

**REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE
FOR THE MEDITERRANEAN SEA (REMPEC)**

EURO-MEDITERRANEAN PARTNERSHIP

**EUROMED COOPERATION ON MARITIME SAFETY AND PREVENTION OF
POLLUTION FROM SHIPS (SAFEMED II)**
EU-Funded MEDA Regional Project MED 2007/147-568

**Training Course on the Protocol of 2010 to Amend the International
Convention on Liability and Compensation for Damage in Connection
with the Carriage of Hazardous and Noxious Substances by Sea, 1996
(HNS PROT 2010)**

Malta

12 – 13 December 2012



REPORT
SAFEMED II Project Task 5.9

TABLE OF CONTENTS

SUMMARY

1.	INTRODUCTION AND ORGANISATION	1
	Dates and Venue.....	1
	Programme, training material and documentation	1
	Participants	1
	Lecturers and experts.....	1
2.	INTRODUCTION TO THE TOPIC AND AIMS OF THE TRAINING COURSE	2
	Background	2
	Aims of the Training Course	2
3.	THE COURSE	2
	Opening Remarks	2
	Day 1 – December 12 th	3
	Day 2 – December 13 th	4
4.	ASSESSMENT AND COURSE CONCLUSION.....	4

ANNEX I - FINAL LIST OF PARTICIPANTS

ANNEX II - PROGRAMME

ANNEX III - RESULTS OF THE PARTICIPANTS' EVALUATION FORM

SUMMARY

In 1984, IMO convened a conference to consider a new instrument dealing with compensation for accidents involving hazardous and noxious substances (HNS). However, it was only in May 1996 when IMO adopted the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances (HNS) by Sea (HNS Convention).

Due to an insufficient number of ratifications, the HNS Convention never entered into force and a second International Conference was held in April 2010 whereby the Protocol to the HNS Convention (2010 HNS Protocol) was adopted. This Protocol was designed to address practical problems that had prevented many States from ratifying the original Convention.

This regional training session aimed to promote awareness of the amended Convention in the Mediterranean region and to support preparatory steps for the ratification and implementation of this HNS Protocol of 2010. It was supported by the European Union (EU), through the SAFEMED II Project which funded its organisation, as well as by the International Oil Pollution Compensation Funds (IOPC Funds) and the International Tanker Owners Pollution Federation Limited (ITOPF).

The Regional Training Course's main objectives were:

- to familiarise the participants with the International Convention on Liability and Compensation For Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, as amended by the 2010 HNS Protocol (2010 HNS Convention);
- to facilitate the Beneficiaries' preparations for the ratification of the 2010 HNS Protocol; and
- to identify best practices on implementation, including national legislation and ratification/transitional provisions.

Besides familiarising the participants with the provisions of the 2010 HNS Convention, the two-day Training Course provided an effective platform for participants to exchange views and information on the various requirements of the implementation process of the Convention.

The participants were satisfied with the course programme and expressed a positive opinion about the Training Course.

1. INTRODUCTION AND ORGANISATION

Dates and Venue

The Training Course on the Protocol of 2010 to Amend the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS PROT 2010) (hereinafter referred to as “the Training Course”) was held in St. Julian’s, Malta, between the 12 and 13 December 2012.

The Training Course was organised by REMPEC within the framework of the EU-funded MEDA Regional Project “EuroMed Cooperation on Maritime Safety and Prevention of Pollution from Ships – SafeMed II” being implemented by the Centre and REMPEC’s Programme of Activities for biennium 2012-2013. The Course which was organised as Task 5.9 of Activity 5 of the Project was open for the participation of all SafeMed II Project beneficiaries, as well as for representatives of other Contracting Parties to the Barcelona Convention. Simultaneous interpretation English/French/English was available during the Course.

Programme, training material and documentation

The Training Course aimed to promote awareness of the 2010 HNS Convention in the Mediterranean region and to support preparatory steps for its ratification and implementation. The Programme of the Course was prepared bearing in mind the objective of the Training Course. A copy of the Programme as actually delivered is reproduced in **Annex II**.

