



International Oil Pollution  
Compensation Funds

<b>Agenda Item 5</b>	IOPC/NOV23/5/7/2	
<b>Date</b>	5 September 2023	
<b>Original</b>	English	
<b>1992 Fund Assembly</b>	92A28	
<b>1992 Fund Executive Committee</b>	92EC81	
<b>Supplementary Fund Assembly</b>	SA20	●

## 2022 FINANCIAL STATEMENTS AND AUDITOR'S OPINION

### INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND (SUPPLEMENTARY FUND)

#### Note by the Director

<b>Summary:</b>	As indicated in document IOPC/NOV23/5/7, the Supplementary Fund Financial Statements and the Auditor's Opinion are set out.
<b>Action to be taken:</b>	<u>Supplementary Fund Assembly</u>  Approval of 2022 Financial Statements.

#### 1 Introduction

- 1.1 Under Article 16.2 of the Supplementary Fund Protocol, read in conjunction with Article 29.2(f) of the 1992 Fund Convention, the Director has prepared the Financial Statements of the Supplementary Fund for the financial year 2022. The Director has also prepared comments on the Financial Statements. These comments are at Section One of the Annex.
- 1.2 In keeping with best practice, the Director has included a Statement on Internal Control which provides positive confirmation of the internal control framework. The Statement is in Section One of the Annex.
- 1.3 The Financial Statements of the Supplementary Fund are audited by BDO International LLP (BDO).
- 1.4 In view of the limited financial activity of the Supplementary Fund for the financial year 2022, the External Auditor has decided not to produce any Report on the audit of the accounts of that period. Under Financial Regulation 14.16 the External Auditor shall express an opinion on the Financial Statements on which it is reporting. This Opinion is in Section Two of the Annex.
- 1.5 The 2022 Financial Statements have been prepared in accordance with the International Public Sector Accounting Standards (IPSAS) as prescribed by Financial Regulation 12.1.
- 1.6 The certified Financial Statements for the financial period 1 January to 31 December 2022 are in Section Three of the Annex and consist of the following:

Statement I                      Statement of Financial Position at 31 December 2022

Statement II                     Statement of Financial Performance for the year ended 31 December 2022

Statement III	Statement of Changes in Net Assets for the year ended 31 December 2022
Statement IV	Statement of Cash Flow for the year ended 31 December 2022
Statement V	Statement of Comparison of Budget and Actual Amounts for the year ended 31 December 2022

- 1.7 In addition to the Financial Statements submitted, such notes as may be necessary for a better understanding of the Financial Statements, including a statement of the significant accounting policies are attached.

## **2 Action to be taken**

### Supplementary Fund Assembly

The Supplementary Fund Assembly is invited to consider the External Auditor's Opinion and to approve the Financial Statements for the financial period 1 January to 31 December 2022.

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International Oil Pollution  
Compensation Funds

Fonds internationaux  
d'indemnisation pour les  
dommages dus à la pollution  
par les hydrocarbures

Fondos internacionales  
de indemnización de daños  
debidos a contaminación por  
hidrocarburos

## **ANNEX**

### **2022 FINANCIAL STATEMENTS AND AUDITOR'S OPINION**

### **INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND (SUPPLEMENTARY FUND)**

## TABLE OF CONTENTS

	Page
<b>Section One</b>	<b>3–9</b>
Director's comments	3
Statement on Internal Control	7
<b>Section Two</b>	<b>10–13</b>
External Auditor's Opinion	10
<b>Section Three</b>	<b>14–25</b>
Financial Statements for the financial year ended 31 December 2022	15–19
Statement I — Statement of Financial Position at 31 December 2022	15
Statement II — Statement of Financial Performance for the year ended 31 December 2022	16
Statement III — Statement of Changes in Net Assets for the year ended 31 December 2022	17
Statement IV — Statement of Cash Flow for the year ended 31 December 2022	18
Statement V — Statement of Comparison of Budget and Actual Amounts for the year ended 31 December 2022	19
Notes to the Financial Statements	20

# SECTION ONE

## DIRECTOR'S COMMENTS ON THE FINANCIAL STATEMENTS FOR THE FINANCIAL PERIOD 1 JANUARY TO 31 DECEMBER 2022

### 1 Introduction

- 1.1 The International Oil Pollution Compensation Funds (IOPC Funds) are intergovernmental organisations that provide compensation for oil pollution damage resulting from spills of persistent oil from tankers. The International Oil Pollution Compensation Fund 1992 (1992 Fund) was set up under the 1992 Fund Convention, which entered into force on 30 May 1996, and is the second tier in the international civil liability and compensation regime.
- 1.2 The first tier is the 1992 Civil Liability Convention (CLC), which lays down the principle of strict liability of shipowners for oil pollution damage and creates a system of compulsory liability insurance. The shipowner is normally entitled to limit their liability to an amount that is linked to the tonnage of the ship. The 1992 Fund Convention establishes a regime for compensating victims when the compensation available under the CLC is inadequate and forms the second tier of compensation. Any State Party to the 1992 CLC may become Party to the 1992 Fund Convention and thereby become a Member of the 1992 Fund.
- 1.3 A Protocol to the 1992 Fund Convention adopted in 2003 resulted in the establishment of the International Oil Pollution Compensation Supplementary Fund (Supplementary Fund), which provides an optional third tier of compensation. The Protocol entered into force on 3 March 2005. Any State Party to the 1992 Fund Convention may become Party to the Protocol and thereby become a Member of the Supplementary Fund.
- 1.4 The maximum amount of compensation payable for any one incident for pollution damage in States which become Party to the Supplementary Fund Protocol is SDR 750 million<sup><1></sup> which as at 31 December 2022 corresponded to some £827 million. This amount includes the amount payable under the 1992 Civil Liability and Fund Conventions.
- 1.5 The Supplementary Fund has an Assembly composed of all Member States. The Assembly is the supreme governing body of the organisation, having, *inter alia*, the responsibility for financial matters.
- 1.6 The Supplementary Fund is financed by contributions paid by any person who has received in the relevant calendar year in excess of 150 000 tonnes of crude oil or heavy fuel oil (contributing oil) in ports or terminal installations in a Member State after carriage by sea. The levy of contributions is based on reports of oil receipts in respect of individual contributors, which are submitted to the Secretariat by governments of Member States. Where the aggregate quantity of contributing oil received in a Supplementary Fund Member State in a given calendar year is less than one million tonnes, the Member State will be liable to pay contributions for a quantity of contributing oil corresponding to the difference between one million tonnes and the aggregate quantity of actual contracting oil receipts reported in respect of that State.
- 1.7 At its February/March 2006 session, the Supplementary Fund Assembly took note of a voluntary agreement, the Tanker Oil Pollution Indemnification Agreement (TOPIA) 2006, under which the

