

**INTERINSTITUTIONAL COOPERATIVE AGREEMENT [OF EL SALVADOR]
TO CONTROL IMPORTS, EXPORTS AND TRAFFIC RELATED WITH MULTILATERAL
ENVIRONMENTAL ACCORDS**

[translated from the Spanish original and slightly edited where bracketed]

The Ministry of the Environment and Natural Resources, henceforth “MARN” (as its initials in Spanish)[...]; the Ministry of Agriculture and Livestock, henceforth “MAG” (as its initials in Spanish)[...]; the Ministry of Public Health and Social Assistance, henceforth “MSPAS” (as its initials in Spanish)[...]; and the General Customs Office, henceforth “DGA” (as its initials in Spanish)[...]; and when referred to all of the aforementioned as a group they will be named “the Parties”.

CONSIDERING:

- I. That the Constitution of El Salvador, establishes in its article 117 that is the State’s duty to protect all natural resources, as well as the diversity and integrity of the environment in order to guarantee a sustainable development, and declares as a social interest the protection, conservation, rational use, restoration or substitution of all natural resources in terms established by law.
- II. That El Salvador as signer of Multilateral Environmental Agreements (AMUMAs as its initials in Spanish [MEAs in English]) is responsible of the compliance and enforcement of all commitments in those acquired.
- III. That El Salvador has ratified the Central American Free Trade Agreement (CAFTA) signed between all Central American countries, Dominican Republic and the United States of America, and is responsible for the compliance and enforcement of Chapter 17 related to Environmental topics.
- IV. That control and authorization of imports, exports and traffic of all dangerous materials, wild flora and fauna species in danger of extinction, products or others contemplated in MEAs, is a shared responsibility between the Ministry of the Environment and Natural Resources and the Ministry of Agriculture and Livestock in coordination with the General Customs Office and with the cooperation of the Ministry of Public Health and Social Assistance to assure the effective protection of health of all habitants and the environment.
- V. That International commerce through Customs Offices requires fast and timely actions regarding the application of specific controls, meaning all Institutions involved acknowledge the need to gather efforts to respond to those requirements.
- VI. That is a need to create instruments and mechanisms of understanding that facilitate the communication and improve coordination between the aforementioned Institutions to assure the compliance of MEAs.

Therefore,

Based on the above, we agree to subscribe the following:

“INTERINSTITUTIONAL COOPERATIVE AGREEMENT TO CONTROL IMPORTS, EXPORTS AND TRAFFIC RELATED WITH MULTILATERAL ENVIRONMENTAL ACCORDS”

The agreement includes the following clauses:

FIRST CLAUSE

OBJECT.

The Object of the present Agreement is to facilitate the coordination between the Parties and to strengthen control over imports, exports and traffic of international commerce, regarding duty compliance and environmental law through activity organization for an effective application of MEAs.

SECOND CLAUSE

APPLICABLE LAW

To achieve the object mentioned above, the effective applicable Law at the moment this Agreement was executed was the following:

1. Customs Laws:

- Central American Uniform Customs Code.
- Bylaws of the Central American Uniform Customs Code.
- Customs Simplification Law
- Storage Law.
- Industrial Duty Free and Trade Law

2. Environmental Laws:

- Environmental Law
- Wild Life Preservation Law
- Bylaws on the Secure control of genetically modified organisms.
- General Bylaws of the Environmental Law
- Special Bylaws regarding hazardous substances, residuals and wastes

3. International Treaties Including Environmental Multilateral Agreements (MEAs):

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

- Convention on the International Trade in Endangered Species of Wild Flora and Fauna
- Montreal Protocol on Substances that Deplete the Ozone Layer
- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
- Stockholm Convention on Persistent Organic Pollutants
- Kyoto Convention on the Simplification and Harmonization of Customs Proceedings.
- Cartagena Protocol on the Security of Biotechnology from the Biological Diversity Agreement.

