

REPUBLIC OF PANAMA
AUTHORITY OF AQUATIC RESOURCES OF PANAMA

RESOLUTION ADM / ARAP No.058
(Of October 06th, 2020)

By which measures are established to authorize the entry to the Panamanian port, to fishing vessels and to support fishing under foreign flags, and other provisions are issued.

THE GENERAL ADMINISTRATOR
in use of their legal powers,

CONSIDERING:

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 numerals 2 and 3 of article 4 of Law 44 of 2016, establish that the Authority has among its functions, to regulate, promote and apply measures and technical and administrative processes for the rational, sustainable and responsible use of aquatic resources, in order to protect the national heritage and to contribute to the protection of the environment, as well as to comply with the international agreements and conventions which have been ratified by the Republic of Panama in matters of its competence.

That numerals 1 and 15 of article 21 of Law 44 of 2006, include among the functions of the General Administrator, to exercise the administration of the Authority, and to adopt all the measures that it deems appropriate for the organization and operation of the fishing and aquaculture sector.

That the Authority, in the exercise of its functions, is responsible for ensuring compliance with the management measures that are established before the Regional and Sub-regional Fisheries Management Bodies, particularly regarding vessels that carry out fishing activities at sea.

That through Resolution ARAP No.003 of November 18th, 2009, the Republic of Panama adopted the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (FAO, for its acronym in English), in order to comply with the adoption of clear measures for fisheries management and alternatives for conservation, surveillance and control, consistent with the principles of fisheries management contained in said Code.

That through Law 43 of September 14th, 2016, Panama approved the Agreement on Measures of the Port State, hereinafter the Agreement, aimed at Preventing, Discouraging and Eliminating Illegal, Unreported, Unregulated (IUU) Fishing, made in Rome, November 22nd, 2009.

That numeral 1 of article 7 of Law 43 of 2016, establishes that each Party will designate and make known the ports in which ships may request entry under the Agreement, and will deliver the list of designated ports to FAO, that will give it due publicity.

That this Authority considers it appropriate to establish the mechanisms for the authorization of entry and use of the port, and to dictate provisions for greater control and compliance with the provisions established in the Agreement on Measures of the Port State, aimed at Preventing, Discouraging and Eliminating Fishing Illegal, Unreported, Unregulated (IUU); in consequence,

RESOLVES:

FIRST: The following ports are designated in the Republic of Panama, so that foreign-flagged fishing and fishing support vessels can make use of them, in order to be inspected in compliance with the Agreement on State Measures Rector of the Port aimed at Preventing, Discouraging and Eliminating Illegal, Unreported and Unregulated Fishing (IUU).

Requests for entry to ports and approaches identified as anchoring areas for fishing vessels and fishing support vessels will only be dealt with in the following ports of the Republic of Panama:

Port	Coordinates UTM	Schedules established to carry out inspections on board
Port Vacamonte	N 980140, E 646066	From 8:00 a.m. to 4:00 p.m.
Port Balboa	N 990752, E 657823	From 8:00 a.m. to 4:00 p.m.
Port Armuelles	N 914643, E 295312	From 8:00 a.m. to 4:00 p.m.
Panama Internacional Terminal, (PSA) - Rodman	N 990116, E 656604	From 8:00 a.m. to 5:00 p.m.
Port Petroamerica Terminal (PATSA) - Rodman	N989667.7, E656734.5	From 8:00 a.m. to 4:00 p.m.
Port Cristobal	N 1033963, E 620064	From 8:30 a.m. to 4:30 p.m.
Port Island Melones – Melones Oil Terminal	N974600.12, E653056.82	From 8:30 a.m. to 4:30 p.m.
Port Island Taboguilla (DECAL)	N973982.68, E662408	From 8:30 a.m. to 4:30 p.m.

SECOND: To request the entry and use of the ports established in the first article of this resolution, all foreign-flagged fishing and fishing support vessels must complete and submit the Port Entry Request to the General Directorate of Inspection, Surveillance and Control of the Authority, using the form called "Request for Authorization of Entry to Port", which is in the Annex of this resolution and is an integral part of it, through the emails psm@arap.gob.pa and merp@arap.gob.pa, with a minimum of ninety-six (96) hours prior to arrival at port, through the nominated Shipping Agency.

THIRD: Every foreign-flagged fishing and fishing support vessel that is close to entering one of the ports established in the first article of this resolution, previously authorized by the Authority, must notify its arrival, in a period of not less than twenty-four (24) hours, through the emails psm@arap.gob.pa and merp@arap.gob.pa, through the nominated Shipping Agency.

FOURTH: If necessary, the Authority may request all the additional information it requires to provide authorization to enter the fishing vessel or to support fishing under a foreign flag, which requests the use of a national port.

FIFTH: The Shipping Agents must ensure that the fishing and fishing support vessels comply with everything related to the request for authorization and prior notification, established in the second and third articles of this resolution.

SIXTH: The General Directorate of Inspection, Surveillance and Control of the Authority, will notify the Shipping Agency nominated by the ship owner and the Panama Maritime Authority, the decision to Authorize or Deny the fishing or fishing support vessel of a foreign flag, the use of the port or conditioning said decision to an on-board inspection, when deemed necessary, in accordance with the provisions of the Agreement on Port State Control Measures, approved by Law 43 of September 14th, 2016.

SEVENTH: In the event that the ship is granted an authorization to enter the port, the captain, fishing skipper, representative of the ship or the shipping agent, must present said authorization to the competent authorities in the port area, in the case it is requested.

