

RESOLUTION 0084

THE EXECUTIVE DIRECTOR OF THE PHYTO AND ZOOSANITARY REGULATION AND CONTROL AGENCY

Considering:

That, subsection 2 of Article 400 of the Constitution of the Republic of Ecuador states: "The conservation of biodiversity and all its components, in particular agricultural and wild biodiversity and the genetic heritage of the country, is declared of public interest";

That, Article 401 of the Constitution of the Republic of Ecuador establishes: "Ecuador is declared free of transgenic crops and seeds. Exceptionally, and only in the case of national interest duly substantiated by the Presidency of the Republic and approved by the National Assembly, genetically modified seeds and crops may be introduced (...)";

That, within the framework of the World Trade Organization (WTO), the Agreement on the Application of Sanitary and Phytosanitary Measures (AMSF), establishes that member countries have the right to adopt sanitary and phytosanitary measures by the competent authority, necessary to protect the health and life of people and animals or to preserve plants;

That, the International Standards for Phytosanitary Measures (ISPM) of the International Plant Protection Convention (IPPC), such as ISPM No. 2 Framework for Pest Risk Analysis, ISPM No. 11 Pest Risk Analysis for quarantine pests, ISPM No. 21 Pest Risk Analysis for regulated non-quarantine pests and Resolution No. 025 of the Andean Community (CAN) procedures to carry out Pest Risk Analysis (PRA), by which the phytosanitary requirements of plant products are established import;

That, according to the International Standards for Phytosanitary Measures ISPM No. 32 on "Categorization of products according to their risk of pests", scabiosa plants (*Scabiosa atropurpurea*) in artificial substrate for planting, are in Risk category 4;

That, article 12 of the Organic Law of Agricultural Health, published in the Official Gazette Supplement 27 of July 3, 2017 establishes: "*Create the Agency for the Regulation and Control of Plant and Animal Health, a technical entity of public law, with legal status, administrative and financial autonomy, decentralized, with headquarters in the city of Quito and national jurisdiction, attached to the National Agrarian Authority. This Agency is responsible for the regulation and control of animal health and welfare, plant health and food safety in primary production, in order to maintain and improve the phyto and zoosanitary status of agricultural production (...)*";

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That, literal a) of article 13 of the Organic Law of Agricultural Health, published in the Official Gazette Supplement 27 of July 3, 2017 establishes that one of the Agency's competences and attributions is: "a) To issue technical regulations in phyto, zoosanitary and animal welfare matters";

That, literal j) of article 13 of the Organic Law of Agricultural Health, published in the Official Gazette Supplement 27 of July 3, 2017, establishes that one of the Agency's competencies and attributions is: "*To certify and authorize the phyto characteristics and zoosanitary for the importation of plants, plant products, animals, livestock goods and regulated articles prior to the issuance of the corresponding authorization*";

That, literal o) of article 13 of the Organic Law of Agricultural Health, published in the Official Gazette Supplement 27 of July 3, 2017 establishes that one of the Agency's competences and attributions is: "Regulate and control the phyto and zoosanitary for the import and export of plants, plant products, animals, livestock merchandise and regulated articles, at the authorized entry points established";

That, literal a) of article 22 of the Organic Law of Agricultural Health, published in the Official Gazette Supplement 27 of July 3, 2017 establishes that "*To maintain and improve the phytosanitary status, the Regulation and Control Agency will implement in the national territory and in the special zones of economic development, the following mandatory phytosanitary measures: a) Phytosanitary requirements*";

That, the Sixth General Provision of the Organic Law of Agricultural Health, published in the Official Gazette Supplement 27 of July 3, 2017, establishes: "*By virtue of this Law, the personnel, assets, assets and liabilities of the current Agro Quality Assurance-AGROCALIDAD- will be integrated into the Phyto and Zoosanitary Regulation and Control Agency, which will assume the representations, delegations, rights, obligations, assets and liabilities of the former*";

That article 118 of the Organic Administrative Code indicates. "At any time the public administrations can revoke the administrative act for the interested parties, provided that such revocation does not constitute a dispensation or exemption not allowed by the legal system or is contrary to the principle of equality of public interest or the legal system".

That, Article 262 of the General Regulations to the Organic Law of Agricultural Health published in the Official Gazette Supplement 91 of November 29, 2019, indicates: "The PFIs will be issued for plants, plant products and other regulated articles for which they are established phytosanitary import requirements",

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That, Article 89 of the Administrative Legal Regime Statute of the Executive Function published in Official Gazette 536 of March 18, 2002, establishes: *"The administrative acts issued by the bodies and entities to this statute are extinguished or amended at headquarters administrative ex officio or request of the administered"*.

