



OP NOTICE TO SHIPPING No. N-7-2008 (Rev. 1)

**Panama Canal Transit
Reservation System**



January 2, 2008

OP NOTICE TO SHIPPING No. N-7-2008 (Rev. 1)

To: Steamship Agents, Owners and Operators

Subject: Panama Canal Transit Reservation System

1. Effective Date and Cancellation

This Notice cancels OP Notice to Shipping No. N-7-2008 and will be effective on the date of issue. The content of this Notice includes changes in position and unit names related to the recent reorganization of the Panama Canal Authority. In addition, sections on access to information through EVTMS and inactivation of the Customer Code were added to pages *iii* and *v*, respectively; and reference to the ACP Marketing Analysis and Research Office was added in item 5 (*Tie Breaker Criteria*), on page 7.

This revised notice was issued to incorporate changes to the allocation of booking slots that become available during the 1st or 2nd period due to cancellations or changes in booking dates. These changes appear on page 13 of this Notice. In addition, items 9 (*Substitutions*) and 10 (*Swapping*), which were inadvertently consolidated, have been reinstated as separate subjects in this revision, on page 8. Finally, it was established that Condition 3 must be in effect for booked vessels to be automatically assessed a higher booking fee when the total number of vessels awaiting transit is projected to be, within two days, 90 or more vessels for at least two consecutive days.

2. Purpose and Scope

a. This Notice incorporates the Panama Canal Transit Reservation System in accordance with the third section of the Regulation on Navigation in Panama Canal Waters (*ACP Navigation Regulations*) and with additional provisions included in the related manual of procedures.

b. The rules presented in this Notice constitute, section by section, the regulations related to the matter in the ACP Navigation Regulations and are followed by policies,

procedures and practices of the Canal Authority. In the event of any conflict in the rules printed in this Notice and the provisions published in the *ACP Navigation Regulations, Articles 12 to 25* (Spanish version), the latter shall govern.

3. Booking through the Electronic Data Collection System

The Electronic Data Collection System (EDCS) is an efficient electronic information exchange between the ACP information system and the customers' systems, which enables the collection, administration, and validation of data. The EDCS is designed to function as the ACP's Information System front-end. It provides for the electronic reception of all preliminary information required for security and operational purposes.

Booking Requests, Requests for Daylight Transits, Requests for Same-day transits (lost reservation due to late arrival), and Cancellations are received through the EDCS Web Portal. The customer and registered agents have access to this portal at any time. The ACP provides each customer and registered agent with a user name and password to log onto the EDCS portal.

The ACP Help Desk provides 24-hour service to address difficulties pertaining to EDCS. The process of generating a CC and User Name/password takes a minimum of four working days each.

Following are points of contact for EDCS support:

- International Call Center Tel. + 65 6887-7288
- Local Call Center Tel. (507) 272-2222
- Customer Support EDCS_support@pancanal.com
- Registration and Accreditation..... EDCS_registration@pancanal.com
- Customer Relations Customerrelations@pancanal.com
- General Information..... EDCS_info@pancanal.com

4. Transit Booking Information on the Internet

A new section on the Panama Canal internet page is now available at <http://www.pancanal.com/eng/maritime/transit/index.html> with the following information on the current status of the Transit Booking System:

- Booking Slots Available
- Competition
- Customer Ranking

The Customer Ranking Report is updated and posted at the beginning of each month, while the Competition is updated every time a competition occurs.

The Booking Slots Available site has been designed to provide information on reserved slots and slot availability within the next 12 months, for small and large vessels. The Booking Slots Report, which is updated every two hours, and the Slot Availability

Notifications are also available at this site. This slot availability latest notification requires user and password. It is updated whenever a booking slot becomes available during the 1st and 2nd period due to cancellations or changes in the booking date, and there are no rejected booking requests that occurs prior to the slot becoming available. The user and password for this site can be requested at EDCS_registration@pancanal.com; please note that is only available for ACP authorized local shipping agents and customers.

5. Access to Information Through the EVTMS

In compliance with ACP and international security requirements, access to the Enhanced Vessel Traffic Management System (EVTMS) was regulated.

All requests to transit the Panama Canal or anchor in Canal waters carry implicit authorization for the ACP to disclose, through the EVTMS System, information regarding the vessel and its estimated time of arrival (ETA) to those duly registered with the ACP to provide services to said vessels.

Authorization to access the EVTMS system requires signing a contract with the ACP wherein the terms and conditions required of the subscriber are defined. This contract includes the established tariff, as well as confidentiality restrictions regarding the use of information obtained through this system. Non-compliance with the terms and conditions of this contract, including non-payment of the tariff in a timely manner, may result in the suspension of access to this service.

The EVTMS system is only available, with the limitations and restrictions established in the contract, and based on the nature of the activity performed, to the following:

- shipping agents, vessel owners and operators;
- port terminals located within Panama Canal waters or adjacent to the same;
- government entities with maritime or security responsibilities;
- individuals or established entities providing services to vessels in Panama Canal waters; and,
- other individuals domiciled in the Republic of Panama providing legal services within the realm of maritime transportation and commerce.

