

HNS convention

Official reference	International convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea	
Official website	www.hnsconvention.org	
Relevant dates	Document	3/05/1996
	Entry into force	not (substituted by Protocol 2010)
	Ratification by Belgium	not
	Document Protocol 2010	30/04/2010
	Entry into force	not yet
	Ratification by Belgium	not yet
Policy level	International	
Type of instrument	Convention	
Geographical reach	World seas	
(Legal) coverage in the BNS	Internal waters, territorial sea, exclusive economic zone	
International contact point	IOPC Fund secretariat	

// abstract:

The HNS convention of 1996 regulates the compensations given to victims of damage caused by the carriage of hazardous and noxious substances at sea. The lack of ratifications resulted in the 2010 Protocol, that deals with the issues that were raised in connection to the entry into force of the original convention. The convention was subsequently renamed the HNS convention of 2010. The convention extends the impact of the *CLC convention* (p.27) and the *FUND convention* (p.30) by covering not only pollution damage, but also the loss of and damage to properties. Additionally, the convention covers the risk of fire and explosion as well as loss of life and personal injury caused by hazardous and noxious substances. Pollution damage as defined in the CLC and FUND conventions, is not included in the HNS convention in order to prevent overlap.

The shipowner is liable for the damage caused. The liability can be limited to a maximum sum according to the ship's tonnage. The convention also determines the reasons that can exempt the owners from their liability (e.g. damage due to an act of war). Furthermore, the HNS convention stipulates that claims concerning death or physical injuries have priority and that the owners of similar ships are obliged to take out insurance.

It was agreed that the liability of the ship owner did not provide enough coverage for possible damage to the cargo of the ship. The liability of the ship owner is therefore supplemented by the HNS fund, which is financed by the buyers of similar freights. The HNS fund pays compensation if (1) the ship owner cannot be held responsible, (2) if the ship owner is financially incapable of meeting the obligations under the convention or (3) the damage exceeds the owner's liability.