That, through Executive Decree 1017 of March 16, 2020, the Constitutional President of the Republic decrees: "Article 1.- DECLARE the state of exception due to public calamity throughout the national territory, of the confirmed coronavirus cases and declaration of a COVID-19 pandemic by the World Health Organization, which represents a high risk of contagion for all citizens and affects the rights to health and peaceful coexistence of the State, in order to control the emergency situation to guarantee the rights of people of the imminent presence of the COVID-19 virus in Ecuador":

That, through Executive Decree 1052 of May 15, 2020, decrees: "Article 1.- RENEW the state of exception due to public calamity throughout the national territory, due to confirmed coronavirus cases and the declaration of a COVID-19 pandemic by the World Health Organization, which represent a high risk of contagion for all citizens and affect the rights to health and peaceful coexistence of the State, in order to control the health emergency situation to guarantee the rights of people before the imminent presence of the COVID-19 virus in Ecuador":

That, through Executive Decree 1074 of May 15, 2020, decrees: "Article 1.- DECLARE the state of exception due to public calamity throughout the national territory, due to the presence of COVID-19 in Ecuador and due to the economic emergency survivor of the health emergency that the Ecuadorian State is going through, in order to be able, to continue with the control of the disease through the exceptional measures necessary to mitigate its massive contagion; and on the other hand, to establish emerging mechanisms that allow facing the economic recession as well as the fiscal crisis, and generate the bases to start a process of economic recovery for the Ecuadorian State";

That, through personal action No. 0890 CGAF / DATH, of August 28, 2018, Mr. Xavier Enrique Lazo Guerrero, Minister of Agriculture and Livestock, Minister of Production and Minister of the Environment appoint as Executive Director of the Phyto and Zoosanitary Regulation and Control Agency to Ing. Wilson Patricio Almeida Granja;

That, by means of the Extraordinary Meeting held on August 28, 2020, the delegates of the Minister of Agriculture and Livestock, Minister of Production and Minister of the Environment appoint Eng. Wilson as Executive Director of the Phyto and Zoosanitary Regulation and Control Agency to Ing. Patricio Almeida Granja;

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That, in Resolution 0305 of December 30, 2016, which updates the procedure to prepare Pest Risk Analysis (PRA) studies by way of entry, for the establishment of phytosanitary import requirements for plants, plant products and regulated articles;

That, through Resolution 0034 of March 16, 2020, the mandatory phytosanitary requirements for the importation of tomato seeds (*Lycopersicon esculentum*) for planting originating in Thailand were updated.

That, by means of Memorandum No. AGR-AGROCALIDAD / CSV-2020-000274-M, of June 24, 2020, the General Coordinator of Plant Health (e) informs the Executive Director of the Phyto and Zoosanitary Regulation and Control Agency that: "(...) Through Resolution No. 0034 of March 16, 2020, the mandatory phytosanitary requirements for the importation of tomato seeds (*Lycopersicon esculentum*) for sowing originating in Thailand were updated, according to the second final provision of this Resolution, would come into effect 60 days from its publication in the Official Registry, due to the health emergency caused by COVID-19 it was not possible to make this publication, therefore in the fact that there is a requirement of an Ecuadorian businessmen to import this propagative material, authorization is requested for the review and legalization by the General Directorate of Legal Advice of the draft resolution that modifies the second final provision of the aforementioned Resolution, so the phytosanitary requirements go into effect ", which is authorized by the same authority of the institution through the QUIPIX document management system, and;

In use of the legal contributions granted by the Organic Law of Agricultural Health and the Organic Statute of Organizational Management by processes of the Ecuadorian Agency for the assurance of the Quality of Agro - Agrocalidad.

Solve:

Article 1.- Reform the second final provision of resolution 0034 of March 16, 2020, which at the time of entry into force of this regulatory act will say the following:

"**Second.-** This Resolution will enter into force from its subscription without prejudice to its publication in the Official Registry."

Article 2.- Except for what is considered in article 1 of this resolution, the articles contemplated in Resolution 0034 of March 16, 2020 remain in force in all its parts.

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FINAL PROVISIONS

First.- The General Coordination of Plant Health of the Phyto and Zoosanitary Regulation and Control Agency is entrusted to the execution of this Resolution.

Second.- This resolution will go into force as of its subscription without prejudice to its publication in the Official Registry.

LET IT BE COMMUNICATED, PUBLISHED AND ENFORCED.

Given in Quito, D.M. July the 16th, 2020.



Executive Director of the Phyto and Zoosanitary Regulation and Control Agency

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