

LAW 204

From 18 March 2021

Which regulates the fishing and aquaculture in the Republic of Panama
And other dispositions

THE NATIONAL ASSEMBLY

DECREES:

Title 1

Guiding Basis

Chapter 1

Scope of Application

Article 1. This Law will be applied over all the aquatic resources within the national territory, continental waters and the marine areas under autonomy and jurisdiction of Panama, without prejudice on the authority of other national institutions.

It will be applied on every person or legal entity, national or foreigner, engaged in aquaculture, fishing, activities connected or related to fishing.

Additionally, it will be applied on marine areas located further from the jurisdiction of Panama, on every national or foreigner onboard of a Panamanian vessel and on every Panamanian-flagged vessel engaged in fishing, fishing-related activities or connected activities.

According to dispositions on Title XIV of the Political Constitution of the Republic, however, the waters of the Panama canal are excluded from the application of this Law.

Article 2. The Authority of Aquatic Resources of Panama, from now on the Authority, is the guiding entity of the State to manage and ensure the compliance and execution of this Law, its regulations regarding aquaculture, fishing, activities connected and related to fishing.

Article 3. The aquatic resources in continental waters and marine areas under autonomy and jurisdiction of Panama belong to the national patrimony of the State.



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Chapter II

General Dispositions

Article 4. It is the Authority's duty to elaborate, update and execute the National Policy on Fishing and Aquaculture, in coordination with every other entity engaged with fishing, aquaculture, activities connected and related to fishing.

Article 5. The Authority is authorized to regulate fishing, aquaculture, activities connected and related to fishing within the national territory, in continental waters and in marine areas under the autonomy and jurisdiction of Panama. Likewise, it is authorized to regulate the fishing and fishing-related activities conducted by Panamanians or Panamanian-flagged vessels that operate further from marine areas under the jurisdiction of Panama.

Article 6. The Authority will have, amongst its rights, the assignment to authorize the activity of fishers' organizations that conduct activities for the sustainable use of aquatic resources. It will also authorize the activity of group of fish farmers engaged in activities destined to the production of water resources. These organizations will be registered in a numbered record held by the Authority and will be equally registered within the National System of Fishing and Water Information and Statistics.

The procedure will be regulated by set of rules, in which the right to organize according to the law will be recognized, as well as the right to receive credits as result from their activities, as long as they are conducted in a responsible and sustainable way.

Article 7. The Authority will manage before the National Banking System the establishment of differentiated credits, or complementary banking services that implicate an easy access to credit, for the national fishing and water sector, according to the availability of the fishing and water resource, prior approval from the Authority.

Chapter III

Principles, Purposes and Objectives

Article 8. The Authority will execute its management considering general principles of the fishing and water sector, with special attention of:

1. Sustainability. The aquatic ecosystems, either marine or continental, should be used according to responsible fishing and aquaculture practices, guaranteeing the option of benefits for current and future generations.
2. Precautionary criteria. The criteria applied on the conservation, ordainment, and exploitation of the living aquatic resources, with the end of protecting and preserving the aquatic environment, considering the most trustworthy scientific data available. Before the lack of adequate scientific information, corresponding measures will be taken following the principle of environmental precaution established on the standards of international environmental law.
3. Citizen's participation. The organizations of the fishing and aquaculture sectors, the communities and families directly related to fishing activities and aquaculture will have room to express their opinion and actions in the execution of this Law, policies and consequent actions.



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4. Cooperation. The will of collaboration between the key parties of the integrated development of this sector.
5. Prevention. The adoption of decisions addressed to anticipate adverse effects, prevent damaging consequences and, in which case, avoid, diminish, or mitigate possible negative effects, acting with proper due diligence.
6. Ecosystem approach. An integrated vision of the management of the lands, waters and living resources that has the objective its conservation and sustainable use in a balanced way. Including the analysis of all the processes, functions and interactions among the components and resources (living or not) of the ecosystem, and implicates the management of the ecosystem's species, other services, and goods. This approach also recognizes that the human being and the diversity of cultures are important components of the ecosystems, considering the accumulative impact resulting from their multiple activities, as well as the socioeconomical relevance of them.

Article 9. This Law has as a purpose to regulate the fishing activities, aquaculture and connected and related fishing activities, with the objective they are conducted in a sustainable way, using the adequate methods to ensure the conservation, reproduction, production, renewal and permanency of the aquatic resources, as well as fishing activities and/or aquaculture, for the benefit of current and future generations.

Article 10. The general objectives of this Law are:

1. To manage and promote the sustainable use of the fishing and water resources.
2. To support and facilitate the scientific and technological research of fishing, aquaculture and connected activities.
3. To establish and define the principles to organize, promote and regulate the integral management and sustainable use of fishing and aquaculture, considering the social, economic, technological, productive, biological, and environmental aspects.
4. To regulate and organize the sustainable development of the fishing and water activities, connected and related fishing activities.
5. To establish promotion measures that foster and guarantee the economic investment on the matter of competitiveness of the fishing, aquaculture, connected activities and fishing-related activities, locally as well as for exporting.
6. To promote the strengthening and organized and sustainable growth of the aquaculture to guarantee private investments.
7. To provide a basic environment that allows the development of connected activities, with the objective to get the maximum benefits of its potential.
8. To boost the increase of the aquaculture activities, connected activities and the rational management of fisheries, to achieve a sustainable use, based upon the ecosystem approach.
9. To promote the improvement of the quality of life of the fishermen and fish farmers of the country through programs developed for said end.
10. To propose mechanisms to promote that fishing and aquaculture are part of the programs of food safety of the country.
11. To procure the access and use of the aquatic resources to coastal and indigenous communities.

