

**PEREZ CARRERA & CO**  
**Attorney & Offshore Service.**

You can fill the follow formulary and send to us via FAX or by EMAIL.  
Also you can request the information you need by EMAIL or FAX.  
FAX: (507) 269-6004 EMAIL: [info@perezcarrera.com](mailto:info@perezcarrera.com)

**REGISTRO DE NAVES.**

El abanderamiento de naves bajo bandera Panameña, se encuentra reglamentado por la Ley 8 de 12 de Octubre de 1925, reformada por la Ley 2 de 1980 y posteriormente el Decreto No. 7 de 10 de Febrero de 1998, que unifica las distintas competencias marítimas y crea la Autoridad Marítima de Panamá. El Registro Panameño mantiene su liderazgo, seguido de Liberia, Chipre y Bahamas. Informes oficiales indican que mas de doce mil barcos se encuentran registrados en Panamá, con un tonelaje estimado por encima de 90 millones de tonelaje bruto. Se estima que aproximadamente un 60% de ese registro corresponde a barcos japoneses y otro 30% a barcos griegos. Actualmente la flota panameña es de 6,381 buques mayores de 500 toneladas. Se estima que mas de un centenar de nuevos barcos, anualmente se inscriben en el registro panameño

De acuerdo don la reglamentación vigente en el Registro panameño pueden ser abanderadas naves de cualquier tipo incluyendo yates de placer, pertenecientes a personas naturales o jurídicas nacionales o extranjeras. La única condición establecida es la de cumplir con los requisitos y documentación que para ese efecto se establecen asi como con las normas relacionadas con la navegabilidad, seguridad marítima, prevención y control de contaminación y otras de las cuales Panamá es signataria.

El procedimiento para registrar una nave en Panamá es sencillo y rápido; puede ser realizado en las oficinas de la Autoridad Marítima de Panamá y en cualesquiera de los consulados panameños creados para tal efecto en el extranjero. En Panamá existen dos tipos de registros: el Provisional y el Reglamentario. En solo unas horas y con muy pocos documentos y sin trámites dilatorios, PEREZ-CARRERA & CO le tramita la patente provisional de navegación, licencia de radio de una nave de cualquier dimensión, tipo o yate de placer y lo pone en contacto con empresas y agencias que le facilitan la obtención de documentos, certificados técnicos permisos, equipo, tripulación, contratos y seguros que requiera para su barco. Además le comunica con empresas y armadores que lo asesoran y orientan en la compraventa de naves en el mundo y fletes. También redactamos documentos relacionados con títulos de propiedad, compraventa, navales, título de propiedad, cancelación de registro, locales y extranjeros, elaboración de actas y poderes. FIN Y HACER (CLIC)

Para proceder con el registro provisional se requiere a)hacer una solicitud por medio de un abogado idóneo en la República de Panamá o en los consulados panameños acreditados en el extranjero; b)completar la información preliminar requerida por

la AMP, c)realizar el pago de las tasas y derechos correspondiente. Con relación a la aplicación del Código Internacional para la Protección de los Buques y las Instalaciones Portuarias, (ISPS) todos los barcos que se inscriben en la marina mercante nacional deben cumplir con este requisito, excepto los barcos de cabotaje. La información preliminar que se debe proporcionar, consiste en los datos de identificación de la nave acerca de casco, tonelaje bruto y neto, motores, caballos de fuerza, propietarios, fecha y lugar de construcción, propietarios, nombre actual y anterior, registro, domicilio, lugar de registro anterior de la nave, nombre anterior y actual, poder y otros datos necesarios para su debida identificación, como la constancia de implementación a bordo del convenio de seguridad (ISMC Security code y el ISSP) , para naves mayores de 100 toneladas brutas. Efectuado el pago de los derechos ante el consulado autorizado o la oficina principal en Panamá, se emite una licencia provisional de navegación cuya duración es de seis meses y una licencia provisional de radio válida por tres meses. El procedimiento toma aproximadamente de uno a dos días hábiles. Al vencimiento de los términos de vigencia de seis y tres meses, el mismo puede ser prorrogado por el solicitante si los propietarios, armadores o los apoderados de la nave no puedan suministrar los documentos exigidos para el registro permanente, previo pago de una multa de B/500.00 pagadero una sola vez, mas B/50.00 por cada mes de prórroga, tanto para la licencia provisional de navegación como para la de radio.

