

REPUBLIC OF PANAMA
AUTHORITY OF AQUATIC RESOURCES OF PANAMA

RESOLUTION ADM / ARAP No. 036
(Of May 12th, 2020)

By which Resolutions C-00-06 of June 2000, C-02-03 of June 2002, C-12-06 of June 2012 and C-12-08 of June 2012, of the Inter-American Commission of Tuna Tropical (CIAT) and other provisions are issued.

THE GENERAL ADMINISTRATOR
in use of their legal powers,

CONSIDERING:

That by Law 24 of February 15th, 1954, the Republic of Panama approved the 1949 Convention between the United States of America and the Republic of Costa Rica for the establishment of the Inter-American Tropical Tuna Commission, "hereinafter CIAT"; and through Law 11 of January 23rd, 2007, it approved the 2003 Antigua Convention, signed by the States Parties to the IATTC, to strengthen the 1949 Convention.

That the area of application of the CIAT Convention includes the area of the Eastern Pacific Ocean, "hereinafter EPO", limited by the coastline of North, Central and South America and by the following lines: i. the parallel 50 ° North from the coast of North America to its intersection with the meridian 150 ° West; ii. the 150 ° West meridian to its intersection with the 50 ° South parallel; and iii. parallel 50 ° South to its intersection with the coast of South America.

That the Food and Agriculture Organization of the United Nations (FAO), in the context of the Code of Conduct for Responsible Fisheries, established an International Plan of Action for the Management of Fishing Capacity, in order to face this problem and with the objective of eliminating excess fishing capacity, ensuring that fishing levels are compatible with the sustainable use of marine fishing resources.

That through Resolution C-00-01 of February 17th, 2000, the IATTC Parties approved by correspondence the criteria, procedures, mechanisms and deadline to the participating governments, to submit for consideration the requests regarding the carrying capacity of the fleets purse seiners submitted by the participating governments, in order to establish a single registry of vessels from all nations fishing in the EPO, without distinction of type of fishing gear.

That through Resolution C-00-06 of June 2000, the IATTC Parties approved the definitive list of tuna vessels operating in the EPO, with their carrying capacity or volume of fish cargo holds expressed in cubic meters, and established the Regional Register of Vessels authorized to fish in the Convention area.

That Resolution C-02-03 of June 2002, on the capacity of the tuna fleet operating in the EPO, allows Panama to register fishing vessels that fly its flag, authorizing them to carry out their tasks on the species and in the areas regulated by the IATTC.

That Resolution C-02-03 establishes the principle of free mobility of vessels within the IATTC Regional Vessel Registry and recognizes the right of coastal States and other States with a long and significant interest in the tuna fishery of the EPO to develop and maintain their own tuna fishing industries, urging those States or Fishing Entities that are not members of the IATTC, to allow their vessels to fish in the EPO in accordance with agreed capacity limits.

That Resolution C-02-03, establishes the mechanisms and criteria for the quantification, distribution and mobility of carrying capacity or volume of fish cargo holds expressed in cubic meters of vessels within the IATTC Regional Registry, assets, inactive or sunk.

That through Resolution C-12-06 of June 2012, the IATTC Parties established the procedural rules regarding the loan or concessions of capacity and the chartering of vessels with temporary transfer of capacity.

That through Resolution C-12-08 of June 2012, the IATTC Parties adopted the protocol to be followed for the sealing of fish wells on purse-seine vessels.

That it is necessary to harmonize the national criteria applied in this matter, with the recommendations of FAO, in the context of the Code of Conduct for Responsible Fisheries, the International Plan of Action for the Management of Fishing Capacity, and the international standards established by the different regional or sub-regional organizations of fisheries management of which Panama is a Contracting or Cooperating Party, not a Contracting Party, for the establishment of the obligations and rights regarding the fishing capacity of its fleet, as well as the appropriate mechanisms for its execution.

