



International Oil Pollution
Compensation Funds

Agenda Item 11	IOPC/NOV24/11/1	
Date	8 November 2024	
Original	English	
1992 Fund Assembly	92A29	●
1992 Fund Executive Committee	92EC83	●
Supplementary Fund Assembly	SA21	●

RECORD OF DECISIONS OF THE NOVEMBER 2024 SESSIONS OF THE IOPC FUNDS' GOVERNING BODIES

(held from 5 to 8 November 2024)

Governing Body (session)		Chair	Vice-Chairs
1992 Fund	Assembly (92A29)	Ambassador Antonio Bandini (Italy)	Professor Tomotaka Fujita (Japan) Ms Stellamaris Muthike (Kenya) (absent)
	Executive Committee (92EC83)	Ms Małgorzata Buszyńska (Poland)	Ms Karen Andersen (Denmark)
Supplementary Fund	Assembly (SA21)	Mr François Marier (Canada)	Mr Andrew Angel (United Kingdom) Ms Safiye Tecen (Türkiye)

CONTENTS

	Page
Opening of the sessions	4
1 Procedural matters	4
1.1 Adoption of the Agenda	4
1.2 Election of the Chairs	4
1.3 Examination of credentials	6
1.4 Information on the format of meetings	8
2 Overview	11
2.1 Report of the Director	11
3 Incidents involving the IOPC Funds	16
3.1 Incidents involving the IOPC Funds	16
3.2 Incidents involving the IOPC Funds – 1992 Fund: <i>Prestige</i>	16
3.3 Incidents involving the IOPC Funds – 1992 Fund: <i>Solar 1</i>	18
3.4 Incidents involving the IOPC Funds – 1992 Fund: <i>Redfferm</i>	19
3.5 Incidents involving the IOPC Funds – 1992 Fund: <i>Haekup Pacific</i>	21
3.6 Incidents involving the IOPC Funds – 1992 Fund: <i>Alfa I</i>	22
3.7 Incidents involving the IOPC Funds – 1992 Fund: <i>Nesa R3</i>	25
3.8 Incidents involving the IOPC Funds – 1992 Fund: <i>Nathan E. Stewart</i>	26
3.9 Incidents involving the IOPC Funds – 1992 Fund: <i>Agia Zoni II</i>	28
3.10 Incidents involving the IOPC Funds – 1992 Fund: <i>Bow Jubail</i>	31
3.11 Incidents involving the IOPC Funds – 1992 Fund: <i>MT Harcourt</i>	32
3.12 Incidents involving the IOPC Funds – 1992 Fund: Incident in Israel	33
3.13 Incidents involving the IOPC Funds – 1992 Fund: <i>Princess Empress</i>	34
3.14 Incidents involving the IOPC Funds – 1992 Fund: <i>Gulfstream</i>	35
3.15 Incidents involving the IOPC Funds – 1992 Fund: <i>Marine Honour</i>	39
3.16 Incidents involving the IOPC Funds – 1992 Fund: <i>Terranova</i>	43
4 Compensation matters	45
4.1 Report of the 1992 Fund Executive Committee	45
4.2 Election of members of the 1992 Fund Executive Committee	45
4.3 STOPIA 2006 and TOPIA 2006 — Recent information on entered ships	46
4.4 Risk of uninsured and unsafe ships	47
4.5 The potential impact of sanctions on the international liability and compensation regime	51
4.6 Development of a guidance document — Procedures for determining whether a ship falls under the 1992 Civil Liability Convention or the 2001 Bunkers Convention	55
5 Financial reporting	57
5.1 Submission of oil reports	57
5.2 Report on contributions	59
5.3 Report on the applicability of 1992 Fund Assembly Resolution N°12 and Supplementary Fund Assembly Resolution N°3	60
5.4 Report on investments	61
5.5 Report of the joint Investment Advisory Body	61
5.6 Report of the joint Audit Body	63
5.7 2023 Financial Statements and Auditor’s Report and Opinions	65

6	Financial policies and procedures	66
6.1	Measures encouraging the submission of oil reports – Implementation of 1992 Fund Assembly Resolution N°13 and Supplementary Fund Assembly Resolution N°5	66
6.2	Appointment of the External Auditor	67
6.3	Re-appointment of the External Expert of the joint Audit Body	68
7	Secretariat and administrative matters	69
7.1	Secretariat matters	69
7.2	Information services	70
7.3	Support provided to Member States	71
7.4	European Union General Data Protection Regulation	73
7.5	Appointment of members and substitute members of the Appeals Board	74
8	Treaty matters	75
8.1	Status of the 1992 Fund Convention and the Supplementary Fund Protocol	75
8.2	2010 HNS Convention	75
9	Budgetary matters	79
9.1	Budgets for 2025 and assessments of contributions to the General Funds	79
9.2	Assessment of contributions to Major Claims Funds and Claims Funds	81
9.3	Proposed change to working capital	83
10	Other matters	84
10.1	Any other business	84
10.2	Future sessions	85
10.3	Farewell to the outgoing Chair of the 1992 Fund Assembly	85
11	Adoption of the Record of Decisions	88
ANNEXES		
Annex I	List of Member States, non-Member States represented as observers, intergovernmental organisations and international non-governmental organisations	
Annex II	1992 Fund Assembly Resolution N°14 – Raising awareness of the risk of uninsured and unsafe ships	
Annex III	Supplementary Fund Assembly Resolution N°6 – Raising awareness of the risk of uninsured and unsafe ships	
Annex IV	2025 administrative budget tables for the 1992 Fund and the Supplementary Fund	
Annex V	<i>Gulfstream</i> — Statement by the Republic of Trinidad and Tobago	

*Opening of the sessions***1992 Fund Assembly**

- 0.1 The Chair of the 1992 Fund Assembly opened the 29th session of the Assembly at 9.30 am, with 62 Member States present at that time.

Supplementary Fund Assembly

- 0.2 The Supplementary Fund Assembly Chair opened the 21st session of the Assembly with 24 Member States present.

1992 Fund Executive Committee

- 0.3 The 1992 Fund Executive Committee Chair opened the 83rd session of the Executive Committee with 14 Member States present.
- 0.4 The Member States present at the sessions are listed in Annex I, as are the non-Member States, intergovernmental organisations (IGOs) and international non-governmental organisations (NGOs) which were represented as observers.

1 Procedural matters

1.1	Adoption of the Agenda Document IOPC/NOV24/1/1	92A	92EC	SA
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The 1992 Fund Assembly, 1992 Fund Executive Committee and Supplementary Fund Assembly adopted the agenda as contained in document [IOPC/NOV24/1/1](#).

1.2	Election of the Chairs	92A	92EC	SA
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- 1.2.1 The Director reminded the governing bodies of the procedure adopted in April 2015, whereby the Director would preside over this agenda item for the governing bodies (document [IOPC/APR15/9/1](#), paragraph 6.1.3 (i)).

1992 Fund Assembly decision

- 1.2.2 The 1992 Fund Assembly elected, by acclamation, the following delegates to hold office until the next regular session of the 1992 Fund Assembly:

Chair: Ambassador Antonio Bandini (Italy)

First Vice-Chair: Professor Tomotaka Fujita (Japan)

Second Vice-Chair: Ms Stellamaris Muthike (Kenya)

- 1.2.3 The Chair of the 1992 Fund Assembly thanked, also on behalf of his two Vice-Chairs, the 1992 Fund Assembly, for the confidence shown in them.
- 1.2.4 He also reminded Member States that at the closure of the April 2024 sessions of the governing bodies he had informed the governing bodies of his intention to step down as Chair following the closure of the November 2024 meeting.

Supplementary Fund Assembly decision

- 1.2.5 The Supplementary Fund Assembly elected, by acclamation, the following delegates to hold office until the next regular session of the Supplementary Fund Assembly:

Chair: Mr François Marier (Canada)

First Vice-Chair: Mr Andrew Angel (United Kingdom)

Second Vice-Chair: Ms Safiye Tecen (Türkiye)

- 1.2.6 The Chair of the Supplementary Fund Assembly thanked, also on behalf of the two Vice-Chairs, the Supplementary Fund Assembly for the confidence shown in them.

- 1.2.7 Later in the sessions, the Director reminded delegations that the present Chair of the 1992 Fund Assembly, Ambassador Antonio Bandini (Italy), had decided to step down from his post at the end of the session and that, as a result, a new Chair must be appointed, with effect from after the adoption of the Record of Decisions. He therefore invited 1992 Fund Member States to make nominations for a new Chair of the Assembly.

1992 Fund Assembly decision

- 1.2.8 The 1992 Fund Assembly decided to elect the current Chair of the Supplementary Fund Assembly, Mr François Marier (Canada) as Chair of the 1992 Fund Assembly until the next regular session.

- 1.2.9 The outgoing Chair, the Director and delegations congratulated Mr Marier on his election.

- 1.2.10 Mr Marier thanked the delegations who had nominated him for the position for their kind words and support and the members of the Assembly for the trust placed in him. He recognised that his predecessors, including the current Chair, Ambassador Bandini, had been exemplary Chairs and had set high standards that he would do his utmost to meet during his time as Chair.

- 1.2.11 The Director pointed out that Mr Marier's transition to post of Chair of the 1992 Fund Assembly left a vacant post for the position of Supplementary Fund Assembly Chair. As a result, he invited Supplementary Fund Member States to make nominations for a new Chair of the Supplementary Fund Assembly.

Supplementary Fund Assembly decision

- 1.2.12 The Supplementary Fund Assembly decided to elect the current First Vice-Chair of the Supplementary Fund Assembly, Mr Andrew Angel (United Kingdom) as Chair of the Assembly until the next regular session. It also decided to elect Mr Carlos Sequeira (Portugal) to the newly vacant position of First Vice-Chair.

- 1.2.13 The outgoing Chair, the Director and delegations congratulated Mr Angel and Mr Sequeira on their elections.

- 1.2.14 Both Mr Angel and Mr Sequeira expressed their appreciation to the delegations who had nominated them and the members of the Assembly for their support. They both expressed how honoured they felt to be elected to their respective positions and confirmed their readiness to work with the Director, the Secretariat and their fellow Chairs to ensure the smooth running of the Assembly discussions.

1.3	Examination of credentials Documents IOPC/NOV24/1/2 , IOPC/NOV24/1/2/1 and IOPC/NOV24/1/2/2	92A	92EC	SA
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Establishment of the Credentials Committee

- 1.3.1 The governing bodies took note of the information contained in document [IOPC/NOV24/1/2](#).
- 1.3.2 The governing bodies recalled that at its March 2005 session, the 1992 Fund Assembly had decided to establish, at each session, a Credentials Committee composed of five members elected by the Assembly on the proposal of the Chair, to examine the credentials of delegations of Member States. It was also recalled that the Credentials Committee established by the 1992 Fund Assembly should also examine the credentials in respect of the 1992 Fund Executive Committee, provided that the session of the Executive Committee was held in conjunction with a session of the Assembly ([document 92FUND/A/ES.9/28](#)).
- 1.3.3 The governing bodies further recalled that, at their October 2008 sessions, the 1992 Fund Assembly and the Supplementary Fund Assembly had decided that the Credentials Committee established by the 1992 Fund Assembly should also examine the credentials of delegations of Member States of the Supplementary Fund (documents [92FUND/A.13/25](#) and [SUPPFUND/A.4/21](#)).

1992 Fund Assembly decision

- 1.3.4 In accordance with Rule 10 of the Rules of Procedure of the 1992 Fund Assembly and the Supplementary Fund Assembly and Rule 9 of the Rules of Procedure of the 1992 Fund Executive Committee, the 1992 Fund Assembly appointed the delegations of Canada, Ecuador, Namibia, Portugal and Türkiye as members of the Credentials Committee.

1992 Fund Executive Committee and Supplementary Fund Assembly

- 1.3.5 The 1992 Fund Executive Committee and the Supplementary Fund Assembly took note of the appointment of the Credentials Committee by the 1992 Fund Assembly.

Interim Report of the Credentials Committee

- 1.3.6 In order to facilitate the resolution of an issue regarding the credentials of one particular delegation, the Chair of the Credentials Committee, Mr Carlos Sequeira (Portugal), presented an Interim Report of the Credentials Committee contained in document [IOPC/NOV24/1/2/1](#) on Wednesday 6 November 2024, in accordance with Rule 10 of the Rules of Procedure of the 1992 Fund Assembly.
- 1.3.7 The Chair reported that the Credentials Committee was comprised of the representatives of the delegations of Canada, Ecuador, Namibia, Portugal and Türkiye, and had met on 5 November 2024. He also reported that under the relevant Rules of Procedure, the Credentials Committee had examined the credentials of 60 Member States of the 1992 Fund, including members of the 1992 Fund Executive Committee and Member States of the Supplementary Fund that were all in order.
- 1.3.8 The Chair further reported that 10 Member States had submitted credentials after the deadline, which had therefore not been accepted for examination and that 51 Member States had not submitted credentials.
- 1.3.9 In respect of the credentials of the Bolivarian Republic of Venezuela, the Chair reported that as in some of the previous meetings of the governing bodies, the Director had received two letters of credentials from two separate delegations claiming to represent the Bolivarian Republic of Venezuela for the current sessions: one signed by the Ambassador Félix Plasencia González, Permanent Representative

of Venezuela to the International Maritime Organization (IMO) and to other international organisations headquartered in London, authorised by the Minister of Foreign Affairs of the Bolivarian Republic of Venezuela, Yvan Gil Pinto, and the other one signed by Ms Dinorah Figuera as President of the National Assembly of the Bolivarian Republic of Venezuela.

- 1.3.10 The Chair also reported that the Director had requested an updated legal opinion from Professor Antonios Tzanakopoulos, an expert in public international law, on this matter.
- 1.3.11 The Chair reported that the Credentials Committee had concluded that the role of the Credentials Committee and the 1992 Fund Assembly was to decide which of the two delegations should be accredited as the official representative of the Bolivarian Republic of Venezuela at those particular sessions of the governing bodies.
- 1.3.12 Having considered this matter and the legal opinion provided by Professor Tzanakopoulos, the Credentials Committee recommended that the letter of credentials issued by Ambassador Félix Plasencia González should be accepted and that the named individuals therein be deemed the official representatives of the delegation of Venezuela for the November 2024 sessions of the governing bodies, maintaining the *status quo*. The Chair of the Credentials Committee also noted that this position applied to this meeting only and could be susceptible to change depending on future developments.

1992 Fund Assembly, 1992 Fund Executive Committee and Supplementary Fund Assembly

- 1.3.13 The governing bodies noted the interim report of the Credentials Committee.

Final report of the Credentials Committee

- 1.3.14 The Credentials Committee noted in its final report (document [IOPC/NOV24/1/2/2](#)) that it had examined 60 credentials, which had been found to be in order.
- 1.3.15 It was also noted that 10 Member States had submitted credentials after the deadline and that those credentials had not been accepted for examination.
- 1.3.16 The governing bodies noted that the Chair of the Credentials Committee had presented the Interim Report of the Credentials Committee on Wednesday 6 November 2024 (document [IOPC/NOV24/1/2/1](#)).
- 1.3.17 The Credentials Committee commended the Member States who had submitted credentials before the deadline of 29 October 2024 and reminded them that, in accordance with the Rules of Procedure of the governing bodies, credentials had to be submitted no later than five working days prior to the opening of the sessions.
- 1.3.18 The Credentials Committee encouraged Member States to follow the guidelines provided in Circular [IOPC/2023/Circ.6](#) regarding their form and content.

1992 Fund Assembly, 1992 Fund Executive Committee and Supplementary Fund Assembly

- 1.3.19 The governing bodies took note of the final report of the Credentials Committee and expressed their sincere gratitude to the members of the Credentials Committee for their work during the November 2024 meeting of the governing bodies.

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| 1.4 | Information on the format of meetings
Document IOPC/NOV24/1/3 | 92A | | SA |
|-----|---|-----|--|----|
- 1.4.1 The governing bodies noted the information contained in document [IOPC/NOV24/1/3](#) regarding the format of meetings held by IMO and by the IOPC Funds over recent years.
- 1.4.2 It was noted in particular that, following a trial period, at its 132nd session held in July 2024, the IMO Council had agreed to permanently establish the utilisation of hybrid capabilities to support in person meetings and invited the other IMO organs to do the same. It was also noted that the Council had agreed in principle to the revision of its Rules of Procedure to include hybrid meeting capabilities and had invited the IMO Secretariat to submit a draft incorporating the amendments to the Rules of Procedure of the Council for consideration and approval at its next session in November 2024.
- 1.4.3 It was recalled that in May and November 2023 the IOPC Funds' governing bodies had discussed introducing hybrid meetings for their sessions but had decided not to proceed with any decision in that respect before the outcome of the trial by IMO. It was recalled that since that time the IOPC Funds had therefore continued to deliver in person meetings complemented by a passive streaming service, allowing additional members of delegations to follow the meeting remotely.
- 1.4.4 In light of the decision by the IMO Council to permanently use hybrid capabilities to host meetings, the IOPC Funds' governing bodies took the opportunity to reconsider the format of their sessions from now on. The Secretariat reported on its experience using YouTube to provide a streaming service and also on its use of the IMO hybrid system to deliver a passive-remote service. It was noted that the streaming service had successfully been delivered under both means. However, it was also noted that, since registration for IOPC Funds' meeting is directly through the IOPC Funds' website and not through the IMO online registration system (IMO Docs), some issues were encountered when using the hybrid system with the sending of links, the displaying of names and flags and the general management of the remote-passive participation for the meeting. It was noted that the IOPC Funds had been required to engage the services of external contractors to assist IMO with the delivery of the hybrid element of the meeting and also to provide one member of staff to work with the IMO's AV Unit staff in the control booth throughout the meeting.
- 1.4.5 The Secretariat reported that, whilst the hybrid capabilities were only used in a limited passive capacity for the April 2024 meeting, the experience had provided an insight into the issues it would need to address before any move to deliver hybrid meetings could be considered. It was noted that, in light of the issues experienced and the additional cost incurred in using the hybrid capabilities for the remote-passive participation, the IOPC Funds' Secretariat had opted to use YouTube to deliver the streaming service for the November 2024 meeting.
- 1.4.6 The Secretariat expressed appreciation to the Conference Division and IT section of the IMO Secretariat for the support they had provided in delivering the IOPC Funds' meetings over the past year and also congratulated them on the successful transition to delivering hybrid meetings for its numerous bodies and committees.
- 1.4.7 The governing bodies noted the Director's considerations on this matter in section 4 of document [IOPC/NOV24/1/3](#). In particular, the following observations were noted:
- (i) The current practice of providing a streaming service to complement the in person meetings has been well received and allows additional members of a delegation to follow the discussions remotely.