Article 11. The following terms used in this Law and its regulations, should be understood according to this glossary:

1. *Connected activities.* Activities resulting from fishing and aquaculture, that at some point, in an direct or indirect way, complement them, such as the research and evaluation of aquatic resources, the education and fishing and aquaculture training, the transfer of technology, transportation, the processing or transformation, packaging and elaboration of products of aquatic resources, the elaboration of feeds and water foods, commercialization and any other which contributes to the development of fishing and aquaculture and its determined by the Authority.


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2. *Fishing-related activities*. Any support or preparation activity towards fishing, including disembarkation, packaging, elaboration, transshipment or transportation of aquatic resources that have not been previously disembarked in a port, as well as the provision of staff, fuel, fishing gear and other supplies, in port as well as on sea.
3. *Fish farmer*. Natural person or legal entity that conducts agricultural activities of complete or partial production of plant and/or animal organisms in aquatic media, under controlled conditions.
4. *Albina*. Areas naturally stripped or with scarce vegetation, close to sources of salted water, which is periodically flooded by the flow of the tides.
5. *Storage*. The capacity of the warehouse to store products and subproducts resulting from fishing and aquaculture, measure in cubic meters that a vessel or processing plant has.
6. *Open sea*. The parts of the sea which are not included in the exclusive economic zone, in the territorial sea or interior waters of a State, or in the archipelagic waters of an archipelagic State.
7. *Sustainable use*. Responsible use of the aquatic resources, keeping its potential to satisfy the needs and aspirations of the current generations without compromising future generations.
8. *Shipowner*. Natural person or legal entity, national or foreigner that is in charge to stock up, supply, staff and hold the navigational status of a vessel of their property or vessel under its control or administration, with the objective of taking its marine management and operation.
9. *Fishing gear*. Every physical device or part of it, or any combination of elements that can be put on surface or inside the water or seabed to catch aquatic resources or contain them to catch or later harvest, or harvest, according to Annex V of the MARPOL Convention.
10. *Technical support*. Consulting services given to the users of the aquatic resources, on behalf of the professionals of the Authority, to plan and execute the programs and projects in search to the sustainable use of the fishing and aquaculture resources.
11. *Authorization*. Certificate issued by the competent authority to conduct any activity.
12. *Ultimate Beneficiary*. Person or persons that, directly or indirectly, hold, control and/or execute relevant influence regarding the account, contracting relationship and/or business or the natural person under who's name or benefit a transaction is done, which also includes persons that have final control over a legal entity.
13. *Fishing logbooks*. Document onboard of a vessel to record its fishing activities and fishing-related activities. The form and content will be defined by the Authority.
14. *Vessel*. Any ship, boat of other type, vessel or floating facility outside of a port, used, equipped to be used or destined to be used for fishing, activities connected or fishing-related activities.
15. *Freight capacity*. The capacity or volume of the warehouse belonging to the vessel measured in cubic meters.
16. *Bycatch*. That part of the catch consisting in specie or group of species which were not the target of the fishing.
17. *Co-management*. Type of management with shared responsibility between the Authority, local authorities, coastal communities, and fishermen and/or fishing farmers in the sustainable management of aquatic resources.
18. *Fish aggregating device*. An object, structure or permanent, semipermanent, or temporary device of any material, artificial or natural, placed and/or is object of trace and its used for the concentration of fishing resource destined for further catch.
19. *Fishing effort*. Measure unit used to define the fishing intensity in fishing operations.
20. *Mobile fisherman*. That person engaged in the extraction or harvesting of aquatic resources in beaches, mangroves, rivers, lakes and, in general, in shores of waters under autonomy or jurisdiction of the Republic of Panama.



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21. *Research*. Activity oriented to the production of knowledge, using the scientific method for the obtainment of data, evidence, analysis, verification and application of results on fishing and aquaculture.
22. *License*. Authorization granted by the Authority to a natural person or legal entity, non-transferable, to conduct activities in aquaculture, fishing and fishing-related activities or activities connected.
23. *Mitigation*. A group of actions addressed to reduce the effects generated by the happening of a natural or anthropogenic event.
24. *Tour operator*. Natural person or legal entity that organizes tour packages of sport fishing for profit.
25. *Fish*. Every specie of aquatic resources, processed or not.
26. *Fishing*. Search, catch, recollection or harvest of fishing resources or any other activity that can make room, foreseeable and reasonable, to the attraction, tracking, catch, extraction or harvest of fishing resources.
27. *Fishing for domestic consumption*. An activity which objective is to feed those who carry it out, their families and neighbors, with non-commercial or sport purpose, and its reserved only for nationals of the Republic of Panama. This activity is usually undertaken from beaches or coast or from canoes and other rudimentary ships, using rudimentary fishing gear.
28. *Sport fishing*. A fishing activity authorized by the Authority in continental waters or waters under the autonomy or jurisdiction of the Republic of Panama, undertaken by natural persons or legal entities, national or foreigners, with the purpose of sports, recreation, tourism or hobby, but not for sale of fish. It is conducted with personal fishing gear, with or without a vessel, through freediving.
29. *Sustainable fishing*. It is the use of fishing resources, in sync with the environment, as well as the use of fishing and aquaculture practices that will not harm the ecosystem, the resources, nor its quality and guarantees the continuous satisfaction of human needs for the current and future generations.
30. *Illegal fishing*. Activity undertaken by national or foreigner vessels in continental waters or in marine areas under the jurisdiction of a State, without its authorization, or in violation of the its laws and regulations, as well as activities undertaken by vessels flagged by a State member of a competent regional fishery management organization that fish in breach of the conservation and management measures adopted by said organization and which the State has to abide or the dispositions according to the application international law; or any activity undertaken in breach of national laws or international obligations, including those contracted by cooperating States of a competent regional fishery management organization.
31. *Unreported fishing*. Fishing activity which has not been reported or is reported inaccurately to the competent national authority, in violation of the national laws and regulations, as well as fishing activities conducted in a zone competent to a regional fishery management organization and has not been reported or was reported inaccurately, breach the reporting procedures of said organization.
32. *Unregulated fishing*. Fishing activity conducted in the application zone of a competent regional fishery management organization by fishing vessels without nationality or that bear a flag of a State which is not part of that organization, or by a fishing entity, that in some way is not lined-up with the conservation and management measures of said organization, or breaches them, or a fishing activity conducted in zones or in relation with population of fish for which there aren't applicable conservation and management measures and said activities are conducted opposite to the responsibilities related to the conservation of the living marine resources that concern the States according to international law.



