



Luxembourg, 05/04/2022

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Object : FLAG STATE INSPECTIONS

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

1. Introduction

The Commissariat aux Affaires Maritimes ("CAM") has a network of Inspectors who are entitled to board Luxembourg flagged ships and perform flag State inspections ("FSIs") on its behalf.

This initiative results from the Government's decision to ratify ILO 178 Labour Inspection (Seafarers) Convention, 1996 that entered into force for Luxembourg on the 30 November 2006 (revised by Maritime Labour Convention, 2006, ratified by Luxembourg on 20 September 2011).

2. Legal Framework

Inspections are based on the following instruments:

1 - Act of 9 November 1990 to establish a Luxembourg Maritime Register, as amended, and particularly Articles 68 to 70 reproduced here below:

Art. 68. *In the discharge of his duties as defined in Article 2, the Commissioner of Maritime Affairs may appoint a person or legal entity with recognized experience in the maritime field to carry out specific controls, inspections or surveys of ships flying the Luxembourg flag.*

Art. 69. *The Commissioner of Maritime Affairs or the duly authorized agents referred to in Articles 65 and 68 shall have the right to board any ship referred to in this Act and the implementing regulations under the Act at any time of the day or night.*

Any master or owner of a ship flying the Luxembourg flag is required to give the persons referred to in the previous paragraph any information and assistance that they consider necessary for the accomplishment of their task.

Art. 70.

1. The Commissioner of Maritime Affairs or the duly authorized agents referred to in Article 65 shall have the right to detain any ship which does not comply with the conditions established by this Act.

They shall also have the right to detain any ship not flying the Luxembourg flag if there are serious grounds for believing that its safety or that of its crew or passengers, could be endangered.

In accordance with the Conventions of the International Maritime Organization, the Commissioner of Maritime Affairs shall only exercise the right to which this paragraph refers against foreign ships after having informed the Consul of the country whose flag it flies. He will specify the steps to be taken and the reasons for his action. In urgent cases, this information will be given without delay, after the steps have been taken.

The ship in question may leave as soon as the required conditions have been fulfilled and after clearance by an inspector of an approved Classification Society.

Notification of the decisions taken shall be given to the port authorities of the place where the ship is lying.

2. The Commissioner of Maritime Affairs or the duly authorized agents referred to in Article 65 shall have the right to prevent the departure of a ship flying the Luxembourg flag:

2.1. if the ship is not carrying valid copies of the required certificates;

2.2. if, as in the case referred to in Article 67, the inspection reveals that the ship does not comply with the requisite laws or regulations;

2.3. if there are reasonable grounds for believing that the non-observance of the conditions referred to in Article 64 might endanger the safety of the crew or passengers. The ban on sailing will be lifted when the legal conditions and regulations have been satisfied.

2 - Law of 9 November 1990, approving certain international Conventions as amended (2005, 2011).

3. Objectives

Apart from the above legal objectives, the purpose of the FSI Program ("Program") is to enhance the safety, environmental, security and labour standards of the Luxembourg flagged ships by regular vessel inspections conducted by a network of flag State Inspectors. This Program also aims to assist owners in maintaining the ships up to the required standards and to keep the Luxembourg flag on the different White Lists of the Port State Control MoUs, which is a political objective, as well as a matter of common interest.

This network covers major geographic areas of the world and provides some flexibility in the organization of FSIs at minimal cost to vessel owners.

The Program is not to be seen as a full scale survey required for the issue of certificates established by the various international maritime conventions, as this remains an activity entrusted to the nine Recognised Organisations (RO)/Recognised Security Organisations (RSO) authorised by Luxembourg and for which they are accountable.

4. Scope of the Inspections

The present Program is applicable to all ships registered in the public shipping registry flying the Luxembourg flag. It consists of a control of the certificates and documents in combination with checks of the general condition of the ships and the seafarers' working and living conditions.

The Program does not apply to ships registered in Luxembourg and which, under the provisions of article 13 of the Luxembourg Maritime Act 1990, have been permitted to bareboat charter out to a foreign registry.

It should be clearly understood that the aim of the present Program does not lead to the issuance of a seaworthiness certificate, since the Program does not cover all elements required for such a certificate.

Furthermore, it should be noted that reports issued under this Program are for the sole purpose of informing the ship's master and owner, as well as the CAM, that the inspection took place under the present Program and to notify all the concerned parties about the vessel's condition and situation on board.

5. Frequency of Inspections

In principle, FSIs are performed on a yearly basis. CAM may however decide to arrange FSIs more frequently, based on the vessel performance, incidents, sailing area etc. A good record of both the vessel and the company will be considered by CAM, allowing well performing vessels to benefit from extended FSI intervals.

6. Conduct of Inspections

Upon the assignment by CAM, the Inspectors are duly authorised and empowered to board any Luxembourg flagged ship to which the present program applies.

6.1. Inspection of Merchant Ships

CAM decides that a vessel is eligible for FSI and contacts the owners to inform about its intention to inspect the vessel and agree on a convenient port for the FSI.

CAM appoints the Inspector and forwards his contact details to the owners. The Inspector, prior proceeding to a particular ship, receives from CAM contact details of the vessel's agent and/or DPA in order to agree on details concerning his boarding.

It should be noted that every possible effort should be made to avoid delaying the ship. The Inspector is free to indicate the time which he considers prudent for him to commence the inspection, with a view of allowing adequate time to complete the required work and facilitate the prompt attention of any deficiencies or observations which may be noted.

Inspectors are urged to communicate with agents/ DPA's of ships which have been identified for inspection as soon as this is practically possible and establish a time for their visit. They should always endeavour to arrange to attend the ships as early as possible after the ship's arrival in port.

The inspection should be done, as far as possible, with the ship fully operational and with the full crew on board.

6.2. Inspection of Commercial Cruise Ships

On these ships, which have a seasonal activity, the intent is to perform inspections before the beginning of the season, as far as possible. Targeting of ships to be inspected will be decided solely by CAM and Inspectors will be instructed to proceed with the inspection.

Before boarding a commercial cruise ship, the Inspector shall make sure that the inspection will not interfere with the charter schedule. Close collaboration with the master and the agent should allow for the determination of a suitable inspection time from then on, the conduct described in Section 6.1 applies.

It is also reminded that the inspection should be done, as far as possible, with the ship fully operational, and with the full crew on board.

7. Related Documents

The following documents will be used by the Inspectors to perform their duties and can be provided by CAM when requested:

- Guide for Flag State Inspections on behalf of Luxembourg,
- Corrective Action Report Completion Guide,
- FSI Checklist Completion Guide for Inspectors (for Inspectors only),
- FSI Checklist for Merchant Ships Above 500 GT and Carrying up to 12 Passengers,
- FSI Checklist for Commercial Cruise Ships Above 24 Meters Below 500 GT and Carrying up to 12 Passengers.

8. Fees

The inspections performed under the present Circular will be invoiced by CAM to Companies. No money or fees will be paid directly to the Inspector.

The CAM has taken a particular care to reach an adequate regional cover in order to keep travelling costs at the lowest possible level. Fees invoiced by CAM are published on our website. Extra costs will be invoiced on a real cost basis.



(s) Robert BIWER
Government Commissioner
for maritime affairs