- (ii) Whilst IMO's trial of hybrid meetings is complete, there are still a number of important matters to be discussed and decided upon during the review of the Rules of Procedure at the next session of the IMO Council in November 2024. These will include decisions regarding voting procedures, credentials and agreement over the interpretation of key phrases in the Rules such as 'present' for the purpose of quorum and voting.
- (iii) Whilst the IOPC Funds should carefully note the decisions and procedures of IMO, it is important to note that the IOPC Funds is different to IMO. The organisation tends to hold only two meetings each year, the topics of discussion, membership and the nature of the sessions are quite different from those of IMO. The Executive Committee in particular is required to take decisions and members could potentially be required to vote.
- (iv) Whilst there are some overlaps, not all delegates attending IOPC Funds' meetings are also attending IMO meetings. Therefore, many IOPC Funds' delegates do not have accounts with IMO Docs, which is a crucial element in the management of participation in the hybrid meeting system in the IMO building.
- (v) As a separate organisation, whilst the IOPC Funds use the conference services of IMO as part of a formal service agreement, the IOPC Funds' Secretariat manages its own registration system and has its own document services website and user accounts for meeting delegates. This is fundamental to the management of IOPC Funds' meetings.
- (vi) With the support of the IMO Secretariat, the IOPC Funds' Secretariat was able to use the IMO hybrid capabilities to deliver a passive service in April 2024, however it was not without difficulties.

1.4.8 Noting the points outlined above, the governing bodies were invited to consider whether to:

- (i) continue to hold meetings in person, complemented by a passive streaming service; or
- (ii) hold meetings in person, complemented by remote-active participation (hybrid meetings).

Debate

1.4.9 Many delegations intervened on this subject. Several referred to the positive experience of hybrid meetings at IMO and the benefits of active-remote participation, including wider representation and engagement, particularly from developing countries, cost-saving and improved equitability.

1.4.10 The large majority of delegations that spoke on this subject expressed their preference to hold in person meetings complemented by remote-active participation (hybrid meetings). However, many delegations recognised that the Secretariat needed time to resolve a number of practical issues before the system used by IMO could be applied to IOPC Funds' meetings. They also considered that the IOPC Funds would benefit from following the discussions at the upcoming session of the IMO Council in respect of the review of its Rules of Procedure. Some delegations encouraged the Secretariat to develop Rules of Procedure that were as closely aligned to those of IMO as possible.

1.4.11 One delegation expressed its support for the introduction of hybrid meetings for IOPC Funds sessions by developing an interim guidance or amending the relevant Rules of Procedure to accommodate such capabilities. That delegation proposed that when reviewing the Rules of Procedure of the governing bodies, every effort should be made to maintain, as far as possible, the same principles as for physical (in person) meetings. That delegation suggested that the following points would need particular attention:

- Rule 3 on holding the session, which should refer to the main modality being an in person meeting held at the IMO Headquarters with a remote participation option using hybrid meeting capabilities as a supplementary option;
- Rule 9 may include that provisional acceptance of electronic copies of credentials may be permitted with the originals to follow;
- The exclusion of any other type of voting than in person;
- Rule 33, which should clearly define the phrase ‘Members present’ and the phrase ‘Members present and voting’; and
- Rules 34, 38 and 41, which would need consequential amendments.

1.4.12 That delegation also suggested that scrutineers should be required to be present in person for a secret ballot and the Chairs of the governing bodies should to the extent possible be present in person.

1.4.13 That delegation offered its support and assistance to the Secretariat in respect of the consideration and preparation of the revised Rules of Procedure for the purpose of accommodating the use of hybrid meeting capabilities to hold IOPC Funds meetings.

1.4.14 That delegation also highlighted an issue related to registration if hybrid meeting capabilities is introduced. That delegation explained that, as per the current practice by IMO, the registration of participants to IMO meetings is conducted through authorised persons and those who participate receive a joining link in advance of the meeting. The delegation recalled, however, that registration for IOPC Funds meetings is made through its website and it is open to the public. That delegation noted, that if hybrid meeting capabilities were introduced, this may provide the possibility for anyone to register through the website and receive a joining link. That delegation considered that this matter is very critical and therefore should be addressed very carefully during the process of reviewing the relevant Rules of Procedure of the governing bodies of the IOPC Funds.

1.4.15 A number of delegations supported the Director’s proposal that the Secretariat should work towards delivering the October 2025 meeting in hybrid format and that in the meantime the IOPC Funds should continue to hold meetings in person complemented by a passive streaming service.

1.4.16 One delegation commented that, whilst the benefits of hybrid meetings may be clear, the costs were not yet confirmed. Some delegations considered that any firm decision with regards to the holding of hybrid meetings should not be taken until all the facts are known, including the cost implications.

1.4.17 A number of delegations emphasised that the default format of the IOPC Funds meeting should always be in person and that any form of remote participation would only be complementary to the in person participation. Several delegations also insisted that voting should always be held in person only. Three delegations expressed their preference to continue to hold meetings in person complemented by a passive streaming service.

1992 Fund Assembly and Supplementary Fund Assembly decisions

1.4.18 The governing bodies instructed the Director to explore with IMO the practical arrangements for delivering hybrid meetings including in respect of the registration system, the resources required and the costs to be incurred and to report his findings to the governing bodies at their April 2025 session.

- 1.4.19 The governing bodies also instructed the Director to review the Rules of Procedure of the governing bodies in respect of meetings and put forward a proposal for any required amendments at the April 2025 meeting, taking into account the discussions and decisions of the IMO Council at its upcoming session in November 2024.
- 1.4.20 The governing bodies decided to postpone final consideration on holding future IOPC Funds' meetings in person, complemented by remote-active participation (hybrid meetings), until the April 2025 session, when it would have all the relevant information available to take an informed decision.

2 Overview

2.1	Report of the Director Document IOPC/NOV24/2/1	92A		SA
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- 2.1.1 The Director welcomed everybody to the meeting and presented his report contained in document [IOPC/NOV24/2/1](#).
- 2.1.2 The Director was happy to report on the continued growth of the 1992 Fund and the Supplementary Fund. He noted that, as at November 2024, 121 States were members of the 1992 Fund. He also noted that the 1992 Fund Convention would enter into force for Iraq on 5 August 2025, bringing the number of 1992 Fund Member States to 122. Furthermore, he noted that the Supplementary Fund Protocol had entered into force in the Republic of Mauritius on 9 July 2024, bringing its total membership to 33 States.
- 2.1.3 The Director reported that the 1992 Fund was dealing with 15 incidents, including two recent ones that had occurred since the April 2024 sessions of the governing bodies: the *Marine Honour* and the *Terranova*.
- 2.1.4 The Director reported that the six-year anniversary of the *Bow Jubail* incident had occurred on 23 June 2024, and that the claimants who had not yet commenced action against the 1992 Fund had been informed of the approaching time bar. He added that 44 claims which had been filed before the deadline were being assessed by the Club and the Fund's joint experts and that a number of offers of settlement had been made.
- 2.1.5 The Director reported that significant progress had been made in handling claims related to the *Princess Empress* incident, primarily from the fisheries sector. He thanked the Government of the Philippines and the local authorities for their invaluable assistance, and the Shipowners' Mutual Protection and Indemnity Association (Luxembourg) (Shipowners' P&I Club) for its cooperation.
- 2.1.6 With respect to the *Gulfstream* incident, the Director reported that clean-up operations had concluded. He encouraged the authorities in Trinidad and Tobago to continue to try to offset the costs incurred thus reducing their claim against the 1992 Fund. The Director reported that a local claims submission office (CSO) had been established and that claims were being assessed.
- 2.1.7 The Director referred to the *Marine Honour* incident which occurred in June 2024 and that had affected the Singaporean and Malaysian coastlines. He reported that the clean-up operations had been completed and that the damage was not expected to surpass the 1992 Fund Convention limit, and added that the Small Tanker Oil Pollution Indemnification Agreement (STOPIA) 2006 (as amended 2017) did not apply as the insurer was not a member of the International Group of P&I Associations (International Group). He thanked the Singapore Government, particularly the Maritime and Port Authority, and QBE Insurance for their prompt response to the incident and their excellent cooperation.

- 2.1.8 The Director reported that the *Terranova* had capsized in Manila Bay during Typhoon Gaemi in July 2024. He noted that the initial estimates suggested that claims for pollution damages would exceed the 1992 Civil Liability Convention (CLC) limit, and that it remained to be seen if the STOPIA 2006 (as amended 2017) limit would be reached. The Director thanked the Philippine Coast Guard and Steamship Mutual Underwriting Association for their excellent cooperation and prompt response.
- 2.1.9 The Director said he would seek instructions from the governing bodies regarding the payment of losses resulting from the *Marine Honour* and the *Terranova* incidents. He also indicated that he would seek authorisation to sign an interim payments agreement with Steamship Mutual in respect of the *Terranova* incident.
- 2.1.10 The Director further reported that the Supplementary Fund had not been involved in any incidents and therefore had not paid compensation.
- 2.1.11 The Director referred to the increasing number of vessels reportedly involved in transporting sanctioned oil, some of which were old and seemed to be operating without proper insurance. He underscored the risk that this situation posed to the IOPC Funds. He recalled that following an extensive debate during the April 2024 sessions on the draft Resolutions for the 1992 Fund Assembly and the Supplementary Fund Assembly raising awareness on the risk posed by uninsured and unsafe ships, it had been decided that the Resolutions would be re-issued taking into account the feedback from Member States and the IMO Secretariat. He indicated that he hoped that the revised version of the Resolutions, which would be presented for further discussion, would be adopted during this session.
- 2.1.12 The Director reported that, as instructed by the governing bodies during the April 2024 sessions, a new section containing more detailed internal procedures for gathering information and identifying responsible parties after an incident had been included in the internal guidelines for the Claims Department.
- 2.1.13 The Director also reported that as instructed by the governing bodies during the April 2024 sessions, the Secretariat had prepared a new post-incident guidance document for Member States for investigating the circumstances surrounding an oil pollution incident.
- 2.1.14 The Director thanked Member States, observer delegations and the IMO Secretariat for the support, feedback, and valuable guidance regarding the draft Resolutions. He also thanked the Audit Body and Dr Rosalie Balkin for their input and valuable contribution in the preparation of the internal guidelines and guidance to Member States.
- 2.1.15 In responding to a question recently posed by Member States, the Director clarified that the IOPC Funds would have no exposure to oil spills in the Red Sea resulting from acts of war, hostilities, civil war or insurrection. He added that, except Djibouti in the south and Israel in the north, none of the States bordering the Red Sea were members of the 1992 Fund.
- 2.1.16 The Director reported that that the IOPC Funds had met with industry representatives to discuss the development of a guidance to determine when dual-use tankers might cease to qualify as ‘ships’ under the 1992 CLC. He added he would propose that it be included as a footnote in the IOPC Funds’ publication ‘Guidance for Member States, Consideration of the definition of ‘ship’’. He also reported that the Secretariat would continue to review the term ‘residues,’ with findings to be presented at a future session. He thanked the industry representatives for their work and collaboration.
- 2.1.17 When reporting on financial matters, the Director stated that the 1992 Fund Assembly and the Supplementary Fund Assembly would be invited to approve the 2023 Financial Statements.

- 2.1.18 The Director reported that 98 Member States, covering 92% of expected contributing oil, had submitted reports for 2023, with outstanding reports from 28 Member States. He also reported that one Member State had not made a complete submission of oil reports for 2023 in respect of the Supplementary Fund. He noted that Albania, Bahrain, Djibouti, the Dominican Republic, Guinea, Panama, Saint Lucia, and the Syrian Arab Republic had outstanding reporting obligations for more than five years. He stated that the Secretariat would continue working with those Member States that had pending reports and thanked Member States for their cooperation.
- 2.1.19 The Director was pleased to report that the 1992 Fund's contributions system continued to function in a sound manner, with outstanding contributions representing just 0.3% of the total contributions levied since the establishment of the 1992 Fund. He reported that during 2024, the Secretariat had continued to engage with authorities in Argentina, Curaçao, Ghana, the Islamic Republic of Iran, Malaysia, the Netherlands, the Russian Federation and the Bolivarian Republic of Venezuela with respect to outstanding contributions. He thanked the authorities of Malaysia and the Netherlands for their contributions which were received after document [IOPC/NOV24/2/1](#) had been published. He indicated that he was not intending to take legal action regarding these outstanding contributions for the time being, but that he counted on the authorities in those Member States to continue to work with the IOPC Funds towards resolving this ongoing situation. He added that there were no unpaid contributions to the Supplementary Fund.
- 2.1.20 The Director recalled the concern of Member States in relation to States who did not fulfil their treaty obligations to submit oil reports and to ensure payment of annual contributions. He reported that there were currently 21 Member States to which the measure to defer payments of compensation under the 1992 Fund Assembly Resolution N°12 was applicable, potentially limiting their access to compensation in the event of an incident. He was also concerned that a considerable number of Member States might find themselves unable to nominate candidates to be members of the Audit Body or be elected to the 1992 Fund Executive Committee. He reported that the Supplementary Fund Assembly Resolution N°3 was not applicable to any Member State. He urged Member States to submit oil reports and to ensure payment of annual contributions.
- 2.1.21 The Director reported that significant progress has been made in the application of 1992 Fund Assembly Resolution N°13 and Supplementary Fund Assembly Resolution N°5, which authorised him to issue invoices based on estimates, including retrospectively in relation to past periods, when no oil reports had been submitted. He also reported that significant progress had been made in applying those resolutions and noted that the Secretariat has identified the best data source for the estimation of contributing oil. He also noted that eight Member States with oil reports outstanding for more than five years had been prioritised. The Director added that he was confident that using his authority under Resolution N°13 alongside other tools would encourage the correct and prompt reporting of contributing oil by those Member States.
- 2.1.22 The Director indicated that he had worked hard to limit the increase of the draft joint Secretariat administrative budget for 2025. He noted that the 7.3% increase of the budget figure had been mainly driven by the increase of staff costs, the volume of incident-related work, and the rental cost of office accommodation. The Director reported that the Supplementary Fund Assembly would be asked to approve the budget of £60 510 for 2025.
- 2.1.23 The Director proposed that the 1992 Fund and the Supplementary Fund maintained their working capitals at £15 million and £1 million, respectively, in the budget year 2025. He explained, however, that given the increased risk of incidents occurring, the increased costs of compensation and the increased risk of tankers being at sea with no insurance or inadequate insurance, he would propose that the working capital of the 1992 Fund be increased from £15 million to £22 million over two years (2026 and 2027) by increasing the levy of contributions to the General Fund.

- 2.1.24 The Director said that he would propose that the 1992 Fund Assembly levy 2024 contributions to the General Fund of £13 million for payment by 1 March 2025. He said that he would also be inviting the 1992 Fund Assembly to levy 2024 contributions of £10 million to the *Princess Empress* Major Claims Fund, 2024 contributions of £10 million to the *Gulfstream* Major Claims Fund, both payable by 1 March 2025, and 2024 contributions of £40 million to the *Marine Honour* Major Claims Fund, with £30 million payable by 1 March 2025, and £10 million, or part thereof, to be invoiced later in 2025 if it proved necessary. The Director noted that there was no need to levy contributions to any Claims Fund as there had been no incidents involving the Supplementary Fund.
- 2.1.25 The Director reported that the Audit Body had conducted a competitive selection process for the selection of the IOPC Funds' External Auditor and would recommend to the 1992 Fund Assembly a new Auditor for the financial years 2026-2029 inclusive, subject on satisfactory annual performance reviews. The Director also reported that the Chair of the 1992 Fund Assembly would recommend the reappointment of the current external expert, Alison Baker, for an additional three-year term, until 31 December 2027.
- 2.1.26 The Director referred to the departures of Ms Sylvie Legidos (Translator Coordinator) and Ms Chiara Della Mea (Senior Claims Manager), and the arrival of Mr Raymond Bayor (Information Officer), Mr Mouhamad Ali Kielany (Claims Manager) and Mr Matthew de Plater (Claims Manager). He also referred to the appointment of Ms Gillian Grant as HNS Project Manager starting mid-December. He also reported that Mr Thomas Liebert was on sick leave and added that the work on Hazardous and Noxious Substances (HNS) activities would continue to be carried out by other members of the Secretariat until Ms Gillian Grant started in her position in mid-December.
- 2.1.27 The Director reported that substantial progress had been made towards the entry into force of the 2010 HNS Convention, which was expected to continue in 2025. The Director also reported that it was encouraging that Belgium, Germany, the Kingdom of the Netherlands and Sweden had informed the 1992 Fund Assembly of their commitment to take the necessary steps to deposit their instruments of ratification of the 2010 HNS Convention concurrently during early summer 2025, which would mark a significant milestone towards the Convention's entry into force. The Director explained that £799 000 had been included in the 1992 Fund's 2025 General Fund levy to support the Secretariat's expanding tasks as the 2010 HNS Protocol's entry into force approached.
- 2.1.28 The Director reported that throughout 2024, the Secretariat had continued to improve the information services and communication with Member States and stakeholders by organising and contributing to international conferences, exhibitions, national and regional workshops and other training events, customised training activities for Member States, informal lunches for the UK-based representatives of Member States, the Annual Academy, the Induction Course, and visits from universities and other educational institutions. He explained that those activities were, whenever possible, combined with incident-related meetings to maximise the use of the Funds' resources.
- 2.1.29 The Director referred to the format of meetings and indicated that Member States would be invited to choose between continuing to hold in person meetings complemented by a passive streaming service or holding meetings in person, complemented by remote-active participation (hybrid meetings).
- 2.1.30 The Director said that the 1992 Fund Assembly would be invited to elect 15 States, proposed by the Chair, to serve on the Executive Committee until the end of the following regular session of the Assembly.