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33. *Fisherman*. Person that conducts fishing activities, with or without the use of a vessel.
34. *Management plan*. Planning instrument that includes a group of actions that allows to organize and manage in a sustainable way the fishing resources based upon the updated knowledge on the environmental, economic and social aspects.
35. *National Plan of Conservation and Management of Fishing and Aquaculture*. Document based upon the analysis and diagnostic of the situation on every aspect and dimensions that impact aquaculture, fishing, connected activities and fishing-related activities (social, economic, environment and institutional), in which the living aquatic species able for its cultivation and/or use are considered, including the areas identified for its development. This plan establishes policies, strategies and actions which allow the management of water and fishing resources, with an ecosystem approach and based upon scientific knowledge.
36. *Processing*. The process of transformation of the water or fishing resources to extend the life of the product in appropriate conditions for the human consumption, whether as a whole, in different parts and to give them an added value.
37. *Port*. Every terminal offshore, port areas and other facilities for the disembarkation, transshipment, packaging, processing, refueling or restocking.
38. *Aquatic resources*. Animal or vegetable resources, which life cycle is developed, completely or partially in aquatic ecosystems, whether marine, salted water or continental waters and in ecosystems where these are developed, over which the Republic of Panama has autonomy or jurisdiction.
39. *Water resources*. Those which are or could be used in operations of cultivation of aquatic organisms, under certain diverse controlled conditions according to its characteristics, for the production of food, consumption, study, research, processing, recreation, commercialization or other.
40. *Fishing resources*. Those which are or could be target of fishing activities, connected activities and fishing-related activities.
41. *Special recurrence*. That violation done by an owner, shipowner, ultimate beneficiary and/or captain of a vessel or any other person connected to that aquaculture and fishing activity, connected activities and fishing-related activities, after they have been fined through motivated resolution and executed for a breach of the same nature.
42. *General recurrence*. That violation done by an owner, shipowner, ultimate beneficiary and/or captain of a vessel or any other person connected to that aquaculture and fishing activity, connected activities and fishing-related activities, after being fined through motivated resolution and executed for a violation of same or similar nature.
43. *National Registration of Aquaculture*. Information destined to keep updated the record of who participate in the aquaculture activity and connected activities and the rights the State has granted.
44. *National Registration of Fishing*. Information destined to keep updated the record of who participate in the fishing activity, connected activities and fishing-related activities, the rights the State has granted. Including the registry of captains and fishermen-owners, fishermen, marine, shipowners, owners and ultimate beneficiaries.
45. *Repopulation*. Action conducted to increase the geographical distribution or the size of the population of an aquatic specie, through artificial means, through the freeing of organisms to the natural media, with the purpose of restock the biomass.
46. *Vessel monitoring system (VMS)*. Satellite localization devices installed in the vessels, which send signals to the control and follow-up fishing center of the Authority.



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47. *Landing site.* Areas authorized by the Authority for the exclusive use of the vessels dedicated to artisan fishing. Without prejudice to the use these fishermen can give to the beaches and coasts according to this Law and regulations of the Authority.
48. *Sport fishing Tournament.* A sport competition activity, either with fishing rod or submarine. It is organized by natural persons or legal entities. The tournaments have protocols and regulations abiding the national and international standards.
49. *Transshipment.* The transfer of one part or the totality of the fishing or aquaculture products from one vessel to another.
50. *Traceability.* The capacity to identify the origin of the product and the activities conducted through one or several specified stages of its production and transformation until the delivery of the product to the consumer.
51. *Fisheries unit.* A group of fishing activities executed with regards to one determined aquatic specie, in a given time and geographical area.
52. *Fishing departure.* Authorization granted by the Authority to vessels with Panamanian flag dedicated to commercial fishing, international service fishing, connected activities and fishing-related activities, as well as fishing and fishing-related vessels with foreign flags, to depart from the Panamanian port or disembarkation site, separately from other authorizations they should receive from the other competent authorities.
53. *Zones of fishing harbor.* Marked areas where the fishing activities for a determined period of time are forbidden in the jurisdictional waters of the Republic of Panama, aiming to mainly conserve and contribute naturally or artificially with the recovery of the aquatic resources.



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Article 36. The Authority will establish and implement ordainment, coordination and audit mechanisms required for the manufacturing and import of fishing gear and fish aggregator devices, to guarantee that only those approved by the incumbent laws, are commercialized, imported and/or distributed in the national territory.

Article 37. The fishing aggregator devices will be regulated by the Authority.

Article 38. The Authority will establish, along the Panama Maritime Authority, the ports and/or disembarkation sites authorized for the fishing related activities allowing the adequate follow-up, control and surveillance, as well as the collection of the corresponding data and information.

Article 39. Every person engaged in the aquaculture, fishing, connected activities and fishing-related activities should be registered in the National System of Fishing and Aquaculture Information and Statistics.

Article 40. The fishing, connected activities and fishing-related activities within the national territory, continental waters and marine waters under autonomy and jurisdiction of Panama, for the direct and indirect use, will be classified within the following categories:

1. Commercial:
 - a. Small scale or artisan fishing.
 - b. Medium scale fishing.
 - c. Great scale fishing.
 - d. International service fishing.

2. Non-commercial:
 - a. Research.
 - b. Sports.
 - c. Domestic consumption.

Chapter II

Fishing Licenses

Article 41. The fishing activities, connected activities or fishing-related activities undertaken further from national jurisdiction will be classified international service.

