



**GENERAL DIRECTORATE OF MERCHANT MARINE
RESOLUTIONS AND INQUIRIES**

RESOLUTION No. 106-257-DGMM

Panama, December 9, 2020

**THE SUBSCRIBE GENERAL DIRECTOR
OF THE GENERAL DIRECTORATE OF MERCHANT MARINE
IN USE OF ITS POWERS CONFERRED BY LAW**

CONSIDERING:

That Decree Law No. 7 of February 10, 1998, on its Article 4, item 6 establishes as the function of the Panama Maritime Authority to ensure strict compliance with the provisions of the United Nations Convention on the Law of the Sea, 1982 and the other international agreements, conventions and instruments ratified by Panama in relation to the Maritime Sector.

That Decree Law No. 7 of February 10, 1998, on Article 4, numeral 11, establishes the function of the Panama Maritime Authority to direct, in coordination with other competent government agencies, the operation necessary to control oil spills, chemical substances, and any other disasters or accidents that may occur in maritime spaces and inland waters under Panamanian jurisdiction.

That in accordance with article 187 of Law No. 57 of August 6, 2008, establishes as a function of the General Directorate of Merchant Marine, to ensure strict compliance and effective application of the current legal regulations in the Republic of Panama , international conventions, codes or guidelines on maritime safety, pollution prevention and maritime protection of its vessels.

That Article 119 of Law No. 57 of August 6, 2008, establishes that the General Directorate of Merchant Marine may contract within or outside of Panama the service of naval inspectors or other suitable technical personnel of any nationality necessary to perform the inspections indicated in the previous articles and the specialized services, as well as the investigations into incidents in which a Panama or foreign registered vessel has been involved in Panama national waters, in which case the inspection or investigation report must be evaluated by the General Directorate of Merchant Marine. This Directorate may authorize and / or contract other national entities and / or individuals to carry out these inspections and investigations.

That the Republic of Panama adopted the International Convention for the Safety of Life at Sea (SOLAS), 1974, through Law No. 7 of October 27, 1977 and its Protocol of 1978 through Law No. 12 of October 9, November 1981; In the same manner, the 1988 Protocol relative to the International Convention for the Safety of Life at Sea 1974 is adopted, through Law No. 31 of July 11, 2007.

That the Republic of Panama adopted the International Convention for the Prevention of Pollution from Ships, 1973, through Law No. 17 of November 9, 1981, and its Protocol of 1978 (MARPOL 73/78), through Law No. 1 of 25 October 1983.

That the Republic of Panama ratified The International Convention on Load Lines (LL'66), through Law No. 20 of October 23, 1975.

That the Republic of Panama ratified the International Convention on the Regulations for Preventing Collisions at Sea (COLREG '72), through Law No. 7 of November 9, 1978.

That through Law 29 of April 18, 2013, International Convention on Maritime Search and Rescue, 1979, signed in Hamburg, on April 27, 1979 was ratified.

Likewise, Law No. 39 of July 8, 1976, in its Article 1, establishes that every Foreign Service vessel that navigates under the Panama flag registry and is engaged in international trade or other lucrative activities will be subject to an annual inspection in order to determine if it complies with the safety standards required by current national and international laws and regulations.

On the other hand, that illegal fishing is an impending threat in our region to marine ecosystems and sustainable fishing, as well as to the economy and food safety of coastal communities. In this scenario, the control measures accomplished by States, through inspection work and information gathering, are increasingly important.

That there is a series of international instruments, which urge the national authorities of the countries, on measures and procedures to combat illegal, Unreported and Unregulated (IUU) fishing. Most of these regulations refer to mandatory compliance measures, once approved within each country, such as the FAO Agreement on Port State Measures (PSMA), and other instruments that are voluntary, such as The International Action Plan against Illegal, Unreported and Unregulated Fishing (IUU).

That within the responsibilities of the Flag States indicated in the Agreement on Port State Measures (PSMA), it is stated that the States should ensure that their flag registry fishing vessels do not practice or support Illegal fishing Unreported and Unregulated (IUU).

That it is the responsibility of the States to exercise control over their fishing fleet and implement and follow up on the measures established to prevent, discourage and eliminate Illegal, Unreported, Unregulated Fishing (IUU), as part of the strategies of the Plan of Action against Illegal Fishing of the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Convention on the Law of the Sea (UNCLOS), with a view to achieving conservation and management of fishery aquatic resources.

In addition to all of the above, the Republic of Panama as a member of the International Labor Organization (ILO) and through Law No. 2 of January 6, 2009, the Maritime Labor Convention, 2006 (MLC) is approved, adopted on February 23, 2006, by the 94th Meeting (Maritime) of the General Conference of the International Labor Organization (ILO), for which it corresponds to the Panama Maritime Authority, through the General Directorate of Merchant Marine, to ensure strict compliance and effective application of the current legal regulations in the Republic of Panama, international conventions, codes or guidelines on maritime safety, pollution prevention and maritime protection of their vessels.

