



Republic of Palau
Office of the President

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Executive Order No. 421

To amend Executive Order No. 381 to restructure and rename the Bureau of Commercial Development, to elevate the Division of Marine Transportation to Bureau level, to ensure conformity with RPPL No. 10-17, and to create the Office of the Permanent Representative to the IMO.

WHEREAS, Executive Order No. 381 organized the Executive Branch of the Government on September 21, 2015; and

WHEREAS, in so organizing the Executive Branch, Executive Order No. 381 repealed Executive Order No. 203, which reorganized and restated the Executive Branch; and

WHEREAS, Part VI of Executive Order No. 381 structured the Ministry of Public Infrastructure, Industries and Commerce; and

WHEREAS, Section 3 of Part VI of Executive Order No. 381 provides for the organization of the Bureau of Commercial Development, which needs to be renamed and consolidated; and

WHEREAS, Palau is a member of the International Maritime Organization and a signatory to more than thirty IMO Conventions and Instruments; and

WHEREAS, since the adoption of Executive Order No. 381, the Division of Communication under the Bureau of Commercial Development has been elevated to the Bureau of Communication through RPPL No. 10-17; and

WHEREAS, being a party to IMO Conventions and Instruments carries with it the substantial obligation of implementing the Conventions and Instruments as a Flag State, Coastal State, and Port State; and

WHEREAS, the Bureau of Commercial Development can be more effective in fulfilling its mandates under Executive Order No. 381 and under the various IMO Conventions and Instruments if the functions are streamlined; and

WHEREAS, Palau has to effectively implement the IMO Conventions and Instruments to which it is a party if it is to be recognized as a reputable IMO Member State and as running a responsible ship registry;



NOW, THEREFORE, by virtue of the authority vested in me as the President of the Republic of Palau pursuant to the Constitution and laws of the Republic of Palau, I hereby amend Section 3 of Part VI of Executive Order No. 381 by renaming and reorganizing the Bureau of Commercial Development, and by adding new Sections 6, 7, and 8, as follows:

Section 3. Bureau of Commerce.

The Bureau of Commerce shall be headed by a Director, who shall be responsible for the performance of the duties and functions of the Bureau. The Bureau shall be responsible for the development and growth of domestic industries, including, but not limited to, cooperatives, credit unions and cottage industries; the licensing of alcohol manufacturing and distribution in Palau; and the supporting of economic policies and activities in the Republic.

Section 6. Bureau of Marine Transportation.

The Bureau of Marine Transportation shall be headed by a Director. The Director shall hold either (1) a Certificate of Competency in accordance with Regulation II/1 or III/1 of the STCW Code or higher, or (2) a relevant graduate degree from an accredited college or university with at least five (5) years of managerial experience in public, admiralty, or some other relevant form of administration. The required graduate degree may be substituted with an additional five (5) years of progressively responsible on-the-job experience in a relevant administration.

The Bureau shall (1) serve as the key authoritative agency within the Executive Branch of the Government of Palau with overall responsibility for the regulation and management of the maritime transport sector; (2) be responsible for the safety and improvement of sea transportation systems and ancillary maritime services in the Republic; (3) be responsible for oversight of the Palau International Ship Registry on behalf of the Minister pursuant to RPPL No. 8-17; and (4) make recommendations to the Ministry regarding policies and regulations relating to ports, harbors, waterways, shipping, and maritime qualifications, including but not limited to the National Maritime Transport Policy.

The Director shall have the power to object to tacit acceptance of an amendment to any international conventions, treaties, or agreements to which Palau is a party, and shall be responsible for the performance of the duties and functions of the following divisions:

Division of Safety and Security. The Division shall be headed by a Chief who shall also serve as the Chair of the Port Security Committee. The Division shall be responsible for the following duties and functions:

1. Inspection, survey, and certification of convention and non-convention sized vessels and equipment, including radio installations;



2. Issuance of vessel's certificates, exemptions, and dispensation as required under international instruments to which Palau is a party;
3. Issuance of ship station licenses, call signs, and MMSI numbers;
4. Review, approval, and audit of ship and port security arrangements;
5. Audit, approval, and certification of vessel's safety plans and systems;
6. Issuance of seafarers' certificates, exemptions, and dispensation as required under international instruments to which Palau is a party;
7. Approval of training and issuance of certificates for harbor pilots;
8. Work in close collaboration with the MSC Secretariat and Palau's MSC Commissioner to enforce all matters relating to the Micronesian Shipping Commission;
9. Registration of all modes of maritime transport required under 7 PNC Chapter 1 to be registered or operating under express permit, irrespective of size or purpose;
10. Reporting issued ship station licenses, call signs, and MMSI numbers to the Bureau of Communications;
11. Review reports from the Open Ship Registry; and
12. Port State Control inspections.

