

# 2010 HNS CONVENTION

International Convention on Liability and Compensation  
for Damage in Connection with the Carriage of  
Hazardous and Noxious Substances by Sea, 2010

## BRIEF HISTORY AND UPDATE



# INTRODUCTION

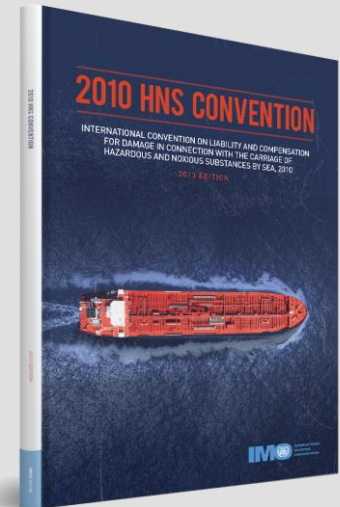
## HNS Convention fills a gap in the regime of maritime liability and compensation

### What it is:

- Liability and compensation regime for damage arising from the **international or domestic carriage** of bulk and packaged HNS by sea

### What it covers:

- Over **2,000 types** of chemicals, oils, acids, fertilizers, alcohols, LNG, and LPG carried by **sea-going ships to/ from / within** a State Party



# IMO CIVIL LIABILITY AND COMPENSATION CONVENTIONS

## HISTORY AND ORIGINS

- **1967 Torrey Canyon** at coastline **Great-Britain** and **France**
- **urgent international action required: Diplomatic Conference** under auspices of the **International Maritime Organization - IMO** in **Brussels in 1969** which adopted **two legal instruments**
- **Develop liability regime for damage caused by Hazardous and Noxious Substances - HNS at later stage**



## HISTORY AND ORIGINS

- **International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC 1969):**
  - shipowner strictly liable for damage caused by spills of heavy crude oils transported as cargo
  - compulsory third-party liability insurance to cover compensation limits
- **Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, (Intervention Convention):**
  - legal powers of the coastal State to intervene in waters beyond the territorial sea in cases of oil pollution damage caused by ships.

# HNS CONVENTION

## HISTORY AND ORIGINS

- **1971** supplementary **Fund Convention**;
- **1973 Intervention Protocol** (substances other than oil: **HNS**)
- **1984 Diplomatic Conference**:
  - **Protocols to CLC and Fund Convention** (increased limits of liability)
  - **First attempt HNS Convention**
- **1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention)**;

# IMO CIVIL LIABILITY AND COMPENSATION CONVENTIONS

## HNS CONVENTION

### ELEMENTS OF LIABILITY

- **strict liability**
- **prompt and adequate compensation**
- **channelling of liability**
- **limitation of liability**
- **fund for supplementary compensation**



# IMO CIVIL LIABILITY AND COMPENSATION CONVENTIONS

## 2010 HNS CONVENTION

- **Personal damage** (death or injury)
- **Property damage** (outside the ship by which the dangerous goods are being carried)
- Damage by contamination of the environment for **reasonable measures of reinstatement** (to be) undertaken
- Costs of **preventive measures**



# BRIEF HISTORY AND UPDATE HNS CONVENTION



- **Robust solution** in the **2010 HNS Protocol** on three issues:
  1. **no contribution by containers**
  2. **reporting** and
  3. **contribution for LNG**
- The **2010 HNS Convention** enters into force after **12 States** (including 4 States with more than 2 million gross ship's tonnage) with a **total of 40 million of contributing HNS cargo** have ratified the 2010 HNS Protocol
- **Canada, Denmark, France, Germany, Greece, the Netherlands, Norway and Turkey** have **signed** the **2010 HNS Protocol** subject to ratification



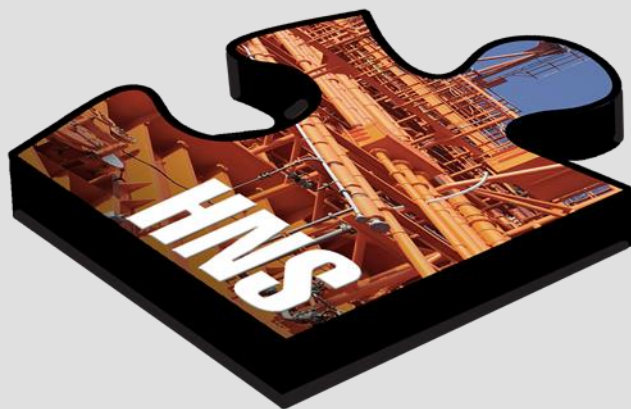
# FACILITATION OF THE ENTRY INTO FORCE AND HARMONIZED INTERPRETATION OF THE HNS PROTOCOL 2010

- Need for **internationally coordinated approach** for ratification
- **HNS Correspondence Group** had focus on **three** specific items:
  - **Brochure: Why it is Needed**
  - **HNS scenarios**
  - **IMO Assembly resolution on implementation and entry into force of the 2010 HNS Convention:** main goal is encouraging states to implement the HNS Convention and bring it into force



# BRIEF HISTORY AND UPDATE HNS CONVENTION

## FACILITATION OF THE ENTRY INTO FORCE



- **Norway** ratified on **21 April 2017**
- **Canada and Turkey** ratified on **23 April 2018**
- These Contracting States **each** have more than **2 million of gross ship's tonnage**.
- They received, in 2017, a **total quantity** of **28,713,155 million tonnes HNS Contributing Cargo** (nearly **72%** of the requirement)
- Need for **9 more countries** to ratify
- Only **1** more State with more than two million gross ship's tonnage.