That the Maritime Labor Convention, 2006 (MLC), establishes in its article V item 1 that: *"Every Member shall apply and control the application of the legislation or other measures it has adopted to fulfill the obligations contracted by virtue of this Convention, in regards to ships and seafarers under its jurisdiction "*

Likewise, the Maritime Labor Convention, 2006 (MLC), states in its article V, item 2 that: *"Every Member shall effectively exercise its jurisdiction and control over the ships that fly its flag, establishing a system to guarantee compliance of the requirements of this Convention, which includes the performance of periodic inspections, the presentation of reports, the application of supervision measures and the action to the judicial procedures established by the applicable legislation."*

On Title 5 of the Maritime Labor Convention, 2006 (MLC), in Compliance and Enforcement Control, states in Rule 5.1.4 on Enforcement Inspection and Control, that every Member must verify, coordinate through an effective periodic inspections, monitoring and other control measures, that its flag ships must comply with the provisions of the agreement.

That by Law No. 8 of January 26, 1959, the Republic of Panama approved the Constituent Convention of the International Maritime Organization (IMO).

That the International Maritime Organization (IMO), through Resolution MSC.255 (84) approved on May 16, 2008, adopted the Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code).

That it is necessary to establish direct control over the management and investigation of marine casualties and incidents, and to report such findings and results to the International Maritime Organization (IMO).

That taking into consideration the degree of responsibility that the Panama Maritime Administration has acquired, in relation to maritime safety issues duly contemplated in our national legislation and ratified in International Conventions, and the obligation that as flag and coastal State we acquire in accordance to the provisions of regulation I / 21 of the International Convention for the Safety of Life at Sea, 1974, article 23 of the International Convention on Load Lines, 1966, and article 12 of the International Convention for the Prevention of Pollution from Ships, 1973.

That the General Directorate of Merchant Marine, through Resolution No. 106-11-DGMM of March 15, 2005, approved the procedure, restructuring and transfer of the Maritime Accident and Incident Investigation Section to the Navigation and Maritime Safety Department of the General Directorate of Merchant Marine, as a special unit in charge of investigating accidents or maritime incidents that may pose a risk to life at sea or the environment, which have caused loss of human life, marine pollution or damage to property , or in which state search and rescue authorities intervene, or any others that need to be investigated.

That by Board of Directors Resolution No. 006-2007 of September 17, 2007, the New Organizational Structure of the General Directorate of Merchant Marine was adopted, integrating, among others, the Maritime Affairs Investigation Department.

That the Panama Maritime Authority, through the Maritime Affairs Investigation Department, of the General Directorate of Merchant Marine, is responsible for coordinating and performing all investigations of Maritime Incidents and Accidents, where a national merchant registry ship is involved, in such a way that the Panamanian State complies with its acquired obligations and that at the same time it does not suffer any type of repercussions that may affect its international image.

That in circulars MSC.1 / Circ.1335 of September 29, 2009 and MSC.1 / Circ.1337 of August 4, 2010, Member Governments are invited to consider the best management practices that appear in Annex 2 of these circulars, and to advise the owners, operators and managers of registry flag vessels, as well as the crew on board employed or contracted on such ships, to act accordingly, taking into account the guidance provided in the MSC circulars .1 / Circ.1333 and 1334.

That the circulars cited in the previous paragraph invite measures to be taken into account, so the investigation of the cases would be in such a way to verify if these measures are being taken and verify how effective they are, thus proposing a continuous improvement on existing preventive measures.

That Law No. 57 of August 6, 2008, in its article 187, item 24, establishes as a function of the General Directorate of Merchant Marine, to act as a regulatory entity and coordinator of the policies, strategies and decisions that may affect, directly or indirectly, the ship registry of the Republic of Panama, in all matters related to compliance with current national and international standards, applicable to National Merchant Marine vessels.

That by virtue of the foregoing, the undersigned General Director of Merchant Marine, in use of his legal powers;

RESOLVES:

FIRST: TO APPROVE a new Regulation regarding investigations of maritime accidents and incidents, in addition to acts of illegal, unreported and unregulated fishing, and violations of Rule 5.1.4 and Standard A5.1.4.5 of the Maritime Labor Convention, Amended 2006 (MLC), in international waters, which will be performed by the Maritime Affairs Investigation Department of the General Directorate of Merchant Marine, which will be in charge of the investigation of maritime accidents or incidents, illegal, unreported and unregulated fishing, and complaints on Rule 5.1.4 and Standard A5.1.4.5 of the Maritime Labor Convention, 2006 as amended (MLC), in international waters that may pose a risk to life at sea, the environment and the marine environment, which may cause loss of human life, maritime pollution, property damage and damage to marine fauna.