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<1> The SDR (Special Drawing Right), the unit of account used in the Conventions referred to in paragraph 1.4, is valued on the basis of a basket of key international currencies and serves as the unit of account of the International Monetary Fund and a number of other intergovernmental organisations.

shipowner/P&I Clubs would reimburse the Supplementary Fund for 50% of the compensation payments made by it to claimants if the incident involved a ship covered by the agreement. As at 31 December 2022, there have been no incidents covered by this agreement.

- 1.8 As at 31 December 2022, there were 32 Member States of the Supplementary Fund. A full list of the current Member States of the Supplementary Fund can be found on the Membership page of the IOPC Funds website: [www.iopcfunds.org](http://www.iopcfunds.org).

## 2 Secretariat

- 2.1 The Supplementary Fund is administered by the 1992 Fund, which has a Secretariat headed by a Director, based in London.
- 2.2 The Director of the 1992 Fund is *ex officio* also the Director of the Supplementary Fund and is assisted by a Management Team in the day-to-day running of the joint Secretariat.
- 2.3 The Supplementary Fund uses external consultants to provide advice on legal and technical matters as well as on matters relating to management.

## 3 Governance

### 3.1 Audit Body

- 3.1.1 The governing bodies of the IOPC Funds have established a joint Audit Body for the two Funds composed of seven members elected by the 1992 Fund Assembly: six named individuals nominated by 1992 Fund Member States and one external expert with experience in audit matters nominated by the Chair of the 1992 Fund Assembly. The Chair and Vice-Chair of the Audit Body are elected by the 1992 Fund Assembly on the proposal by the Chair of the 1992 Fund Assembly from six elected individuals nominated by Member States.
- 3.1.2 In December 2020, the 1992 Fund Assembly elected a new Audit Body for a three-year term made up of the full complement of six members. At its session in November 2021, the Assembly elected a new external expert to serve for three years from 1 January 2022.
- 3.1.3 The Audit Body normally meets three times a year. In 2022, it met on three occasions, in April, July, and December.

### 3.2 Investment Advisory Body

- 3.2.1 The governing bodies of the IOPC Funds have established a joint Investment Advisory Body (IAB), consisting of three experts with specialist knowledge in investment matters appointed by the 1992 Fund Assembly to advise the Director on the Funds' investments.
- 3.2.2 At its session in December 2020, the 1992 Fund Assembly decided to reappoint two members of the IAB for a term of three years and reappoint one member for two years, whilst seeking a replacement.
- 3.2.3 The IAB normally meets four times a year and in 2022, it met in March, May, September, and December.

### 3.3 Financial risk management

- 3.3.1 The IOPC Funds manage risk using a risk register consisting of two categories: operational risk and institutional risk. Operational risk has been sub-divided into five areas: finance and contributions; governance and management; compensation; safety and security; and communications and publications. For each of these areas, sub-risks have been identified, and the processes and procedures for their management have been mapped, assessed and documented. This exercise allows the IOPC Funds to prioritise key risks and to ensure that these risks have been adequately mitigated and managed. Annual reviews are conducted of the IOPC Funds' 'Full Risk Register' by management, and of the 'Key Risk Register' by the Audit Body.
- 3.3.2 The Supplementary Fund has established a framework on internal control as set out in the Statement on Internal Control (see page 7).
- 3.3.3 The Supplementary Fund's financial risk management policies focus on securing the Fund's assets, maintaining sufficient liquid assets for the operation of the Fund, avoiding undue currency risks and obtaining a reasonable return. Financial risk is managed using the Internal Investment and Hedging Guidelines approved by the Director, which have been developed in accordance with advice from the IAB. Established policies cover areas of financial risk such as foreign exchange, interest rate and credit risk, the use of financial instruments, and the investing of liquid funds.
- 3.3.4 As at 31 December 2022, all cash, cash equivalent and investments were denominated in pounds sterling.
- 3.3.5 The Supplementary Fund's investment policy limits the amount of credit exposure to any one counterparty and includes minimum credit quality guidelines.