Article 42. Every vessel, except those engaged in fishing for domestic consumption, should have a license for fishing, connected activities or fishing-related activities. Said license will grant a right in favor of the Authority which will be charged according to the fee established through regulation.

The Authority will determine the procedure and requirements for the issuance, validity and the causes for suspension and cancellation of said licenses.


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Article 43. The Authority will establish a regime of licenses that will guarantee no vessel can fish unless it has been authorized according to this Law; and the sustainability of the aquatic resources, including, amongst others, the appropriate scope of the license for the conditions that enable the protection of the marine ecosystems; the prior evaluation of the compliance background of the vessel and the holder of the license, as well as its ability to abide the applicable measures; the minimum information obligations in the license which allow the identification of vessels and persons in charge.

The fishing licenses established in this Law will be granted without prejudice of the regulations issued by the Panama Maritime Authority for the navigation of vessels.

Article 44. The licenses are non-transferable from one vessel to another, or from one person to another, and cannot be sold, leased, nor incorporate on them any deed or mortgage or right in benefit of third parties.

Article 45. In case of total loss of a vessel with fishing license, either for random or major cause, the holder of said license will have the right to be granted a new license for another vessel with similar characteristics and which fishing effort is not larger than the one granted before.

The Authority will regulate this matter.

Chapter III

Management Plan of the Fishing Resources

Article 46. For each fishery there will be a management plan elaborated by the Authority which will be reviewed every five years, at least, and will be the Authority's responsibility to follow-up on this permanently.

As long as there are fisheries that do not have a management plan, the Authority will regulate the sustainability use utilizing the best scientific evidence possible.

Article 47. The management plan of each fishery will contain, at least, the following aspects:

1. Diagnostic of the fishery, including the users, fishing effort, available infrastructure, among others.
2. The species, its characteristics and its geographic distribution.
3. Conservation status of the species, supported by updated scientific research.
4. Sustainable use strategy.
5. Applicable conservation measures and access regime.
6. Required report of data and information.
7. Follow-up, control and surveillance strategy.
8. Required research for ecosystem management and sustainability of the resource.
9. Gender inclusion
10. Socioeconomic analysis.
11. Others, which the Authority deems pertinent.



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Small Scale and Artisanal Fishing

Article 51. For the effects of this Law, small scale and artisanal fishing is any fishing activity conducted onboard of vessels which propulsion is through rowing or outboard motor, equipped or not with navigation instruments and that use mechanical catching techniques. The small scale or artisanal fishing is reserved for national natural persons, cooperatives or associations formed by national artisanal fishermen incorporated in the Republic of Panama.

Artisanal 52. Small scale and artisanal fishing can only be conducted in continental waters and areas under Panamanian autonomy or jurisdiction and should hold a license granted by the Authority.

The Authority will regulate small scale or artisanal fishing, including the authorizing license, the characteristics of the vessel, the species, the fishing gear, the fishing season, the zone where the activity will be conducted and other aspects disposed by the Authority, as well as the corresponding fees.

The Authority will establish the reserved and exclusive areas for artisanal fishing.

Article 53. The small scale or artisanal fishermen can make indispensable use of the beaches and coasts, for fishing, coming to shore, disembarkation of fishing products and the drying and repairing of their nets, without it being legal to use private facilities without the permission of the owners.

Salt marshes, artificially flooded beaches licensed by the government for fish, crustaceous or mollusks farming and storage ponds for public aqueducts, are expressly excluded, except whenever a special permit has been granted by the controlling authority every time.

Chapter III

Medium Scale Fishing

Article 54. For the effects of this Law, medium scale fishing is any fishing activity conducted onboard of vessels which propulsion is through internal or outboard motor, equipped with navigation instruments, with mechanical fishing gear and which could have a refrigeration system.

Article 55. Medium scale fishing can only be conducted in areas under Panamanian autonomy or jurisdiction and should hold a license granted by the Authority.

The Authority will regulate medium scale, including the authorizing license, the characteristics of the vessel, the autonomy and the capacity of the storage room, the species, fishing gear, fishing season, zones where the activity will be conducted and other aspects disposed by the Authority, as well as the corresponding fees.



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Chapter IV

Great Scale Fishing

Article 56. For the effects of this Law, great scale fishing is any fishing activity conducted on vessels which propulsion is through internal engine, equipped with navigation instruments, mechanical fishing gears, refrigeration system, with larger autonomy and storage room than medium scale vessels.

Article 57. Great scale fishing can only be conducted in areas under Panamanian autonomy or jurisdiction and should hold a license granted by the Authority.

The Authority will regulate the great scale fishing, including the authorizing license, the characteristics of the vessel, the autonomy and capacity of the storage room, the species, the fishing gears, the fishing season, the zone where the activity will be conducted and other aspects disposed by the Authority, as well as the corresponding fees.

Chapter V

International Service Fishing

Article 58. For the effects of this Law, international service is any fishing activity conducted in vessels of international service registered under national flag and that conduct their fishing activities in waters outside of national jurisdiction.

Article 59. International service fishing activities can only be conducted in areas further from the Panamanian jurisdiction and should hold a license granted by the Authority.

The Authority will regulate the international service fishing, including the authorizing license, the characteristics of the vessel, the capacity of the storage room, the species, the fishing gears, fishing season, zones where the activity will be conducted, according to the conditions of the regional fisheries management organizations, the international agreements and treaties and other aspects disposed by the Authority, as well as the corresponding fees.

Article 60. Fishing in Panamanian jurisdictional waters is forbidden for vessels with foreigner flags.

Article 61. For the effects of the new record of the national flag, the corresponding fishing vessel should have one prior no-contest from the Authority. For the issuance of the no-contest the Authority will perform a prior evaluation of the compliance background of the vessel and the holder of the license, as well as its capacity to abide the applicable measures.