Requests for access to the EVTMS system and its access contract may be directed to the Transit Operations Division at 272-5951. All new requests must state the purpose for such access; identify a point of contact; and provide a company postal and street address, as well as telephone and facsimile numbers. These requests are submitted in writing to optc@pancanal.com or delivered to:

Manager, Maritime Traffic and Admeasurement Section
Panama Canal Authority
Building 910, La Boca
Republic of Panama

6. Customer Code Issuance and Consolidation Procedures

ACP requires that a Customer Code be provided to every vessel's visit to transit the Panama Canal, with the exception of yachts or government vessels. The customer code provided by the vessel's agent for a vessel's visit must be the customer code that belongs to the company responsible for each transit within that visit, and providing a customer code belonging to an entity that does not represent, own, operate, or charter the transiting vessel is prohibited. Therefore, the customer code provided must belong to:

- The owner of the vessel transiting the Canal, or
- the operator of the vessel transiting the Canal, or
- the company that charters a vessel transiting the Canal.

ACP utilizes the customer code weighted ranking as the first tie-breaker criteria when two or more vessels are competing for the same transit reservation slot. Therefore, it is extremely important that the customer code used or provided for each vessel's visit be correct. However, after completion of a vessel's visit, agents and customers are granted a 30-day grace period in order to request corrections to the customer code provided in the vessel's visit, so that the correct customer code is credited when publishing the customer code ranking. The customer code ranking is available at: <http://www.panacanal.com/evtms-rpts/agents/VI5350RP.pdf>.

ACP provides several systems and reports, which are readily available to verify customer codes that were reported for each vessel's visit, such as: EDCS (ETA and SHIP DUE Module), and EVTMS (Daily Information Report, Arrivals Report, Vessel's Visit Itineraries Screen, and the Vessel Schedule Report). In addition, the Agent/Customer Summary report, available through EVTMS, provides a summary of all transiting vessels represented by local shipping agents that are logged in. This report contains information for the last 60 days.

Non-compliance with the Customer Code Procedure by providing incorrect, false, or deficient information to the ACP constitutes a violation of the Maritime Regulations for the Operation of the Panama Canal, and may result in fines ranging from \$100 to \$1,000,000. The application of sanctions does not preclude the ACP from canceling previously approved consolidation of customer codes, and may also result in the loss of the amount of transits that have been credited to the offending customer.

7. Electronic Mail Notification to Monitor Customer Codes

An important factor in the competition toward obtaining reserved transit slots is the utilization of the Customer Code, which can affect customer ranking. Customer Code procedures require proof of ownership, contractual chartering or majority stock ownership of a shipping company and these prerequisites are available at: <http://www.panacanal.com/eng/maritime/customer-code-procedure.pdf>

In order to ensure a transparent and equitable customer service, the ACP generated an electronic notification whenever an ETA or Ship Due transaction has been created or a customer code of an existing ETA or Ship Due is modified in the EDCS. A response is only required if the customer code is being used without authorization. Canal customers shall maintain their official electronic mail addresses up to date by contacting the Customer Relations Unit at: customerrelations@pancanal.com.

8. Customer Codes Inactivation

Customer Codes that were not used in a five-year period were deactivated by the ACP Customer Relations Unit during 2007. Customers, who may wish to reinstate a code that has been deactivated, are required to send a written request in this regard to the Customer Relations Unit.

It must be remembered that only the owners, operators or charterers of a vessel that transits the Panama Canal may be assigned a Customer Code.

The ACP utilizes the Customer Code weighted ranking as the first tie-breaker criteria when two or more vessels are competing for the same transit reservation slot. Therefore, it is extremely important that the Customer Code used or provided for each vessel's visit be correct. Non-compliance with the Customer Code procedure by providing false, incorrect, or deficient information constitutes a violation of the Maritime Regulations for the Operation of the Panama Canal and may result in fines that may range from \$100 to \$1,000,000.

For your ready reference, the last revision of the Customer Code Issuance and Consolidation Procedure, which was promulgated for your strict compliance, may be accessed through the following link: <http://www.pancanal.com/eng/maritime/customer-code-procedure.pdf>

9. Transit Booking Slot Auction Process

The additional auctioned booking slot is available during the 3rd period only in any booking condition that may be present at the time. This auctioned slot will only be available once all the normal booking slots available for either *supers* or for *regulars*, independent of each other, have been allocated.

In addition to the above-mentioned requirements, the auctioned booking slot will be subject to the following terms and conditions:

- Auctioned booking slots will be available to customers by Customer Code or to vessels by SIN number, only on dates when all booking slots for either *supers* (91' in beam and above) or *regulars* (under 91' in beam) have been allocated.

- The auction process will begin not earlier than 1400 hours on the opening day of the 3rd period for the slot to be auctioned, or not later than 1100 hours on the closing day of the 3rd period (two days before transit date of auctioned slot), and will end not earlier than 1300 hours on the closing day of the 3rd period (two days before transit date of auctioned slot).

- The initial or base price for the auctioned slot during booking conditions 1 and 2 will be fixed to twenty five thousand dollars (25,000.00) for supers and ten thousand dollars (\$10,000.00) for regulars. When booking Condition 3 is in effect, the initial or base bid will be fixed to fifty thousand (\$50,000.00) for supers and twenty thousand (\$20,000.00) for regulars. Should the winning bid amount be less than the winning vessel's normal booking fee, the ACP will honor the winning auctioned bid amount.