- 2.1.31 The Director referred to the main challenges that the IOPC Funds would be facing in the coming 12 months and focused on the Secretariat's activities for 2025. He stated that the Secretariat would continue to: (i) emphasise the need for preparedness for potential oil spills in 2025 and to proactively engage with Member States to ensure the uniform and effective implementation and interpretation of the Conventions during 2025; (ii) monitor developments in 2025, given the potential impact that the increased risk generated by the transportation of oil by unsafe, uninsured or insufficiently insured ships could have on the IOPC Funds and the wider compensation system; (iii) assist States in their efforts to ratify the 2010 HNS Protocol and focus on developing a robust and efficient system for HNS reporting and invoicing of contributions; (iv) emphasise the importance of the annual submission of oil reports and the timely payment of contributions by the oil receiving entities in Member States; and (v) apply 1992 Fund Assembly Resolution N°12 and Supplementary Fund Assembly Resolution N°3 and enhancing the data sources for the estimation of contributing oil receipts.
- 2.1.32 The Director noted that he would continue to deliver on the promise he had made when elected Director in 2021: to work with his colleagues at the Secretariat to ensure that the organisation continued to serve the Member States and the victims of oil pollution, and to protect the interests of the IOPC Funds, while adapting to the changing needs in an efficient and effective manner.
- 2.1.33 The Director thanked the Member States, the oil industry, the P&I Clubs, IMO, fellow international organisations and the international shipping community. He also thanked all members of the joint Audit Body, the members of the IAB, representatives of the External Auditor (BDO), the experts who had worked with the IOPC Funds, the Chairs of the governing bodies, the Secretary-General of IMO, and his colleagues in the Secretariat. The Director thanked Ambassador Bandini for his contribution as Chair of the 1992 Fund Assembly and announced that there would be a 'special appreciation and thank you session' on Friday.

Debate

- 2.1.34 The Chair of the 1992 Fund Assembly thanked the Director for his comprehensive report. Several delegations thanked the Director for his report and the Secretariat for their preparations for the sessions of the governing bodies.
- 2.1.35 One delegation raised the attack by Houthis on the tanker *Sounion* in the Red Sea in August 2024, calling it a shocking incident. That delegation shared the view of the Director that Houthi attacks on vessels in the Red Sea were a serious threat to the safety of shipping and heightened the risk of oil pollution incidents. That delegation agreed with the Director's assertion that the 1992 Fund Convention provided no obligation for the IOPC Funds/1992 Fund to pay compensation for pollution damage resulting from an act of war, hostilities, civil war or insurrection. That delegation observed that the courts of Member States affected by oil pollution may determine whether the Fund would be liable to pay compensation to the victims of oil pollution in that State and requested that the Secretariat continue to closely monitor cases related to Houthi attacks, including the case of *Sounion*. That delegation recalled that it had repeatedly stated at meetings of the IMO and IOPC Funds' Assemblies, that any action that impeded the free and safe navigation of vessels, including seizures such as that of *Galaxy Leader*, was unacceptable and it firmly condemned such actions. The same delegation called on the Houthis to stop all attacks and it continued to urge all parties concerned to call on the Houthis to refrain from any action which could contribute to an escalation of violence. It stated that it would continue to work closely with relevant countries to take necessary measures to ensure the right and freedom of navigation.

- 2.1.36 Another delegation expressed concern about the situation in the Red Sea, including the capture in November 2023 of the *Galaxy Leader*, a ship flagged in the Bahamas, and its crew of 25 who were still being held. That delegation expressed concern for the welfare of the seafarers and their families. It also highlighted the risk of uninsured and unsafe ships and their potential to undermine both safety at sea and the IOPC Funds itself. That delegation hoped that the draft Resolution being discussed at the meetings would to some extent address this issue. Another delegation agreed with the interventions from the previous two delegations.
- 2.1.37 One delegation sought clarification of the Secretariat's recruitment process, requesting information be provided under agenda item 7 on whether, during the recruitment process, Member States are notified of vacancies in the Secretariat.

3 Incidents involving the IOPC Funds

3.1	Incidents involving the IOPC Funds Document IOPC/NOV24/3/1		92EC	SA
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3.1.1 The 1992 Fund Executive Committee and Supplementary Fund Assembly took note of document [IOPC/NOV24/3/1](#), which contained information on documents for the November 2024 meeting relating to incidents involving the IOPC Funds.

3.1.2 The governing bodies further noted that there are currently no incidents involving the Supplementary Fund.

3.2	Incidents involving the IOPC Funds — 1992 Fund: <i>Prestige</i> Document IOPC/NOV24/3/2		92EC	
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3.2.1 The 1992 Fund Executive Committee took note of the information contained in document [IOPC/NOV24/3/2](#) concerning the *Prestige* incident.

3.2.2 It was recalled that in January 2016, the Spanish Supreme Court had delivered a judgment as follows:

- the master of the *Prestige* was criminally liable for damages to the environment, with civil liability;
- the shipowner had civil liability and was not entitled to limit its liability, and its insurer, the London P&I Club, had civil liability up to the limit of its policy of USD 1 000 million; and
- the 1992 Fund was found to have civil liability within the limit provided under the 1992 Fund Convention.

3.2.3 It was also recalled that in December 2018, the Spanish Supreme Court had awarded losses as follows: EUR 1 439.08 million (pollution damage of EUR 884.98 million + pure environmental and moral damages of EUR 554.10 million). The Executive Committee further recalled, however, that the judgment had stated that the pure environmental and moral damages were not recoverable from the 1992 Fund.

3.2.4 It was recalled that, in accordance with the judgment, and as authorised by the 1992 Fund Executive Committee, the 1992 Fund had paid EUR 27.2 million into the Court in La Coruña, which is the amount available from the 1992 Fund under the 1992 Fund Convention, less the amounts already paid by the 1992 Fund, and EUR 804 800 which has been set aside to cover potential liabilities in France and Portugal.

3.2.5 It was also recalled that the 1992 Fund had provided the Court with a list of the amounts due to the claimants in the Spanish legal proceedings, prorated at a 15.22% level of payment which resulted from dividing the amount awarded by the Court by the amount available for compensation. The Executive Committee further recalled that the Court had distributed the amount deposited in Court by the 1992 Fund and the amount corresponding to the limitation fund, making payments totalling EUR 51.7 million to claimants in the Spanish legal proceedings, including the Spanish and French States.

Legal action by France against ABS in France

3.2.6 The Executive Committee recalled that in April 2010, the French Government had brought a legal action against the American Bureau of Shipping (ABS) in the Court of First Instance in Bordeaux. It was also recalled that in April 2019, the Court of Cassation in France had rendered a judgment deciding that ABS could not avail itself of the defence of sovereign immunity in this case. It was further recalled that, following the Court's decision, the case had gone back to the Court of First Instance in Bordeaux to consider the other issues relating to France's claim against ABS.

Legal action by the 1992 Fund against ABS in France

3.2.7 It was recalled that, following the decision of the 1992 Fund Executive Committee at its October 2012 session, the 1992 Fund had brought a recourse action against ABS in the Court of First Instance in Bordeaux.

3.2.8 It was also recalled that ABS had submitted points of defence alleging, *inter alia*, that it was entitled to sovereign immunity on the same basis as the flag State of the *Prestige*.

3.2.9 It was further recalled that, if the 1992 Fund's action against ABS were to be considered admissible by the Court, the 1992 Fund would have to prove that ABS was negligent in the way it carried out its work in respect of the classification of the vessel.

3.2.10 The Executive Committee noted that the 1992 Fund had presented its final submissions on admissibility in November 2023.

3.2.11 It was noted that at a case management hearing in March 2024 the judge had fixed the date of the oral pleadings on the questions of admissibility for 11 December 2024.

3.2.12 The Executive Committee noted that, in view of the resemblances between the actions against ABS by both the French State and the 1992 Fund, the Court had decided that the two cases should be heard on the same date, albeit in two separate hearings.

Debate

3.2.13 One delegation thanked the Secretariat for the information provided in the document.

1992 Fund Executive Committee

3.2.14 The 1992 Fund Executive Committee noted that the Director will continue to monitor the incident and report any further developments at a future session of the Executive Committee.

3.3	Incidents involving the IOPC Funds — 1992 Fund: <i>Solar 1</i> Document IOPC/NOV24/3/3		92EC	
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3.3.1 The 1992 Fund Executive Committee took note of document [IOPC/NOV24/3/3](#), which contained information relating to the *Solar 1* incident.

3.3.2 The Executive Committee noted that 32 466 claims have been received and payments totalling PHP 1 091 million (£12.3 million) have been made in respect of 26 872 claims, mainly in the fisheries sector and for the main clean-up claim presented by the Philippine Coast Guard (PCG). It was also noted that all claims have been assessed and the local claims office has been closed.

3.3.3 The 1992 Fund Executive Committee recalled that two claims remain outstanding, both of which are subject to legal proceedings in the Philippines.

Legal proceedings by 967 fishers

3.3.4 The 1992 Fund Executive Committee recalled that a civil action was filed in August 2009, for claims from 967 fishers totalling PHP 286.4 million (£3.87 million) for property damage as well as economic losses.

3.3.5 The 1992 Fund Executive Committee also recalled that hearings had taken place from 2016 to 2022 in which the claimants had failed to substantiate their case with evidence or witnesses. It was further recalled that several claimants had admitted that their lawyer had dictated the quantum of their claims without any grounds, while others had expressed their disinterest and unwillingness to proceed with their claims.

3.3.6 The 1992 Fund Executive Committee noted that during hearings in 2024, several claimants were cross-examined and admitted that their main source of income was from professions other than fishing, and that they did not have any evidence to support their claims.

Legal proceedings by a group of municipal employees

3.3.7 The 1992 Fund Executive Committee recalled that 97 employees of the Municipality of Guimaras had commenced a court action alleging they were not paid for services provided during the response to the incident.

3.3.8 The 1992 Fund Executive Committee also recalled that hearings had taken place from 2016 to 2022 in which the claimants had failed to substantiate their case with evidence or witnesses.

3.3.9 The Executive Committee also recalled that the 1992 Fund's lawyers were able to disprove the claims on the basis that the quantum was dictated by the claimants' lawyer, the claimants had already been paid by the municipality or that the claimants had worked on a voluntary basis.

3.3.10 The 1992 Fund Executive Committee noted that in a hearing in February 2024, the claimants' lawyer had advised that one of the claimants had withdrawn their claim. The remaining claimants have filed their Formal Offer of Exhibits, to which the 1992 Fund's lawyers have filed Comments and Objections. It was noted that the Court is examining these submissions and will provide its ruling in due course.

1992 Fund Executive Committee

3.3.11 The 1992 Fund Executive Committee noted that the legal proceedings were continuing and noted that the Director would continue to monitor the incident and report any developments at a future session of the Executive Committee.

3.4	Incidents involving the IOPC Funds — 1992 Fund: <i>Redfferm</i> Document IOPC/NOV24/3/4		92EC	
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3.4.1 The 1992 Fund Executive Committee took note of document [IOPC/NOV24/3/4](#), which contained information relating to the *Redfferm* incident.

3.4.2 The Executive Committee recalled that in January 2012, the Secretariat was informed of an incident that had occurred in March 2009 at Tin Can Island, Lagos, Nigeria, when the inland-certified barge *Redfferm* sank, following a transshipment operation from the tanker *MT Concep*.

3.4.3 The barge sank, spilling an unknown quantity (estimated to be between 100 and 650 tonnes) of cargo/residue of low pour fuel oil (LPFO) into the waters surrounding the site, which then impacted upon the neighbouring Tin Can Island area.

3.4.4 The Executive Committee also recalled that at the time of the incident, the barge *Redfferm* was used to tranship LPFO from a sea-going tanker, the *MT Concep*, to a shore-based power plant because of its reduced draft and size compared to the *MT Concep*. The Executive Committee further recalled that no evidence had been submitted of any sea-going voyages undertaken by the barge *Redfferm*.

Reasons for rejection of claims

3.4.5 It was recalled that in February 2014, the 1992 Fund rejected the claims submitted for the following reasons:

- (a) the barge *Redfferm* was not a 'ship' under Article I(1) of the 1992 CLC;
- (b) there were a large number of discrepancies between the claimed losses and other sources of information on the number of items of fishing gear in the Lagos lagoon area; and
- (c) there was a lack of information submitted to prove the claimants' identities and occupations.

Legal proceedings

3.4.6 It was also recalled that in March 2012, a claim for USD 26.25 million was filed by 102 communities against the owner of the *MT Concep*, the owner of the *Redfferm*, the agent of both the *MT Concep* and the *Redfferm*, and the 1992 Fund.

3.4.7 It was further recalled that in February 2013, the 1992 Fund had applied to be removed from the proceedings as a defendant and replaced as an intervenor on the basis that primary liability for the spill rested with the owner of the *Redfferm*. The 1992 Fund Executive Committee recalled that at first instance, the Judge had denied the 1992 Fund's application and that the 1992 Fund had appealed the decision.

3.4.8 The 1992 Fund Executive Committee also recalled that on a number of occasions throughout 2014 and 2015, the 1992 Fund's lawyers had written to the Registrar of the Court of Appeal, requesting that the 1992 Fund's appeal against the first instance ruling be listed for a hearing date, and that a date was set for May 2016. Thereafter, the legal proceedings continued very slowly until October 2017 when the Nigerian Court of Appeal referred the case back to the Federal High Court.

- 3.4.9 The 1992 Fund Executive Committee further recalled that in early May 2018, the agent of the owner of the barge *Redfferm* had filed an application seeking a stay of the proceedings pending in the Federal High Court, arguing that its appeal related to a jurisdictional issue which should be heard in the Court of Appeal. It was recalled that the Court of Appeal had subsequently adjourned the hearing of the application until January 2019.
- 3.4.10 It was also recalled that in May 2018, the claimants had filed an amended statement of claim, increasing the claim from the previously filed total of USD 26.25 million to USD 92.26 million. It was further recalled that as a result of the transfer to the Federal High Court, and in view of the amended statement of claim filed by the claimants, the 1992 Fund was obliged to file a defence. The 1992 Fund Executive Committee recalled that during 2019, no further substantive developments took place in the legal proceedings.
- 3.4.11 The 1992 Fund Executive Committee also recalled that in February 2020, the matter was listed for trial but was adjourned until March 2020 when the claimants made an application for a default judgment against the owner/charterer of the *Redfferm*. The case was adjourned, but the court hearing did not take place due to the impact of the COVID-19 pandemic.
- 3.4.12 The 1992 Fund Executive Committee further recalled that there were no substantive developments in 2020 or 2021, but noted that in February 2022, a First Instance Judge delivered a summary judgment against the owner/charterer of the *MT Concep* (the first defendant) and the owner/charterer of the barge *Redfferm* (the second defendant) and awarded the claimants their claim in the sum of USD 92.26 million and USD 5 million as 'general damages'.
- 3.4.13 It was recalled that the Judge had not referred to the Memorandum of Appearance and Statement of Defence filed by the first defendant, or to the counter-affidavit filed by the 1992 Fund in opposition to the claimants' application for final judgment against the first and second defendants.
- 3.4.14 It was also recalled that the first and second defendants had filed appeals to set aside the summary judgment on the grounds of fraud, on the basis that the Court had been misled into believing that the first defendant had failed to enter appearance or file a defence, when it had in fact done both.
- 3.4.15 It was further recalled that in early June 2022, the claimants' lawyer filed garnishee proceedings against all the defendants including the 1992 Fund. The 1992 Fund's lawyers had filed pleadings seeking to remove the 1992 Fund from the list of defendants.
- 3.4.16 The 1992 Fund Executive Committee recalled that in November 2022, the Judge upheld the default judgment and garnishee order against the first defendant, dismissed the default judgment against the second defendant, and struck out the default judgment and garnishee proceedings against the 1992 Fund.
- 3.4.17 The 1992 Fund Executive Committee also recalled that in February 2023, the claimants' lawyer wrote to the 1992 Fund requesting payment of the judgment, and that no response was given and no compensation has been paid as the Director has not been authorised to make payment of compensation arising from this incident.