The Maritime Affairs Investigation Department may also intervene in any investigation in which search and rescue authorities of any State intervene, or that affect the Republic of Panama in any other way and that may need to be investigated.

Likewise, it is not the purpose of the Maritime Affairs Investigation Department to execute maritime safety investigations that refrain from fully reporting on ground factors of a maritime accident or incident that from the conclusions may cause guilt or responsibility.

This regulation will apply to investigations of acts of illegal, unreported and unregulated fishing, provided to fishing vessels and aid to fishing activities under the Panama flag registry or vessels from other flag states that develop such activity in the territorial waters, contiguous zone or exclusive economic zone of the Republic of Panama.

SECOND: The goal of the Maritime Affairs Investigation Department is to investigate and coordinate:

1. The main factors of maritime accidents or incidents that occur on Panama flag vessels, and thus establish conclusions and recommendations necessary for maritime safety worldwide.
2. the acts of illegal, unreported and unregulated fishing, which will determine the legalization, monitoring and compliance with the International fishing regulations to the Panama registry fishing vessels and,
3. Violations of Rule 5.1.4 and Standard A5.1.4.5 of the Maritime Labor Convention, 2006 as amended (MLC),

Maritime safety investigations should be separate and independent from any other investigation. However, it is not the objective to exclude any other form of investigation, including investigations in procedures for the adoption of civil, criminal and administrative measures.

By the same token, investigations will not have the purpose of exercising actions of a criminal, civil or administrative nature, for which they will be subject only to the purposes established in the Casualty Investigation Code adopted by the International Maritime Organization (IMO) and Regulation 5.1.4 and Standard A5.1.4.5 of the Maritime Labor Convention, 2006 as amended (MLC). With the exception of investigations of illegal, unreported and unregulated fishing, which may help with their findings to verify illegal, unreported and unregulated fishing on fishing vessels.

THIRD: The Maritime Affairs Investigation Department will not delay in fulfilling the assigned investigation and will act immediately, working twenty-four (24) hours and three hundred and sixty-five (365) days a year, in coordination with the General Directorate of Merchant Marine.

The reports resulting from the investigation of accidents, maritime incidents, issues related to Rule 5.1.4 and Standard A5.1.4.5 of the Maritime Labor Convention, 2006 as amended (MLC) and illegal, unreported and unregulated fishing will be delivered to the General Directorate of Merchant Marine, immediately, counting from the date the principal investigator has been appointed and he/she has signed with the General Directorate of Merchant Marine, a document of acceptance of the designation, which will be called "Letter of Nomination and Acceptance to perform a Maritime Investigation on behalf of the Panama Maritime Authority."

Likewise, the General Director of Merchant Marine may order the reopening of the case, if he/she deems it appropriate or request preliminary reports of accidents, maritime incidents, illegal, unreported and unregulated fishing and issues related to Rule 5.1.4 and the Standard A5.1.4.5 of the Maritime Labor Convention, 2006 as amended (MLC).

FOURTH: The Maritime Affairs Investigation Department will have the following functions:

1. To determine the type of accident or maritime incident on the basis of domestic and international law. Which may be a maritime casualty, a very serious maritime casualty and a maritime incident.

- **Maritime Incident:** an event, or sequence of events, other than a maritime casualty, that has occurred in a directly in connection with the operations of a ship, that endangered or that, if not corrected, would endanger the safety of the ship, its occupants or any other person, or the environment.

However, a maritime incident does not include a deliberate act or omission, with the intention to cause harm to the safety of a ship, an individual or the environment.

- **Maritime Casualty:** event, or a sequence of events, that has resulted in any of the following which has occurred directly in connection with the operations of the ship as detailed below:
 - Death or serious injury to a person;
 - The loss of a person from a ship;
 - The loss, presumed loss or abandonment of a ship;
 - Material damage to a ship;
 - The stranding or disabling of a ship, or the involvement of a ship in a collision;
 - Material damage caused to marine infrastructure external to the ship that could seriously endanger the safety of the ship, another ship, or an individual; or
 - Severe damage to the environment, or the potential severe damage to the environment, brought about by the damage by a ship or ships.

