

COMPENSATION REGIMES IN FORCE

INTERNATIONAL LIABILITY AND COMPENSATION REGIMES ARE IN PLACE FOR:

OIL AS CARGO



BUNKER FUEL OIL



PASSENGERS



WRECK REMOVAL



BUT, NO COMPREHENSIVE AND INTERNATIONAL REGIME IS IN PLACE FOR AN HNS INCIDENT.

BENEFITS OF THE HNS CONVENTION

- The HNS Convention is based on the polluter pays principle by ensuring that the shipping and HNS industries provide compensation for those who have suffered loss or damage resulting from an HNS incident.
- It is an international regime based on a well tested system of international conventions for compensation for oil spills from tankers.
- It provides a framework for States adopting the HNS Convention and it is directly administered by those States that are members of the regime.
- The HNS Convention benefits all State Parties (producing, receiving and coastal States) through a system of strict liability and clear claims criteria.
- The shipping, oil, gas, chemical, petrochemical and other HNS industries are committed to paying such compensation through an international system:
 - Shipowners are held strictly liable for the cost of an HNS incident.
 - Shipowners are required to have insurance that is State certified. Claimants may take action directly against the insurer.
 - Receivers of bulk HNS cargoes contribute to an international compensation fund administered by States.
 - Contributions will be based on the actual need for compensation.
 - Up to SDR250 million is available per incident.

THE HNS CONVENTION IS NEEDED: WHY?

The transport of HNS by sea is a **GLOBAL TRADE**
HNS INCIDENTS DO HAPPEN
Potential **CONSEQUENCES** of HNS incidents can be **SIGNIFICANT AND COSTLY**
Comprehensive **INTERNATIONAL COMPENSATION** regime is **MISSING**
The HNS Convention is based on a **LONG-STANDING** and **SUCCESSFUL OIL POLLUTION** regime

The HNS Convention can deliver a fair, adequate and universal system of compensation for HNS incidents.

NEXT STEPS FOR STATES: WHAT TO DO?

- **BE PROACTIVE** in ensuring adequate compensation is available in the event of an HNS incident
- **IMPLEMENT** the HNS Convention domestically by working with stakeholders and putting in place a reporting system
- **ACCEED TO** the HNS Convention

States are urged to become parties to the HNS Convention, bring it into force and ensure that this risk is covered internationally.

HOW TO DO IT?

- **FIND OUT MORE** and **VISIT www.hnsconvention.org**
- **CONTACT** the IMO and IOPC Funds' Secretariats

Assistance from the IMO and IOPC Funds is available to States and the industry for implementing the Convention nationally.