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Chapter VI

Fishing-related activities

Article 62. The fishing-related activities can only be conducted in areas under Panamanian autonomy and jurisdiction and further from them. To be able to conduct them it should hold a license granted by the Authority.

The Authority will regulate the fishing-related activities, lined-up with the corresponding entities, including the authorizing license, and whenever relevant, the characteristics of the vessel, the capacity of the storage room measured in volume unit, the species, season and zones where the activity will be conducted, the conditions of the regional fisheries management organizations and the international agreements and treaties, and other aspects disposed by the Authority, as well as the corresponding fees.

Article 63. For the effects of the new registration in the national flag, vessels engaged in fishing-related activities should have a prior no-contest from the Authority. For the issuance of the no-contest, the Authority will perform a prior evaluation of the compliance background of the vessel and the holder of the license, their capacity to abide the applicable measures, without prejudice of the requirements established by the competent authorities.

Article 64. The Authority will establish the conditions in which the fishing-related activities will be allowed, when they will be conducted, in port as well as in sea, so the Authority can ensure the follow-up, control and surveillance, as well as the timely reception of the corresponding data and information reports.

Chapter VII

Sport fishing

Article 65. For the effects of this Law, sport fishing is any activity conducted by natural persons, national or foreign, with sport, recreation, entertainment, tourism or hobby purposes. This will be conducted with personal fishing gear, with or without a vessel, or through freediving. The catch cannot be commercialized.

Article 66. Sport fishing can only be conducted in continental waters or waters under the autonomy or jurisdiction of the Republic of Panama and should hold a license granted by the Authority.

The Authority, without prejudice of the competence exercised by other national entities, will regulate sport fishing, including authorizing license, the characteristics of the vessel, the species, fishing gears, fishing season, zones where the activity will be conducted, catching limits and other aspects disposed by the Authority, as well as the corresponding fees.

Article 67. The Authority will regulate and authorize the sport fishing tournaments conducted in continental waters or waters under the autonomy or jurisdiction of the Republic of Panama.



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Title XI

Transportation, Storage, Processing, Transformation and Commercialization

Article 119. The natural persons or legal entities, national or foreign, engaged in the commercial activity of transporting, storing, processing, transforming and selling fishing and water resources throughout the national territory, without prejudice of the competencies exercised by other national entities, can only conduct this activity through one authorization granted by the Authority.

Only fishery resources coming from vessels with national or foreign flag can be received, transported, stored, transformed and commercialized, as long as they are not a result from illegal, unreported or unregulated fishing.

The Authority will regulate the conditions for the issuance of licenses, as well as the corresponding fees.

Title XII

Breaches and Fines

Chapter I

General Dispositions

Article 120. Any action or omission which represents a breach of the norms contained in this Law, its regulation and other incumbent norms regarding aquaculture, fishing, connected activities and fishing-related activities.

Article 121. The natural persons and legal entities, national or foreign, that breach the dispositions established in this Law, its regulation and other norms will be fined, according to the incumbent norms or any norm of special nature, without prejudice of the corresponding administrative, civil and/or criminal fines.

Article 122. The Authority will fine the vessels, its owners, shipowners, operators, captains, ultimate beneficiary or any other person or legal entity connected to a fishing violation, who will be jointly liable for violations to the incumbent norms; or for the actions or omissions against the norms of other States or regional or subregional fisheries management organizations identified by the Authority or communicated to it by the competent authorities of another State or regional or subregional fisheries management organizations, incurred by vessels of any nationality in continental waters and in marine areas under the autonomy or jurisdiction of Panama, or in marine areas located further from the Panamanian jurisdiction.

Additionally, the Authority will fine persons and legal entities as it corresponds, for violations of incumbent norms regarding fishing, aquaculture, connected activities and fishing-related activities.

The fines established in this article will be without prejudice to the competencies and/or rights of other entities.



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Article 123. In any administrative sanctioning process, the Authority will instruct the violator the payment of the mitigation and/or compensation for the damages caused to the aquatic resources, without prejudice to the corresponding administrative, civil and/or criminal responsibilities.

Article 124. The information received through the localization systems (VMS-vessel monitoring system, among others), approved by the Authority, for fishing vessels of commercial or international service category, certified through the report of an event, analyzed and accepted by experts of the Authority, will represent proof that supports the activity, including the time, position, speed and route of the vessel.

Article 125. Any person or legal entity which is benefited of any incentive and violates the dispositions of this Law regarding fishing and aquaculture, will have them suspended, as well as any other benefit.

Article 126. Any person or legal entity, shipowner, ultimate beneficiary or operator of a vessel with fishing license for international service should appoint an attorney or law firm, certified to practice in the Republic of Panama, as its resident agent before the Authority.

Article 127. The appointed resident agent will have before the Authority the following rights.

1. The submission of application for any fishing license.
2. The payment of any license granted.
3. To receive notifications of any administrative action that should be notified to the owner, captain or ultimate beneficiary of the vessel.
4. The representation of the vessel in sanctioning administrative processes.
5. To file the recourses via government, against fines imposed to the owner, shipowner, captain or ultimate beneficiary of the vessel.
6. The payment of fines due to sanctions.
7. Any other right that has been assigned through the instrument of its appointment.

Article 128. The product of the fines imposed and collected for the violations against this Law, and its regulations will be deposited into the Unique Account of the Treasury related to the Authority, to be used for technical purposes. If there is a complainant, they will receive 10% of the total value of the fine.

Article 129. The Authority of Aquatic Resources of Panama will impose sanctions and fines according to this Law, its regulation and complementary dispositions.

Article 130. The persons who denounce infractions to the incumbent dispositions regarding fishing, aquaculture, connected activities and fishing-related activities will be held civil and penal responsibly, if the actions denounced are false.



