



Luxembourg, 17th April 2023

Circular CAM 06/2023

O/Ref. : MPS/116069

Subject: Implementation of the Nairobi Convention on the Removal of Wrecks, 2007

To : All Accredited Shipping Managers, ship owners, ship operators, Designated Persons Ashore, Masters of Luxembourg flagged ships and Recognised Organisations and Flag State Inspectors.

Following the ratification and entry into force in Luxembourg of the Nairobi International Convention on the Removal of Wrecks, 2007 (see CAM Circular 06/2022 dated 9th December 2022), Luxembourg Parliament voted on 3rd March 2023 a law in order to provide effective implementation of the Nairobi convention.

The *Loi du 3 mars 2023 relative à l'enlèvement des épaves et modifiant la loi modifiée du 9 novembre 1990 portant approbation de certaines conventions internationales en matière maritime* was published on 16th March 2023 (Mémorial A n°136, page 1) and came into force on 20th March 2023.

Main provisions :

- Both the operator of the ship and the captain are responsible to address the report prescribed under article 5, paragraph 2 of the Nairobi convention, a copy of which must be sent to the Commissioner for maritime affairs;
- Ships above 300 gt registered in Luxembourg must carry on board the Nairobi Convention Certificate (NCC) issued by the Commissioner or a recognised organisation empowered to deliver the said NCC.
- Penalties¹:
 - 8 days to 2 years of prison term and/or a fine of 2.500 to 100.000 EUR for the registered owner in case of lack of payment for the costs of locating, marking and/or removing the wreck;
 - 8 days to 2 years of prison term and/or a fine of 2.500 to 100.000 EUR for the registered owner in case of failure to remove the wreck when deemed to be a danger;
 - 8 days to 2 years of prison term and/or a fine of 2.500 to 100.000 EUR, for the registered owner of a ship above 300 gt in case of failure to subscribe insurance or other financial security;
 - 8 days to 2 years of prison term and/or a fine of 750 to 25.000 EUR, for the registered owner of a ship above 300 gt in case of failure to demonstrate coverage to the Affected State;

¹ As per article 36 Luxembourg criminal code, the fines can be doubled when the registered owner is a legal entity

- a fine of 750 to 25.000 EUR for the registered owner of a ship above 300 gt in case the NCC is not on board;
- 8 days to 2 years of prison term and/or 750 to 25.000 EUR, for the registered owner and the captain in case of failure to provide the report to the Affected State.

You are kindly requested to ensure adequate dissemination of this information within your company and to the relevant Luxembourg flagged vessels.



(s.) André Hansen
Government Commissioner
for maritime affairs