

INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA



2024

Public sitting

held on Friday, 12 July 2024, at 9:30 a.m.,
at the International Tribunal for the Law of the Sea, Hamburg,

President Tomas Heidar presiding

The “Zheng He” Case

(Request for provisional measures)

(Luxembourg v. Mexico)

Verbatim Record

<i>Present:</i>	President	Tomas Heidar
	Vice-President	Neeru Chadha
	Judges	José Luís Jesus
		Boualem Bouguetaia
		David Joseph Attard
		Markiyán Z. Kulyk
		Óscar Cabello Sarubbi
		Kriangsak Kittichaisaree
		Roman Kolodkin
		Liesbeth Lijnzaad
		María Teresa Infante Caffi
		Jielong Duan
		Kathy-Ann Brown
		Ida Caracciolo
		Maurice K. Kamga
		Frida María Armas Pfirter
		Hidehisa Horinouchi
		Thembile Elphus Joyini
		Zha Hyoung Rhee
		Osman Keh Kamara
		Konrad Marciniak
	Judges <i>ad hoc</i>	Alberto Székely y Sánchez
		Marcelo Gustavo Kohen
	Registrar	Ximena Hinrichs Oyarce

Luxembourg is represented by:

Ms Annabel Rossi, Head of Legal Affairs, Legislation and Approvals, Maritime Administration, Ministry of the Economy,

as Agent;

and

Ms Mathilde Frappier, Professor of Law, Professor of Public International Law, University of Lorraine, France,

Mr Olivier Cachard, Professor of Law, Professor of Private International Law, University of Lorraine, France, member of the Board of Directors, French Association of Maritime Law (founding association of the International Maritime Committee),

Mr Alain Germeaux, Director of Legal Affairs, Ministry of Foreign and European Affairs, Defence, Cooperation and Foreign Trade,

Ms Elisabeth Relave-Svendsen, Deputy Director of Legal Affairs, Maritime Administration, Ministry of the Economy,

Mr Tobias Schell, Legal Adviser, Ministry of Foreign and European Affairs, Defence, Cooperation and Foreign Trade,

as Counsel and Advocates;

Mr André Hansen, Government Commissioner for Maritime Affairs,

Mr Marc Siuda, Deputy Government Commissioner for Maritime Affairs,

Ms Elma Bakovic, Policy Officer, Ministry of Foreign and European Affairs, Defence, Cooperation and Foreign Trade,

as members of the delegation.

Mexico is represented by:

Mr Alfonso Ascencio Herrera, Minister and Deputy Chief of Mission, Embassy of Mexico to the Kingdom of the Netherlands, The Hague, The Netherlands,

as Co-Agent;

and

Mr Carlos Antonio Cruz Carrillo, PhD Researcher, University of Basel, Switzerland,

as Counsel and Advocate.

1 **THE PRESIDENT:** Good morning. Today, the Tribunal will continue the hearing in
2 the “*Zheng He*” Case. This morning we will hear the second round of oral arguments
3 presented by Luxembourg.
4

5 I now invite the Agent of Luxembourg, Ms Annabel Rossi, to make her statement.
6

7 **MS ROSSI:** (*Interpretation from French*) Mr President, members of the Tribunal, we
8 will use this second round to take the opportunity to specify today, again, the reply
9 that we already provided yesterday to the Tribunal’s question. I would also like to
10 state that, before the closure of the debates, we will be submitting a brief note.
11

12 We have chosen to focus on certain factual and legal points. Our silence as regards
13 other aspects should not be construed as acceptance of Mexico’s contentions, which
14 we refute in their entirety, unless we expressly indicate otherwise.
15

16 I would like to start today’s pleadings by addressing certain factual aspects. I will
17 then ask you, Mr President, to call on Professor Mathilde Frappier, who will refer to
18 certain aspects relating to jurisdiction and plausibility, and then on Professor Olivier
19 Cachard who, for his part, will focus on urgency. As is customary, at the end, I will
20 answer your invitation to present Luxembourg’s conclusions.
21

22 As already stated in yesterday’s arguments, the shipowner decided to leave the
23 Bahamas owing to the risk of a hurricane which had been announced in the region.
24 I ask you to consult document 13 relating to a dredging contract to be carried out in
25 the Bahamas, and it is stated: (*Continued in English*) “Start dredging after hurricane
26 season November 2023”. (*Interpretation from French*) The adverse conditions might
27 have resulted in damage if the shipowner had not decided to leave Freeport without
28 delay, given his vessel’s slow speed.
29

30 It should also be pointed out that the “*Zheng He*”, like other vessels, would not have
31 found shelter in the port of Freeport.
32

33 In that context, Mexico was one of several nearby destinations.
34

35 I would also like to recall on this matter that the Certificate of Clearance issued by
36 the Bahamas when the vessel left on 5 October was only indicative in nature as
37 regards the planned destination, and was in no way declaring the final destination of
38 the open-seas voyage, contrary to Mexico’s repeated allegations in its arguments.
39

40 Furthermore, let it be noted that the opposing party has submitted in annex 7 a
41 document entitled the “Vessel Scheduling Record of the Port of Tampico”, which
42 shows that the vessel sailed from the Bahamas and had Holland as its final
43 destination.
44

45 Once safe in the Gulf of Mexico, it decided to stop at a port of call in order to carry
46 out maintenance, provisioning and crew rotation operations, which were crucial.
47

48 In the preliminary notice of arrival sent on 9 October to the customs authorities, the
49 shipowner’s agent also reported, as is customary, that the vessel was going to be

1 subjected to a temporary import procedure. However, such a procedure is
2 conditional on the conclusion of a contract which never occurred.

3
4 Therefore, there could not have been any firm intention of carrying out a temporary
5 import procedure, contrary to what Mexico is alleging. The wording used by the
6 Mexican agent, therefore, in no way reflected a final decision.

7
8 On 17 October 2023, the shipowner's representative informed the port authorities
9 that the vessel wanted to enter into port for purely nautical reasons. No further
10 mention was made of any temporary import.

11
12 That was known not only to the port authorities, but also the customs authorities.
13 Indeed, the Tampico operating committee – and I will remind you that the customs
14 authorities sit on this committee – met in an extraordinary meeting on 21 October at
15 10 a.m. in order to authorize the “*Zheng He*” to call at port for an exclusively nautical
16 purpose.

