



## PANAMA MARITIME AUTHORITY

### MERCHANT MARINE CIRCULAR MMC-332

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**To:** Ship-owners/Operators, Legal Representatives of Panamanian Flagged Vessels, Authorized Maritime Training Centers, Recognized Organizations (RO's), Merchant Marine Privative Consulates, Inspectorates, Authorized Offices, Regional Documentation Offices of the Panama Maritime Authority

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**Subject:** General Directorate Of Seafarer's Broker's Database Program

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**Reference:** Circular DGGM-UCYC-021-2016 of May 24<sup>th</sup>, 2016

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The purpose of this circular is to inform that through Official Gazette N°27987 of March 11<sup>th</sup> of 2016 entered into force the Resolution J.D. N°001-2016 of February 24<sup>th</sup> of 2016: which authorize the companies and brokers, that belong to the Database Program of Service Brokers of the General Directorate of Seafarers, the issuance of the Transitory Certificate (CT) as a documentary proof; according to the established in the Regulation I/10 of the Convention STCW '78, as amended, in order to allow seafarers to work on board of Panamanian flagged vessels during for a maximum of three (3) months.

The Administrator of the Panama Maritime Authority has been authorized to rule the Resolution J.D. N°001-2016, and to establish the minimum criteria to oversee the authorized service brokers to the issuance of the CT's, according to this Resolution, the existing national law, or the applicable procedure.

The companies or service brokers authorized for the issuance of CT's, must consign a warranty in name of the Panama Maritime Authority/ General Comptrollership of the Republic of Panama, that must hold it as valid and active during the service given period, with the purpose to cover any possible damages, losses and/or financial penalties, that can emerge in virtue of the execution of the described services of the Resolution J.D. N° 001-2016.

The warranty can be consigned through:

- a) Cash security deposit in the *Banco Nacional de Panamá*.
- b) Government Bonds duly consigned in the *Banco Nacional de Panamá*.
- c) Warranty letter from a banking or financial institution authorized by the *Superintendencia de Bancos de Panamá*.
- d) Bond issued by a local insurance agency duly authorized by la *Superintendencia de Seguros y Reaseguros de Panamá*.

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The warranty will be established according to the number of monthly documents that every company or broker requests to process, following this table:

<b>MONTHLY NUMBER OF TRANSITORY CERTIFICATES(CT)</b>	<b>BOND TO CONSIGN</b>
Less than 20	USD5,000.00
From 20 to 50	USD12,000.00
From 51 to 100	USD25,000.00
From 101 to 250	USD50,000.00
More than 250	USD100,000.00

Such cases in which the monthly number of requested TC exceeds the amount of consigned warranty, the company must update the warranty in the General Directorate of Seafarers, according to the number of issued documents, in a period not longer than sixty (60) business days, from the presentation date of the last monthly report, that shows the increase of number of the CT's issuance.

The seafarers aiming to the TC, must hold an appropriate, valid, issued and endorsed certificate according to the stated by the other Maritime Administration, and must comply with the established requirements given by the General Directorate of Seafarers related with the requested position and rank.

The TC issuance will be determined by the previous authorization given by the corresponding consul, who will accept or reject such application, after verifying the authenticity and validity of the sent documentation delivered by the companies or service brokers -authorized by the Panama Maritime Authority for such purpose.

Once the TC is authorized by the consul, his/her name and electronic signature must appear on the responsible officer's line of the issuance of such valuable document, and with this, the consul attests the received documentation, and his/her actions will be subject to the criminal and/or administrative regulations according to the Republic of Panama's current legislation.

This TC must be printed in the Security Paper previously determined by the General Directorate of Seafarers, and the respective consulate must have a detailed record of the distribution of such valuable documents, to the authorized companies or brokers.

The respective consulate must issue a monthly report to the General Directorate of Seafarers, that lists the issued CT's, which include the company, broker or seaman's general information (name, last name, personal identification number or passport, grade and nationality). All void TC must be given back to the corresponding consulate, and this one must send it to the Certification Department of the General Directorate of Seafarers, according to the current or future established procedure.

Companies or authorized service brokers are responsible of verifying the truthfulness and authenticity of the sent documentation to the respective consulate and will be subject to the criminal and/or administrative regulations according to the Republic of Panama's current legislation.

For further reference, please see the attached Resolution J.D. N°001-2016 of February 24<sup>th</sup>, 2016 in English and Spanish.

**Inquiries concerning the subject of this Circular or any request should be directed to:**  
**General Directorate of Seafarers**  
**Panama Maritime Authority**  
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*Attachments:*

- i. *Resolution J.D. N°001-2016 of February 24<sup>th</sup>, 2016 in English*

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## RESOLUTION J.D. N° 001-2016

**THE DIRECTOR BOARD OF THE PANAMA MARITIME AUTHORITY**, in used of its legal faculties, and

### WHEREAS:

That by Law Decree N°4 of May 15<sup>th</sup>, 1992, the Republic of Panama adopted the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers of 1978, as amended (STCW '78 amended).