- If the auction is initiated due to all booking slots for *regulars* having been allocated while slots are still available for *supers*, the initial or base price will be ten thousand dollars (\$10,000.00) during Condition 1 and 2 or twenty thousand dollars (\$20,000.00) during Condition 3. However, once the booking slots for supers are allocated, if there is still a super interested in bidding, the initial or base price will be twenty five thousand dollars (\$25,000.00) during Condition 1 and 2 or fifty thousand dollars (\$50,000.00) during Condition 3.

- The auctioned slot will be awarded to the vessel or customer who submits the highest bid during the auction period. Vessels awarded the auctioned slot have the same options as other booking slots, such as requesting *same-day-transit due to late arrival*, *swaps*, and *substitutions*, except *change-in-transit-date*. However, the *same-day-transit* option will incur a charge equal to 200% of the amount offered during the auction. For *swaps* or *substitutions*, the charges to be applied will be the higher of the two booking fees applicable to the vessels involved.

- If a cancellation of an already awarded auctioned slot occurs before the closing of the 3rd period, the slot will be awarded to the next highest bidder. The charge for cancellation of the auctioned slot will be 90% of the winning bid and shall be requested before the vessel's required arrival time or before the vessel is underway for transit, whichever occurs first.

- Forfeiture of auctioned slots will incur a charge equal to 100% of the amount of the bid.

- Slots cancelled during the 3rd period will be offered, subject to the same transit restrictions, first to those vessels that failed to secure a slot during tie-breaker competition, followed by subsequent rejections, in order of rejection, and last, to any interested vessel on a *first come-first served* basis. If the cancellation occurs during or after the auction process, and the vessel which is to be awarded the cancelled slot is the

same as the vessel which made the highest bid, the cancelled slot will be awarded to that vessel at the normal booking rate, and the auctioned slot will then be awarded to the next highest bidder.

- Vessels awarded an auctioned booking slot which have already secured a normal booking slot during the 3rd period competition for the date following the auctioned booking slot date, will be given the option to retain either one of these booking slots. Should the vessel elect to retain its normal booking slot, then the auctioned booking slot will be awarded to the next highest bidder. If, on the other hand, the vessel elects to retain the auctioned booking slot, then its normal booking slot will be voided at no additional charge. Nevertheless, the vessel will be required to pay whichever amount is higher, the normal booking fee or the auctioned bid amount.

- A fully integrated tug and barge unit (ITB) participating in the auction process will have its bid assigned to the piece of the unit with the highest PC/UMS tonnage. If an ITB is awarded the auctioned booking slot, then the larger of the two pieces will pay the winning bid, while the smaller piece will be required to pay its normal applicable booking fee.

Information provided by users during the auction process will remain strictly confidential. Once the bid is closed, the ACP will publish any information deemed necessary to ensure transparency of this process.

The ACP's Auction System is available at <http://www.pancanal.com/eng/op/index.html>. Should you require technical assistance, please contact our specialists at support@pancanal.com or call 272-2222 (option 2).

ORIGINAL SIGNED

Manuel E. Benítez
Executive Vice President of Operations

RULES AND PROVISIONS CONCERNING THE PANAMA CANAL TRANSIT RESERVATION SYSTEM

ACP NAVIGATION REGULATIONS, ARTICLE 13

Applicability and scope

Subject to the limitations imposed by Articles II and VI of the 1977 Treaty concerning the Permanent Neutrality and Operation of the Panama Canal, between the United States and the Republic of Panama, and subject to compliance with the provisions of this part, the Panama Canal Transit Reservation System allows vessels, including commercial passenger vessels, desiring to transit the Canal, to reserve transit slots in advance of arrival to Canal waters and be moved through the Canal on pre-assigned dates.

ACP NAVIGATION REGULATIONS, ARTICLE 8

Definitions

(a) *Booked for transit* means assignment in advance of a specific date for transit of a vessel through the Canal.

(b) *Commercial passenger vessel* means a vessel that principally transports passengers and runs on fixed published schedules.

(c) *Regular transit* means movement through the Canal of a vessel that has not been booked for transit, on the date and time determined by the ACP.

(d) *Required arrival time* means the date and time established by ACP as the deadline by which a vessel booked for transit must arrive in order to transit.

(e) *Vessel agent* means a person or entity that has been authorized by a vessel owner or operator, in the manner prescribed by ACP, with faculties to represent the vessel.

FURTHER IMPLEMENTATION OF ACP NAVIGATION REGULATIONS, ARTICLE 8

1. *Vessel Classification*. For purposes of these rules, vessels are classified as *supers* when they are 91 feet (27.74 meters) in beam or over, and *regulars* when they are under 91 feet (27.74 meters) in beam.

2. *Arrival Times/Restricted Transits.* Required arrival time for *supers* and *regular* vessels transiting under restrictions that are booked for transit, means the vessel must arrive at a Canal terminal by 0200 hours the day of transit. Commercial passenger vessels are exempt from this requirement.

3. *Arrival Times/Unrestricted Transits.* Required arrival time for *regular* vessels not transiting under restrictions that are booked for transit, means the vessel must arrive at a Canal terminal by 1400 hours the day of transit. Commercial passenger vessels are exempt from this requirement.