## 4 **2022 Financial Highlights**

- 4.1 In accordance with the International Public Sector Accounting Standards (IPSAS), the Financial Statements for the Supplementary Fund are produced on an entity basis. There have been no incidents involving the Supplementary Fund and, therefore, no Claims Funds have been established.
- 4.2 The net asset position presented in Statement I shows a closing net balance position of £1 358 941, a decrease of £26 995 from the balance on 31 December 2021 of £1 385 936.
- 4.3 In 2022, the total revenue was £16 438 (2021: £1 776), and the total expenditure was £43 433 (2021: £40 400).
- 4.4 No contributions were levied for payment in 2022. As at 31 December 2022, an amount of £1 489 remains outstanding from a contributor in one Member State.
- 4.5 The Director's comments on the administrative expenses for running the joint Secretariat are in the 2022 Financial Statements of the 1992 Fund. The joint Secretariat's expenses for 2022 (excluding external audit fees) amounted to £4 492 317 (2021: £3 961 283). This is £363 461 or 7.5% less than the 2022 budget appropriation of £4 855 778.
- 4.6 The Supplementary Fund Assembly, at its October 2019 session, decided to reappoint BDO International LLP (BDO) as the External Auditor to audit the Financial Statements for a second four-year term, i.e. for the financial years 2020–2023 inclusive, subject to satisfactory performance. The external audit fee of £4 400 per year was increased to £5 433 in 2022 to reflect additional work

required following the revision of the International Standard on Auditing (ISA) 315 in the UK and the introduction of a 2.5% support charge.

- 4.7 At their November 2021 sessions, the Supplementary Fund Assembly and the 1992 Fund Assembly decided that the Supplementary Fund should pay the 1992 Fund a flat management fee towards the cost of running the joint Secretariat in 2022. The management fee was set based on the estimated number of working days that the entire Secretariat would have to spend on Supplementary Fund matters. The fee for 2022 was set at £38 000 (2021: £36 000). The basis of calculating the management fee remained the same.
- 4.8 The expenditure relating to the Supplementary Fund's share of the costs of running the joint Secretariat and the external audit fees for 2022 amounted to £5 433 compared to the total appropriation of £52 400. A breakdown of the Supplementary Fund expenditure is set out below.

Expenditure relating only to Supplementary Fund	2022 Budget appropriations £	2022 Budget out-turn £	Balance of appropriations £
(a) Management fee payable to 1992 Fund	38 000	38 000	-
(b) Administrative costs including External Audit fees	14 400	5 433	8 967
<b>Total</b>	<b>52 400</b>	<b>43 433</b>	<b>8 967</b>

4.9 General Fund Balance

The General Fund balance on 31 December 2022 was £1 358 941 (2021: £1 385 936), which is higher than the working capital of £1 million set by the Supplementary Fund Assembly at its session in March 2005 and re-confirmed by the Assembly in October 2019.

## 5 Sustainability

- 5.1 The Supplementary Fund Protocol provides the Supplementary Fund Assembly with authority to levy contributions that may be required to balance the payments to be made by the Supplementary Fund. It also places an obligation on the contributors to make payment by the due date or bear interest on any arrears.
- 5.2 Based on the net assets held at the end of the period and the generally high percentage of receipt of the contributions levied by the due date, the going concern basis has been adopted in preparing the Supplementary Fund's Financial Statements.



Gaute Sivertsen  
Director  
2 May 2023



INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND  
STATEMENT ON INTERNAL CONTROL

## 6 Scope of Director's responsibility

- 6.1 Under Article 16 of the Supplementary Fund Protocol, read in conjunction with Article 28.2 of the 1992 Fund Convention, the Director shall be the legal representative of the International Oil Pollution Compensation Supplementary Fund (Supplementary Fund). Each Contracting State shall, pursuant to Article 2.2 of the Supplementary Fund Protocol, recognise the Director as the legal representative of the Supplementary Fund.
- 6.2 Under Article 16 of the Supplementary Fund Protocol, read in conjunction with Article 29.1 of the 1992 Fund Convention, the Director shall be the chief administrative officer of the Supplementary Fund. As chief administrative officer, the Director has responsibility for maintaining a sound system of internal control that supports the achievement of the Supplementary Fund's policies, aims and objectives, while also safeguarding the Supplementary Fund's assets.
- 6.3 As a result of these provisions, the Director has the authority, *vis-à-vis* third parties, to commit the Supplementary Fund without restrictions, unless the third party concerned has been informed of any limitation of this authority decided by the Assembly or Executive Committee.
- 6.4 The Director is, however, bound by any restriction of his authority decided by the Assembly or Executive Committee. He may delegate his authority to other officers within the limits laid down by the Assembly. Pursuant to the authority given and within the limits laid down by the IOPC Funds governing bodies, the Director has delegated his authority to other officers by Administrative Instructions.
- 6.5 The Supplementary Fund and the International Oil Pollution Compensation Fund 1992 (1992 Fund) are together referred to as the IOPC Funds. The IOPC Funds are managed by a joint Secretariat headed by the Director. The 1992 Fund administers the joint Secretariat and staff members are, therefore, employed by the 1992 Fund.
- 6.6 In 2022, the Director was assisted by a Management Team comprising of, for the period January to May 2022, the Deputy Director/Head of the Finance and Administration Department, the Head of the External Relations and Conference Department, the Head of the Claims Department, and the Head of the Information Technology Department for the day-to-day running of the Secretariat. In June 2022, the Management Team was reconfigured to consist of: the Director; the Deputy Director/Head of the Claims Department; the Head of the External Relations and Conference Department; and the Head of the Administration Department.
- 6.7 After a period of remote working due to the global COVID-19 pandemic, the IOPC Funds Secretariat returned to office-based work in 2022. An updated working from home policy was released, providing staff with the option to work from home two days each week.