Developments since November 2023

- 3.4.18 The 1992 Fund Executive Committee noted that in February 2024, the claimants lawyer was granted the leave of the Court to renew the writ of summons, and in May 2024 the Judge set a trial date of July 2024, but that on that date, no Counsel appeared for the claimants. The 1992 Fund's lawyer reminded the Judge that an application asking the Court to dismiss the claim against the 1992 Fund was still pending, and a date was set in September 2024 to hear the application.

- 3.4.19 The 1992 Fund Executive Committee further noted at the hearing that the 1992 Fund's application to dismiss the suit was argued. The judge adjourned the matter for a ruling.

Intervention by the delegation of Nigeria

- 3.4.20 The delegation of Nigeria stated that it appreciated the dedicated efforts of the Secretariat, for what were complex and protracted legal proceedings. Recognising that there were difficulties in assessing claims after considerable time had elapsed, that delegation stated that there were unresolved issues surrounding the classification of the barge under Article I(1) of the 1992 CLC. The delegation also stated that Nigeria remained steadfast in its support for the 1992 Fund's mission of providing fair compensation within the framework of established conventions. The delegation stated that the incident highlighted the importance of adhering to precise standards under the Conventions to prevent unwarranted liabilities and uphold the integrity of the claims process. The delegation stated it was committed to aligning its maritime governance with international standards, including the 1992 Fund Convention. The delegation stated it was prepared to continue dialogue and to collaborate to bring the proceedings to a timely and just conclusion.

1992 Fund Executive Committee

- 3.4.21 The 1992 Fund Executive Committee noted the comments of the Nigerian delegation, and also noted that the Director would continue to monitor the incident and report any developments at a future session of the Executive Committee.

3.5	Incidents involving the IOPC Funds — 1992 Fund: <i>Haekup Pacific</i> Documents IOPC/NOV24/3/5 and IOPC/NOV24/3/5/Corr.1		92EC	
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- 3.5.1 The 1992 Fund Executive Committee took note of documents [IOPC/NOV24/3/5](#) and [IOPC/NOV24/3/5/Corr.1](#), which contained information relating to the *Haekup Pacific* incident.
- 3.5.2 The 1992 Fund Executive Committee noted that a corrigendum document has been issued correcting the date of the completion of the fuel oil removal from the wreck of the *Haekup Pacific* to December 2021.
- 3.5.3 The Executive Committee recalled recall that in April 2010, the *Haekup Pacific* was involved in a collision with another vessel, the *Zheng Hang*. The *Haekup Pacific* subsequently sank in waters 90 metres deep off Yeosu in the Republic of Korea, while it was laden with 1 135 metric tons of asphalt and bunkers comprising of 23.37 metric tons of intermediate fuel oil.
- 3.5.4 It was also recalled that the *Haekup Pacific* was entered with the UK P&I Club and that STOPIA 2006 applied.
- 3.5.5 It was further recalled that shortly after the incident, the City of Yeosu and the Marine Police issued oil and wreck removal orders. The owner and insurer of the vessel appointed surveyors who reported to the Korean authorities that there was no leakage from the vessel, the cargo of asphalt had solidified, and wreck removal operations would neither be feasible nor necessary.
- 3.5.6 The Executive Committee recalled that in September 2019, the City of Yeosu requested a report on the removal of the wreck and cargo. The shipowner subsequently hired a salvage company to examine the wreck. Following the survey, naval architects and marine engineers prepared a report, which recommended that the wreck should be left undisturbed. However, upon the request of the City of Yeosu the shipowner carried out fuel removal operations.

- 3.5.7 The Executive Committee further recalled that the bunker fuel oil removal operation had been completed in December 2021, at a cost of approximately USD 10 million.
- 3.5.8 It was noted that following the advice from a panel of experts appointed by the City of Yeosu, the wreck removal order was revoked on 31 January 2024.
- 3.5.9 It was recalled that the vessel's owner and insurer had commenced court proceedings against the 1992 Fund to protect their right to claim any costs incurred for future liabilities arising from any pollution damage and for the wreck removal. These proceedings have been withdrawn following the removal of the bunkers, as the costs fell below the STOPIA 2006 limit.
- 3.5.10 It was further recalled that given the financial situation of the owners of the *Zheng Hang*, the owner of the *Haekup Pacific* had decided not to pursue a recovery action for the removal operation costs.
- 3.5.11 It was noted that the incident can be considered closed, as all proceedings have concluded and all outstanding claims against the 1992 Fund have been withdrawn. It was further noted that a meeting on the lessons learned will not be necessary, given that the 1992 Fund's involvement has been limited.

Debate

- 3.5.12 The delegation of the Republic of Korea noted that in the aftermath of the incident, the Government of Korea had issued a wreck removal order based on a risk assessment. An environmental assessment of the removal of residual oil was also conducted. That delegation further noted that after the completion of the oil removal operation in December 2021, the City of Yeosu consulted experts to further assess whether the wreck posed any hindrance to navigation in public waters and the likelihood of pollution. These assessments concluded that there were no navigational obstructions and a minimal risk of an oil spill, and so the order was lifted in January 2024.
- 3.5.13 That delegation also stated that they were pleased that the 1992 Fund would no longer be liable for compensation and that the incident could now be closed. That delegation also gave its thanks for the 1992 Fund's updates and efforts with regards to this incident. It also expressed its gratitude to the UK P&I Club and all parties who contributed to the swift resolution of the incident.

1992 Fund Executive Committee

- 3.5.14 The 1992 Fund Executive Committee noted with satisfaction that, since all the outstanding claims arising from this incident had been withdrawn, this incident would now be considered closed and thanked all parties involved for their cooperation.

3.6	Incidents involving the IOPC Funds — 1992 Fund: <i>Alfa I</i> Document IOPC/NOV24/3/6		92EC	
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- 3.6.1 The 1992 Fund Executive Committee took note of document [IOPC/NOV24/3/6](#), which contained information relating to the *Alfa I* incident.
- 3.6.2 The Executive Committee recalled that since no limitation fund had been established, the insurer was liable for the full amount claimed by the main clean-up contractor, i.e. for EUR 15.8 million. The Executive Committee also recalled that in February 2018, the Bank of Greece had revoked the insurer's license and placed the company into liquidation for failure to maintain the necessary solvency capital requirements under Greek Law. The Executive Committee further recalled that in early July 2018, the 1992 Fund had registered its claim with the liquidator.

- 3.6.3 It was recalled that in June 2019, the insurer had filed an appeal to the Supreme Court against the March 2018 judgment issued by the Piraeus Court of Appeal. This judgment had distinguished the case of carriage of more than 2 000 tonnes of oil, where the 1992 CLC limit applied, from the case of carriage of fewer than 2 000 tonnes of oil. It was also recalled that the Court had held that in either case, there was an obligation to insure and a right of direct action against the insurer. It was further recalled that the 1992 Fund had also filed an appeal to the Supreme Court supporting the obligatory insurance provisions under Article VII of the 1992 CLC and that the appeal had been heard in February 2021.
- 3.6.4 It was recalled that in July 2021, the Supreme Court had issued its judgment, dismissing all of the insurer's grounds of appeal and held that:
- (i) the issuance by the State authorities of a certificate (based on the blue card of insurance issued by the insurer) signified that there existed in place an insurance cover, entered into in accordance with the 1992 CLC provisions regarding **obligatory** insurance; and
 - (ii) the wording of Article VII(1) of the 1992 CLC '...carrying more than 2 000 tons of oil in bulk as cargo' should be interpreted to mean **capable of carrying more than 2 000 tons**. The Supreme Court linked the obligation of insurance (or other financial security) to the carrying capacity of a vessel, irrespective of the actual quantity carried on board.
- 3.6.5 The Executive Committee noted that the 1992 Fund's lawyers had advised that the obligation of the insurer to pay was undisputable.

Claims submitted against the insurance liquidator following the insurer's liquidation

- 3.6.6 The 1992 Fund Executive Committee recalled that the insurer had been placed into liquidation and that, in January 2020, the 1992 Fund's lawyers had reported that the claim submitted by the 1992 Fund against the insurance liquidator had been dismissed without any reason being given.
- 3.6.7 The Executive Committee further recalled that the 1992 Fund's lawyers had sent the insurance liquidator a declaration protesting the dismissal of the 1992 Fund's claim and requesting a full list of the admissible claims and the justification for the liquidator's refusal to include the 1992 Fund's claim within the list. It was recalled that the insurance liquidator had, however, refused to provide the list of other claims, citing confidentiality reasons under the General Data Protection Regulation (GDPR) as a reason not to provide the information.
- 3.6.8 It was recalled that the 1992 Fund's lawyers had filed an appeal before the Uni Membered Court of First Instance of Athens, which was due to be heard in May 2020 but was delayed due to the outbreak of the COVID-19 pandemic.
- 3.6.9 It was also recalled that the 1992 Fund had succeeded with its appeal but that the insurance liquidator had appealed before the Athens Court of Appeal and a hearing had been set for 20 October 2022. It was further recalled that the hearing had been adjourned and that a date in September 2023 had been set but was adjourned due to a public strike in Greece.
- 3.6.10 It was recalled that the 1992 Fund's lawyers had served the insurance liquidator with an extrajudicial declaration putting the liquidator on notice not to transfer any of the insurer's property or make any distributions until a judgment was reached by the Athens Court of Appeal.
- 3.6.11 The Executive Committee recalled that the main clean-up contractor (who had been working with the 1992 Fund's lawyers in pursuing the balance of its claim from the insurer) did not appeal, but had submitted before the Piraeus Court of First Instance a writ of action against the liquidator for a

declaratory judgment which ruled that the procedure followed by the liquidator was irregular. Pleadings were filed in October 2020 and a court hearing took place in July 2021.

- 3.6.12 It was noted that the Court had dismissed this claim by judgment 2024/2021, but the contractor had appealed the judgment. The Executive Committee noted that this appeal was upheld by the Athens First Instance Court by judgment 159/2022. It was also noted that the insurance liquidator had also submitted an appeal which was due to be heard in September 2023, but which had been adjourned due to the public strike in Greece.
- 3.6.13 The Executive Committee recalled that the 1992 Fund had filed applications for prenotated mortgages against buildings owned by the insurer in an attempt to secure its claim for the return of the 1992 CLC limitation fund amount, but that initially only the land registry in Thessaloniki had accepted the 1992 Fund's application and granted the registration on two properties owned by the insurer as security for EUR 851 000.
- 3.6.14 It was recalled that after the lengthy legal proceedings relating to the 1992 Fund's application for prenotated mortgages, the Greek courts had held that the 1992 Fund was entitled to the prenotated mortgages in respect of all of the liquidated insurer's properties in Thessaloniki, Athens and Piraeus.

Legal proceedings against the insurer for potentially defrauding creditors

- 3.6.15 The Executive Committee recalled that during the litigation regarding the assets of the insurer and the 1992 Fund's attempts to obtain prenotated mortgages over the insurer's properties, it had been discovered that the insurer had sold a property in Athens to third parties for a price of EUR 370 000, when the property had an imputed tax value of EUR 1.03 million and a commercial value of EUR 1.5 million. It was further recalled that the 1992 Fund's lawyers had advised that there were reasonable grounds to have the property transferred on the grounds of defrauding a creditor, which, if successful, could result in a recovery for the 1992 Fund.
- 3.6.16 The Executive Committee noted that the 1992 Fund's writ of action was dismissed by judgment No. 4013/2023 on the grounds that the buyers did not participate in any attempt to defraud creditors of the insurance company, and that the Athens Land Registry had been ordered to record the prenotated mortgage retrospectively.
- 3.6.17 The Executive Committee further recalled that the 1992 Fund had been successful in recording prenotated mortgages against the insurer's assets, and if it could also succeed in reinserting the 1992 Fund's claims back into the liquidator's list of admissible claims, the 1992 Fund's lawyers had advised that they were confident that the 1992 Fund's claim would have a reasonable chance to be given priority over other creditors of the insurance company.
- 3.6.18 The 1992 Fund Executive Committee noted that the process for liquidating the insurer's assets was expected to begin following the registration of the last property at the land registry.

Legal proceedings by second clean-up contractor

- 3.6.19 The Executive Committee recalled that in September 2019, the 1992 Fund was served with legal proceedings by the second clean-up contractor for some EUR 349 000 plus interest and that in September 2020, the Piraeus Court of First Instance had agreed with the defence filed by the 1992 Fund and declared the claim time-barred. The Executive Committee also recalled that the second clean-up contractor had appealed the judgment and subsequently the Court issued judgment 401/2022 dismissing the appeal and confirming that it was always necessary to submit a formal writ of action against the IOPC Funds no later than six years from the date of the incident that caused the damage, otherwise, such a claim would be extinguished.

Statement by the delegation of Greece

3.6.20 The delegation of Greece made the following statement:

‘First of all, we would like to thank you for the thorough and enlightening presentation of the developments with regard to this incident.

Having heard your summary on the said incident we would kindly like to complement your summary by providing the following update:

Following the final judgment (No. 129/2023) of the Single-Member Court of Appeal of Piraeus, which rejected the appeal of the insurance company under liquidation, the claim of the Greek State has been included in the list of beneficiary of claims pursuant to the upholding of the final decision of the Single-Member Court of First Instance of Piraeus (No. 1702/2020).’

1992 Fund Executive Committee

3.6.21 The 1992 Fund Executive Committee noted that the Director would report on further developments in this incident to a future session of the Executive Committee.

3.7	Incidents involving the IOPC Funds — 1992 Fund: Nesa R3 Document IOPC/NOV24/3/7		92EC	
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3.7.1 The 1992 Fund Executive Committee took note of the information contained in document [IOPC/NOV24/3/7](#) relating to the *Nesa R3* incident.

3.7.2 The Executive Committee recalled that on 19 June 2013, the *Nesa R3* sank off Port Sultan Qaboos in the Sultanate of Oman.

3.7.3 The Executive Committee also recalled that the vessel’s insurer failed to fulfil its obligations under the 1992 CLC and refused to provide cover for any claims because the cargo had come from the Islamic Republic of Iran.

3.7.4 It was further recalled that in October 2013, the 1992 Executive Committee had authorised the Director to make payments of compensation in respect of the admissible losses arising from the incident.

3.7.5 The Executive Committee recalled that in February 2016, the 1992 Fund had joined the legal action by the Omani Government against the shipowner and the insurer of the *Nesa R3*.

3.7.6 It also recalled that in December 2018, the 1992 Fund had reached an agreement with the Omani Government to settle its claims out of court. The settlement agreements provide that the Omani Government must withdraw these claims against the 1992 Fund by application to the Court.

3.7.7 It was further recalled that 33 claims for clean-up operations, surveys of the wreck, environmental monitoring studies and economic losses were submitted to the 1992 Fund. Of these, 28 claims were settled by the 1992 Fund for approximately OMR 3.5 million (GBP 6.7 million).

3.7.8 The 1992 Fund Executive Committee noted that, despite the terms of the settlement agreement, the Omani Government had not fulfilled its obligations to withdraw its claims against the 1992 Fund in court. It was noted that the 1992 Fund’s lawyers were continuing to liaise with the Omani Government on this and that the Environment Authority of Oman was prepared to fulfil its obligations under the agreements, but that it required approval from Oman’s Ministry of Finance.

3.7.9 The Executive Committee recalled that the Court had judged in favour of the 1992 Fund against the shipowner and insurer, but that investigations into their financial positions had shown that neither possess the funds nor the assets to satisfy their obligations under the 1992 CLC. It was therefore noted that any recourse actions were not considered worthwhile.

3.7.10 The Secretariat urged the Omani Government to withdraw its claims without further delay, so that the 1992 Fund may consider closing this incident.

Debate

3.7.11 One delegation recalled that during the November 2023 meeting of the governing bodies, it had enquired as to the withdrawal of the claims by the Omani Government. That delegation also stated that it hoped all approvals would be received, so that all claims could be withdrawn without further delay.

1992 Fund Executive Committee

3.7.12 The 1992 Fund Executive Committee noted that the Director would continue to monitor the incident and would report any developments to a future session of the Executive Committee.

3.8	Incidents involving the IOPC Funds — 1992 Fund: <i>Nathan E. Stewart</i> Document IOPC/NOV24/3/8		92EC	
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3.8.1 The 1992 Fund Executive Committee took note of the information contained in document [IOPC/NOV24/3/8](#) relating to the *Nathan E. Stewart* incident.

3.8.2 The Executive Committee recalled that in October 2018, the Director had been served with proceedings concerning an incident that had occurred two years earlier, in 2016. It was also recalled that, on 13 October 2016 the articulated tug-barge (ATB), composed of the tug *Nathan E. Stewart* and the tank barge *DBL 55*, had run aground 10 nautical miles west of Bella Bella, British Columbia, Canada. It was further recalled that the tug subsequently sank and separated from the barge. Approximately 110 000 litres of diesel oil was released into the environment.

Applicability of the Conventions

3.8.3 The Executive Committee recalled that the application of the Conventions was not clear in this case:

- (i) There is a question over whether the *Nathan E. Stewart/DBL 55* ATB falls within the definition of 'ship' under Article I(1) of the 1992 CLC.
- (ii) At the time of the incident, the barge was empty and was therefore not carrying oil in bulk as cargo. In addition, it has not been established whether during any previous voyage it had carried any persistent oil in bulk as cargo. Its last known cargo was jet fuel and gasoline, which are non-persistent products.