17
18 Furthermore, as it was stated yesterday, the maintenance operations of such a
19 vessel are very complex and require a longer call than for an ordinary vessel. That is
20 why the shipowner's agent requested to remain at port for three to four weeks.
21 I would like to refer you to document 7. The operating committee for the port of
22 Tampico acknowledged that necessity by granting it a 15-day authorization.

23
24 In conclusion, there can be no doubt whatsoever about the exclusively nautical
25 purpose of the planned call and that the Mexican port and customs authorities were
26 fully aware of that purpose.

27
28 Subsequently, the dredger was meant to resume its voyage to the Bahamas to
29 honour a dredging contract for November 2023 after the hurricane season, and
30 I refer you to document 13.

31
32 To summarize, the vessel that had left the Bahamas was in open-sea navigation. It
33 arrived in the roadstead before it entered the port. The waiting period in the
34 roadstead under current port conditions is customary and the length of the call
35 justified by the vessel's specific features.

36
37 As regards the location where the alleged customs offence was committed, I would
38 like to recall that, according to Mexico's own observations in its decision of
39 15 February 2024, the customs offence was committed as soon as the vessel was in
40 the territorial sea. It is thus stated that

41
42 the vessel has been on national territory since 11 October 2023. Accordingly,
43 the supervisory authority has established that the vessel was not, at any
44 time, prevented by *force majeure* from making a temporary import
45 declaration since it was, at all times, upon its entry into the national territory,
46 required to prove that its stay in the country was legal.

47
48 It continues:

49
50 The vessel in question has remained for more than 20 calendar days in the
51 country, in breach of article 106 of the law.

1 Mexico, therefore, contradicts itself when it alleges in its arguments that the vessel's
2 detention is the consequence of an offence committed in its internal waters. In fact,
3 Mexico is seeking to maintain the dispute under its domestic law in order to establish
4 its sovereignty.

5
6 In its arguments yesterday, Mexico alleged that the shipowner's fault, if not that of its
7 agent, directly caused the "*Zheng He*" to be detained. However, it was always
8 Mexico, through the exercise of its prerogatives as a public power, that took action at
9 the different stages of the process leading to the various penalties imposed on the
10 vessel "*Zheng He*".

11
12 Thus, it was Mexico which authorized the entry in port and it is therefore erroneous
13 to claim that this was solely a voluntary entry which the authorities had nothing to do
14 with. It is again Mexico, which feigns to be unaware of the fact that the actions of its
15 authorities are more often than not coordinated and are in any event accountable to
16 it. The functioning of the Tampico port operating committee is a fine example of such
17 coordination prior to any decision taking.

18
19 Once again, it is Mexico which artificially contrasts the domestic judiciary and the
20 administrative institution in charge of confiscated goods. The INDEP's taking
21 possession of the vessel is not ruled out, in principle; it is simply postponed.

22
23 Thank you very much for your attention, Mr President, members of the Tribunal, and,
24 respectfully, I would like you to call on Professor Mathilde Frappier.

25
26 **THE PRESIDENT:** Thank you, Ms Rossi. I now give the floor to Ms Frappier to make
27 the next statement on behalf of Luxembourg.

28
29 **MS FRAPPIER:** (*Interpretation from French*) Mr President, members of the Tribunal,
30 now that the Agent for Luxembourg has recalled the facts at the root of this case, my
31 task on behalf of the Grand Duchy is to reply to Mexico's allegations denying your
32 Tribunal's *prima facie* jurisdiction and the existence of plausible rights alleged by
33 Luxembourg under the United Nations Convention on the Law of the Sea.

34
35 I would like to start by reverting to your Tribunal's *prima facie* jurisdiction.

36
37 Yesterday, Mexico reiterated its position relating to the absence of any exchange of
38 views with Luxembourg in accordance with article 283 of the Convention.

39
40 Mexico cannot deny the numerous attempts made by Luxembourg, both informal
41 and formal, with a view to discussing the situation of the "*Zheng He*". However,
42 according to our opponents, Luxembourg was not sufficiently clear in its attempts in
43 order for Mexico to understand that a dispute under the Convention existed. That is
44 not credible.

45
46 Already, on 7 November 2023, in its first note verbale sent to Mexico, Luxembourg
47 stated that the "*Zheng He*" is a Luxembourg-flagged vessel and was in open-sea
48 navigation, and it could not be considered as merchandise; and that only
49 international law of the sea, the jurisdiction of the flag State and the jurisdiction of the
50 port State were applicable to its situation.

1 As a reminder, this is document MC26.

2

3 All the expressions used by Luxembourg in its note have a close connection with
4 international law of the sea.

5

6 More generally speaking, why would Luxembourg have been so active had the
7 dispute had indeed involved two private individuals – the shipowner and the shipping
8 agent – as Mexico would have you believe, and concerned exclusively the
9 application of Mexican customs law in Mexico’s internal waters?

10

11 In particular, I would like to remind you that during a meeting which was held on
12 23 February 2024, a meeting which was specifically about the situation of the “*Zheng*
13 *He*”, the Ambassador of Mexico to the Grand Duchy was informed of a possible
14 action before the International Tribunal for the Law of the Sea.

15

16 This very same Ambassador then promised to send a formal letter to the Mexican
17 Navy with a view to obtaining the release of the vessel on the basis of the right of
18 innocent passage.

19

20 This indeed shows that, at the very latest at the end of February 2024, the Mexican
21 diplomatic authorities were aware of the fact that the situation of the “*Zheng He*” was
22 involved international law of the sea.

23

24 The minutes of this meeting of 23 February 2024 were submitted by Luxembourg as
25 additional document 8.

26

27 Again, as regards your Tribunal’s *prima facie* jurisdiction, Mexico contends that
28 domestic remedies are still pending, and, therefore, that Luxembourg’s action is
29 premature. In that respect, our opponents refer to article 295 of the Convention.

30

31 Yet, the exhaustion of local remedies is not a generally applicable condition. As your
32 Tribunal has already had occasion to state, and in accordance with the requirements
33 under general international law, which article 295 of the Convention refers to, the
34 exhaustion of local remedies is required only with respect to obligations relating to
35 the treatment of non-nationals – in other words, when the prejudice suffered by a
36 State is indirect and the State is acting in order to secure the diplomatic protection of
37 its nationals.

38

39 That is not the case here: the purpose of the application by Luxembourg before your
40 Tribunal is not to protect individual rights but Luxembourg’s own rights, which it
41 derives directly from the Convention as a flag State.