## 7 Statement on the system of internal control

- 7.1 The Director has the responsibility for maintaining a sound system of internal control that supports the work of the Supplementary Fund. The system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; therefore, it can only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise risks, evaluate the

likelihood and impact of those risks being realised and manage them efficiently, effectively and economically.

- 7.2 The Management Team normally meets on a weekly basis to exchange information and brief the Director on matters that may require attention. Information sharing and internal steering group meetings, composed of staff members from the Secretariat and chaired by the Director, to discuss substantive matters of policy and work, are documented and matters followed up as required. These meetings provide the necessary forum where Management Team and staff members entrusted with specific areas of responsibility can discuss issues including internal control and risks arising in the organisation. The Director obtains assurance from these meetings that there are sufficient internal controls in place and that the risks are mitigated and managed across the organisation.
- 7.3 The joint Audit Body was established by the IOPC Funds governing bodies and meets formally at least three times a year. The Audit Body has the mandate, *inter alia*, to review the adequacy and effectiveness of the organisation with regard to key issues of management and financial systems, financial reporting, internal controls, operational procedures and risk management, to review the organisation's Financial Statements and reports, and to consider all relevant reports by the External Auditor including reports on the organisation's Financial Statements. This additional oversight provides further assurance to the Director, as well as the governing bodies, that appropriate internal controls are in place. The Audit Body reports to the Supplementary Assembly on an annual basis.
- 7.4 The joint Investment Advisory Body (IAB) was also established by the IOPC Funds governing bodies. It advises the Director on relevant procedures for investment and cash management controls, and these are monitored by the IAB, which provides the Director with further assurances regarding the internal controls that are in place in this area. The IAB also reviews the IOPC Funds' investments and foreign exchange requirements to ensure reasonable investment returns are achieved without compromising the IOPC Funds' assets. The IAB also monitors, on an ongoing basis, the credit ratings of financial institutions and reviews the credit ratings of institutions which meet the IOPC Funds' investment criteria. The IAB meets quarterly with the Director and Secretariat, and at least annually with the External Auditor when both parties are in attendance at Audit Body meetings. The IAB reports to the Supplementary Assembly on an annual basis.

## 8 Risk management


- 8.1 The Director continued a policy of reviewing the IOPC Funds' risk register to identify key risks across the organisation. These risks have been placed in two categories: operational risk and institutional risk. Operational risk has been sub-divided into five areas: finance and contributions; governance and management; compensation; safety and security; and communications and publications.
- 8.2 In 2022, the Management Team reviewed and assessed the sub-risks under these risk areas, following which the process and procedures for the management of these risks were documented. This exercise allowed the IOPC Funds to prioritise the key risks and ensure that these risks were adequately mitigated.
- 8.3 The Key Risk Register is shared with the Audit Body at least annually, following the results of the annual risk management review and updates to the Register. The Audit Body and the Director jointly identify areas of risk for more in-depth analysis. The Audit Body has made valuable contributions to the organisation's risk management, which provides further assurance to the Director that the processes are effective. The Audit Body makes specific reference to these matters in its annual report to the governing bodies.

## 9 The risk and control framework

- 9.1 The system of internal control is based on an ongoing process designed to ensure conformity with the Supplementary Fund Protocol, the Financial Regulations, the Internal Regulations and decisions of the Supplementary Fund Assembly.
- 9.2 The Assembly adopts the Financial Regulations and Internal Regulations necessary for the proper functioning of the Supplementary Fund.

## 10 Review of effectiveness

- 10.1 The review of the effectiveness of the system of internal control is carried out by the Director and is aided through the work of the Audit Body and that of the External Auditor. Any recommendations made by the External Auditor, in its management letter and other reports, are considered and a plan is agreed upon to address any identified weakness and to ensure continuous improvement of the current system. The Assembly is updated annually on the status of these recommendations.
- 10.2 As part of the process of further enhancing the system of control, the Director commissioned an internal audit needs assessment, which was discussed with the Audit Body at its meeting in April 2018. The outline plan and the areas to be reviewed over a three-year period agreed with the Audit Body, should provide added assurances to the Director on the effectiveness of the internal controls in place.
- 10.3 In mid-2019, Mazars LLP was engaged to undertake the internal audit reviews following the merger of the previous firm with the External Auditor, BDO, in February 2019. A review of the Risk Management Framework was undertaken by Mazars LLP in late 2019 and was reviewed by the Audit Body in June 2020. No additional internal audit review was undertaken in 2020 and 2021 due to the global pandemic. In 2022, an internal audit review of the claims handling process was undertaken by Mazars LLP and the results were reported to the Audit Body in April 2022.
- 10.4 The work of the Audit Body, the External Auditor and the internal audit reviews provided additional assurances that the infrastructure and management controls in place provided a stable and secure platform to support the ongoing functioning of the IOPC Funds.
- 10.5 I am pleased to conclude that there existed an effective system of internal control for the financial year 2022.



Gaute Sivertsen  
Director  
2 May 2023

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## SECTION TWO

### EXTERNAL AUDITOR'S OPINION

#### OPINION ON THE FINANCIAL STATEMENTS

We have audited the financial statements of the International Oil Pollution Compensation Supplementary Fund (the Fund) for the year ended 31 December 2022 which comprise the Statement of Financial Position, the Statement of Financial Performance, the Statement of Changes in Net Assets, the Statement of Cash Flows and the Statement of Comparison of Budget and Actual Accounts for the year then ended, and notes to the financial statements, including a summary of significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law including the Financial Regulations of the International Oil Pollution Compensation Supplementary Fund (the Financial Regulations) and International Public Sector Accounting Standards (IPSAS).