3.8.4 The Executive Committee also recalled that if the ATB had carried non-persistent oil on previous voyages, it would appear that the 1992 Civil Liability and Fund Conventions would not be applicable. In that case, since the spilled oil was bunkers, the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (2001 Bunkers Convention) should apply instead.

Legal proceedings

- 3.8.5 It was recalled that a First Nation community consisting of five tribes, which allegedly has aboriginal title and rights over the area impacted by the incident, had brought a legal action against the shipowners, operators, the master and an officer of the *Nathan E. Stewart/DBL 55* ATB in the Supreme Court of British Columbia. It was also recalled that the claimants had also included as third parties, among others, the Ship-source Oil Pollution Fund (SOPF) in Canada, the 1992 Fund and the Supplementary Fund.
- 3.8.6 It was further recalled that the legal action brought by the First Nation community had been stayed by the Federal Court of Canada pursuant to an order rendered in July 2019 in the context of limitation proceedings commenced by the owners of the tug and the barge. It was recalled that the Federal Court had ordered that a limitation fund be constituted pursuant to the 2001 Bunkers Convention and the Convention on Limitation of Liability for Maritime Claims, 1976, as modified by the 1996 Protocol (LLMC 76/96), on the basis of the combined tonnage of the tug and barge. The Executive Committee also recalled that the Court had concluded that there was no factual basis upon which a limitation fund could be constituted under the 1992 CLC at this time.

Mediation

- 3.8.7 The 1992 Fund Executive Committee recalled that the shipowners, the claimants and other parties had agreed to participate, on a voluntary basis, in a mediation. It was recalled that, for the time being, the IOPC Funds' participation had not been sought.
- 3.8.8 It was noted that the parties who will be participating in mediation are in the process of exchanging expert reports and other materials, prior to the mediation. It was also noted that, due to delays encountered with expertise on environment impact assessment, the mediation had been delayed and has now been provisionally scheduled for February 2025.
- 3.8.9 The Executive Committee noted that the parties involved in the mediation had requested the Court to stay the proceedings in the Federal Court until 31 March 2025 to allow settlement discussions and the private mediation.
- 3.8.10 It was noted that the 1992 Fund, through its lawyer in Canada, will monitor the progress of the mediation with the intention of obtaining confirmation that no claim will ever be pursued against the IOPC Funds.

Debate

- 3.8.11 The Canadian delegation clarified that the Government was not fully participating in the mediation but that, should the mediation go ahead, the Government was willing to participate as an observer. That delegation also added that the SOPF had not agreed to participate in the mediation at this time but that the SOPF continued to work with other parties on the terms of mediation and a timetable. That delegation also stated that a date in February 2025 was being discussed.

1992 Fund Executive Committee

- 3.8.12 The 1992 Fund Executive Committee noted that the Director will continue to monitor the incident and report any further developments to a future session of the Executive Committee.

3.9 Incidents involving the IOPC Funds — 1992 Fund: <i>Agia Zoni II</i> Document IOPC/NOV24/3/9		92EC	
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3.9.1 The 1992 Fund Executive Committee took note of document [IOPC/NOV24/3/9](#), relating to the *Agia Zoni II* incident.

Limitation fund claims evaluation procedure

3.9.2 The Executive Committee recalled that the Limitation Fund Administrator had concluded the evaluation procedure of the claims filed at the Limitation Court (totalling EUR 94.4 million) by publishing their provisional assessments totalling EUR 45.45 million.

3.9.3 The Executive Committee also recalled that the 1992 Fund had filed pleadings against the Limitation Fund in respect of the claims it had paid but which had not been subrogated, due to the short period (six months) set under Greek law for filing claims against the Limitation Fund, which had expired in May 2018. The Executive Committee further recalled that court hearings had taken place in 2020 to deal with the eight appeals lodged against the Limitation Fund Administrator's assessments.

3.9.4 It was recalled that in June 2022, a judgment was made by the Piraeus Multi-Member Court of First Instance which generally upheld the Limitation Fund Administrator's assessments but denied the 1992 Fund's appeal. It was also noted that the 1992 Fund had appealed and that the date for the hearing had been adjourned until September 2024, and that following the hearing, a judgment was awaited and expected in four to five months.

Investigation into the cause of the incident

3.9.5 The 1992 Fund Executive Committee recalled that two investigations had been conducted into the cause of the incident which had each reached different conclusions: one determining that the *Agia Zoni II* sank after an explosion, and the other that it sank after the seawater ballast valves were opened. It was also recalled that the Marine Accident Investigation Council (ASNA) report considered that the incident was attributed to the deliberate and negligent actions of:

- (i) the shipowner;
- (ii) the two crew members on board at the time of the incident;
- (iii) the General Manager of the shipowning company;
- (iv) the Designated Person Ashore of the shipowning company; and
- (v) representatives of the salvor/clean-up contracting company.

3.9.6 The Executive Committee further recalled that the Greek Mercantile Marine, as the supervisory body overseeing disciplinary matters for seafarers, had initiated a disciplinary tribunal against the crew members mentioned in the ASNA report who were on board the *Agia Zoni II* at the time of the incident, and the senior representative of the salvor mentioned in the ASNA report.

3.9.7 It was recalled that in June 2021, the disciplinary tribunal had published its findings and held that the master was liable in negligence for the loss of the ship, but the tribunal did not examine the ASNA report's criticism of the salvors for their delayed antipollution response in sealing off and pumping out the wreck.

- 3.9.8 It was noted that the 1992 Fund's lawyers had been provided with a copy of the criminal file for the incident by the District Attorney, which reported a decision of the criminal judges sitting in Council which concluded that there appeared strong indications of criminal liability against five of the nine parties originally examined on the grounds that:
- (i) as per the opinion of all experts, the ship was intentionally sunk in order to cause pollution;
 - (ii) according to all experts (except the National Technical University of Athens), the sinking was caused by the opening up from within the ship of the ballast water valves of the bottom starboard ballast tanks 2, 3 and 4, and by leaving open the engine room portholes. This could only have been done by the two crewmen who remained on board (there was no indication of any third party boarding and leaving secretly);
 - (iii) notwithstanding the progressive starboard list of the ship, the two crewmen did nothing and notified no one;
 - (iv) the Greek Coast Guard was first notified at 0210 hours by another ship close by, without either of the above two crewmen on board, the master or the owning company having called earlier;
 - (v) notwithstanding that the second clean-up company had previously contacted the shipowning company and its antipollution vessel had started operating onsite, the owners of the *Agia Zoni II* awarded the salvage and antipollution contract at 0630 hours with delay, to the first clean-up company which has no experience in that line of work; and
 - (vi) the closing and sealing of the 11 cargo tank covers was achieved by that company, 53 hours after the ship sank, which was considered a very long timeframe.
- 3.9.9 It was also noted that in view of the above, the two crew members who remained on board were indicted for intentionally:
- (i) causing malicious maritime pollution that could, and did, damage the environment and third-party properties by unscrewing the cargo tanks' covers from which oil leaked into the sea following the ship's starboard list, which they caused by intentionally allowing ballast water into the bottom starboard ballast tanks 2, 3 and 4;
 - (ii) sinking the ship by illegally opening the starboard valves of the bottom ballast tanks 2, 3 and 4, and opening the engine room port hole which endangered human life; and
 - (iii) discharging polluting materials into the sea.
- 3.9.10 It was further noted that the master, the owning company representative and the representative of the first clean-up company were indicted as instigators of all above criminal actions, with the aim of causing extensive maritime pollution in order to benefit from the remuneration for antipollution works.
- 3.9.11 The 1992 Fund Executive Committee recalled that the decision of the Council of criminal judges committed the engine room foremaster, the AB seaman, the master, the shipowning company representative and the representative of the first clean-up company to trial, and also noted that the decision contained negative remarks about the first clean-up company.
- 3.9.12 The Executive Committee further noted that a full trial of the five persons listed above had started on 24 October 2024, at which the Criminal Court had proceeded with the selection of jury members, following which the court proceedings would recommence in early November 2024.

Claims for compensation

- 3.9.13 It was noted that the 1992 Fund had received 424 claims amounting to EUR 100.21 million and one claim for USD 175 000, that it had approved 418 claims and had paid 192 claims amounting to EUR 16.92 million in compensation. It was noted that further offers of compensation and advance payments had been made to a number of claimants whose responses were awaited.

Statement by the delegation of Greece

- 3.9.14 The delegation of Greece made the following statement:

‘First of all, we would like to express our appreciation to the Secretariat for providing us with an update on the recent developments of the *Agia Zoni II* incident.

Having heard the summary on the said incident, we would just like to contribute to the discussion by stating that the appeals against the No. 1891/2022 decision of the Multi-Member Court of First Instance of Piraeus were examined by the Three-Member Court of Appeal of Piraeus on 19 September 2024 and the issuance of a final judgement is expected.

With regard to the investigation into the cause of the *Agia Zoni II* incident, we would like to inform you that the main proceedings of the criminal case for the said incident started on 21 October 2024, and are still in progress. Therefore, the issuance of an irrevocable criminal judgment is awaited.’

Debate

- 3.9.15 One delegation stated that there were strong indications that the ship was intentionally sunk in order to cause pollution. That delegation stated that if the defendant is held criminally liable for this intentional act, the insurer might assert its exemption from liability pursuant to Article VII(8) of the 1992 CLC and, if the insurer was successful, this would result in all the compensation being borne by the 1992 Fund, which was a serious concern for the 1992 Fund.
- 3.9.16 That delegation stated that it recalled paragraphs 6.5.3 and 6.5.4 of document [IOPC/NOV23/3/9](#), containing the 1992 Fund’s lawyer’s view that the exercise of the right to claim compensation by the contractor could constitute an abuse of human rights under Article 300 of the Greek Civil Code, and that a Greek court might dismiss the claim.
- 3.9.17 Taking into consideration such a possibility, that delegation requested the Director to continue to suspend advance payments for the clean-up contractor’s claims until the court finally decides that the contractor is entitled to compensation. That delegation also requested the Director to take any action which was necessary and appropriate to recover any damages borne by the 1992 Fund.

1992 Fund Executive Committee

- 3.9.18 The 1992 Fund Executive Committee noted the comments made by the delegations that spoke and also noted that the Director would continue to monitor the incident and would report any developments at the next session of the Executive Committee.

3.10	Incidents involving the IOPC Funds — 1992 Fund: <i>Bow Jubail</i> Document IOPC/NOV24/3/10		92EC	
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- 3.10.1 The 1992 Fund Executive Committee took note of document [IOPC/NOV24/3/10](#) on the *Bow Jubail* incident.
- 3.10.2 The Executive Committee recalled that on 23 June 2018, the oil and chemical tanker *Bow Jubail* (23 196 GT) had collided with a jetty owned by LBC Tank Terminals in Rotterdam, the Netherlands, resulting in a leak in the area of the starboard bunker tank, spilling fuel oil into the harbour.
- 3.10.3 The Executive Committee also recalled that, at the time of the incident, the *Bow Jubail* was in ballast but that on the voyage prior to the incident, the *Bow Jubail* carried ‘oil’ as referred to in the 1992 CLC. The Executive Committee further recalled, however, that the shipowner had stated that the tanks were clean of oil cargo residues at the time of the incident.
- 3.10.4 It was recalled that in March 2023, the Supreme Court had confirmed the previous decisions of the Rotterdam District Court and the Court of Appeal in The Hague that the 2001 Bunkers Convention did not apply to the *Bow Jubail* incident and that the *Bow Jubail*, therefore, qualified as a ‘ship’ as defined under the 1992 CLC.
- 3.10.5 It was also recalled that a total of 29 legal actions had been brought by 57 claimants before the Rotterdam District Court against the shipowner, its insurer and other parties. It was further recalled that 1992 Fund was notified or included as a defendant in the actions.
- 3.10.6 The Executive Committee recalled that following a preliminary review of the amounts claimed, the total provisional amount was close to EUR 60 million, well in excess of the 1992 CLC limit. This amount is also in excess of the indemnity that the shipowner would provide to the 1992 Fund under STOPIA 2006 (as amended 2017)^{<1>}.
- 3.10.7 The Executive Committee also recalled that at its May 2023 meeting, it had authorised the Director to make payments in respect of losses arising out of the *Bow Jubail* incident.
- 3.10.8 The Executive Committee further recalled that in June 2023, the shipowner had applied before the Rotterdam District Court for leave to limit its liability to SDR 15 991 676 in accordance with the 1992 CLC.
- 3.10.9 It was recalled that in October 2023, after the Court had rejected the shipowner’s application to limit its liability to the amount of the 1992 CLC only, the latter had resubmitted a request to limit its liability to the amount of the 1992 CLC, this time including interest.
- 3.10.10 It was noted that in May 2024, the Rotterdam District Court determined the amount of the limitation fund plus interest, and the shipowner’s P&I Club established the limitation fund plus interest in the amount of SDR 18.9 million (EUR 23.03 million including interest and costs) and paid the sum into Court.
- 3.10.11 It was also noted that the six-year anniversary of the spill occurred on 23 June 2024, in advance of which the 1992 Fund informed those claimants who had not yet commenced action against the Fund of the approaching time bar, and recommended that they should commence legal proceedings to protect their rights.

<1> From this point forward, references to ‘STOPIA 2006’ should be taken to read ‘STOPIA 2006 (as amended 2017)’.

3.10.12 It was further noted that in August 2024, the time limit for claimants to file claims with the limitation fund assessor expired, and that 44 claims were submitted totalling EUR 30.8 million, USD 1.92 million and NOK 152 070. The 1992 Fund Executive Committee noted that all but one of the claims reserved the right to amend their claims by the addition of further sums and as a consequence, the total sum claimed is unknown, but the claims were being assessed by the 1992 Fund and P&I Club's joint experts.

1992 Fund Executive Committee

3.10.13 The 1992 Fund Executive Committee noted that the Director would continue to monitor the incident and would report any developments at the next session of the Executive Committee.

3.11	Incidents involving the IOPC Funds — 1992 Fund: <i>MT Harcourt</i> Document IOPC/NOV24/3/11		92EC	
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3.11.1 The 1992 Fund Executive Committee took note of document [IOPC/NOV24/3/11](#) on the *MT Harcourt* incident.

3.11.2 The 1992 Fund Executive Committee recalled that on 2 November 2020, an explosion occurred within a ballast tank of the oil storage/tanker vessel *MT Harcourt* (26 218 GT) moored at the Elcrest Terminal in the Gbetiokun oil field, near Koko, Delta State, Nigeria.

3.11.3 It was recalled that approximately 31 barrels (approximately 4.2 tonnes) of crude oil was lost from the cargo tank into the water ballast tank, out of which a small quantity spilled overboard. It was also recalled that this oil was immediately contained by the Terminal, followed by clean up of all the oil from the water.

3.11.4 The 1992 Fund Executive Committee recalled that 12 riverine communities in the Benin River served legal proceedings upon the shipowner and the ship's master. The claim value amounts to NGN 11.98 billion (approximately USD 7.9 million). It was noted that no trace of the oil cargo from the *MT Harcourt* was found in water samples from the Benin River near the communities.

3.11.5 The 1992 Fund Executive Committee also recalled that the shipowner and master had filed a defence and were successful in striking out the claim.

3.11.6 The 1992 Fund Executive Committee noted that on 9 May 2024, the Court of Appeal had rejected the claim and dismissed the riverine communities' case. It was also noted that the claimants had not appealed to the Supreme Court within the deadline, but have an indefinite period to apply for a time extension.

Intervention by the delegation of Nigeria

3.11.7 The delegation of Nigeria commended the prompt and effective response coordinated by the terminal operators and the support from the P&I Club. It stated that the swift containment of the spill, followed by the thorough clean-up, minimised the impact on the environment and underscores Nigeria's commitment to responsible oil spill management. The delegation also noted the oil sample analysis from the P&I Club, which indicates no significant oil pollution impact on surrounding communities or activities. That delegation also stated that Nigeria recognises the role of STOPIA 2006 for providing financial coverage for such incidents and reducing the likelihood of the 1992 Fund's involvement. The delegation also noted Nigeria's commitment to a transparent claims process and emphasised the importance of evidence based submissions to maintain the integrity of the 1992 Fund's compensation mechanism. The delegation further noted that Nigeria will continue to monitor the case and cooperate closely with the 1992 Fund and relevant stakeholders to uphold its commitment to environmental protection and fair compensation in all oil spill incidents.

1992 Fund Executive Committee

3.11.8 The 1992 Fund Executive Committee noted that the Director would continue to monitor the incident and would report any developments to a future session of the Executive Committee.

3.12	Incidents involving the IOPC Funds — 1992 Fund: Incident in Israel Document IOPC/NOV24/3/12		92EC	
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3.12.1 The 1992 Fund Executive Committee took note of the information regarding the incident in Israel, as set out in document [IOPC/NOV24/3/12](#).

3.12.2 The 1992 Fund Executive Committee recalled that in February 2021, the Government of Israel had contacted the 1992 Fund requesting assistance with oil found along the Israeli coastline and that at that time, the source of the spill had not been identified.

3.12.3 The Executive Committee also recalled that investigations carried out by two laboratories in Israel and by experts engaged by the 1992 Fund confirmed that the pollution was caused by crude oil which could not have originated from any other source but a passing oil tanker.

