

Law on the Approval of the Ratification of the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea Has Been Published

In the Official Gazette dated 3/4/2017, “Law No. 6949 on the Approval of the Ratification of the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996”¹ has been published.

1996 HNS Convention which was adopted in London on 3/5/1996 haven't entered into force in international law yet. This situation forced the International Maritime Organization (“IMO”) to consider the provisions of the Convention and ultimately it has been amended by the Protocol dated 30/4/2010. However, the 2010 Protocol haven't entered into force as well. It is indicated in the Article 18 of the Protocol; that the Convention, as amended by this Protocol, shall be referred to as “*International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010*”. As of today, no State has become a Party to the 2010 Protocol. Besides, Turkey is one of the 8 Signatories of the Protocol.²

In accordance with Article 46 of the Convention (Article 21 of the Protocol) the Convention shall enter into force eighteen months after the date on which the following conditions are fulfilled:

- At least twelve States, including four States each with not less than 2 million units of gross tonnage, have expressed their consent to be bound by it; and

- The Secretary-General of IMO has received information that those persons in such States who would be liable to contribute pursuant to the Convention have received during the

¹ 1996 Tehlikeli ve Zararlı Maddelerin Deniz Yoluyla Taşınmasından Kaynaklanan Zararın Tazmini ve Sorumluluğu Hakkında Uluslararası Sözleşmeye İlişkin 2010 Protokolünün Onaylanmasının Uygun Bulunduğuna Dair Kanun (Kanun No. 6949).

² Other Signatories include Denmark, Canada, France, Germany, Greece, the Netherlands and Norway. For the information, see IMO, Status of multilateral Conventions and instruments in respect of which the International Maritime Organization or its Secretary-General performs depositary or other functions, <http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents/Status%20-%202017.pdf>, pp. 475 ff.

preceding calendar year a total quantity of at least 40 million tonnes of cargo contributing to the general account.

The process of becoming a State Party to the Protocol for Turkey will start after the decision of Council of Ministers, which is competent to conduct Law No. 6949, on the approval of ratification of the convention. The Turkish translation of the Convention will be published in the annex to the decision of the Council of Ministers. The translation of the 2010 Protocol is annexed to the draft of Law No. 6949, for the translation see:

<https://www.tbmm.gov.tr/sirasayi/donem26/yil01/ss227.pdf>