



International Oil Pollution
Compensation Funds

Agenda Item 5	IOPC/OCT17/5/1	
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1992 Fund Assembly	92A22	●
1992 Fund Executive Committee	92EC69	
Supplementary Fund Assembly	SA14	●

SUBMISSION OF OIL REPORTS

Note by the Secretariat

Summary:	<p>One hundred and three States have submitted reports for 2016 to the 1992 Fund, representing 98.6% of the expected total contributing oil. Oil reports for the year 2016 and/or previous years are outstanding for 12 States with respect to the 1992 Fund.</p> <p>Twenty-nine States have submitted reports for 2016 to the Supplementary Fund, representing 99.5% of the expected total contributing oil. Oil reports for the year 2016 and/or previous years are outstanding for two States with respect to the Supplementary Fund.</p>
Action to be taken:	<p><u>1992 Fund Assembly and Supplementary Fund Assembly</u></p> <p>Information to be noted.</p>

1 Introduction

- 1.1 This document sets out the status of the submission of oil reports in respect of the 1992 Fund and the Supplementary Fund. It also provides an update on the use of the online reporting system for the submission of oil reports by Member States.
- 1.2 In January 2017, the Director invited the 1992 Fund and Supplementary Fund Member States to submit to the Secretariat their reports on contributing oil received in 2016 by 30 April 2017. He also requested the submission of any outstanding reports from previous years, as appropriate.
- 1.3 Electronic reminders were sent out in May 2017 and reminder letters were sent in July 2017. These were followed up by further electronic reminders and phone calls to the competent authorities of States with outstanding reports.
- 1.4 The Secretariat maintains a list of contributors for each State. Member States are provided with a list of the contributors in their State along with the contributing oil receipts for the previous three years to assist them in submitting the current oil reports. Clarification is requested from Member States in the event that oil reports are not submitted for all contributors or when there are inconsistencies with previously reported tonnages.
- 1.5 The Secretariat also has access to information on receipts of persistent oil received after sea transport, published on the Thomson Reuters Eikon service to which the Secretariat already subscribes for information on counterparty banks. This information is used by the Secretariat, together with web-based open source research, to assist Member States with reporting and clarifying reasons for large variations in tonnages.

- 1.6 Competent authorities were reminded of the governing bodies' concern about States that did not fulfil their treaty obligations to submit reports, as it is crucial for the functioning of the international compensation regime, and they were referred to Resolution N°12 – Measures in respect of outstanding oil reports and outstanding contributions, which was adopted at the April 2016 session of the 1992 Fund Administrative Council. Attention was drawn to the fact that in accordance with Resolution N°12 with respect to the 1992 Fund, the extent to which a State fulfilled its obligation to submit reports would be taken into account when making payments of claims for compensation and when the 1992 Fund Assembly elects members of the 1992 Fund Executive Committee. With respect to the Supplementary Fund, States were reminded that failure to submit oil reports could lead to a temporary or permanent denial of compensation.

2 Situation with regards to outstanding reports

2.1 1992 Fund

- 2.1.1 The 103 States that have submitted reports for 2016 are estimated to represent some 98.6% of the expected total contributing oil for the 1992 Fund (see document [IOPC/OCT17/4/1](#), Annex). As at 2 October 2017, 12 Member States had outstanding reports on contributing oil (see Annex).
- 2.1.2 Out of the 12 States with outstanding reports, six States recorded outstanding reports for one year only. It is expected that the non-submission of oil reports by these States is an administrative oversight and that 'nil' quantities will be reported in three of these States.
- 2.1.3 Of the six States with reports outstanding for more than one year, two have not submitted any reports since joining the 1992 Fund: Dominican Republic (18 years) and Syrian Arab Republic (eight years). Oil reports are outstanding for Saint Lucia for eleven years (2004–2013, 2016), the Bolivarian Republic of Venezuela for ten years, Republic of Albania for four years and the Kingdom of Morocco (Morocco) for two years. Reports are also outstanding for Sint Maarten (Kingdom of the Netherlands) for the years 2004–2016 and for the Kingdom of the Netherlands for the years 2004–2009, with respect to Bonaire, Saba and St Eustatius.
- 2.1.4 The financial consequences of the missing reports are limited.
- 2.1.5 Since the October 2016 sessions of the governing bodies, the Director is pleased to report that all outstanding reports covering the period 2004–2016, which included contributing oil, have been received from Curaçao (Kingdom of the Netherlands).

