



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992

ASSEMBLY
5th session
Agenda item 30

92FUND/A.5/26
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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:	The Legal Committee of IMO has established a Correspondence Group charged with the implementation of the HNS Convention.
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Action to be taken:	Information to be noted.
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- 1 The 1992 Fund 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 (HNS Convention), the Assembly of the 1992 Fund 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).
- 2 The Assembly may wish to note that the Russian Federation became the first State to accede to the HNS Convention, depositing its instrument of accession on 20 March 2000.

3 At the 80th session of the Legal Committee of the International Maritime Organization (IMO), held in October 1999, a Correspondence Group was established charged with monitoring the implementation of the HNS Convention, with the United Kingdom as co-ordinator of the Group. The Group's terms of reference were as follows:

- (1) to provide a forum for an exchange of views concerning HNS implementation issues and to follow the implementation process in States;
- (2) to provide, with a view to an early entry into force of the HNS Convention at a global level and for the benefit of both potential States Parties and affected industries, guidance on issues regarding the implementation and operation of that Convention, such as, but not limited to:
 - (a) the collection of information on contributing cargo;
 - (b) the development of appropriate reporting and verification systems and standard reporting forms;
 - (c) the contribution system;
 - (d) the acceptability of insurance or other financial security for the purpose of Article 12 of the HNS Convention; and
- (3) to report to the Legal Committee at its regular sessions.

4 Since implementation of the HNS Convention involved a number of relatively complex issues, the Correspondence Group decided that, in order to ensure that all the key issues were considered simultaneously within the Group, different States would initiate work on certain issues as follows:

- the collection of information on contributing cargo and the continuing work on the reporting form: Denmark and Australia
- the identification of 'receiver': Netherlands
- HNS insurers and insurance certificates: Norway
- the production of an initial guide to the HNS Convention: United Kingdom
- compliance and verification of States' responsibilities in respect of the reporting system for contributing cargo: Canada

5 The Working Group has submitted a progress report to the Legal Committee at its 82nd session in October 2000 (IMO document LEG 82/8).

6 In recent months it has unfortunately not been possible, due to a heavy workload, for the Secretariat to provide assistance to the Consultation Group in the manner it would have liked. The Director hopes that the Secretariat will be able to assist more actively in the coming months.

Action to be taken by the Assembly

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