



International Oil Pollution
Compensation Funds

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2010 HNS CONVENTION

Note by the Secretariat

Summary: This document provides an update on the status of the entry into force of the 2010 HNS Protocol, as well as on the work carried out by the 1992 Fund Secretariat with regard to the administrative tasks necessary for the setting up of the HNS Fund and the preparations for the first session of the HNS Assembly.

Action to be taken: 1992 Fund Assembly
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).
- 1.2 Resolution 1 of the Conference requested the 1992 Fund Assembly to instruct the Director of the IOPC Funds 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 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 (for the latest update, see document IOPC/OCT19/8/2).
- 1.3 This document provides an update on the work carried out by the 1992 Fund Secretariat since the last session of the Assembly.

2 Progress towards entry into force of the 2010 HNS Protocol

- 2.1 Since the October 2019 session of the 1992 Fund Assembly, no State has deposited an instrument of ratification or accession to the 2010 HNS Protocol with the Secretary-General of IMO. Therefore, as of 13 February 2020, there are five Contracting States to the Protocol, namely, Canada, Denmark, Norway, South Africa and Turkey.
- 2.2 However, at that same session, a number of States provided an update on the work being conducted in order to implement the HNS Convention in their domestic legislation and it is hoped that more States will be able to ratify or accede to the Protocol in the next few years.

3 Recent developments

3.1 HNS Finder

3.1.1 The HNS Finder is an online database of substances that fall within the definition of HNS, including contributing cargo. The Finder is aimed at facilitating the identification of HNS contributing cargo by entities liable to submit reports. It has been in operation since 2011 and has been updated annually by the 1992 Fund Secretariat.

3.1.2 At the last session of the 1992 Fund Assembly, information was provided regarding the full review of the list that was carried out during the course of 2019. After that session, it was established that additional verification work was necessary. That work took until the end of the year to complete, thus delaying the release of the updated HNS Finder on the HNS Convention website.

3.1.3 It is now expected that at the time of the March 2020 session of the Assembly, the updated database will be available via the HNS Finder.

3.2 Other administrative tasks

3.2.1 For the administrative task related to the handling of claims for compensation, the Secretariat has approached a number of organisations with the relevant expertise in that field, namely Cedre, the International Chamber of Shipping (ICS), the International Group of P&I Associations (International Group), ITOFF and IMO. The intention is to organise a meeting of those organisations and other potential interested parties as soon as possible to discuss the way forward on this important and complex matter. The Secretariat is currently identifying a suitable date and working on a draft table of contents and will update the Assembly during the upcoming session.

3.2.2 Although there has been limited progress since the last session of the Assembly, the Secretariat is also continuing to work on an action plan, setting out the priorities and a timetable for undertaking the administrative tasks required to prepare for the first Assembly of the HNS Fund. This will be conducted in consultation with other stakeholders, such as the Contracting Parties to the HNS Protocol, IMO and the International Group.

3.3 Assistance to States and promotion of the HNS Convention

3.3.1 The Secretariat continues to use the opportunity of national and regional workshops and other overseas trips to give presentations on the HNS Convention. In December 2019, the Director participated in a regional workshop on IMO's liability conventions for the Arab states in Dubai, where in addition to presentations on the compensation regime for tanker spills, he also presented on the HNS Convention. The Director is also due to take part in an event dedicated to the HNS Convention and organised by the European Community Shipowners' Associations (ECSA) on 19 February 2020, during the European Shipping Week in Brussels, Belgium.

3.3.2 Other activities are being planned in 2020, such as the initiative of the IMO Secretariat, in cooperation with European Union Member States and the European Commission, to organise a conference in Europe focusing on the entry into force of the 2010 HNS Protocol. Furthermore, Malaysia has approached the 1992 Fund Secretariat to discuss the possibility of a national workshop on the implementation of the HNS Convention.

3.3.3 Government authorities and other interested stakeholders have continued to contact the Secretariat from time to time to obtain clarification on certain aspects of the Convention or to seek further information on HNS matters in general. Whenever possible, answers have been provided or contact with other organisations have been made and relevant information re-used for publication on the HNS Convention website.

- 3.3.4 The Secretariat notes with satisfaction the submission by the International Group to the 107th session of the IMO's Legal Committee of a document collating HNS claims-related data for the period 2010–2019 (Document LEG 107/3/1). At the October 2019 session, the International Group had informed the 1992 Fund Assembly of its intention to produce such data, which will be shared officially with the Assembly in due course.
- 3.3.5 The 1992 Fund Secretariat will continue to regularly provide details to the Assembly on the progress towards the entry into force of the 2010 HNS Protocol.

4 Action to be taken

1992 Fund Assembly

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