Los documentos que se deben presentar con la solicitud de licencia Reglamentaria son:

- 1.-Poder otorgado al abogado por el propietario autenticado, legalizado y habilitado.
- 2.-Título de propiedad de la nave debidamente inscrito en el Registro Público.
- 3.-Que la nave se encuentre a paz y salvo en sus pagos fiscales.
- 4.-Certificado de tonelaje o arqueo expedido por una autoridad reconocida por Panamá y su confirmación por la oficina en Nueva York.
- 5.-Certificado de compraventa (Bill of sale) original, Escritura del Título de Propiedad, legalizado
- 6.-Certificado de cancelación del registro anterior, debidamente legalizado.
- 7.-Certificado de construcción (si es de nueva construcción).
- 8.-Certificados técnicos pertenecientes a la nave de acuerdo con las convenciones internacionales. La República de Panamá mantiene un estricto cumplimiento de los convenios internacionales sobre la seguridad marítima, seguridad de vida humana en el mar y los convenios IGS, STCW78/95; así como el convenio de seguridad (ISMC code y el ISSP) , para naves mayores de 100 toneladas brutas. CLIC

No existen requisitos de tonelaje mínimo para registrar un buque, sin embargo las naves con mas de 20 años tendrán que pasar una inspección especial por un inspector panameño autorizado para obtener la Patente Reglamentaria.

## **Panama Shipping Registry**

### **LAW No. 8 of 1925**

The National Merchant Marine of the Republic of Panama was created by means of Law No. 8 of 1925, when restrictions concerning nationality and residence were eliminated, in order to adopt an open registry system. Since then, the Panamanian Registry accepts ship belonging to national or foreigners alike, provided that all legal provisions in force are complied with, especially those related to the administration of vessels, safety, pollution control standards, technical criteria and fiscal matters, during the last fifty years.

Administrative proceedings related to vessel registration are in charge of the Directorate General of Maritime Merchants, which grants navigation and radio licenses. It also enforces navigation, safety, pollution and manning regulations. Through its New York Representative Office and the Department of Marine Safety (SEGUMAR), casualties investigations and inspections are conducted. More than 500 inspectors are authorized to inspect Panamanian flag vessels worldwide. Along with the Panamanian Merchant Marine General Consulates in main ports, the Panamanian register authorities have a network for the timely inspection and documentation of vessels that no other open registry has.

The work of the registry and the inspection through the numerous Merchant Marine General Consulates of Panama, located in the major ports of the world, as well an extensive number of companies and inspectors authorized by the government of Panama, have assured a great agility in the proceedings and an enviable service quality that no other country or maritime registry in the world possesses.

Any foreign or Panamanian national may register a vessel in the Panamanian Merchant Marine. International service vessels are exempt from Panama income tax. Shipowners take advantage of the flexibility of Panamanian offshore corporations by having such entity appear as owner of the vessel. Any ship may be registered provided it complies with the minimum seaworthiness, safety and environmental conditions required by international conventions. However, ships over 20 years old are subject to a special inspection before being granted a statutory certificate of registry.

The ship registration procedure is initiated by applying through the Panama office or the Panama Merchant Marine General Consulates, paying the corresponding fees and submitting the following documents:

- Applications for navigation and radio licenses
- Power of attorney
- Bill of Sale (and builder's certificate for newbuildings) and Acceptance of Sale
- Official certificate of cancellation from the current registry stating

that the vessel is free of all liens

Vessels under construction may also apply for the Provisional Registration and radio call letters.

The maritime office will issue the Provisional Navigation License, valid for 6 months, extension periods can be obtained through the Panama Shipping Bureau if necessary and a non-renewable Provisional Radio License for 3 months.

The Provisional Navigation License may be renewed for additional 3-month periods upon payment of a penalty. The Definitive Radio License must be obtained before these 3 months or a fine is imposed.

The previously mentioned ship documents, apostilled or authenticated by a Panamanian Consul, must be recorded at the Public Registry by a Panamanian attorney-at-law, so that a renewable, 4-year, Definitive Navigation License may be issued by Maritime Authority in Panama.