In our opinion:

- the financial statements present fairly, in all material respects, the financial position of the International Oil Pollution Compensation Supplementary Fund as at 31 December 2022 and of the results of its operations and cash flows for the year then ended
- the financial statements have been properly prepared in accordance with the Fund's Financial Regulations and International Public Sector Accounting Standards; and
- accounting principles have been applied in the preparation of the financial statements on a basis consistent with that of the preceding period.

#### Basis for opinion

We conducted our audit in accordance with International Standards on Auditing and applicable law. Our responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of our report. We are independent of the Fund in accordance with the ethical requirements that are relevant to our audit of the financial statements, including the IESBA Code of Ethics for professional Accountants, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

#### Conclusions relating to going concern

In auditing the financial statements, we have concluded that the Director's use of the going concern basis of accounting in the preparation of these financial statements is appropriate.

Based on the work we have performed, we have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the Fund's ability to continue

as a going concern for a period of at least twelve months from when the financial statements are authorised for issue.

Our responsibilities and the responsibilities of the Directors with respect to going concern are described in the relevant sections of this report.

### **Emphasis of Matter – basis for accounting and use**

In forming our opinion on the accounts, which is not modified, we draw attention to Note 1 to the financial statements, which describes the basis of accounting. The financial statements are prepared to assist the Fund in complying with their financial reporting obligations. As a result, the financial statements may not be suitable for another purpose.

### **Other information**

The Director is responsible for the other information. The other information comprises the information included in the annual report, including the Director's Comments on the Financial Statements and Statement on Internal Control, other than the financial statements and our auditor's report thereon. Our opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in our report, we do not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If we identify such material inconsistencies or apparent material misstatements, we are required to determine whether there is a material misstatement in the financial statements or a material misstatement of the other information. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact.

We have nothing to report in this regard.

### **Opinion on Regularity**

In our opinion, in all material respects the revenue and expense have been applied to the purposes intended by the Fund's Assembly and the financial transactions conform to the Financial Regulations.

### **Responsibilities of the Director**

The Director is responsible for the preparation of the financial statements and for such internal control as the Director determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Director is responsible for assessing the Fund's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless there is an intention to liquidate the Fund or to cease operations, or have no realistic alternative but to do so.

In preparing the financial statements, the Director is required to:

- select suitable accounting policies and then apply them consistently;
- make judgements and accounting estimates that are reasonable and prudent;
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Fund will continue in operation.

The Director is responsible for keeping adequate accounting records that are sufficient to show and explain the Fund's transactions and disclose with reasonable accuracy at any time the financial position of the Fund and enable the Director to ensure that the financial statements comply with the Fund regulations and IPSASs. The Director is also responsible for safeguarding the assets of the Fund and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

The Director is responsible for ensuring that transactions of the Fund are in accordance with the Financial Regulations and legislative authority.

#### **Auditor's responsibilities for the audit of the financial statements**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

A further description of our responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website at: [www.frc.org.uk/auditorsresponsibilities](http://www.frc.org.uk/auditorsresponsibilities). This description forms part of our auditor's report.

#### **Extent to which the audit was capable of detecting irregularities, including fraud**

Irregularities, including fraud, are instances of non-compliance with laws and regulations. We design procedures in line with our responsibilities, outlined above, to detect material misstatements in respect of irregularities, including fraud. The extent to which our procedures are capable of detecting irregularities, including fraud is detailed below:

- We considered results of our enquiries of the Secretariat, and the Audit Body about their own identification and assessment of the risks of irregularities.
- We considered any matters we identified having obtained and reviewed the Fund's documentation of their policies and procedures relating to:
  - identifying, evaluating and complying with laws and regulations and whether they were aware of any instances of noncompliance;

- detecting and responding to the risks of fraud and whether they have knowledge of any actual, suspected or alleged fraud; and
- the internal controls established to mitigate risks of fraud or non-compliance with laws and regulations.
- We considered the opportunities and incentives that may exist within the organisation for fraud and identified the greatest potential for fraud is in relation to the provision for compensation and reporting of actual spend against budget. In common with all audits under ISAs, we are also required to perform specific procedures to respond to the risk of management override.
- We also obtained an understanding of the legal and regulatory frameworks that the Fund operates in, focusing on provisions of those laws and regulations that had a direct effect on the determination of material amounts and disclosures in the financial statements and whether there had been any breaches of the Funds' Financial Regulations.

Our audit procedures were designed to respond to risks of material misstatement in the financial statements, recognising that the risk of not detecting a material misstatement due to fraud is higher than the risk of not detecting one resulting from error, as fraud may involve deliberate concealment by, for example, forgery, misrepresentations or through collusion. These procedures included:


Testing of post year end events in relation to compensation claims and whether they met the provision criteria, reviewing the classification of transactions against budget activity lines, and testing of journals identified based on risk characteristics.

There are inherent limitations in the audit procedures performed and the further removed non-compliance with laws and regulations is from the events and transactions reflected in the financial statements, the less likely we are to become aware of it.

### Use of our report

This report is made solely to the Assembly of the International Oil Pollution Compensation Fund 1992 / Supplementary Fund (the Assembly), as a body, in accordance with the Financial Regulations of the Fund and our engagement letter.

Our audit work has been undertaken so that we might state to the Assembly those matters we are required to state to them in an auditor's report and for no other purpose. To the fullest extent permitted by law, we do not accept or assume responsibility to anyone other than the Assembly as a body, for our audit work, for this report, or for the opinions we have formed.