That by Law Decree N° 7 of February 10<sup>th</sup>, 1998, the Panama Maritime Authority is created and different maritime competences of the public administration were unified.

That among the organic structure of the Panama Maritime Authority is the General Directorate of Seafarers, which is an administrative service and program execution organism; which its functioning and internal organization is adjusted to the specified in Law Decree N° 7 of February 10<sup>th</sup>, 1998, and, in the related regulations that have been dictated about it.

That according the numeral 1 of the article 33 of Law Decree N°7 of February 10<sup>th</sup>, 1998, the General Directorate of Seafarers of the Panama Maritime Authority has among its functions, the enforcement of the current legal standards on education, training, certification and watchkeeping of seafarers, according with the established in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers of 1978, as amended.

That the Law Decree N° 8 of February 26<sup>th</sup>, 1998, in which the work at sea and waterways are regulated, and other dispositions are dictated, in its Article 6 is established that the Panama Maritime Authority is the competent entity to execute the functions of supervising the strict compliance and effective enforcement of the consecrated standards in the international conventions ratified by the Republic of Panama.

That through Resolution J.D. N° 009-2001 of February 12<sup>th</sup>, 2001, the Directive Board of the Maritime Authority approved the national standards for training, certification of Seafarers in compliance of the required demands by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers of 1978, as amended (STCW '78 as amended).

That by Resolution J.D. N° 023-2001 of December 5<sup>th</sup> of 2001 were approved the standards for issuing certificate of competence for captains and officers who navigate on board of Panamanian flag vessels, that are not regulated by the Convention STCW '78, as amended.

That according of Resolution ADM N°148-2011 of November 18<sup>th</sup> of 2011, was adopted the: Resolution 1 in all its parts and the Annex 1 of Resolution 2; adopted respectively in June 25<sup>th</sup> of 2010, through the Manila Amendments 2010, from the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers of 1978, as amended, and its Code of Training, Certification and Watchkeeping for Seafarers.

That the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers of 1978, as amended (Convention STCW'78, as amended), in its Article I about General Obligations having in virtue of it, establishes that the Parties are obligated to promulgate all necessary laws, decrees, orders, and regulations and take all the accurate measures to enforce plenty effectiveness the Convention; as well as warrant that, from the point of view of the safety of human life, sea goods and the protection of the marine environment, the enrolled seafarers on ships have the competency and right aptitude to perform their duties.

That such Convention establishes in Regulation I/8, that each Party will ensure that according with what is disposed in Section A-I/8 of the Training Code, all training activities, assessment of competence, certification, including medical certificates, endorsements and revalidation, which are performed under its authority by non-governmental organisms or entities, are supervised all the time in the framework of a quality standards system, to warrant the effectiveness of defined objectives, included those related to qualifications and experience of the instructors and evaluators; and in the cases that in governmental organisms or entities are in charge of such activities, that has been established a quality standard system.

That the Resolution ADM N°003-2015 of January 6<sup>th</sup>, 2015, issues the REGULATION that controls the administrative procedure in which is handling the procedure of application of certification of seafarers , who work in Panamanian flag ships; and APPROVES the creation of a DATABASE PROGRAM OF THE GENERAL DIRECTORATE OF SEAFARERS OF SERVICE BROKERS, in which all users, companies, and attorneys who process the certification applications of Seafarers in the Main Offices of the General Directorate of Seafarers of the Panama Maritime Authority, or in Merchant Marine Privatives Consulates, or authorized offices, should be enrolled in the Registry System.

To efficiently implement the DATABASE PROGRAM OF THE GENERAL DIRECTORATE OF SEAFARERS OF SERVICE BROKERS, this Maritime Administration considers the necessity to allow duly authorized companies and brokers by the Panama Maritime Administration, the issuance of Transitory Certificate (TC).

That in attention of the after mentioned and with the purpose to improve the administrative provisions of the Panama Maritime Authority, related with the procedure of the certification request application of seafarers, and in virtue to the faculties given to the General Board of the Panama Maritime Authority, in virtue of Law Decree N° 7 of February 10<sup>th</sup> of 1998,

### **RESOLVES:**

**FIRST:** **TO AUTHORIZE** companies or brokers who belong to the Database Program of Service Brokers of the General Directorate of Seafarers, the issuance of the Transitory Certificate (TC) as a documentary proof, according with the established in the Regulation I/10 of the Convention STCW '78, as amended, to allow the seafarers to give services during a period no more than three (3) months on board of a Panamanian flag vessel.

The seafarers aiming to the Transitory Certificate (TC), must have a suitable, valid, issued, and endorsed certificate according of what is stated by other Maritime Authority.

