



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

**RESOLUTION No. 106-OR-2181-DGMM**

Panama, September 07<sup>th</sup>, 2017

**THE UNDERSIGNED, DIRECTOR-GENERAL FOR THE GENERAL DIRECTORATE OF MERCHANT  
MARINE, IN THE EXERCISE OF THE POWERS CONFERRED BY THE LAW:**

**CONSIDERING:**

That by means of Decree Law No. 7 dated February 10<sup>th</sup>, 1998, the Panama Maritime Authority was founded, thus unifying the different Maritime competences of the Public Administration and exercising as the highest authority in the Republic of Panama to exercise the rights and enforce the responsibilities of the Panamanian State within the guidelines of International Conventions, and further laws and rules in force.

That according to Article 36 of Decree Law No. 7 dated February 10<sup>th</sup>, 1998, the Directorate General of Consulates and Vessels of the Ministry of Finance and Treasury ceased its responsibilities and made part of the Panama Maritime Authority; and the responsibility that partly were assigned, were ascribed to the Directorate General of Merchant Marine of the Panama Maritime Authority.

That pursuant to Article 30 of Decree Law No. 07 dated February 10<sup>th</sup>, 1998, amended by Article 187 of Law No. 57 dated August 06<sup>th</sup>, 2008, among the responsibilities of the Directorate-General of Merchant Marine is to execute the administrative acts related to the registry of vessels in the National Merchant Marine, authorize the changes in such registry and resolve its loss due to causes shown in the La, as well as to monitor the strict compliance and efficient application of the judicial standards in force in the Republic of Panama, national conventions, codes and guidelines with regards to maritime safety, pollution prevention and maritime protection of its vessels.

With the objective to ensure the effectiveness and capacity of the Panamanian Maritime Administration in the control of recognition processes and statutory certifications that Recognized Organizations carry out, the Board of Directors of the Maritime Authority issued the Resolution JD-N° 019-2005 dated November 24<sup>th</sup>, 2005, which constitutes the rules that regulates the Recognized Organizations. By means of this Resolution, it is established the necessary mechanisms to verify the effectiveness with which the Recognized Organizations execute the faculties that are empowered thereto.

With regards to this matter, the Eight Article of Resolution JD-N° 019-2005 dated November 24<sup>th</sup>, 2005, establishes that the requests for the broadening of scope and of new Recognized Organizations shall be examined by a Technical Advisory Committee.

That Ninth Article of Resolution JD-N° 019-2005 dated November 24<sup>th</sup>, 2005, establishes that among the responsibilities of the Technical Advisory Committee, it is to assess and recommend to the Directorate General of Merchant Marine the authorization or revocation of the delegations of authority that deems necessary.

That pursuant to Article 128 of Law No. 57 dated August 06<sup>th</sup>, 2008, the Directorate General of Merchant Marine may delegate towards other entities its legal faculties with the purpose of verifying and certifying the fulfillment of navigational, security, occupational, protection and

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verification of standards for the pollution from vessels appertaining to the National Merchant Marine, i.e. having the eligibility to limit the faculties conferred upon such auxiliary entity that carries out such duties, for reasons of monitoring and improving the security standards of their fleets.

That pursuant to paragraph 21 of Article 187 of Law No. 57 dated February 06<sup>th</sup>, 1998, it is a responsibility of the Directorate-General of Merchant Marine to *“authorize, monitor, audit and control, in a custodial fashion, the Recognized Organizations, the Recognized Security Organizations, and those similar that act on behalf and by delegation of the Panamanian State, and regulate the applicable procedures to the aforementioned. This responsibility may not be delegated without the prior consent of the Panama Maritime Authority.”*

That the Republic of Panama by means of Law No. 41 dated September 12<sup>th</sup>, 2016, approved the International Convention for the Control and Management of Ballast Water and Sediments of Ships, 2004, adopted by the International Maritime Organization, on February 27<sup>th</sup>, 2004.


That the International Convention for the Control and Management of Ships’ Ballast Water and Sediments, 2004 (BMW) under Section E – provisions with regards to Surveys and Certification for the Ballast Water Management, under Rule E-1 with regards to Surveys, request the ships to have a gross tonnage equal or greater than 4000 to those that apply in the Convention, excluding floating platforms, UFA’s and FPAD units, being objectives of initial, renovation, intermediate, annual and/or additional surveys according to each case.