www.itopf.com

www.iopcfunds.org

www.imo.org



IOPC Funds



INTERNATIONAL
MARITIME
ORGANIZATION



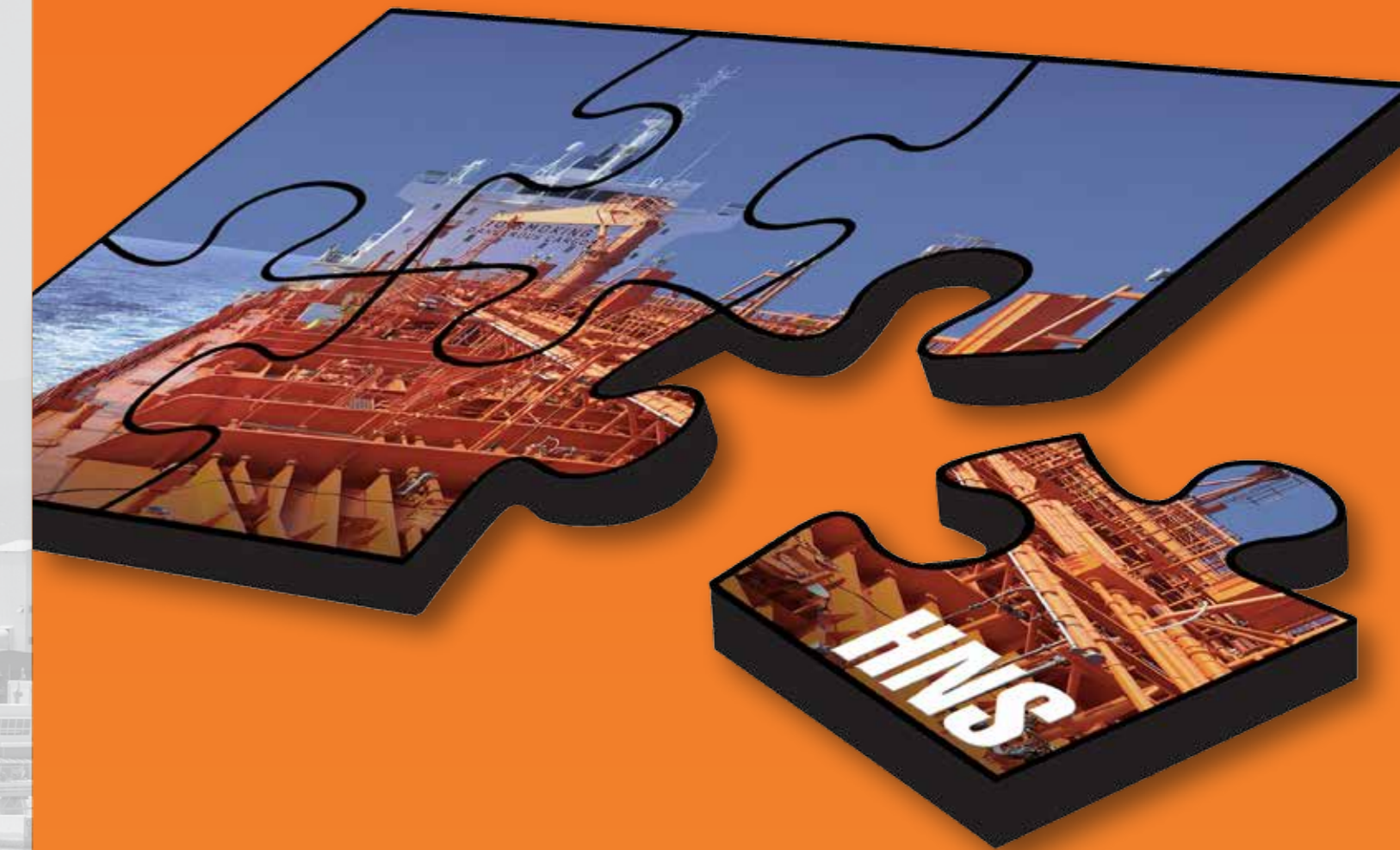
IOPC Funds



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THE HNS CONVENTION WHY IT IS NEEDED

Compensation for damage caused by hazardous and noxious substances transported by sea



INTRODUCTION: A GLOBAL TRADE

The transport of hazardous and noxious substances (HNS) by sea is a vital trade. Chemicals and other products underpin many manufacturing processes and IMO regulations ensure their safe transport. However, incidents do happen and the HNS Convention is the last piece in the puzzle needed to ensure that those who have suffered damage have access to a comprehensive and international liability and compensation regime.

HNS covered by the Convention are defined by references to various IMO Conventions and Codes. These include: oils; other liquid substances defined as noxious or dangerous; liquefied gases; liquid substances with a flashpoint not exceeding 60°C; dangerous, hazardous and harmful materials and substances carried in packaged form or in containers; and solid bulk materials defined as possessing chemical hazards.

