

# HNS Convention: Developments and Implementation



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European Maritime Safety Agency  
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# Hazardous and noxious substances spills: They are real!



## Reported HNS incidents just to name a few

- 192 incidents between 2002 – 2010
- 106 incidents in the Mediterranean Sea (1988 – 2007)
- 423 spills in the US (1992 – 1996)
- 24 incidents reported worldwide (April 2010 – January 2011, draft)

Sources : IMO (2009 and 2011), International Group of P&I Clubs (2010)



# Hazardous and noxious substances spills: Incidents

## France 2000



The chemical tanker *levoli Sun*, sinking off the coast of France with styrene and other HNS substances on board

## India 2010



Canisters of aluminium phosphide washed ashore after *MSC Chitra* spilt 200 cargo containers into the Arabian Sea

# HNS: What are they?



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- Any substance other than oil which, if introduced into the marine environment, is likely to:
  - Create **hazards to human health**
  - Harm **living resources** and marine life
  - Damage **amenities**
  - Interfere with other legitimate **uses of the sea** (OPRC-HNS Protocol 2000)
- At least **50% of packaged goods and bulk cargoes** transported by sea can be regarded as dangerous
- Bulk cargoes – solid or liquid **chemicals, gases and products of oil refinery industry**
- For the purpose of the HNS Convention, includes **oils as defined in MARPOL 73/78 Annex I**

# HNS Convention 1996:

## Defining features



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### Oil Pollution Compensation Regime

- Strict liability and compulsory insurance
- Two-tier mechanism for compensation + Supp. Fund
- Pays compensation for oil pollution damage based on set criteria
- Applies to damage caused in territory, territorial sea and EEZ
- Time bar: 3 and 6 years
- Receives reports of contributing cargo
- Levy receivers of crude oil
- Cooperation with P&I Clubs in handling cases



### Additions

- Two tiers of liability in a single convention
- Second tier (HNS Fund) comprises 4 separate accounts
- Set criteria include compensation for **death or personal injury**
- Applies to damage in EEZ, caused by substances carried by a ship registered in a State Party
- Time bar: 3 and 10 years
- Joint Secretariat



**HNS  
Regime**



## Shortcomings

- Heavy burden on States to ensure reporting on packaged substances
- No agreed comprehensive list of HNS
- Member States could claim without reporting
- Responsibility for contribution with the titleholder for LNG – issue with localisation

14 States ratified, including

- Cyprus, Hungary, Lithuania, Slovenia

2 submitted reports on contributing cargo

- Cyprus, Slovenia

### Expediting entry into force

#### Reporting issues

About 6,500 hazardous and noxious substances and no consolidated list



Packaged goods removed from reporting requirement; only considers bulk. Ship owner's liability increases for packaged goods

#### More administrative burden

LNG cargo titleholder is responsible for contribution



Shifts responsibility for contribution to LNG cargo receiver

#### Unfair cost sharing

Member States can claim without reporting contributing cargo



Ratification of Protocol must be accompanied by reports. Compensation suspended in case of default, except of deaths and personal injury



# HNS Convention:

## How does it work?



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### Cargo Accounts Table

- What** By reference to existing codes and agreements for safe handling and carriage of dangerous goods
- Who** All sea-going ships carrying HNS **to, from, within** Contracting States
- Where** Territory, territorial sea and exclusive economic zone