2.2 Supplementary Fund

- 2.2.1 As at 2 October 2017, reports have been submitted by 29 Member States of the Supplementary Fund. One Member State of the Supplementary Fund, the Republic of the Congo, had outstanding reports on contributing oil for one year only (see Annex). One Member State, Morocco, had outstanding reports for two years.
- 2.2.2 The financial consequences of the missing reports are limited with respect to the Supplementary Fund. The reports already submitted by States for 2016 are estimated to represent 99.5% of the expected total contributing oil.

3 Online reporting system

- 3.1 The Secretariat has been developing an online reporting system (ORS) to assist Member States to more efficiently submit data on oil receipts to the Secretariat.

- 3.2 Taking into account that 38 States representing approximately 90% of the total tonnage had used the ORS to submit their 2015 oil reports, the governing bodies encouraged the Director to continue developing the system and to urge more States to use it.
- 3.3 To facilitate its adoption as an official submission procedure, it is important that more States use the ORS. At present, Member States using the ORS are also required to have the oil report printed and signed by both the contributor and the relevant authority in the Member State and submitted to the Secretariat.
- 3.4 At the October 2016 sessions of the governing bodies, the 1992 Fund Assembly noted that the Director would review the Internal Regulations on oil report submission to avoid the duplication in the submission of oil reports using both the ORS and oil report forms. The Director's recommendations on this issue are in a separate document, [IOPC/OCT17/5/1/1](#).
- 3.5 Developments in 2017
- 3.5.1 During 2017, the Secretariat continued to work on improvements to the system, including amendments requested by State users to the contributor contact functionality and some security improvements. All States were invited to use the ORS for the submission of the 2016 oil reports.
- 3.5.2 As at 2 October, 35 of the 52 States registered had submitted their 2016 oil reports through the ORS, representing approximately 90% of the total oil tonnage reported to the 1992 Fund and 95.3% to the Supplementary Fund, based on reported tonnage figures for calendar year 2015:

Member States who have submitted 2016 oil reports through ORS		
Australia	India	Panama
Belgium	Ireland	Portugal
Brunei Darussalam	Italy	Qatar
Bulgaria	Jamaica	Republic of Korea
Canada	Japan	Singapore
China ^{<1>}	Latvia	Slovenia
Cyprus	Malaysia	Spain
Denmark	Namibia	Sweden
Finland	Netherlands	Turkey
France	New Zealand	United Kingdom
Germany	Nigeria	Vanuatu
Iceland	Norway	

- 3.5.3 Whilst the percentage of the total oil received in Member States submitted via the ORS (i.e. 90% and 95.3%) remains high, the number of State users remains relatively small and represents only 45% of the 1992 Fund's Membership.

4 Director's considerations

- 4.1 The Director is pleased to report that the situation with respect to the submission of oil reports continues to improve with the cooperation and engagement of Member States. Work is still required

<1> The 1992 Fund Convention applies to the Hong Kong Special Administrative Region only.

to make sure that all Member states continue to fulfil this obligation under the 1992 Fund Convention and the Supplementary Fund Protocol.

- 4.2 In March 2017, the Director visited the Dominican Republic and attended a number of meetings with the authorities in order to address the outstanding oil reports. The Director is hopeful that this matter is now being addressed in the Dominican Republic at the highest level and that it is likely the reports will be submitted soon.
- 4.3 The Director will continue his efforts to obtain the outstanding reports and strongly encourages all 1992 Fund and Supplementary Fund Member States to support the Secretariat in this matter.

5 Action to be taken

1992 Fund Assembly and Supplementary Fund Assembly

The 1992 Fund Assembly and the Supplementary Fund Assembly are invited to take note of the information contained in this document.

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Annex

Non-submission of oil reports by Member States

	State	Number of years of outstanding reports	Tonnage given in most recent complete report	Years for which reports are outstanding	
				1992 Fund	Supplementary Fund
1	Dominican Republic	18	No reports received	1999–2016	
2	Saint Lucia*	11	3 640 161	2004–2013, 2016	
3	Venezuela	10	8 356 267	2007–2016	
4	Syria	8	No reports received	2009–2016	
5	Albania	4	Nil	2013–2016	
6	Morocco	2	5 189 312	2015–2016	2015–2016
7	Russian Federation**	1	4 565 956	2015	
8	Congo	1	0	2016	2016
9	Belize	1	0	2016	
10	Benin	1	0	2016	
11	Côte d'Ivoire	1	3 304 924	2016	
12	Mauritania	1	241 649	2016	

* Oil reports for calendar years 2014 and 2015 have been submitted.

** Reports for 2016 have been submitted. Clarification has been sought as to whether the oil reported was received following ship-to-ship transfer, which is no longer counted as contributing oil.