HNS

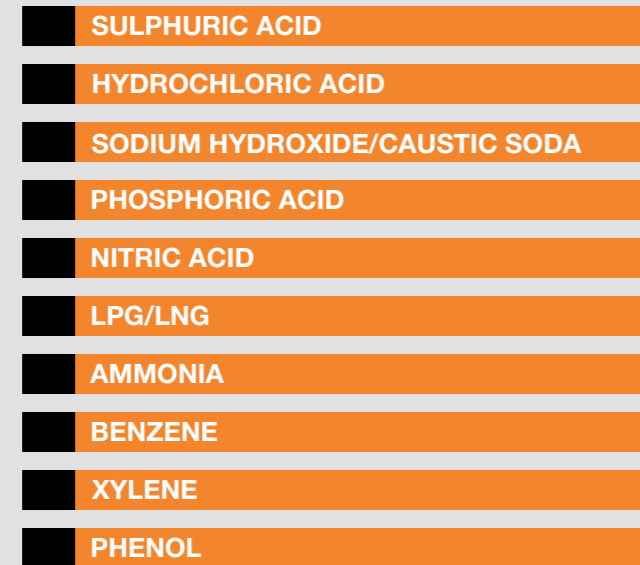
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Types of HNS regularly transported by sea

>200 MILLION TONNES
Chemicals traded annually by tankers



TOP HNS SHIPPED BY SEA

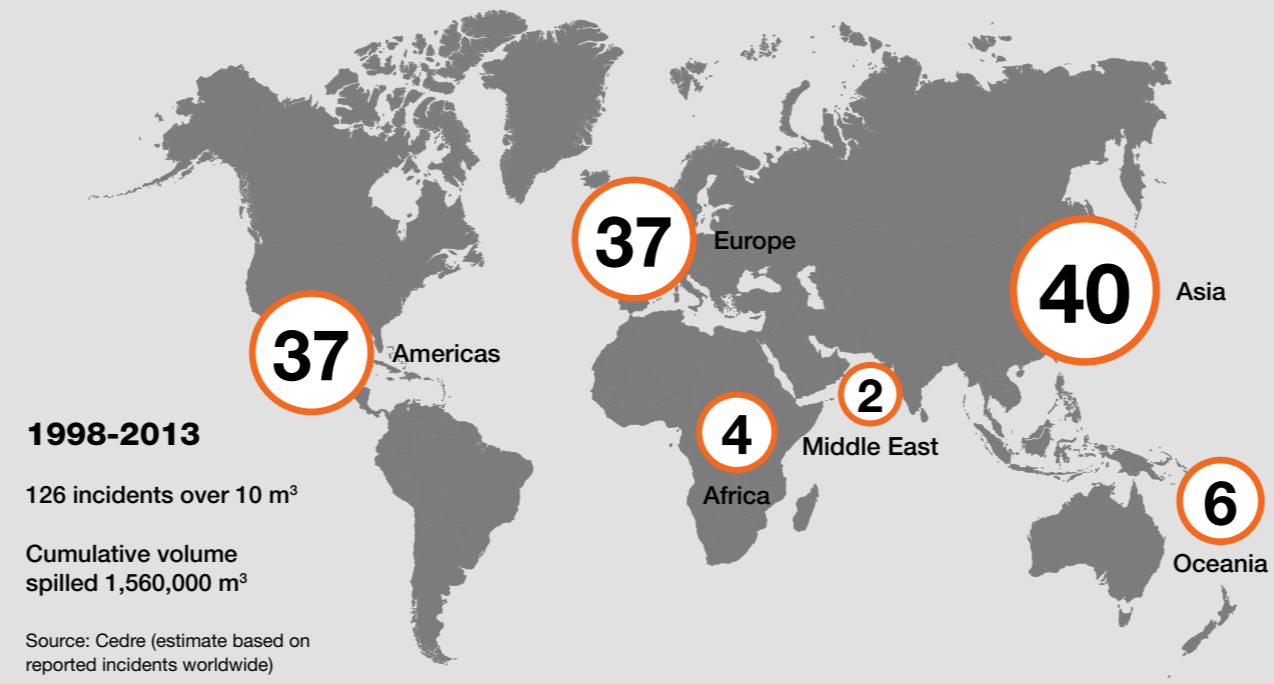


Source: IMO (estimate)

NUMBER OF SHIPS CARRYING HNS WORLDWIDE IS GROWING



SHIP-SOURCE HNS INCIDENTS



POTENTIAL CONSEQUENCES OF HNS INCIDENTS

HUMAN HEALTH AND SAFETY



Short-term and long-term health risks (e.g. toxic gas release, exposure to chemicals, etc.)



