



International Oil Pollution
Compensation Funds

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STATUS OF THE 2010 HNS CONVENTION

Note by the Secretariat

Summary:	This document provides an update on the current status of the 2010 HNS Convention and the recent activities undertaken by the 1992 Fund Secretariat relating to the preparations for its entry into force.
Action to be taken:	<u>1992 Fund Assembly</u> Information to be noted.

1 Introduction

- 1.1 In April 2010, an International Conference on the revision of the HNS Convention adopted 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 (2010 HNS Protocol)^{<1>}.
- 1.2 Resolution 1 of the Conference requested the 1992 Fund Assembly to instruct the Director of the 1992 Fund to carry out the tasks necessary to set up the International Hazardous and Noxious Substances Fund (HNS Fund) and make preparations for the first session of the HNS Fund Assembly. To this end, the 1992 Fund Secretariat has undertaken a number of administrative tasks in cooperation with the International Maritime Organization (IMO) and has regularly reported progress at sessions of the 1992 Fund Assembly, as well as the IMO Legal Committee.
- 1.3 This document provides an update on the progress being made towards entry into force of the Protocol as well as the work carried out by the 1992 Fund Secretariat since the last session of the 1992 Fund Administrative Council, acting on behalf of the Assembly, in April 2024.
- 1.4 All costs incurred by the 1992 Fund for the setting up of the HNS Fund will be reimbursed by the HNS Fund with interest (see document [IOPC/NOV24/8/2/1](#)).

^{<1>} Once the 2010 HNS Protocol enters into force, the 1996 Convention, as amended by the 2010 Protocol, will be called: 'the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010 (2010 HNS Convention)'.

2 Progress towards entry into force of the 2010 HNS Convention

- 2.1 The 2010 HNS Protocol 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. Further information regarding what constitutes contributing cargo and the different types of accounts can be found at [hnsconvention.org](https://www.hnsconvention.org).
- 2.2 As at 11 October 2024 there are eight Contracting States to the 2010 HNS Protocol, namely Canada, Denmark, Estonia, France, Norway, Slovakia, South Africa and Türkiye.
- 2.3 As reported by the IMO Secretariat in circular HNS.2/Circ.14 in July 2024, five of the current Contracting States have more than 2 million units of gross tonnage. In total the eight States reported receiving in 2023 over 19.2 million tonnes of cargo which would contribute to the general account.

3 Outreach activities and technical assistance

- 3.1 The 1992 Fund Secretariat has continued to take opportunities to promote the entry into force of the 2010 HNS Convention, to engage with interested States and other key stakeholders, and to share information with industry representatives through the delivery of various workshops or other training and outreach activities, often in close cooperation with the IMO Secretariat.
- 3.2 Joint IOPC Funds and IMO workshop
- 3.2.1 On 1 and 2 May 2024, the IOPC Funds and IMO jointly hosted a workshop focusing on the practical elements of implementation, specifically on HNS cargo reporting and its related practical aspects. The workshop was held at IMO and was accessible to both in-person and remote participants. It attracted 57 States and a wide range of participants from industry and interested organisations.
- 3.2.2 The aim of the workshop was to assist States in the development of an efficient reporting system for HNS cargo. Drawing on the IOPC Funds' almost 50 years' experience managing reports for oil, the message from the hosts was that, whilst the reporting of HNS would be more complex, it was certainly manageable with the right systems and processes in place from the start.
- 3.2.3 The workshop was moderated by Mr François Marier of Canada and took the form of presentations by IMO and the IOPC Funds, as well as a panel session and open discussion sessions.
- 3.2.4 Presentations on the first day focused on the current status of the 2010 HNS Convention and the tools available to assist States with various aspects of implementation and reporting, including the HNS Finder. During a panel session, a number of States which have ratified the 2010 HNS Protocol shared implementation experiences, and highlighted the need to consult stakeholders and to adopt legislative and regulatory frameworks as part of the process.
- 3.2.5 On the second day, the IOPC Funds' Director explained the different reporting options available under the Convention and, whilst highlighting that either option would be manageable, he advocated for States looking to ratify or accede to the Convention to carefully consider adopting a simpler approach from the outset, which he described. Participants representing both States and industry shared ideas and best practices and posed questions on the practical challenges regarding the implementation of either option. Discussions were constructive and very positive.
- 3.2.6 In a summary of discussions during the workshop, Mr Marier underscored the need for the establishment of a global framework for HNS liability and compensation.

