

**AGREEMENT No. 71
(of December 16, 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.

The Board of Directors also approved Agreement No. 65 of April 22, 2003, whereby the Regulation on Navigation in Panama Canal Waters was amended, establishing the obligations, responsibilities, and actions of vessels entering Canal waters, by requiring Contingency Plans for the purpose of preventing and reacting to oil spills from the vessels. Said plans shall be subject to review by the Authority.

The practical implementation of the above-mentioned Agreement No. 65 has revealed its need of review, for the purpose of redefining the scope of the response to possible oil spills in Canal waters by vessels in transit, and clarification of other issues as appropriate.

The implementation of the rules of Section Four of Chapter IX of the Regulation for Navigation in Panama Canal Waters 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.

The Administration deems necessary to amend Articles 141 A and 141 B of the Regulation on Navigation in Panama Canal Waters for the purpose of adapting their scope of application to the technical requirements developed.

Therefore, it has been deemed reasonable that the rules in Section Four of Chapter IX of the Regulation on Navigation in Panama Canal Waters shall become effective on July 1, 2004.

Based on the foregoing, the Administrator has submitted a draft containing the amendment to Section Four of Chapter IX of the Regulation on Navigation in Panama Canal Waters to the Board of Directors for its consideration.

IT AGREES:

ARTICLE ONE: Article 141 A of the Regulation on Navigation in Panama Canal Waters shall be amended as follows:

Article 141 A: Vessels approaching Canal waters which fall under the categories designated by the Panama Canal Authority shall provide the following documents for their review, in addition to the requirements set forth in Article 41 of this regulation:

- a. A copy in English of their Panama Canal Shipboard Oil Pollution Emergency Plan for Canal Waters, prepared specifically for the vessel (PCSOPEP).
- b. A copy of the valid International Oil Pollution Prevention Certificate (IOPP).

Vessels shall submit, upon request of the Authority, a copy of the Panama Canal Shipboard Oil Pollution Emergency Plan (SOPEP), Annex I to the MARPOL and Shipboard Marine Pollution Emergency Plan (SMPEP), Annexes II and III to the 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 TWO: Article 141 B of the Regulation on Navigation in Panama Canal Waters is amended, and shall read as follows:

Article 141 B: In the event of an oil spill in Canal waters by a vessel in transit or waiting to transit through the Panama Canal, the vessel involved shall have the primary responsibility of implementing its PCSOPEP, and shall immediately notify the ACP of the accident.

The Authority may, pursuant to Article 10 of this Regulation, intervene to mitigate the accident at the expense of the vessel, and shall instruct the master or officer in charge to contact the person designated or his substitute to join the Authority's Incident Management System.

ARTICLE THREE: Article 141 A of the Annex of the Regulation on Navigation in Panama Canal Waters is amended, and shall read as follows:

Article 141 A: The Panama Canal Shipboard Oil Pollution Emergency Plan for Canal Waters (PCSOPEP) shall conform to the requirements of the Panama Canal Authority Emergency Response Plan (Contingency Plan), and shall include, as a minimum, the following:

- a. A description of the crew's training program for response 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. Identification of the vessel's representative duly empowered to make the necessary decisions in order to facilitate the Panama Canal Authority's response to the incident.
- d. Records of notification exercises to the vessel's designated person or his substitute.

The Authority may, at its discretion, require additional information and the practice of response measures, in order to comply with the purpose of this regulation.

ARTICLE FOUR: Article 141 B is eliminated from the Annex of the Regulation on Navigation in Panama Canal Waters.

ARTICLE FIVE: This agreement shall become effective on July 1, 2004.”

Given in the city of Panama on the sixteenth of December of two thousand and three.

TO BE PUBLISHED AND EXECUTED.

Jerry Salazar A.

Diógenes de la Rosa

Minister for Canal Affairs

Secretary