# INTERNATIONAL EFFORTS TO BRING THE HNS CONVENTION INTO FORCE

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The HNS Convention is **the last piece in the puzzle** to ensure that those who have suffered damage caused by HNS cargoes carried on board ships have **access to a comprehensive and international liability and compensation regime.**

**I urge all States** to consider acceding to the HNS 2010 Convention as soon as possible, in order **to bring it into force.**

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**IMO Secretary-General Kitack Lim**





## NEXT STEPS FOR STATES: WHAT TO DO?

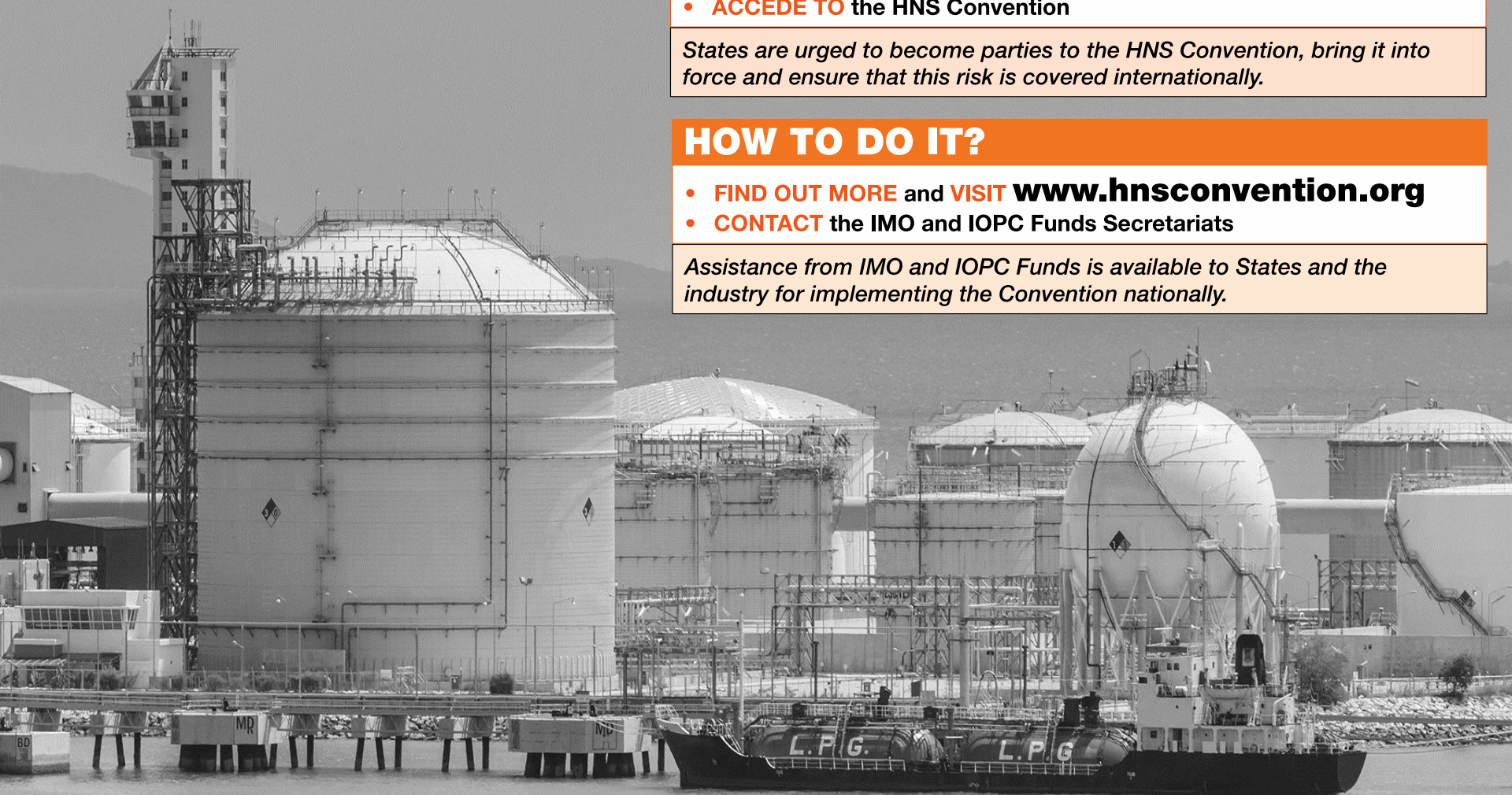
- **BE PROACTIVE** in ensuring adequate compensation is available in the event of an HNS incident
- **ACCEDE TO** the HNS Convention

*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](http://www.hnsconvention.org)**
- **CONTACT** the IMO and IOPC Funds Secretariats

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



# QUESTIONS AND ANSWERS



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