PANAMA MARITIME AUTHORITY
(AUTORIDAD MARÍTIMA DE PANAMÁ)
GENERAL DIRECTORATE OF MERCHANT MARINE
(DIRECCIÓN GENERAL DE MARINA MERCANTE)

F-265
(DCCM)
V.00

MERCHANT MARINE CIRCULAR MMC-365

To: **Ship-owners/operators, Legal Representatives of Panamanian Flagged Vessels, Panamanian Merchant Marine Consulates and Recognized Organizations (ROs).**

Subject: **Adoption of Amendments to MARPOL 73/78, Annex VI**
Panama Policy on IMO-DCS scheme.

Reference: **a) Resolution MEPC.278 (70); Resolution MEPC.282 (70); MEPC.293 (71), MEPC (292)71**
b) Resolution 106-26-DGMM of April 17, 2018
c) Resolution 106-27-DGMM of April 17, 2018

1. PURPOSE

1.1 The purpose of this Merchant Marine Circular is to inform that the Republic of Panama has adopted Resolution MEPC.278 (70) by which the IMO has adopted the amendments to Annex VI of MARPOL 73/78.

1.2 Furthermore, it provides guidance and instructions to ensure the correct implementation of the IMODCS scheme.

2. APPLICABILITY

2.1 In accordance with Regulation 22A, from calendar year 2019 each ship of 5,000 gross tonnage and above shall collect data specified in appendix IX of Annex VI, for that and each subsequent calendar year or portion thereof, as appropriate, according to the methodology included in the ship's SEEMP.

2.2 According with the MARPOL Annex VI Chapter IV Rule 19 (2.2) and the MARPOL Annex VI Unified Interpretations Section 4.6 MEPC.1 / Circ.795 / Rev.2, vessels not propelled by mechanical means, platforms that include FPSO / FSU and drilling units regardless of their propulsion are excluded of the compliance required in the paragraph 2.1 previously cited; therefore, the energy efficiency requirements and the Ship Energy Efficiency Management Plan (SEEMP) do not apply to these type of vessels.

3. IMPLEMENTATION

3.1 SHIP OWNERS OR OPERATORS

Within three months after the end of each calendar year, the ship shall report to its Administration or any Recognized Organization or Independent Company duly authorized by it, the aggregated value for each datum specified in appendix IX of Annex VI, via electronic communication using the format specified in appendix 3 of Resolution MEPC.282(70).

3.2 RECOGNIZED ORGANIZATIONS ALREADY AUTHORIZED BY THE PANAMA MARITIME AUTHORITY TO ISSUE THE CERTIFICATE REQUIERED UNDER ANNEX VI, CHAPTER IV OF MARPOL 73/78.

3.2.1 Recognized Organizations already authorized by the Panama Maritime Authority to issue the certificate required by Annex VI, Chapter IV of MARPOL 73/78 have been delegated with the following functions:

1. Confirm that every vessel of 5000 gross tonnage and above keeps on board a Ship Energy Efficiency Plan as required by Regulation 22A of Annex VI of MARPOL 73/78.
2. Issue a "Confirmation of Compliance" stating that the ship complies with the previous paragraph.
3. Verify and determine if the data reported by ships of 5,000 gross tonnage and above has been collected and complies with Regulation 22A of Annex VI of MARPOL 73/78.
4. Issue a recommendation to the Administration indicating if the ship can be issued with a "Statement of Compliance" by the Panama Maritime Authority.
5. Submit to the International Maritime Organization the reported data noted in appendix IX, Anne VI, of MARPOL 73/78, using the IMO Ship Fuel Oil Consumption Database.
6. All Recognized Organizations authorized by this Administration under Annex VI, MARPOL 73/78, have been allowed to access GISIS – IMO Ship Fuel Oil Consumption Database Module. Guidance on how to report to the IMO has been provided in Circular Letter No. 3827, attached to this MMC.

Important note: In the event of a transfer or Flag, the ship, on the day of the completion of the transfer, or as close as possible, shall report to the losing Administration trough it's Recognized Organization the aggregated data for the period of the calendar year corresponding to that Administration , as specified in Appendix IX of Annex VI and, upon prior request of that Administration, the disaggregated data.
Furthermore in the event of a change from a Company to another, the ship, on the day of completion of the change or as close as possible, shall report to the Administration trough it's Recognized Organization the aggregated data for the period of the calendar year corresponding to the Company , as specified in Appendix IX of Annex VI and, upon prior request of the Administration, the disaggregated data.

In the event of change of Administration and Company concurrently above conditions shall apply.

3.3 A **"Confirmation of Compliance"**, **using the format indicated in Annex I** of this Merchant Marine Circular must be issued after the verification of SEEMP.

