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Subject: Frequently Asked Questions on the reporting exercise under the 2010 HNS Convention

What is a physical receiver?

The first physical receiver of HNS substances after transport by sea. This is the company that actually receives the HNS substances after they have been discharged in the port. These are usually the terminals and storage companies located in seaports.

Who is considered an 'agent' ?

The agent is the first physical receiver of the HNS substances after sea transport. The first physical receiver of the goods may choose to disclose to the authorities that it acts as an 'agent' and identify the principal receiver on whose behalf it received the HNS goods. One important note: the disclosure of a principal may only be done if the principal is located in one of HNS State Parties or an associated State*.

The disclosure is a choice under the current Belgian legal framework, and it is not an obligation.

What is a 'principal receiver' ?

The principal is on whose behalf the agent* receives HNS substances after carriage by sea and is often an end user of the HNS substances. The terminology 'end user' or 'principal receiver' refers to the companies that use HNS goods in their activities. End users are the final destination of the goods after sea transport. What matters is where the goods are going after being unloaded under the responsibility of the physical receiver.

In the Belgian legislation, we only ask principal receiver which have a legal entity based in Belgium to fill in the 'Principal' form.

Which are the States Parties to the HNS Convention and associated States ?

The 'HNS State Parties' are France, Canada, Denmark, South Africa, Türkiye, Norway, Slovakia. The 'HNS associate States' are the Netherlands, Sweden and Germany.

What are the differences between the Physical and Principal forms?

The two forms are similar in structure.

The 'Physical' form must be filled in by the physical receiver. It contains a form where the total quantities received during the year 2024 must be indicated, as well as an Annex (which can be replicated as many times as necessary), where a physical receiver can identify one (or more) principal receiver(s).

The 'Principal' form contains only one page (without annex) where a principal receiver indicates the total aggregated quantities received from different physical receivers during the year 2024. A given company only fills in one of the two files. If the company directly receives HNS products unloaded from sea vessels, then the Physical form must be filled in. If the physical

reception/unloading is carried out by another legal entity, then the company should fill the Principal form.

Is there a financial contribution to be paid after submitting the report for the year 2024?

There is no financial contribution before the entry into force of the 2010 HNS Convention. The 2010 Convention has not yet entered into force. This will happen 18 months after 12 countries have ratified it (we have so far 8 ratifications. After the entry into force of the Convention (to be expected in 2027), the 'receiver' will be asked to pay a financial contribution to the HNS Fund. The company which will have to pay the contribution once the Convention enters into force is the 'receiver' : in principle it is the physical recipient, except for cases where the physical receiver* acts as an agent* for a 'principal receiver'*.

How should the 'HNS Finder' be used?

The HNS Finder (<https://www.hnsconvention.org/hns-finder/>) primarily records only those names or approved synonyms specified in various IMO codes or conventions. It reflects approved names in accordance with the requirements of the HNS Convention.

For instance, when dealing with fuel oil, it's crucial to ascertain whether the product is persistent or non-persistent oil. By searching in the Finder with no name assigned but using filters such as Bulk/Oil/Non-persistent, a list of the 43 formal names associated with MARPOL Annex I (Group I) can be generated based on the selected criteria. With knowledge of the product details, potentially obtained from the safety data sheet, it should be feasible to identify which term in the formal listing is an appropriate match.

The text associated with the HNS Finder emphasizes that while the Finder serves as a tool to assist reporting, it's ultimately the responsibility of all parties using it to comprehend its basis and to be cognizant of its limitations and potential pitfalls when relying on product name sources outside those specified in the HNS Convention.

Should goods arriving by container or in packaged form also be reported?

The goods transported in a packaged manner ("packed goods", i.e. by container) do not fall under the definition of 'contributing cargo' of the HNS Convention. They should therefore not be reported in the form. Only bulk HNS should be reported.

Which mode of transport should be reported under the 2010 HNS Convention ?

HNS in bulk transported over river (barges) are excluded from the framework of the 2010 HNS Convention; these quantities must therefore not be declared. If the transport is mixed (e.g. arriving by sea and then immediately transborded over an inland vessel or barge, without touching land are also excluded from the reporting obligation.

Only HNS which are transported by a seagoing ship should be reported.

Does the Customs status of the HNS goods have an influence on the reporting obligation?

Customs status does not affect HNS reporting. The reporting obligation applies to goods which are effectively/physically received/unloaded in Belgium. The country of origin of the goods has no influence on the HNS reporting.

How should 'affiliate companies' be treated in relation to the reporting thresholds ?

In the framework of the HNS reporting, one report for all affiliates is expected. In the Belgian legislation, "affiliates" is defined as per the Company Code (Code des sociétés, https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2019032309&table_name=loi), art. 1:20 which reads (as unofficially translated in English)

"Art. 1:20. For the application of this code, this means:

1° "associated companies":

(a) the companies it controls;

(b) the companies that control it;

(c) the companies with which it forms a consortium;

d) other companies which, to the knowledge of its administrative body, are controlled by the companies referred to in a), b) and c);"

The reporting thresholds apply to the aggregated quantities received by all affiliates in Belgium.

→ In case of questions, please send them to DGMAR.REG@mobilif.fgov.be.