

No.1 2008/2009 - Japan - International Convention on Oil Pollution Preparedness, Response & Co-operation 1990

April 2008

Dear Sirs

Japan - International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 - Hazardous and Noxious Substances (OPRC-HNS)

States which are party to the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (OPRC) are required to establish measures for dealing with pollution incidents. A Protocol to extend the Convention to apply to pollution incidents by hazardous and noxious substances (HNS) was adopted in 2000 and entered into force in certain countries on 14 June 2007 (OPRC - HNS). This measure was given effect in Japan by an amendment in 2006 to the domestic law relating to the Prevention of Marine Pollution and Maritime Disaster.

The 2006 law provides that with effect from 1st April 2008, tankers over 150 gt carrying liquid HNS products e.g. kerosene, naphtha, jet oil, gas oil and noxious substances are required, when sailing in certain specified areas in Japan (Tokyo Bay, Ise Bay, Seto Inland Sea including Osaka Bay) to have access to materials, equipment and experts necessary for the prevention/elimination of HNS spills. Owners can meet this requirement by pre-contracting with The Maritime Disaster Prevention Center (MDPC). More information can be found in the MDPC information pamphlet and by following this link.

The 2006 law is similar to that applying to tankers carrying persistent oil when calling at Japanese ports. MDPC is in effect acting as a spill response organisation. The International Group has drawn up guidelines for contracts with spill response organisations. The MDPC contract in relation to HNS does not comply with these guidelines and accordingly could give rise to liabilities which are outside of the scope of P&I cover. As a temporary measure, and to allow time for discussions with MDPC, the International Group brokers have arranged additional insurance to cover the increased liability, details of which can be obtained from the Managers.

Yours faithfully

For: **West of England Insurance Services**
(Luxembourg) S.A.
(As Managers)

R J B Searle
Director