



International Oil Pollution
Compensation Funds

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2010 HNS CONVENTION

Note by the Secretariat

Summary:	This document provides an update on the status of the entry into force of the 2010 HNS Protocol, as well as on the work carried out by the 1992 Fund Secretariat with regard to the administrative tasks necessary for the setting up of the HNS Fund and the preparations for the first session of the HNS Assembly.
Action to be taken:	<u>1992 Fund Assembly</u> Information to be noted.

1 Introduction

- 1.1 In April 2010, an international conference on the revision of the HNS Convention adopted the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (2010 HNS Protocol).
- 1.2 Resolution 1 of the Conference requested the 1992 Fund Assembly to instruct the Director of the IOPC Funds to carry out the tasks necessary to set up the International Hazardous and Noxious Substances Fund (HNS Fund) and make preparations for the first session of the HNS Assembly. To this end, the 1992 Fund Secretariat has undertaken a number of administrative tasks in cooperation with the International Maritime Organization (IMO) and has regularly reported progress at sessions of the 1992 Fund Assembly (for the latest update, see document IOPC/NOV20/8/2).
- 1.3 This document provides an update on the progress being made towards entry into force of the Protocol as well as the work carried out by the 1992 Fund Secretariat since the last session of the Assembly.

2 Progress towards entry into force of the 2010 HNS Protocol

- 2.1 Since the December 2020 session of the 1992 Fund Assembly, no State has deposited an instrument of ratification or accession to the 2010 HNS Protocol with the Secretary-General of IMO. Therefore, as of 11 March 2021, there are five Contracting States to the Protocol, namely, Canada, Denmark, Norway, South Africa and Turkey.
- 2.2 However, a number of States have continued their efforts to implement the HNS Convention into their domestic legislation, and it is hoped that more States will be able to ratify or accede to the Protocol in the next few years.

3 Recent developments

3.1 HNS Finder

3.1.1 The HNS Finder is an online database that lists all substances which fall within the definition of HNS in the Convention, including those listed as contributing cargo. The Finder is aimed at facilitating the identification of HNS contributing cargo by entities liable to submit reports. It has been in operation since 2011 and has been updated annually by the 1992 Fund Secretariat.

3.1.2 In order to check the integrity of the database and ensure that it was completely up to date, a full review of the list was carried out during the course of 2019 and the early part of 2020. The new version of the database was made available online in September 2020 and included some improvements to the HNS Finder interface to make its use more intuitive.

3.1.3 In addition to that review, the HNS Finder continues to be updated yearly to take into account changes in the codes and lists referred to in the HNS Convention. The most recent update that has just been completed in March 2021, incorporated the changes to the list following the latest IMO circular MEPC.2/Circ.26 (Tripartite agreements), the IMDG Code amendment 40-20 as well as the Resolution MEPC.318(74) containing a number of amendments to Chapters 1, 15, 16, 17, 18, 19 and 21 of the IBC Code, which became effective on 1 January 2021.

3.2 Other administrative tasks — development of a draft HNS Claims Manual

3.2.1 For the administrative tasks related to the handling of claims for compensation, the Secretariat approached a number of organisations with the relevant expertise in that field, namely Cedre, the International Chamber of Shipping (ICS), the International Group of P&I Associations (International Group), ITOPI and IMO to set up an informal group and discuss the way forward on this important and complex matter, in particular the preparation of a draft HNS Claims Manual.

3.2.2 Since the cancellation of its first meeting in March 2020 due to the COVID-19 pandemic, the group has been able to meet on two occasions, in November 2020 and February 2021. At this early stage, the group has agreed to split its work into thematic sub-groups to examine the technical and legal aspects specific to the HNS Convention and develop suggestions for possible draft texts.

3.2.3 Although no target date for completion of the work has been agreed at this point, the intention is to have a draft HNS Claims Manual ready for consideration by the first HNS Assembly to be convened after the entry into force of the 2010 HNS Protocol. However, it is the intention of the Secretariat that once the group of experts has prepared a draft of the technical manual, it should be used as a basis for discussion and be made available for comment, further development and improvement from any interested delegations before its consideration by the first HNS Assembly.

3.3 Assistance to States and promotion of the HNS Convention

3.3.1 The Secretariat is always willing to use the opportunity of national and regional workshops and other overseas trips to give presentations on the HNS Convention. However, those activities have had to be put on hold until further notice as a consequence of the COVID-19 pandemic.

3.3.2 With online seminars and workshops now being made available worldwide, the Secretariat has been able to take part in some activities organised remotely to talk about the liability and compensation regime, including the HNS Convention whenever possible. For instance, in March 2021, the Director and Head of Claims took part in an online seminar on the HNS Convention with the Universidad del Salvador de Argentina and 11 universities, with participants from most Latin American States. An online training session organised by the European Maritime Safety Agency (EMSA) for the benefit of

the maritime administration of Georgia, which took place in November 2020, was another occasion to talk about compensation for pollution damage caused by HNS.

- 3.3.3 Government authorities and other interested stakeholders have continued to contact the Secretariat from time to time to obtain clarification on certain aspects of the Convention or to seek further information on HNS matters in general. Whenever possible, answers have been provided, or contact with other organisations have been made and relevant information used for publication on the HNS Convention website.
- 3.3.4 The 1992 Fund Secretariat will continue to regularly provide details to the Assembly on the progress towards the entry into force of the 2010 HNS Protocol.

4 Action to be taken

1992 Fund Assembly

The 1992 Fund Assembly is invited to take note of the information contained in this document.
