



LEGAL COMMITTEE
88th session
Agenda item 8

LEG 88/8
19 March 2004
Original: ENGLISH

MONITORING THE IMPLEMENTATION OF THE HNS CONVENTION

Report of the work of the HNS Correspondence Group

Submitted by the United Kingdom

SUMMARY

Executive summary: This document provides a report of the work undertaken so far by the States in the HNS Correspondence Group since the eighty-sixth session of the Legal Committee in April 2003.

Action to be taken: Paragraph 17

Related documents: LEG 85/5 and LEG 86/7

Introduction

1 The eighty-seventh session of the Legal Committee agreed that the HNS Correspondence Group had completed its core work according to the terms of reference agreed at the Committee's eightieth session.

2 The Committee also agreed that the Group should continue to report progress on implementation, update the HNS incident list on the Group website¹ and continue to respond to any issues Member States requests.

Progress on Implementing Legislation

3 Although it is now more than 6 years since the Convention was adopted a number of states have been working towards implementation of the Convention. There have also been several meetings attended by both states and related industry representatives to consider the key issues to achieve effective implementation.

4 Since the eighty-sixth session of the Legal Committee, several States have reported the following further progress:

5 Canada is preparing a discussion paper for public consultation on the ratification of the Convention. The paper is scheduled to be released in the first half of 2004.

¹ <http://folk.uio.no/erikro/www/HNS/hns.html>, or find it via the IMO website at www.imo.org

6 Denmark has mandated the Danish Maritime Law Committee to draft a proposal for the necessary amendments in the Danish Maritime Code that will implement the Convention. Denmark expects the draft proposal to be ready within a year, which will enable the Danish Government to present a proposal to the Parliament, hopefully in October 2005. If the Danish Parliament accepts the draft, Denmark will be able to ratify in Spring 2006.

7 Finland is still in the process of preparing their legislation and hopes to soon establish a working party for the implementation process, consisting of representatives from the Government and relative industries.

8 Greece is intending to ratify the Convention in 2004. Implementation will depend on their Parliamentary Scrutiny.

9 Latvia is currently working on its national legislation in order to implement the Convention with the intention to present it to the Latvian Parliament early in 2005.

10 The Netherlands have already the necessary legislation in force as regards the substantial content of the first two first two chapters of the Convention (general provisions and liability) while further legislation is being prepared for the implementation of chapter III (HNS Fund) as well as ratification of the Convention. Following the signing of the Convention a working party has been established with the participation of relevant governmental and harbour authorities. The working party has a specific focus on reporting and identification of HNS and has also organised consultation with interested industry groups and associations.

11 New Zealand is in discussion with its Ministry of Transport about amending their legislation to give effect to the Convention. They had envisaged doing this in the next financial year but may have to delay it for another year so that it coincides with other substantial maritime amendments needed.

12 Norway has its Maritime Law Committee currently working on a report, where it considers Norway's possible ratification and implementation of the Convention. This work is to some extent coordinated with the similar considerations undertaken by Denmark with a view to aligning the proposals for implementing legislation. Consultations are also being held in with Sweden and Finland on a less detailed level. The Norwegian Maritime Law Committee will according to current plans present its report to the Ministry of Justice by 1 July 2004. The report will then be sent to a public hearing. On the basis of this hearing, the Norwegian Government will consider its final position regarding Norway's ratification of the Convention. The ratification process after the hearing, which includes bringing the matter before the Parliament, will probably take at least one year.

13 Singapore is still in the process of consulting with other Governmental agencies and the shipping and chemical industries regarding the ratification of the Convention.

14 Spain has created a working group to think about and prepare if necessary any new legislation before their Accession. The Spanish working group has met twice now and has dealt with issues such as the concept of "receiver", "associated person", exclusion or not of "certain types of domestic vessels", "warships".... They are moving towards an extensive consultation process with the relevant associations, to try and work out the simplest and most practicable solution as possible.

15 Sweden is in the process of working out the terms of reference for appointing a committee to look at the issue of implementing the Convention. Norway expects to appoint the committee in early spring with the prospect of ratifying the Convention before 30 June 2006.

16 The United Kingdom has just finished the first part of a two-stage consultation process on the Government's proposal that it should ratify the Convention during 2004. The initial consultation document set out the principles to be applied in the national regulations to implement the Convention into UK law. The second stage of consultation will take place later this year and will focus on the proposed national regulations and the proposals for the UK reporting system to meet specific treaty obligations.

Action requested of the Legal Committee

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