That by means of memorial submitted on August 28<sup>th</sup>, 2017, Mr. HERNAN HERNANDEZ, attorney-in-fact of the recognized organization **NATIONAL SHIPPING ADJUSTER, INC.** requested this Directorate General to authorize the company they act on behalf of to carry out surveys with the objective to issue International Certificates for Provisional Ballast Water Management to ships flagged under Panamanian Flag, in compliance with the International Convention for the Control and Management of Ships’ Ballast Water and Sediments, 2004 (BMW).

That by means of Memorandum No. 109-02-196-DGMM-SEG dated August 31<sup>st</sup>, 2017, the Technical Office of SEGUMAR issued its technical appraisal of the memorandum submitted on August 28<sup>th</sup>, 2017, as well as the attached documentation in which informs that **NATIONAL SHIPPING ADJUSTER, INC.** complies with that established under Resolution JD-N° 019-2005 dated November 27<sup>th</sup>, 2005 with regards to the technical requirements in order to carry out surveys and issue certificates on behalf of the Republic of Panama.

That on the 07<sup>th</sup> day of September 2017, The Technical Advisory Committee for Recognized Organizations, as indicated in Article Eight of Resolution JD-N° 019-2005 dated November 24<sup>th</sup>, 2005, gathered in the Meeting Room at the Directorate General of Merchant Marine with the purpose to evaluate, among other matters, the request submitted by the company **NATIONAL SHIPPING ADJUSTER, INC.** issuing Act 06/2017 dated September 07<sup>th</sup>, 2017, whereby *“recommends the Director General of Merchant Marine, to authorize the company **NATIONAL SHIPPING ADJUSTER, INC.** to carry out surveys and issue the Provisional International Certificate for Ballast Water Management in pursuance to the International Convention for the Control and Management of Ships’ Ballast Water and Sediments, 2004 (BMW), to ships with Panamanian flags.*

RS  


  
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That for the reasons set forth above and based on Act 06/2017 dated September 07<sup>th</sup>, 2017, issued by the Technical Advisory Committee, this Directorate General of Merchant Marine,

**RESOLVES:**

**FIRST: AUTHORIZE** the Recognized Organization NATIONAL SHIPPING ADJUSTER, INC., to issue Provisional International Certificate of Ballast Water Management in compliance with the International Convention for Control and Ballast Water Management and Sediments in Ships, 2004 (BWM) to Panamanian flagged ships on behalf of the Administration.

**SECOND: INFORM** that against this Resolution a Motion for Reconsideration may be interposed before this Directorate General. The Motion for Reconsideration may be used within the following five (5) business days upon notification of the present Resolution.

**THIRD: COMMUNICATE** the content of the present Resolution to Navigation Department and Maritime Safety and the SEGUMAR-Panama Technical Office of the Directorate General of Merchant Marine.

**LEGAL BASIS:**

Law No. 02 dated January 17<sup>th</sup>, 1980  
Decree Law No. 07 dated February 10<sup>th</sup>, 1998  
Law No. 38 dated July 31<sup>st</sup>, 2000  
Resolution JD-N°019-2005 dated November 24<sup>th</sup>, 2005  
Law No. 41 dated September 12<sup>th</sup>, 2016

**TO BE NOTIFIED AND COMPLIED WITH,**

/Appears an illegible signature/  
**FERNANDO A. SOLORZANO A.**  
Director General

FASA/JLC/MG

/Appears the following seal:/  
Panama Maritime Authority  
Directorate General of Merchant Marine

In Panama, on the eight day of September, 2017, at 10:24 was notified Hernan Hernandez, the above resolution.

/Appears an illegible signature/

I the undersigned, certified translator, attest that the foregoing is an accurate and true translation of the original document in Spanish language handled to me.

Issued in Panama City, Republic of Panama, on the 14<sup>th</sup> day of September 2017.

**Roberto C. Garzón G.**  
Certified Translator  
Resolution No. 1903 dated July 17<sup>th</sup>, 2009  
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