4. *Arrival Time.* For purposes of these rules, a vessel booked for transit will be deemed to have arrived at a Canal terminal when a ACP signal station establishes radio contact with the vessel and:

(a) The vessel is visually sighted by the signal station; or

(b) The vessel is identified on ACP radar by location, speed and course at a distance of not more than 8 nautical miles (13.6 kilometers);

In case a southbound vessel is departing a port in Manzanillo Bay, the vessel establishes radio contact with the ACP Cristobal Signal Station and reports its position as it passes the East Breakwater entrance on a southbound course. The ACP Port Entry Coordinator confirms the vessel's position through visual sighting or by radar. A vessel in this situation must arrive at the Canal breakwater entrance in sufficient time for its scheduled pilot pick-up. If the vessel fails to do this, the reserved transit slot will be canceled.

ACP NAVIGATION REGULATIONS, ARTICLES 15 AND 16

Booking periods; allocation of reserved slots

(a) Only vessel agents may request reserved transits during the following booking periods:

(1) *First Period* - 365 to 22 days prior to the requested transit date.

(2) *Second Period* - 21 to 4 days prior to the requested transit date.

(3) *Third Period* - 3 to 2 days prior to the requested transit date.

(b) A total of 23 reserved transit slots will be made available throughout the three booking periods, allocation of which is to be determined by the ACP. From time to time, the ACP may adjust the total number of available reserved transit slots, commensurate with the safe and efficient operation of the Canal.

FURTHER IMPLEMENTATION OF ACP NAVIGATION REGULATIONS, ARTICLES 15 AND 16

1. *Transit Slot Allocations.* The 23 authorized reserved transit slots available per day will be allocated among booking periods and size of vessels as set forth in the following table:

VESSEL	1st Booking Period	2nd Booking Period	3rd Booking Period
<i>Supers: 91ft. (27.74m) in beam and over</i>	5	3	7
<i>Regulars: under 91ft. (27.74m) in beam</i>	2	2	4
Total of 23	7	5	11

2. *Passenger Vessel Allocations.* From October 1 through May 31, three of the seven reserved transit slots allocated to the first booking period are available exclusively for commercial passenger vessels on a first-come, first-served basis without regard to vessel size or impact on the vessel size allocations reflected in the above table. However, requests for the use of these reserved slots will only be accepted 365-335 days prior to the requested day. When the three slots for passenger vessels in the first booking period have been assigned or after the 30-day period has expired, no distinction will be made between commercial passenger vessels and other vessels, when assigning any remaining reserved transit slots in any of the three booking periods.

3. *Unused Slots.* Upon expiration of a booking period, if a reserved transit slot allocated to that booking period was not used, for whatever reason, the unused reserved slot will be assigned to vessels seeking reserved transits in the booking period(s) that follow(s).

4. *Transit Condition Changes.* When, due to operational factors, sustained Canal capacity is expected to be reduced, a corresponding reduction in the number of available reserved transit slots may be ordered by the Canal Authority, as set forth in the following table:

CONDITION	CAPACITY	SUPERS	REGULARS	TOTAL
1. Normal operations	34 or over	15	8	23
1.a. Reduction in capacity without lane outages (for example: culvert outages or lockages with restrictions)	29 to 33	13	6	19
2. Significant reduction in capacity (for example, lane outages)	Less than 29	10	6	16
3. Backlog of 90 or more vessels awaiting transit at both Canal terminals for at least 2 days	N/A	8	4	12
4. Severe reduction in Canal capacity (slides, vessel accidents or other unforeseen circumstances)	N/A	0	0	0

5. *Condition 3/Premium Booking Fee.* The ACP may invoke *Condition 3* whenever the total number of vessels awaiting transit at both Canal terminals is projected by Canal Authorities to be, within two days, 90 or more vessels for at least two consecutive days.

Note: *Invoking Condition 3 automatically triggers the higher booking fee prescribed by the Panama Canal Authority Official Tariff. Condition 3 will be revoked whenever the number of vessels awaiting transit is projected to decrease, within two days, to 80 or fewer vessels.*

6. *Notice of Changes.* Whenever transit conditions are to be upgraded to a less restrictive condition, Canal authorities will, when feasible, give vessel agents a two-day advance notice.

7. *Same Direction Transits/Supers.*

(a) During normal conditions, no more than nine *supers* may be booked for transit in the southbound direction and, of these, no more than seven with “full daylight-hour” restrictions. Similarly, no more than eight *supers* may be booked for transit in the northbound direction and, of these, no more than six with “full daylight-hour” restrictions. The combined number of “full daylight-hour” restricted vessels shall not exceed ten vessels.

Note: During periods of reduced capacity without lane outages the limits by direction or restriction shall be determined by the Authority, commensurate with the safe and efficient operation of the Canal.

(b) During Condition 2, no more than five *supers* may be booked for transit in the same direction and, of these, no more than four with “full daylight-hour” restrictions. The number of “full daylight-hour” restricted vessels shall not exceed six.

(c) During Condition 3, no more than four *supers* may be booked for transit in the same direction and, of these, no more than three with “full daylight-hour” restrictions.

