



International Oil Pollution  
Compensation Funds

<b>Agenda Item 5</b>	IOPC/NOV21/5/1	
<b>Date</b>	29 September 2021	
<b>Original</b>	English	
<b>1992 Fund Assembly</b>	92A26	●
<b>1992 Fund Executive Committee</b>	92EC77	
<b>Supplementary Fund Assembly</b>	SA18	●

## SUBMISSION OF OIL REPORTS

### Note by the Secretariat

<b>Summary:</b>	<p>As at 23 September 2021, 93 States have submitted reports for 2020 to the 1992 Fund, representing 94.95% of the expected total contributing oil. Oil reports for the year 2020 and/or previous years are outstanding for 28 States with respect to the 1992 Fund.</p> <p>Thirty-one States have submitted reports for 2020 to the Supplementary Fund, representing 96.62% of the expected total contributing oil. One State has not submitted oil reports for the year 2020 and one State has made a partial submission with respect to the Supplementary Fund.</p>
<b>Action to be taken:</b>	<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 development of the online reporting system (ORS) for the submission of oil reports by Member States.
- 1.2 In January 2021, the Director invited 1992 Fund and Supplementary Fund Member States to submit to the Secretariat their reports on contributing oil received in 2020 by 30 April 2021. The submission of any outstanding reports from previous years was also requested, as appropriate. The Secretariat maintains a list of contributors for each State. Member States are provided with the 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.
- 1.3 Electronic reminders were sent out in May 2021 and July 2021, and reminder letters were sent in August 2021. As in previous years, these were followed up by phone calls to the competent authorities of States with outstanding reports.
- 1.4 Throughout 2020 and 2021, Member States have been impacted by the effects of COVID-19 restrictions, which have caused some difficulties in collating reports and led to delays in submissions. The Secretariat is grateful for the continued efforts and cooperation of Member States to meet their reporting obligations under difficult circumstances.
- 1.5 Clarification is sought from Member States in the event that oil reports are not submitted for all contributors or when there are inconsistencies with previously reported tonnages. The Secretariat also has access to information on persistent oil received after sea transport, published by Refinitiv's 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.
- 1.7 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 regard to outstanding reports**

### **2.1 1992 Fund**

- 2.1.1 The 93 States that have submitted reports for 2020 are estimated to represent some 95% of the expected total contributing oil (94% in 2019). It should be noted, however, that based on the reports received thus far, the total quantity of oil received in 2020 has decreased by some 10% compared to 2019 and the total expected contributing oil is, therefore, difficult to estimate. As at 23 September 2021, 28 States had not submitted any reports on contributing oil for 2020 or prior years, as shown in the Annex.
- 2.1.2 Out of the 28 States with outstanding reports, 10 States recorded outstanding reports for one year only. It is expected that the non-submission of oil reports by these 10 States is due to the effects of COVID-19 restrictions, and the reports will be submitted once the effects of the restrictions have eased. It is further expected that 'nil' quantities will be reported by 12 of the States yet to submit.
- 2.1.3 Of the 18 States with reports outstanding for more than one year, two have not submitted any reports since joining the 1992 Fund: Dominican Republic (22 years) and Syrian Arab Republic (12 years). Oil reports are outstanding for Saint Lucia for 12 years (2004–2013, 2019–2020), Albania for eight years (2013–2020) and Mauritania for five years (2016–2020).
- 2.1.4 The Netherlands, Aruba, Curaçao and Sint Maarten are autonomous partners within the Kingdom of the Netherlands, a status which obliges them to submit reports of contributing oil to the 1992 Fund directly. Reports for 2020 are outstanding for Curaçao and Sint Maarten.
- 2.1.5 Reports are outstanding from the Netherlands for the years 2004–2009 and 2019–2020, with respect to two contributors in Bonaire and St Eustatius. The authorities in the Netherlands have informed the Secretariat they are taking the appropriate steps under their national legislation to ensure that reports are submitted by the contributor in St Eustatius. In March 2021, the contributor in Bonaire filed for bankruptcy. The authorities are continuing their efforts to liaise with this contributor's head office, which is located in another Member State.

### **2.2 Supplementary Fund**

- 2.2.1 As at 23 September 2021, reports for 2020 had been submitted by 31 Member States of the Supplementary Fund. One Member State, Greece, had not submitted any reports for 2020, and one Member State, the Netherlands, had made a partial submission of reports (see paragraph 2.1.5).