42

43 In that respect, Mexico stated during the first round of arguments that the domestic
44 remedies still pending concern the vessel’s confiscation. But what about
45 Luxembourg’s own rights which are at stake in this dispute and whose plausibility I
46 will once again seek to demonstrate?

47

48 What pending domestic remedies are meant to protect Luxembourg’s own rights, for
49 example, the right of innocent passage?

50

1 In the past, your Tribunal has shown caution when the exhaustion of domestic
2 remedies was invoked at the stage of provisional measures. You have preferred to
3 postpone this matter to a subsequent stage of the proceedings when the Tribunal is
4 in a better position to determine the exact nature of the rights at stake in a dispute.
5 And here, I am thinking in particular about the case of the vessel “*Louisa*”. We
6 believe that this should also hold true when it comes to the vessel “*Zheng He*”.

7
8 Finally, the central argument put forward by Mexico, with a view to denying your
9 Tribunal’s *prima facie* jurisdiction, is to claim that the dispute has nothing to do with
10 the application or interpretation of the Convention within the meaning of article 286.
11 Mexico reiterates that this case exclusively concerns a violation of Mexican customs
12 law in Mexican internal waters.

13
14 According to our opponents, it does not suffice for a party to rely on the Convention
15 for the interpretation and application of the Convention to be at issue.

16
17 Luxembourg, however, is doing more than invoking the Convention, and this
18 invocation is not by chance. Certain provisions of the Convention constitute a
19 reasonable basis on which your Tribunal’s jurisdiction can be founded. In other
20 words, there is indeed a link between the facts of this case and the provisions of the
21 Convention.

22
23 The facts at issue relate to a vessel flying the Luxembourg flag, which, after having
24 left the Bahamas, called in the Tampico roadstead; that is to say, in Mexico’s
25 territorial sea. As from then, the Mexican customs authorities claimed to apply
26 Mexican customs legislation to the vessel. That led to the detention and then to the
27 confiscation of the vessel under unprecedented conditions even though the vessel
28 had a navigation plan according to which it was meant to return to the Bahamas in a
29 few weeks to fulfil dredging contracts.

30
31 Mexico contends that its sovereignty is at stake, but it fails to mention that
32 Luxembourg’s sovereignty is equally at stake.

33
34 As a sovereign State, Luxembourg can authorize vessels to fly its flag, decide the
35 conditions under which it grants its flag, exercise its jurisdiction over its vessels and
36 allow its vessels to navigate in accordance with the rights and freedoms guaranteed
37 under the Convention.

38
39 Mr President, members of the Tribunal, I now turn to the plausibility of the rights
40 alleged by Luxembourg in this case.

41
42 Contrary to what our opponents from Mexico assert, there is indeed a link between
43 the facts of the case and several provisions of the Convention. The situation of the
44 “*Zheng He*” does not fall outside the Convention’s scope.

45
46 First of all, let us start with the provisions of the Convention which relate to the right
47 of innocent passage.

48
49 As this has already been recalled by the Agent for Luxembourg, Tampico was never
50 the vessel’s final destination. Anchoring in the roadstead and calling at port pursued

1 an exclusively nautical purpose. The authorizations given to the vessel by the
2 Mexican authorities to have access first to berth 3 and then to berth 6 mentioned this
3 exclusively nautical purpose. If the vessel requested and obtained access to the
4 Tampico dock with a view to carrying out maintenance operations, which were to last
5 several weeks, it was because such operations were necessary to continue
6 navigation and are particularly complex for a vessel like the “*Zheng He*”.

7
8 Indeed, most of the maintenance operations required the use of a crane and,
9 therefore, are not possible at sea or in a roadstead because of the vessel’s
10 movements: the slightest wave could, in fact, make it impossible to use a crane.

11
12 In such circumstances, the application of the right of innocent passage enshrined in
13 article 17 of the Convention is plausible.

14
15 In accordance with article 18, paragraph 1(b), passage includes navigation through
16 the territorial sea for the purpose of entering internal waters or calling at a roadstead
17 or port facility.

18
19 Article 18, paragraph 2, specifies, for its part, that passage includes stopping and
20 anchoring when they are incidental to ordinary navigation.

21
22 For its part, Mexico argues that the right of innocent passage is not at stake because
23 the vessel’s detention occurred in the internal waters. That is true.

24
25 However, what Mexico fails to mention is the event giving rise to this detention, the
26 event which triggered the detention. To find it, it is necessary and sufficient to refer to
27 the resolution of 15 February 2024 declaring the definitive confiscation of the vessel
28 and the exorbitant fine.

29
30 In this resolution, the Mexican customs authorities are clear: they accuse the
31 “*Zheng He*” of having entered national territory without having carried out the
32 temporary import procedure. And when did this unlawful entry into national territory
33 occur according to the customs authorities? Not when it arrived at dock in internal
34 waters, but as soon as it arrived in the roadstead, in the Mexican territorial sea.

35
36 The relevant document is document 10.

37
38 Hence, for the very authorities who are at the source of this event, the event giving
39 rise to the impugned customs procedure was indeed the entry into the territorial sea
40 and not the internal waters.

41
42 Mexico, therefore, cannot assert today that the situation of the “*Zheng He*” did not
43 pose any problem until it found itself in internal waters. Our opponents have sought
44 to divide the voyage up into bits and to isolate only the parts of the voyage which,
45 conveniently, are in Mexico’s internal waters. But the truth is that the customs
46 authorities who acted against the vessel did not reason along those lines. They
47 claimed that they could apply Mexican law to the “*Zheng He*” as soon as it entered
48 the territorial sea, without having regard to the end purpose of that entry, which, quite
49 plausibly, is an infringement of the right of innocent passage enshrined in article 17
50 of the Convention.

1 Contrary to what Mexico seems to assert, Luxembourg does not intend to equate
2 territorial sea and internal waters. Luxembourg is not seeking to invoke the very
3 same regime in internal waters as that which applies to the territorial sea.

4
5 Mexico insists on the solid link which exists between land and internal waters.

6
7 In that respect, Luxembourg would like to make two observations.

8
9 First of all, all internal waters are not of the same nature between those which are
10 made up of fresh water and enclosed within the land territory and those, like Rio
11 Pánuco, which are made up of seawater and directly communicate with the territorial
12 sea.