(d) Before the closing of the 3rd booking period, if there are still booking slots available for *supers*, they may be offered first to those *supers* that failed to secure a booking slot during the 3rd period competition, in order of rejection, followed by any subsequent rejections, even if the assignment of these slots exceeds the established limits by direction or restrictions. If there are no rejections, or no *supers* interested in the remaining slots, they may be offered to *regulars* that were rejected during or after the 3rd period competition, in order of rejection.

(e) Exceptions to the limits may only be made with the express authorization from the Executive Vice President of Operations, or his designee, and only in such case as deemed necessary to guarantee operational efficiency.

8. *Same Direction Transits/Regular Vessels.*

(a) During normal conditions, no more than five regular vessels may be booked for transit in the same direction. Of the total number of slots available, no more than two shall be allocated to regular vessels transiting under restrictions, i.e., clear-Cut, daylight hours, or daylight hours in the Cut.

Note: During periods of reduced capacity without lane outages, the limits by direction or restriction shall be determined by the Authority, commensurate with the safe and efficient operation of the Canal.

(b) During Condition 2, no more than four regular vessels may be booked for transit in the same direction. Of the six slots available, no more than one may be allocated to a regular vessel transiting under restrictions, i.e., clear-Cut, daylight hours, or daylight hours in the Cut.

(c) During Condition 3, no more than two regular vessels will be booked for transit in the same direction. Of the four slots available, no more than one may be allocated to a regular vessel transiting under restrictions, i.e., clear-Cut, daylight hours, or daylight hours in the Cut.

(d) Before the closing of the 3rd booking period competition, if there are still booking slots available for regulars, they may be offered first to those regulars that failed

to secure a booking slot during the 3rd period competition, in order of rejection, followed by any subsequent rejections, even if the assignment of these slots exceeds the established limits by direction. If there are no rejections, the available slots may be offered to any interested regular vessel.

(e) Exceptions to the limits may only be made with the express authorization from the Executive Vice President of Operations, or his designee, and only in those cases whereby it is necessary to guarantee operational efficiency.

9. *No Re-Assignments.* Once a vessel is assigned a reserved transit slot, that slot will not be re-assigned to any other vessel unless the vessel's agent subsequently cancels the reserved transit or, as permitted herein, the vessel is substituted or swaps its reserved transit slot with another vessel booked for transit.

ACP NAVIGATION REGULATIONS, ARTICLES 14 AND 20

Booked transits

(a) The specific daily order of vessels, as well as the mix of vessel types transiting the Canal, whether booked or not, shall be determined by the ACP. Except as provided herein, a booked vessel may not transit prior to its reserved transit date, unless the ACP determines that assigning the vessel an earlier transit slot will serve to guarantee operational efficiency.

(b) Notwithstanding assignment of an earlier reserved transit slot by the ACP, all booked vessels will be charged the prescribed booking fee.

(c) Swapping of reserved transit slots between or among booked vessels will be permitted only on conditions specified by the ACP.

FURTHER IMPLEMENTATION OF ACP NAVIGATION REGULATIONS, ARTICLES 14 AND 20

1. *Dead Tows.* Dead tows and vessels that do not meet all transit and safety requirements cannot be booked for transit.

2. *Payment Authorization.* To participate in the Transit Reservation System, the vessel agent must furnish the ACP a letter containing the names and sample signatures of persons designated to authorize payment of the vessel's transit costs (including booking fees).

3. *Booking Form.* To request a reserved transit slot, the vessel agent must complete a Request for Transit Booking form, which may be accessed through the EDSCS or downloaded from the following site: <http://www.pancanal.com/eng/maritime/forms/>

4623.xls . The completed form may also be faxed to (507) 272-5137, or personally delivered to Marine Traffic Control (MTC), Building 910, La Boca, 24 hours a day.

4. *Processing Requests.* Requests for reservations for the beginning of any period will be received daily beginning at 0900 hours, but processing will not begin until 0930 hours. Requests received between 0900 and 0930 hours will be treated as having been received at the same time. Thereafter, requests will be processed in the order they are received. After 0930 hours, the order of preference for requests logged simultaneously is: EDCS requests first, followed by faxed requests, and finally, personally delivered requests.

5. *Tie-Breaker Criteria.* If, at the time processing begins, transit reservation requests exceed the number of available reserved transit slots for any given period, assignment of available slots to vessels competing for reserved transits will be made in the following order of preference:

(a) Customers with the highest ranking of Panama Canal business. This ranking will be determined as a result of the weighted average of the ranking of total transits (40%) and the ranking of tolls paid (60%) during the preceding 12-month period, which ends the last day of the month preceding the month of the transit request. This customer ranking will be calculated and published each month by the ACP Marketing Analysis and Research Office. Division. Ship agencies must ensure that the Customer Codes are included in all ETA messages, as discrepancies with the Customer Code reported in the Booking Request will invalidate the request. The Customer Code reported in the SIQD (prepared by the master) will not be used for this purpose.

(b) Vessels in the order of frequency they transited booked during the preceding 12-month period, which ends the last day of the month preceding the month of the transit request;

(c) Vessels in the order of frequency they transited, whether booked or not, during the preceding 12-month period, which ends the last day of the month preceding the month of the transit request;

(d) Vessels in the order of their most recent transit, whether booked or not;

(e) Vessels with at least 50 percent of its cargo being perishable goods or carrying a minimum of 700 tons of non-frozen perishable goods; and

(f) Vessels which, on at least the two previous consecutive days, requested, but failed to obtain, reserved transit slots because they did not win under the preceding tie-breaker criteria.