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Chapter II

Administrative Sanctioning Process

Article 131. The administrative sanctioning process for violations against this Law and in connection with breaching actions and omissions of the norms on aquatic, aquaculture and fishing resources, connected activities and fishing-related activities, and the imposition of corresponding fines will be conducted in virtue of the dispositions of this Title, the international agreements and treaties approved by the Republic of Panama and any other incumbent national law that regulate this matter.

Article 132. The due process mentioned in the above-captioned can be initiated by the Authority or through complaint filed by a person or legal entity, by a State or any other regional or subregional fishery management organization.

The States or regional or subregional fisheries management organizations can send the Authority all the endorsed and sealed documents, electronically, without requiring the document to be notarized or legalized, due to the international nature of the service, of the vessels of Panamanian flag of international service or vessels of foreign flag, object of the complaint.

Article 133. Every complaint will contain the facts justifying it and all the information possibly available, to evaluate if there is a violation.

Article 134. The sanctioning administrative process will be conducted according to the principles of procedural economy, uniformity, promptness, efficiency, simplification of formalities, advertising and impartiality, with absolute respect towards the due legal process and the right of defense of the interested party.

Article 135. Once the sanctioning administrative process against the vessel has been initiated, the Authority will issue a request to the Panama Maritime Authority to pause any procedure connected to change of owner or cancellation of flag registration until the investigation have concluded.

In case that the vessel wishes to cancel the flag registration or change of owner, it should file a security bond before the Authority, for one million balboas (B/. 1,000,000.00), in the case of vessels of international service.

The amount of the security bond for vessels of internal service will be regulated.

Article 136. Once the sanctioning administrative process has been initiated, through opening provision, which is a formality, the Authority will have thirty business days to conduct a preliminary investigation of the case. Once this investigation has concluded, and no there weren't enough elements to continue with the process, the closing and archiving of the file will be instructed.

If there is merit to continue with the process, the Authority, through supported resolution, will expose the facts related to the alleged violation and will formalize the investigation. The resolution will be notified through edict, and the natural person, legal representative, in the case of a legal entity, the resident agent or captain of the vessel, respectively, will have thirty business days to file a written response, where they will present their case, as well as propose and submit pertinent evidence. If the interested party does not respond within the established period, the process will continue its due course, and the Authority will set the corresponding sanction, through supported resolution, within the following fifteen business days.


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Article 137. Once the thirty-day period of the preliminary investigation has ended, and there is merit to continue the process, the Authority, through supported resolution, will instruct the temporary suspension of the fishing license of the vessel involved in the investigation until there is no final judgment that acquits it from the charges. The resolution which instructs the temporary suspension of the license will be subject only to reconsideration recourse filed before the authority that issued it, within the following five business days of its notification, which will be granted in returnable effect.

The temporary suspension will be communicated in a timely manner to the Panama Maritime Authority and the regional fisheries management organizations, accordingly.

Article 138. Once the thirty-day period to file a response, if filed, the Authority will proceed within the following five business days to admit or deny the proofs submitted, through supported resolution, which will be subject to the appeal recourse before the General Administrativo, within the following five business days and will be granted in returnable effect.

The resolution of admission or rejection of the proofs will be notified through decree. Once this is removed, the Authority will publish a decree where it will assign a common probation period no longer than ten business days, which will begin once it is removed, to conduct the tests presented in the response, and any other the Authority deems pertinent for the clarification of the facts or to determine the corresponding violation; and has formally arranged to conduct.

In case of filing the appeal recourse against the resolution for admission or rejection of proofs, if the second instance authority modifies or revokes the resolution and decrees the test, the first instance authority can assign an additional probation period, no greater than ten days to conduct it, which will be equally notified through decree.

Paragraph. The proof documents submitted in a language other than Spanish, can be presented duly translated by an authorized public translator, with license to practice in the Republic of Panama, and those issued abroad should bear its respective authentication from the Ministry of Foreign Affairs, or apostille, accordingly. If the alleged responsible party requests to have tests which results in expenses to the Authority, these should be paid by the requestor.

Article 139. Once the probation period has ended, the five business days periods begin, so parties can present their arguments in writing. The file will be available for the parties in the office, so they can review it and request copy of it, is required.

Article 140. Once the final arguments period has ended, the Authority should rule the case within the following fifteen business days, through supported resolution, which will be notified by decree.

Article 141. The notifications of the process mentioned in this Chapter will be done through decree, which will be published for five business days in the public board of the instance that issues it, visible and accessible, as well as on the official website of the Authority, and will be notified, additionally, through digital communication sent to the electronic email address provided by the parties, respectively. The period of execution will begin as of the moment of removal of the corresponding decree.

The periods will be effective as of the date of the removal of the decree, but in case the interested party is notified in person, the effective period will begin as of the date of said notification.



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Article 142. Against the final resolutions issued from the sanctioning administrative processes, a reconsideration recourse can be filed before the authority within the five business days following the removal of the corresponding decree, and the appeal recourse, in second and last instance, before the general administrator of the Authority, in the same period, according to numeral 24 of article 21 of Law 44 of 2006.

Article 143. The dispositions of the Second Book of Law 38 of 2000, will be supplementarily applied to this process, and the voids on it, according to the dispositions of the Book II of the Judicial Code, as long as the norms are compatible with the nature of the administrative proceedings.

Chapter III

Breaches and Sanctions

Article 144. The breach of obligations, duties and dispositions of this Law, its regulations and norms of the Regional Organisms of Fishing Management which have not been classified as severe violations will be considered as mild violations.

The Authority will regulate the other mild violations and their sanctions, in aquaculture, fishing, connected activities and fishing-related activities.

