



INTERNATIONAL CONVENTION ON LIABILITY AND COMPENSATION FOR DAMAGE IN CONNECTION WITH THE CARRIAGE OF HAZARDOUS AND NOXIOUS SUBSTANCES BY SEA

Note by the Director

Summary: Information is given on recent developments in respect of the preparations for the entry into force of the HNS Convention.

Action to be taken: Information to be noted.

1 Introduction

1.1 The Assembly noted at its 1st session that, in a Resolution of the Conference which had adopted the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention), it had been invited to assign to the Director of the 1992 Fund, in addition to his functions under the 1992 Fund Convention, the administrative tasks necessary for setting up the International Hazardous and Noxious Substances Fund (HNS Fund) in accordance with the HNS Convention. The Assembly instructed the Director to carry out the tasks requested by the HNS Conference (document 92FUND/A.1/34, paragraphs 33.1.1 - 33.1.3), on the basis that all expenses incurred would be repaid by the HNS Fund with interest.

2 Status of the Convention

2.1 Since the October 2006 session of the Assembly, one further State (Lithuania) has ratified the HNS Convention, bringing the total number of States which have ratified the Convention to nine, ie Angola, Cyprus, Lithuania, Morocco, the Russian Federation, Saint Kitts and Nevis, Samoa, Slovenia and Tonga.

2.2 Article 43 of the HNS Convention requires a State, when submitting an instrument of ratification and annually thereafter until the Convention enters into force for that State, to submit information on the total quantities of contributing cargo received in respect of each account and sector to the Secretary-General of IMO. As at 8 October 2007, only two of the States (Cyprus and Slovenia) that have ratified the Convention had submitted such information. One further State (Morocco) has contacted the Secretariat recently requesting assistance in submitting its reports.

3 Recent developments

3.1 At the 12th extraordinary session of the Assembly, held in June 2007, documents on the following topics were submitted:

- Annual contributions to the LNG Account
- Definition of 'receiver'
- Depositing instruments of ratification without accompanying contributing cargo reports
- A common ratification date for the HNS Convention

3.2 As a result of the discussions at that session, a number of documents have been submitted to this session of the Assembly, as follows:

92FUND/A.12/25/1 - Report of the Correspondence Group on annual contributions to the LNG Account - Submitted by Norway

92FUND/A.12/25/2 - Implementation of the Definition of 'Receiver' in Article 1.4(a) of the HNS Convention - Submitted by Canada, Denmark, France, Germany, the Netherlands, Norway, Sweden and the United Kingdom

92FUND/A.12/25/3 - Depositing instruments of ratification without accompanying contributing cargo reports and common ratification of the HNS Convention - Submitted by Canada, Denmark, Finland, France, Germany, the Netherlands, Norway, Sweden and the United Kingdom

3.3 In addition, the Chairman of the 1992 Fund Assembly has submitted the following document:

92FUND/A.12/25/4 - International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea – Future work on the HNS Convention - Submitted by the Chairman

3.4 The IOPC Funds has submitted a document (IMO document LEG 93/6/1) bringing these developments to the attention of the next session of the IMO Legal Committee, which will be held in Panama from 22-26 October. The outcome of the discussions in the 1992 Fund Assembly will be reported to the Legal Committee by a representative of the IOPC Funds Secretariat.

4 Other activities since the October 2006 session of the Assembly

4.1 The Secretariat has participated in a number of seminars on the HNS Convention organised by the European Maritime Safety Agency to assist European States in their preparations for ratifying the Convention. Seminars have been held in 2006 for Romania and Bulgaria and in 2007 for Poland, Lithuania and Malta. Particular emphasis is given during these seminars to the operation of the system for contributing cargo to the HNS Fund and the practical issues involved in setting up such a system.

4.2 The Secretariat has also participated in a workshop in August 2007 organised by the Danish Government to familiarise its potential contributors with the reporting requirements under the HNS Convention and in particular the use of the HNS Convention Contributing Cargo Calculator (HNS CCCC) software developed by the Secretariat.

5 Action to be taken by the Assembly

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