

LEGAL COMMITTEE  
109th session  
Agenda item 3

LEG 109/3  
23 December 2021  
Original: ENGLISH  
Pre-session public release:

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

**Submitted by Canada**

**SUMMARY**

*Executive summary:* This document provides information on a forthcoming virtual workshop on the 2010 HNS Convention

*Strategic direction, if applicable:* 1 and 6

*Output:* 6.12

*Action to be taken:* Paragraph 7

*Related documents:* LEG 106/3 and Assembly resolution A.1123(30)

**Introduction**

1 The Assembly, at its thirtieth session in December 2017, adopted resolution A.1123(30), urging all States to work together towards the implementation and entry into force of 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 Convention). In addition, at its 105th session in April 2018, the Legal Committee recalled that, with the entry into force of the Nairobi Wreck Removal Convention on 14 April 2015, the 2010 HNS Convention was the remaining gap in the global framework of liability and compensation conventions.

2 Since 2010, a number of international workshops have been organized to facilitate the implementation and entry into force of the 2010 HNS Convention, notably in 2011 in Rotterdam, in 2014 in Rome, and in 2016 in Montreal. In 2018, a two-day workshop was organized by IMO, in cooperation with the IOPC Funds, at IMO Headquarters in London to assist Member States in their work towards further ratifications of the Protocol. Since the workshop in 2018, another two States have ratified or acceded to the 2010 HNS Convention.

**HNS virtual workshop**

3 Canada is organizing a virtual workshop that will likely take place in September 2022. Exact dates are to be determined. The virtual format would allow more Member States and industry representatives to participate, given travel restrictions due to the COVID-19 pandemic.

4 The workshop will be open to all Member Governments, IGOs and NGOs in consultative status with IMO, which have pertinent expertise. Participation by policy and decision-makers with respect to the ratification of the 2010 HNS Convention is particularly encouraged. The Secretariats of IMO and the IOPC Funds will also have active roles in the workshop.

5 The tentative agenda, as set out in the annex, would include an overview of the 2010 HNS Convention, what it is and why it is important; an overview of HNS incidents; Member State implementation of the 2010 HNS Convention and HNS reporting systems; and would comprise panels and/or roundtables with relevant experts and Member State representatives.

6 Parties who wish to have specific topics covered during the HNS virtual workshop can send an email to Canada at: [MarineLiability-ResponsabiliteMaritime@tc.gc.ca](mailto:MarineLiability-ResponsabiliteMaritime@tc.gc.ca). A circular will be shared later in 2022 with the details of the workshop, including the agenda.

#### **Action requested of the Committee**

7 The Legal Committee is invited to take note of the information contained in this document and to comment, as appropriate.

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**ANNEX**

**PRELIMINARY AGENDA FOR THE VIRTUAL WORKSHOP  
ON THE 2010 HNS CONVENTION**

<b>Day 1</b>	
<i>15 minutes</i>	<b>Opening remarks</b>
<i>30 minutes</i>	<b>Session 1 – An introduction to the HNS Convention</b> <ul style="list-style-type: none"> <li>• A brief history of the HNS Convention</li> <li>• An overview of its main features, including its two tiers of compensation</li> <li>• Update on the current status of the Convention</li> </ul>
<i>5 minutes</i>	<i>Coffee break</i>
<i>60 minutes</i>	<b>Session 2 – HNS incidents: risks and claims</b> <ul style="list-style-type: none"> <li>• The risks posed by shipping HNS</li> <li>• Types of losses and damage that could result from an HNS incident</li> <li>• Overview of an actual HNS incident</li> <li>• Existing insurance coverage for HNS incidents and historic HNS incident data</li> <li>• Assessment of claims for HNS incidents</li> </ul>
<i>10 minutes</i>	<i>Coffee break</i>
<i>60 minutes</i>	<b>Session 3 – Examples in domestic implementation</b> <ul style="list-style-type: none"> <li>• How States have implemented the HNS Convention domestically <ul style="list-style-type: none"> <li>○ Legislation, regulations</li> <li>○ Best practices</li> </ul> </li> <li>• Question and answer session on domestic implementation</li> </ul>
<b>Day 2</b>	
<i>30 minutes</i>	<b>Session 4 – Industry views</b> <ul style="list-style-type: none"> <li>• Views from legal, shipping and cargo sectors</li> </ul>
<i>60 minutes</i>	<b>Session 5 – HNS reporting requirements</b> <ul style="list-style-type: none"> <li>• Overview reporting requirements</li> <li>• Overview of national reporting systems and issues facing states (including agent/principal, cargo in transit, thresholds, enforcement and verification)</li> <li>• Best practices/lessons learned</li> <li>• Question and answer session on HNS reporting</li> </ul>
<i>15 minutes</i>	<i>Coffee break</i>

<i>45 minutes</i>	<b>Session 6 – Preparations for the first HNS Fund Assembly</b> <ul style="list-style-type: none"><li>• Discussion on key decisions the first Assembly of the new HNS Fund will need to take, including:<ul style="list-style-type: none"><li>○ Policy issues with regards HNS reporting and contributions</li><li>○ Administrative and financial arrangements and regulations</li><li>○ Claims Manual</li></ul></li></ul>
<i>30 minutes</i>	<b>Conclusions and workshop closure</b> <ul style="list-style-type: none"><li>• Key takeaways from workshop</li><li>• Next steps on implementation</li><li>• Next steps once entry into force is triggered</li></ul>

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