



International Oil Pollution
Compensation Funds

Agenda Item 5	IOPC/APR17/5/1	
Date	16 March 2017	
Original	English	
1992 Fund Assembly	92AES21	●
1992 Fund Executive Committee	92EC68	
Supplementary Fund Assembly	SAES5	

HNS CONVENTION AND PROTOCOL

Note by the Secretariat

Summary:	This document provides an update of the work carried out by the 1992 Fund Secretariat with regard to the administrative preparations necessary for the setting up of the International Hazardous and Noxious Substances Fund (HNS Fund).
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). A report on the outcome of the Conference can be found in document [IOPC/OCT10/8/4/1](#).
- 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 reported progress to each regular session of the 1992 Fund Assembly (see document [IOPC/OCT16/8/2](#) for the latest update).

2 Ongoing activities

2.1 Work of the HNS Correspondence Group

- 2.1.1 At its October 2016 session, the 1992 Fund Assembly took note of the decisions taken by the IMO Legal Committee (document LEG 103/3), in particular the extension of the Correspondence Group mandate until its next session (LEG 104) and the work to be done for the development of three items for adoption, namely:

- Presentation on HNS Incident Scenarios
- Draft resolution on implementation and entry into force of the 2010 HNS Protocol
- Programme for a workshop on the HNS Convention

- 2.1.2 The 1992 Fund Secretariat has continued to support the work of the HNS Correspondence Group

and its Coordinator, Mr François Marier of Canada, but with a particular focus on the preparation of the presentation on HNS Incident Scenarios, in close cooperation with IMO, the International Tanker Owners Pollution Federation Ltd. (ITOPF) and the International Group of P&I Associations (International Group). The draft presentation was finalised in January 2017 and has been put forward for consideration by LEG 104.

2.1.3 The two other items in mandate of the Correspondence Group, the development of a draft Resolution and a programme for a future workshop were also completed by the Group and submitted for consideration by LEG 104.

2.1.4 A detailed report of the work carried out by the HNS Correspondence Group was submitted by Canada to LEG 104 (document LEG 104/3), which is meeting immediately after the April 2017 session of the 1992 Fund Assembly. In this report, the Coordinator notes that all work items in the Correspondence Group's mandate have been completed and therefore recommends that the Correspondence Group be closed, unless the Legal Committee requires it to further develop any specific item.

2.2 HNS website and HNS Finder

The consolidated list of HNS covered by the HNS Convention (the HNS Finder) has continued to be updated regularly to take into account changes in the codes and lists referred to in the HNS Convention. The most recent update in March 2017 incorporated the changes to the list following the latest IMO circular MEPC.2/Circ.22 (Tripartite agreements).

2.3 Engagement with States considering ratifying the Protocol and the industry stakeholders potentially affected by the Convention

2.3.1 Since the October 2016 session of the 1992 Fund Assembly, the Secretariat has continued to use the opportunity of meetings and overseas trips to give presentations on the HNS Convention. During his visit to Japan in February 2017, the Director gave a presentation on the Convention to government officials, industry representatives and other key stakeholders. The Secretariat is also taking part in a regional workshop on liability conventions organised by IMO in Egypt in March 2017, where the HNS Convention will be presented in details to a number of Arab-speaking countries.

2.3.2 Looking ahead, the Secretariat will have the opportunity to talk about the HNS Convention during other outreach activities planned during 2017, in particular where the Secretariat is due to provide assistance to IMO to deliver those under its Integrated Technical Cooperation Programme. For the time being, these include two national workshops in Guatemala and the Dominican Republic in March 2017 and a regional workshop in Argentina for Latin America countries in August 2017.

2.3.3 The Secretariat also continued to provide information on request from the public about the Convention but also to potential contributors in States that have established HNS contributing cargo regulations. In that regard, the Secretariat is in the process of establishing a 'Questions & Answers' section on the HNS website to capture the most common questions received from government and industry.

3 Entry into force of the 2010 HNS Convention

3.1 Eight States (Canada, Denmark, France, Germany, Greece, the Netherlands, Norway and Turkey) signed the 2010 HNS Protocol, subject to ratification. As at 10 March 2017, no State had deposited an instrument of ratification or accession to the 2010 HNS Protocol.

3.2 Among the States that have adopted implementing legislation as a first measure prior to ratification or accession, Denmark has now been receiving reports on HNS contributing cargo for three

consecutive calendar years, whereas Norway has been collecting reports for the calendar year 2016 and Canada will, in early 2018, collect its first reports for the calendar year 2017.

- 3.3 Other States that might have adopted such legislation are invited to share that information via the HNS blog as well as to communicate that information directly to the 1992 Fund Assembly.
- 3.4 At European level, the draft decision of the Council of the European Union on ratification and accession by EU Member States on behalf of the Union to the 2010 HNS Protocol was still being considered within the European Union system at the time of writing this document. However, there were some developments since October 2016 and an update is expected to be provided at the time of the governing bodies meeting.
- 3.5 The 1992 Fund Secretariat remains available to support States in their efforts to prepare for ratification or accession to the HNS Convention and industry stakeholders on technical issues.

4 Action to be taken

1992 Fund Assembly

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