Article 145. Severe violations to the incumbent norms regarding aquaculture, fishing, fishing-related activities and connected activities are the following:

1. To conduct fishing activities, fishing-related activities and connected activities with a vessel with no valid registration.
2. To forge or intentionally hide the registry, identity or brand of a vessel.
3. To conduct aquaculture and fishing activities, fishing-related activities and connected activities, without having the corresponding valid authorization issued by the Authority, or to conduct these activities in conditions opposite to what is established in said authorization.
4. To conduct aquaculture and fishing activities, fishing-related activities and connected activities in areas forbidden by the Authority, or that have not been included in bans or restricted spaces of the applicable international agreements.
5. To conduct aquaculture and fishing activities, fishing-related activities and connected activities in conditions opposite to what has been established in the applicable norms.
6. To forge or alter the authorization to conduct aquaculture and fishing activities, fishing-related activities and connected activities.
7. To fish in unauthorized areas, or species or with unauthorized fishing gear.
8. To conduct fishing activities in a forbidden zone or in conditions different from those established in a zone of special nature.
9. To conduct fishing activities, fishing-related activities or connected activities in a closed zone or during closed season or beyond a banned depth.



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10. To conduct fishing activities without available quotas or after consuming one quota.
11. Not having a Vessel Monitoring System (VMS) installed onboard of the vessel or not issuing or provide the information of said signal (coordinates, speed and route) to the fishing control and follow-up center of the Authority, for a period greater than twenty-four consecutive hours.
12. To fish or conduct fishing-related activities in areas under the autonomy or jurisdiction of another State, without having the incumbent authorization issued by the competent authority or in violation of the laws of another State.
13. To conduct, in the zone of regional fishery management organization, fishing activities and fishing-related activities that are opposite to the conservation and management measures of said organization.
14. To catch or intentionally retain species against any applicable conservation measures and/or management measures adopted by the regional fisheries management organizations, as well as the applicable conservation measures according to the national law.
15. To have onboard, transship or disembarkation of fish under the regulated size, or extracted in violation of the applicable norm.
16. To breach the catch or quota limits in force, according to the norms established by the regional fisheries management organizations.
17. To participate in transshipment or in joint fishing operations with vessels which have been proven to be involved in illegal, non-declared and non-regulated fishing (INDNR), particularly those registered on a list of INDNR vessels of a regional fishery management organization, or that has provided support or restock to said vessels.
18. To perform transshipments in unauthorized ports or disembarkation sites.
19. To perform transshipment in waters under the autonomy and jurisdiction of Panama or outside of them against the applicable norms.
20. To not have a fishing logbook duly completed and according to the applicable norm.
21. To not declare catch or transshipment in the template and period established by the competent authority.
22. To introduce and free invading aquatic species.
23. To introduce exotic aquatic species, without the corresponding authorization of the competent authority.
24. To export wild live shrimps from nature in state of their development.
25. To not allow the presence of an inspector of the Authority, duly authorized, in a vessel, farm, larval production centers or processing plant. The Authority will establish the inspection protocol for the different cases.
26. To commercialize, transport or use, in a vessel, production farm or processing plant, fish resulting from illegal, non-declared and non-regulated fishing activities.
27. To intimidate, resist, obstruct, delay, sexually harass or wrongfully interfere with an authorized inspector or observant.
28. To hide, manipulate or destroy proofs related to the investigation of a violation.
29. To obstruct or damage the execution of instructions given or measures taken by the authorized or certified officers, following with the dispositions established in the incumbent norm.
30. To have multiple violations that together comprise one severe violation to the incumbent violation.
31. Any other action or omission in matters which can be later classified as severe by the Authority.

Article 146. In the case of severe violations, one or more of the following sanctions will be imposed, accordingly:



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1. Suspension of the fishing license from one month up to two years, including the request to restrict the cancellation of the registration before the Panama Maritime Authority, during the suspension period.
2. The request of the suspension of the license of the captain of the vessel before the Panama Maritime Authority.
3. Monetary sanction, according to the following parameters:
 - a. When the violation is against the dispositions of aquaculture or connected activities, a fine from ten balboas (B/ 10.00) to one hundred balboas (B/ 100.00) for each kilo of the aquatic resource or hectare of the concession, or three times the income of the market value of the aquatic resources in first sale. The higher value between both will be applicable.
In case of general recurrence, the fine will be from twenty balboas (B/. 20.00) to one hundred balboas (B/ 120.00) for each kilo of the aquatic resource or hectare of the concession, or four times the income of the market value of the aquatic resources in first sale. The higher value between both will be applicable.
In case of special recurrence, the fine will be from thirty balboas (B/ 30.00) to one hundred and thirty balboas (B/ 130.00) for each kilo of the aquatic resource or hectare of the concession, or five times the income of the market value of the aquatic resource in first sale. The higher value between both will be applicable.
 - b. When the violation is committed by a fishing or fishing-related activities vessel of medium scale, the fine is between three thousand balboas (B/ 3,000.00) to ten thousand balboas (B/ 10,000.00), or three times the income of the market value of the catch in first sale. The higher value between both will be applicable.
In case of a general recurrence the fine will be from three thousand five hundred balboas (B/ 3,500.00) to ten thousand five hundred balboas (B/ 10,500.00), or four times the income of the market value of the catch in first sale. The higher value between both will be applicable.
In case of special recurrence, the fine will be from four thousand balboas (B/ 4,000.00) to eleven thousand balboas (B/ 11,000.00), or five times the income of the market value of the catch in first sale. The higher value between both will be applicable.
 - c. When the violation is committed by a fishing or fishing-related activities vessel of great scale, a fine of ten thousand balboas (B/ 10,000.00) to fifty thousand balboas (B/ 50,000.00), or three times the income of the market value of the catch in first sale. The higher value between both will be applicable.
In case of general recurrence, the fine will be of ten thousand five hundred balboas (B/ 10,500.00) to fifty thousand five hundred balboas (B/ 50,500.00) or four times the income of the market value of the catch in first sale. The higher value between both will be applicable.
In case of special recurrence, the fine will be between eleven thousand balboas (B/ 11,000.00) to sixty thousand balboas (B/ 60,000.00), or five times the income of the market value of the catch in first sale. The higher value between both will be applicable.
 - d. When the violation is committed by a vessel of international service fishing, the fine will be between fifty thousand balboas (B/ 50,000.00) to three hundred thousand balboas (B/ 300,000.00) for vessels of net registered tonnage of less or equal to 100 tons, or three times the income of the market value of the catch in first sale. The higher value between both will be applicable.
Between three hundred thousand balboas (B/ 300,000.00) to one million balboas (B/ 1,000,000.00) for vessels of net registered tonnage over 100 tons, or three times the income of the market value of the catch in the first sale. The higher value between both will be applicable.