13
14 Secondly, and in particular, Mexico defends the State's absolute sovereignty over its
15 internal waters; yet, even within its own land, State sovereignty is not absolute.

16
17 Of course, the State has jurisdiction which is very widespread over its territory and,
18 hence, its internal waters, but that, nonetheless, is not unlimited.

19
20 The State, to a great extent, controls access to its territory, but once it admits certain
21 foreign nationals, it has to bear international obligations when it comes to their
22 treatment. That was recalled by the International Court of Justice in the *Barcelona*
23 *Traction* case of 1970, and I quote the Court:

24
25 When a State admits into its territory foreign investments or foreign nationals
26 [...], it is bound to extend to them the protection of the law and assumes
27 obligations concerning the treatment to be afforded them.¹

28
29 That treatment is guaranteed by general international law, even in the absence of
30 any treaty.

31
32 Now let us look more specifically at internal waters. Mexico claims that the
33 Convention says nothing of such internal waters, that no provision regulates the
34 exercise by a State of its jurisdiction in internal waters. That is not true. A cursory
35 look at some of the provisions shows that. Let me mention articles 8, 34, 35, 125,
36 131, 211, 218, 220 and 255 of the Convention. Some of these provisions can
37 reasonably be applied to the "*Zheng He*".

38
39 It is particularly true of article 131, and I will come back to that later, but also of
40 articles 2 and 300.

41
42 Article 2 expressly states and recognizes the sovereignty of a coastal State over
43 internal waters in paragraph 1. According to Luxembourg, this must be interpreted in
44 the light of general international law. It may then serve as grounds for claim under
45 article 300.

46

¹ *Barcelona Traction, Light and Power Company, Limited, Judgment, I.C.J. Reports 1970, p. 3, para. 33.*

1 Even though the “*Zheng He*” is today located in internal waters, Mexico cannot
2 abusively or arbitrarily prevent it from leaving the port of Tampico once it has
3 authorized its entry.

4
5 Let us recall the initial customs offence of which the “*Zheng He*” is accused: failure to
6 carry out a temporary import procedure. This is a very minor procedure, as Mexico
7 itself recognized in its pleadings. It requires the payment of an amount of
8 700 Mexican pesos. That’s some 40 American dollars and just under 40 euros. The
9 temporary import is then valid for 10 years. How then is it that, on the basis of such
10 an offence, the ship has been detained for more than eight months, confiscated and
11 is now subjected to a fine of around 90 million American dollars?
12

13 Can Luxembourg not plausibly argue that there is an abusive or arbitrary exercise by
14 Mexico of its jurisdiction over its internal waters?
15

16 Let me just remind you that this offence – temporary import fraud – is imputed by the
17 Mexican authorities to the “*Zheng He*” as soon it entered the territorial sea. That is to
18 say, even before the Mexican authorities allowed the “*Zheng He*” to come into the
19 port of Tampico.
20

21 As concerns abuse of rights, Mexico states that mere claims by Luxembourg are not
22 enough, that it requires concrete and specific facts.
23

24 First of all, a series of concrete and specific facts that substantiates the plausibility of
25 abuse has been brought forward by Luxembourg. Let me remind you of a few: the
26 confusion surrounding the tax regime of the various docks in the port of Tampico; the
27 sudden haste with which the customs authorities – who had in fact already known for
28 several days that the “*Zheng He*” was at port for a nautical call – took action
29 precisely at the time when the ship had been authorized to change docks to
30 regularize its situation; the lack of due process during the onboard visit – as
31 confirmed by the Mexican judge in the decision of 22 March 2024 – and I’ll refer you
32 here to document MC2022; the unprecedented and disproportionate nature of the
33 penalty; and the refusal to enforce a court decision apparently containing an
34 executory clause ordering the release of the ship.
35

36 All of these facts substantiate the plausibility of a claim of abuse.
37

38 Moreover, Mexico must be reminded that at this point in the proceedings that
39 whoever requests provisional measures has a reduced burden of proof. The party
40 does not have to definitively demonstrate that the rights it invokes exist.
41

42 Similarly, the Tribunal does not need to scrutinize and rule on the Parties’ competing
43 claims at this stage. The legal and factual arguments in support of each claim will be
44 advanced by each Party during the merits phase.
45

46 The same applies as concerns the plausible claim of discrimination put forward by
47 Luxembourg as a landlocked State.
48

1 At this point in the proceedings, Luxembourg does not need to introduce
2 comprehensive, detailed evidence of the discrimination that it was subjected to in
3 breach of article 131 of the Convention.

4
5 Let me mention in passing that the Tribunal will undoubtedly note that Mexico
6 mentions a very strange precedent indeed: that of the *Duzgit Integrity Arbitration*.
7 That arbitration opposed island States. Therefore, article 131 was never invoked.

8
9 Moreover, the award in the arbitration, which was mentioned by our opponents
10 yesterday, did not relate to provisional measures but was a decision on the merits of
11 the case. Yet, Mexico still claims that Luxembourg should at this point already have
12 identified situations in which vessels flying the flag of a non-landlocked State would
13 have received better treatment than the “*Zheng He*” in the port of Tampico.

14
15 Let me remind you, Luxembourg submitted a legal opinion of an international law
16 firm with a practice in Mexico. This is document MC22. This opinion shows that the
17 penalty against the “*Zheng He*” pursuant to the resolution of 15 February 2024 is
18 unprecedented in the Mexican legal system. It is precisely in the unprecedented,
19 unique, extraordinary nature of this procedure and penalty against the “*Zheng He*”
20 that a plausible discrimination lies.

21
22 The fact that there are no similar cases against ships flying foreign flags is indeed an
23 initial plausible element of the discriminatory treatment against the “*Zheng He*” and
24 not least its flag State.

25
26 This element submitted by Luxembourg would have been very easy to refute: why
27 didn't Mexico present any other examples or other cases, this time involving ships
28 flying the flag of a non-landlocked State, in which the same procedure and the same
29 exorbitant penalty were imposed?

30
31 At this point in time, Luxembourg has no other explanation to understand this
32 unprecedented and exceptional treatment, but to say that the flag of Luxembourg is
33 not considered by Mexico in the same way as the flag of other States.

34
35 It should be recalled that the Mexican fleet is very different from the Luxembourg
36 fleet in terms of orders of magnitude. In 2022, there were more than 670 ships
37 registered in the Mexican registry. That is at least three times the number of vessels
38 registered in the Luxembourg registry.

