



PANAMA MARITIME AUTHORITY
GENERAL DIRECTORATE OF PORTS AND MARITIME
ANCILLARY INDUSTRIES

CIRCULAR
DGPIMA/031/CCP/2020

FOR: Shipping Agencies in the Republic of Panama

FROM: Flor Pitty
General Director



MATTER: J.D. Resolution No.079-2020, dated October 29th, 2020

DATE: December 01st, 2020

We inform that the Panama Maritime Authority (PMA), has issued J.D. Resolution No.079-2020, dated October 29th, 2020 whereby the Administrator, in making use of the powers granted to him under the Law, authorizes the General Director of Ports and Maritime Ancillary Industries, Panama Maritime Authority, to impose sanctions on Shipping Agencies which do not comply with their obligations inherent to the use of the Maritime Single Window of Panama (VUMPA).

Additionally, that said resolution became effective as of November 13th, 2020, and it was approved and published in Official Gazette No.29153.

Finally, we attach same hereto, for greater reference.


AM/MB/rt


JD RESOLUTION No. 079-2020

The **Board of Directors of the Panama Maritime Authority**, making use of powers granted to it under the Law, and

WHEREAS:

That pursuant Law Decree 7, dated February 10, 1998 the Panama Maritime Authority was created as a State autonomous agency, which has among its main objectives, the following: to manage, to promote, to regulate, to project, and to execute policies, strategies, legal and rules and regulations provisions, plans and programs which are directly, indirectly or otherwise related to the operations and development of the maritime sector, as well as acting as the supreme maritime authority of the Republic of Panama.

That number 7, Section 4, Law Decree No. 7, dated February 10, 1998 states that the Panama Maritime Authority has the function to evaluate and to propose to the Executive Branch and other government agencies, when they so request it, all necessary measures for the adoption of international treaties and conventions, regarding all activities which are developed in the Maritime Sector.

That pursuant Law No. 44, dated July 15, 2008 the Republic of Panama approved the Convention on the Facilitation of International Maritime Traffic, 1965, in its entirety.

That pursuant Executive Decree No. 281, dated June 17, 2017 necessary provisions for the effective compliance of the Convention on the Facilitation of International Maritime Traffic, 1965, were set forth.

That pursuant Inter-agency Cooperation Agreement No. 08-2017, dated June 22, 2017 subscribed to by the Panama Maritime Authority and the Panama Canal Authority, it was agreed to develop and to implement the Maritime Single Window System (VUMPA), Republic of Panama.

That the VUMPA System requires that the Shipping Agencies, in order to render their maritime ancillary services, they must submit all information required by the different national agencies, for the arrival, stay, and dispatch of international shipping vessels.

That because of the high number of bad practices by Shipping Agencies in sending information through VUMPA, it is indispensable to set forth sanctions and, thus, to ensure compliance with international conventions and instruments ratified by the Republic of Panama, related to the Maritime Sector.

That the Panama Maritime Authority is mandated to enforce all legal provisions related to the Maritime Sector, and to enact all measures which are required for the safeguard of all national interests in spaces and internal waters.

That pursuant Section 112, Law No, 56, dated August 6, 2008 supplier of services, including shipping agencies, and which do not fulfill its duties and obligations, shall be sanctioned with a fine.

That in same manner, Number 2, Section 53, JD Resolution No. 011-2019, dated March 27, 2019 on Rules and Regulations of Operations Licenses for Maritime Ancillary Services, sets forth that the Administrator, Panama Maritime Authority, may, through a reasoned resolution, repeal the authorization of the Operations License, for non-compliance of the obligations of supplier of maritime ancillary services.

That the faults in the VUMPA System put in risk the health integrity of the country, and that of the other countries where the vessels are headed to, and it is necessary to preserve the safety of national, regional, and worldwide population, wherefor,

IT STATES AS FOLLOWS:

ARTICLE ONE:

To authorize the General Directorate of Ports and Maritime Ancillary Industries, Panama Maritime Authority, to impose sanctions to all Shipping Agencies which do not comply with their obligations inherent to VUMPA, regarding the following actions:

For introducing incorrect or false information, either by omission, wilful intent, or negligence, into the VUMPA System or to the Boarding Officer, in the following documents: <ol style="list-style-type: none"> 1. Sailing from last port. 2. Ship's Provisions Declaration. 3. Crew Property Declaration, 4. General Cargo Manifest, Bill of Lading, and Dangerous Cargo Manifest. 5. Vessel registry. 6. Maritime Health Declaration. 7. Crew List. 8. Passenger List. 9. Waste Declaration 	B/.10,000.00
For not completing the required information into the VUMPA System or to the Boarding Officer	B/.2,000.00
That the vessel which it represents, carries out operations in jurisdictional waters, and that at time of set sailing, does not request the change of set sailing Authorization document	B/.5,000.00
That the vessel which it represents, omits information regarding the operations which it shall carry out	B/.2,000.00
That the vessel which it represents, begins operations without having been inspected by the Boarding Officer	B/.5,000.00
That the vessel which it represents, does not have the set sailing document upon arrival in jurisdictional waters, without prior justification	B/.2,000.00
That the vessel which it represents, does not declare passengers or crew members, sick individuals, stowaways, or deceased individuals on board, and procedes to disembark them without prior authorization from competent authorities.	B/.10,000.00
That it does not send to the Panama Maritime Authority, by e-mail and on a weekly basis (every Monday), all information related to the vessels' movements, in all port facilities.	B/.2,000.00
That it does not send to the Panama Maritime Authority, by e-mail, all information related to the harbour/dock reports through the appropriate form, and within a period of twenty-four (24) hours following the end of the oil supply operation (with a time limit, not later than twelve p.m. on the following day).	B/.2,000.00
That it does not send to the Panama Maritime Authority,	B/.2,000.00

by e-mail, all barge reports on a weekly basis (every Monday).	
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ARTICLE TWO: Recurrence in non-compliance of the obligations mentioned in Article One, entails the imposition of double the sanction imposed, without prejudice that the administrative authorization issued by the Authority of Panama, be dissolved, including the cancellation of appropriate Operations License, as set forth under Section 53 of JD Resolution No. 011-2019, dated March 27, 2019, on Rules and Regulations of Operations Licenses for Maritime Ancillary Services.

ARTICLE THREE: Shipping agencies may, against the resolution which imposes the sanction, file an appeal to reconsider before the general directorate of ports and maritime ancillary industries, and/or an appeal before the administrator, Panama Maritime Authority, pursuant the time period as set forth under applicable law.

ARTICLE FOUR: This Resolution shall enter into full force upon approval thereof, and shall become effective on the date of its publication in the Official Gazette.

LEGAL BASIS: Law Decree No. 7, dated February 10, 1998, as amended by Law No. 57, dated August 8, 2008.
Law No. 44, dated July 15, 2008
Law No. 56, dated August 8, 2008, as amended by Law No. 69, dated November 8, 2009
Executive Decree 281, dated June 12, 2017.
Inter-agency Cooperation Agreement PMA-PCA No. 08-2017, dated June 22, 2017
JD Resolution No. 011-2019, dated March 27, 2019.

LET IT BE PUBLISHED AND COMPLIED WITH

Given in Panama City, on the twenty-ninth (29th) day of the month of October, in the year two thousand twenty (2020).

THE PRESIDENT

THE SECRETARY

Signed, Illegible
NORIEL ARAUZ V.
ADMINISTRATOR, PANAMA MARITIME
AUTHORITY

Signed, Illegible
ANA MARGARITA REYES
DEPUTY ADMINISTRATOR PANAMA MARITIME
AUTHORITY

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