- However, a maritime casualty does not include a deliberate act or omission, with the intention to cause harm to the safety of a ship, an individual or the environment.
 - **Very Serious Maritime Casualty**: a maritime casualty involving the total loss of a ship, or a death or severe damage to the environment.
 - **Illegal, Unreported and Unregulated Fishing**: as described by the Food and Agriculture Organization of the United Nations (FAO).
2. To investigate and coordinate maritime casualties or incidents, acts of illegal, unreported and unregulated fishing involving Panama flag vessels outside of our territorial waters, as well as cases of violations of Rule 5.1.4 and Rule A5 .1.4.5 of the Maritime Labor Convention, 2006 as amended (MLC), and as a minimum all cases of maritime casualties and very serious maritime casualties will be investigated.
 3. To investigate and coordinate maritime casualties and incidents that occur within our territorial waters regardless of the ship's flag registry and in the case of maritime casualties or incidents involving foreign flag ships, cooperate as much as possible and decide in common agreement with the Flag State of the vessel, of whom will the role of principal investigator will be assume.
 4. If another State has a significant interest due to the nationality of the ship's crew, passengers or other persons, it should be invited to participate in the investigation.
 5. In case of acts of illegal, unreported and unregulated fishing, the investigation must be coordinated within our territorial waters, contiguous zone and exclusive economic zone, regardless of the vessel's flag registry and in case where the vessel is of a foreign flag , cooperate as much as possible and decide in common agreement with the flag state of the vessel, which will assume the role of principal investigator. If another State has a significant interest because of the nationality of the ship's crew, passengers or other persons, it should be invited to participate in the investigation.
 6. To develop a method of operation to investigate all casualties, maritime incidents, acts of unreported and unregulated illegal fishing, as well as violations of Rule 5.1.4 and Standard A5.1.4.5 of the Maritime Labor Convention, 2006 Amended (MLC), keeping in touch with States that have a considerable interest.
 7. To coordinate the investigation and recommend to the General Directorate of Merchant Marine the appointment of the investigator in charge of it.
 8. To establish the criteria of the investigation based on our legislation and guarantee that it is applied.
 9. To guard the minutes of the statements and other evidence gathered during the investigation.
 10. To write the investigation reports, by collecting evidence and documentation obtained by the investigators, in addition, request and transmit the opinions of the States with considerable interest.

11. To maintain coordination with the entities that are performing other investigations.

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12. To provide reasonable logistical support in the investigation process.
13. To maintain contact with other organizations, entities and people that are not part of the investigation team.
14. To notify with the least possible delay, to all their superiors when a maritime casualty or incident occurs, complaints of violations of Rule 5.1.4 and Standard A5.1.4.5 of the Maritime Labor Convention, 2006 occur Amended (MLC), in our inland or territorial waters, as well as in cases of acts of illegal, unreported and unregulated fishing when they occur in the territorial waters, contiguous zone or exclusive economic zone, regardless of the nationality of the vessel.
15. Inform the flag State of the ship wrecked in territorial waters or, in cases of ships that engage in acts of illegal, unreported and unregulated fishing, when they occur in the territorial waters, contiguous zone or exclusive economic zone of the happening and the measures that are proposed to be carried out.
16. To capture all the information received to the computer programs available for this, at the Maritime Affairs Investigation Department of all casualties, maritime incidents, acts of illegal, unreported and unregulated fishing of fishing vessels and aid to fishing, as well as complaints of violations of Rule 5.1.4 and Rule A5.1.4.5 of the Maritime Labor Convention, 2006 as amended (MLC).
17. The entry of such information will produce an administrative restriction with respect to the damaged ship; Vessels that engage in illegal, unreported and unregulated fishing acts, as well as complaints of violations of Rule 5.1.4 and Standard A5.1.4.5 of the Maritime Labor Convention, 2006 as amended (MLC), as indicated in this Resolution.
18. To submit to the General Directorate of Seafarers, the list of crew members of the Panama Registry vessels that have been involved in a casualty or incident, or incurred in illegal, unreported and unregulated fishing activities or had any complaint of violation of Rule 5.1.4 and Standard A5.1.4.5 of the Maritime Labor Convention, 2006 as amended (MLC), so that the corresponding procedures can be sorted through the Maritime Labor Affairs Department.
19. To establish contacts with the Authorities of the State where the casualty, maritime incident, illegal, unreported and unregulated fishing occur, as well as complaints of violations of Rule 5.1.4 and Rule A5.1.4.5 of the Convention on Maritime Labor, 2006 amended (MLC), so that it provides full cooperation to the investigator, in order to fulfill the report.
20. To execute the steps based on Rule 5.1.6 of the Maritime Labor Convention, 2006 (MLC), regarding Maritime Casualties, which establishes that all member States must perform an official investigation of any maritime casualty that causes injuries or death, in which a registry flag ship is involved.
21. Any other assignment by the General Directorate of Merchant Marine.

