Liability and Compensation For Ship-Source Pollution

Implementation of HNS Convention and its Protocol Role of IOPC Funds

Thomas Liebert

Head, External Relations & Conference Department
IOPC Funds

UNCTAD

Expert Meeting on Transport and Trade Facilitation
December 8-10, 2010



Operation of the HNS Fund

- Governed by an Assembly composed of all Member States
- Will operate in a similar way to the 1992 Fund
 - Assessment and payment of claims for compensation
 - Receive reports of contributing cargo
 - Levy contributions
 - Close cooperation with P&I Clubs, industry and governments



Secretariat of the HNS Fund

- HNS Fund will be administered by a Secretariat, headed by a Director
- Joint Secretariat with the IOPC Funds
 - Concept confirmed by IOPC Governing Bodies in October 2010
 - enable the HNS Fund to benefit from the experience of the IOPC Funds
 - reduce administrative costs for both the IOPC
 Funds and the HNS Fund



List of substances

Bulk

i. Oils Regulation I Appendix I MARPOL 73/78

ii. Liquids Regulation 1.10 Annex II MARPOL 73/78

iii. Liquids Chapter 17 of IBC Code

v. Gases Chapter 19 of IGC Code

vi. Liquids flashpoint not exceeding 60°C

vii. Solids IMSBC Code, if also covered by IMDG

Code (1996) in packaged form

Packaged

iv. IMDG Code





Solid Bulk Substances (Latest developments)



- IMO Diplomatic Conference April 2010
 - Agreed the references for the HNS list

• IMDG Code of 1996 (fixed)

• IMSBC Code (dynamic)

- IMO LEG November 2010
 - Agreed to disseminate lists/information through LEG
 - Indicative list that remains dynamic
 - Reviewed every two years



To be available on IMO and HNS Fund websites 5

What is the reporting requirement?

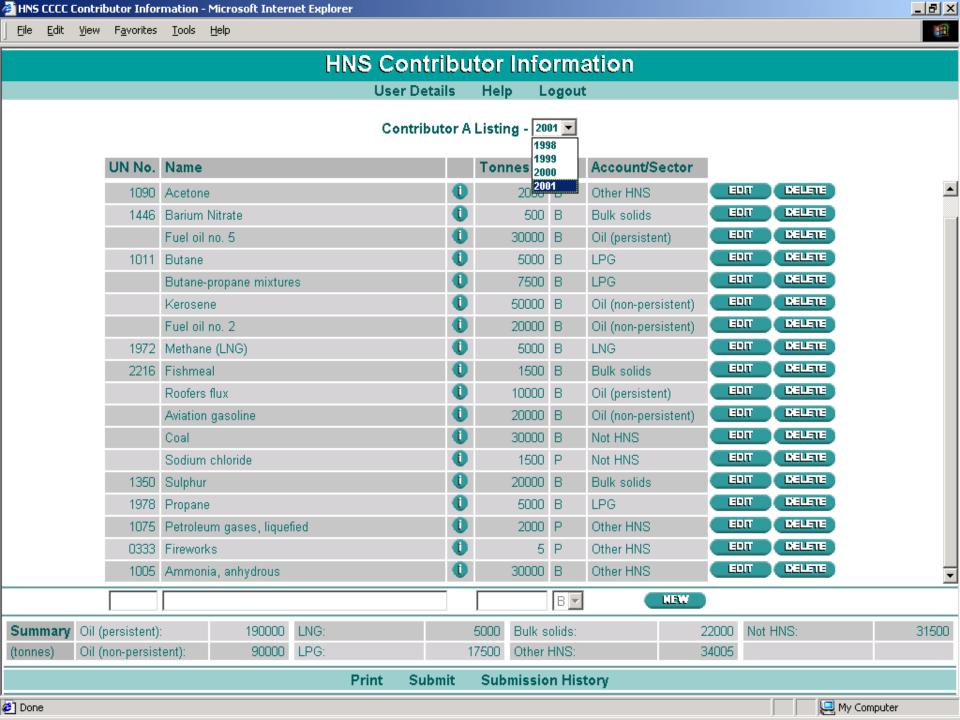
- Before the Convention enters into force
 - States must report to the Secretary-General of IMO total quantities of contributing cargo for each account and sector
- After the Convention has entered into force
 - States must report to the Director of the HNS
 Fund the contacts of each individual
 contributor in that State and quantities
 received in respect of each account and sector

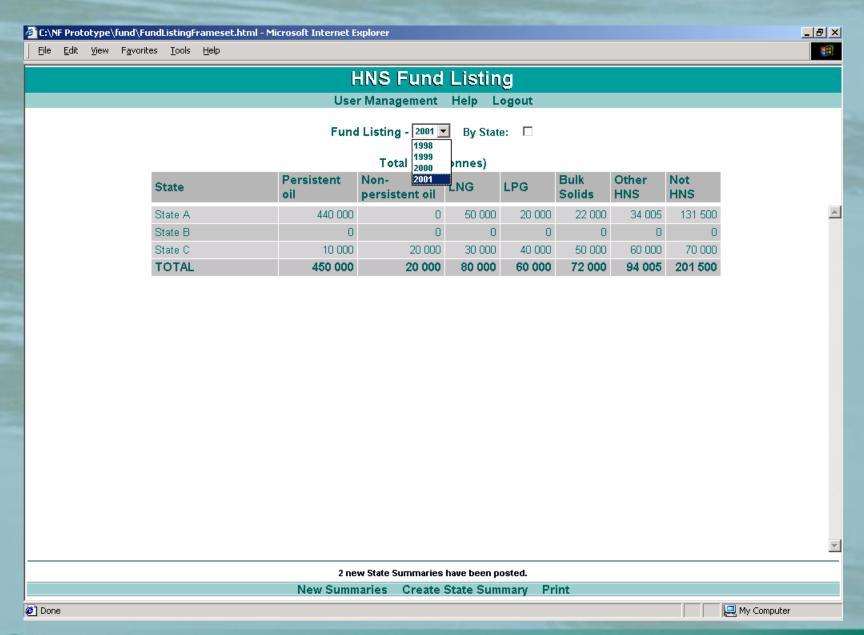


HNS Convention Contributing Cargo Calculator (HNS CCCC)

- Development of the system
 - Original idea in HNS Correspondence
 Group 2001
 - Proposal approved by 1992 Fund's Assembly – 2001
 - Working prototype with database of 100 chemicals 2002
 - Final system including full database of ~6000 chemicals – 2004/2005









Reporting contributing cargo

- Correct reporting of contributing cargo is essential to successful implementation of the HNS Convention
 - HNS CCC to be back online in 2011
- Requires effort by potential contributors and States
- Some challenges but not impossible!



Technical Cooperation and assistance

- International cooperation programme
 - Resolution 2 of the 2010 HNS Protocol
 - IMO to set up funding capability to assist States for implementation
 - Linked with the support to the OPRC-HNS Protocol on preparedness and response to HNS spills
 - Technical expertise available
 - From IMO and IOPC Funds
 - Network of experts











It is real!

- No worldwide statistics available, but:
 - 109 significant shipping incidents involving HNS recorded and analysed worldwide
 - 106 incidents/near misses in the Mediterranean
 Sea (1988-2007)
 - 423 spills from ships or port installations in the US over 5 years (1992-1996)

(Source: IMO 4th R&D Forum on HNS, 2009)



Information available on HNS

- Guide to the Implementation of the HNS Convention
- HNS Brochure (Revised in April 2010)
- HNS Convention website / IOPC Funds

www.hnsconvention.org www.iopcfund.org