THIRD CLAUSE

RESPONSIBLE INSTITUTIONS AND FOCAL POINTS

The Ministries with the responsibility to comply and apply each one of the Environmental Multilateral Agreements or MEAs, or in other words, the ones with national and international legal responsibility are the following:

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal: Ministry of the Environment and Natural Resources, General Office for Environmental Management.
- Montreal Protocol on Substances that Deplete the Ozone Layer: Ministry of the Environment and Natural Resources, Ozone Protection Office.
- Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade: Ministry of the Environment and Natural Resources, General Office for Environmental Management.
- Stockholm Convention on Persistent Organic Pollutants: Ministry of the Environment and Natural Resources, General Office for Environmental Management.
- Convention on the International Trade in Endangered Species of Wild Flora and Fauna: Administrative Authority - Ministry of Agriculture and Livestock, General Office of Vegetal and Animal Sanity and Scientific Authority - Ministry of the Environment and Natural Resources, General Office of Natural Patrimony.
- Cartagena Protocol on Bio-safety of the Convention on Biological Diversity: Ministry of the Environment and Natural Resources, General Office of Natural Patrimony.

FOURTH CLAUSE

COORDINATION AGREEMENT AND LIAISONS

To assure the fulfillment of the objectives established in this Agreement, the authorities involved in the compliance and execution of the Environmental Multilateral Agreements agree to appoint the Ministry of the Environment and Natural Resources (MARN) as Coordinator of

Monitoring Activities that will be executed by institutional liaisons officially designated that will be included in an Attachment to this Agreement.

FIFTH CLAUSE

OBLIGATIONS BY THE PARTIES

- A) The Ministry of the Environment and Natural Resources [com^{1*}]promises to:
- To handle or propose environmental regulations or amendments to the already existing ones in coordination with the Ministry of Agriculture and Livestock and the General Customs Office, looking to facilitate the enforcement and compliance of the Environmental Multilateral Agreements (MEAs) ratified by El Salvador.
 - To share direct and timely information with the General Customs Office by means of electronic devices regarding the granting of environmental permits to import or export hazardous materials and data for the elaboration of risk profiles.
 - To timely notify and monitor along with the General Customs Office shipments of interest that need documental or physical verification.
 - To share and update lists of hazardous substances, species and specimens or others regulated by the Multilateral Environmental Agreements along with the General Customs Office.
 - To train employees, Officials and assistances of public customs duty, over environmental law and Multilateral Environmental Agreements.
 - To elaborate manuals or guidelines to facilitate control by the General Customs Office.
- B) The Ministry of Agriculture and Livestock [com*]promises to:
- To handle or propose environmental regulations or amendments to the already existing ones in coordination with the Ministry of Agriculture and Livestock and the General Customs Office, looking to facilitate the enforcement and compliance of the Environmental Multilateral Agreements (MEAs) ratified by El Salvador.

¹ Here and several places following where asterisked, the English translation should be “promises” (in the sense to commit or agree fully) and this change is shown. To explain, the Spanish text use the verb *comprometerse*, a word that includes this but also has a more limited meaning. The Parties did not intend to use the limited meaning of *comprometerse*, to concede or jeopardize. These are found in the English “compromise,” a word with the limited meaning that was not intended. So “promise” must be substituted to correct the English translation.

- To share direct and timely information with the General Customs Office by means of electronic devices regarding the granting of environmental permits to import or export hazardous materials and data for the elaboration of risk profiles.
 - To timely notify and monitor along with the General Customs Office shipments of interest that need documental or physical verification.
 - To train along with the Ministry of the Environment and Natural Resources employees, officers and assistances of public custom duty over CITES and the Rotterdam Convention.
 - To collaborate along with the Ministry of the Environment and Natural Resources on the elaboration of manuals or guidelines to facilitate control by the General Customs Office.
- C) The Ministry of Public Health and Social Assistance [com*]promises to:
- To assist based on safety, physical integrity and human emotions the compliance of the Environmental Multilateral Agreements, by strengthening surveillance and control of all environmental risk factors to human health.
 - To coordinate with the Ministry of the Environment and Natural Resources by notifying to this ministry about all events that could risk the environment itself and people's health.
 - To share along with the Ministry of the Environment and Natural Resources information regarding facts related to industries or any other places that are inadequately handling or storing chemical substances that may risk the environment and consequently affect people's health.
 - Inform to the Ministry of the Environment and Natural Resources about industries or any other places that have authorized installation and sanitary operations, and those that were granted technical sanitary resolutions according to article 117 of the Health Code.
- D) The General Customs Office [com*]promises to:
- To participate in the elaboration of proposals to create or amend environmental regulations along with the Ministry of the Environment and Natural Resources and the Ministry of Agriculture and Livestock, looking to facilitate the enforcement and compliance of the Environmental Multilateral Agreements (MEAs) ratified by El Salvador.