That the management of fishing capacity in the EPO will promote the efficient use of that capacity, allow the legitimate transfer of vessels among all participants in these fisheries, and discourage the entry of new vessels if it leads to excessive capacity.

That Law 44 of November 23rd, 2006, creates the Panama Aquatic Resources Authority, hereinafter "the Authority", as the governing entity of the State to ensure compliance and application of national laws and policies on fishing and aquaculture.

That the Authority, according to numerals 2 and 3 of article 4 of Law 44 of 2006, has the function of regulating, promoting and applying the measures and technical and administrative processes for the rational, sustainable and responsible use of aquatic resources, in order to protect the national aquatic heritage and to contribute to the protection of the environment, and to comply with and enforce the international agreements and conventions to which the Panamanian State is a signatory in matters of its competence.

That numeral 15 of article 21 of Law 44 of 2006, provides that it is the function of the General Administrator of the Authority, to adopt all the measures that it deems appropriate for the organization and operation of the fishing and aquaculture sector.

That the Authority recognizes that the vessels that appear in the IATTC Regional Vessel Registry, under the Panama chapter, with their respective carrying capacity in cubic meters, are those that are duly authorized to fish in the Convention area.

That Executive Decree 131 of April 14th, 2020, in its article 21, establishes that vessels registered in an RFMO of which the Republic of Panama is a Contracting Party or a non Contracting Cooperating Party, in addition to the cost of the license, must cover the financial contributions of said organization, for its participation as a fishing vessel or carrying out activities related to fishing.

That for due compliance with the provisions of Article 21 of Executive Decree 131 of 2020, it is essential that the Authority establish the procedures that must be carried out to cover said contributions; in consequence,

RESOLVES:

Article 1. Adopt Resolutions C-00-06 of June 2000, C-02-03 of June 2002, C-12-06 of June 2012 and C-12-08 of June 2012, of the Inter-American Commission of Tropical Tuna (IATTC).

Article 2. Establish the IATTC Regional Register of Vessels as of June 28th, 2002, hereinafter "the Register", with its eventual modifications, as well as the definitive list of purse-seine vessels authorized by the participants to fish in the EPO as it appears in Annex 1 of this Resolution, which contains the information requested in Resolution C-00-06 of June 2000.

Article 3. Use the cubic meter (m³) as a unit of measurement to determine the volume of fish cargo holds of fishing vessels that fish in the EPO.

Article 4. The calculation, estimation and determination of the volume of the fish cargo holds of the tuna fishing vessels with purse seines, of the Panamanian flag, that fish in the EPO, shall be carried out in accordance with the procedures established by the Panama Maritime Authority or by recognized organizations authorized by said entity.

Article 5. In addition to the free mobility established in Resolution C-02-03 on the capacity of the fleet operating in the EPO, the owners of tuna fishing vessels using seine nets that fish in the EPO and are registered in the IATTC Regional Vessel Register under the Panamanian flag, they may make use of their fish cargo hold volume in cubic meters, as recorded in said Regional Register, either in place of another vessel, or else exchanged, sold, loaned, rented, transferred or reserved for later use, subject to the criteria established by the Resolutions of the IATTC.

Article 6. Any request for substitution in another vessel, exchange, sale, loan, rental, assignment or reservation of capacity, in order to become effective, must be previously approved by means of an official letter by the Authority and have the express consent of the owner of the vessel before making a communication to the IATTC, in accordance with the provisions contained in resolutions C-00-06, C-02-03, C-12-06, C-12-08 and future resolutions of the IATTC, as applicable.

Article 7. In no case, a tuna fishing vessel with a seine net under the Panamanian flag that fishes in the EPO, may increase its volume of fish cargo hold measured in cubic meters (or carrying capacity), if it does not maintain at their disposal and use, the necessary cubic meters, in accordance with what is established by the IATTC and the Authority.

In cases where the increase is possible, the cubic meters (or carrying capacity) may come from the exchange, sale, loan, rental, assignment or reservation of use certified by the Authority to your person, either from Panamanian flag boats or from ships of another flag. The Authority will inform the IATTC in order to make the necessary adjustments or changes in the IATTC Regional Vessel Registry.