Other documents to be gathered by the Client are:

Bill of Sale, the Bill of Sale or the builder's certificate (whichever may be the case) must be registered in Panama. The Bill of Sale must be authenticated by a Notary Public, who will state, out of his own knowledge and not by way of deposition, which the seller of the vessel was, in fact, the owner of the ship and that the person acting on his behalf is duly authorized to such ends. The Bill of Sale must stipulate as well the acceptance of the sale by the buyer. The Notary's signature must, after that, be authenticated by a Panamanian Consulate or by apostille.

The builder's certificate should clearly say that the vessel was built for and delivered to the owners, that the price has been paid for it, and an expression to the effect that title is being passed by the certificate in question, with the relevant description of the vessel. This document must also be notarized and legalized before a Panamanian Consulate or by apostille.

Documents to be filed within the same period (30 days after issuance of provisional license), if done in Panama, and with the request for provisional registration, if done at a Panamanian Consulate, are:

### **Power of Attorney**

Power of attorney to be signed by the owner of the vessel and legalized by a Panamanian Consulate, to represent the owners in the handling of all legal affairs of the vessel before the Panamanian authorities.

### **Certificate of / or Consent to Deletion**

A certificate of deletion or a consent to deletion from the pertinent authorities from the prior country of registration, and it must be duly legalized by a Panamanian Consulate or apostille.

**Technical Certificates:** Shipowners who wish to transfer their ships to the Panamanian flag will not be required to have them re-surveyed if the ships possess valid safety certificates. Further provision is made to accept foreign tonnage certificate. The acceptance of valid certificates and foreign certificates at the moments of registration, obviates the necessity to have the ship dry docked prior to the registration and consequently saves the shipowners considerable expenses.

**Minimum Requirements:** No minimum tonnage requirement is demanded by Panamanian authorities. However, vessels of over 20 years old will have to pass a special inspection by an authorized Panamanian inspector in order to obtain the Permanent Registration

### **PERMANENT NAVIGATION LICENSE**

Once the title to the vessel has been recorded at the Public Registry, the Panama Shipping Bureau will issue, upon our special request, the Permanent Navigation License for the vessel, which shall be valid for yachts shall have a duration of two (2) years and for merchant vessels shall have a duration of four (4) years.

## **SPECIAL REGISTRIES.**

In addition to navigation patents and radio licenses' registration, the Panama Shipping Registry offers other special registries for vessels of special class, among which we can mention the following:

**Vessels under Naval Charter:** This registration allows the owner of a vessel registered in our country, to register said vessel in other countries, without losing our flag, provided that said vessel is chartered (bareboat charter) and that the other country's registry allows the registration of the Panamanian vessel in such condition. This is also applicable in reverse, that is, it is allowed that the vessel previously registered in other country, be registered in our country, as a chartered vessel, without losing its original registration.

**The "Dual Registry System"** was established in Panama by means of Law No. 11 of 1973 and later altered by Law No. 83 also in 1973. According to these Laws, a foreign vessel, bareboat chartered for a period of two years can be registered in Panama for the same period without losing its previous registration, and the opposite is also permissible, that is, from Panama to the other countries.

For this purpose a Certificate of Consent from the country where the vessel was originally registered will be required.

### **Yatch registry**

The Panama Ship Registry maintains flexible requirements and fees for those yachts registered in Panama. The registry has established a flat registration fee, regardless of size or tonnage of the yacht. For Panamanian owned yachts, meaning by this that the yacht is property of a Panama Company or a private interest foundation the registration fee is of US\$1,000.00. to be paid every two years, time upon which navigation documents will also be renovated. Documentation required is simple: bill of sale, admeasurement certificate, cancellation of previous registry (if not a New building) and power of attorney. Yachts that are not property of a Panamanian legal entity pay US\$1,500.00 to register.

### **Fees and annual tax**

The Shipping Department is authorized by law to grant special discounts up to 50% in registration fees to any shipowner, or more than one shipowner being part of the same financial group, registering three or more vessels representing a combined gross registered tonnage of 50,000 tons to 100,000 tons may receive a discount of 20% in registration fees. Vessels representing more than 100,000 tons may receive discounts of 50% in registration fees.