FIFTH: The investigators from the Maritime Affairs Investigation Department of the General Directorate of Merchant Marine must have the following qualifications, training, competence, command and responsibilities:

- The necessary technical competencies in the relevant aspects of the Maritime Labor Convention, 2006 as amended (MLC) and adequate knowledge of the operation of the ship, including the minimum requirements to work on board ships, conditions of employment, accommodation, recreation facilities, food and catering, accident prevention, health protection, medical care, welfare and social security protection;
- Knowledge of procedures for handling complaints on land.
- Be aware of any national decision, waiver or exemption and variant adopted by the flag State under the Maritime Labor Convention, 2006 as amended (MLC).
- Be accredited as a ship inspector in compliance with the Maritime Labor Convention, 2006 as amended (MLC), through training conducted by the Administration or a course conducted by a Recognized Organization or by a trainer of trainers (TOT) of the Academy of Maritime Labor in Turin, Italy.
- Any other determined by the General Directorate of Marina Marine.

SIXTH: In cases of compliance with the Maritime Labor Convention, 2006 as amended (MLC), investigators from the Maritime Affairs Investigation Department of the General Directorate of Merchant Marine, with prior authorization from the General Directorate of Merchant Marine and based on their professional criteria, will decide whether or not to accept a plan to correct all the deficiencies detected on board the Panama flag vessel.

For this purpose, such investigators will take into account the following:

- Whether the deficiencies can be quickly correct at the inspection port;
- Whether the deficiencies constitute an imminent danger to the protection, health or safety at work of seafarers;
- The seriousness of the noncompliance with the requirements of the Maritime Labor Convention, as amended 2006 (MLC), (including the rights of seafarers);
- The length and nature of the voyage plan or service;
- The dimensions and type of ship and the planned equipment;
- Whether or not the appropriate rest period for seafarers is respected;
- The nature of the cargo;
- History of similar deficiencies;
- The number of deficiency detected by the inspection;
- Safety requirements regarding manning.
- Action plans and backgrounds regarding the correction of deficiencies

SEVENTH: The national legislation or other measures for the application of the provisions of the Maritime Labor Convention, as amended 2006 (MLC), will have precedence in determining the requirements applicable to such investigators, which will cover, in principle, the following:

- Minimum age
- Medical certificate
- Qualifications of seafarers.
- Seafarers' employment contract
- Use of private contracting and placement services authorized, certified or regulated.
- Minimum hours of rest
- Ship manning levels
- Accommodation
- Entertainment services on board
- Food and catering
- Health and safety and accident prevention
- Medical care on board
- Procedures for handling complaints on board
- Wages payment
- Financial guarantee in case of repatriation due to abandonment of seafarers
- Financial guarantee for compensation in the event of injury, illness or death of seafarers.

EIGHTH: Investigators from the Maritime Affairs Investigation Department of the General Directorate of Merchant Marine will enjoy the necessary legal conditions that ensure their independence in the exercise of their functions and guarantee that the investigation of the provisions of the Convention on Maritime Labor, as amended 2006 (MLC), are met on board ships.

NINTH: The General Directorate of Merchant Marine will establish the internal procedures, controls, approvals, authorizations or any other necessary mechanism to perform an adequate investigation of the casualty, maritime incident, acts of illegal, unreported and unregulated fishing, as well as the provisions of the Maritime Labor Convention, as amended 2006 (MLC), including the imposition of administrative restrictions on Panama flag vessels involved in a maritime casualty or incident and also in acts of illegal, unreported and unregulated fishing and as well as the complaints on violations of the Maritime Labor Convention, as amended 2006 (MLC).

TENTH: The Maritime Affairs Investigation Department will be empowered to confiscate or withdraw, in the course of its investigations, the log book, equipment, licenses, documents, books, records or parts of the ships, in order to execute an adequate investigation of a casualty, maritime incident, or acts of illegal, unreported and unregulated fishing and as well as complaints about violations of the Maritime Labor Convention, as amended 2006 (MLC).

ELEVENTH: The restrictions referred to in Article Ninth of this Resolution, will be made automatically with the data capture in the Maritime Affairs Investigation Department of the General Directorate of Merchant Marine on the casualty, maritime incident, acts of illegal fishing, unreported and unregulated, and complaints about violations of the Maritime Labor Convention, as amended 2006 (MLC), suffered by a Panama flag vessel, in which the same will be lift once the investigation is completed and the corresponding sanction resolved.

In case of failure to perform an investigation regarding a casualty, maritime incident, acts of illegal, unreported and unregulated fishing, or complaints about violations of the Maritime Labor Convention, as amended 2006 (MLC), the restriction will be lifted once the owners and / or operators, and / or administrators, and / or legal representatives of the ship have fulfilled their obligation of sending, to the Maritime Affairs Investigation Department, the formats, evidence and documents required by it, being received in a duly manner.