3.12.4 The Executive Committee further recalled that, as a consequence, at its July 2021 session, it had decided that the pollution which had affected the coastline of Israel could be considered as a spill from an unknown source (a so-called ‘mystery spill’) and that the 1992 Civil Liability and Fund Conventions would apply. It was recalled that the Executive Committee had authorised the Director to pay compensation in respect of claims arising out of the incident in Israel.

3.12.5 The Executive Committee noted that 415 claims had been submitted for clean-up operations, property damage and for economic losses in the fisheries and tourism sector, totalling ILS 35.1 million, and that detailed information in respect of claims for compensation was available in section 4 of document [IOPC/NOV24/3/12](#).

3.12.6 The Executive Committee noted that in order to protect their right to compensation from being time-barred, 401 claimants whose claims had not yet been settled, had initiated legal proceedings in the Admiralty Court of Haifa against the 1992 Fund, comprising three separate sets of legal actions.

3.12.7 The Executive Committee recalled that the first set of legal actions involved the Israeli Government, with 12 claims totalling ILS 25 929 167 for costs incurred by the central government and municipal authorities. The Executive Committee noted that seven claims had been settled by the 1992 Fund, while five claims were being assessed by the 1992 Fund’s experts. The Executive Committee further noted that both parties had agreed to suspend legal proceedings for 12 months, effective 9 April 2024, to complete negotiations.

3.12.8 The Executive Committee recalled that the second legal action was brought by an NGO for costs incurred during the response totalling ILS 100 654, and that this claim had been settled.

3.12.9 The Executive Committee recalled that the third set of legal actions involved a consolidated claim of 388 claims in the fisheries sector, totalling ILS 4.5 million. The Executive Committee noted that, since document [IOPC/NOV24/3/12](#) had been issued an initial batch of claims from 270 *bona fide* fishers had been assessed at ILS 753 489 and that this offer had been accepted. It was also noted that the remaining 118 claims were under review to ensure that there was no duplication of claims and to verify that the claimants held valid licenses at the time of the incident. It was further noted that the first court hearing is scheduled for 26 November 2024.

1992 Fund Executive Committee

3.12.10 The 1992 Fund Executive Committee noted that the Director was pleased to note the advancements made in settling claims. It also noted that the Director would continue to monitor the incident and would report any developments at the next session of the Executive Committee.

3.13	Incidents involving the IOPC Funds — 1992 Fund: <i>Princess Empress</i> Document IOPC/NOV24/3/13		92EC	
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3.13.1 The 1992 Fund Executive Committee took note of the information regarding the *Princess Empress* incident contained in document [IOPC/NOV24/3/13](#).

3.13.2 The Executive Committee recalled that on 28 February 2023, the Philippine-flagged *Princess Empress* (508 GT) sank in rough seas off the coast of Naujan, Oriental Mindoro, the Philippines, whilst carrying 800 000 litres of fuel oil as cargo and that subsequently, an oil spill had been detected around the location of the wreck which had extended to other areas, causing pollution damage.

3.13.3 It was recalled that the pollution damage resulting from the *Princess Empress* incident had affected the coasts of Oriental Mindoro to varying degrees and that the oil had also travelled to the Caluya archipelago, which is situated south of Mindoro Island, affecting the islands of Semirara and Liwagao.

3.13.4 The Executive Committee recalled that the 1992 Fund and the Shipowners' P&I Club had opened a central CSO in Calapan, Oriental Mindoro, and set up a number of temporary collection centres in different areas, some of which are not easily reachable.

3.13.5 It was recalled that claims related to this incident had exceeded the limit of liability of the shipowner under the 1992 CLC. It was also recalled that although the 1992 Fund started paying compensation when the 1992 CLC limit was reached, the shipowner's insurer had reimbursed the 1992 Fund for the amounts paid in compensation, up to the STOPIA 2006 limit of SDR 20 million. It was recalled, however, the STOPIA 2006 limit had also been reached.

Claims for compensation

3.13.6 The Executive Committee took note of the progress on the handling of claims for compensation, as contained in section 6 of document [IOPC/NOV24/3/13](#) and also noted that the claims situation was rapidly evolving since further assessments and payments were being carried out, and more claims were being received.

3.13.7 The Executive Committee noted in particular that the payment process for the fishers claims assessed in March 2024 had been completed and that 26 034 claimants in the fisheries sector had received payments totalling some PHP 823.3 million, taking into account the provisional payments previously made to some claimants.

3.13.8 The Executive Committee also noted that the Club and the 1992 Fund had recently approved the assessment of claims from 9 030 fish traders that had suffered losses due to lack of alternative products to sell during the fishing bans in the areas affected by the spill. It was noted that, taking into account provisional payments previously made to some of the claimants, there were 7 628 fish trading claims to be paid, totalling PHP 179.6 million. It was further noted that the payment process would resemble the one carried out for the fishers claims and that the first stage was now in preparation.

Statement by the delegation of the Philippines

3.13.9 The delegation of the Philippines made the following statement:

'The Philippines expresses its gratitude to the IOPC Funds for the timely, orderly and just compensation being provided for the victims of the damage resulting from the *Princess Empress* incident.

We appreciate the steadfast action of the IOPC Funds including the visit of the Director, Deputy Director/Head of the Claims Department and Claims Manager to the affected areas in the Philippines. We also highlight our appreciation for the claims workshops, which helped our Philippine Coast Guard and various government agencies involved in the response and recovery efforts in understanding the 1992 Fund's claims admissibility criteria and facilitating the submission of claims. Further, the establishment of the central claims submission office and of temporary collection centres in different affected areas, some of which are not easily reachable, has certainly facilitated the timely submission and processing of claims, and the corresponding payments for legitimate claims, ensuring that the victims can move forward and continue with their lives and livelihoods.

Facilitating payments has been a major concern due to lack of bank accounts of a number of claimants. In this regard, we deeply appreciate the proactive action from the IOPC Funds to ensure that claimants can receive payments through a money transfer platform.

Finally, we wish to inform you that the Philippines has established an inter-agency body to consolidate the claims of various government agencies involved in the response and recovery. These claims will be submitted to the IOPC Funds upon discussion by the inter-agency body.'

1992 Fund Executive Committee

3.13.10 The 1992 Fund Executive Committee noted that the Director would continue to monitor the incident and would report any developments at the next session of the Executive Committee.

3.14	Incidents involving the IOPC Funds — 1992 Fund: <i>Gulfstream</i> Document IOPC/NOV24/3/14		92EC	
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3.14.1 The 1992 Fund Executive Committee took note of the presentation and document [IOPC/NOV24/3/14](#) which contained information relating to the *Gulfstream* incident.

3.14.2 The 1992 Fund Executive Committee recalled that the articulated barge *Gulfstream*, towed by the tug *Solo Creed*, had capsized on 5/6 February 2024, spilling an unknown quantity of its 4 652 mt of persistent Bunker Fuel C cargo, polluting some 15 km of the coastline of Tobago. Subsequently traces of oil and tar balls were washed up on the coast of Bonaire (Kingdom of the Netherlands) which were cleaned up by the local authorities.

3.14.3 The Executive Committee also recalled that the barge was on a voyage from Pozuelo Bay, Bolivarian Republic of Venezuela, to Guyana and that the Tobago Emergency Management Agency (TEMA) had triggered the National Oil Spill Contingency Plan to manage the response to the spill.

3.14.4 The Executive Committee further recalled that the 1992 Fund had mobilised experts to provide assistance to the authorities, and that in early March 2024, the Deputy Director/Head of Claims Department and a Claims Manager had visited Trinidad and Tobago for a fact gathering visit and to meet with representatives from the Ministry of Energy and Energy Industries (MEEI). It was noted that subsequent visits had been made by the Director and Claims Manager.

- 3.14.5 It was recalled that the oil had been tested and proven to be persistent as required pursuant to Article I(5) of the 1992 CLC, and that the barge complied with the definition of 'ship' pursuant to Article I(1) of the 1992 CLC, so the 1992 Civil Liability and Fund Conventions apply to this incident.
- 3.14.6 It was also recalled that initial information regarding the ownership, registration and classification of the tug and barge prior to the incident was detailed in document [IOPC/APR24/3/6](#) which summarised that although the tug was registered in Tanzania, there was no clear evidence of the ownership, or of any insurance being in place for the barge laden with oil, due to a number of incomplete or falsified registration documents which had been provided to the authorities. A subsequent claim made by a businessman, that he was the true owner of the barge, is believed to be an attempt to lay a false trail away from the true owners of the barge and tug.
- 3.14.7 It was noted that the authorities in Trinidad and Tobago had been notified by the authorities in Tanzania that the registered owner of the tug listed on their registry at the time of the incident was a company based in Guyana. The authorities in Trinidad and Tobago indicated that they would write to the authorities in Guyana for further information. It was also noted that lawyers had been retained by the authorities in Trinidad and Tobago to advise on the steps to initiate legal action against the owners of the *Solo Creed* and/or its crew.
- 3.14.8 The Executive Committee recalled that the history of the auction sale of the barge, its movements from being laid up on a beach in Panama, its serious maintenance issues, lack of survey data or insurance, and appearance in satellite footage in the region of Pozuelo Bay, Venezuela (a major petroleum port), were detailed in document [IOPC/APR24/3/6](#).
- 3.14.9 The Executive Committee also recalled that document [IOPC/APR24/3/6](#) stated that an online database had located the barge *Gulfstream* in Pozuelo Bay, Venezuela, on 26 January 2024. The tug and barge were visually matched near this location in Pozuelo Bay on 27, 29, 30 and 31 January 2024.
- 3.14.10 The Executive Committee further recalled that on 3 February 2024, after leaving Pozuelo Bay, satellite imagery shows the tug and barge heading northeast, with the barge on a long tow. Notably, the satellite images of the barge showed that it was already leaking an oily substance, leaving behind a slick that stretched for at least 40 km. As no such trail was spotted beforehand, it is believed that the *Gulfstream* took on a cargo from Venezuela while in Pozuelo Bay, possibly via a ship-to-ship (STS) transfer.
- 3.14.11 It was recalled that on 6 February 2024, satellite imagery showed the barge *Gulfstream* capsized surrounded by a large oil spill, approximately 16 nautical miles southeast of Tobago. According to a document purportedly showing a request to book a pilot for the tug *Solo Creed* and its barge tow *Culie Boy*, the barge was destined for the Vreed en Hoop terminal of Guyana Power and Light, Guyana's state-owned electric utility in fulfilment of a tender process for a number of shipments. Guyana Power and Light has subsequently denied any involvement with the incident. However, the existence of further additional contracts providing oil to entities in Guyana have been mentioned, as to which no conclusions have been reached. The Trinidad and Tobago authorities are continuing their investigations.
- 3.14.12 Therefore, as at 5 November 2024 it has not been possible to ascertain the ultimate destination of the cargo, or its owner.

Search for the tug, its ownership, registration and classification post-incident

- 3.14.13 It was noted that subsequent to the incident, searches for the location of the *Solo Creed* tug by the authorities in Trinidad and Tobago, who requested the assistance of neighbouring States and various flag States, eventually resulted in the authorities learning that the tug *Solo Creed* had been arrested in Angola for breaching the boundaries of a number of oil field exclusion zones.

- 3.14.14 It was also noted that the authorities in Trinidad and Tobago had contacted the Government of Angola for confirmation of the arrest but did not receive any reply, and that the Secretariat had advised contacting local lawyers in Angola to effect an arrest of the tug which could possibly lead to a judicial sale, and to attempt to ascertain further details of its ownership. It was further noted that the vessel had been arrested and the intention was to sell it and to ascertain further details of its owners at the time of the incident.
- 3.14.15 The Executive Committee noted that as at 5 November 2024, there was a lack of any definitive information regarding the ownership of the barge *Gulfstream* at the time of the incident, due in part to the submission of false documentation to the registry.
- 3.14.16 The Executive Committee recalled that subsequent to the incident, a 'new' Certificate of Registration was provided by the Zanzibar Maritime Authority dated 13 February 2024 (some six or seven days after the incident), this time listing the owner of the tug as a company based in Georgetown, Guyana. It has not been possible to locate that company in the Guyana Commercial Registry and enquires by the Trinidad and Tobago authorities were continuing.

Oil removal from barge

- 3.14.17 It was noted that oil removal operations were undertaken by the salvors engaged by the authorities in Trinidad and Tobago, with pipelines rigged from the capsized barge to the shoreline. Once collected, the oil was taken by road tankers to a waiting oil tanker for discharge at a refinery in Trinidad, and a total of 31 998 barrels of oil was removed and delivered to the refinery.
- 3.14.18 It was also noted that the authorities in Trinidad and Tobago had stated that it was their intention to sell the recovered oil at the best available market price to an international buyer, likely through the refinery's normal marketing arrangements (considering that the oil does have a high sulphur content), in order to defray the costs incurred by the authorities and thus reduce their claim against the 1992 Fund, but that it faced difficulties due to the likely origin of the oil.

Applicability of the Conventions

- 3.14.19 It was recalled that at the time of the incident, Trinidad and Tobago was Party to the 1992 CLC and the 1992 Fund Convention. The limit of liability of the owner of the barge was estimated to be SDR 4.51 million. It was noted that at the time of the incident, neither the 1992 CLC or the 1992 Fund Convention were implemented into domestic legislation in Trinidad and Tobago, but that the Secretariat had been engaging with the State Attorney's office in Trinidad and Tobago to discuss the proper implementation of the Conventions into domestic law.

Claims for compensation

- 3.14.20 It was noted that as at 5 November 2024, 112 claims for compensation totalling, USD 23 million, covering some of the clean-up operations, and including 171 claims in the fisheries sector undertaken in Tobago, had been submitted to the focal point office (FPO). These claims are being assessed by the 1992 Fund's experts.
- 3.14.21 It was also noted that claims amounting to £13 633, EUR 45 328 and USD 3 434 had been submitted by the authorities in Bonaire who undertook surveillance prior to, and clean-up operations following, the arrival of the oil on its coastline on 26 February 2024.
- 3.14.22 The 1992 Fund Executive Committee noted that further costs relating to the oil recovery operation from the barge had yet to be submitted and no estimates were available for losses likely to be claimed in the tourism sectors. It was noted that the Secretariat is engaging with potential claimants to ascertain the extent of such losses.

Limitation proceedings

- 3.14.23 The Executive Committee noted that as at 5 November 2024 no limitation proceedings had been commenced by the registered owner of the barge, who was yet to be identified, and no legal proceedings had been commenced against the 1992 Fund.
- 3.14.24 The Executive Committee noted that the Director was pleased to note that the clean-up operations had been concluded in Tobago but was however concerned that this incident involved a barge which appeared to have no insurance, was in poor condition and for which no registered owner had yet been identified.
- 3.14.25 The Executive Committee noted that the Director encouraged the authorities in Trinidad and Tobago to pursue all available avenues to identify the true owner(s) of the barge and tug at the time of the incident, and to use all available resources to hold the owners accountable for the pollution and expenses incurred, as it appeared that there were a number of questions still to be answered regarding the certification, ownership and registration of the barge *Gulfstream* and its lack of insurance, as well as the legality of its cargo.

Intervention by the delegation of Trinidad and Tobago

- 3.14.26 The delegation of Trinidad and Tobago thanked the Secretariat and ITOPF. Under agenda item 10, Any other business, the delegation of Trinidad and Tobago made a statement on the *Gulfstream* incident (see section 10.1 and Annex V of this document).

Statement by the delegation of Ecuador

- 3.14.27 The delegation of Ecuador made the following statement (original in Spanish):

‘The delegation of Ecuador thanks the Secretariat for the information presented in document [IOPC/NOV24/3/14](#) related to the *Gulfstream* incident, which occurred in Trinidad and Tobago in February 2024, and recognises the efforts made by the IOPC Funds to complete the clean-up operations, thus seeking to combat the impact on marine and coastal ecosystems. However, we note with concern how this incident significantly affected the marine ecosystem, including coral reefs and mangroves, as well as local fishing activities. Marine species have also been rescued and rehabilitated, which highlights the long-term impact that pollution could have on wildlife and local food security. Without a doubt, the effects that this incident has had on the flora and fauna of the region have put its ecological balance at risk.

The situation of the barge involved is particularly alarming, as its state of disrepair, apparent absence of insurance coverage and lack of information about its owner suggest that it could be a dark vessel. Such vessels, with no clear identification and in poor condition, represent a growing challenge to the safety and environmental protection of the jurisdictional and non-jurisdictional waters of the various States, even more so when the report presented by the Director of the IOPC Funds in document [IOPC/NOV24/2/1](#) shows that, according to current estimates, between 600 and 1 100 tankers operate within the so-called ‘dark’ or ‘shadow’ fleet.

Given the illicit nature of many of these operations, the vessels of the dark fleet depend on equally irregular and uncontrolled barges to facilitate their activity, creating an opaque supply chain that evades supervision and legality. This practice not only represents a significant environmental risk, but also challenges international maritime regulatory efforts, making it imperative to strengthen inspections and cooperation between States to detect and dismantle holistic networks of illegal operations.

Ecuador strongly condemns risky practices of ship-to-ship transferring and/or transporting

fuel without proper records and controls to ensure safe navigation. We urge flag States to ensure that ships under their flag comply with norms that strictly regulate the transport of fuel, and coastal States to adopt rigorous measures to control ships that operate in the shadows or are part of dark fleets, frequently involved in illicit activities. Finally, we recall the important responsibility of port States to apply enhanced inspections to vessels to prevent this type of activity. All this is framed by Resolution A.1192(33) of the IMO Assembly, which urges Member States and all relevant stakeholders to promote measures to prevent illegal operations in the maritime sector by the 'dark' or 'shadow' fleet, and whose details will be discussed further on in the fourth item on the agenda, 'Compensation matters'.

