

REFORM OF THE LAW ON PLANT AND ANIMAL HEALTH

Legislative Decree No. 917, of December 15, 2005

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR,

WHEREAS:

- I. By means of Legislative Decree No. 524, dated November 30, 1995, published in the Official Journal (*Diario Oficial*) No. 329, of December 18 of the same year, the Law on Plant and Animal Health was issued;
- II. The aforementioned law establishes a series of measures and requirements for the import and export of plant, animal and other products, especially for the protection of consumer health, as well as the protection of the country's health heritage;
- III. Modern processes of producing and trading in products and by-products of animal and plant origin require the State to modernize its plant and animal health organizational structure, so as to meet the requirements of international trade in agricultural products;

Given that the law referred to did not grant the Ministry of Agriculture and Livestock the power to recognize the inspection systems of third countries with which El Salvador trades in plant and animal products, it is necessary to reform it in this regard, harmonizing its other provisions, to bring it into line with changes with regard to trade in by-products of animal and plant origin;

- V. In addition, the Free Trade Agreement between Central America, the United States of America and the Dominican Republic, ratified by means of Legislative Decree No. 555, dated December 17, 2004, published in the Official Journal (Diario Oficial) No. 17, Volume No. 366, of January 25, 2005, contains provisions amending the Law referred to in the first paragraph; hence the need to amend the Law on Plant and Animal Health with a view to aligning national legislation with the provisions established in the Agreement.

THEREFORE,

By virtue of its constitutional powers and at the initiative of the President of the Republic, through the Minister for Economic Affairs,

DECREES the following:

REFORMS TO THE LAW ON PLANT AND ANIMAL HEALTH

Art. 1.- In Art. 2, the letter (n) is hereby added as follows:

“(n) Recognize by means of an Executive Decree, inspection services, veterinary services, food safety and phytosanitary surveillance of pests and quarantine diseases of countries that export products or by-products or animal or plant origin that so request and that comply with the procedure established in the Regulations of the present Law.”

Art. 2.- Art. 13 is hereby amended as follows:

“Art. 13.- The Ministry of Agriculture and Livestock shall establish the rules and procedures for the entry and transport into and out of the national territory of plants and animals, their products or by-products and equipment and inputs for agricultural use, with the aim of avoiding the entry into the country of pests and exotic and quarantine diseases and their spread or establishment.

Only those products and by-products of animal and plant origin from countries whose inspection systems, veterinary services, food safety and phytosanitary surveillance of pests and quarantine diseases have been assessed and approved by the Department of Plant and Animal Health of the Ministry of Agriculture and Livestock may be imported; in cases where the system of the exporting country may not have been approved, import may only come from plants or establishments approved by the Department of Plant and Animal Health, which for this purpose shall have the following responsibilities:

- (a) Establish by means of an Executive Agreement the rules and procedures for the import, transport, production, storage and export of plants and animals and their products or by-products;
- (b) Establish the health and safety requirements for imports of animals and plants, their products or by-products, as well as for their movement within the national territory;
- (c) Establish places for the import and export of plants and animals and their products or by-products;
- (d) Establish means of transport for animals and plants, their products or by-products in transit on the national territory;
- (e) Intercept, seize and impose periods and places of quarantine for animals and plants, as well as their products or by-products, that cause suspicion or if pests or exotic diseases are found; if the suspicion is confirmed, the quarantined goods shall be taken, removed, processed or destroyed;
- (f) Determine growing areas, sowing seasons and areas for handling quarantined animals. Establish time periods for the destruction of the residues and stubble and for the slaughter of quarantined animals, as well as determine the location of internal quarantine posts and other quarantine operations that may be necessary;

- (g) Submit to the relevant international agencies the Declaration of a pest- or disease-free country or area; and
- (h) Create a registry for countries whose systems have been recognized, as well as the registry of authorized products for import to El Salvador, which should be published in the Official Journal (*Diario Oficial*) and the website, of which the list will be extended as new systems are recognized or new products accepted for import.

Animals, plants, their products by-products, as well as inputs of animal and plant origin and any other product regulated by the Ministry of Agriculture and Livestock, which have been introduced into the national territory do not have the relevant permission of the Department of Plant and Animal Health and avoid the inspection points or whose origin could not be determined shall be submitted to the Department for relevant analysis. If the analyses carried out by the Department reveal that they are not fit for human consumption or represent a risk for the health status of the country, the Department shall destroy them following a duly reasoned decision stating the above-mentioned reasons and ordering the measure for the relevant effects, and this shall be duly notified. If the analyses reveal that the products are fit for human consumption or are determined not to pose a risk for the country's health status, they shall be placed under the order of the competent authority for the purposes of this Law.”

Art. 3.- Letter (d) of Art. 26 is hereby amended as follows:

- “(d) Failing to comply with the plant and animal health requirements laid down by the Ministry of Agriculture and Livestock for the import and export of plants and animals, their products or by-products and agricultural inputs; in which case a fine of between 100 and 10,000 times the minimum wage;”

Art. 4.- The present Decree shall enter into force eight days following its publication in the Official Journal.

DONE IN THE BLUE CHAMBER OF THE LEGISLATIVE PALACE: San Salvador,
December 15, 2005.

CIRO CRUZ ZEPEDA PEÑA
PRESIDENT

JOSÉ MANUEL MELGAR HENRÍQUEZ
FIRST VICE-PRESIDENT

JOSÉ FRANCISCO MERINO LÓPEZ
THIRD VICE-PRESIDENT

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FOURTH SECRETARY
