



PANAMA MARITIME AUTHORITY
General Directorate of Seafarers

Merchant Marine Circular No. 187
Circular DGGM No. 025-08

To: Masters of Panamanian Flagged Vessels, Owners, Legal Representatives, Operators, Recognized Organizations

Subject: Hours of Rest and Watchkeeping

References: International Convention on Standards of Training, Certification and Watchkeeping for Seafarers STCW 78/95, Rule VIII/1 and Rule VIII/2 Resolution ADM No 106-2008 of September 22, 2008.

1. The purpose of this Seafarers Circular is to inform Owners, Companies, Operators, Masters, Legal Representatives, and Recognized Organizations the new regulations applicable to the rest periods and watchkeeping.
2. Pursuant to the provisions of Rule VIII/1 and Rule VII/2 of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, STCW 78/95, the Panama Maritime Authority by means of the General Directorate of Seafarers approved the regulations regarding rest periods and watchkeeping that must be complied with onboard of Panamanian flagged vessels by means of Resolution ADM N°. 106-2008 of September 22, 2008.

Note: Attached to this circular you will find Resolution ADM N°. 106-2008 of September 22, 2008.

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RESOLUTION ADM NO. 106-2008
THE ADMINISTRATOR OF THE PANAMA MARITIME AUTHORITY,
ACTING IN USE OF HIS LEGAL POWERS AND

CONSIDERING:

That by means of Decree Law No. 7 of February 10th, 1998, the Panama Maritime Authority is created and among its duties are guaranteeing the strict compliance of the legal and statutory regulations related to the Maritime Sector.

That pursuant to Article 33 of Law Decree No. 7 of February 10th, 1998, the General Directorate for Seafarers of the Panama Maritime Authority has among its duties to comply with the current legal regulations about education, training, certification and watchkeeping of seafarers, pursuant to the provisions of the international conventions ratified by the Republic of Panama.

That pursuant to Article 6 of Law Decree No. 8 of February 26th, 1998, the Panama Maritime Authority is the competent authority to exercise the duties to guarantee the strict compliance and efficient application of the rules on training, certification and watchkeeping of seafarers established in the international conventions ratified by the Republic of Panama.

That the Republic of Panama, by means of Law No. 4 of May 15th, 1992, ratified the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 78).

That the International Maritime Organization (IMO) adopted in 1995 an important set of amendments to the International Convention STCW 78, currently known as International Convention STCW 78/95.

By virtue thereof, the Panama Maritime Authority issued Resolution JD. 009-2001 of February 12th, 2001 whereby the national regulations for training and certification of seafarers in compliance with the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers STCW 78/95, however, the regulations with regards to watchkeeping were not included in said Resolution.

That the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers STCW 78, amended in 1995, establishes in Rule VIII/1, that each part must establish and comply with the rest periods of the personnel in charge of watchkeeping, in order to guarantee their safety and protection during navigation, port and maintenance operations, prevention of personal injuries and lost of human lives, prevention of damages to the marine environment, with which the fatigue of the crew shall be avoided.

That numeral 13 of Article 27 of Law Decree 7 of February 10th, 1998, established that is the duty of the Administrator of the Panama Maritime Authority to exercise the duties and attributions authorized by the Board of Directors of this entity.

That by means of Resolution JD No. 055-2008 of September 18th, 2008, the Board of Directors of the Panama Maritime Authority authorized the Administrator to regulate the technical issues which are competence of this Institution and which by legal disposition are not conferred to the General Directorates of this entity, related to the application of the International Conventions regarding the maritime subject.

RESOLVES:

- FIRST:** **APPROVE** the National Regulations related to the hours of rest and watchkeeping of seafarers in compliance with the requirements established by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW 78/95), by virtue of Rule VII/1 and Rule VIII/2.
- SECOND:** The provisions of this Resolution are of compulsory compliance onboard of all Panamanian flagged vessels to which article III of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW 78/95), is applied.
- THIRD:** Due to this Resolution be understood as:
- a. **Hours of work:** such time during which seafarers are obliged to perform a job for the vessel.
 - b. **Hours of rest:** such time during which the worker is free from all service.
- FOURTH:** The Master shall establish and keep organized the watchkeeping period in order for them to be suitable and efficient, to guarantee the safety of the vessel and the crew at all times, pursuant to the provisions of Section A VIII/1 and Section A VIII/2 of the Code on Training, Certification and Watchkeeping for Seafarers (STCW 78/95).
- FIFTH:** Every person appointed as an officer in charge of a watchkeeping or as a seaman who is part thereof, must comply with a minimum of ten (10) hours of rest in every period of twenty-four (24) hours.
- SIXTH:** The hours of rest may be divided into two periods maximum, one of which shall have a minimum of six (6) hours of length.
- SEVENTH:** The following cases are exempted from the foregoing article:
- a. In case of emergencies, if necessary in order to guarantee the safety, immediate protection of the vessel or the persons and the cargo onboard, or to provide assistance to other vessels or persons that are in danger at sea.
 - b. When they carry out periodical exercises such as fight against fires and abandonment, imposed by national and international regulations, they must be carried out in a way that it does not disturb the rest periods and does not cause fatigue.
 - c. When there is an imperative operational situation, being understood as such those that only include, essential assignments onboard that cannot be postponed due to safety or environmental reasons or that were not possible to prevent before the beginning of the journey.
- EIGHT:** Rest between working days shall be subject to the following regulations:
- a. Without prejudice to the provisions of article five and six, the minimum period of ten (10) hours may be reduced to six hours, on condition that such reduction is applied for than two days and to provide at least seventy (70) hours of rest for each period of seven days.

- b. Between the end of a working day and the beginning of the following, workers shall be entitled to a minimum of ten (10) hours of rest.
- c. The rest referred to in point b) shall be of twelve (12) hours when the vessel is in port, considering as such the time when the personnel remains onshore or onboard under his own free will, except in case it is necessary to carry out loading and unloading operations during periods of short length or works for the safety, protection and maintenance of the vessel that may be reduced to a minimum of eight (8) hours, except in case of force majeure.

NINTH: The differences between rest periods between working days provided in this Resolution and the ten (10) hours established in general shall be compensated.

TENTH: Rest shall be obligatory for the whole personnel, including the Master or the person who exercises the command of the vessel and who is not subject to the working period.

ELEVENTH: Parties may agree on watchkeeping and rest periods different from those established in this Resolution, as long as these are more favourable for seafarers than those established herein.

TWELFTH: In every Panamanian flagged vessel to which this Resolution applies, a schedule indicating how the work is organized onboard, written in the English language or the common language of work must be kept at an accessible place and available for the competent authorities. For this reason, it is compulsory to use the format annexed to this Resolution.

THIRTEENTH: **INFORM** the shipowners, operators, masters, chief engineers, watchkeeping personnel, legal representatives and inspectors of Panamanian flag, about the contents of this Resolution.

FOURTEENTH: This Resolution shall enter into force from the date of its signature.

LEGAL BASIS: Law No. 4 of May 15th, 1992.
Law Decree No. 8 of February 26th, 1998.
Law Decree No. 7 of February 10th, 1998.
Resolution J.D. No. 009-2001 of February 12th, 2001.

BE INFORMED, PUBLISHED AND COMPLIED WITH.

(Sgd.) Fernando A. Solórzano A.
Fernando A. Solórzano A.
Administrator of the Panama Maritime Authority

SAMPLE MODEL OF THE SCHEDULE ORGANIZING WORK ONBOARD

ANNEX

Issued by virtue of Resolution ADM No. 106-2008 of September 22nd, 2008, enacted pursuant to the provisions of the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, amended in 1995,

(Training Convention STCW 78/95).

Data related to the vessel (2)

Name of the vessel	Call Letters	IMO Number	Registration Port
Gross Tonnage	Propelling Power		Type of vessel

Service to which the vessel is engaged in (3):

Position/ grade (5)	Hours of work not scheduled at sea		Hours of work scheduled on ports		Remarks	Total number of daily hours of work/rest (4)	
	Watchkeeping periods (from - until)	Duties not related to watchkeeping periods (from - until) (6)	Watchkeeping periods (from - until)	Duties not related to watchkeeping periods (from - until) (6)		At sea	At port

- 1 The terms used in this sample schedule shall be in the language or languages of work of the vessel and in the English language.
- 2 Data according to the Navigation Patent issued by the Panama Maritime Authority.
- 3 Type of service to which the vessel is engaged in, according to the document related to the safety manning of the vessel, if applicable.
- 4 According to the provisions at sea or at port.
- 5 Indicate the position/ranking of the personnel that are involved in the safety and protection of the vessel during the navigation, port and maintenance operations and/or who also appear in document related to the safety manning of the vessel, using the same terminology of said document, if applicable.
- 6 For the watchkeeping personnel, the column of remarks may be used to indicate the number of hours intended to engage in non-scheduled duties, and these hours shall be registered in the corresponding column of daily hours of work.

Date of issue

Name and Signature of the Master or
Authorized Person and Seal of the Vessel