

AGREEMENT No. 65
(of April 22, 2003)

“Whereby the Regulation on Navigation in Panama Canal Waters is amended”

THE BOARD OF DIRECTORS
OF THE PANAMA CANAL AUTHORITY

WHEREAS:

Article 18.5.e. of Law 19 of June 11, 1997, establishes that the Board of Directors of the Panama Canal Authority shall approve the regulations applicable to the admeasurement and inspection of vessels, Canal navigation, marine traffic control, vessel pilotage, and other matters relative to Canal navigation.

In exercising this authority, the Board of Directors approved the Regulation on Navigation in Panama Canal Waters by means of Agreement No. 13 of June 3, 1999.

It is necessary to include in said Regulation the rules and procedures that establish the obligation, responsibility, and actions of vessels entering Canal waters, by requiring Contingency Plans for the purpose of preventing and reacting to oil spills in or from vessels. Said plans shall be subject to review by the Authority.

The implementation of the rules in this new section shall require a reasonable period of time for vessels to prepare their contingency plans, as well as for Panama Canal Authority technical personnel to prepare for the appropriate tasks.

Therefore, it has been deemed reasonable that the rules in the new section shall become effective on January 1, 2004.

The Administrator of the Authority has submitted a draft containing the pertinent amendment to the Board of Directors for its consideration.

IT AGREES:

ARTICLE ONE: Section Four, Vessel Contingency Plans for Oil Spills in Panama Canal Waters, is added to Chapter IX of the Regulation on Navigation in Panama Canal Waters, with the following articles:

“Section Four
Vessel Contingency Plans for Oil Spills in Panama Canal Waters

Article 141A: In addition to the requirements specified in Article 41 of this regulation, vessels approaching Canal waters shall provide the following documents for their review:

- a. A copy of the Panama Canal Shipboard Oil Pollution Emergency Plan for Canal Waters, prepared specifically for the vessel (PCSOPEP).
- b. A copy of a valid International Oil Pollution Prevention Certificate.
- c. A copy of the Shipboard Oil Pollution Emergency Plan (SOPEP), Annex I, MARPOL.
- d. A copy of the Shipboard Marine Pollution Emergency Plan (SMPEP), Annexes II and III, MARPOL.

The PCSOPEP shall be provided no less than 96 hours in advance of the vessel's arrival in Canal waters for its initial review, and shall be prepared as specified in the annex.

The Authority may inform the vessel concerning its comments on the PCSOPEP prior to or upon arrival of the vessel in Canal waters.

Article 141 B: In the event of an oil spill in Canal waters, the vessel involved shall have the primary responsibility of implementing its PCSOPEP immediately, as specified in the annex.

Notwithstanding the above, the Authority may intervene to mitigate the accident at the expense of the vessel, its owner, operator, or party that generated the spilled cargo or substance and, at its discretion, shall instruct the vessel, through its master or officer aboard, or the representative who has identified himself as such, to notify the oil spill response organization (OSRO) hired by the vessel, owner, or operator of the spilled cargo or substance, to intervene immediately to mitigate the emergency and conduct the necessary cleanup tasks.

Article 141 C: Vessels shall ensure the effectiveness of its PCSOPEP, as established in the annex.

Article 141 D: Failure to comply with the rules herein shall constitute an administrative violation of Canal navigation safety rules, punishable under the provisions of the Organic Law of the Panama Canal Authority and Chapter X of this regulation.”

ARTICLE TWO: Section Four, Vessel Contingency Plans for Oil Spills in Panama Canal Waters, is added to Chapter IX of the Regulation on Navigation in Panama Canal Waters, which shall read as follows:

**“Section Four
Vessel Contingency Plans for Oil Spills in Panama Canal Waters**

Article 141A: The Panama Canal Shipboard Oil Pollution Emergency Plan for Canal Waters (PCSOPEP) shall be submitted to the Authority for its review and shall include, as a minimum, the following:

- a. A description of the crew training program for reaction to shipboard and shore installation spill incidents.
- b. A description of measures for the prevention of this specific type of incident in Canal waters and Authority shore installations.
- c. The procedure for notification of such incidents.
- d. The procedure for reacting to this type of incidents.
- e. A description and record of the tests performed on the equipment to be used to react to incidents, both of the vessel and of the oil spill response organization (OSRO).
- f. Records and results of periodic crew reaction drills, as well as real reactions to previous incidents.

Vessels whose documentation has been previously reviewed and registered with the Panama Canal Authority shall only need to show their record during the routine inspection by ACP officials upon their arrival in Canal waters.

Article 141B: Emergency reaction, according to the PCSOPEP shall:

- a. Conform to the requirements of the Panama Canal Authority Emergency Reaction Plan (Contingency Plan).
- b. Identify the Qualified Person who, on behalf of the vessel’s Responsible Party, has full authority to implement cleanup actions in coordination with the Authority, and to initiate or maintain immediate communications between said Person and the Authority.
- c. Identify the oil spill response organization (OSRO) previously reviewed by the Authority and hired by the vessel, which shall have the necessary personnel and equipment to mitigate an emergency and conduct the appropriate cleanup tasks.

Article 141C: For the purpose of ensuring the effectiveness of the PCSOPEP, vessels shall:

- a. Submit to the Authority for its review any updates and changes to the Reaction Plan. This includes any changes in designation of the Identified Qualified Person responsible and the oil spill response organization (OSRO).
- b. Maintain available for review by the Authority logs of drills and incidents, reactions to real incidents, and crew training.”

ARTICLE THREE: This agreement shall become effective on January 1, 2004.

TO BE PUBLISHED AND EXECUTED.

Jerry Salazar A.

Diógenes de la Rosa

Minister for Canal Affairs

Secretary