TWELFTH: When the Maritime Affairs Investigation Department has agreed and decided on the procedures for the investigation of casualties, maritime incidents, acts of illegal, unreported and unregulated fishing or complaints about violations of the Maritime Labor Convention, as amended 2006 (MLC), with two or more States with significant interests, the State that leads the investigation will invite the representative of the other State of interest to participate in carrying it out, and they will be allowed to:

- a. Question the witnesses.
- b. View and examine evidence and obtain copies of documentation.
- c. Present witnesses and other kinds of evidence.
- d. Present statements regarding the evidence.
- e. Receive the transcripts, statements and the final report of the investigation.

THIRTEENTH: The Maritime Affairs Investigation Department, regardless of where the casualty or maritime incident have occurred, will not disclose any document obtained during an investigation, as its information is of a confidential nature and with restricted access, unless the authority in charge of the administration of justice in the Republic of Panama, determine that its disclosure is more valuable than the adverse consequences, national or international, that this could have for that or for any other future investigation.

For investigations related to vessels that have been involved in illegal, unreported and unregulated fishing activities, or which investigations of complaints have been conducted on violations of the Maritime Labor Convention, as amended 2006 (MLC), will be disclosed. With prior authorization from the General Directorate of Merchant Marine.

FOURTEENTH: The Maritime Affairs Investigation Department may request cooperation from all personnel on board a Panama flag vessel or a vessel of any other nationality in jurisdictional waters of the Republic of Panama, operators or persons directly or indirectly involved in casualties, incidents acts of illegal, unreported and unregulated fishing, or complaints about violations of the Maritime Labor Convention, as amended 2006 (MLC), in order for them to testify or be questioned verbally or in writing, in relations to a casualty, maritime incident, acts of Illegal, unreported and unregulated Fishing or the Maritime Labor Convention, as amended 2006 (MLC).

The captain, owner or operator of a vessel that has suffered a casualty, maritime incident, or that has been involved in activities of illegal, unreported and unregulated fishing acts, or complaints about violations of the Maritime Labor Convention, Amended 2006 (MLC), must keep and retain any record or material pertinent to the trip, cooperating with the investigation or providing witnesses, log books, certificates or other documents required by the Maritime Affairs Investigation Department and that are necessary for the investigation thereof. .

Any Recognized Organization (RO) authorized by the Republic of Panama and any Maritime Safety Inspector (ASI), directly or indirectly involved in a casualty, maritime incident, acts of illegal, unreported and unregulated fishing or complaints about violations of the Maritime Labor Convention, Amended 2006

(MLC), may be called to declare and must provide all the documentation records required to perform the investigation of maritime casualty and incident, acts of illegal, unreported and unregulated fishing, or complaints on violations of the Labor Convention Maritime, Amended 2006 (MLC).

In the event of non-compliance by the owners, operators, captains, crew and officers, of not cooperating with the investigation or not properly reporting when a casualty or maritime incident occur, acts of illegal, unreported and unregulated fishing, or complaints on violations of the Maritime Labor Convention, as amended 2006 (MLC), will be subject to the sanctions conferred by law.

FIFTEENTH: The Maritime Affairs Investigation Department will send a copy of the final report to the General Directorate of Merchant Marine, which will evaluate it and decide whether to proceed with its subsequent disclosure or communication.

The Maritime Affairs Investigation Department will send a copy of a draft report to all States with significant interests, urging them to formulate, as soon as possible, the important observations or comments that they may wish to make about it within thirty (30) calendar days.

If the observations are received before the thirty (30) calendar days have elapsed or within a period indicated by mutual agreement, the draft report will be modified, in order to incorporate them into it, or they will be attached to the report; If, after the period indicated in this article, no observations are received on the final report, it will be sent to the International Maritime Organization (IMO) completed.

SIXTEENTH: The Maritime Affairs Investigation Department may order the reopening of an investigation of any subject limited to its competence, only when new evidence on the subject is presented and that it may alter the determination of the circumstances of the investigation, as well as its results in relation to the cause.

SEVENTEENTH: Every captain, owner or operator of a Panama flag vessel that has suffered a casualty or maritime incident, must notify it without further delay to the Maritime Affairs Investigation Department of the General Directorate of Merchant Marine.

Likewise, the Aquatic Resources Authority of Panama, Maritime Administrations and other Departments of the General Directorate of Merchant Marine, who have knowledge of any Panama flag vessel that is incurring in acts of illegal, unreported and unregulated fishing in Panamanian jurisdictional waters or outside of them.

EIGHTEENTH: The General Directorate of Merchant Marine, through the Maritime Affairs Investigation Department, will try to perform the investigations with its personnel, as a first option,

In the event that the Maritime Affairs Investigation Department personnel are unable to execute a maritime investigation, the General Directorate or Deputy General Directorate of Merchant Marine will appoint, with the prior recommendation of the Maritime Affairs Investigation Department based on its procedures, an independent investigator or investigation company for each particular case.