3.4 Recognized Organizations, who would like to outsource the data verification process, should refer to the correspondent Merchant Marine Circular for a list of verifiers approved by this Administration which will be published shortly.

3.5 After receiving the recommendation specified in paragraph 3.2.4 of this MMC, the Panama Maritime Authority will proceed with the issuance of a "Statement of Compliance" in accordance with Regulation 6.6 and 6.7 of Annex VI of MARPOL 73/78. The methodology that will be enforced to issue the "Statement of Compliance" will be informed shortly.

3.6 The validity of this Statement of Compliance will be as stated in paragraph 12, Regulation 9, Chapter 2 of Annex VI.

4. INDEPENDENT COMPANIES AUTHORIZED BY THE PANAMA MARITIME AUTHORITY

4.1 Independent companies authorized by the Panama Maritime Authority may provide the following services to Panamanian flagged vessels:

1. Confirm that every vessel of 5000 gross tonnage and above keeps on board a Ship Energy Efficiency Plan as required by Regulation 22A of Annex VI of MARPOL 73/78.
2. Send a notification to the General Directorate of Merchant Marine stating the compliance of the vessel with the previous paragraph. The methodology that will be enforced to issue the "Confirmation of Compliance" will be informed shortly.
3. After receiving this notification, the General Directorate of Merchant Marine will issue a "Confirmation of Compliance".
4. Verify and determine if the data reported by ships of 5,000 gross tonnage and above has been in accordance with Regulation 22A of Annex VI of MARPOL 73/78.
5. Issue a recommendation to the Administration indicating if the ship can be issued with a "Statement of Compliance" by the Panama Maritime Authority.
6. Submit to the Administration a consolidated report of the data collected regarding fuel oil consumption of ships of 5000 gross tonnage and above.

4.2 After receiving the recommendation specified in paragraph 4.1.5 of this MMC, the Panama Maritime Authority will proceed with the issuance of a "Statement of Compliance" in accordance with Regulation 6.6 and 6.7 of Annex VI of MARPOL 73/78.

4.3 All Independent Companies that receive the data collected by Panamanian flagged ships of 5000 GRT or more must submit a consolidated report of this data to the Administration using Extensible Markup Language or XML format as per instructions by the Administration.

Important note: In the event of a transfer of Flag, the ship, on the day of the completion of the transfer, or as close as possible, shall report to the losing Administration through the independent company the aggregated data for the period of the calendar year corresponding to that Administration, as specified in Appendix IX of Annex VI and, upon prior request of that Administration, the disaggregated data.

Furthermore in the event of a change from a Company to another, the ship, on the day of completion of the change or as close as possible, shall report to the Administration trough it's Recognized Organization the aggregated data for the period of the calendar year corresponding to the Company , as specified in Appendix IX of Annex VI and, upon prior request of the Administration, the disaggregated data.

In the event of change of flag and Company concurrently, the above conditions shall apply.

4.4 Independent Companies who wish to be authorized by the Panama Maritime Authority to provide the services listed in paragraph 4.1 of this MMC, must provide the following documentation:

1. Memorial presented to the General Directorate of the Merchant Marine, through an appropriate lawyer.
2. Original power of attorney authenticated and legalized in favor of a lawyer duly authorized to practice in the Republic of Panama.
3. Original Certificate of Registration of the Company where is recorded the existence of the persons, legal representatives or proxies authorized to act on their behalf. In the case of foreign companies, the documents must be duly authenticated by a Panamanian Consul or apostilled.

4. Have implemented a management system under ISO 14065.
5. Brochure with general information of the Company.
6. Documented procedures that will be used to carry out the services listed on paragraph 4.1 of the MMC.
7. Copy of insurance policy for damages to third parties.
8. Resume and objective evidence of the competence and training of the personnel that will carry out the services listed in paragraph 4.1 of this MMC
9. Description of the way in which the information of the ships will be stored and evidence of the security of the servers (Secure Server Certificate)
10. Any additional document requested by this Administration.

4.5 Once these documents are received, they will be checked and evaluated and a recommendation for approval may be issued.

4.6 All recommendations for the issuance of a "Confirmation of Compliance" or/and a "Statement of Compliance" must be sent via e-mail to imo-dcs@segumar.com

4.7 The correspondent Merchant Marine Circular will issued listing the companies that have fully complied with the requirements listed above and therefore have been approved by this Administration.

4.8 All inquiries regarding this Merchant Marine Circular must be directed to ro-panama@segumar.com / rberrocal@segumar.com / deputychief@segumar.com

November– 2018 New paragraph 3.5 and 3.6 has been added
September 2018 – Addition of new paragraph 2.2
June 2018 – Update to Annex "Standard Format for Confirmation of Compliance", as per MEPC.1/Circ.876
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