Debate

- 3.14.28 One delegation thanked the Secretariat and Member States for investigating the incident, and noted that unfortunately the owners of the barge and tug had not yet been identified. That delegation noted that draft Resolutions on the risk of uninsured and unsafe ships, and draft guidance for Member States to investigate the circumstances surrounding an oil pollution incident, were to be discussed during the meetings. That delegation stated that once the Resolutions were adopted, it would request the Secretariat, in accordance with the documents, to make further efforts to identify the owner/insurer of the barge and tug, in co-ordination with the authorities in Angola and Trinidad and Tobago.

1992 Fund Executive Committee

- 3.14.29 The 1992 Fund Executive Committee noted that the Director would continue to monitor the incident and would report any developments at the next session of the Executive Committee.

3.15	Incidents involving the IOPC Funds — 1992 Fund: <i>Marine Honour</i> Documents IOPC/NOV24/3/15, IOPC/NOV24/3/15/1 and IOPC/NOV24/3/15/2		92EC	
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- 3.15.1 The 1992 Fund Executive Committee took note of documents [IOPC/NOV24/3/15](#) and [IOPC/NOV24/3/15/1](#), submitted by the Secretariat, and document [IOPC/NOV24/3/15/2](#), submitted by the Republic of Singapore, relating to the *Marine Honour* incident.

DOCUMENTS [IOPC/NOV24/3/15](#) AND [IOPC/NOV24/3/15/1](#), SUBMITTED BY THE SECRETARIAT

- 3.15.2 The Executive Committee noted that on 14 June 2024, the product tanker *Marine Honour* was stationary alongside the container ship, *Ever Blink*, at Pasir Panjang Terminal, Singapore, when it was struck by the hopper dredger *Vox Maxima*. This caused the *Marine Honour* to contact the *Ever Blink*. The collision breached the hull of the *Marine Honour* resulting in an estimated 817 cubic metres of intermediate fuel oil (IFO) 380 being released into the environment.

Impact of spill

- 3.15.3 The Executive Committee noted that the spill had affected areas along the coast of Singapore from Pasir Panjang Terminal to East Coast Park and had spread to the Southern Islands. It was also noted that oil had reached the southern coast of Johor and the East Johor Strait in Malaysia.

Response operations

- 3.15.4 The Executive Committee noted that the Maritime and Port Authority of Singapore (MPA) regulates and controls oil spill incidents within Singapore territorial waters, and that the shoreline clean-up is managed by the National Environmental Agency (NEA). It was also noted that the clean-up and response operations of public areas and at sea had been completed in Singapore and Malaysia.

Applicability of the Conventions

- 3.15.5 The 1992 Fund Executive Committee noted that both the 1992 CLC and the 1992 Fund Convention are applicable to this incident.
- 3.15.6 The Secretariat reported that claims have exceeded the limit of liability of the shipowner under the 1992 CLC, and that therefore the 1992 Fund has been called upon to pay compensation.
- 3.15.7 It also reported that the *Marine Honour* is insured by QBE Insurance (Singapore) Pte Ltd (QBE), under the British Marine brand and that the limitation amount applicable to the *Marine Honour*, in accordance with the 1992 CLC, is SDR 4.51 million.

Claims for compensation

- 3.15.8 The Executive Committee noted that, following the incident, the 1992 Fund and QBE had promptly signed a Memorandum of Understanding (MoU) to facilitate the joint handling of claims and the appointment of experts. The Executive Committee also noted that on 29 July 2024, the 1992 Fund and QBE had jointly established a CSO in Singapore adjacent to the Pasir Panjang Terminal.
- 3.15.9 The Secretariat reported that, since the publication of the meeting documents, the quantum of the claims received from QBE for its response to the incident had increased to approximately SGD 5.5 million and USD 17 million. It was noted that, at the time of the session, a total of 150 claims had so far been registered with the CSO, and that the total claimed amounts had risen to SGD 9 million and USD 17.5 million. It was further noted that the 1992 Fund is awaiting claims from the MPA and other government agencies in Singapore for their clean-up and response costs, which will form a significant portion of the total amount that the 1992 Fund will be called upon to pay in compensation.
- 3.15.10 The Secretariat confirmed that the initial estimates of the impact of the incident indicate that claims will not surpass the 1992 Fund's limit.

Limitation proceedings

- 3.15.11 The Executive Committee noted that on 23 September 2024, the Singapore High Court had granted the shipowner and QBE's application to limit their liability under the 1992 CLC and that the limitation fund was constituted on 18 October 2024.
- 3.15.12 It was also noted that the owner of the *Vox Maxima* had filed an application to the Court in Singapore to limit its liability to approximately SDR 18 million in accordance with the LLMC 76/96.

Director's considerations

- 3.15.13 The Executive Committee noted the Director's gratitude for the MPA's efficient response to the incident and for the meeting it had hosted with the 1992 Fund, and his appreciation of QBE's cooperation in the handling of this matter.

DOCUMENT [IOPC/NOV24/3/15/2](#), SUBMITTED BY THE REPUBLIC OF SINGAPORE

- 3.15.14 In presenting document [IOPC/NOV24/3/15/2](#), the delegation of Singapore made the following statement:

'In the wake of the *Marine Honour* incident, Singapore undertook comprehensive oil spill response efforts, as detailed in our submission (document [IOPC/NOV24/3/15/2](#)). These were conducted in a systematic manner comprising three phases of clean-up: first, containing the oil spill in the immediate aftermath, second, specialised cleaning for

difficult-to-access areas, and lastly, the final phase to remove the oil remnants from beaches. We worked closely with ITOPF in every phase of the clean-up to ensure that our response was timely and right sized.

As Singapore is a Party to both the 1992 Civil Liability Convention and the 1992 Fund Convention, we take the view that the *Marine Honour* incident has met the qualifying criteria for oil pollution damage compensation from the IOPC Funds.

The Singapore Government agencies are in the process of consolidating our claims for submission to the claims submission office in due course. At present, we do not anticipate the total claims from Singapore Government agencies to exceed the Director's estimated total compensation payable of SGD 50 million.

Singapore also expresses its appreciation to the Director and the IOPC Funds' Secretariat for their cooperation in facilitating the claims submission process for the incident, including setting up the claims submission office and regular meetings between MPA and the IOPC Funds' Secretariat.

Separately, Singapore thanks the Secretariat for its two documents, [IOPC/NOV24/3/15](#) and [IOPC/NOV24/3/15/1](#).

On the latter, Singapore wishes to clarify that the claims from MPA and Singapore Government agencies, which will be submitted to the CSO in due course, is not limited to only clean-up operations undertaken from 18 July 2024 after taking over from QBE, as currently presented in the document.

Claims from the Singapore Government would also comprise costs incurred by agencies prior to 18 July 2024. This includes the initial oil spill emergency response and operations that were directly contracted by MPA and relevant government agencies, which include, among others, the deployment of MPA's patrol crafts to spray dispersants and procurement of necessary equipment for preventive measures in response to the initial spill.

Singapore seeks the support of the 1992 Fund Executive Committee to authorise the Director to commence the disbursement of compensation payments, without delay.'

Statement by the delegation of Malaysia

3.15.15 The delegation of Malaysia made the following statement:

'We would like to extend our appreciation to the IOPC Funds' Secretariat for its diligent work on the *Marine Honour* incident.

Regarding the *Marine Honour* pollution incident, Malaysia is experiencing significant direct impacts, affecting both the livelihoods of local communities and our maritime ecosystem. In light of this, we respectfully request that Malaysia's perspective be included in any forthcoming discussions or interventions on this matter.

The incident has notably impacted the fishing community in Pasir Panjang, where 161 fishermen have been directly affected, including 118 licensed and 43 unlicensed fishermen. These individuals rely heavily on daily fishing activities, and the disruption has led to significant financial setbacks. A substantial financial loss has been incurred, reflecting the economic hardship faced due to days lost at sea and damaged equipment.

Although, there have been no reported fish mortalities or visible harm to marine life, thus, fish populations appear minimal at this stage. Nevertheless, the repercussions on fishermen's equipment and income remain substantial.

Clean-up operations have been conducted by competent local contractor appointed by the shipowner and overseen by the Department of Environment (DOE) Pengerang Branch, ensuring professional and timely management of the affected area. The Johor State Government has also taken steps to support the affected community and has provided financial aid for each affected fisherman, as a gesture to help mitigate some immediate hardships.

This case underlines the importance of Malaysia's involvement in resolving and addressing the broader implications of the *Marine Honour* pollution incident. We hope that our shared insights and information will contribute meaningfully to a fair and effective intervention strategy.

Subject to further decision by the 1992 Fund Executive Committee, Malaysia would like to request technical assistance from the Fund pertaining to the restoration and rehabilitation activities.'

- 3.15.16 Following the statement by the delegation of Malaysia, the Director reported that Malaysia was, at the time of the session, subject to 1992 Fund Assembly Resolution N°12. The Director confirmed that the 1992 Fund would therefore not be able to pay any claims made by the Government of Malaysia until the issues under Resolution N°12 were rectified (i.e. the submission of outstanding oil reports and payment of outstanding contributions).

Debate

- 3.15.17 Two delegations expressed their appreciation to the 1992 Fund, the Governments of Singapore and Malaysia, and QBE for their prompt response to the incident. Those delegations also confirmed that they agreed that the 1992 Civil Liability and Fund Conventions applied to the incident, and therefore supported the proposal to authorise the Director to make payments for compensation of claims arising from the incident.

- 3.15.18 One of those delegations stated that there was an error in paragraph 8.1.1 of document [IOPC/NOV24/3/15](#) and that it is Article 4 of the 1910 Collision Convention that provides for the allocation of civil liability for collisions.

1992 Fund Executive Committee decision

- 3.15.19 The 1992 Fund Executive Committee decided to authorise the Director to make payments in respect of losses arising out of this incident.
- 3.15.20 The 1992 Fund Executive Committee noted that the Director will continue to monitor the incident and report any further developments at the next session of the Executive Committee.

3.16	Incidents involving the IOPC Funds — 1992 Fund: <i>Terranova</i> Document IOPC/NOV24/3/16		92EC	
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- 3.16.1 The 1992 Fund Executive Committee took note of document [IOPC/NOV24/3/16](#) on the *Terranova* incident.
- 3.16.2 The Executive Committee noted that on 25 July 2024, the *Terranova* capsized and sank in depths of approximately 23 metres on the east side of Manila Bay, Philippines, after encountering heavy weather during Typhoon Gaemi. Despite the rapid launch of search and rescue operations, one crewmember lost their life. The vessel was carrying 1 468 896 litres of IFO 230 at the time.

Impact of the spill

- 3.16.3 It was also noted that a sheen was observed within Manila Bay, but the release of oil from the vessel was considered slow and in small quantities. The Executive Committee noted that municipalities in the provinces of Cavite and Bataan had been impacted, and that the authorities had imposed fishing bans. Contamination was also observed in the Province of Bulacan.

Response operations

- 3.16.4 The Executive Committee noted that the PCG is responsible for preventing and controlling pollution within territorial waters. It was also noted the Marine Environmental Protection Command (MEPCOM) is a unit of the PCG and is the point of contact for oil spill response operations. Within MEPCOM, is the National Operations Center for Oil Pollution (NOCOP), which has the authority to request assistance from other government, private and military sources. The PCG also controls Marine Environment Protection Offices.
- 3.16.5 The Secretariat reported that contractors were able to minimise the volume of oil leaking from the vessel through sealing and capping operations. It was also reported that on 12 September 2024 fuel removal operations were completed and that the cargo tanks of the *Terranova* had been emptied and 97% of the cargo had been removed or recovered.

Applicability of the Conventions

- 3.16.6 The Executive Committee noted that the Philippines is Party to both the 1992 CLC and the 1992 Fund Convention. The *Terranova* is insured with Steamship Mutual Underwriting Association Limited (Steamship Mutual), which is part of the International Group. The Executive Committee also noted that the limitation applicable to the *Terranova* is SDR 4.51 million, but the vessel owner is a party to STOPIA 2006. Under STOPIA 2006, the 1992 Fund should be indemnified by the vessel's insurer of the difference between the limitation amount applicable to the tanker under the 1992 CLC and the compensation paid for admissible claims up to SDR 20 million.

Claims for compensation

- 3.16.7 The Executive Committee noted that on 11 October 2024, the 1992 Fund and Steamship Mutual established a CSO in Bataan to facilitate the submission of claims for compensation resulting from the incident.

Director's considerations

- 3.16.8 The 1992 Fund Executive Committee noted that estimates of the impact of the incident indicate that claims for pollution damage will surpass the 1992 CLC limit applicable to the *Terranova*. It remains to be seen whether the STOPIA 2006 limit will be reached.

Statement by the delegation of the Philippines

- 3.16.9 The delegation of the Philippines made the following statement:

'We acknowledge with appreciation the readiness of the IOPC Funds with respect to potential claims from the *Terranova* incident. We thank the IOPC Funds for its proactive steps including the establishment of the claims submission office, and implementation of the claims handling system. Relatedly, we take this opportunity to share that the Philippine government had taken a proactive approach to mitigate and respond to the *Terranova* incident, prioritising containment, environmental monitoring, and supporting affected individuals and communities. Our PCG and other relevant local and national agencies have been closely

coordinating efforts to manage the incident's impact effectively.

The PCG was able to contain the spill from damaging its surrounding waters.

In this regard, we are in discussion with our stakeholders, as well as with our domestic and international partners, to develop, implement and invest in measures such as policy development, enhanced contingency planning, robust legal frameworks, effective institutional mechanisms, and capacity building to enhance our response capabilities. We highlight that the Philippines implements a 'one-nation approach' in addressing oil spills, emphasising the collaborative efforts of various government agencies and stakeholders under the National Oil Spill Contingency Plan (NOS COP). We are also actively working to improve maritime safety standards, strengthen enforcement measures, and explore advanced technologies for oil spill prevention and response. The Philippines is also committed to international cooperation and will continue to collaborate with other countries and organisations to address global maritime challenges.

By sharing our experiences and lessons learned, the Philippines aims to contribute to the global effort to protect the marine environment, promote safe shipping, and prevent and mitigate the impact of oil pollution incidents.

The Philippines acknowledges the importance of continued collaboration with shipowners, insurers, international organisations and all stakeholders to enhance oil spill prevention and response measures. Lastly, the Philippines reaffirms its commitment to the principles of the IOPC Funds and its dedication to protecting the marine environment and coastal communities from the adverse effects of oil pollution.'

Debate

- 3.16.10 Several delegations offered their condolences to the crew member who lost his life in this incident and to express their appreciation to the Secretariat, the Philippines Government and the insurers in their response to this incident.
- 3.16.11 Those delegations also agreed that the circumstances of this incident met the criteria under 1992 Civil Liability and Fund Conventions. They further agreed with the Director's proposal to make payments in respect of losses arising from this incident, and with his proposal to sign an agreement on interim payments with Steamship Mutual in respect of this incident.
- 3.16.12 The delegations also requested the Secretariat to report on the progress of claims for compensation in respect of this incident at the next session of the Executive Committee, especially the issue of whether the claims will exceed the limit of STOPIA 2006.

1992 Fund Executive Committee decision

- 3.16.13 The 1992 Fund Executive Committee decided to authorise the Director to make payments in respect of losses arising out of the *Terranova* incident and to sign an agreement on interim payments with Steamship Mutual in respect of this incident.
- 3.16.14 The 1992 Fund Executive Committee noted that the Director will continue to monitor the incident and report any further developments at the next session of the Executive Committee.

4 **Compensation matters**

4.1	Report of the 1992 Fund Executive Committee	92A		
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The 1992 Fund Assembly noted the reports of the 81st and 82nd sessions of the 1992 Fund Executive Committee (see documents [IOPC/NOV23/11/1](#) and [IOPC/APR24/9/1](#)) and expressed its gratitude to the Executive Committee's Chair, its Vice-Chair and its members for their work.

4.2	Election of members of the 1992 Fund Executive Committee Document IOPC/NOV24/4/1	92A		
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- 4.2.1 The 1992 Fund Assembly took note of the information contained in document [IOPC/NOV24/4/1](#).
- 4.2.2 The Assembly noted in particular the information contained in paragraph 3.3 which detailed the position of each Member State in terms of eligibility to serve on the Executive Committee. It was noted that since the publication of the document, the issues which had rendered Colombia, Côte d'Ivoire, the Netherlands, Niue and Singapore ineligible in accordance with 1992 Fund Assembly Resolution N°12, had been resolved.
- 4.2.3 It was recalled that 1992 Fund Assembly Resolution N°5 provides that no State may serve on the Committee for more than two consecutive terms, except to the extent necessary to comply with the eligibility requirements.
- 4.2.4 It was noted that in Group A, four States had served two terms and should not ordinarily be re-elected. It was reported, however, that Spain, having served one term, would, under normal circumstances, be re-elected, but that it currently had outstanding obligations in respect of 2023 oil reports and was therefore ineligible. Taking this into account, when proposing the States that should be elected under Group A, the Chair of the Assembly suggested that, on an exceptional basis, and in order to comply with the eligibility requirements, the Republic of Korea should be elected for a third consecutive term.