Death and personal injury (e.g. explosion)



Evacuation of local population

ECONOMIC LOSSES



Impact on fisheries



Impact on tourism



Interruption of navigation and port traffic

CLEAN UP COSTS AND IMPACTS ON THE ENVIRONMENT



Preventive measures to minimize damage



Clean-up and removal costs



Impact on wildlife and toxicity towards marine species



Restoration of sensitive habitats

COMPENSATION: THE MISSING LINK



PREVENTION

International regulations are in place covering:

- Ship design, operations and safety on board
- Safe transport of dangerous goods
- Safety of loading and unloading operations



PREPAREDNESS & RESPONSE

International regulations are in place encouraging (or facilitating):

- Preparedness and response to shipping incidents, including HNS
- International or regional arrangements for pollution response



LIABILITY & COMPENSATION

In the event of an HNS incident during transport by sea:

- No uniform and comprehensive international regime currently in force to provide compensation for costs, including clean-up and restoring the environment



COMPENSATION AVAILABLE UNDER THE HNS CONVENTION

Tier 1 – Shipowner

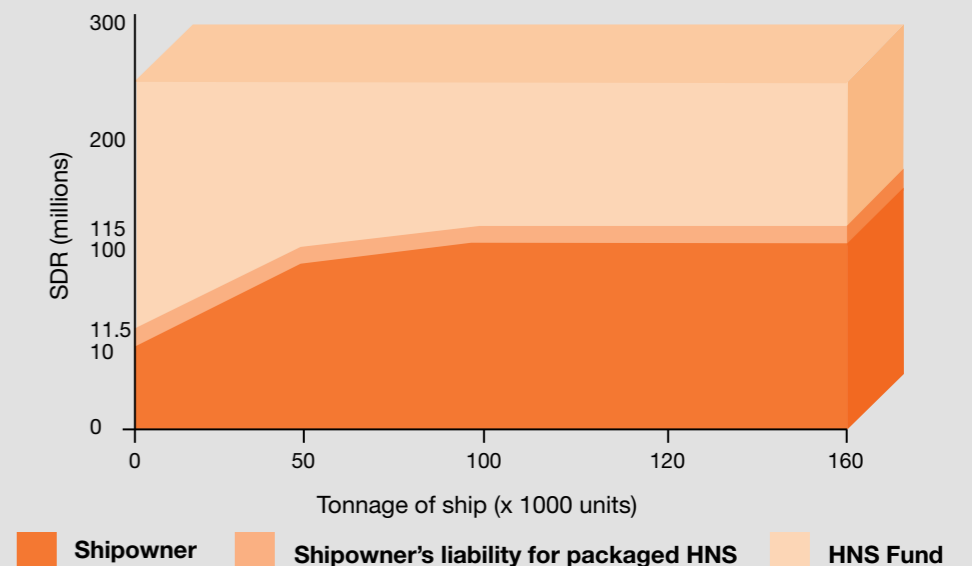
- First to pay and **strictly** liable for all costs, backed by compulsory insurance

Tier 2 – HNS Fund

- Pays compensation once shipowner's liability is exhausted
- Financed through contributions paid **post incident** by receivers of HNS
- No contributions by governments

TOTAL COMPENSATION AVAILABLE: SDR250 million*

MAXIMUM LIMITS OF COMPENSATION



* For the current exchange rates, consult the International Monetary Fund (IMF) website at www.imf.org