

AGREEMENT Nro. MAGAP-M.A.G.A.P-2015-0001-A

JAVIER PONCE CEVALLOS
MINISTER

CONSIDERING:

That, the article 4 of the Constitution of the Republic indicates that the territory of the country constitutes a geographic and historical unit of natural dimensions, social and cultural, that comprises the continental and maritime space, the adjacent islands, the sea territorial, the Archipelago of Galápagos, the floor, the underwater platform, the subsoil and the continental overlying space, insular and maritime;

That, the article 14 of the Constitution of the Republic declares of public interest the preservation of the environment, the conservation of the ecosystems, the biodiversity and the integrity of the genetic heritage of the country, the prevention of the environmental damage and the recovery of the natural spaces degraded;

That, the Constitution of the Republic of the Ecuador, in his article 73, indicates: *“The State will apply measured of caution and restriction for the activities that can drive to the extinction of species, the destruction of ecosystems or the permanent alteration of the natural cycles”*;

That, the Constitution of the Republic of the Ecuador, in his article 154, on the ministers and ministers of State, in addition to the attributions established in the law, establishes: *“1. Exert the rectory of the public policies of the area under its responsibility and issue the agreements and administrative resolutions required by its management”*;

That, the article 83 of the Constitution established: *“they are duties and responsibilities of the Ecuadorian, without prejudice to other planned in the Constitution and the law: Nral. 6. Respect the rights of the nature, preserve a healthy environment and use the natural resources of rational and sustainable way,”*;

That, the article 395 of the Constitution of the Republic recognizes the following principles environmental: *“1. The State will guarantee a model sustainable of development, environmentally balanced and respectful of the cultural diversity, that conserve the biodiversity and the capacity of natural regeneration of the ecosystems, and ensure the satisfaction of the needs of the present and future generations”*;

That, the article 226 of the Constitution of the Republic provide: *“The institutions of the State, his organisms, dependencies, the servants or public servers and the people that act in virtue of a state authority will exert only the competitions and faculties that are them attributed in the Constitution and the law. Will have the duty to coordinate actions for the fulfillment of his ends and do effective the enjoy and exercise of the rights recognizes in the Constitution”*;

That, the Constitution of the Republic establishes in his article 425, the hierarchical order of

Application of the norms, in which it incorporated to the Treaties and International Agreements like part of the national juridical legislation;

That, on 22 May 2012, Ecuador ratified the Convention of the United Nations under the Right of the Sea CONVEMAR, ratification approved by the National Assembly and published in the Official Register Supplement No. 715 of 1 June 2012;

That, for the Behavior Code for the Responsible Fishing and his objective, the question of the illegal, unreported and unregulated fishing (IUU) worldwide is a reason of an increasingly deep worry, then, the fishing IUU prejudices to the efforts of conservation and management of the stocks of fish in all the types of fishing of capture. When they facing situations of fishing IUU, the national and regional organizations fisheries management does not reach the objectives in matter of ordination. This situation gives rise to lose social and economic opportunities in short and on a long-term and has negative effects on the alimentary security and the protection of the environment. The fishing IUU can cause the total collapse of the fishery or prejudice gravely to the efforts for replacing the populations exhausted;

That, the Behavior Code for the Responsible Fishing of the FAO is of voluntary character; however, his disposals are based in the Convention of the United Nations on the Right of the Sea, CONVEMAR, of mandatory compliance for being a Country part of the Convention;

That, the article 1 of Fishing Law and Fishing Development establishes that the resources bioaquatics existent in the territorial sea, in the inner maritime waters, in the rivers, in the lakes or natural and artificial channels, are national goods whose rational use will be regulated and controlled by the State in accordance with their interests;

That, the article 2 of the aforementioned regulation establishes that fishing activity shall be understood as that carried out for the use of the resources bio-aquatics in any one of his phases: extraction, crop, processing and commercialization, as well as the other related activities contemplated in this Law;

That, the article 18 of the Fishing Law and Fishing Development indicates that to exert the fishing activity, in any one of his phases, it requires to be authorized by the Ministry of the Branch and subject to the respective legal disposals of the law, his regulations and of the other laws, as soon as they are applicable;

That, the Organization of the United Nations for the Feeding and the Agriculture, worldwide known like **FAO** of which Ecuador is member from 1945, is a supranational organization that is formed by countries and works under the protection of the ONU. His main function is to conduct the international activities directed to **eradicate the hunger**;

That, through Executive Decree No. 1151 of 23 April 2012, the President of the Republic appointed me Minister of Agriculture Husbandry, Aquaculture and Fishing; and, with Executive Decree No. 2 of 24 May 2013, it ratified me in the same charge;

That, it is necessary to stablished fisheries management measures, that ensure the

sustainability of the marine resources on a long-term, the protection of the ecosystems and the biodiversity; and, that measures should contribute to preventing, discourage and eliminate the illegal unregulated and unreported fishing, that threat the alimentary security and the socioeconomic stability of the coastal populations;

That, the article 13 of the Fishing Law and Fishing Development allows to the Minister of the Branch to resolve and regulate the special cases and unforeseen events that arise in the application of the Law;

Into use of the legal attributions that concedes the article 154, numeral 1, of the Constitution of the Republic of the Ecuador; and, the article 17 of the Statute of the Administrative Legal Regime of the Executive Function:

It AGREES:

Issue the National Action Plan, Ecuador to prevent, discourage and eliminate the illegal unregulated and unreported fishing, under the principles established in the national juridical legislation, which are part of the fishery management regulations issued by the international organizations of which Ecuador is part.

Art. 1.- Implement a national policy for the development and sustainable use of the fisheries resources, and the owed consideration to the economic and social function of the fishing sector use in the fishing activities in all his phases.

Art. 2.- Guarantee that the fishing products generated of the extractive fishing activity comply with the international agreements, national laws, conservation management measures and other regulations that control the fishing activity.

Art. 3.- Supervise that the responsible use of the fishing that is captured in Ecuadorian jurisdictional waters must have the sanitary measures and national certification programs, as applicable, as well as study the possibilities to establishing internationally recognized organisms of control and certification.

Art. 4.- Systematize, disseminate and exchange timely, accurate and relevant statistical information on the international trade of fish and fishing products through the national institutions and pertinent international organizations.

Art. 5.- Encourage to those who are involved in the processing, distribution and commercialization of fish to: to) reduce losses and the waste after capture; b) improve the use of the incidental captures, to the extent that it is consistent with responsible fisheries management practices; and, c) use the resources, especially the water and energy of an ecologically responsible way.

Art. 6.- Ensure that the measures applicable to international trade in fish and fisheries products are transparent, based, where appropriate, in scientific data in accordance with internal agreed standards.

Art. 7.- Cooperate to promote the adhesion to the pertinent international norms,

applicable to the fish trade and fisheries products, as well as to the conservation of the alive aquatic resources and his effective application.

Art. 8.- Promptly notify to other relevant international organizations about developments and changes in laws, regulations and administrative procedures applicable to international trade of fish and fisheries products.

Art. 9.- Disseminate the National Action Plan Ecuador, to prevent, discourage and eliminate the illegal unregulated and unreported fishing, established in the Annex 1 of the present document like national policy.

Art. 10.- The Undersecretary of Fisheries Resources shall be responsible for the execution of the present Agreement, in coordination with national and international bio-aquatic species control organism.

Art. 11.- The Present Agreement will go in in force upon subscription, without prejudice to its publication.

Communicate and publish. -

Given in Quito, D.M. , at 17 day(s) of the month of September of two thousand fifteen.

Document signed electronically

**JAVIER PONCE CEVALLOS
MINISTER**