Division of Port State and Navigation. The Division shall be headed by a Chief. The Division shall be responsible for the following duties and functions:

1. Serve as the Competent Authority for Aids to Navigation;
2. Serve as the Maritime Safety Information Coordinator for Palau;
3. Hydrography;
4. Dissemination of information under Palau's maritime warning service obligations;



5. Communicate and coordinate with other relevant governmental agencies and divisions and offices of the Bureau of Marine Transportation in order to help ensure the fulfillment of Palau's IMO obligations as a Port State and Coastal State; and
6. Oversight of ports and waterways, including maritime traffic.

Office of Maritime Affairs. The Office of Maritime Affairs shall be headed by a Maritime Affairs Manager. The Manager shall have a relevant degree from an accredited four-year college or university and at least five (5) years of work-related experience. The required four-year degree may be substituted with an Associate Degree and an additional three (3) years of experience in legal drafting. The Office shall be responsible for the following duties and functions:

1. Review IMO publications, including but not limited to conventions to which Palau is a party and any amendments thereto, and draft implementing legislation and regulations accordingly;
2. Review and update maritime regulations and policies;
3. Recommend amendments to the Admiralty and Maritime Act and other laws affecting the implementation of maritime instruments;
4. Review cases being referred to the Office of the Attorney General; and
5. Review ship detentions by the Division of Safety and Security.

Office of Ship Registrar. The Office of Ship Registrar shall be headed by a Ship Registrar. The Office shall be responsible for the following duties and functions:

1. Maintain records of the international ship registry;
2. Maintain records of the domestic ship registry; and
3. Maintain the domestic ship registration database.

Section 7. Bureau of Communications.

The Bureau of Communications shall be headed by a Director or, pursuant to RPPL No. 10-17, an Interim Director. The Bureau shall serve as Palau's State Commission for telecommunication matters, have all regulatory control over the regulation and management of telecommunications, radio frequency, and numbering, and advise the Minister on telecommunication matters. The Director, or Interim Director, shall be responsible for the following duties and functions:



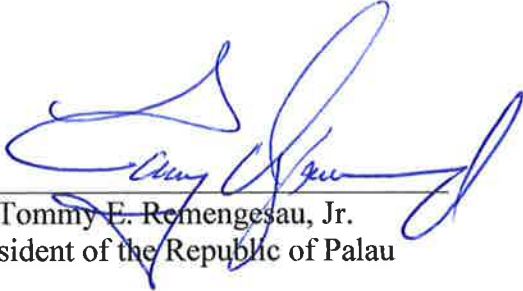
1. Implement and enforce the provisions of RPPL No. 10-17, otherwise known as the Palau National Telecommunication Act of 2017, as they relate to telecommunications;
2. Regulate telecommunication interconnection and facility access;
3. Regulate Quality of Services and terms, conditions, and fees for telecommunication services;
4. Monitor and regulate the telecommunications market;
5. Regulate the types and characteristics of equipment used in the telecommunications network;
6. Administer the universal service arrangements;
7. Issue telecommunication licenses;
8. Manage the radio frequency spectrum, including numbering and electronic addressing;
9. Maintain the National Table of Allocations;
10. Develop frequency band plans;
11. Regulate the technical standards for all telecommunication and radio communication equipment used in Palau;
12. Regulate the radio communication stations and the use of radio communication devices;
13. Enforce the provisions of RPPL No. 10-17 as they relate to radio communications;
14. Enforce conditions of licenses as they relate to radio communications;
15. Investigate interferences and interference complaints;
16. Conduct examinations relating to issuance of radio operator licenses; and
17. Issue radio communication and radio operator licenses.



Section 8. Office of the Permanent Representative to the International Maritime Organization.

The Office of the Permanent Representative shall be headed by the appointed Permanent Representative to the International Maritime Organization and shall work closely with the Bureau of Marine Transportation, and supervise alternate Permanent Representatives as may be legally delegated by the PISR, to represent the interests of the Republic of Palau and its maritime sector at the International Maritime Organization and in the international maritime arena in general. The Office shall report its activities to the Minister and the President.

IN WITNESS THEREOF, I set my hand and affix my official seal this 19th day of Feb., 2019 at the National Capitol in Ngerulmud, Republic of Palau.


Tommy E. Remengesau, Jr.
President of the Republic of Palau