REMPEC provided a hard copy of the consolidated text of the 2010 HNS Convention and the recently approved Reporting Guidelines on the Submission of HNS Contributing Cargo, as well as other relevant material provided by IOPC Funds, ITOPF and CEDRE. A complete set of documents, including the presentations and other reference documents, was also provided on a USB handed out to each participant at the end of the Training Course.

Participants

Representatives from various SafeMed II Project beneficiaries in the Mediterranean region attended the Training Course together with a number of participants from Malta and one participant from ITOPF. REMPEC fulfilled its objectives to attract participants which, for their large majority, had never been trained on the topic.

Lecturers and experts

Expert lecturers from the IOPC Funds, ITOPF and REMPEC delivered the course presentations.

A list of participants and lecturers is available in **Annex I**.

2. INTRODUCTION TO THE TOPIC AND AIMS OF THE TRAINING COURSE

Background

When in 1984 IMO convened a conference to consider a new instrument dealing with compensation for accidents involving hazardous and noxious substances (HNS), it transpired that the subject was too complex and the subject was shelved. It was only in the early 90's when the matter was taken up again. The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances (HNS) by Sea was adopted in London in May 1996 by IMO.

However, it was soon realised that States had difficulties in ratifying this Convention since *inter alia* it was difficult for States to ensure proper reporting of packaged substances. Since by 2009 the HNS Convention had still not entered into force, due to an insufficient number of ratifications, a second International Conference was held at IMO in April 2010 whereby, a Protocol to the HNS Convention (2010 HNS Protocol) was adopted. This Protocol was designed to address the practical problems that had prevented many States from ratifying the original Convention

Aims of the Training Course

The Regional Training Course's main objectives were:

- to familiarize the participants with the International Convention on Liability and Compensation For Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, as amended by the 2010 HNS Protocol (2010 HNS Convention);
- to facilitate the Beneficiaries' preparations for the ratification of the 2010 HNS Protocol; and
- to identify best practices on implementation, including national legislation and ratification/transitional provisions.

3. THE COURSE

Opening Remarks

Mr. Jonathan Pace, Senior Programme Officer, on behalf of Mr. Frederic Hebert, Director of REMPEC, delivered the opening remarks. He welcomed the participants and the lecturers to the Training Course and recalled the fact that this was the last activity to be organised within the SafeMed II Project which was being concluded at the end of 2012. He then proceeded to give a brief overview of the SafeMed Project and explained how this Project integrated with REMPEC's Programme of Activities. He also acknowledged the support and co-operation of the SafeMed II Project beneficiaries.

Thereafter, Mr. Thomas Liebert, Head, External Relations and Conference, of the International Oil Pollution Compensation Funds (IOPC Funds), introduced the topic and explained how the IOPC Funds assists IMO in its work on the HNS Convention. He also recalled the by standing co-operation between the IOPC Funds and REMPEC.