39
40 Mr President, members of the Tribunal, I thank you very much for your kind attention.

41
42 With your leave, Professor Cachard will now continue this second round of
43 arguments for Luxembourg by addressing the other conditions required to enable
44 your Tribunal to grant the provisional orders, especially the condition of urgency.
45 Thank you.

46
47 **THE PRESIDENT:** Thank you, Ms Frappier. I now give the floor to Mr Cachard to
48 make the next statement on behalf of Luxembourg.

1 **MR CACHARD:** (*Interpretation from French*) Mr President, honourable Judges, I will
2 now return to the provisional measures requested by Luxembourg, examining, in the
3 order set out in the request, our four heads of claim in the dispositif.

4
5 First of all, the fundamental rights and freedoms of the crew and their preservation.

6
7 The fundamental rights and freedoms of the crew deserve to be protected and
8 Luxembourg is particularly mindful of this. Its request meets the test of the plausibility
9 of the rights invoked, the test of urgency and the test of respect of the respective
10 rights of the Parties.

11
12 Let us start with plausibility.

13
14 Luxembourg was extremely surprised to have heard Mexico yesterday ask you not to
15 take into consideration either the International Covenant on Civil and Political Rights
16 or the International Covenant on Economic, Social and Cultural Rights, even though
17 it is a party to both those instruments. This is a particularly restrictive and outdated
18 viewpoint which rejects the modern humanization of the international law of the sea.
19 Your order of 18 January 1999 in the *M/V “SAIGA” (No. 2) Case*¹ had, in fact, put in
20 motion this humanization of the international law of the sea, ruling, as you know, in
21 paragraph 155, that “[c]onsiderations of humanity must apply in the law of the sea,
22 as they do in other areas of international law.” These considerations of humanity
23 have guided your Tribunal all the way through to recent jurisprudence.² And these
24 considerations of humanity are called into question not only where there is a
25 measure involving deprivation of liberty, but also where there are other infringements
26 of the fundamental rights of seafarers.

27
28 Today, in 2024, the evolving interpretation of international law requires account to be
29 taken of the right to health, particularly in maritime matters. The Covid pandemic, as
30 you know, illustrates the strong impact that a pandemic could have on a maritime
31 activity.

32
33 Let us now move on to urgency.

34
35 Luxembourg has demonstrated the urgency of the situation of the seafarers and has
36 never stopped raising it, despite what the Agent of Mexico claimed yesterday.
37 Luxembourg has clearly stated that the test of imminence consisted in assessing the
38 risk not in the light of the past or the present but in the light of the circumstances
39 currently unfolding at the time when your Tribunal is called upon to order the
40 prescription of measures.

41
42 Luxembourg has also highlighted the various factors of urgency that herald an
43 irreversible and more than plausible deterioration of the rights of the seafarers.

¹ *M/V “SAIGA” (Saint Vincent and the Grenadines v. Guinea)*, Prompt Release, Judgment, ITLOS Reports 1997, p. 16, para. 155.

² A. Petrig and M. Bo, “The International Tribunal for the Law of the Sea and Human Rights” in M. Scheinin (ed), *Human Rights Norms in ‘Other’ International Courts* (Cambridge University Press 2019); F. Delfino, “‘Considerations of Humanity’ in the Jurisprudence of ITLOS and UNCLOS Arbitral Tribunals” in A. Del Vecchio and R. Virzo (eds), *Interpretations of the United Nations Convention on the Law of the Sea by International Courts and Tribunals* (Springer 2019).

1 So let us look first at the legal protection the seafarers enjoy in Mexico's domestic
2 legal system. This protection is much more precarious and limited than was indicated
3 by Mexico yesterday. I refer the Tribunal to the Statement in Response by Mexico, in
4 paragraphs 65 and 66, where mention is made of *recurso de queja* 390/2023. This
5 *recurso de queja*, according to Mexico's written submissions themselves, simply
6 orders the authority (*continues in English*) "to facilitate unrestricted access to
7 supplies". (*Interpretation from French*) It is not therefore a matter of the freedom to
8 come and go. It is not a matter of very broad freedoms. What Mexico mentioned,
9 from a decision by one of its organs, is the guarantee of supplies of water, of food.
10 That is all well and good but it does not correspond to the rights that must be
11 protected in their entirety.

12
13 You will remember that we also mentioned yesterday the imminent deterioration of
14 the conditions of habitability of the vessel because of its degraded maintenance. We
15 also highlighted the extremely precarious security situation in ports in Mexico,
16 making seafarers subject to a risk of detention and the fear of groundless arrest, and
17 we highlighted the harm to the psychological and mental health of the crew.

18
19 So that is the test of urgency.

20
21 Let us finish on this point with the balance between the respective rights of the
22 Parties.

23
24 Mexico contradicts itself when it mentions the excessive nature of the measure
25 requested by us but, on the other hand, states that it would be entirely pointless to
26 grant it as the seafarers would already enjoy the legal protection of their fundamental
27 rights in the Mexican order. How can it be claimed at the same time that the rights of
28 the seafarers are adequately protected and that an order by your Tribunal
29 acknowledging those guarantees would be too intrusive?

30
31 In reaffirming yesterday that it was ready to maintain the seafarers' freedom to
32 embark and disembark, Mexico has renounced its claim that the measure requested
33 by us is excessive. We ask the Tribunal to take note of Mexico's position and to
34 prescribe those provisional measures to ensure that they are permanent and
35 enforceable vis-à-vis Mexico in the international order.

36
37 Secondly, let us now take a look at the rights of Luxembourg as a flag State and the
38 related measures.

39
40 The rights of Luxembourg as the flag State of the "*Zheng He*" must very urgently be
41 subject to provisional measures, failing which, in a few weeks' time, your Tribunal will
42 be faced with a *fait accompli*. Not only will the infringement of the rights of the
43 Luxembourg flag be irreversibly completed, but also Luxembourg, the victim of a
44 violation of the law of the sea, would not even be able to raise a complaint about it
45 before you and seek reparation, because the genuine and effective link between the
46 vessel and its flag would have been progressively destroyed by Mexico, without
47 anyone being able to oppose it.

48
49 Let us begin by recalling the link between the provisional measure requested by us
50 and the plausibility of rights invoked.

