



RWS INFORMATIE

Explanatory notes to the HNS Convention reporting form

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Introduction

These Explanatory Notes pertain to the HNS Convention Reporting Form that is forwarded to the receivers of HNS substances. Chapter 1 provides a general explanation. Chapter 2 sets out which substances are covered by the HNS Convention. Chapter 3 explains the relevant threshold values. Chapter 4 contains an explanation for agents. Chapter 5 contains an explanation for principals.

Rijkswaterstaat will forward any communication regarding the report from its email address hns@rws.nl. Please use this email address to submit report forms and/or requests for information.

In the near future, a web page providing information on the HNS Convention and the reporting procedure will be online on government.nl.

1 General

All the countries that have ratified the HNS Convention are obliged to report annually the tonne volumes of HNS substances received by the individual receivers of such substances. To this end, at the beginning of every year, the receivers are requested to indicate the tonne volume received in the preceding calendar year. Only the first receipt of any product must be taken into consideration. Example: a plant receives crude oil, which is subsequently used as a raw material for other products. The crude oil received must be included in the report; the products made from the crude oil must not.

Rijkswaterstaat sends out a request for data and submits the required report. Following receipt of the data, Rijkswaterstaat will conduct a cross-check. The cross-check is performed using data provided by the port authorities. It is not intended for enforcement purposes but rather to verify the reliability of the data received with greater certainty.

Companies that are reasonably presumed to exceed the threshold values set down in the HNS Convention will receive a reporting form to be completed and returned.

The reporting form comprises two different forms: one for the "agent" and one for the "principal". The agent is defined as the first physical receiver of the contributing substances (terminals, storage and transshipment companies); the principal is defined as the end user (industrial). Chapters 4 and 5 of these Explanatory Notes explain the reporting procedure and the substances to be reported.

Please complete the "agent" form if you are the first physical receiver of the HNS substances.

Please complete the "principal" form if you are the end user of the HNS substances.

Please note: the first physical receiver may also be the end user of the HNS substances, for example, if the company premises are located in the port and the company receives the HNS substances immediately after their sea transport. In such cases, the agent/principal situation does not apply; the company in question must complete the "principal" form.

The Netherlands intends to ratify the HNS Convention in 2024. To this end, we need to indicate the tonne volume of HNS substances received in the Netherlands. The year 2024 will be used, as will the 2023 test report, to collectively explore the best method to produce the desired results.

2 HNS substances

The [HNS finder](#) can be used to determine whether the substances received by your company qualify as contributing cargo under the HNS Convention. The HNS Finder enables you to search the list of all HNS substances. For each substance covered by the Convention, the HNS Finder also indicates the account under which the quantities must be specified on the reporting form (General, Oil, LNG or LPG). The HNS Finder operates in English. More information and an explanation of how to search for substances in the HNS Finder is provided in the "Finder Overview" (immediately below the HNS Finder) and in the [Guidance Notes to the HNS Finder](#).

Search results or the entire database (for the latter, the search field must be left blank) can be downloaded from the results page as a CSV file. This file allows further processing for applications by clicking on the orange "search current data" button and subsequently on the black "save search results as .csv" button.

Please note: within the HNS Finder, UN numbers are only used in accordance with their product lists as found in the various relevant codes and lists. UN numbers only appear for notifications pertaining to packaged goods or bulk goods whose codes or lists refer to UN numbers.

When searching for a substance in the HNS Finder, caution needs to be exercised with respect to using UN numbers that may be used in regulations not covered by the stipulations of the HNS Convention. This pertains to, inter alia, the ADN Convention, which governs inland shipping.

With respect to international shipping and IMO documentation, the UN numbers are only officially recognised within groups* (iv) and (vii). In a wider context, they may be used in other regulations but within the context of the HNS Convention, their role is limited to the two aforementioned groups. This means, for example, that searching by UN number in liquid bulk chemical groups* (ii) or (iii) would not yield any results. This does not, however, mean that such substances do not fall under the HNS Convention.

*Groups:

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| (i) | Oils, carried in bulk, as defined in regulation 1 of Annex I of MARPOL |
| (ii) | Noxious liquid substances (NLS), carried in bulk, as defined in regulation 1.10 of Annex II of MARPOL, including substances and mixtures provisionally categorized with a Pollution Category of X, Y or Z |
| (iii) | Dangerous liquid substances carried in bulk which are listed in chapter 17 of the IBC Code or which have had preliminary suitable carriage conditions prescribed by Administrations involved in shipments in accordance with this Code |
| (iv) | Dangerous, hazardous and harmful substances, materials and articles in packaged form as covered by the IMDG Code |
| (v) | Liquefied gases carried in bulk as listed in chapter 19 of the IGC Code and products for which preliminary suitable carriage conditions have been prescribed by the Administrations involved in shipments in accordance with this Code |
| (vi) | Liquid substances carried in bulk with a flashpoint not exceeding 60°C (as measured by a closed-cup test) |

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| (vii) | Solid bulk materials possessing chemical hazards as covered by the IMSBC Code to the extent that these substances are also subject to the provisions of the IMDG Code in effect in 1996, when carried in packaged form |
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Source: Guidance Notes to HNS Finder

3 Threshold values

The HNS Convention covers four accounts, each featuring its own threshold value.

| Account | Threshold value |
|----------------------|---------------------|
| General | 20,000 tonnes |
| Oil | |
| • Persistent oil | 150,000 tonnes |
| • Non-persistent oil | 20,000 tonnes |
| LPG | 20,000 tonnes |
| LNG | None (any quantity) |

Source: IMO

The reporting requirements only pertain to bulk substances. Packaged substances do not need to be reported.

