizes, closures and other regulations related to management and protection of resources, their sanity and safety.
- ✓ Facilitate to the officials (Fisheries Inspectors), free access to their facilities, vessels and docks and provide the information that is required
- ✓ Use the systems and equipment that the Authority requires for follow-up, control and surveillance of fishing activity.

3.5. Vessels without nationality.

According to the current maritime legislation, Ecuador does not receive ships without flags and nationality in its ports.

3.6. Sanctions system.

Natural and legal persons that commit one or more of the infractions established in the Fisheries Law and Fisheries Development and in the International Agreements of which Ecuador is a party will be sanctioned with:

- ✓ Penalty fee
- ✓ Temporary suspension of benefits enjoyed
- ✓ Suspension of benefits
- ✓ Confiscation of fishing and gear or fishing gear illegal or unauthorized

In the amendment to the Regulation, an effect of proportionality of infractions and sanctions is established, and aggravating criteria such as recidivism and repetition with which the sanction can be doubled in the fine or the time of suspension of the activity and if it were the in the case of permanent recurrences in the period of one year, the sanction could result in the definitive suspension of the authorization to exercise the activity.