

September 1, 2003

**MR'S ADVISORY TO SHIPPING No. A-30-2003**

**TO: All Steamship Agents, Owners, and Operators**

**SUBJECT: Panama Canal Shipboard Oil Pollution Emergency Plans (PCSOPEP)**

The purpose of this advisory is to clarify certain concerns regarding the implementation of the requirements of the new Section Four, containing articles 141A, 141B, 141C and 141D, which was added to Chapter IX of the Regulation on Navigation in Panama Canal Waters, as well as the new Section Four to the Annex of same regulation, which contains articles 141A, 141B and 141C.

The recent publication of Advisory A-28-2003 has resulted in several questions from interested parties. Since many concerns are common, we are hereby attempting to provide clarification to most of them. The objective is to share concerns raised by others and their respective answers. In this manner, we maximize the benefit to all when clarifying issues relevant to the implementation of the PCSOPEP regulation.

Following are some of the inquiries that have been received. Further inquiries should be forwarded via e-mail to [pcsopep@pancanal.com](mailto:pcsopep@pancanal.com).

**1. What is the implementation date for the PCSOPEP requirements and where can one find more information regarding these requirements and the contents of the plan?**

Panama Canal Advisory No. A-28-2003 covers the implementation of ACP Board of Directors Agreement 65, which modified the Regulation on Navigation in Panama Canal Waters. This agreement introduced the requirement of a PCSOPEP for transiting vessels. This advisory is also available at <http://www.pancanal.com/esp/maritime/advisories/a-28-2003.html>. Guidelines to comply with the PCSOPEP and OSRO requirements can be found within the advisory at: <http://www.pancanal.com/esp/maritime/advisories/pc-sopep-osro.pdf>

These modifications go into effect on 1 January 2004, however, an incremental implementation plan was included as follows:

**3.2. Compliance by January 1, 2004:**

All vessels shall submit a PCSOPEP.

Vessels that carry more than 15,000 MT of oil, according to **2.1.1 Applicability**, shall comply with either Tier 1 or Tier 3 (based locally or internationally) as per **Table 1: OSRO Classification Requirements**.



Vessels carrying less than 15,000 MT of oil shall identify the OSROs that will be used to meet compliance dates as established in part 3.3 and 3.4 below.

**3.3. Compliance by July 1, 2004:**

Vessels carrying more than 7,000 MT of oil, according to **2.1.1 Applicability**, shall comply with either Tier 1 or Tier 2 as per **Table 1: OSRO Classification Requirements**.

**3.4. Compliance by October 1, 2004:**

All vessels are required to comply fully with OSRO requirements as established in paragraph **2.1.1 Applicability**.

**2. Do these requirements apply to small vessels such as tugboats and sailboats?**

Advisory No. A-28-2003, which implements Agreement 65, provides an exemption to all vessels carrying less than 400 metric tons of oil either as cargo or fuel in its tanks. The applicability of these requirements does not depend on vessel size, but rather on the oil cargo and/or fuel capacity.

**3. Is there a list available of accredited and/or recommended Qualified Individuals (QI) and Oil Spill Recognized Organizations (OSROs)?**

It is neither the intention of the ACP to intervene in the selection process nor to provide a list of recommended Oil Spill Removal Organizations or Qualified Individuals. Plan owners are to independently choose a QI and OSRO that complies with requirements described in the regulation. The ACP will be reviewing the qualifications of QIs and OSROs to verify their compliance with the requirements; however, it is the intention of the ACP to publish, as soon as practicable, a list of QIs and OSROs that have submitted their credentials for review and have been found to comply.

**4. What will be the ACP's tariffs for reviewing plans and for the issuance of Letters of Review?**

The official tariffs addressing these fees are under consideration for approval at this moment and will be published in due time.

**5. Is there an option available to enroll a vessel with a pre-approved PCSOPEP, through membership in organizations recognized by the ACP, using a rental scheme each time said vessel transits the Panama Canal?**

This scheme is not an option. According to the regulation, each vessel must submit its own PCSOPEP identifying its QI, OSRO and preparedness.

**6. Who will prepare the PCSOPEP, the ship owner or the oil spill removal organization (OSRO)?**

A PCSOPEP may be written by any organization or individual that meets the following qualification requirements, which are contained in Advisory No. A-28-2003, Part 1.2.4:

- a. References in developing plans for marine oil or dangerous substance spills during the last three years.
- b. Training profile and certifications of knowledge and skills in this type of work.

ACP may, at any time, request written proof of these requirements to organizations developing PCSOPEPs or to the vessel's owner or operator holding a PCSOPEP.

**7. Will ACP or some other organization provide umbrella type C-plan/coverage, similar to U.S. West Coast states of Washington, Oregon and California?**

The PCSOPEP requirements in Advisory No. A-28-2003 apply to each vessel as described in Section 1.1, Purpose and Applicability. Similar vessels may use model plans, as long as they meet these requirements.

**8. Do you see the PCSOPEP as a stand-alone plan, or can it be an appendix to an existing SOPEP?**

The PCSOPEP can be prepared as an appendix to an existing valid SOPEP or OPA 90 Vessel Response Plan, as long as it is well cross-referenced and that it fully complies with ACP requirements.

**9. Will you require a complete copy of the SOPEP for your review or will you accept a copy of the SOPEP approval letter from the vessel's Flag State?**

If the PCSOPEP is prepared as an appendix to an existing SOPEP and, in fact, complements an existing SOPEP, the complete copy of the SOPEP shall be submitted for review. However, if the PCSOPEP is prepared as a stand-alone document, the full PCSOPEP shall be submitted accompanied by a copy of a letter of approval of the SOPEP by the vessel's Flag State.

**10. Are further guidelines available regarding the required pollution notification procedures for vessels in the Panama Canal? Is the Panama Canal providing guidelines to vessels transiting the Canal regarding pollution response that could be incorporated into the plan?**

In the event of an emergency in Canal waters involving vessels that are not in transit, or do not have a Panama Canal Pilot onboard, notification shall be made to the ACP via VHF radio Channels 12 or 16, as described in Article 29 of the ANNEX of the Regulation for Navigation in Canal Waters (Agreement No. 13). This regulation is available at:  
<http://www.pancanal.com/eng/legal/reglamentos/acuerdo13-eng.pdf>.

Upon activation of the plan, the vessel's QI shall establish and maintain communication with the Marine Traffic Control Center at (507) 272-4201/4202. The Panama Canal may request the QI to report to the emergency operations center.

**11. Where may additional inquiries be forwarded?**

Additional inquiries regarding Agreement 65, PCSOPEP and OSROs may be addressed to:  
[pcsopep@pancanal.com](mailto:pcsopep@pancanal.com).

**ORIGINAL SIGNED**

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