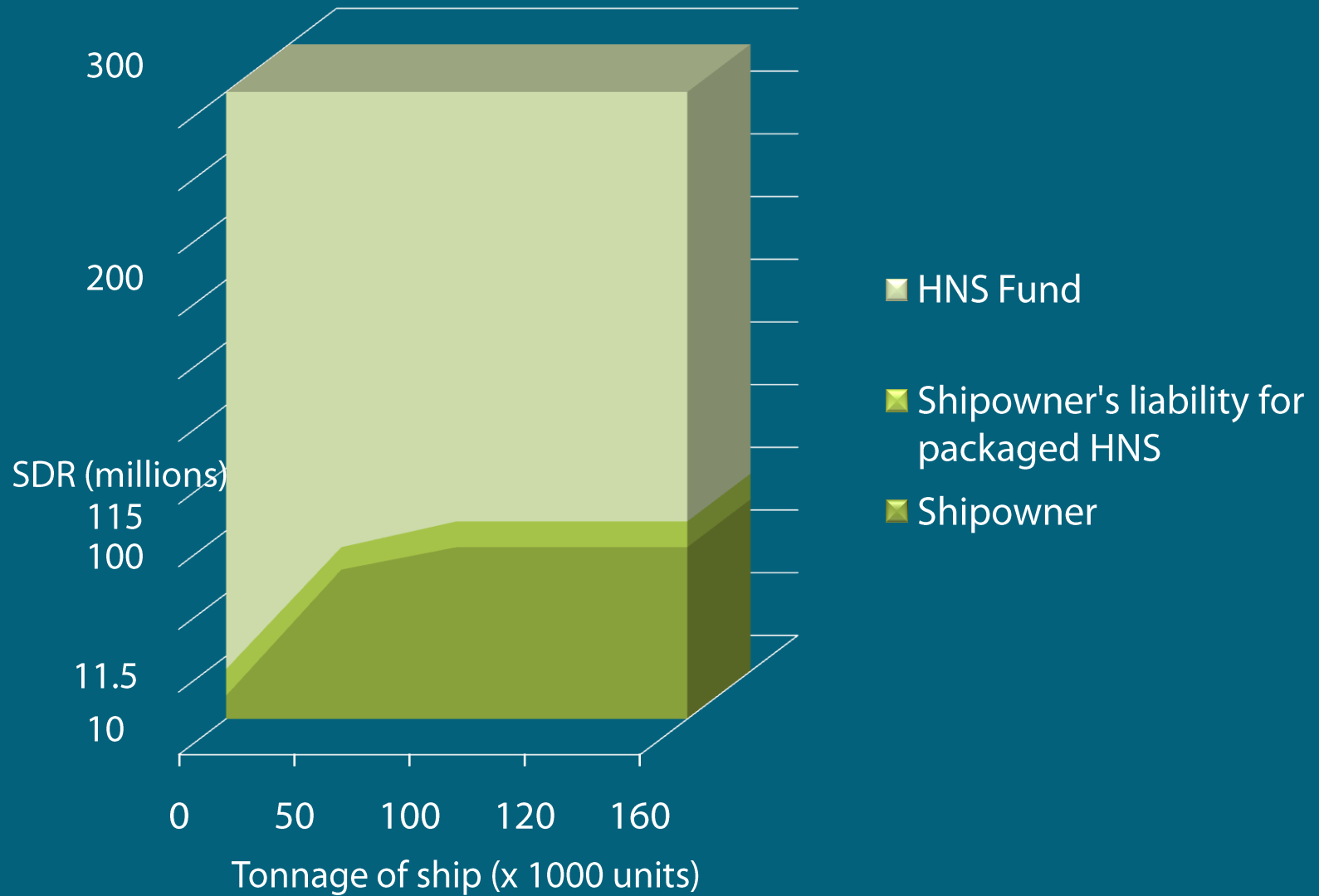
	Establishment of account	Contributions to account
<b>General Account</b>	40 million tonnes*	
<ul style="list-style-type: none"> <li>Bulk solids</li> <li>Other HNS</li> </ul>		20 000 tonnes
<b>Oil Account</b>	350 million tonnes	
<ul style="list-style-type: none"> <li>Persistent oil</li> <li>Non-persistent oil</li> </ul>		150 000 tonnes 20 000 tonnes
<b>LNG Account</b>	20 million tonnes	
<b>LPG Account</b>	15 million tonnes	20 000 tonnes

\* Condition for entry into force



# 2010 HNS Convention

## Shipowner's liability and Fund limits



# List of substances

## Latest developments



- 2002** A prototype of **HNS Convention Contributing Cargo Calculator** with a database of 100 chemical becomes available
- 2005** **HNS CCCC** includes a database of up to 6,000 chemicals
- 2010**
- IMO International Conference agrees on **references for the HNS lists**
  - IMO Legal Committee agrees to **disseminate and review** lists

### IMDG Code

An internationally agreed code, grouping together dangerous goods - **fixed** as defined by the HNS Convention (IMDG96 version)



### IMSBC Code

International Maritime Solid Bulk Cargoes Code is **dynamic** and will be revised every two years

- 2011** **HNS Calculator** is being revamped

# HNS: list of substances



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## Bulk

	Can be found in
I <b>Oils</b>	Regulation I Appendix I MARPOL 73/78
II <b>Liquids</b>	Regulation 1.10 Annex II MARPOL 73/78
III <b>Liquids</b>	Chapter 17 of IBC Code
V <b>Gases</b>	Gases - Chapter 19 of IGC Code
VI <b>Liquids</b>	Flashpoint not exceeding 60°C
VII <b>Solids</b>	Both in IMSBC Code and IMDG Code (1996 and in packaged form)



## Packaged goods

	Can be found in
IV	IMDG Code







## HNS Fund Listing

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Fund Listing - 2006

By state

### Sector Total (tonnes)

State	Oil (persistent)	Oil (non-persistent)	LNG	LPG	Bulk Solids	Other HNS	Not HNS
Denmark	500 000	0	0	0	0	300 000	0
Russian Fed	10 000 000	400 000	0	0	0	0	0
<b>TOTAL</b>	<b>10 500 000</b>	<b>400 000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>300 000</b>	<b>0</b>

No new State Summaries have been posted.

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# Implementation and application: Make it happen



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## At international level

Protocol is open for signature until  
31 October 2011



When **12 States** have ratified



Protocol enters into force 18  
months later



Denmark signs up first (14 April 2011)

1. Including **4 States** each with no less than **2 million** units of gross tonnage
2. The general account's contributing cargo volume must be at least **40 million** tonnes

# Implementation and application: Make it happen



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## At domestic level



Adequate and prompt **compensation**  
**for your constituents**



Member States



Develop national legislation



Regulatory authorities' approval



Implementation to national law

# Looking ahead:

## A programme of international assistance



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- Resolution 2 of the 2010 HNS Protocol - **promotion of technical cooperation and assistance**
- IMO to set up funding capability to assist States for implementation
- Continuing close cooperation between IMO and IOPC Funds; provides technical expertise and other support
- Network of experts



[www.iopcfund.org](http://www.iopcfund.org)  
[www.hnsconvention.org](http://www.hnsconvention.org)



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