6. *Incomplete Booking Request Forms.* Transit booking request forms that are incomplete (including not furnishing the vessel's ETA), not signed by the vessel's agent, faxed to the wrong number, or personally delivered to someone other than the designated MTC reservation clerk, cannot be processed.

7. *Acknowledgments.* Vessel agents will be furnished acknowledgments of receipt of transit booking requests as soon as possible following receipt.

8. *Notifications.* Notification of approval or disapproval of a transit booking request will be furnished to the vessel's agent at the conclusion of daily processing.

9. *Substitutions.* A vessel already booked may only be substituted by another non-booked vessel, subject to the following conditions:

(a) Both vessels are registered with the same operator (same Customer Code);

(b) Both vessels are transiting in the same direction;

(c) The new vessel must be similar in size and be subject to the same or lesser transit restrictions as the original one; and

(d) The written request for substitution shall be received by the ACP Marine Traffic Control 24 hours or more prior to the required arrival time of the booked vessel.

If the substitution is requested at least 60 days in advance of the booked vessel's required arrival date, there will be no cancellation charge. If the substitution is requested less than 60 days in advance of the booked vessel's required arrival date, a cancellation fee will be assessed.

The booking fee applied to the substituting vessel will be the higher of the two booking fees applicable to the vessels involved in the substitution, in accordance with the current booking rates.

10. *Swapping.* Swapping of reserved transit slots between two booked vessels is allowed, subject to the following conditions:

(a) Both vessels must be booked for transit within 21 days of each other;

(b) Both vessels must be transiting in the same direction;

(c) Both vessels must be similar in size and be subject to the same transit restrictions and arrival requirements;

(d) Vessel operators (Customer Codes) must be the same for both vessels;

(e) A request for swapping must be received by Marine Traffic Control no later than 24 hours prior to the earliest required arrival time of the vessels. Such request may be made by telephone or in writing; and

(f) Vessels are permitted to swap their reserved transit slots only once per booking. Such swaps will not incur in a cancellation charge.

The booking fee applied to both vessels will be the higher of the two booking fees applicable to the vessels involved in the swapping, in accordance with the current booking rates.

11. *Change in transit date.* A change in transit date will be allowed without a cancellation charge, provided it is requested at least 60 days prior to the reserved arrival date but not more than 364 days from the date the request is made. The booking fee applied will be in accordance with the booking rates applicable at the time the change is requested.

12. *Charges for daylight transit.* Only non-daylight restricted booked vessels may request the option of daylight transits for a fee, as follows:

- \$30,000 per daylight transit when requested 60 or more days in advance of the transit date.
- \$20,000 per daylight transit when requested less than 60 days in advance of the transit date. Such request will be confirmed 48 hours prior to the transit date.
- The \$30,000 surcharge guarantees a daylight transit, once accepted by the ACP at least 60 days in advance.

The cancellation of a guaranteed daylight transit request will incur a charge, in accordance with the following table:

Notice Period (In advance of required arrival time)	Cancellation Fee (Based on the vessel's booking fee)
Over 60 days	No cancellation charge
Over 30 days to 60 days	10% of booking fee
Over 21 days to 30 days	40% of booking fee
Over 72 hours to 21 days	60% of booking fee
36 to 72 hours	80% of booking fee
Less than 36 hours	100% of booking fee

The cancellation fees applicable to guaranteed daylight transit for passenger vessels are determined based on an arrival time of 0200 for vessels with restrictions, and an arrival time of 1400 for vessels without restrictions.

ACP NAVIGATION REGULATIONS, ARTICLE 19

Passenger vessel preference; priority transits

Commercial passenger vessels shall be given preference over other vessels in transiting, provided they have been booked, and to the extent that such treatment does not impair safe and efficient operation of the Canal.

ACP NAVIGATION REGULATIONS, ARTICLE 16

(Regulation to Set Tolls, Rates and Fees for the Transit of Vessels through the Canal, and Rendering Related Services and Complementary Activities, Articles 1 and 4, Panama Canal Authority Official Tariff, item No. 1050.0000)

Booking fees

(a) The booking fee for reserving a transit slot for a vessel measured in accordance with *ACP Admeasurement Regulations, Article 10*, shall be in accordance with the Panama Canal Authority Official Tariff.

(b) Whenever the total number of vessels awaiting transit at both Canal terminals is projected by Canal authorities to be, within two days, 90 or more vessels for at least two consecutive days, any booked vessel that transits while Condition 3 is in effect, shall automatically be assessed a higher booking fee in accordance with the Panama Canal Authority Official Tariff.

(c) Notwithstanding the provisions of subsection (b) of this section or any other contrary provision of this part, Canal authorities will guarantee a booked vessel, a reserved transit slot at the booking fee rate in effect *at the time the vessel is booked for transit*, irrespective of any premium booking fee rate that may be in effect at the time the vessel actually transits the Canal.