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**David Eagles, Partner**

For and on behalf of **BDO LLP**

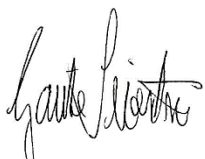
5 May 2023

## SECTION THREE

THE FINANCIAL STATEMENTS OF THE INTERNATIONAL OIL POLLUTION COMPENSATION  
SUPPLEMENTARY FUND  
FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 2022

### CERTIFICATION OF THE FINANCIAL STATEMENTS

We certify that to the best of our knowledge and information, all transactions during the period have been properly entered in the accounting records and that these transactions together with the appended Financial Statements numbered I to V and notes, details of which form part of this document, fairly present the financial position of the International Oil Pollution Compensation Supplementary Fund as at 31 December 2022.



Gaute Sivertsen  
Director



Claire Montgomery  
Chief of Finance

2 May 2023



INTERNATIONAL OIL POLLUTION COMPENSATION  
SUPPLEMENTARY FUND  
STATEMENT I  
Statement of Financial Position  
At 31 December 2022

		31-Dec-22	31-Dec-21
	Note	£	£
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	2	1 409 763	1 396 563
Contributions receivable	3	1 489	1 489
Other receivables	4	2 927	239
<b>Total current assets</b>		<b>1 414 179</b>	<b>1 398 291</b>
<b>TOTAL ASSETS</b>		<b>1 414 179</b>	<b>1 398 291</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Payables and accruals	5	47 670	4 400
Contributors' account	6	7 568	7 954
<b>Total current liabilities</b>		<b>55 238</b>	<b>12 354</b>
<b>TOTAL LIABILITIES</b>		<b>55 238</b>	<b>12 354</b>
<b>NET ASSETS</b>		<b>1 358 941</b>	<b>1 385 937</b>
<b>FUND BALANCE</b>			
Balance b/f: 1 January		1 385 936	1 424 560
Surplus for the year		(26 995)	(38 624)
<b>GENERAL FUND BALANCE</b>	7	<b>1 358 941</b>	<b>1 385 936</b>

Notes are found on pages 20–25.

INTERNATIONAL OIL POLLUTION COMPENSATION  
SUPPLEMENTARY FUND  
STATEMENT II  
Statement of Financial Performance  
For the year ended 31 December 2022

		2022	2021
	Note	£	£
<b>REVENUE</b>			
Contributions	9	-	-
Interest on investments		16 402	1 743
Other Revenue		36	33
<b>Total revenue</b>		<b>16 438</b>	<b>1 776</b>
<b>EXPENSES</b>			
Administrative costs		43 433	40 400
<b>Total expenses</b>		<b>43 433</b>	<b>40 400</b>
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>(26 995)</b>	<b>(38 624)</b>

Notes are found on pages 20–25.

INTERNATIONAL OIL POLLUTION COMPENSATION  
SUPPLEMENTARY FUND  
STATEMENT III  
Statement of Changes in Net Assets  
For the year ended 31 December 2022

	Accumulated surpluses / Fund balances £
<b>TOTAL NET ASSETS at 31 December 2020</b>	<b>1 424 560</b>
Surplus/(deficit) for the year ended 31 December 2021	(38 624)
<b>TOTAL NET ASSETS at 31 December 2021</b>	<b>1 385 936</b>
Surplus/(deficit) for the year ended 31 December 2022	(26 995)
<b>TOTAL NET ASSETS at 31 December 2022</b>	<b>1 358 941</b>

Notes are found on pages 20–25.

INTERNATIONAL OIL POLLUTION COMPENSATION  
SUPPLEMENTARY FUND  
STATEMENT IV  
Statement of Cash Flow  
For the year ended 31 December 2022

	Note	2022 £	2021 £
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Surplus/(deficit) for the period</b>		(26 995)	(38 624)
Adjustment for:			
Interest on investment <sup>&lt;1&gt;</sup>		(16 402)	(1 743)
		<b>(43 397)</b>	<b>(40 367)</b>
(Increase)/decrease in receivables	3, 4	(2 689)	(32)
Increase/(decrease) in payables & accruals	5, 6	42 780	-
Increase/(decrease) in prepaid contributions		-	-
<b>Net cash flow from operating activities</b>		<b>(3 306)</b>	<b>(40 399)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Interest earned <sup>&lt;2&gt;</sup>		16 506	1 751
<b>Net cash flow from investing activities</b>		<b>16 506</b>	<b>1 751</b>
<b>Net (decrease)/increase in cash and cash equivalents</b>		<b>13 200</b>	<b>(38 648)</b>
<b>Cash and cash equivalents at beginning of the year</b>		<b>1 396 563</b>	<b>1 435 211</b>
<b>Cash and cash equivalents at end of the year</b>	2	<b>1 409 763</b>	<b>1 396 563</b>

Notes are found on pages 20–25.

<sup><1></sup> Interest earned from investing the assets of the General Fund.

<sup><2></sup> Interest earned from investing the assets of the General Fund and credit balances held by contributors.

INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND  
STATEMENT V  
GENERAL FUND — ADMINISTRATIVE EXPENDITURE  
STATEMENT OF COMPARISON OF BUDGET AND ACTUAL AMOUNTS  
For the year ended 31 December 2022

CLASS OF EXPENDITURE		BUDGET APPROPRIATIONS		BUDGET OUT-TURN		BALANCE OF APPROPRIATIONS	
		2022	2021	2022	2021	2022	2021
	Note	£	£	£	£	£	£
(a) Management fee payable to 1992 Fund		38 000	36 000	38 000	36 000	-	-
(b) Administrative costs including External Audit fees		14 400	14 400	5 433	4 400	8 967	10 000
<b>TOTAL</b>	<b>10</b>	<b>52 400</b>	<b>50 400</b>	<b>43 433</b>	<b>40 400</b>	<b>8 967</b>	<b>10 000</b>

Notes are found on pages 20–25.

## NOTES TO FINANCIAL STATEMENTS

### Note 1 — Accounting policies

- 1.1 These Financial Statements have been prepared in accordance with Financial Regulation 12.3 of the International Oil Pollution Compensation Fund Supplementary Fund (Supplementary Fund) and in compliance with International Public Sector Accounting Standards (IPSAS).
- 1.2 No new IPSAS have been issued in 2022 and no modifications to existing IPSAS have been made that would affect the preparation of the 2022 Financial Statements. There have been no changes in the operation of the Funds, which might necessitate a review of applicable accounting standards.
- 1.3 The principal accounting policies followed in arriving at the financial information given in the respective statements are set out below (paragraphs 1.4 to 1.8).
- 1.4 Basis of preparation
- 1.4.1 The Financial Statements of the Supplementary Fund have been prepared on the accruals basis of accounting in accordance with IPSAS using the historical cost convention.
- 1.4.2 In accordance with the Supplementary Fund's Financial Regulations:
- (a) the financial year is the calendar year; and
  - (b) the functional and reporting currency of the Supplementary Fund is pounds sterling.
- 1.4.3 The preparation of Financial Statements requires management to make judgements, estimates and assumptions that affect the amounts reported for assets and liabilities as at the date of the statement of financial position and the amounts reported for income and expenses during the year. However, the nature of estimation means that actual outcomes could differ from those estimates.
- 1.4.4 No significant judgements have been made in applying the Supplementary Fund's accounting policies.
- 1.5 Fund accounting
- 1.5.1 The Financial Statements are prepared on the entity basis, showing at the end of the period the consolidated position of all funds controlled by the Supplementary Fund. A fund is a self-balancing accounting entity established to account for the transactions of a specified purpose or objective.
- 1.5.2 The Financial Statements have been prepared on the basis of a General Fund only. Fund balances represent the accumulated residual of revenue and expenses.
- 1.5.3 The General Fund covers the Supplementary Fund's expenses for the administration of the organisation. The working capital was established to ensure that the Supplementary Fund was in a position to meet compensation and claims-related expenses which occur between the regular sessions of the governing bodies.

## 1.6 Revenue

### *Contributions*

- 1.6.1 Income from contributions is treated as revenue from non-exchange transactions and is based on levies approved by the governing body as due in the financial period. Such income from contributions is recognised only after the contributions are invoiced on the basis of figures on contributing oil receipts reported by Member States.
- 1.6.2 In cases of contributions relating to previous levies based on late or amended oil reports submitted, the amount is recognised as income on the date of the invoice.

### *Interest on investments*

- 1.6.3 Interest income on deposits is accrued on a time basis by reference to the principal outstanding and at the effective interest rate applicable on a straight-line basis over the period of the investment.

### *Interest on overdue contributions*

- 1.6.4 Income from interest on contributions comprises of interest accrued on all contributions overdue at the end of the reporting period. No interest is charged on overdue interest.

## 1.7 Cash and cash equivalents

Cash and cash equivalents comprise cash on hand, cash at banks, and term deposits.

## 1.8 Budgetary information

The Assembly approves the budget for administration costs. Budgets may be subsequently amended by the Assembly or through the exercise of delegated authority. The Statement of Comparison of Budget and Actual Amounts (Statement V) compares the final budget to actual amounts calculated on the same basis (modified cash basis) as the corresponding budgetary amounts.

## 2 **Note 2 — Cash and cash equivalents**

- 2.1 Cash and cash equivalents included in the Statement of Cash Flow (Statement IV) and the Statement of Financial Position (Statement I) comprise of the following amounts:

	2022 £	2021 £
Cash on hand	109 763	71 121
Notice accounts (notice period less than 3 months)	-	1 325 441
Term deposits (maturing within 3 months)	650 000	-
Term deposits (maturing after 3 months)	650 000	-
<b>Total</b>	<b>1 409 763</b>	<b>1 396 562</b>

- 2.2 Cash is invested in term deposits of up to one year with deposits maturing periodically through the year in order to ensure liquidity between receipt of contributions. No long-term investments are made in bonds or shares.

### 3 Note 3 — Contributions receivable

3.1 The situation with regard to outstanding contributions is set out below.

	2022 £	2021 £
Congo	1 489	1 489
<b>Total</b>	<b>1 489</b>	<b>1 489</b>

### 4 Note 4 — Other receivables

4.1 Other receivables are set out in the table below.

	2022 £	2021 £
Accrued interest on investments	2 770	-
Interest on overdue contributions	157	121
Due from 1992 Fund	-	118
<b>Total</b>	<b>2 927</b>	<b>239</b>

### 5 Note 5 — Payables and accruals

5.1 Payables and accruals are set out in the table below.

	2022 £	2021 £
Accrual for external audit fees	5 433	4 400
Payable to 1992 Fund	42 237	-
<b>Total</b>	<b>47 670</b>	<b>4 400</b>

5.2 An amount of £5 433 has been accrued for external audit fees relating to the audit of the 2022 Financial Statements.

### 6 Note 6 — Contributors' account

6.1 The amount of £7 568 (2021: £7 954) is the balance on the contributors' account after the deduction of amounts repaid to contributors or offset against contributions. The amount includes interest of £104 (2021: £8) credited in 2022 to contributors.



