

**REPUBLIC OF PANAMA  
AQUATIC RESOURCES AUTHORITY OF PANAMA**

**RESOLUTION ADM/ARAP No. 065**  
(September 10, 2025)

Creating an Institutional Commission for the purpose of evaluating and issuing recommendations on cases under investigation by the Department of Oversight and Investigation, as well as potential sanctions to be imposed by the General Directorate of Inspection, Surveillance, and Control of the Authority, within the administrative sanctioning processes related to violations of current provisions regarding fishing and aquaculture.

**THE GENERAL ADMINISTRATOR**  
Exercising his legal powers,

**CONSIDERING:**

That Article 120 of the Political Constitution of the Republic of Panama establishes that the State shall regulate, supervise, and promptly implement the necessary measures to ensure that the utilization and exploitation of terrestrial, riverine, and marine fauna, as well as forests, lands, and waters, are carried out rationally, in such a way as to prevent their depredation and ensure their preservation, renewal, and permanence.

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

That Section 2 of Article 4 of Law 44 of 2006 establishes among the functions of the Authority the regulation, promotion, and implementation of technical and administrative measures and processes for the rational, sustainable, and responsible use of aquatic resources, in order to protect the national aquatic heritage and assist in environmental protection.

That Section 13 of Article 31 of Law 44 of 2006 establishes that the Secretary General shall execute the functions assigned to him by the General Administrator.

That Articles 36 and 37 of Law 44 of 2006 state that the General Directorate of Research and Development and the General Directorate of Comprehensive Planning and Management shall exercise the other functions and powers assigned to them by the laws and regulations of the Authority, as well as those assigned to them by the General Administrator.

That sections 10 and 11 of Article 38 of Law 44 of 2006 establish among the functions of the General Directorate of Inspection, Surveillance, and Control: 1. To investigate, ex officio or based on complaints or reports, events related to the Authority's areas of jurisdiction, and to assess and impose sanctions for noncompliance with or violation of legal and regulatory guidelines regarding the administration of aquatic resources within the Authority's jurisdiction.

That Resolution ADM/ARAP No. 036 of April 22, 2025, creates the Unit for the Monitoring of Regional Fisheries Management Organizations, which responds to the need to establish a specialized body to oversee the implementation of international fisheries conservation and management regulations. This unit will be responsible for coordinating Panama's activities within the RFMOs, monitoring compliance with regulations, as well as collecting and submitting the required technical and scientific information.

That Article 124 of Law 204 of March 18, 2021, which regulates fishing and aquaculture in the Republic of Panama, provides that the information received from

  
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*vessel monitoring systems* (VMS, among others) approved by the Authority for commercial category or international service fishing vessels, certified through an event report, analyzed and accepted by experts of the Authority, will constitute evidence proving the activity, including the time, position, speed, and course of the vessel.

That Article 129 of Law 204 of 2021 establishes that the Authority will impose sanctions and fines in accordance with the Law, its regulations, and complementary provisions.

That Article 136 of Law 204 of 2021 provides that once the administrative sanctioning procedure has been initiated, through an opening order that will be purely procedural, the Authority will have a period of thirty business days to conduct a preliminary investigation of the case. Once the investigation is completed, if there are insufficient elements to continue the process, the file will be closed and archived. If there are grounds to continue, the Authority, through a reasoned resolution of mere obedience, will present the facts related to the alleged violation and formalize the investigation.

That Article 148 of Law 204 of 2021 provides that for the imposition of administrative sanctions in accordance with the provisions of the Law, the following will be taken into consideration as mitigating or aggravating circumstances: the amount of damage or harm caused, the social and economic impact, and the recurrence of the commission of offenses. That, in order to provide greater transparency and technical rigor in the investigation and determination of sanctions for violations in the field of fishing and aquaculture, it is deemed necessary to establish an interdisciplinary institutional Commission, composed of representatives from different directorates and units of the Authority, whose powers allow it to analyze preliminary investigations and assess the possible sanctions applicable in administrative sanctioning processes in which the existence of violations has been determined in accordance with the provisions of Law 204 of 2021.

That, in this regard, it is necessary to clarify that the proposed interdisciplinary Commission does not replace or ignore the regulatory hierarchy or the exclusive powers that Law 44 of 2006 and Law 204 of 2021 confer on the General Directorate of Inspection, Surveillance, and Control. Its role will be strictly advisory and technical support, limited to issuing recommendations based on an interdisciplinary assessment of administrative files, without decision-making or sanctioning powers, which correspond exclusively to the General Directorate of Inspection, Surveillance, and Control, pursuant to Article 38 of Law 44 of 2006. Consequently, this Commission is defined as an internal consultation and advisory body, whose sole purpose will be to strengthen the transparency and technical rigor of sanctioning processes by issuing non-binding recommendations regarding the assigned cases.

