



Agenda Item 5	IOPC/APR18/5/1	
Date	26 March 2018	
Original	English	
1992 Fund Assembly	92AES22	●
1992 Fund Executive Committee	92EC70	
Supplementary Fund Assembly	SAES6	

## 2010 HNS CONVENTION

### Note by the Secretariat

<b>Summary:</b>	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).
<b>Action to be taken:</b>	<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).
- 1.2 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 at least to each regular session of the 1992 Fund Assembly (see document [IOPC/OCT17/8/2](#) for the latest updates).
- 1.3 The tasks were aimed at providing States with all the instruments and support required to ratify the 2010 HNS Protocol, namely:
- development of HNS contributing cargo reporting guidelines to assist States' ratification of or accession to the 2010 HNS Protocol. The guidelines contain model reporting forms for providing data on the total quantities of HNS contributing cargo received in a State;
  - publication of a brochure describing the main features of the HNS Convention with its first edition in 2010 followed by an updated version in 2014;
  - development and maintenance of a dedicated website aimed at providing all interested stakeholders with a comprehensive source of information about the HNS Convention;
  - development, maintenance and expansion of the online database of substances that fall within the definition of HNS, including contributing cargo, under the 2010 HNS Protocol (the HNS Finder);
  - Support provided between 2014 and 2017 to the HNS Correspondence Group set up by the IMO Legal Committee at its 101st session (LEG101) in April 2014; and

- (f) continued engagement with States considering ratifying the Protocol and the industry stakeholders potentially affected by the Convention.

## **2 Ongoing activities**

### **2.1 HNS website and HNS Finder**

- 2.1.1 The consolidated list of HNS covered by the HNS Convention (the HNS Finder) continues to be updated regularly to take into account changes in the codes and lists referred to in the HNS Convention. The most recent update of February 2018 incorporating the changes to the list following the latest IMO circular MEPC.2/Circ.23 (Tripartite agreements) and an IMDG Corrigendum of December 2017 are being checked and will be released soon.
- 2.1.2 As reported at the October 2017 sessions of the governing bodies (document [IOPC/OCT17/7/3](#)), the content management system (CMS) which sits behind the IOPC Funds' website is due to be upgraded and the decision has been taken to migrate the existing website to an alternative, more suitable and widely used platform. The HNS Convention website is also managed under the same platform and therefore is going to undergo the same process during 2018.
- 2.1.3 This work will take several months to complete and will not affect the user experience in the interim, but the Secretariat intends to take this opportunity to identify areas for improvement on the front end of the HNS Convention website and to develop those areas as far as possible. In particular, the Secretariat will look at the blog section to make it more accessible and flexible to be effectively used as a forum to exchange experiences and ask questions regarding the functioning of the HNS Convention.

### **2.2 HNS Workshop in London on 26—27 April 2018**

- 2.2.1 An important activity aimed at supporting States considering implementing the HNS Convention is the two-day workshop organised jointly by IMO and the IOPC Funds at the IMO Headquarters on 26—27 April 2018. This was one of the proposals of the HNS Correspondence Group which was approved by the Legal Committee at its 104th session (LEG 104) and was to be scheduled on the occasion of the Legal Committee and IOPC Funds meetings.
- 2.2.2 This workshop is taking place immediately after the 105th session of the IMO Legal Committee (LEG 105), with both events taking place the week before the IOPC Funds governing bodies' meeting, in order to facilitate the widest participation possible.
- 2.2.3 Coming after the workshop hosted by Italy in Rome in 2014 and the one hosted by Canada in Montreal in 2016, this workshop is focused on the practical aspects that have to be considered by States to implement the HNS Convention. Governments and industry representatives have been invited and it is expected that debates will take place and solutions be proposed on issues such as the domestic implementation process, issues raised by stakeholders, challenges in identifying contributors, the framework and mechanism for domestic reporting or the cooperation with neighbouring States and what challenges and opportunities this represents.
- 2.2.4 A summary report of the workshop will be provided orally during the April 2018 sessions of the governing bodies.

### **3 Entry into force of the 2010 HNS Convention**

#### **3.1 Status of ratification and accession**

3.1.1 Since Norway deposited its instrument of ratification on 21 April 2017, no other State has yet deposited its instrument of ratification or accession to the 2010 HNS Protocol.

3.1.2 The Secretariat has however obtained encouraging information from many States regarding their progress towards implementation of the HNS Convention and those are invited to share information on their progress via the HNS blog, as well as to communicate that information directly to the 1992 Fund Assembly.

3.1.3 The Secretariat remains available to support States in their efforts to prepare for ratification/accession to the HNS Convention and industry stakeholders on technical issues.

#### **3.2 IMO Assembly Resolution**

The HNS Correspondence Group had worked on a draft Resolution on the implementation and entry into force of the 2010 HNS Protocol to encourage Member States to consider implementing and ratifying/acceding to the 2010 HNS Protocol in a timely manner. The draft was approved at LEG 104 and the Resolution was adopted by the IMO Assembly in November 2017 (A 30/Res.1123).

### **4 Action to be taken**

#### **1992 Fund Assembly**

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

---