- To analyze received information from the Ministry of the Environment and Natural Resources and the Ministry of Agriculture and Livestock, to determine risk in suspicious loading and selectivity criteria.
- To coordinate along with the Ministry of the Environment and Natural Resources and the Ministry of Agriculture and Livestock electronic searches looking to find trade patterns (in quantities, sources, destinations, etc.) that indicate the possible perpetration of an environmental crime.
- To inform periodically to the Ministry of the Environment and Natural Resources about all violations or irregularities detected at Customs.
- To monitor warnings about suspicious shipment activities that require documental and physical verification.

SIXTH CLAUSE

SHARED OBLIGATIONS

- To gather at least quarterly or when the situation or the authorities determine it.
- To cooperate with State parties to exchange information and for best compliance with Secretariats of the Environmental Multilateral Agreements.
- To promote through the Ministry of Economy or any other competent entity, the inclusion in regional custom law, proceedings to best comply and apply Environment Multilateral Agreements.
- To elaborate proposals to create new rate openings that identify by specific codes, those substances, CITES species, and other specific products controlled by the Environment Multilateral Agreements.
- To elaborate to the public dissemination programs regarding environmental requirements.

SEVENTH CLAUSE

CONFLICT RESOLUTIONS

Any controversy related to the interpretation and enforcement of the present document and its attachments shall be resolved by a good faith based agreement by the Parties.

EIGHTH CLAUSE**ATTACHMENTS CREATION AND AMENDMENTS**

The parties by written agreement may include amendments discussed in different work meetings and will create Attachments according to the following clause of this Agreement. The Parties agree that reviews may be held every three years or when it is needed, with the object of updating the present Agreement.

NINTH CLAUSE**ATTACHMENTS AND SUB-AGREEMENTS**

Under the present Agreement, the signing parties may elaborate Attachments and Sub Agreements to develop functions and additional or specific topics.

The attachments may treat specific topics referred to a particular Ministry, authority or regulation, either to apply it to an Environment Multilateral Agreement or to control additional commercial transactions for environmental protection, including, without any restrictions, all those purposes that protect human health, wildlife and natural resources.

TENTH CLAUSE**TERMINATION**

Any party by written consent to the rest of the Parties may terminate the present Agreement with unilateral effects, justifying the reasons of the withdrawal with at least ninety days of anticipation. Nevertheless, the attachments will still be effective unless they are officially terminated.

ELEVENTH CLAUSE**EFFECTIVENESS**

This Agreement shall be effective from the date that is signed for a five year term, which may be extended for equal periods of time, if none of the parties expresses otherwise. In case one of the parties disagrees with the extension, it shall be effective for those parties that agree with it.

In witness thereof, we grant this Agreement signing and approving each one of its parts in four copies of equal value, in the city of San Salvador, on the sixteenth day of December of the year two thousand and eight.-

[Signatures and Official Seals of the following:]

MINISTRY OF THE ENVIRONMENT AND NATURAL RESOURCES by its Vice Minister

MINISTRY OF AGRICULTURE AND LIVESTOCK by its Minister

MINISTRY OF HEALTH AND SOCIAL ASSISTANCE by its Vice Minister

GENERAL CUSTOMS OFFICE by its General Customs Director

[This page has full details and names of signatories:]

(Signature) Official Seal: A round seal with El Salvador's National Emblem at center is stamped beside the signature that says: MINISTRY OF THE ENVIRONMENT AND NATURAL RESOURCES.

Mr. Roberto Escalante Caceros

Vice Minister of the Environment and Natural Resources

(Signature) Official Seal: A round seal with El Salvador's National Emblem at center is stamped beside the signature that says: MINISTRY OF AGRICULTURE AND LIVESTOCK.

Mr. Mario Ernesto Salaverría

Minister of Agriculture and Livestock

(Signature) Official Seal: A round seal with El Salvador's National Emblem at center is stamped beside the signature that says: MINISTRY OF HEALTH AND SOCIAL ASSISTANCE.

Mr. Jose Ernesto Navarro Marin, PhD.

Vice Minister of Health and Social Assistance

(Signature) Official Seal: A round seal with El Salvador's National Emblem at center is stamped beside the signature that says: GENERAL CUSTOMS OFFICE.

Mr. Héctor Gustavo Villatoro Funes

General Customs Director

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[Not yet translated or attached are Annexes of the Superior Council of Public Health and of the Ministry of Defense, each being a "Declaration of Intention" within their respective competencies to support and cooperate to help give effect to the above agreement.]