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Subject: Implementation of the 2010 HNS Convention – Invitation to report

For several years, Belgium has been taking steps towards 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 HNS Convention).

The purpose of this Convention is to guarantee adequate, prompt and effective compensation for damage to persons and property, covering the cost of clean-up operations, restoration measures as well as economic losses linked to the transport of hazardous and noxious substances (HNS) by sea.

The Belgian legal framework¹ is in place and allows Belgium to join this Convention in the near future, in a harmonized approach with our neighbors the Netherlands and Germany.

The 2010 HNS Convention establishes a clear system of liability and compensation, functioning in two tier:

1. **Tier one** will be covered by compulsory insurance taken out by shipowners, who would be able to limit their liability.
2. A **second tier** of compensation will be paid from the HNS Fund in the limited cases where tier one does not fully cover an incident. It is financed by contributions from the receivers of HNS, namely companies and other entities that receive quantities of substances transported by sea that exceed the thresholds established by the Convention. Contributions will be calculated proportionally once the Convention enters into force. It is expected that an initial payment will be necessary to establish the Fund, then payments will only be expected when an incident happens (no annual contribution).

The operation of the 2010 HNS Convention, and the establishment of an HNS Compensation Fund, presupposes the establishment of **an annual reporting system**, based on the well-functioning model of the reporting system already active in the framework of the Oil Pollution Conventions² and the IOPC Funds. Before the entry into force of the Convention, there is no contribution to pay after reporting. With the legal framework adopted in 2022, everything is in place for the first reporting form to be submitted in 2024.

Who is a receiver with regards to the HNS Convention ? The Convention recognizes two types of receivers. First, there is the physical receiver, who is the person or company that physically receives the goods unloaded from a ship. Secondly, there is the principal receiver, who is the person or company on whose behalf the goods were received at a Belgian port. Each receiver has to fill their own form.

¹ **Law of 23rd June, 2022** relating to the implementation of the 2010 HNS Convention

(https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2022062303&table_name=wet) and **Royal Decree of 22nd November, 2022** implementing the 2010 HNS Convention and amending various royal decrees (https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2022112210&table_name=wet). Both texts are available in French and in Dutch.

² International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC 1992) and International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992 (FUND 1992).



What are HNS? HNS are substances identified in a number of IMO Conventions and Codes, representing a wide array of chemical substances of varying properties and hazards, which include both bulk cargoes and packaged goods. Bulk cargoes can be solids, liquids, including both persistent and non-persistent oils, and liquefied gases, such as liquefied natural gas (LNG) or liquefied petroleum gas (LPG). A complete list can be found at <https://www.hnsconvention.org/hns-finder/>.

I hereby invite physical and principal receivers of hazardous and noxious substances to complete the corresponding report forms, as attached to this letter, and to send it to the Control of Navigation by March 15, 2024. All questions and forms can be sent to dgmar.reg@mobilif.fgov.be.

Sincerely,

Peter Claeysens,
Director General Shipping, Federal Public Service Mobility and Transport