Day 1 – December 12th

- The Course commenced with a presentation by Dr. Annabelle Nicolas from the International Tanker Owners Pollution Federation Ltd (IOTPF) on the subject of 'Transportation of HNS by Sea'. Ms Nicolas briefly explained the different types of ships that are used for the carriage of HNS both in bulk and in package form. Then she went on to touch upon the different International Conventions and Codes that regulate the carriage of HNS by sea. Finally, Dr. Nicolas explained, and gave examples, of how different chemicals are identified by their UN numbering system and their Proper Shipping Name (PSN).
- Following Dr Nicolas's presentation, the 30 minutes IMO Video 'Chemical Substances, hazard and behaviour assessment' was screened.
- The next presentation was again delivered by Dr. Annabelle Nicolas of IOTPF, entitled 'Overview of HNS Spill Response and Challenges – Operational and Technical Aspects of HNS Incidents'. In her presentation Dr. Nicolas gave a detailed step by step explanation of a Chemical Emergency Response Action Plan. She described what are the Response tools, and the Response Strategy for different types of hazards/ spilled products (Evaporators & Gases; Floaters; Dissolvers and Sinkers).
- The last presentation for the morning entitled to the 'International Legal Framework: Preparedness, Response and Co-operation to HNS Marine Pollution Incidents' was delivered by Mr. Gabino Gonzalez, Programme Officer, OPRC, at REMPEC. In his presentation, Mr. Gonzalez, described the international legal framework related to the HNS marine pollution and the roles of the IMO and its OPRC-HNS Working Group. In particular, he referred to the challenges that have to be dealt with and overcome when it comes to the ratification and implementation of the 1990 OPRC Convention and the 2000 OPRC-HNS Protocol.
- The afternoon session started with the screening of another 30 minute video entitled 'Contingency Planning, Operations and Training'.
- Following the screening of the video, Mr. Thomas Liebert, Head, External Relations & Conference from the International Oil Pollution Compensation Funds (IOPC Funds) delivered a presentation entitled 'The HNS Convention 1996 and the 2010 Protocol. During the presentation, Mr. Liebert covered, in some detail, both the 1996 HNS Convention, including its shortcomings, and also the 2010 HNS Protocol, and described how this Protocol should overcome the obstacles that the States found with ratifying the 1996 HNS Convention. Reference was also made to the CLC and FUND liability and compensation Conventions, and Mr. Liebert presented different scenarios of claims under the different Conventions and made comparisons of liability limits under these Conventions.
- The last presentation for the day was delivered by Mr. Gabino Gonzalez of REMPEC entitled 'Regional Cooperation for HNS Preparedness and Response to marine pollution incidents in the Mediterranean Sea'. During this presentation, Mr. Gonzalez gave an overview of the Mediterranean region's status of ratification of the IMO liability and compensation Conventions and relevant Regional Instruments, including the Prevention and Emergency Protocol to the Barcelona Convention, and also explained the role of REMPEC. A short video introducing MIDSIS-TROCS, the

REMPEC decision support tool aimed at assisting decision-makers when dealing with HNS spills, was also screened.

Day 2 – December 13th

- The second day of the training course started with a presentation from Mr. Thomas Liebert of the IOPC Funds, entitled 'Liability and Compensation for HNS damages - How Compensation and Claims Procedures for HNS damages might work'. Mr. Liebert explained the main types of claims and how these would be dealt with under the 2010 HNS Convention. He also referred to common issues that the IOPC Funds normally comes across when handling claims.
- The next presentation, also by the IOPC Funds, was delivered by Ms Katrin Park, External Relations Officer of the IOPC Funds. In her presentation, 'Preparations for the Ratification and Implementation requirements of the HNS Convention and the 2010 Protocol', Ms Park first presented some background information about the Convention and the Protocol, including the status of ratification by the States, and then went through the various aspects that the States have to take into consideration when preparing for the ratification of the 2010 HNS Convention. These included, amongst other tasks, engagement with all stakeholders. As regards best practices, the examples of Denmark, Canada and the Netherlands were mentioned.
- The last presentation during the morning session entitled '2010 HNS Protocol: Reporting Guidelines' was delivered by Mr. Thomas Liebert of the IOPC Funds. Mr Liebert explained in detail the Reporting Guidelines and Reporting Forms which had just been approved during the HNS Workshop organised by IMO on the 12 and 13 November 2012. The HNS Contributing Cargo Reporting requirements both during the interim period and after the 2010 HNS Convention's entry into force, including the four scenarios and the main features of these Reporting Guidelines, were also covered. Finally, Mr. Liebert talked about the Industry's point of view.
- In the afternoon, during the final session of the Training Course, Mr. Liebert, having taken into consideration the questions made by the participants, summarised and reviewed once again the main marine pollution liability and compensation Conventions and explained the reasons for overlaps between these Conventions, for example, the issue of 'persistent oil' falling under the CLC, Fund and HNS Conventions. A practical exercise on the reporting requirements also took place during which participants had the opportunity to carry out a reporting exercise of HNS for the purposes of the 2010 HNS Convention.
- At the end of the Training Course, *tour de table* took place whereby all the participants gave a brief overview on what their respective Administrations are doing in respect to the ratification of the 2010 HNS Convention.

4. ASSESSMENT AND COURSE CONCLUSION

At the end of the Training Course, all participants completed an evaluation questionnaire. The participants expressed a high degree of interest in the subject, and the content and the organisation of the Training Course seemed to satisfy the majority of the participants. The results of the participants' evaluation forms are summarised in **Annex III** of this report.

