

Excellencies, Ladies and Gentlemen,

First of all I would like to wish you all a very happy new year 2012. Then, on behalf of the maritime community of the Grand Duchy and of all those interested in the Luxembourg maritime sector, allow me to thank our ship-owners for organizing this first New Year reception. Ah, I must admit it gives me quite some satisfaction to speak about OUR SHIP-OWNERS...

Almost exactly a year ago, most of us gathered here in this same venue to celebrate the 20th anniversary of the Luxembourg public maritime register. If on that occasion, I traced a brief history of the register and the Maritime Administration, I would like today to look in the other direction and present to you some of projects we expect to launch or to finalize in the coming weeks or months.

### **Maritime Labour Convention**

On September 20<sup>th</sup> 2011, the Grand-Duchy officially deposited the instruments of ratification of the Maritime Labour Convention, 2006 and the Seafarers' Identity Documents Convention (Conv. 185) with the International Labour Office in Geneva. Luxembourg became the 5<sup>th</sup> EU member State to ratify the MLC, 2006 and the 22<sup>nd</sup> for Convention No. 185.

The aim of ILO's Maritime Labour Convention (MLC), 2006 is to provide comprehensive rights and protection at work for the world's more than 1.2 million seafarers. The Convention aims to achieve both decent work conditions for seafarers and secure economic interests in fair competition for quality ship-owners. An estimated 90% of world trade is carried on ships and seafarers are therefore essential to international trade and the international economic and trade system.

The new labour standard consolidates and updates more than 68 international labour standards related to the Maritime sector adopted over the last 80 years.

C 185 will enter into force for Luxembourg on 20<sup>th</sup> March 2012, whereas to come into force, the MLC has to be ratified by at least 30 member States with a total share in the world gross tonnage of ships of 33 per cent. Today, 22 ILO member States, representing over 56 per cent of the world gross tonnage of ships, are parties to the Convention. It is expected that the additional eight ratifications will be obtained in the next months, enabling for the MLC to enter into force in early 2013.

In the meantime, it is of utmost importance that all concerned actors, including our social partners, mobilize again in order to complete the remaining tasks and do their homework. The ratification of the convention is one thing, implementation is another one. We still have a lot of work ahead of us.

Let me also take this opportunity to urge everyone to take advantage of the different MLC training courses offered around the world, and above all by the ILO Training Centre, and to suggest that ship-owners already start the pre-certification of their vessels, together with the involved classification societies (RO).

Other international Conventions currently on the table include:

**The Nairobi Wreck Removal Convention** which was adopted in May 2007 and which, once into force, will provide the legal basis for States to remove, or have removed, shipwrecks that may have the potential to affect adversely the safety of lives, goods and property at sea, as well as the marine environment.

Today, there are about thirteen hundred abandoned wrecks worldwide, causing three-fold problems to coastal States and shipping in general:

1. By its location, a wreck may constitute a hazard to navigation, potentially endangering other vessels and their crews
2. Depending on the nature of the cargo, a wreck may be a substantial threat to the marine and coastal environments;
3. The increasing costs involved in the marking and removal of hazardous wrecks.

### **Rotterdam Rules**

On 31 August 2010 Luxembourg became the 22nd signatory of the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, known as the Rotterdam Rules

The Convention extends and modernizes the existing international rules relating to contract of maritime carriage of goods.

### **Ballast Water Management Convention**

Transportation of species (mussels, crabs, fish, snail, algae, mostly in juvenile forms) in ballast water contributes heavily to the introduction of invasive marine species into new environments. The Aim of the convention is to prevent or eliminate the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments.

The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 - **known as the HNS Convention** - aims to ensure adequate, prompt and effective compensation for damage to persons and property, costs of clean up and reinstatement measures and economic losses resulting from the maritime transport of hazardous and noxious substances.

### **Piracy**

Over the past four years, piracy off the Somali coast, in the Gulf of Aden and around the Horn of Africa has grown into a major problem for the international community, representing a threat to vital trading routes and to national and international security.