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In case of general recurrence the fine will be between fifty-five thousand balboas (B/ 55,000.00) to three hundred thirty thousand balboas (B/ 330,000.00) for vessels of net registered tonnage of less or equal to 100 tons, or four times the income of the market value of the catch in first sale. The higher value between both will be applicable.

Between three hundred thirty thousand balboas (B/ 330,000.00) to a million one hundred thousand balboas (B/ 1,100,000.00) for vessels of net registered tonnage over 100 tons, or four times the income of the market value of the catch in first sale. The higher value between both will be applicable.

In case of special recurrence, the fine will be between sixty thousand balboas (B/ 60,000.00) to three hundred sixty thousand balboas (B/ 360,000.00) for vessels of net registered tonnage of less or equal to 100 tons, or five times the income of the market value of the catch in first sale. The higher value between both will be applicable.

Between three hundred sixty thousand balboas (B/ 360,000.00) to one million two hundred thousand balboas (B/ 1,200,000.00) for vessels of net registered tonnage of over 100 tons, or five times the income of the market value of the catch in first sale. The higher value between both will be applicable.

- e. When the violation is done by a vessel of fishing-related activities of international service, a fine between fifty thousand balboas (B/ 50,000.00) to three hundred thousand balboas (B/ 300,000.00) for vessels of net registered tonnage of less or equal to 5000 tons, or three times the income of the market value of the catch in first sale. The higher value between both will be applicable.

Between one hundred fifty thousand balboas (B/ 150,000.00) to six hundred thousand balboas (B/ 600,000.00) for vessels of net registered tonnage of over 5000 tons, or three times the income of the market value of the catch in first sale. The higher value between both will be applicable.

In case of general recurrence, the fine will be between fifty-five thousand balboas (B/ 55,000.00) to three hundred five thousand balboas (B/ 305,000.00) for vessels of net registered tonnage of less or equal to 5000 tons, or four times the income of the market value of the catch in first sale. The higher value between both will be applicable.

Between one hundred fifty-five thousand balboas (B/ 155,000.00) to six hundred five thousand balboas (B/ 605,000.00) for vessels of net registered tonnage of over 5000 tons, or four times the income of the market value of the catch in first sale. The higher value between both will be applicable.

In case of special recurrence, the fine will be between sixty thousand balboas (B/ 60,000.00) to three hundred ten thousand balboas (B/ 310,000.00) for vessels of net registered tonnage less or equal to 5000 tons, or five times the income of the market value of the catch in first sale. The higher value between both will be applicable.

Between one hundred sixty thousand balboas (B/ 160,000.00) to six hundred ten thousand balboas (B/ 610,000.00) for vessels of net registered tonnage of over 5000 tons, or five times the income of the value market of the catch in first sale. The higher value between both will be applicable.

- f. When the violation is done by a fishing or fishing-related activities vessel of foreign vessel, the fine will be between fifty thousand balboas (B/ 50,000.00) to three hundred thousand balboas (B/ 300,000.00) for vessels of net registered tonnage of less or equal to 100 tons, or three times the income of the market value of the catch in first sale. The higher value between both will be applicable.

Between three hundred balboas (B/ 300,000.00) to one million balboas (B/ 1,000,000.00) for vessels of net registered tonnage over 100 tons, or three times the income of the market value of the catch in first sale. The higher value between both will be applicable.


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In case of general recurrence, the fine will be between fifty-five thousand balboas (B/ 55,000.00) to three hundred thirty thousand balboas (B/ 330,000.00) for vessels of net registered tonnage of less or equal to 100 tons, or four times the income of the market value of the catch of the first sale. The higher value between both will be applicable.

Between three hundred thirty thousand (B/ 330,000.00) to one million one hundred thousand balboas (B/ 1,100,000.00) for vessels of net registered tonnage over 100 tons, or four times the income of the market value of the catch in first sale. The higher value between both will be applicable.

In case of special recurrence, the fine will be between sixty thousand (B/ 60,000.00) to three hundred sixty thousand balboas (B/ 360,000.00) for vessels of net registered tonnage of less or equal to 100 tons, or five times the income of the market value of the catch in first sale. The higher value between both will be applicable.

Between three hundred sixty thousand balboas (B/ 360,000.00) to one million two hundred thousand balboas (B/ 1,200,000.00) for vessels of net registered tonnage of over 100 tons, or five times the income of the market value of the catch in first sale. The higher value between both will be applicable.

4. The confiscation of the total of the aquatic resources and the fishing gear, illegal or unauthorized, whenever it is regarding fishing vessels or fishing-related activities vessels of international service or fishing vessels or fishing-related activities vessels of foreign flag.
5. The confiscation of the product and illegal fishing gear, will be enforced for fishing vessels of small scale or artisanal fishing, medium scale and great scale.
6. The captain will be fined with 10% of the total of the corresponding fine of the vessel in violation under its care.
7. Cancellation of the license, which will be notified to the Panama Maritime Authority and regional or subregional fisheries management organizations.

Article 147. The severe violations to the incumbent norms for aquaculture, fishing, fishing-related activities and connected activities that are not contemplated in this Law will be regulated by the Authority.

Article 148. To impose administrative sanctions according to this Chapter, the amount of the damages caused, the social and economic repercussion and the recurrence of the faults, will be considered as attenuating or aggravating circumstances



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