



# PANAMA MARITIME AUTHORITY

## MERCHANT MARINE CIRCULAR MMC-233

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**To:** Ship-owners/Operators, Company Security Officers, Legal Representatives of Panamanian Flagged Vessels, Panamanian Merchant Marine Consulates and Recognized Organizations (RO).

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**Subject:** Ship Registration

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**Reference:** Law 57 of August 6, 2008.

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**This Circular supersedes MMC-5, MMC-6, MMC-7, MMC-13, MMC-14.**

Recently Panama enacted Law 57 of August 6, 2008 which updates ship registration requirements as well as organizational aspects of the General Directorate of Merchant Marine. Law 57 of August 6, 2008 maintains the basic principles long applied in the management and operation of the Panamanian international registry of ships. This law came into force on February 6, 2009.

Although practitioners are encouraged to become acquainted with the details of the new law, for easy reference key aspects and requirements for foreign going ship registration are summarized below.

### I. DOCUMENTARY REQUIREMENTS FOR PROVISIONAL SHIP REGISTRATION

Requests for provisional ship registration may be submitted directly to the Directorate General of Merchant Marine in Panama City, Panama, or to any of the designated Merchant Marine Consulates of Panama abroad, through the Public Key Infrastructure system with the following documentation attached:

1. Original Power of Attorney or copy, granted by owners in order to register the vessel if the application is presented to the Directorate General of Merchant Marine in Panama City (or in the Privative Consulates of Merchant Marine). When issued abroad, the Power of Attorney must be duly notarized or authenticated by a Panamanian Consulate, or apostilled in the issuing country;
2. *Prima Facie* evidence ownership or of the intention to acquire ownership of the vessel;<sup>1</sup> and
3. Evidence of payment of applicable taxes and fees.
4. Any other additional requirement requested by the Directorate General of Merchant Marine.

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<sup>1</sup> Original (or simple copy) of Bill of Sale. This document must be signed by seller and buyer. In the cases of new buildings, a Construction Certificate with the detailed particulars of the vessel and issued by the shipbuilder, will be required.

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Upon successful completion with these requirements, a Provisional Statutory Certificate of Registry and Provisional Radio Station Statutory License should be issued with a validity of six (6) months. The vessels will have this period to fulfill the requirements for obtaining both the permanent Statutory Certificate of Registry and the permanent Radio Station Statutory License. Shipowners are under the obligation to report to the Directorate General of Merchant Marine any changes to the information submitted at the moment of requesting the provisional ship registration or the provisional radio license.

The Directorate General of Merchant Marine can issue extensions to the validity of provisional documents; however, charges and fines may be applied.

## **II. DOCUMENTARY REQUIREMENTS FOR PERMANENT SHIP REGISTRATION**

The General Directorate of Merchant Marine will determine the documentary requirements needed to register a foreign going ship in Panama. This office may also waive ship registration requirements provided that reasons merit such exemption.

Formal request must be submitted to the Directorate General of Merchant Marine through the Public Key Infrastructure system with the following documentation attached:

### **A. General Requirements**

1. Original Power of Attorney from owners to register the vessel if the application is presented to the Directorate General of Merchant Marine in Panama City. Whenever this power of attorney is issued abroad, the Power of Attorney must be duly notarized or authenticated by a Consulate of Panama or apostilled in the issuing country;
2. Evidence of ownership of the vessel in the form of the original Bill of Sale or Court-ordered Public Auction. In the case of a new construction, the original Builder's Certificate must be presented. If these documents are issued abroad, they must be duly notarized or authenticated by a Panamanian Consulate or apostilled in the issuing country;
3. Property Deed as evidence of ownership of the vessel registered at the Public Registry of Panama.
4. Certificate of incorporation of the Panamanian company under which the vessels will be registered, if applicable. This certificate must be issued by the Public Registry of Panama;
5. Deletion certificate proving that the vessel has cancelled its former registry.
6. Receipt of payment of applicable taxes and fees.
7. Any other additional requirement requested by the Directorate General of Merchant Marine.

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## **B. Technical Requirements**

### **B.1. For all Cargo Ships**

1. Copy of the International Tonnage Certificate (ITC);
2. Copy of Safety Management Certificate (SMC);

### **B.2. Additional Requirements for Fishing Vessels**

1. Fishing License issued by the Aquatic Resources Authority of Panama (ARAP)

Upon successful fulfilment of requirements and provisions, the Directorate General of Merchant Marine will issue the permanent Statutory Certificate of Registry and permanent Radio Station Statutory License with a validity not exceeding five (5) years.

If any of the particulars of the ship or the owners change, or if there is a change in the owner's name, the Statutory Certificate of Registry and/or radio station statutory license should be re-issued accordingly.

For the provisions regarding special ship registrations, temporary registration, registration of a bareboat chartered vessel, and registration of pleasure crafts, please refer to Chapter IV of Law 57 of August 6<sup>th</sup>, 2008.

## **III. REQUIREMENTS FOR DELETION FROM THE SHIP REGISTRY**

Formal request must be submitted to the Directorate General of Merchant Marine through Public Key Infrastructure system or manually for registered ship up until 31 August, 2008.

As a result of the deletion of a ship in the Panamanian ship registry, an official deletion certificate will be issued.

Ship deletion should be requested by, or on behalf of, the rightful owners and will be carried out if, among others, the vessel:

1. Has paid all taxes and fees to the Panamanian government, including the ship deletion fees;
2. Is free of encumbrances; and
3. Where applicable, the deletion certificates previous registries or a builder's certificate.
4. To be in Good Standing with the Directorate General of Merchant Marine.
5. Any other additional requirement requested by the Directorate General of Merchant Marine.

The application for deletion from the ship registry should clearly specify, among others, the name of the new owner (if there is a change of ownership), the flag under which the ship is intended to be registered, and the reasons for deletion.

In addition to the above and at the request of the parties, the Directorate General of Merchant Marine may issue a pre-deletion notice with a validity of 30 days, provided that the vessels settled all taxes and fees due, is free of encumbrances and has paid the deletion fee.

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#### **IV. EX-OFFICIO DELETION**

The following are grounds for the ex-officio deletion of a vessel from the register:

1. Any type of action which is contrary to national interests.
2. Any serious violation of Panama's current laws, of any maritime safety, pollution prevention, or maritime security regulations, or of any international convention ratified by the Republic of Panama.
3. The expiration of the provisional navigation license or of the statutory navigation license without having secured a renewal within the five year period, beginning on the date of its expiration, unless reasons are provided in support of the failure to submit the application to renew within the appropriate time.
4. If the vessel is used for smuggling, for illegal or clandestine trade or piracy, or to commit any other offense.
5. If any forged or altered documents are submitted.
6. Abandonment of the vessel.
7. The vessel's registration at another registry, save for its registration in a special bareboat charter register, in accordance with the formalities prescribed by this law.
8. Due to the total loss of the vessel.
9. Due to a high rate of detentions for serious or repeated defects which are detrimental to maritime safety.
10. Any other cases in accordance with the law or international law.

**September, 2016 – Changes all throughout the text**  
**October, 2011 - Compilation and general revision**

**Inquiries concerning the subject of this Circular or any request should be directed to:**  
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