At the end of the Training Course, Mr. Frederic Hebert, Director of REMPEC, delivered his concluding remarks and thanked all participants and lecturers for their contribution to the success of the course. A certificate of attendance and a USB containing all the course material (including presentations) and background documents was distributed to all participants.

Annex I

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Annex II
PROGRAMME

Day 1 – Wednesday 12 December		
08.30 – 09.00	Registration	
09.00 – 09.30	Opening and Introduction to the Training Course	REMPEC / IOPC Funds
09.30 – 10.00	Transportation of HNS at Sea	ITOPF
10.00 – 10.30	Chemical substances, hazard and behavior assessment (Video)	
10.30 – 11.00	<i>Coffee Break</i>	
11.00 – 11.30	Overview of HNS Spill Response and Challenges - Operational and Technical Aspects of HNS Incidents	ITOPF
11.30 – 12.30	International Legal Framework: Preparedness, Response and Co-operation to HNS marine pollution Incidents	REMPEC
12.30 – 14.00	<i>Lunch</i>	
14.00 – 14.30	Contingency Planning, Operations & Training (Video)	
14.30 – 15.30	The HNS Convention 1996 and the 2010 Protocol	IOPC Funds
15.30 – 16.00	<i>Coffee Break</i>	
16.00 – 16.45	Regional Cooperation for HNS Preparedness and Response to marine pollution incidents in the Mediterranean Sea	REMPEC
16.45 – 17.00	<i>Questions and Discussion</i>	
17.00	Closure of Day 1	

Day 2 – Thursday 13 December		
09.00 – 10.30	Liability and Compensation for HNS damages - How Compensation and Claims Procedures for HNS damages might work	IOPC Funds
10.30 – 11.00	<i>Coffee Break</i>	
11.00 – 11.45	Preparations for the Ratification and Implementation requirements of the HNS Convention and the 2010 Protocol	IOPC Funds
11.45 – 12.45	HNS Cargo Contributor Calculator (including Reporting Requirements)	IOPC Funds
12.45 – 14.15	<i>Lunch</i>	
14.15 – 14.30	Summary and Review	
14.30 – 15.30	Reporting Requirements Exercise	IOPC Funds
15.30 – 16.00	<i>Coffee Break</i>	
16.00 – 16.30	Course Evaluation, Presentation of Certificates and Closing remarks	REMPEC

Annex III

RESULTS OF THE PARTICIPANTS' EVALUATION FORM

1. Did the Course meet your expectations?

Beyond your expectations	<input type="text" value="12"/>
More or less on par with your expectations	<input type="text" value="7"/>
Below your expectations	<input type="text"/>

2. Generally speaking, how do you judge the content and quality of the lectures/presentations?

Very good	<input type="text" value="16"/>	Quite good	<input type="text" value="1"/>
Good	<input type="text" value="3"/>	Not good enough	<input type="text"/>

3. Did you acquire new knowledge during this Workshop?

Very much	<input type="text" value="19"/>
Some	<input type="text" value="1"/>
Not enough	<input type="text"/>

4. Will the knowledge acquired during this Workshop help you in your current work?

Very much	<input type="text" value="15"/>
Enough	<input type="text" value="5"/>
No	<input type="text"/>

Other comments?

- *The knowledge gained will be beneficial to my Administration*
- *Good and positive experience and excellent organisation*
- *Most helpful in the process for the ratification of the HNS Prot.*
- *Provided with important information and exercises*

5. Do you think that the duration of the lectures/presentations was adequate?

About right

Too long

Not long enough

6. Did you have enough time for questions?

Yes

No

7. In your opinion, are there any other issues or topics which the Course should have covered?

(Synthesis of all the comments)

- *Additional info on HNS techniques, Case Studies and Material*
- *Additional info on problematic issues for the States*
- *Additional time for more exercises.*

8. Do you think that it was useful to meet other officials from the Mediterranean region?

Yes

No

9. Which lectures/presentations did you find most interesting?

(Synthesis of all the comments)

All lectures were interesting.

10. Which lectures/presentations did you find least interesting?

(Synthesis of all the comments)

None

11. Generally speaking, are you satisfied with the Course?

Very satisfied

Satisfied

Unsatisfied

12. Other comments

(Some of the comments)

- *Everything was well planned;*
- *Warm thanks to REMPEC and the lecturers.*