FURTHER IMPLEMENTATION OF ACP NAVIGATION REGULATION, ARTICLE 16

1. *Payments.* Booking fees shall be paid or secured in the same manner as tolls and other vessel charges prescribed by the *ACP Official Tariff, item No.1010.0000*.

2. *All Vessels Included.* Except as otherwise provided in the rules, all vessels booked for transit, including commercial passenger vessels, shall pay booking and other prescribed fees incident to transiting the Canal.

3. The booking fee estimates to reserve transit slots for vessels with a capacity to carry containers on deck that are not full-container vessels, will be based on the current PC/UMS rate, plus the TEU allowance capacity, multiplied by the current TEU booking

rate. However, the booking fee for these vessels will be assessed on the basis of the actual number of TEUs carried on deck, while the booking cancellation fee will be based only on the vessel's PC/UMS rate. If a vessel in this category is involved in a substitution or swapping, the applicable booking fee will be determined once the vessel is inspected by the ACP.

ACP NAVIGATION REGULATIONS, ARTICLE 23

Penalties

(a) The reserved transit slot of a vessel booked for transit will be canceled by the ACP and the vessel will be penalized by way of forfeiture of the prescribed booking fee, or the applicable minimum fee, whichever is greater, in the following situations:

- When a vessel that is subject to transit restrictions (clear-Cut, clear-Cut daylight hours) has been booked for transit and does not arrive at a Canal terminal by 0200 hours on the day of the scheduled transit;
- When a vessel that is not subject to transit restrictions has been booked for transit and does not arrive at a Canal terminal by 1400 hours on the day of the scheduled transit; or
- When a vessel booked for transit arrives on time but cannot or, at the vessel operator's election, does not transit as scheduled despite the readiness of Canal authorities to proceed.

(b) Vessels booked for transit that fail to arrive on schedule will be given the option of transiting on the same day of arrival when re-scheduling is possible without adversely affecting other vessels. These vessels will be subject to a penalty equal to 200 percent of their prescribed booking fee.

(c) Canal authorities may waive assessment of a penalty fee if the vessel agent presents acceptable proof that the vessel's late arrival was due to a medical or humanitarian emergency arising during the voyage, or a natural phenomenon or event of major proportions that could not have been reasonably predicted in advance.

(d) Failure of the vessel agent to provide complete and accurate information required by the ACP when requesting transit bookings may result in rejection of the booking request or cancellation of the vessel's reserved transit slot.

(e) When a vessel's reserved transit slot is canceled, and unless otherwise directed by the vessel agent upon arrival, the ACP will re-schedule the vessel for regular transit.

FURTHER IMPLEMENTATION OF ACP NAVIGATION REGULATIONS, ARTICLE 23

Waiver Criteria. The ACP must be able to independently verify the vessel's alleged cause for late arrival. Heavy seas and bad weather conditions routinely encountered by vessels are not considered extraordinary phenomenon or events of major proportions so as to justify waiver of assessment of penalty fees. The decision of the Canal Authority to waive or not the assessment of penalty fees shall be final.

ACP NAVIGATION REGULATIONS, ARTICLES 17 AND 24

Re-scheduling

(a) Except as otherwise provided and without the booked vessel being assessed a penalty fee, the vessel agent may request cancellation of a vessel's reserved transit slot and reschedule the vessel for regular transit or, alternatively, request assignment of an alternate reserved transit slot, in the following situations:

(1) If for whatever reason the ACP cancels the transit of a vessel booked for transit that is otherwise ready to proceed as scheduled; or

(2) If for whatever reason the ACP delays the transit of a booked vessel to the point where it may prevent the vessel's arrival on time for a second transit on a later date that has been reserved before the delay of the first transit occurred.

(b) A vessel booked for transit will be deemed to have transited the Canal on its reserved transit date if the vessel arrives at the first set of locks at either Canal terminal prior to 2400 hours that day and her In-Transit Time (ITT) is 18 hours or less. The ITT begins when the vessel enters the first set of locks at either Canal terminal and ends when the vessel departs the last set of locks at the opposite terminal. No booking fee will be charged if, due to events that are beyond the control of the booked vessel as determined by the ACP, the ITT exceeds 18 hours.-This provision shall not apply in the case of a turn-around transit in which the vessel enters and exits the same set of locks at either Canal terminal.

FURTHER IMPLEMENTATION OF ACP NAVIGATION REGULATIONS, ARTICLES 17 AND 24

1. *Turn-Around Transits Excluded.* ACP Navigation Regulation, Article 17, shall only apply where, during the course of a scheduled transit, a vessel booked for transit

enters the first set of locks at either Canal terminal and exits the last set of locks at the opposite Canal terminal. This rule shall not apply to a "turn-around" transit where, during the course of a scheduled transit, a vessel booked for transit enters and exits the *same* set of locks at either Canal terminal.

2. *Early Transits Excluded.* ACP Navigation Regulations, Article 17, shall not apply where Canal authorities permit a vessel booked for transit to be moved through the Canal *earlier* than her reserved transit date.