1
2 Contrary to what was suggested by Mexico yesterday, the rights relied on by
3 Luxembourg are not foreign to the Convention, and Professor Frappier reminded us
4 of this very well a few moments ago. These rights are at the very heart of the
5 Convention. Article 94 of the Convention is the very source of flag rights. Jurisdiction
6 and control are the absolute prerequisite for international recognition and
7 enforceability of the rights of the flag State. It is precisely because it exercises
8 jurisdiction and control over its vessels that the State enjoys the other rights under
9 the Convention. By requesting provisional measures to ensure the effectiveness of
10 article 94 of the Convention, Luxembourg therefore satisfies the requirement of the
11 link between the plausibility of the rights invoked and the provisional measure
12 requested.

13
14 Ruling otherwise, especially on the basis of a prima facie examination, would have
15 very serious consequences in the law of the sea, in the international order. How
16 could the international community continue and improve its fight against flags of
17 convenience – those which abandon their seafarers and allow substandard vessels
18 to sail – if, at the same time, your Tribunal, which is respected for its authority and its
19 specialism in the law of the sea, renders the jurisdiction and control of flag States
20 ineffective? This would be a dangerous regression in maritime law.

21
22 Let us now come to the condition of urgency.

23
24 The imminence of two dangers threatens the rights of Luxembourg over its vessel:
25 the danger of loss of class and the danger of infringement of real rights over the
26 vessel.

27
28 First of all, the danger of loss of class for the vessel. This danger is imminent. We
29 explained this yesterday; the vessel's class certificate is apparently valid until
30 21 October 2025, as you can see on the screen. However, that validity is subject to
31 compliance with the interval between of surveys and inspections.

32
33 Let me now refer to the classification rules of Bureau Veritas, the body that is
34 responsible for classification and statutory certification of the “Zheng He”. As regards
35 classification, these rules, which are public and freely accessible on the open
36 internet, are contractually binding on the shipowner and the classification society
37 which it has chosen to make that classification.

38
39 Let me refer here, in English, to the bottom survey, that is, the examination of the
40 structure and the hull of the vessel. You can see that this bottom survey can be
41 conducted “either in dry dock ... or afloat”, when the vessel is in the water.

42
43 In any event, we will come back to this alternative. But this operation for Class I
44 vessels – ours – must be performed within 36 months of the previous inspection.
45 *(Continues in English)* “In all cases, the interval between any two such examinations
46 is not to exceed 36 months.” *(Interpretation from French)* And may I draw your
47 attention to Note 1: *(Continues in English)* “An extension of examination of the ship's
48 bottom of three months beyond the due date can be granted in exceptional
49 circumstances”.

50

1 *(Interpretation from French)* So, you will agree that the condition of urgency has
2 been met since the deadline of 8 January 2024; three years after 8 January 2021.
3 Today, on 12 July 2024, we are well beyond 36 months; the test of urgency is
4 satisfied and we are even beyond imminence!

5
6 The loss of classification will lead to the loss of statutory certification, which will make
7 the vessel liable to be removed from its original register, the Luxembourg register.

8
9 Secondly, there is another danger, the danger of the loss of the real rights of the
10 Luxembourg owner over the vessel. This danger must be taken into consideration.
11 This danger is cumulative with the first. In the national law of most States which keep
12 a register, there is a link between the nationality of the owner or co-owners and the
13 nationality of the vessel itself. This is true in the States of the European Union and in
14 particular Luxembourg. The constant claim of ownership of the vessel by the
15 Mexican Federal Treasury therefore directly threatens the connection between the
16 vessel and the Luxembourg flag.

17
18 In this regard, Mexico has activated in its internal legal order an extraordinary
19 remedy before the Supreme Court: the transfer of the case to a higher court. It has
20 therefore established itself as the master of time through the initiative of ADACEN,
21 one of its executive bodies. I refer to paragraph 64 of Mexico's submission. It has
22 also established itself as the master of ownership titles for the Luxembourg vessel by
23 virtue of the judicial discretion now available to the Supreme Court. Contrary to what
24 was stated yesterday, Mexico is not subject to institutions external to it. Mexico acts
25 through its own institutions.

26
27 With regard to this set of provisional measures let's conclude with respect for the
28 balance of the rights of the Parties. This is a point which seems very important to us,
29 a point I would like to emphasize moderately, but emphasize all the same.

30
31 Your Tribunal will have noted that Luxembourg has refrained from requesting the
32 release of the vessel detained in Mexican territorial waters. For Luxembourg it is
33 matter of not leading you to prejudge the merits and of guaranteeing that the
34 "*Zheng He*" remains in Mexico's territorial waters until your final decision on the
35 merits is taken. Luxembourg could not be more mindful of respect for the balance of
36 the rights of the Parties to the dispute. Luxembourg could not be more mindful or
37 more respectful of the jurisdiction and authority of your Tribunal.

38
39 The necessary counterpart to Luxembourg's international comity is the protection of
40 its sovereign rights over the flag of its vessel, the "*Zheng He*". This is why
41 Luxembourg has requested provisional measures specifically with a view to
42 preserving the extent of its rights over the vessel for the duration of the proceedings
43 before your Tribunal.

44
45 The guarantee that Mexico will allow, under your supervision – and I stress this – the
46 prompt completion of inspections and surveys, which have already been delayed, in
47 its internal waters or in the territorial sea is essential for the maintenance of the flag.
48 Under your supervision because, otherwise, the complexity of the technical issues
49 and the discretionary powers of Mexico would negate our sovereign rights as a flag
50 State.

1
2 I draw your attention to a new document, which we obtained in response to the
3 question asked by the Tribunal concerning the inspection carried out by divers in the
4 waters of the port of Tampico. The Agent of Mexico also referred to this inspection
5 yesterday, underlining that everything went well and that the inspection of the vessel
6 was not prevented. You will see, circled in red, visibility: 0.20 metres. Visibility in the
7 waters of the port of Tampico is 20 centimetres. It follows that most of the equipment
8 and structure of the vessel could not be examined while keeping the vessel docked.
9 That is what is shown by this inspection report.

10
11 The refusal to prescribe these provisional measures requested by Luxembourg in
12 accordance with international comity would be an alarming signal for all serious
13 flags. As Mexico itself acknowledged yesterday, the balance between the rights of
14 the flag State and the rights of the coastal State must be respected. This goes both
15 ways. It also benefits the flag State.

16
17 I now come to the third set of measures requested from your Tribunal. I want to talk
18 about the guarantee of non-aggravation and non-extension of the dispute.