**SECOND** That the issuance of the Transitory Certificate (IC) will be determined by the respective consul previous authorization, who will accept or reject the request, after verification of authenticity and validity of the sent documentation by the duly authorized companies or service brokers by the Panama Maritime Authority created by such purpose. The applicant must fulfill with the established requirements by the General Directorate of Seafarers for the wanted position and rank.

Once the consul authorizes the Transitory Certificate (TC), his name and electronic signature must appear in the line where says “**responsible public official**” of the issuance of such valuable document, and with this, the consul will testify the received documentation and proceedings are subject to criminal and/ or administrative regulations according with the current Republic of Panama’s legislation.

**THIRD:** That the Transitory Certificate (TC) must be printed in a Security Paper previously determined by the General Directorate of Seafarers; so, the respective consulate must have a detailed record of the distribution of such valuable document to the authorized companies or service brokers by the Panama Maritime Authority.

For such purpose, the respective consulate must send a monthly report to the General Directorate of Seafarers, which will have the list of the issued Transitory Certificate (TC): this include the general information of the seafarer (name, last name, ID number or passport, grade and nationality) and the company or service broker.

All void Certificate Transitory (CT) must be returned to the respective consulate, and must be sent to the Certification Department of the General Directorate of Seafarers according to those existing and going to be established procedures.

**FOURTH:** That the companies or service brokers authorized to issue the Transitory Certificates (TC), must be consigned a warranty in name of the Panama Maritime Authority/ the General Controllershship of the Republic, with the purpose to cover any possible damages and/or financial penalties, established by the Panama Maritime Authority, that can arise in virtue of the execution of the described services in this resolution.

The warranty will be established according with the monthly documents number that is requested by each company or service broker, according with the following table:

<b>TEMPORARY CERTIFICATE (CT) MONTHLY NUMBER</b>	<b>DEPOSIT SECURITY</b>
Less than 20	USD 5,000.00
From 20 to 50	USD 12,000.00
From 51 to 100	USD 25,000.00
From 101 to 250	USD 50,000.00
More than 250	USD 100,000.00

The warranty can be deposit through:

- a) A cash warranty deposit in the Banco Nacional de Panama;
- b) Government bond, duly consigned in the Banco Nacional de Panama;
- c) Warranty Letter from a bank or financial institution authorized by the Bank Superintendence.
- d) An issued bond of a local insurance institution duly authorized by the Insurance and Reinsurance Superintendence of Panama.

All companies and service brokers authorized by the issuance of Transitory Certificate (TC) must keep the valid and current consigned warranty during the period of service. Those cases in which the monthly number of requested Transitory Certificate (TC) exceeds the amount of consigned warranty, the company must update the warranty in the National Directorate of Seafarers, according with the number of issued documents, in a period no longer to sixty (60) business days, since the date of presentation of the last monthly report which evidences the increase in the number of issued Transitory Certificates (TC).

**FIFTH:** That the authorized companies and service brokers must be responsible of verifying the truthfulness and authenticity of the documentations sent to the respective consulate and will be criminal/administrative subjects in the current legislation of the Republic of Panama.

**SIXTH:** **To authorize** the Administrator of the Panama Maritime Authority to rule this Resolution and establish the minimum criteria to oversee the authorized service brokers for the issuance of the Transitory Certificate (TC) according with this Resolution, current national normative or the applicable procedure.

**SEVENTH:** **To Order** the General Director of Seafarers, that through Circulars, communicates the content of this Resolution to the users, companies, and attorneys who request the certification process to seafarers.

**EIGHT:** That this Resolution will rule since its Publication in the Official Gazette.

**LEGAL BASIS:**

Law N° 4 of May 15<sup>th</sup> of 1992.  
Law Decree N° 7 of February 10<sup>th</sup> of 1998 and its amendments.  
Law Decree N° 8 of February 26<sup>th</sup> of 1998.  
Resolution J.D. N° 009-2001 of February 12<sup>th</sup> of 2001.  
Resolution J.D. N° 023-2001 of December 5<sup>th</sup> of 2001.  
Resolution J.D. N° 064-2010 of July 22<sup>nd</sup> of 2010.  
Resolution ADM N° 003-2015 of January 6<sup>th</sup> of 2015.  
Resolution ADM N° 148-2011 of November 18<sup>th</sup> of 2011.

**TO BE COMMUNICATED, PUBLISHED AND COMPLIED**

Given in the City of Panama, this twenty fourth (24<sup>th</sup>) day of the month of February, of the year two thousand and sixteen (2016).

*(UNINTELLIGIBLE SIGNATURE)*

**ÁLVARO ANTONIO ALEMÁN HEALY**  
MINISTRY OF THE PRESIDENCY

*(UNINTELLIGIBLE SIGNATURE)*

**JORGE BARAKAT PITY**  
ADMINISTRATOR OF THE PANAMA MARITIME AUTHORITY

AAAH/JBP/ES/icm