EIGHTH: In case of denial of entry to port, the Authority will communicate said decision to the Maritime Authority of Panama, the Panama Canal Authority, the National Aero-Naval Service and the Ministry of Health, as well as the competent authority of the State of

the flag of the vessel and, as appropriate and to the extent possible, to interested coastal States, Regional Fisheries Management Organizations and other relevant international organizations.

NINTH: When the Authority has evidence that a vessel with the intention of entering a port established in the first article of this resolution, has engaged in IUU fishing activities or activities related to fishing, in support of IUU fishing, and / or in particular, that it appears on a list of vessels that have engaged in such fishing activities or activities related to fishing, adopted by a relevant Regional Fisheries Management Organization, in accordance with the rules and procedures of said organization and in accordance with International Law, it will deny entry to the ship in its ports, taking into account numerals 2 and 3 of article 4 of Law 43 of September 14th, 2016.

TENTH: If after authorization, it is detected that the vessel is involved in IUU fishing, the Authority will deny the use of the port or port service for the purposes of landing, trans-shipment, packaging and processing of fish, as well as other port services, including, among others, re-fueling, re-supplying, maintenance and dry-docking.

Denial of port entry will be applied by making the appropriate changes, and in accordance with International Law. The Authority shall communicate said decision to the Panama Maritime Authority, the National Aero-Naval Service and the Ministry of Health, as well as to the competent authority of the ship's flag State and, as appropriate and to the extent possible, to the interested coastal States, Regional Fisheries Management Organizations and other relevant international organizations.

ELEVENTH: The use of a port or port service for the purposes of landing, trans-shipment, packaging or processing of fish, which has not been previously landed, as well as other port services, including, among others, re-fueling, re-supplying, maintenance and the entry into dry dock, will be conducted in accordance with Part 3 of the Agreement on Measures of the Port State, adopted by Law 43 of September 14th, 2016.

TWELFTH: In accordance with the provisions of International Law, the denial of entry to port to ships is excepted, in cases of force majeure or serious difficulty, solely and exclusively, for the purpose of providing assistance to people, boats or aircraft in a situation of danger or serious difficulty, without this being understood as an authorization, by the Authority.

THIRTEENTH: No foreign flag fishing or fishing support vessel may anchor or dock in any of the ports established in the first article of this resolution, without first having received an Authorization for the use of the Port, issued by the Directorate General of Inspection, Surveillance and Control of the Authority.

FOURTEENTH: For the authorizations or denials of entry to a port and the elements related to the process, the Authority will act in accordance with the provisions of the Agreement on Port State Governing Measures, approved by Law 43 of September 14th, 2016.

FIFTEENTH: Violations of this resolution will be sanctioned as serious offenses, in accordance with current regulations for such purposes.

SIXTEENTH: Resolution ADM / ARAP No. 034 of December 21st, 2017 and Resolution ADM / ARAP No. 018 of February 19th, 2020 are repealed.


SEVENTEENTH: This resolution will become effective as of its promulgation.

BASIS OF LAW: Law 44 of November 23rd, 2006, Law 43 of September 14th, 2016.

COMMUNICATE AND ENFORCE IT.

FLOR TORRIJOS ORO

General Administrator

 <p>ARAP Autoridad de los Recursos Acuáticos de Panamá</p>		<p>Port Entry Authorization Request Solicitud de Autorización de Entrada a Puerto Bucques de Pesca y Apoyo a la Pesca / Fishing and Support Vessels</p>		Fecha / Date (dd-mm-YYYY)
A. VESSEL DETAILS / PARTICULARIDADES DE LA NAVE				
1. Vessel Name/Nombre de la Nave		2. IMO Number/Numero OMI		3. Radio Call Sign/Distintivo de llamada
4. Type of Vessel/Tipo de Buque		5. Flag State/Estado del Pabellón		6. Cargo Capacity/Capacidad de carga
7. External ID/Identificador Externo		8. RFMO ID/Identificador OROP		11. Approved Fishing Gear/Arte de pesca autorizado
6. Length/Eslora (m)		9. Boom/Manga (m)	10. Depth/Puntal (m)	13. Master Nationality/Nacionalidad del Capitán
14. Vessel Monitoring System (VMS)/Sistema de Monitoreo				
No <input type="checkbox"/> Yes(National)/Si(Nacional) <input type="checkbox"/> Yes(RFMO)/Si (OROP) <input type="checkbox"/>		Type/Tipo		
B. OWNERS DETAILS / PARTICULARIDADES DE LOS ARMADORES				
15. Owners Name/Nombre de los Armadores		16. Address/Dirección		
C. ARRIVAL DETAILS / DETALLES DEL ARRIBO				
18. Intended Port of Call/Puerto de Escala Previsto		19. Port State/Estado Rector de Puerto		
21. Purpose of the Arrival (explain) /Finalidad del arribo (explique)		20. Estimated Time of Arrival (ETA)/Fecha prevista de llegada (dd-mm-YYYY)		
		22. Last port of call and date of arrival/Ultimo puerto y fecha de arribo		
D. FISHING AUTHORIZATIONS / AUTORIZACIONES DE PESCA				
23. Identifier / Identificador	24. Issued by / Expedida por	25. Expiration / Caducidad (dd-mm-YYYY)	26. Fishing Area(s) / Zonas de Pesca	27. Species / Especies
				28. Fishing Gear / Artes de pesca
E. TRANSHIPMENT AUTHORIZATIONS / AUTORIZACIONES DE TRASBORDO				
29. Identifier / Identificador		30. Issued by / Expedida por		
		31. Expiration / Caducidad (dd-mm-YYYY)		