For 2011 as of December 16th, the International Chamber of Commerce ICC reports a total of 231 incidents and 26 actual hijackings in the area. A total of 450 people (mostly seafarers) were taken hostage and 15 people were killed! 172 hostages on board 10 vessels and remained in the hands of Somali pirates

This year several attacks have already taken place and I would like to mention two that occurred in the Gulf of Aden and are reported on the ICC website:

1. On January 4<sup>th</sup>, "four pirates in a skiff maintained a parallel course with a crude tanker before suddenly increasing speed to 25 knots and coming alongside in an attempt to board. No ladders were seen on the skiff. Master raised alarm, commenced evasive maneuvers and non-essential crew retreated into citadel. Five minutes later, the pirates aborted their attempt."
2. The same day, "pirates in a skiff chased and fire upon a bulk carrier underway. Onboard security team fired flares to warn the pirates which were ignored and later only when the security team returned fire the skiff aborted the attack."

These two events illustrate that:

1. Even if not always a guarantee to fend off an attack, defensive measures as described in the BMP4 are effective. Since 2009, Luxembourg flagged ships have been requested to register with the Maritime Security Centre – Horn of Africa before navigating through that region, and ship-operators and masters are strongly advised to consult and enforce the Best Management Practices.
2. Armed guards on board of ships constitute a strong dissuasive tool to defend against pirates.

Following a recent decision by the IMO, the Luxembourg government has agreed to authorize Privately Contracted Armed Security Personnel (PCASP) on board of Luxembourg flagged ships in order to protect them from pirate attacks

For this, a request has to be addressed to this administration mentioning the expected route and time frame for the mission.

Several documents have to be provided by ship owner/operator together with a request in order to ensure compliance with circular 1405 of the IMO which includes instructions in regards to risk assessment, selection of Private Maritime security Companies (PMSC), rules of engagement etc.

Authorizations will be granted on a case by case basis after a careful analysis of the request.

As this is a new procedure, an advance notice of 2 to 3 weeks should be allowed for (with time and experience this delay could be shortened).

A first request has just been received, and different authorities are in the process of analyzing it. You will however understand that I do not want to give any more details on this.

Additionally it should not be forgotten that the Luxembourg government is continuing its contribution to Operation ATALANTA by providing two surveillance aircrafts. Since the first flight, on September 29th 2009, some 500 sorties have been flown in support of EU-NAVFOR'S counter-piracy operations.

Another very important project that we are certainly looking forward to finalize, is our interactive online portal or **Guichet Unique** which has been developed in close collaboration between the CAM, the CTIE (the government information technology centre) and outside consultants. This platform will allow the electronic submission of the

forms for requesting seamen's books, STCW endorsements, but also ships' registration and renewal documents.

If the development has been more difficult than initially anticipated, I am now happy to announce that the final tests of the beta version of the "Guichet Unique" have been concluding and that we are about to launch another testing phase with a few owners or managers who volunteered for this task. Very shortly, the system will then be made available to all registered users.

Together with a planned updating of our invoicing system, the electronic exchange of relevant information between the CAM and the various shipping actors in Luxembourg will not only be an improvement of efficiency, but also certainly an upgrade of the quality and the reliability of our services. Please allow me to personally thank all the actors involved in this venture.

Together with different government administrations we have started work on several proposals put forward by the Maritime Cluster, especially in regards to taxation and registration costs. It is yet too early to give much detail but these will follow considerations of Green shipping, most recent technologies, sustainability, age of ships to be registered.

Over the last 20 years, the **Luxembourg Maritime Act of 1990** has certainly proven itself. Today however, it is in need of being revised as it is no longer up to date and does not comply with current maritime transport challenges. This is true on different levels, the responsibility of the state being one of them.

"The Luxembourg register will be a **register of quality** or it will not be!" These were the words of our Minister Jeannot KRECKE a year ago on this very spot. But to ensure the quality of the register, all actors will have to play along; this will require that we work together and in concert for the good of the maritime sector in general. Ladies and gentlemen, we are sitting in the same boat here, in a landlocked country on top of it! In order to move forward we have to make sure that we are all rowing in the same direction. Petty quarrels or jealousies, as I regret to say we recently have had, have of course the opposite effect.

You are all aware that by next month there will be a **change at the head of the Ministry** of the Economy and Foreign trade and Mr. Etienne SCHNEIDER does not have the sea legs of his predecessor. Do not get me wrong! He will certainly be paying all due attention to the sector but he is probably not infected with this passion that all of us came to appreciate with Mr. Jeannot KRECKE. Together we will have to make sure that he catches the virus. (Sorry Mr. SCHNEIDER there is no known vaccine)

Thank you very much for your attention