The quantities concern annual totals. "Year" is defined as calendar year.

In the reporting form, the "General" account is divided into two categories: bulk solids and other HNS substances. The sum of these two categories determines whether the threshold value is exceeded.

The threshold values in the reporting form are intentionally slightly lower than those specified in the above table, in order to enable the authorities to monitor which companies are approaching the threshold value. Data on such quantities will not be used for any other purposes.

4 Agents

Only after the occurrence of a shipping incident involving the transport of Hazardous and Noxious substances that extends beyond the liability of the shipowner, will the companies need to pay according to the quantity of HNS substances received. If need be, payments will be spread over multiple years. Thus, rather than a savings fund, the HNS fund can be defined as a debt fund.

To cover administrative costs, an additional levy of EUR 0.01 per tonne will be charged once the Convention has entered into force.

In the first quarter of each successive calendar year, Rijkswaterstaat will request by email (hns@rws.nl) to report the tonne volume of HNS substances your company has received. You only need to submit a report if the quantity of HNS substances received exceeds the threshold values specified in the annexed reporting form.

Subsequently, you will report as follows:

The agent must report by completing the "agent" form, stating the total quantity of HNS substances received, including the quantities intended for principals (end users), if any.

The agent may subsequently refer to one or multiple principals by completing the appendix. For each principal, a separate appendix needs to be filled in. Referral to a principal is only possible if the principal is located in a country that has ratified the HNS Convention, and if the agent is aware of the volume of HNS substances intended for the principal. The countries that have ratified the Convention are listed on the reporting form. The agent will forward a copy of the appendix to the principal in question, in order to inform the principal of the quantity that the agent has reported to Rijkswaterstaat as being intended for the principal. The agent is not required to pay for such quantities; once the Convention has entered into force, the principal will be responsible for the costs as reported. If the principal is unknown or not located in an HNS country, the costs will be borne by the agent. In addition, the agent may choose not to disclose any principal(s) but rather cover all the levies relating to the HNS substances themselves. In the latter case, the agent will not fill in any appendices and only use the agent reporting form to state the total quantity of HNS substances received with respect to each account in the reporting year.

Agent (first physical receiver) / Principal (end user) situation

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| Agent required to pay contributions for HNS substances received | <ul style="list-style-type: none"> • End user located in a country that has not ratified the HNS Convention • End user unknown • Agent chooses not to disclose a principal but rather to report and pay everything himself |
| Agent not required to pay contributions for HNS substances received (the principal pays) | <ul style="list-style-type: none"> • End user is located in a country that has ratified the HNS Convention and is known |

The principal reports to Rijkswaterstaat via the "principal" form, stating the total volume of HNS substances received by the principal in the calendar year concerned.

Principals may have their HNS substances delivered via multiple agents or receive (part of the) substances directly via sea transport.

Please note: the first physical receiver may also be the end user of the HNS substances, for example, if the company premises are located in the port and the company receives the HNS substances immediately after sea transport. In such cases, the agent/principal situation does not apply; the company in question must complete the "principal" form.

In addition, a company may be both an agent and a principal. In such cases, both forms may be completed:

- The "agent" form is filled in for the HNS substances of which the company is the first receiver only and for which it refers to one or more principals;
- The "principal" form is filled in for the HNS substances of which the company is also the end user.

The HNS Convention has currently been ratified by the following countries: Canada, Norway, Denmark, South Africa, Turkey, Latvia, Slovakia, and France. The Netherlands will ratify the Convention simultaneously with Belgium and Germany.

5 Principals

Only after the occurrence of a shipping incident involving the transport of Hazardous and Noxious substances that extends beyond the liability of the shipowner will the receiving companies pay according to the quantity of HNS substances received. If need be, payments will be spread over multiple years. Thus, rather than a savings fund, the HNS fund can be defined as a debt fund.

To cover administrative costs, an additional levy of EUR 0.01 per tonne will be charged once the Convention has entered into force.

In the first quarter of each successive calendar year, you will be requested to report the tonne volume of HNS substances your company has received in the preceding calendar year. You only need to submit a report if the quantity of HNS substances received exceeds the threshold values specified in the annexed reporting form.

Agents will provide principals with a copy of the form on which they have indicated the quantity of HNS substances that have been transferred to the respective principals. This is the form that agents are required to submit to Rijkswaterstaat. Any coordination regarding the quantity of HNS substances is up to agents and principals. Once the Convention has entered into force, the costs concerning the reported quantity of HNS substances are borne by the principal.

Principals will subsequently report to Rijkswaterstaat using the "principal" form, stating the total volume of HNS substances received in the relevant calendar year. In some cases, principals may have multiple agents transferring HNS substances, or receive (a proportion of the) substances directly following sea transport.