The designated investigators are chosen according to the list of investigators approved by the General Directorate of Merchant Marine.

For an investigator to be on the investigators list, he or she must meet the minimum requirements outlined in the selection, evaluation and approval procedure for casualty investigators, maritime incidents, illegal (IUU) fishing and being trained on the Maritime

Labor Convention, as amended 2006 (MLC), that the Maritime Affairs Investigation Department has and be approved by the General

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Directorate of Merchant Marine in order to be recommended to future investigations.

The Maritime Affairs Investigation Department, will recommend to the General Directorate of Merchant Marine, always as a priority companies or independent investigators who do not have any direct or indirect relationship with the Recognized Organization authorized by the Maritime Authority of Panama, or who present some type conflict of interest, in matters of maritime safety with the specific ship or damaged ships.

The designation of the principal investigator must be made in writing to the General Directorate of Merchant Marine, which will ultimately decide the selection of the investigator or group of investigators, always taking into consideration the recommendation of the Maritime Affairs Investigation Department, who will base their recommendations taking into account the area of the casualty, maritime incident, or the position of the vessel that is presumed to have been involved in acts of illegal, unreported and unregulated fishing activities, or complaints related to the Maritime Labor Convention, as amended 2006 (MLC), as well as the performance in previous investigations, the experience and knowledge of the investigator and any other element necessary to ensure an impartial and complete investigation in accordance with the guidelines established by the International Maritime Organization (IMO) in order to determine the main causes of the casualty or maritime incident.

NINETEENTH: The designated principal investigator will have the capacity to administer and require evidence, statements of witnesses and / or persons with special knowledge in a technical matter to identify the causes of the casualty, maritime incident, the alleged act of illegal, unreported and unregulated fishing or complaints related to the Maritime Labor Convention, as amended 2006 (MLC).

TWENTIETH: When casualties or maritime incidents occur in international waters or in jurisdictional waters of another country on Panama registry vessels, or in vessels of another nationality are involved in jurisdictional waters of the Republic of Panama, the General Directorate of Merchant Marine, Through the Maritime Affairs Investigation Department, may request the cooperation of the coastal state where the casualty occurred or the country of nationality of the vessels involved and order for the principal investigator to act as required.

Similarly, when an act of illegal, unreported and unregulated fishing occurs in international waters or in jurisdictional waters of another country on Panama registry vessels, the General Directorate of Merchant Marine, through the Maritime Affairs Investigation Department, may request the cooperation of the coastal state where the vessel is located and order for the principal investigator to act as required.

TWENTY FIRST: The General Director of Merchant Marine, when deemed necessary due to the seriousness of the casualty, maritime incident, acts of illegal, unreported and unregulated fishing, or complaint related to the Maritime Labor Convention, as amended 2006 (MLC), may order the Maritime Casualty and Incidents Investigation Board, to be in charge of such investigation.

The Maritime Casualty and Incident Investigation Board, acts of illegal, unreported and unregulated fishing, and complaints related to the Maritime Labor Convention, as amended 2006 (MLC), will be composed of: The General Deputy Director of Merchant Marine, who will preside over it; the Chief and Deputy Chief of the Maritime Affairs Investigation Department who will act as Secretary and will take the minutes and instructions that will rise; the Chief, Deputy Chief or designated Person of the Navigation and Maritime Safety Department; the Chief of the Resolutions and Inquiries Department, and an internal technician or external expert appointed by the General Director of Merchant Marine.

The president of the Maritime Casualty and Incident Investigation Board, acts of illegal, unreported and unregulated fishing, and complaint related to the Maritime Labor Convention, as amended 2006 (MLC), will give written communication within fifteen (15) business days, to any person in charge of the investigation or to any person involved in the Maritime Casualty and Incident, so that all interested parties are aware that the Maritime Casualty and Incident Investigation Board has been called to act.

TWENTY SECOND: The Maritime Casualty and Incident Investigation Board, acts of illegal, unreported and unregulated fishing and complaints related to the Maritime Labor Convention, as amended 2006 (MLC), when called to act, will have the following functions and abilities:

- a) Lead the investigation of a casualty, maritime incident, acts illegal, unreported and unregulated fishing, and complaint related to the Maritime Labor Convention, as amended 2006 (MLC).
- b) Guide the principal investigator in his task;
- c) Collect, retain and administer evidence;
- d) Suspend the navigation and operations of the vessel;
- e) Nominate or involve other investigators or experts; require additional evidence, documents or any other necessary requirement conferred by law;
- f) Obtain statements from witnesses or persons involved;
- g) Visit the scene of the casualty.
- h) Report to the General Director of Merchant Marine the progress of an investigation; and
- i) Any other function required by the General Director of Merchant Marine.