19
20 Luxembourg requests measures for the non-aggravation of the dispute relating to the
21 exorbitant fine – 1,616,462,343.52 pesos, which is around 90 million US dollars –
22 imposed on the vessel. These measures, which we are requesting in the face of this
23 exorbitant fine, are perfectly in compliance with the test applied by your Tribunal; the
24 test of the link with the plausibility of the claims, the test linked to urgency and the
25 test linked to equality of the rights of the Parties.

26
27 The rights invoked with respect to this provisional measure are plausible and more
28 than plausible. This was amply demonstrated a few moments ago: they are based on
29 the right of innocent passage of vessels related to the “*Zheng He*”, belonging to the
30 same shipowner and flying the same flag. As we highlighted yesterday, these
31 18 vessels currently operating in Latin America and Central America must be able to
32 exercise innocent passage.

33
34 Until your Tribunal has definitively settled the dispute between Luxembourg and
35 Mexico, vessels may have to avoid Mexico. However, a vessel must be able to
36 change its route depending on weather-related constraints and sea conditions. It
37 must be able, if necessary for its own protection, to travel through Mexico’s territorial
38 waters. This innocent passage, which French legal writings describe as horizontal,
39 along the coasts if you prefer, was not contested by Mexico yesterday in its general
40 terms, as you well know. It is therefore perfectly plausible.

41
42 Let’s now come to the other hypothesis.

43
44 Until your Tribunal has definitively settled the dispute, these vessels will also have to
45 take the risk of calling at a port in Mexico when climate change, variations, storms
46 and hurricanes off the Bahamas and the coasts could warrant Luxembourg vessels
47 having to make a port call and to exercise a right of passage on entering, then
48 leaving. Mexico also did not dispute, yesterday, the general application of the right of
49 innocent passage to enter and leave a port for commercial vessels practising

1 innocent navigation. You will see, therefore, that the link between the measure
2 requested and the plausibility of the rights invoked is fully satisfied.

3
4 As for the condition of urgency, this is also satisfied.

5
6 Until your Tribunal has ruled on protective measures, the seizure of Luxembourg
7 vessels related to the “*Zheng He*”, by way of enforcement of the fine imposed on the
8 “*Zheng He*”, will hang over the head of their captains like a sword of Damocles. And
9 the thread holding that sword is not even in the hands of the Mexican judiciary –
10 whose independence we do not dispute – it is in the hands of the customs authority
11 itself, before which the shipowner has brought a non-contentious appeal, as is
12 confirmed in paragraph 80 of Mexico’s statement.

13
14 The timetable, the final outcome of that non-contentious appeal will be at the
15 discretion of AGACE. There could be a stay of the appeal, which seems to be the
16 case at the moment; resumption of an examination of the appeal; dismissal of the
17 appeal or it could be granted. All this is in the hands of an executive authority.

18
19 I now come to the third condition. Having discussed plausibility and the links with
20 plausibility, then urgency, I come to the equality of the rights of the Parties. The
21 measures we are requesting respect this condition of equality of the rights of the
22 Parties.

23
24 Yesterday, Mexico gave a very broad reading of our provisional measures which, it is
25 true, were and are formulated precisely because, in the absence of a request for the
26 release of the vessel, it is necessary to specify the guarantees which we need when
27 faced with an exorbitant fine which threatens an entire fleet. Maybe the dispositif
28 seemed long to you but, in fact, you will see that these measures are very targeted
29 and that they are not intrusive. Luxembourg has never requested that all its vessels
30 be generally exempted from customs duties under Mexican legislation. Luxembourg
31 has never requested that Mexico be generally deprived of its right to impose new
32 customs fines or to collect them if new offences are committed. On the contrary,
33 Luxembourg’s request is extremely targeted.

34
35 It concerns only the fine imposed on the “*Zheng He*” on 15 February 2024 at the
36 same time as the expropriation of the vessel, the exorbitant amount of which could
37 lead to the confiscation of one or even several vessels in the fleet.

38
39 The requested measure has just one purpose and it is strictly maritime. It is to
40 protect related vessels, provided they respect the condition of belonging to the same
41 shipowner and flying the same flag.

42
43 So it is certainly not a question of a general favour granted to the Luxembourg flag
44 as a whole, but rather an individual measure, delimited in time and delimited in its
45 basis by the twofold criterion of ownership by the same shipowner and nationality.

46
47 It would not therefore be a measure granting more favourable treatment, which is
48 what Mexico suggests through a curious reversal of reasoning, and this is for two
49 reasons.

1 It is not a question of favouring Luxembourg, but rather of preventing enforcement
2 measures being taken in retaliation and further aggravating the abuse of rights of
3 which Luxembourg is the victim.

4
5 On the other hand, it would be a judicial and provisional measure taken at the
6 initiative of the Tribunal.

7
8 In conclusion, Mexico's strong opposition to this targeted and limited measure lends
9 credence to the view that the risk that it would in fact carry out such measures on
10 related vessels is a serious, indeed very high risk.

11
12 I now turn to the fourth and final set of provisional measures, those seeking to
13 ensure equality of the Parties during the proceedings.

14
15 Provisional measures, to use Mexico's expression in its Statement in paragraph 20,
16 must "ensure the effectiveness of its judgment and judicial functions". Now, the
17 effectiveness of judicial functions will be undermined if, because of the exclusive
18 control exercised by Mexico over its territory, the applicant is completely deprived of
19 the possibility of asserting its claims in the dispute before you between it and Mexico.
20 The measures requested by Luxembourg are connected with plausible and more
21 than plausible rights; they satisfy the condition of urgency; they are requested having
22 due regard to the rights of the two Parties to the dispute.

23
24 Plausible rights, first, invoked in connection with the heads of claim.

25
26 Yesterday and this morning, Luxembourg argued that plausible and more than
27 plausible rights were invoked, in particular the right of innocent passage for vessels
28 entering and leaving, jurisdiction and control as the flag State (article 94), the right
29 not to suffer discrimination and the right to be protected against an abuse of rights
30 affecting the exercise of rights of navigation. So that is it for plausibility.

31
32 Urgency. Urgency here is different in nature to the urgency we have mentioned
33 earlier. It is procedural urgency related to the conduct of the proceedings before your
34 Tribunal, which will have to rule on the merits. Since it is your Tribunal that is called
35 upon, on the one hand, to prescribe provisional measures and, on the other, to rule
36 on the merits, consideration of the speed of justice means that the adjustment of the
37 evidential regime arising out of the Corfu Channel case law should be made as soon
38 as possible. There is no *effet utile* in postponing this request for provisional
39 measures, as Mexico suggests, other than, of course, prejudicing the rights of the
40 request, I mean the rights of Luxembourg.

