

THE “ZHENG HE” CASE NO.33 (LUXEMBOURG V. MEXICO)

Request for Provisional Measures submitted by Luxembourg

Response by Mexico to the question posed by the President of the Tribunal

Question to the Parties: “Could the Parties please provide further details on the reasons why the "Zheng He" entered the Port of Tampico? If available, please provide information on where and when the next dredging work to be carried out by the Zheng He was due to take place, including any contractual or work arrangements.”

In addressing the question of the President during consultations, Mexico would like to underscore two points.

First, Mexico would like to point out that, as stated by JVV Logistics in the Notice of Vessel Arrival of 9 October 2023, the Zheng He announced its intention to enter the port of Tampico for crew change and provisioning on 11 October 2023. In that notice of arrival, the shipping agent stated that the *Zheng He* would enter a fiscal dock for temporary import procedures. This information was later confirmed by JVV Logistics in its request to dock in berth 3, in order to conduct crew changes, provisioning, wastewater removal and other maintenance work. Both, the notice and the request, confirm the vessel's intention to enter the port of Tampico voluntarily, rather than due to *force majeure* or distress, contrary to what Luxembourg states.

There is another element to take into account to demonstrate that the *Zheng He* entered the Port of Tampico voluntarily in accordance with its stated intention. If it indeed was an arrival to the Port of Tampico due to *force majeure* or distress as Luxembourg claims, the *Zheng He* was required to meet the requirements provided in the Maritime Navigation and Commerce Act, which include the filing of report of the incident or accident which lead to the unforeseen or forced arrival. Something that the captain and representatives of the vessel never did. This conduct further reinforces the argument that the *Zheng He* arrived at the Port of Tampico in a voluntary manner, in a deliberate and planned manner, for the stated purposes in the 9 October 2023 Notice of Arrival. Further information on these points is found in Annexes 48 and 50 of Mexico’s Statement in Response.

With respect to the second part of the question, concerning any contractual or work arrangements involving the *Zheng He*, Mexico conveys to the Tribunal that it has not yet identified available information on where and when the next dredging work carried out by the *Zheng He* was due to take place.

However, during the administrative procedure (PAMA) conducted by customs and tax authorities, the shipping agent indicated that the vessel intended to carry out dredging work in Mexico, for which it was awaiting the conclusion of a contract. Further information on this points is found on Annex 19 and Annex 20 of Mexico’s statement in response.