TWENTY THIRD: The Maritime Casualty and Incident Investigation Board, acts of illegal, unreported and unregulated fishing, and complaints related to the Maritime Labor Convention, as amended 2006 (MLC), will inform the General Director of Merchant Marine, as well as the Administrator, Deputy Administrator and General Secretary of the Panama Maritime Authority, on the progress of the investigation.

TWENTY FOURTH: If necessary, the General Directorate of Merchant Marine may require the making of a Crisis Analysis and Management Board composed of the Administrator, the General Secretary, the General Director of Merchant Marine, the General Director of Seafarers, the President of the Maritime Casualty and Incident Investigation Board, the Chief of the Maritime Affairs Investigation Department, a member of the Panama Maritime Law Association and a member of the Panama Maritime Chamber. Additionally, the General Directorate of Merchant Marine may use the services of an expert in crisis management and media.

TWENTY FIFTH: The Crisis Analysis and Management Board will have the following functions:

- a. To study the repercussions of a casualty, maritime incident, acts of unreported and unregulated illegal fishing, and complaint related to the Maritime Labor Convention, as amended 2006 (MLC).
- b. To designate the person in charge of the media to report on the facts of a maritime casualty or incident;
- c. To approve or not, additional steps recommended by the president of the Maritime Casualty and Incident Investigation Board, acts of illegal, unreported and unregulated fishing, and complaints related to the Maritime Labor Convention, amended 2006 (MLC), during the course of an investigation;

- d. To dictate the general guidelines on the investigation of a casualty, maritime incident, acts of illegal, unreported and unregulated fishing, and complaints related to the Maritime Labor Convention, as amended 2006 (MLC), which must be impartial and transparent;

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- e. and. Any other functions given.

TWENTY SIXTH: Prior to conducting any preliminary questioning of a witness or any other person under investigation of a casualty, maritime incident, acts of illegal unreported and unregulated fishing, and complaints related to the Maritime Labor Convention, as amended 2006 (MLC), the principal investigator will inform the witness or other person of the nature of the investigation. The principal investigator will also inform the debriefed that the interview will be recorded.

TWENTY SEVENTH: If necessary, the principal investigator may request the services of a suitable interpreter or translator in the languages of the interviewers and the pollster, with prior authorization from the General Directorate of Merchant Marine.

If necessary, the main investigator may request the services of companies and technical experts, in order to perform the investigation, with prior authorization from the General Directorate of Merchant Marine.

TWENTY EIGHTH: Payment of fees for services rendered for the investigation of casualties, maritime incidents, acts of illegal, unreported and unregulated fishing, and complaints related to the Maritime Labor Convention, as amended 2006 (MLC), and expenses incurred by the investigator will be authorized by the General Directorate of Merchant Marine as long as the Maritime Affairs Investigation Department determines that the investigation has met the objectives and requirements demanded by the General Directorate of Merchant Marine and the International Maritime Organization. .

TWENTY NINETH: If in the course of an investigation there is conclusive evidence for the commission of a crime, the same will be brought to the attention of the competent authorities.

THIRTIETH: After the investigation has been concluded, the principal investigator must send to the Maritime Affairs Investigation Department, a complete report of the investigated facts following the guidelines or criteria established in the Department's procedures and the Agreement based on the MSC Resolution .255 (84) and Resolution A.1075.

Such report will be approved by the Maritime Affairs Investigation Department and will finally be presented to the General Directorate of Merchant Marine for final approval.

Upon receiving the investigation report, the General Director of Merchant Marine will proceed to make his decision and put into effect any recommendation indicated in the report as he deems necessary.

THIRTY FIRST: TO COMMUNICATE the content of this Resolution to all the General Directorate of Merchant Marine Departments, the international offices of the Panama Maritime Authority, the Permanent Mission of the Republic of Panama to the International Maritime Organization, the Consulates and users of the Panama Registry.

THIRTY SECOND: This Resolution repeals in all of its parts Resolution No. 106-135-DGMM of September 9, 2013.

THIRTY THIRD: TO INFORM that this Resolution enters into force from the moment of its publication in the Official Gazette.

LEGAL BASIS:

Law No. 8 of January 26, 1959 Law No. 20 of October 23, 1975;
Law No. 39 of July 8, 1976;
Law No. 7 of October 27, 1977;
Law No. 7 of November 9, 1978;
Law No. 17 of November 9, 1981;
Law No. 38 of June 4, 1995;
Decree Law 7 of February 10, 1998;
Law No. 57 of August 6, 2008.
Law No. 2 of January 6, 2009.
ADM Resolution No. 127 of September 20, 2012.
Executive Decree No. 86 of February 20, 2013.

COMMUNICATE, AND ENFORCE IT,

ENG. RAFAEL N. CIGARRUISTA G.
GENERAL DIRECTOR