- 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 2020 are estimated to represent some 97% of the expected total contributing oil (92% in 2019). The total quantity of contributing oil reported to the Supplementary Fund has decreased by 10% in 2020, compared to 2019.

### **3 Online reporting system**

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

#### **3.2 Developments in 2021**

- 3.2.1 As reported at the December 2020 sessions of the governing bodies, the Secretariat's bespoke accounts and contributions management package, Fundman, was being replaced by an off-the-shelf Enterprise Resource Planning (ERP) system.
- 3.2.2 The ERP system became operational in late 2020, but it has taken time to establish new practices and procedures. The Secretariat expects to commence work on the next phase of this project in 2022, which will include identifying how best to integrate the ORS with the ERP system.

### **4 Measures encouraging the submission of oil reports**

- 4.1 At the October 2019 sessions of the governing bodies, the Director was instructed to examine other ways to incentivise the submission of oil reports, including the possibility of invoicing contributions based on estimates in the event that no reports were submitted (IOPC/OCT19/11/1, paragraph 5.1.17).
- 4.2 The Director has been discussing the possibility of using estimates to invoice contributions with the Audit Body and will report back to the Assembly at a future session.

### **5 Director's considerations**

- 5.1 The Director is grateful for the continued cooperation and engagement of Member States with respect to the submission of oil reports in spite of the ongoing difficult circumstances caused by the COVID-19 pandemic.
- 5.2 The Director, however, notes with concern that six States have outstanding reports for five or more years and that two States have never submitted reports despite being members of the 1992 Fund for many years. The Director will continue his efforts to engage with those States that have outstanding reports. He encourages States to contact the Secretariat if they have trouble compiling information on oil receipts.
- 5.3 Ongoing work is required to ensure that all Member States continue to fulfil this important obligation under the 1992 Fund Convention and the Supplementary Fund Protocol. The Director strongly encourages all 1992 Fund and Supplementary Fund Member States to support the Secretariat in this matter.

### **6 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.

**ANNEX**

**Non-submission of oil reports by Member States, as at 23 September 2021**

	Member 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	22	No reports received	1999–2020	
2	Saint Lucia <sup>&lt;1&gt;</sup>	12	3 754 941	2004–2013, 2019–2020	
3	Syrian Arab Republic	12	No reports received	2009–2020	
4	Albania	8	0	2013–2020	
5	Netherlands <sup>&lt;2&gt;</sup>	8	110 511 447	2004–2009, 2019–2020	2019–2020
6	Mauritania	5	241 649	2016–2020	
7	Djibouti	4	167 042	2017–2020	
8	Argentina	3	12 607 018	2018–2020	
9	Bahrain	3	0	2018–2020	
10	Guinea	3	173 942	2018–2020	
11	Panama	3	10 339 086	2018–2020	
12	Belize	2	0	2019–2020	
13	Benin	2	0	2019–2020	
14	Gambia (the)	2	No reports received	2019–2020	
15	Kiribati	2	0	2019–2020	
16	Liberia	2	0	2019–2020	
17	Senegal	2	1 474 654	2019–2020	
18	Venezuela (Bolivarian Republic of)	2	9 389 318	2019–2020	
19	Algeria	1	420 102	2020	
20	Cameroon	1	1 004 132	2020	
21	Comoros	1	0	2020	
22	Dominica	1	0	2020	
23	Fiji	1	0	2020	
24	Greece	1	29 106 365	2020	2020

<sup><1></sup> Oil reports for calendar years 2014–2018 have been submitted.

<sup><2></sup> The reports that are outstanding for the Netherlands relate to two contributors in Bonaire and St Eustatius and their most recent tonnages were collectively 14 669 626 tonnes (2018). The Supplementary Fund Protocol has applied to Bonaire and St Eustatius since 22 June 2011. See paragraphs 2.1.4–2.1.5 for further details.

**ANNEX**

	Member State	Number of years of outstanding reports	Tonnage given in most recent complete report	Years for which reports are outstanding	
				1992 Fund	Supplementary Fund
25	Nauru	1	No reports received	2020	
26	Oman <sup>&lt;3&gt;</sup>	1	0	2018	
27	Saint Kitts and Nevis	1	0	2020	
28	Trinidad and Tobago	1	0	2020	

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<3> Reports for 2019 and 2020 have been submitted.