

# SIMPSON BAY LAGOON AUTHORITY CORPORATION (SLAC) N.V.

## RESPONSE TO THE SINT MAARTEN MARINE TRADES ASSOCIATION

On February 25, 2016 an article appeared in the local media in which the Sint Maarten Marine Trades Association (SMMTA) misinforms the general public about the Simpson Bay Lagoon Authority Corporation (SLAC) N.V. As the Port St. Maarten Group of Companies values truth, transparency, and integrity, the latter would like to set the record straight.



### WHO IS SLAC?

SLAC is a company that was incorporated in 2002 by Sint Maarten Economic Development Corporation N.V., a fully owned company of the Country Sint Maarten, formerly the Island Territory of Sint Maarten (the Government). In 2009, the Government decided to transfer the shares of SLAC to the Sint Maarten Ports Authority N.V., which is part of the Port St. Maarten Group of Companies.

### WHAT DOES SLAC DO?

#### SLAC'S MAIN TASKS CONSIST OF:

- operating and maintaining the J.S. Lejeuz Bridge in Simpson Bay
- collecting the bridge fees for the J.S. Lejeuz Bridge
- collecting the mooring fees in the Simpson Bay Lagoon
- supporting the Government in creating policies for the management and administration of the Simpson Bay Lagoon
- maintaining the shipping lanes and mooring facilities in the Simpson Bay Lagoon
- monitoring activities of vessels and persons in the Simpson Bay Lagoon, including possible waste and fuel disposals, and report any incidents or irregularities to the competent authorities of the Government
- advising the Government on development matters of the Simpson Bay Lagoon
- operating the Simpson Bay Causeway

### ON WHAT LEGAL BASIS DOES SLAC PERFORM THESE TASKS?

On the basis of a management agreement that was entered into in 2003 between SLAC and the Government; the Ordinance Harbour Fees, and the Ordinance Bridge Fees. SLAC operates the Simpson Bay Causeway based on an agreement with Simpson Bay Causeway N.V., which is part of the Port St. Maarten Group of Companies.

### DOES SLAC RECEIVE ANY FUNDS FROM GOVERNMENT?

No, it does not. Its sole source of income is the collection of bridge fees for the J.S. Lejeuz Bridge and mooring fees for the Simpson Bay Lagoon.

### DOES SLAC DETERMINE THE BRIDGE FEES AND MOORING FEES?

No, it does not. SLAC collects the aforementioned fees, but does not determine the fee structure or the amount that vessels need to pay for passing the J.S. Lejeuz Bridge or to moor in the Simpson Bay Lagoon. This is done by Government via the Ordinance Harbour Fees, and the Ordinance Bridge Fees.

### WHAT DOES SLAC DO WITH THE FEES IT COLLECTS?

The collected fees are used to operate and maintain the J.S. Lejeuz Bridge; and to maintain the shipping lanes and the mooring facilities in the Simpson Bay Lagoon. This includes repayment of large capital expenses incurred in connection with the J.S. Lejeuz Bridge.

### DOES SLAC MAKE A PROFIT?

No, it does not. The fees it collects are insufficient to properly operate, maintain, repair and replace the J.S. Lejeuz Bridge, and pay for other required expenses. The J.S. Lejeuz Bridge is near the end of its life cycle. This is one of the main reasons why the Simpson Bay Causeway was constructed, to guarantee continuous traffic flow in Sint Maarten once the J.S. Lejeuz Bridge needs to be replaced.

### DOES SLAC COMPETE WITH THE MARINA INDUSTRY IN THE SIMPSON BAY LAGOON?

No, it does not. SLAC does not operate a marina in the Simpson Bay Lagoon; SLAC does not own any marina slips; SLAC does not provide goods to vessels that make use of private marina's in the Simpson Bay Lagoon.

### DOES SLAC IN ANY FORM OR SHAPE REGULATE THE MARINE BUSINESS IN THE SIMPSON BAY LAGOON?

No, it does not. Its role is limited to collecting bridge fees and mooring fees and supporting and advising the Government on matters relating to the Simpson Bay Lagoon.

### WHO REGULATES THE MARINE BUSINESS IN THE SIMPSON BAY LAGOON?

The Government regulates the marine business in the Simpson Bay Lagoon.

### DOES SLAC HAVE ANY ENVIRONMENTAL CONTROL OVER THE SIMPSON BAY LAGOON?

No, it does not. Its role is limited to reporting any incidents to the competent authorities of the Government.

### WHO IS CURRENTLY THE COMPETENT AUTHORITY FOR ENVIRONMENTAL MATTERS CONCERNING THE SIMPSON BAY LAGOON?

The Ministry of Public Housing, Spatial Planning, Environment and Infrastructure (VROMI) of the Government of Sint Maarten.

### IS THE PORT ST. MAARTEN GROUP OF COMPANIES SUBJECT OF ANY CIVIL INQUIRY INVESTIGATIONS BY THE PUBLIC PROSECUTOR?

No, it is not. The Public Prosecutor has requested the Port St. Maarten Group of Companies to provide information in view of possible civil inquiry investigations, and full cooperation has been given. To this date the Public Prosecutor has not seen any reason to file a request for any civil inquiry proceedings against the Port St. Maarten Group of Companies.

### IS THE MANAGING DIRECTOR OF THE PORT ST. MAARTEN GROUP OF COMPANIES SUBJECT TO ANY INVESTIGATIONS OR SECURITY SCREENING?

No, he is not. There are no investigations into the managing director, and in 2015 he successfully passed the mandatory screening by the Sint Maarten Security Service. He is the only managing director of a port or marina in Sint Maarten that has to date successfully passed such screening.

### ARE MANAGING DIRECTORS OF COMMERCIAL MARINA'S ALSO SUBJECT TO SECURITY SCREENINGS?

Yes, they are. Security screenings are to be performed in respect of designated confidential positions within the vital sectors of Sint Maarten. One of the sectors that has been designated as of vital interest to Sint Maarten is the sector of commercial sea harbors. This includes managing directors of all commercial sea harbors in Sint Maarten. To the knowledge of the Port St. Maarten Group of Companies, such managing directors have not complied with their statutory duty to undergo and pass such security screenings.

### THE PORT ST. MAARTEN GROUP OF COMPANIES

expects that in the future, the SMMTA, of which the Port St. Maarten Group of Companies is also a member, will refrain from further incorrect statements about one of its members, Port St. Maarten Group of Companies and SLAC in particular.

Port St. Maarten Group of Companies  
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