



LEGAL COMMITTEE
113th session
Agenda item 3

LEG 113/3/1
5 February 2026
Original: ENGLISH
Pre-session public release: ☑

**FACILITATION OF THE ENTRY INTO FORCE AND HARMONIZED INTERPRETATION
OF THE 2010 HNS PROTOCOL**

HNS State Party Certificates

Submitted by ICS and P&I Clubs

SUMMARY

<i>Executive summary:</i>	This document highlights an important issue relevant to the smooth entry into force and effective implementation of the 2010 HNS Protocol concerning the provision of State Party certificates of insurance or other financial security, and urges all State Parties to the HNS Protocol to develop a coordinated approach to ensure the timely provision of such certificates to all qualifying vessels in advance of the entry into force of the 2010 HNS Protocol.
<i>Strategic direction, if applicable:</i>	1 and 7
<i>Output:</i>	7.12
<i>Action to be taken:</i>	Paragraph 12
<i>Related document:</i>	LEG 94/11/2

Introduction and background

1 The 2010 HNS Convention (the Convention) will enter into force 18 months after ratification or accession by at least 12 States, provided that 4 of those States each have a registered ship's tonnage of at least 2 million GT; and contributors in the contracting States must, between them, have received during the preceding calendar year a total quantity of at least 40 million tonnes of cargo that would be contributing to the general account. There are currently eight contracting States to the Convention, namely, Canada, Denmark, Estonia, France, Norway, Slovakia, South Africa and Türkiye, five of which have each more than 2 million units of gross tonnage. The eight contracting States received, in 2024, a total quantity of 22,153,250 tonnes of cargo contributing to the general account. The Convention now needs only four more States to ratify or accede to it, plus the required contributing cargo, for it to enter into force. Following updates on the progress towards ratification provided by Belgium, Finland, Germany, the Kingdom of the Netherlands and Sweden at LEG 112, and again at the meeting of the IOPC Funds' governing bodies in November 2025, the Convention is significantly closer to entering into force.

2 The International Chamber of Shipping (ICS) and the International Group of Protection and Indemnity Associations (P&I Clubs) welcome the progress towards entry into force of the Convention and encourage all States that have not yet done so, to ratify or accede to the Convention as soon as possible, in order to ensure widespread implementation of this important new regime and thereby, global uniformity.

3 With States progressing their implementation of the Convention and the strong possibility of the Convention's entry-into-force provisions being triggered this year, ICS and the P&I Clubs wish to highlight an important issue relevant to the implementation of the Convention, relating to the provision of HNS Convention State certificates that will need to be carried on board as evidence that the required insurance or financial security is in place in accordance with article 12 of the Convention. Although this is an issue which has been raised previously during the HNS Workshop held at IMO in 2023, and again during LEG 112, the co-sponsors of this document believe that it is appropriate to raise this matter with the Committee now to highlight the need for an early dialogue between States Parties to the Convention to address this issue effectively and facilitate the smooth entry into force of the Convention.

State certification

4 When a ship is registered in a State Party to the Convention and actually carrying hazardous and noxious substances, a State certificate must be obtained from the appropriate authority of the State of the ship's registry. A ship not registered in a State Party to the Convention will need to obtain a certificate from a State Party, if it is trading to or from a State Party. A significant number of shipowners with ships not registered in a State Party to the Convention will therefore need to approach contracting States in the lead-up to entry into force of the Convention, in order to obtain their HNS Convention State certificates if subsequently calling at the port of a State Party to the Convention. Without such certification, vessels registered in States which have not yet ratified or acceded to the Convention will only be able to operate subject to geographical limitations as they will be unable to trade to Convention countries. These restrictions will also impact the States Parties to the Convention if the number of ships that can trade to them is limited as from the date of entry into force of the Convention owing to the lack of a valid HNS Convention State certificate.

5 Those States that are Parties at the time of entry into force of the Convention will therefore need to be willing and have the necessary national legislation in place to issue HNS Convention State certificates to those ships not registered in States Parties. This could be quite a considerable task for those States that will be contracting States in the lead up to the entry into force of the Convention, particularly, as there is no tonnage threshold in article 12 of the Convention, unlike the corresponding articles in the 2001 Bunkers Convention and the 2007 Nairobi Wreck Removal Convention. The P&I Clubs calculate that, according to the latest statistics, there are approximately 65,000 vessels entered across the 12 Clubs in the International Group that, based on the vessel type and/or trade profile, carry or may carry HNS cargo. Many of these will be registered in or trade with a State Party to the Convention or will be insured for worldwide trading and will therefore require an HNS Convention certificate from a State Party.