- 7.1 The General Fund balance of £1 358 941 is above the working capital of £1 million as decided by the Supplementary Fund Assembly at its first session in March 2005 and re-confirmed by the Assembly in December 2020. The working capital was established to ensure that the Supplementary Fund was in a position to meet compensation and claims-related expenses, which may occur between the regular sessions of the governing bodies.

- 8.1 In 2022, there were no complex financial instruments entered into by the Supplementary Fund.
- 8.2 All financial instruments held during 2022 are classified as loans and receivables and are non-derivative financial assets with fixed payments and a fixed maturity for which the organisation has the intention and the ability to hold to maturity.
- 8.3 Credit risk
- 8.3.1 The Supplementary Fund's credit risk is spread widely, and its risk management policies limit the amount of credit exposure to any counterparty and include minimum credit quality guidelines.
- 8.3.2 The guidelines include market and capital strength measures in addition to the credit rating provided by the three rating agencies. Credit default swaps (CDS) and CET 1 capital ratio are the additional measures that are to determine the counterparty list. The guidelines are as follows:
- CET 1 capital ratio of at least 9.5% or higher;
  - five-year CDS spread of a maximum of 100 basis points, a breach of which would trigger a review to ascertain whether the credit markets were weaker in general, or whether the creditworthiness of the counterparty concerned was subject to a particular credit-negative event, which would warrant its temporary or permanent exclusion from the lending list; and
  - minimum short-term credit rating from two of the three main credit rating agencies, Fitch, Moody's, and Standard & Poor's as follows:
    - for maturities of up to 12 months (Group 1) of F1+, P1 and A1+; and
    - for maturities of up to 6 months (Group 2) of F1, P1 and A1.
- 8.3.3 A list of approved financial institutions is prepared by the joint Investment Advisory Body (IAB) on a quarterly basis and approved by the Director. This list is kept under constant review by the IAB between meetings, and the Secretariat is advised accordingly.
- 8.3.4 Contributions receivable are comprised primarily of amounts due from contributors in Member States. The Supplementary Fund Protocol places an obligation on Member States to ensure that contributors fulfil their obligation to pay contributions.
- 8.4 Liquidity risk
- 8.4.1 The Supplementary Fund Protocol provides the Assembly the authority to levy contributions that may be required to balance the payments to be made by the Supplementary Fund.
- 8.4.2 Liquidity risk associated with cash and cash equivalents is minimised substantially by ensuring that these financial assets are placed in term deposits not exceeding one year.

## 8.5 Interest rate risk

- 8.5.1 The Supplementary Fund places its cash deposits in term deposits with fixed interest rates under strict investment guidelines. The Financial Regulations of the Supplementary Fund focus on the security and liquidity of the assets rather than maximising revenue, and this is taken into account in managing the liquidity (cash flow) risk.
- 8.5.2 The average interest rate earned on investments in 2022 was 1.27%. A variation of 0.25% to the average interest rate would result in an increase or decrease of £3 250 to the amount of interest earned in the year.

## 9

### Note 9 — Contributions

- 9.1 At its session in November 2021, the Supplementary Fund Assembly decided not to levy contributions (2021 contributions payable in 2022) with respect to the General Fund. Since there have been no incidents requiring the payment of compensation by the Supplementary Fund, no decision was made to raise levies for Claims Funds.

## 10

### Note 10 — Statement of Comparison of Budget and Actual Amounts

- 10.1 The Supplementary Fund's budget and accounts are prepared using different bases. The Statement of Financial Position (Statement I), Statement of Financial Performance (Statement II), Statement of Changes in Net Assets (Statement III), and the Statement of Cash Flow (Statement IV) are prepared on a full accruals basis using a classification based on the nature of expenses in the Statement of Financial Performance (Statement II), whereas the Statement of Comparison of Budget and Actual Amounts (Statement V) is prepared on a commitment accounting basis.
- 10.2 As required under IPSAS 24, the actual amounts presented on a comparable basis to the budget shall, where the Financial Statements and the budget are not prepared on a comparable basis, be reconciled to the actual amounts presented in the Financial Statements, identifying separately any basis, presentation, timing, and entity differences.
- 10.3 There are no reconciling items between the actual amounts on a comparable basis in the Statement of Comparison of Budget and Actual Amounts (Statement V) and the actual amounts in the Statement of Financial Performance (Statement II) for the year ended 31 December 2022.

## 11

### Note 11 — Related parties and key management personnel

- 11.1 The Director of the 1992 Fund is *ex officio* Director of the Supplementary Fund, and the Supplementary Fund is administered by the 1992 Fund Secretariat. The Director is assisted by a Management Team in the day-to-day running of the Secretariat, and the aggregate remuneration paid to key management personnel of the 1992 Fund is in Note 28 to the 2022 Financial Statements of the 1992 Fund.

#### *Related parties*

- 11.2 The Supplementary Fund is a related party to the 1992 Fund, to which it pays a management fee of £38 000 (2021: £36 000). At year end, an amount of £42 237 was payable to the 1992 Fund.

- 12.1 The Supplementary Fund's reporting date is 31 December 2022. On the date of signing these accounts, there have been no material events, favourable or unfavourable, incurred between the reporting date and the date when the Financial Statements were authorised for issue that would have impacted these statements.
- 12.2 The date of authorisation for issue is the date of certification by the External Auditor.
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