Furthermore a shipowner registering a single vessel representing a gross registered tonnage of more than 100,000 tons may obtain a discount in registration fees of up to 50%. In order to grant this discount the Shipping Department will take into consideration the type of vessel, the year of construction and the background of the shipowner with the Panamanian Registry.

Moreover, the General Director of Consular and Maritime Affairs, in special cases may allow payment of annual taxes and other annual charges to be deferred and settled during the course of the year, according to a special schedule, without any surcharge if the shipowner complies with the following requirements:

That the vessels be owned by the same shipowner or financial group

That the number of vessels owned by the same shipowner or financial group be at least fifteen, or represent a combined gross registered tonnage of 500,000 tons or more.

That the special schedule granted to pay the annual taxes, consular fees and any other obligations does not exceed the respective fiscal period.

### **Ship Mortgages**

A ship mortgage may be granted to secure all kinds of lawful obligations, including future obligations, and obligations subject to conditions precedent. A mortgage may be first registered in Panama upon either preliminary registration of title through a

Panama Consul with maritime responsibilities or in Panama, or registration at the Public Registry. Such preliminary registration will be legally binding for six months and thus, be effective against third parties from the date of preliminary registration.

The ship mortgage contract may be executed in any language any should be in writing whether in private or authentic form, or may be constituted in accordance with the laws of the place of execution.

### **Preliminary Registration of Title/Mortgage:**

The procedure for the registration of Preliminary Registration of Mortgage and Title Deeds are straightforward so that the whole process can be expeditiously completed. Preliminary Registration may be requested at Panamanian Consular Offices abroad. An appointment must be made for this purpose.

The whole procedure will take approximately one business day. Provisions have been made to allow the preliminary registration of mortgage and title deeds after working hours. For this purpose the interested party will have to obtain an appointment at least 2 days in advance. The shipowner can be assured by the acceptance by U.S., Far Eastern and European banks of the Panamanian mortgage, providing satisfactory security. Hence the Panamanian Ship Mortgage, once registered, grants a right in rem to the mortgagee. The encumbrance follows the ship even when sold. The mortgagee thus has a right to pursue, attach or have the ship sold in order to collect his credit, with preference over the creditors of less standing.

### **REGISTRATION REQUIREMENTS FROM July 1, 1998:**

As noted by circular letter AMP 004-98 from the Administrator on June 26 1998, the Administration will require as condition for Registration the compliance with the ISM CODE. Therefore, in order to register a vessel, the competent authority will require the following Certificates:

- Document of compliance (DOC) issued to the company which is operating the vessel, and
- Safety Management Certificate (SMC) issued to the vessel

These certificates must be valid, and can be interim or permanent.

1. In the case that the above-mentioned certificates have been issued on behalf of another Administration, or a Class Society or Recognized Organization NOT approved by the Panama Maritime Authority, the vessel CAN BE REGISTERED on a PROVISIONAL BASIS ONLY. In this instance, the Consular Offices and the Department of Shipping (SECNAVES) must do the following:

- Copies of such mentioned Certificates must be sent to the office of SEGUMAR in order to obtain a dispensation letter authorizing the vessel to sail for a period of 6 months (Provisional Patente Period). By the end of this period, all documents must be supplied and issued on behalf of Panama by any of the following Organization:

American Bureau of Shipping Korean Register of Shipping; Bureau Veritas Lloyd's Register of Shipping; China Classification Society Nippon Kaiji Kyokai; China Corporation Register of Shipping Panama Bureau of Shipping; Det Norske Veritas Panama Maritime Doc. Services Inc.; Germanischer Lloyd Panama Register Corporation; Hellenic Register of Shipping Polski Rejestr Statkow; Isthmus Bureau of Shipping Registro Italiano Navale

If No compliance is achieved by the end of the 6 months, the vessel will automatically be deleted from the Registry.

In case that a vessel does not have any certificate, it CANNOT be registered, not even provisionally.

For an already registered vessel that requires a change/renewal of PATENTE for any of the following reasons:

- a. Change of name
- a. Change of owner

a. Change of tonnage

a. Renewal of Patente

The competent authorities must require copy of valid certificates (DOC and SMC) issued on behalf of the Panamanian Administration, only. If any of the documents are not presented, the vessel will be canceled until the certificates are supplied.