Potential issues that may arise

6 The co-sponsors recall that similar concerns were raised prior to the entry into force of the 2001 Bunkers Convention in November 2008 and that to facilitate entry into force of the 2001 Bunkers Convention a decision was taken by several of the States Parties to that Convention to agree to issue certificates to vessels not registered in a State Party calling at a port or terminal in a State Party (subject to criteria imposed by these States). If they had not agreed to do so, vessels registered in States which had not yet ratified or acceded to the 2001 Bunkers Convention could have only operated subject to important geographical limitations. However, at the time of its entry into force, there were 26 States Parties to the 2001 Bunkers Convention, including a number of large flag States. At the present time, the Convention has not been ratified by any of the largest flag States. This raises an additional concern about the capacity of the States Parties to the Convention to issue the large number of certificates that will be required.

7 A further concern is whether the relevant Administration in a State Party will have the necessary power to issue a certificate to a ship not registered in a State Party. This was an issue encountered in the run-up to entry into force of the 2001 Bunkers Convention, as in some instances, the implementing legislation in States Parties did not allow for this possibility. In order to avoid a similar situation arising in the context of the implementation of the HNS Convention, States Parties to the Convention may wish to consider including an express power to issue a certificate to a ship not registered in a State Party when drafting implementing legislation, if under its national law, a statutory power is required to confer such a power on the relevant Administration.

8 As there are approximately 65,000 vessels entered with P&I Clubs in the International Group that carry or may carry HNS cargo, the co-sponsors are cognizant that a similar administrative burden rests with the P&I Clubs as regards the issuing of HNS Convention Blue Cards for these vessels. The P&I Clubs will endeavour to ensure that they are in a position to meet this requirement in advance of entry into force of the Convention, which will include seeking formal consent from their Members to issue HNS Convention Blue Cards once the entry-into-force criteria have been met. However, given the large number and type of vessels covered by the HNS Convention, States should be aware that there may also be insurers outside of the International Group providing insurance or financial security for the shipowners liability under the Convention and these insurers or providers of financial security will also need to be in a position to issue the HNS insurance certificates to the vessels insured with them. States will also be aware that the guidance in IMO LEG.1/Circ.16 will be relevant when considering such non-P&I Club insurers or providers of financial security.

9 If, as seems likely, the Convention enters into force in the second half of 2027, then the co-sponsors would also like to highlight that any Blue Card issued by one of the International Group P&I Clubs in advance of entry into force of the Convention will only be valid for a few months until noon GMT on 20 February 2028 as International Group P&I Clubs largely issue Blue Cards with the renewal date of noon GMT on 20 February as the expiry date. This means that after renewal in February 2028, a new Blue Card for a 12-month period up to February 2029 would need to be issued with a corresponding State certificate issued by a State Party to the Convention. The administrative burden of issuing State certificates would therefore be repeated in a very short time period, within the first 6 to 9 months of entry into force of the Convention.

Possible next steps

10 If the entry-into-force provisions for the Convention are triggered in the first half of 2026, then the Convention will enter into force in late 2027. The co-sponsors believe that it is crucial that the States Parties to the Convention utilize the period prior to entry into force of the Convention to initiate dialogue on this issue and coordinate to facilitate the issuing of certificates to all qualifying vessels registered in their States and vessels not registered in States Parties. As there may be as many as 65,000 certificates that will need to be issued in a very short space of time, it is important to start the dialogue on this issue now to allow States Parties to plan how to share the administrative burden so as to minimize the risk that some shipowners will be unable to obtain their certificates prior to entry into force of the Convention. It is, of course, preferable for owners to obtain their certificates prior to the date of entry into force of the Convention rather than wait until entry into a port of a State Party after this date, given the need to avoid delays in entry into port in the event of any hold-up in the issue of the certificate. It is therefore important that both States and industry address these potential risks in good time in order to ensure that prospective States Parties to the Convention have the procedures in place and have the capacity to issue certificates to vessels registered in their States and to vessels not registered in States Parties well in advance of the entry into force of the Convention.

11 The co-sponsors suggest that once the entry-into-force provisions are triggered, States Parties coordinate with each other in advance of the first HNS Fund Assembly to develop a plan to address this issue. The co-sponsors are willing to liaise with the States Parties and provide assistance where possible to address this issue. As part of this process, the co-sponsors would be grateful to know whether States Parties are prepared to issue certificates to vessels not registered in a State Party if they are in possession of a valid Blue Card issued by a Club in the International Group and are due to enter a port or terminal in that State. The co-sponsors would also be grateful to know whether there are any States Parties that will not be prepared to issue a certificate to a vessel not registered in a State Party when calling at one of their ports or terminals after the entry into force of the Convention.

Action requested of the Committee

12 The Committee is requested to take note of the information contained in this document.