41
42 Respect for the rights of the two Parties to the dispute is also ensured by the
43 measures we are requesting.

44
45 Having found Mexico unresponsive, yesterday in the hearing Luxembourg was, for
46 the first time, and thank you for that, given the assurance of cooperation from the
47 Co-Agent of Mexico. This is an assurance of which Luxembourg asks the Tribunal to
48 take note. In the order of 3 December 2001 in the *MOX Plant Case*, your Tribunal
49 had prescribed that Ireland and the United Kingdom should cooperate and enter into
50 consultations forthwith in order to monitor risks and exchange further information.

1 The precise requests formulated by Luxembourg in the present case fall well within
2 that framework, both for the first category of requests and for the second.

3
4 For the first head of claim, it is a question of monitoring the risks incurred by the
5 vessel because of its deterioration, risks which consequently affect the environment
6 and the seafarers.

7
8 For the second head of claim, it is a question of obtaining information which is public
9 or which should be public: regulatory texts, decisions specifying the fiscal nature, or
10 not, of the docks, information about the policy of the Mexican authorities on port calls
11 by other foreign vessels.

12
13 Mr President, honourable Judges, the Grand Duchy of Luxembourg invites you to
14 take into consideration the four categories of provisional requests which it has been
15 able to formulate.

16
17 Mr President, would you now give the floor to the Agent for Luxembourg,
18 Ms Annabel Rossi, for her to read out the provisional measures requested?

19
20 **THE PRESIDENT:** Article 75, paragraph 2, of the Rules of the Tribunal provides that,
21 at the conclusion of the last statement made by a Party at the hearing, its Agent,
22 without recapitulation of the arguments, shall read the Party's final submissions.

23
24 A copy of the written text of these, signed by the Agent, shall be communicated to
25 the Tribunal and transmitted to the other Party.

26
27 I now invite the Agent of Luxembourg, Ms Rossi, to present the final submissions of
28 Luxembourg.

29
30 **MS ROSSI:** (*Interpretation from French*) Mr President, members of the Tribunal, I
31 shall now present Luxembourg's requests.

32
33 1. In order to preserve the fundamental rights and freedoms of the crew:

34
35 - Order Mexico to continue to ensure the freedom of movement of the crew members
36 off the vessel and their access to health-care facilities, places of worship and
37 recreational facilities;

38
39 - Order Mexico to continue to ensure that there will be no impediments to the
40 renewal of the crew and the necessary rotations;

41
42 - Order Mexico to continue to ensure that the crew will not be compelled by law
43 enforcement agencies to disembark from the vessel nor be prevented from
44 re-embarking the vessel;

45
46 2. In order to safeguard the rights of Luxembourg as the flag State:

47
48 - Order Mexico to allow Luxembourg to effectively exercise its jurisdiction and control
49 in administrative, technical and social matters over the vessel, and to enable any
50 measures necessary for the preventive and corrective maintenance of the "*Zheng*

1 *He*” in order to ensure its compliance with the national, European and international
2 standards applicable to vessels flying the flag of Luxembourg;

3
4 - Prohibit Mexico from directly or indirectly operating the vessel “*Zheng He*”, prohibit
5 Mexico from taking any measures to create or transfer real rights to the vessel and
6 from changing the flag of the vessel “*Zheng He*”;

7
8 3. In order to avoid aggravating or extending the dispute:

9
10 - Prohibit Mexico from collecting the customs fine of 1,616,462,343,52 pesos
11 imposed against the European Dredging Company;

12
13 - Prohibit Mexico from detaining, confiscating and expropriating under any
14 proceeding whatsoever vessels related to the vessel “*Zheng He*” flying the flag of
15 Luxembourg, whether they be the property of European Dredging Company SA, its
16 parent company, SOFIDRA, or any other subsidiary of SOFIDRA;

17
18 - Prohibit Mexico from instituting new national proceedings or new actions against
19 the “*Zheng He*” relating to the absence of a temporary import, and this concerns the
20 “*Zheng He*”, the European Dredging Company SA, its parent company, SOFIDRA, or
21 any other subsidiary of SOFIDRA, and suspend ongoing national proceedings
22 pending an order on the merits;

23
24 4. In order to ensure equality of the Parties in the proceedings before the Tribunal:

25
26 Prescribe that Mexico and Luxembourg must cooperate and, to that end, hold
27 consultations without delay in order to:

28
29 (a) exchange additional information on the non-contentious and contentious
30 proceedings under Mexican law instituted by Mexico against the “*Zheng He*”,
31 including forthwith:

32
33 - the identification of the berths in the Port of Tampico, with official and/or customary
34 names, and the GPS coordinates of the endpoints of each berth;

35
36 - the regulatory texts of Mexico in force on 21 October 2023 that were officially
37 published relating to the tax and customs regime of each berth in the Port of
38 Tampico;

39
40 - the initiatives taken in particular by the Mexican customs and port authorities
41 relating to the dispute concerning the “*Zheng He*”;

42
43 These consultations should also take place in order to

44 (b) prevent risks and effects resulting from maintenance work and repairs that are not
45 carried out, inadequately carried out or belatedly carried out which could affect the
46 vessel’s classification.

47
48 Mr President, I have now finished with the statement of our requested measures.
49 I would like to conclude by thanking you, Mr President, and each member of the

1 Tribunal, for having listened to us over these past two days, and for your careful
2 examination of our request.
3
4 I would also like to thank the Registrar and all the staff of the Registry for organizing
5 these hearings and for their cooperation and professionalism.
6
7 I would also like to thank the interpreters for their indispensable work. I would also
8 like to thank all those who have worked for many long hours to produce the minutes
9 of these public hearings so quickly.
10
11 I would like to thank the members of the Mexican delegation for their cooperation
12 over the course of these proceedings. Thank you.
13
14 **THE PRESIDENT:** Thank you, Ms Rossi.
15
16 This concludes the oral arguments presented by Luxembourg. We will continue the
17 hearing in the afternoon at 4:30 p.m. to hear the second round of oral arguments by
18 Mexico.
19
20 This sitting is now closed.
21
22 *(Lunch break)*