#### **RESOLVES:**

**FIRST:** An interdisciplinary and advisory Institutional Commission, hereinafter "the Commission," is hereby created to support the evaluation of cases managed by the Department of Oversight and Investigation. The Commission's function will be to evaluate and issue recommendations, through a peer review, in the following cases:

1. In cases that are in the preliminary investigation phase by the Department of Oversight and Investigation, in order to assess whether there is sufficient merit for the formal opening of the sanctioning procedure;
2. In cases where a violation has been determined, to recommend the appropriate sanction, in accordance with current regulations.

The Commission's recommendations will be forwarded to the Director General of Inspection, Surveillance, and Control for evaluation and final decision, within the scope of his or her powers.

**SECOND:** The Commission will be composed of public servants from the following Directorates and Offices of the Authority, as described below:

  
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1. The General Administrator, or his or her designee, who will only have the right to speak,
2. The Secretary General, or his or her designee,
3. The Director General of Integrated Management and Regulation, or his or her designee,
4. The Director General of Research and Development, or his or her designee;
5. The Head of the Unit for Monitoring Regional Fisheries Management Agencies, or his or her designee;
6. The Head of the Oversight and Investigation Department of the General Directorate of Inspection, Surveillance, and Control, or his or her designee,
7. The Head of the Fisheries Control and Monitoring Center, or his or her designee.

**THIRD:** Due to the sensitive nature of the cases evaluated by the Commission, the designation of representatives of the directorates and units indicated in Article Three must have the approval of the General Administration. This designation, as well as the corresponding approval, must be recorded in writing by means of a note or institutional email prior to each meeting.

**FOURTH:** The Commission may validly meet with the participation of at least four (4) of its members with voting rights. Recommendations shall be adopted by a simple majority of the valid votes cast by the members present.

In the event of a tie, the vote of the Chair of the session, who shall be the Head of the Oversight and Investigation Department, shall be decisive.

**FIFTH:** The deliberations generated during the Commission's meetings shall be strictly confidential. Each of its members shall take the necessary measures to guarantee the safeguarding of said confidentiality. If it is found that any member of the commission has violated this obligation, the corresponding disciplinary process may be initiated.

**SIXTH:** The General Directorate of Inspection, Surveillance, and Control shall call the Commission's meetings. The Commission must hold a meeting at least once a month, which must take place within the first ten (10) calendar days of the month. If necessary, extraordinary meetings may be convened.

Under no circumstances shall Commission meetings delay or constitute a breach of the deadlines for the administrative sanctioning procedure established by Law 204 of March 18, 2021, and other applicable regulations.

**SEVENTH:** For the purposes of the Commission's evaluation of cases, the Head of the Oversight and Investigation Department will be responsible for presenting both the results of preliminary investigations and proposed sanctions arising from violations of current provisions regarding fisheries and aquaculture.

To this end, they may be assisted by the technical staff or analyst responsible for the case, whose participation may be scheduled in advance or requested during the meeting, if warranted by the complexity of the case under review.

**EIGHTH:** Those cases in which an appeal for reconsideration has been filed against the final resolution must also be subject to evaluation and recommendation by the Commission.

**NINTH:** Once each session concludes, the Commission will draw up a Meeting Minutes, documenting and basing clearly the outcome of the evaluation and/or the recommendation for the corresponding sanction regarding the discussed processes. All recommendations must be duly supported by Law 204 of 2021 and other applicable regulations.

The Minutes will be prepared by the Department of Oversight and Investigation in two identical original copies, which must bear the seal of the General Administration and the Secretary General for validation purposes.

An original copy will be sent to the Authority's General Directorate of Inspection, Surveillance, and Control for its records and to serve as the basis for issuing the corresponding opinion within the administrative process; the second original will remain in the custody of the General Administration.

If a legitimate interested party requests a copy of the minutes, they will be provided only with the extract corresponding to the process of interest, safeguarding the confidentiality of the other matters discussed. This extract will omit the names and positions of the Commission members.

The minutes of the last session held will be read at the beginning of each Commission meeting.

**TENTH:** The recommendations of the Commission will be adopted by a simple majority of the voting members present at the session.

In the event of one or more divergent opinions regarding the recommendation to be issued, they will be recorded in the corresponding Minutes, with due justification and reasoned support, in accordance with current applicable fishing legislation and other relevant complementary regulations.

**ELEVENTH:** Resolution ADM/ARAP No. 023 of May 2, 2023, is hereby repealed.

**TWELFTH:** This resolution shall enter into force upon its promulgation.

**LEGAL BASIS:** Political Constitution of the Republic of Panama. Law 44 of November 23, 2006. Law 204 of March 18, 2021.

**PUBLISH AND COMPLY,**

EDUARDO CARRASQUILLA D.  
Administrator General



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