Article 8. In the case of a new entry of a fishing vessel for tuna fishing with purse seines to the IATTC Regional Vessel Registry under the Panamanian flag, the ship-owner or owner must have the cubic meters of well volume that will be required to operate in the EPO.

Article 9. In accordance with the provisions of Resolution C-12-06, the Authority will evaluate the requests for a loan or concession and charter of capacity between members of the IATTC submitted to the Authority, based on the cubic meters of warehouse of the applicant for the loan or concession or charter. For this, the Authority will take into consideration the following criteria, as applicable, established in the request submitted to the Authority:

- Capacity of the applicant's warehouse volume (in cubic meters).
- Motivations for the use of capacity on loan, charter or temporary concession.
- History of compliance with the applicant's national fishing regulations.
- Species to capture.
- Name and flag of the vessel that will use the volume of holds in cubic meters (loaned, chartered or under concession).
- Flag where they want to charter the vessel, lend the capacity or temporarily concession.
- Duration of the Charter Agreement.

The Authority may deny the granting of a loan or concession or charter of capacity, if it considers that there is no reciprocity with the member to whom the corresponding loan or concession or charter is being authorized.

Article 10. The Authority is the institution with exclusive competence in the Republic of Panama, to authorize changes in the Regional Registry of Fishing Vessels before the IATTC.

Article 11. Every vessel that has an international service fishing license that operates in the EPO and is in the IATTC Regional Register of Vessels, will contribute, as of fiscal year 2020, to the annual budget of said organization, adopted by CIAT Resolution, contributing to the amount that the Republic of Panama must pay as a member of the Commission, according to the percentage proportion contained in the following table:

Capture fishing vessels with seine net	70%
Vessels on loan, charter or in temporary concession	15%
Longline capture fishing vessels	10%
The Authority	5%

Article 12. The increase in the cost of fishing licenses for activities related to fishing, established in Executive Decree No. 131 of April 14th, 2020, will be used to cover the percentage proportion of the contribution to the annual budget to the IATTC that corresponds to the Authority, guarantee the participation in all the annual meetings of said Commission, keep updated the registers of the vessels, the development of the reporting systems and the fulfilment of the management and conservation measures of the

Article 13. The percentage established in the table of Article 11, corresponding to seine net capture fishing vessels, vessels on loan, charter or under temporary concession and long-line capture fishing vessels, shall be distributed in a manner proportional, according to the cubic meters (m³) of capacity in the hold registered in the international fishing license.

Article 14. The Authority shall formally communicate to each of the owners of vessels with an international service fishing license that operate in the EPO, and that are in the IATTC Regional Register of vessels, the amount of the financial contribution that corresponds and the way to make said payment, before February 15th of each year, after the decision of the Commission's Finance Committee. The payment of this contribution must be made before June 15th of the corresponding year.

Article 15. Failure to comply with the contribution or late payment thereof, will lead to deregistration from the IATTC Regional Register of vessels, as well as not authorizing the transfer of the vessel to another flag in the regional register of vessels of the Commission, the exchange, sale, loan, rental, assignment or reservation of use of the volume of the warehouse measured in cubic meters (carrying capacity) of the vessel, until the total amount of the tax owed has been paid.

Article 16 (Transitory). The contribution to the Republic of Panama corresponding to the budget for fiscal year 2020 of the IATTC, approved through Resolution C-19-03, of July 2019, must be made no later than October 31st, 2020.

Article 17. This resolution shall enter into force as of its publication in the Official Gazette.

BASIS OF LAW: Law 24 of February 15th, 1954, Law 11 of January 23rd, 2006, Law 44 of November 23rd, 2006, Executive Decree 131 of April 14th, 2020.

PUBLISH AND ENFORCE IT.

FLOR TORRIJOS ORO
General Administrator

FT/RD/RK/CC/co/gc