

OP NOTICE TO SHIPPING No. N-8-2024



Attachment of Vessels
by the Judicial Branch
or the Public Ministry

January 1, 2024

OP NOTICE TO SHIPPING No. N-8-2024

To: Shipping Agents, Owners and Operators

Subject: Attachment of Vessels by the Judicial Branch or the Public Ministry

This Notice is effective on the date of issue and cancels OP Notice to Shipping No. N-8-2023. A revised Notice will be issued in January of each year or when otherwise required.

This Notice contains subject matters regulated in Chapter III, Section Three, Proceedings Ordered by the Judicial Branch or the Public Ministry, Articles 54 to 56, of the *ACP Regulation on Navigation in Panama Canal Waters*.

Vessels in Panamanian waters are subject to the jurisdiction of the Maritime Tribunals of the Republic of Panama, as well as the Public Ministry. Therefore, the Panama Canal Authority (ACP) will consider a vessel under judicial attachment to be in a "not ready" status until an order of release or authorization to move is issued by a competent authority and the ship's local agent notifies Marine Traffic Control (MTC) of the change of condition.

The ACP shall provide any transit information requested by a competent authority regarding a vessel in Canal waters, in order to enforce court orders or conduct criminal investigations aboard such vessel while it is in Canal waters. The competent authority must submit its request in writing to the ACP.

As a matter of administrative procedure, the competent authority will attempt to notify local agents of vessels scheduled for Canal transits, which are to be attached in connection with a pending legal process. Agents receiving such notice are responsible for immediately advising MTC that their vessels have been attached. Agents will also be responsible for providing the ACP with instructions regarding delays, cancellation or rescheduling of transits. Applicable charges will be assessed by ACP in accordance with its current tariff schedule. Additionally, tugboats or any other extraordinary services provided by the ACP due to judicial attachments will be charged to the vessel concerned.

In the case of an attached vessel which is booked for transit under *Articles 19 to 33* of the *ACP Regulation on Navigation in Panama Canal Waters*, it is the vessel's responsibility, through its agent, to cancel or retain the booking slot, following the rules outlined in that section. Should the vessel not be ready to proceed at the time fixed for transit, the booking fee will be forfeited.

No orders of attachment will be served on vessels underway with a pilot on board and proceeding to transit. Judicial attachments in such cases will be effected after the transit has been completed.

As a parallel matter, the master of a vessel scheduled for transit is, by virtue of his position, required to advise ACP pilots and other appropriate Canal officials if the vessel under his command has been attached.

Article 5 to the *ACP Regulation on Navigation in Panama Canal Waters (ACP Navigation Regulations)* reads as follows:

“**Article 5:** The Authority may deny the departure from Canal waters of any vessel until it posts a suitable payment warranty, to the satisfaction of the Authority, in the following cases:

1. when it has caused damages to the Authority, its personnel, equipment, property or facilities; or
2. when it violates any Canal navigation safety norm.

The Authority may request assistance from the Government's Security Agencies in order to ensure compliance with this Regulation; the costs corresponding to such assistance shall be charged to the vessel and included in the warranty.”

ORIGINAL SIGNED

Boris Moreno Vásquez
Vice President for Operations