



International Oil Pollution
Compensation Funds

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1992 Fund Assembly	92A25	●
1992 Fund Executive Committee	92EC74	
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IMPLEMENTATION OF THE HNS CONVENTION

Document submitted by France

Summary:	This document informs the 1992 Fund Assembly of the work on the implementation of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010 (2010 HNS Convention) in France.
Action to be taken:	<u>1992 Fund Assembly</u> Information to be noted.

1 Introduction

This document informs the 1992 Fund Assembly of the latest developments in the implementation of the HNS Convention in three distinct areas: the progression of the implementation of the HNS Convention in France, the benefits and potential lessons learned from the introduction of an online reporting procedure and, lastly, the benefits derived from coordination between States.

2 Update on the implementation of the HNS Convention in France

- 2.1 Since the adoption of the 2010 Protocol, France has campaigned for the ratification and implementation of the HNS Convention, while at the same time undertaking the work of transposing it into French law.

Introduction of a reporting requirement into the Transport Code

- 2.2 In France, 2020 is the year for implementation of the HNS Convention (excluding ratification). The Act of 24 December 2019 on Mobility Guidelines introduces an amendment to the Transport Code, which creates a reporting requirement for receivers of hazardous and noxious substances and a system of sanctions for failure to report. The establishment of a mandatory reporting system for the operators concerned enables collection of the data necessary for ratification.
- 2.3 The implementing decree was adopted on 18 May 2020 to clarify the reporting thresholds, in accordance with articles 18 and 19 of the Convention and with Annex II of the Guidelines of the International Maritime Organization (IMO) adopted in 2013. Article 1 of the Decree provides for the establishment of an online reporting system for quantities of HNS received by receivers. A daily penalty for late reporting is set out in an order, also of 18 May 2020. The online reporting system was launched in May 2020 and a page on the website of the Ministry of Ecological Transition informs companies and stakeholders.

Progress towards ratification

- 2.4 A law on Ratification is at the drafting stage and will be submitted to Parliament to enable the subsequent deposit of the instruments of ratification.

3 Solutions found by France to facilitate the introduction of an online reporting system and lessons to be learned

- 3.1 From the outset, the process of implementation of the Convention in France gave rise to the question of the practicalities of reporting. In many countries, the State limits the administrative burden on companies. To achieve this, administrations endeavour to make as many administrative procedures as possible directly accessible via the Internet. This approach allows individuals and companies to fulfil their reporting obligations with the maximum of ease and security with regard to the processing and protection of data.
- 3.2 Offering an online procedure facilitates the work of companies and eases their administrative burden. The State also benefits from this type of arrangement, as it improves the quality of reporting and can have a positive impact on the number of reports submitted if companies have access to a fast and efficient system.
- 3.3 HNS reports can be submitted on a national online platform which hosts administrative processes of all kinds (passports, driving licences, reports from businesses, etc.). This platform is well known in France and is managed by a service which is common to all ministries. The functions offered by the platform to the administrative department in charge of HNS reporting are: direct design of the online reporting page, provision of a variety of information such as explanatory notes on the HNS Convention, links to national legislation and the HNS Convention website, online completion of these procedures by the companies or individuals concerned, the ability to choose the person(s) from the administrative department who are responsible for this process, and the possibility of acknowledging receipt and exchanging messages on the process with the reporting person through the platform. The administrative department can publish a summary dashboard to track the number of administrative processes undertaken.
- 3.4 A particular benefit of that system is that administrations are able to create the online processes themselves, which is relatively fast and does not generate significant cost.
- 3.5 Access to the system is secured by an identifier known as 'FranceConnect' which enables users to sign in securely. 'FranceConnect' uses an existing ID chosen by users. For example, for businesses, it could be a tax ID or a company registration number, or a social security number for individuals. The benefit of this system is that it is user-friendly and enables administrations to authenticate reporting users by matching them with an existing and secure database.
- 3.6 By choosing a platform that already exists at State level, the department responsible for the HNS Convention has incurred no expense in the creation of its own reporting system. There are no annual maintenance costs either and the platform benefits from a comprehensive service which is familiar to all ministries to prevent cyber-attacks.
- 3.7 This gateway, the sign-in page of which is reproduced in the annex, is accessible in French or English. The following links provide access to the sites:
<https://www.demarches-simplifiees.fr/commencer/declaration-snpd>
<https://www.ecologie.gouv.fr/en/compensation-damage-connection-carriage-hazardous-and-noxious-substances-sea>

4 Benefits of coordination between States

- 4.1 France has relations with many countries within the European Union, as well as with other overseas States, concerning the implementation of the HNS Convention.

- 4.2 In the European Union, France has maritime borders with the countries of the North of the Union (North Sea and English Channel) and with countries of the South (Mediterranean Sea). In the framework of the implementation of the Convention, it has proved necessary for the countries of the same region or with ports relatively close to each other, to work together on the modalities of implementation of the Convention in order to be able to provide coherent responses to actors in the hazardous materials transport chain (ports and managers of port facilities, HNS importers, chemical companies or refineries using HNS, sector federations and representatives, etc.). At an IMO meeting in 2017, the representative of the Netherlands initiated contact with the French authorities and those of several other States, in particular, Germany and Belgium and coastal countries along the Le Havre-Hamburg axis. Informal exchanges enabled the establishment of a dialogue to share technical points concerning the understanding of the Convention and discussion of the process adopted by the administrations of each country and stakeholders, and this led to a workshop on the implementation of the Convention in December 2019.
- 4.3 In addition, the French authorities maintain diplomatic relations and engage in cooperation activities with non-European States to facilitate the implementation of the HNS Convention. In this context, the French authorities have proposed technical cooperation activities with certain States to share understanding of the Convention and the technical tools for its implementation, such as an online reporting system to manage reporting.
- 4.4 At international level, the French authorities share the view that the Convention should be ratified by the greatest possible number of countries so as to contribute to better maritime safety and compensation for incidents at global level.

5 Action to be taken

1992 Fund Assembly

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

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Declaration of Hazardous and Noxious Substances (HNS) received in French Ports

The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances at Sea (hereafter, 2010 HNS Convention) was adopted under the aegis of the International Maritime Organisation (IMO). Each year, receivers of hazardous and noxious substances (HNS) transported by ship and received in a French port have to declare the landed volumes to the State.

The annual declaration of quantities have to be made before 31 March each year. The reporting thresholds are specified in the regulatory section (see next page). France will deliver these declarations to the IMO.

A financial contribution in proportion to the quantities will be collected by the International Fund after the entry into force of the Convention. No contribution has to be paid for years preceding the entry into force.

Commencer la démarche

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Declaration of Hazardous and Noxious Substances (HNS) received in French Ports

Inviter une personne à modifier ce dossier

Les champs suivis d'un astérisque (*) sont obligatoires.

Pour enregistrer votre dossier et le reprendre plus tard, cliquez sur le bouton « Enregistrer le brouillon » en bas à gauche du formulaire.

1. COMPANY

Name *

2. RECEIPTS OF CONTRIBUTING CARGO

Year *

3. GENERAL

Bulk solids

Quantity (metric tonnes)

Other HNS

Defined under Article 3 of the 2010 HNS Protocol.
Quantity (metric tonnes)