

Session 5: Implementation

Workshop on the 2010 HNS Convention
Rome, Italy
October 10, 2014





OBJECTIVE OF SESSION

- Requirements before ratification
 - Implementation in domestic law
 - One calendar year of reporting
- Implementation issues prior to entry into force
- Examples of national perspectives and practices



SETTING THE STAGE

- 2010 HNS Protocol addressed all obstacles to implementation of HNS Convention
- Guidelines on reporting contributing cargo adopted in 2012 and endorsed by the IMO's Legal Committee in 2013 provide a framework for states to put in place reporting requirements
- There are no other issues to address, except the willingness of states
- IMO Legal Committee formed the HNS Correspondence Group in April 2014 to further the dialogue among states



NATIONAL PERSPECTIVES

- Some states are well advanced in their implementation – i.e. have legislation adopted or legislation is before national parliament
 - Denmark, Canada, Turkey
- Others are in the process of developing national implementation legislation and reporting requirements
 - Australia, Germany, Finland, Italy, Malaysia, Netherlands, Norway, Sweden
- Many are in the initial stages of consulting with industry and putting the implementation on their government's agenda



THE CASE FOR MOVING FORWARD

- Ships carry HNS that, if spilled, can be a threat to safety, the environment and human health
- Critical gap in the network of global liability and compensation regimes
- The HNS Convention is based on an existing system that has been proven to work at effectively compensating victims
- Has the support of the international community and industry
- Important to ensure victims are protected before a major incident occurs – no action is not an option
- The alternative(s) will likely not be as effective or beneficial



HNS CORRESPONDENCE GROUP

- Formed in April 2014
- A forum for states and stakeholders for dialogue and sharing best practices
- “HNS Made Easy” document for public and decision-makers will be put to the CG in near future
- Email distribution list and Blog
- Contact: francois.marier@tc.gc.ca



ROUNDTABLE DISCUSSION

- What steps have you followed in your implementation?
- Have the Reporting Guidelines been helpful?
- Are there any solutions or experiences in your implementation work that could be helpful for other states?
- What is the role that industry can play in supporting implementation efforts?
- How critical is an international coordination effort to bring the HNS Convention into force?

IMPLEMENTATION STATUS IN CANADA

- Industry were involved in lead-up to adoption of 2010 HNS Protocol and consultations took place shortly after its adoption
- Authority to develop implementing legislation received in 2012
- Implementing legislation introduced in Canadian Parliament in October 2013
- Passed lower house and now before upper house
- Regulations to require HNS reporting to be developed after adoption of legislation
- Industry supports global nature and post-incident levies

C-3 <small>Second Session, Forty-first Parliament, 62-63 Elizabeth II, 2013-2014</small>	C-3 <small>Deuxième session, quarante et unième législature, 62-63 Elizabeth II, 2013-2014</small>
HOUSE OF COMMONS OF CANADA	CHAMBRE DES COMMUNES DU CANADA
BILL C-3	PROJET DE LOI C-3
<small>An Act to enact the Aviation Industry Indemnity Act, to amend the Aeronautics Act, the Canada Marine Act, the Marine Liability Act and the Canada Shipping Act, 2001 and to make consequential amendments to other Acts</small>	<small>Loi édictant la Loi sur l'indemnisation de l'industrie aérospatiale et modifiant la Loi sur l'aéronautique, la Loi maritime du Canada, la Loi sur la responsabilité en matière maritime, la Loi de 2001 sur la marine marchande du Canada et d'autres lois en conséquence</small>
AS PASSED <small>BY THE HOUSE OF COMMONS SEPTEMBER 15, 2014</small>	ADOPTÉ <small>PAR LA CHAMBRE DES COMMUNES LE 15 SEPTEMBRE 2014</small>
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