



International Oil Pollution
Compensation Funds

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2010 HNS CONVENTION

Submitted by Belgium, Germany, the Kingdom of the Netherlands and Sweden

Summary: The co-sponsors of this document wish to inform the Assembly of the progress made towards the ratification of the 2010 HNS Convention, that is expected to be simultaneously achieved between the co-sponsors during early summer of 2025.

Action to be taken: 1992 Fund Assembly
Information to be noted.

1 Introduction

- 1.1 The Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, done at London on 30 April 2010, hereafter the '2010 HNS Convention', fills an important gap in the regime of maritime liability and compensation.
- 1.2 In recent years, Germany, the Netherlands, Belgium and Sweden have reiterated their support for this Convention,^{<1>} and have manifested their intention of ratifying the Convention at the International Maritime Organization (IMO) and during meetings of the IOPC Funds' governing bodies.
- 1.3 In accordance with its Article 46, the 2010 HNS Convention will enter into force 18 months after the date on which it is ratified by at least twelve States, including four States each with not less than 2 million units of gross tonnage, and having received during the preceding calendar year a total quantity of at least 40 million tonnes of cargo that would be contributing to the general account. As of 11 October 2024, it has been ratified by eight^{<2>} States, five of which have more than 2 million* units of gross tonnage. These eight

^{<1>} The European Union urged its Member States to proceed with the ratification of the 2010 HNS Convention in its **Council Decision (EU) 2017/769** of 25 April 2017 on the ratification and accession by Member States, in the interest of the European Union, to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, with the exception of the aspects related to judicial cooperation in civil matters (<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32017D0769>), as well as in its **Council Decision (EU) 2017/770** of 25 April 2017 on the ratification and accession by Member States, in the interest of the European Union, to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, with regard to the aspects related to judicial cooperation in civil matters (<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32017D0770>).

^{<2>} The eight States are Slovakia, Canada, Denmark, Estonia, France, Norway, South Africa and Türkiye.

States reported a total quantity of 19 243 371 tonnes of cargo contributing to the general account in 2023^{<3>}. As a consequence, the 2010 HNS Convention has not yet entered into force.

- 1.4 Belgium, Germany, the Netherlands and Sweden have been in regular contact with each other as well as with the Secretariat of the IOPC Funds and, given the context of high-transit of hazardous and noxious substances are preparing their ratification of the Convention ensuring a level-playing field. This would give a strong signal to the world, and would constitute a further step towards the entry into force of the 2010 HNS Convention.

2 Progress towards the entry into force of the 2010 HNS Convention undertaken by the submitters

- 2.1 In 2020, the Netherlands, Belgium and Germany committed themselves to a simultaneous ratification. On this basis, a regularly cooperation and coordination between the three States was established in order to guarantee a level playing field as regards HNS trade in a context of high cross-border transit of HNS.
- 2.2 According to its Article 45.4, a State must submit *the 'data on the total quantities of contributing cargo liable for contributions received in that State during the preceding calendar year in respect of the general account and each separate account'* at the same time as depositing its instrument of ratification. A national reporting system is therefore needed in order to collect the relevant data prior to ratification of the 2010 HNS Convention.
- 2.3 The co-sponsors have made progress in their national implementation of the 2010 HNS Convention, in preparation for the ratification. The co-sponsors have conducted reporting exercises in the recent years in order to collect the data on contributing cargo liable for contributions received in their ports in respect of each account. This was made possible by their respective national legal frameworks.

3 Commitment to ratify

Having regularly updated the 1992 Fund Assembly of the progress made towards the ratification of the 2010 HNS Convention, the co-sponsors of this document would like to inform the Assembly that they are committed to take the necessary steps to deposit their instrument of ratification of the 2010 HNS Convention in the early summer of 2025, in accordance with Article 45.

4 Action to be taken

1992 Fund Assembly

The 1992 Fund Assembly is invited to take note of the information contained in this document.