3.2.7 A summary report of the meeting and presentations delivered during the workshop are available via the website [hnsconvention.org](https://www.hnsconvention.org).

3.3 Support available

States are encouraged to consider holding online workshops with their relevant stakeholders for the purpose of highlighting the value of the 2010 HNS Convention, as well as explaining how to prepare HNS contributing cargo reports, to a wide audience. The 1992 Fund Secretariat remains available to support such activities.

4 The HNS website and additional tools

4.1 The 1992 Fund Secretariat also continues to update and maintain the website www.hnsconvention.org which is an important tool for accessing information related to the 2010 HNS Convention and its progress towards entry into force. It also hosts the HNS Finder and further information regarding reporting and practical implementation of the Convention.

4.2 The HNS Finder

4.2.1 The HNS Finder is an online database that allows users to search the list of all HNS as defined by the 2010 HNS Convention. It provides information on HNS classification criteria and verifies whether a substance qualifies as contributing cargo. Users can also obtain information on which accounts the contributing substances belong to. It has been in operation since 2011 and has been updated annually by the 1992 Fund Secretariat. The most recent update of the list (version 14, with HNS data for 2023 reports) was uploaded on 18 June 2024 and can be found under the HNS Finder section of the website.

4.2.2 The previous version (version 13), reflecting the reporting calendar year 2022, has been transferred to the Archived Data section.

4.2.3 The annual deadline for States to submit their reports to IMO is 31 May, as indicated in Article 45.6 of the 2010 HNS Convention.

4.2.4 Version 14 of the HNS Finder, which reflects the reporting calendar year 2023, was, like Version 13, reviewed thoroughly prior to publication to ensure it was fully up to date. This led this particular annual update to be published later than the usual date of 31 May, which coincides with the reporting deadline.

4.2.5 Taking into account the need to provide the updated Finder in time to facilitate its use during the reporting period, the intention is to publish the next version in January 2025. This will ensure it can be efficiently used for the preparation of the 2024 reports.

4.3 Online HNS reporting system

4.3.1 As previously indicated, one of the key tasks included in the action plan being followed by the 1992 Fund Secretariat, is the development of a HNS reporting system, similar to the system developed for oil reporting (ORS) used by the IOPC Funds. As a consequence, the work to be undertaken to develop a HNS reporting system will provide benefits for the further development of the current ORS.

4.3.2 During 2024, a comprehensive discovery exercise was conducted to gather requirements for the development of a new HNS reporting platform, based upon the different reporting options as set out in the Convention. This process involved capturing and analysing the necessary features and functionalities, as well as designing the integration with both the HNS Finder and CRM systems. The exercise also included estimating development costs, identifying the timeline for implementation, and outlining the system architecture to ensure a seamless and efficient platform that meets operational needs.

5 Development of a draft 2010 HNS Convention Claims Manual

- 5.1 The 1992 Fund Secretariat has been working with a number of relevant organisations, namely IMO, Cedre, the International Chamber of Shipping (ICS), the International Group of P&I Associations (International Group) and ITOPF, to develop a draft HNS Convention Claims Manual.
- 5.2 The group has met on several occasions and is currently working on the latest draft text of the Claims Manual. The manual will be presented for adoption to the HNS Fund Assembly.

6 Development of an updated information brochure

- 6.1 In 2016, in consultation with the IOPC Funds and ITOPF, IMO published a six-page brochure explaining the benefits of the 2010 HNS Convention and encouraging States to take the next steps to implement and accede to the Convention. The development of the brochure was achieved collaboratively through an IMO Correspondence Group and its production was funded by a donation made to IMO by Canada.
- 6.2 The 1992 Fund Secretariat has been working again with IMO, ITOPF, ICS and the International Group to update the current brochure with the latest figures and information. The work is well advanced and a new brochure is expected to be published before the end of 2024.

7 Action to be taken

1992 Fund Assembly

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