

RESOLUTION ADM / ARAP No.048

(From September 23, 2021)

That establishes measures to authorize the entry to the Panamanian port, to fishing vessels and activities related to fishing under a foreign flag, and dictates other provisions.

THE GENERAL ADMINISTRATOR

in use of their legal powers,

CONSIDERING:

That Law 44 of November 23, 2006, creates the Panama Water Resources Authority, hereinafter the Authority, as the governing body 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, have among the functions of the General Administrator, exercise the -administration of the Authority, and adopt all the measures that it deems convenient-for the organization and the 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 Subregional Fisheries Management Bodies, in particular on vessels that carry out fishing activities at sea.


That through Resolution ARAP No. 003 of November 18, 2009, the Republic of Panama adopted the Code of Conduct for Responsible Fishing of the United Nations Organization for Agriculture and Food (FAO), 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 14, 2016, Panama approved the Agreement on Port State Control Measures, hereinafter the Agreement, aimed at Preventing, Discouraging and Eliminating Illegal, Unreported, Unregulated Fishing (IUU), made in Rome, November 22, 2009.

That paragraph 1 of Article 7 of Law 43 of 2016, provides that each Party shall designate and make known the ports in which vessels may request entry under the Agreement, and deliver the list of designated ports to FAO, that will give you the proper publicity.

That Article 31 of Law 204 of March 18, 2021 "That regulates fishing and aquaculture in the Republic of Panama and dictates other provisions", establishes that the Authority will adopt all those conservation, management and inspection measures that are necessary to prevent, combat, discourage and eliminate illegal, unreported, unregulated (IUU) fishing, being able to regulate those measures that are not expressly contemplated in this Law, in accordance with international agreements, conventions and treaties. Vessels that are on an IUU list of any regional fisheries management organization will not be granted a fishing license.

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 Port State Measures, aimed at Preventing, Discouraging and Eliminating Fishing Illegal, Unreported. Not Regulated (INDNR); in consequence,


Lic. Minerva González Bernal
Traductor Público Autorizado
Resuelto: TP 572 de 24 de Octubre 2005
Inglés al Español y Viceversa
Panamá, Rep. de Panamá.

12/30/2021

RESOLVES:

FIRST: Fishing vessels and vessels of activities related to fishing under a foreign flag, will have the obligation to enter, only, to the following designated ports in the Republic of Panama:

UNLOCODE	Port	Coordinates
VAC	Vacamonte Port	0852N 07940W
BLB	Balboa Port	0857N 07933W
AML	Armuelles Port	0816N 08251W
ROD	Panama International Terminal (PSA) - Rodman	0857N 07934W
ROD	Petroarnérica Terminal Port (PATSA) - Rodman	0857N 07934W
CBT	Cristóbal Port	092111 07954W
MEL	Melones Island Port— Melones Oil Terminal	0848N 07936W
TBG	Taboguilla Island Port (DECAL)	0848N 07930W

SECOND: No vessel for fishing or activities related to fishing under a foreign flag, 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 General Directorate. Inspection, Surveillance and Control of the Authority.

THIRD: To request the entry and use of the ports established in the first Article of this resolution, all fishing vessels and activities related to fishing under a foreign flag must complete and submit the Application for Authorization of Entry to Port before 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 forms an integral part of it, through the post office 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.

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

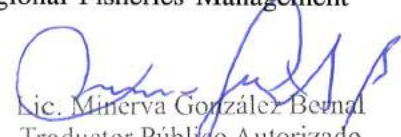
FIFTH: If necessary; The Authority may request all the additional information it requires to provide authorization to enter the fishing vessel or activities related to foreign flag fishing; requesting entry to a national port.

SIXTH: Shipping Agents must ensure that fishing vessels and fishing-related activities comply with everything related to the request for authorization and prior notification, established in the second and third Articles of this resolution.

SEVENTH: The General Office 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 entry to the fishing vessel or activities related to flag fishing foreigner, and condition the authorization of port use to an onboard inspection, when deemed necessary, in accordance with the provisions of the Agreement on the Measures of the Port State, approved by Law 43 of September 14, 2016.

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

NINTH: In the event of denial of port entry, the Authority will communicate said decision to the Panama Maritime Authority, the Panama Canal Authority, the National Aeronaval Service and the Ministry of Health, as well as the competent authority of the flag State of the vessel and, as appropriate and to the extent possible, coastal States concerned, Regional Fisheries Management Organizations and other relevant international organizations.


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

The Authority shall communicate said decision to the Panama Maritime Authority, the National Aeronaval 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 coastal States. stakeholders, Regional Fisheries Management Organizations and other relevant international organizations.

ELEVENTH: 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, transshipment, packaging and processing of fish, as well as other port services, including, among others, others, refueling, refueling, maintenance and dry-docking.

TWELFTH: The use of a port or port service for the purposes of landing, transshipment, packaging or processing of fish, which has not been previously landed, as well as other port services, including, but not limited to, refueling, resupply, maintenance and entry in dry dock, it will be conducted in accordance with Part 3 of the Agreement on Port State Measures, adopted by Law 43 of September 14, 2016.

THIRTEENTH: 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 distress. danger or serious difficulty, without this being understood as an authorization by the Authority.

FOURTEENTH: For authorizations or denials of entry and use 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 14, 2016.

FIFTEENTH: Violations of this resolution will be sanctioned as serious offenses, according to the regulations in force for such purposes.

SIXTEENTH: Resolution ADM ARAP No. 058 of October 6, 2020 is annulled.

SEVENTEENTH: This resolution will come into force as of its promulgation.

LEGAL BASIS: Law 44 of November 23, 2006, Law 43 of September 14, 2016, Law 204 of March 18, 2021.


LET IT BE PUBLISHED AND ENFORCED.

[stamp]
Republic of Panama
General Secretary's Office
Water Resources Authority

[SIGNATURE]
FLOR TORRIJOS ORO
General Administrator

[stamp]
Republic of Panama
General Administration Office
Water Resources Authority

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AUTHORITY OF [illegible]
True [illegible]
[signature]
General Secretary [illegible] 29/9/21


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12/3-12/21