

LEGAL COMMITTEE
101st session
Agenda item 3

LEG 101/3
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**FACILITATION OF THE ENTRY INTO FORCE AND HARMONIZED INTERPRETATION
OF THE HNS PROTOCOL, 2010**

Reconstitution of the HNS Correspondence Group

Submitted by Canada, Denmark, France, Germany, the Netherlands and Norway

SUMMARY

Executive summary: This document provides an update to the Legal Committee of developments since its last meeting, namely of the holding of an informal meeting in October 2013 and the reconstitution of the HNS Correspondence Group

Strategic direction: 2

High-level action: 2.0.1

Planned output: 2.0.1.4

Action to be taken: Paragraph 12

Related documents: LEG 80/10/3, LEG 80/11; LEG 87/11, LEG 87/17; LEG 99/3/1, LEG 99/14; LEG 100/3 and LEG 100/14

Introduction

1 At its 100th session held from 15 to 19 April 2013, the Legal Committee considered and endorsed the *Guidelines on reporting of HNS contributing cargo* to facilitate the implementation of the HNS Protocol by States, which were previously adopted at a workshop held at IMO in November 2012. At the time of endorsing the Guidelines, it was agreed that States should continue to monitor and coordinate, where possible, ratification and accession timelines. It was further agreed that IMO and the IOPC Funds had to continue their work to promote the entry into force of the HNS Protocol.

Informal Meeting

2 In light of this endorsement by the Legal Committee and the agreement to continue the collaboration among States, an informal meeting was organized to occur during the subsequent meetings of the IOPC Funds. The informal meeting took place on 24 October 2013 and included representatives of 26 States and three observer delegations

as well as IMO and IOPC Funds Secretariats. The meeting was chaired by Mr. François Marier, Manager/Senior Policy Advisor, Transport Canada.

3 The agenda of the meeting consisted of: 1) Introductions; 2) Brief Remarks on the Status of the 2010 HNS Protocol; 3) Roundtable on the Status of Implementation and the Identification of Challenges; 4) Re-establishment of an Informal Correspondence Group; and 5) Conclusions.

4 The representatives of the States who attended the informal meeting provided a status of their progress towards national implementation of the HNS Protocol. From the roundtable update, it was evident that while some States were advanced in their national process, most States were only beginning the necessary legislative work. A common theme emerging from the meeting was that States need to consult their industries and consider the status of implementation in neighbouring States. It was reiterated that a collaborative approach towards meeting the entry into force requirements was preferred by States.

Informal Correspondence Group

5 It was recalled at the above meeting that the HNS Correspondence Group had previously done a significant amount of work to resolve implementation issues and maintain the momentum towards the entry into force of the 1996 HNS Convention. It was agreed that an Informal Correspondence Group be constituted to continue the dialogue among States and observer delegations. It was also agreed that Mr. Marier would be the Coordinator of the Informal Correspondence Group.

6 Participation in the Informal Correspondence Group is open to any State or observer delegation. Interested parties are invited to add their name to the distribution list by contacting Mr. François Marier at: francois.marier@tc.gc.ca

HNS Protocol Blog

7 In order to better exchange information, ask questions on implementation matters and post pertinent documents, the IOPC Funds Secretariat has created a HNS Protocol Blog. This is a unique and efficient way to centralize discussions and exchanges between States and other delegations in the implementation of the HNS Protocol. All communications of the Informal Correspondence Group are also posted on this blog. The report of the informal meeting held in October 2013 can be found on the HNS Protocol Blog.

8 The HNS Protocol Blog can be accessed at the following link: <http://hnsprotocol.wordpress.com/> and will also be linked on the HNS Convention's website maintained by the IOPC Funds.

Reconstitution of the correspondence group and terms of reference

9 It is recalled that the 80th session of the Legal Committee had constituted a correspondence group with terms of reference and had elected Mr. John Wren of the United Kingdom as its coordinator. That correspondence group reported at the regular sessions of the Legal Committee and was instrumental in monitoring implementation efforts and facilitating exchanges among States. The Legal Committee is now invited to consider the reconstitution of the correspondence group, which would replace the informal group mentioned above and which will form the basis for contacts in various State administrations responsible for the HNS Convention. The correspondence group would also use the recently created blog as its main means of communication.

10 The proposed Terms of Reference for the HNS Correspondence Group are as follows:

- .1 to provide a forum for an exchange of views concerning HNS implementation issues and to monitor and inform the implementation process in States;
- .2 to provide, with a view to encouraging early entry into force of the 2010 HNS Convention at a global level, and for the benefit of both potential States Parties and affected industries seeking a coordinated approach to ratification, accession or acceptance, guidance and assistance on issues regarding the implementation and operation of the Convention such as, but not limited, to:
 - (a) the collection of information on contributing cargo, the development of appropriate reporting and verification systems, and the contribution system in accordance with the *Guidelines on reporting of HNS contributing cargo*;
 - (b) the acceptability of insurance or other financial security for the purpose of article 12 of the 2010 HNS Convention;
 - (c) assisting the IOPC Fund 1992 with the development of the various documents and decisions required for the first sessions of the HNS Assembly, in accordance with resolution 1 on setting up the HNS Fund agreed to at the international conference which adopted the 2010 HNS Protocol; and
- .3 to report to the Legal Committee on a regular basis.

11 The Legal Committee is also invited to consider the election of a Coordinator for the HNS Correspondence Group.

Action requested of the Legal Committee

12 The Legal Committee is invited to take note of the information contained in this document and to comment and decide as it deems necessary.