ACP NAVIGATION REGULATIONS, ARTICLE 22

(Panama Canal Authority Official Tariff, items No.1050.0040 to 1050.0090)

Cancellations

(a) A vessel's agent may cancel the transit reservation by giving notice as prescribed by the ACP Regulations. Except as otherwise provided, a cancellation fee will be assessed a fee in accordance with the *Panama Canal Authority Official Tariff*, as follows:

Notice Period (In advance of required arrival time)	Cancellation Fee (the greater of)
Over 30 days to 365 days	10% of booking fee or \$600
Over 21 days to 30 days	40% of booking fee or \$900
Over 72 hours to 21 days	60% of booking fee or \$1,200
36 to 72 hours	80% of booking fee or \$1,500
Less than 36 hours	100% of booking fee

The fees applicable to booking cancellations for passenger vessels are determined based on an arrival time of 0200 hours for vessels with restrictions and an arrival of 1400 hours for vessels without restrictions.

(b) Receipt by the ACP of a transit reservation cancellation notice after the vessel's required arrival time will result in an application of a cancellation fee equal to the entire prescribed booking fee.

(c) Booking slots that become available during the 1st or 2nd period due to cancellations or changes in booking dates will be offered first to vessels that failed to secure a slot during the tie-breaker competition for that period, followed by any subsequent rejections, in order of rejection, as long as the rejection takes place prior to the booking slot becoming available.

If there were no rejections or if none of the rejected vessels are interested, the available slot(s) will then be allocated through a “special competition,” in the following manner:

- The ACP will publish daily, by no later than 1530 hours, any slot that becomes available due to a cancellation or a change in transit date. This information will be available at: <https://sites.extranet.pancanal.com/sites/tb/default.aspx>.
- This information will be also available at our *Slot Availability Notifications* website at: <http://www.pancanal.com/eng/maritime/booking/index.html>.
- Steamship agents interested in having access to this information may send their request to edcs_registration@pancanal.com and a password will be issued.
- Requests to participate in the “special competition” will be received from 0900 to 0930 hours of the day following the date of publication; however, processing will not begin earlier than 0930 hours.
- The procedure utilized during the “special competition” for the allocation of the available slots will be the same as the procedure utilized to allocate slots during the regular tie-breaker competition.
- Any booking request received after the cancellation or the change in transit date takes place, but before the opening of the “special competition,” will not be accepted. In order for these requests to be considered, they must be re-submitted during the “special competition” period.
- The competition list that is derived from this “special competition” will be used to allocate slots that become available in the future for that same date.
- If there are no vessels interested in the “special competition,” the slot will then become available on a *first come-first served* basis for the remainder of the period.
- If cancellations or changes in transit dates take place on the last day of a period, the slots that become available will be carried over to the following period without a “special competition.”
- All times referenced to are local times.

(d) Slots cancelled during the 3rd period will be offered first to those vessels that failed to secure a slot during the tie-breaker competition, followed by subsequent rejections (in the order of rejection), and last, to any other interested vessels, on a first-come-first-served basis, following ACP notification of availability.

(e) Booking slots that are cancelled after the closing of the 3rd period, but prior to 1100 hours on the day preceding the booking date, may be offered first to those vessels that failed to secure a slot during the 3rd period tie-breaker competition, followed by any subsequent rejections, in order of rejection. These vessels must have the same or lesser restrictions as the vessel that cancelled the booking, and must be transiting in the same direction.

(f) *Reservation Date Changes for Gatun Recreational Facilities:* Changes in the reservation dates for the use of Gatun Recreational Facilities will incur in a cancellation charge. The amount to be charged will depend on the advance notification of the cancellation, in accordance with the ACP's Official Tariff.

FURTHER IMPLEMENTATION OF ACP NAVIGATION REGULATION, ARTICLE 22
(Panama Canal Authority Official Tariff, items No.1050.0040 to 1050.0090)

1. *Cancellation Form.* To cancel a transit booking, the vessel agent must complete a Transit Booking Cancellation form (<http://www.pancanal.com/eng/maritime/forms/4633.xls>). The completed form may be sent through the EDCS Web Portal, faxed to (507) 272-5137, or personally delivered to the Marine Traffic Control (MTC) at Building 910, La Boca, 24 hours a day.

2. *Advance Cancellation Notice.* The amount of the cancellation fee to be assessed will be determined by the date and time of reception by the ACP's Marine Traffic Control of the cancellation notice.

ACP NAVIGATION REGULATIONS, ARTICLE 8

Regular transits

Vessels that are not booked for transit will be scheduled to transit on the date and in the order determined by the ACP. In establishing the daily transit schedule, the order in which vessels arrive in Canal waters for transit is only one of several items to be considered.

ACP NAVIGATION REGULATIONS, ARTICLE 25

Temporary suspension of the Transit Reservation System

(a) The ACP may temporarily suspend the Transit Reservation System, in whole or in part, and for an indefinite period of time, when it is determined that such action is necessary to ensure continued safe and efficient operation of the Canal.

(b) No penalty or fee will be levied against any booked vessel whose reserved transit slot is canceled by reason of a temporary suspension of the Transit Reservation System.

ADDITIONAL PROVISIONS

To facilitate the efficient operation of the Transit Reservation System, the ACP may establish additional policies and procedures, define additional terms, and issue clarifications and interpretations consistent with the provisions of this section. Any further implementation, clarification or interpretation will be published and distributed to Canal customers through Advisories to Shipping or other appropriate means as determined by the ACP.