1992 Fund Assembly decision

- 4.2.5 In accordance with 1992 Fund Assembly Resolution N°5, the 1992 Fund Assembly elected the following States as members of the 1992 Fund Executive Committee to hold office until the end of the next regular session of the 1992 Fund Assembly:

Eligible under paragraph (a):	Eligible under paragraph (b):
France	Antigua and Barbuda
India	Madagascar
Italy	Marshall Islands
Japan	Namibia
Netherlands	Norway
Republic of Korea	Poland
Singapore	Portugal
	Uruguay

- 4.2.6 The governing bodies recalled the procedure adopted in April 2015 for the election of the Chair and Vice-Chair of the 1992 Fund Executive Committee, by which the incoming Chair and Vice-Chair of the 1992 Fund Executive Committee would be elected at the same time as the incoming Executive Committee was elected (document [IOPC/APR15/9/1](#), paragraph 6.1.6 (i)).

4.2.7 It was noted that the incoming Chair and Vice-Chair would assume their positions as soon as the sessions had concluded and the Record of Decisions had been adopted, and until the end of the next regular session of the 1992 Fund Assembly.

4.2.8 The 1992 Fund Executive Committee elected, by acclamation, the following delegates to hold office until the end of the next regular session of the 1992 Fund Assembly:

Chair: Ms Małgorzata Buszyńska (Poland)

Vice-Chair: Mrs Katarina McGhie-Thompson (Antigua and Barbuda)

4.2.9 The newly elected Chair and Vice-Chair thanked the 1992 Fund Executive Committee for the confidence shown in them.

4.3	STOPIA 2006 and TOPIA 2006 — Recent information on entered ships Document IOPC/NOV24/4/2	92A		SA
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4.3.1 The governing bodies took note of the information contained in document [IOPC/NOV24/4/2](#) regarding the recent status of the Small Tanker Oil Pollution Indemnification Agreement (STOPIA) 2006 (as amended 2017) and the Tanker Oil Pollution Indemnification Agreement (TOPIA) 2006 (as amended 2017)^{<2>}.

4.3.2 The 1992 Fund Assembly noted that the total number of ships reported by the International Group as entered and not entered in STOPIA 2006 as at 20 August 2024 was as follows:

Year	Number of ships entered in STOPIA 2006 (Relevant Ships and written agreements)	Number of ships insured by International Group Clubs and not entered in STOPIA 2006	Total	% of ships entered in STOPIA 2006
20 August 2024	8 170	96	8 266	98.84%
20 August 2023	7 666	99	7 765	98.73%
20 August 2022	8 132	105	8 237	98.73%

4.3.3 It was further noted that the International Group had also reported that the number of Relevant Ships not entered in STOPIA 2006 was nil, and the number of ships entered in STOPIA 2006 and which ceased to be entered in STOPIA 2006 while remaining insured by the Club, was also nil.

4.3.4 The Supplementary Fund Assembly noted that the International Group had reported that as at 20 August 2024, the number of relevant ships not entered in TOPIA 2006 was nil, and the number of ships entered in TOPIA 2006 (whether as a Relevant Ship or by an independent written agreement between the owner and its Club) and which ceased to be in TOPIA 2006 while remaining insured by the Club, was also nil.

Director's considerations

4.3.5 The governing bodies noted that the Director was satisfied with the STOPIA 2006 data, which showed the current situation and that the equitable sharing of the burden of compensation between shipowners and oil receivers was maintained.

^{<2>} From this point forward, references to 'TOPIA 2006' should be taken to read 'TOPIA 2006 (as amended 2017)'.

- 4.3.6 The Director thanked the International Group for its implementation of STOPIA 2006 and TOPIA 2006 and for sharing the STOPIA 2006 data.

Debate

- 4.3.7 The Chair of the 1992 Fund Assembly highlighted the increase in the number of ships entered in STOPIA 2006 and stated that the relevance of STOPIA 2006 was reaffirmed in light of recent major incidents involving the agreement. The Chair also emphasised the importance of STOPIA 2006 and TOPIA 2006 in ensuring a more equitable distribution of the financial burden between shipowners and oil receivers.

1992 Fund Assembly and Supplementary Fund Assembly

- 4.3.8 The 1992 Fund Assembly and Supplementary Fund Assembly noted with satisfaction the information contained in document [IOPC/NOV24/4/2](#).

4.4	Risk of uninsured and unsafe ships Documents IOPC/NOV24/4/3 , IOPC/NOV24/4/3/Corr.1 , IOPC/NOV24/4/3/1 and IOPC/NOV24/4/3/2	92A		SA
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DOCUMENTS [IOPC/NOV24/4/3](#), [IOPC/NOV24/4/3/CORR.1](#) AND [IOPC/NOV24/4/3/2](#).

- 4.4.1 The governing bodies took note of the information contained in documents [IOPC/NOV24/4/3](#), [IOPC/NOV24/4/3/Corr.1](#) and [IOPC/NOV24/4/3/2](#).
- 4.4.2 It was recalled that, following their discussions at the April 2024 sessions on the risk of uninsured and unsafe ships and a related discussion on the potential impact of sanctions on the international liability and compensation regime, the governing bodies had been invited to comment on and consider, what, if anything, could be done to address the concerns raised within the forum of the IOPC Funds (see document [IOPC/APR24/9/1](#)).
- 4.4.3 It was also recalled that during those discussions, several delegations had reiterated their strong concerns relating to the increasing number of cases involving the transportation of oil by uninsured and unsafe ships, and emphasised the impact such incidents could have on the IOPC Funds and the wider international liability and compensation regime.
- 4.4.4 It was further recalled that, having instructed the Director to prepare draft Resolutions for the 1992 Fund and the Supplementary Fund on the issue of uninsured and unsafe ships, such draft Resolutions were presented and considered later in the April 2024 sessions. It was recalled that the vast majority of delegations present at that meeting had contributed to the debate on this subject and all had agreed that a Resolution for each Fund, clarifying the concerns of Member States and setting out measures to address the key issues resulting from incidents involving uninsured and unsafe ships, should be adopted. However, delegations had requested more time to consider the text of the Resolutions, to conduct consultations and discuss specific amendments to the text.
- 4.4.5 It was recalled that at the conclusion of these discussions in April 2024, the governing bodies had instructed the Director to re-issue the draft 1992 Fund Assembly and Supplementary Fund Assembly Resolutions for consideration at the November 2024 sessions of the governing bodies. States were encouraged to submit to the Secretariat any comments and suggestions for revisions to the Resolutions.
- 4.4.6 The governing bodies noted that the feedback received from delegations since the April 2024 sessions was contained in Annex I of document [IOPC/NOV24/4/3](#) and [IOPC/NOV24/4/3/Corr.1](#). They also noted the Director's considerations on the suggestions made (section 4 of

document [IOPC/NOV24/4/3](#)) and the revised draft texts for the consideration of the governing bodies (Annexes II and III of document [IOPC/NOV24/4/3](#)). The governing bodies further noted document [IOPC/NOV24/4/3/2](#), containing clean versions of the revised draft texts of the 1992 Fund and Supplementary Fund Resolutions.

- 4.4.7 The governing bodies noted that the Director had shared the feedback received from delegations on the draft Resolutions with the IMO Secretariat, together with a proposed revised text and reasons for the revisions made. It was noted that the IMO Secretariat had provided valuable comments on the revised texts which had been incorporated where appropriate in the new versions of the Resolutions.
- 4.4.8 The Director expressed his gratitude for the support and feedback that was given by Member States and observer delegations at the time of the initial discussion of the draft Resolutions at the April 2024 sessions. He also expressed his appreciation to those delegations who had submitted feedback on the draft Resolutions since the April 2024 sessions. He further thanked the IMO Secretariat for its valuable input and guidance.
- 4.4.9 Given that the original draft Resolutions contained instructions to the Director which were the subject of a separate related document, before inviting delegations to consider the revised draft Resolutions, the Chair of the 1992 Fund Assembly invited the Secretariat to introduce that related document.

DOCUMENT [IOPC/NOV24/4/3/1](#)

- 4.4.10 It was recalled that, at the April 2024 sessions of the governing bodies, following their decision to instruct the Director to revise and resubmit the draft Resolutions at the November 2024 sessions, recognising the urgency of the matter under discussion, the governing bodies had instructed the Director to begin to develop, in consultation with the Audit Body, an internal procedure to be followed by the IOPC Funds' Secretariat in the event of an incident. It was recalled that the procedure was aimed at ensuring the necessary information was gathered to determine the applicability of the 1992 CLC, the 1992 Fund Convention and the Supplementary Fund Protocol and to identify the parties involved.
- 4.4.11 The Secretariat reported that it had, over many years, developed and maintained a set of internal guidelines for the Claims Department, which were regularly updated. It was noted that these guidelines contained detailed procedures on all aspects of claims-handling, from the occurrence of a new spill to the conclusion of the claims process, including conducting a lessons-learned session. It was noted, in particular that they also referred to uninsured and unsafe ships. The Secretariat explained that it conducts thorough investigations of the circumstances surrounding an incident and into identifying the parties involved using various methods, as described in document [IOPC/NOV24/4/3/1](#).
- 4.4.12 It was reported that the internal guidelines for the Claims Department had been revised to reflect the discussions held during the April 2024 sessions and that a new section had been included referring specifically to the procedure to be followed by the Secretariat in the event of an incident in order to gather the information necessary to determine the applicability of the 1992 CLC, the 1992 Fund Convention and the Supplementary Fund Protocol and to identify the parties involved.
- 4.4.13 It was reported that the new section on the internal procedure which was included in the guidelines for the Claims Department had been shared with the joint Audit Body, which had noted with satisfaction that there was an internal procedure in place, which had been updated based on practical experience and in accordance with the instructions of the governing bodies. It was noted that the Secretariat intended to update the internal procedure regularly to ensure that it remained relevant and effective.

- 4.4.14 The Secretariat confirmed that, following the further instructions of the governing bodies at their April 2024 sessions, it had also prepared post-incident guidance for the use of Member States when investigating the circumstances surrounding an oil pollution incident, in order to identify ships and persons involved, including, but not limited to, shipowners and their insurers. The draft guidance was contained in the Annex to document [IOPC/NOV24/4/3/1](#).
- 4.4.15 It was noted that the Secretariat had consulted with the Audit Body in the preparation of this guidance for Member States and had invited Dr Rosalie Balkin AO, former Assistant Secretary-General and Director of Legal Affairs and the External Relations Division of IMO, in her capacity as the IOPC Funds' legal adviser in matters of public international law, to assist in its preparation. The Secretariat took the opportunity to express its gratitude for the input of the Audit Body and its appreciation to Dr Rosalie Balkin for her valuable assistance. It was noted that the concerns expressed by Member States and the discussion held at the April 2024 sessions regarding the increasing risk posed by uninsured and unsafe ships, and the occurrence of oil spills in which the spill source is unclear, had been taken into account in the drafting of the guidance for Member States.
- 4.4.16 It was also noted that the guidance for Member States had been designed to assist States in the event of an incident involving irregular practices, rather than being specific rules or procedures to be adopted which might contradict national policies.
- 4.4.17 The governing bodies were invited to provide comments on both the draft guidance for Member States contained in the Annex to document [IOPC/NOV24/4/3/1](#) and the revised draft Resolutions contained in Annexes I and II of document [IOPC/NOV24/4/3/2](#).

Debate

- 4.4.18 A lengthy debate took place during which all delegations that spoke confirmed their general support for both the draft guidance for Member States and the draft Resolutions. Several delegations reiterated their concerns in respect of the growing risk to the international liability and compensation regime as a result of the increasing transportation of oil by unsafe or uninsured ships, and stated that the adoption of the Resolutions was an urgent and important step in trying to address this issue.
- 4.4.19 A large number of delegations requested that the reference to criminal proceedings should be removed from both the Resolutions and the guidance document since such proceedings fall outside the scope of the international liability and compensation regime. Several Member States and two observer organisations supported the view expressed by one delegation that criminal investigations fall strictly within a State's national jurisdiction and often involve sensitive or confidential information which could limit the sharing of information. One delegation, whilst understanding the concerns raised on this point, expressed the view that sharing information on criminal investigations would be beneficial in identifying the key factors in an incident, but in the interest of ensuring the adoption of the Resolutions at the session, also agreed to the deletion of the relevant reference.
- 4.4.20 The delegation of India thanked the Secretariat for the efforts to include the feedback provided by States as presented in Annex I of document [IOPC/NOV24/4/3](#), including a number of suggestions made by India, but invited the governing bodies to reconsider some of the proposed amendments that had not been reflected. These included the deletion of the reference to criminal proceedings; a reference to the internal procedure and the guidance document being developed in consultation with the Audit Body and the largest five contributing States to the 1992 Fund; and a rewording of operative paragraph 7 of the Resolutions. That delegation explained that the proposed text of paragraph 7 currently placed the obligation to comply with Article VII of the 1992 CLC on the insurer, when in fact it should refer to the shipowner.

- 4.4.21 Another delegation referred to this same issue and proposed alternative text, which was supported. That delegation expressed its strong support for the prompt adoption of the Resolutions at the session and encouraged flexibility with regards to the specific wording of the text in order to achieve their adoption.
- 4.4.22 One delegation referred to its position as a maritime and archipelagic State at risk of incidents, and took the opportunity to thank the Director for his efforts to raise awareness of the issue of unsafe or uninsured ships. That delegation noted the importance of coastal, flag and port States enforcing the environmental and safety standards under the relevant IMO Conventions and ensuring that the relevant insurance is in place for ships under their flag or for ships entering or leaving their ports in accordance with the 1992 CLC. That delegation supported both the draft Resolutions and the guidance document, but also supported the proposals by India with regards to the importance of cooperation of States during investigations into an incident. It confirmed that it did not agree, however, that the internal procedure and guidance document should be reviewed by the largest five contributing States to the 1992 Fund.
- 4.4.23 The delegation of the Russian Federation thanked the Secretariat for its efforts to accommodate the various requests for amendments and proposals and for having included most of the suggestions made by the Russian Federation, as contained in Annex I of document [IOPC/NOV24/4/3](#). It requested, however, that the governing bodies reconsider the inclusion of two paragraphs it had proposed in its feedback relating to the issue of sanctions as a root cause of the subject matter discussed, but which had not been added to the latest draft Resolutions under consideration.
- 4.4.24 Several States expressed their disagreement to the inclusion of the paragraphs suggested by the Russian Federation.
- 4.4.25 One delegation informed the governing bodies that on 21 October 2024, the Price Cap Coalition, which is comprised of the G7, the European Union, Australia and New Zealand, issued an updated advisory for the Maritime Oil Industry and Related Sectors on Best Practices in Response to Recent Developments in the Maritime Oil Trade. That delegation reported that the updated advisory, in line with the Coalition's commitment to facilitate conditions allowing for the lawful, safe and responsible maritime trade of crude oil and petroleum products within a reputable, safe and secure market, contains 11 recommended actions for stakeholders with the aim of reducing high-risk shipping practices. It also reported that the updated advisory includes *inter alia* recommendations relating to adequate P&I insurance to cover the obligations under the 1992 CLC, as well as a new recommendation for flag States to ensure that vessels meet maritime safety, environmental and liability obligations under the IMO Conventions. With this in mind, that delegation expressed its full support for the adoption of the draft Resolutions noting that in their opinion they adequately addressed the increasing concerns.
- 4.4.26 An observer organisation which had provided feedback intersessionally thanked the Secretariat for taking into account a number of its suggestions when preparing the revised draft Resolutions. It confirmed that it found that the new draft texts provided a more appropriate and balanced approach to addressing the objectives and with sufficient emphasis on the obligations of States Parties to the Conventions and of shipowners where the Conventions are applicable. That delegation suggested a few minor editorial improvements to the text of the draft guidance, including a reference to P&I Club correspondents as a further source of information in section 5 and a reference to a template for an MoU between an affected Member State, insurer and 1992 Fund which is part of an existing IOPC Funds' guidance document.
- 4.4.27 Taking into account the discussions and suggestions made during the session, the Director presented document IOPC/NOV24/4/WP.1, containing revised texts of the draft Resolutions for the consideration of the governing bodies. He also presented document IOPC/NOV24/4/WP.2 containing revised texts of the relevant paragraphs of the guidance for Member States.

1992 Fund Assembly and Supplementary Fund Assembly decisions

- 4.4.28 The governing bodies noted with satisfaction that the internal procedure to be followed by the Secretariat in the event in an incident had been updated to include additional details on the information necessary to determine the applicability of the 1992 CLC, the 1992 Fund Convention and the Supplementary Fund Protocol, and to identify the parties involved.
- 4.4.29 The governing bodies decided to endorse the guidance for Member States as contained in the Annex to document [IOPC/NOV24/4/3/1](#), subject to the amendments set out at the Annex to document [IOPC/NOV24/4/WP.2](#).
- 4.4.30 The 1992 Fund Assembly adopted the Resolution on Raising awareness of the risk of uninsured and unsafe ships as contained in Annex II of this document.
- 4.4.31 The Supplementary Fund Assembly adopted the Resolution on Raising awareness of the risk of uninsured and unsafe ships as contained in Annex III of this document.

4.5	The potential impact of sanctions on the international liability and compensation regime Document IOPC/NOV24/4/4	92A		SA
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- 4.5.1 The 1992 Fund Assembly and Supplementary Fund Assembly took note of document [IOPC/NOV24/4/4](#).
- 4.5.2 The governing bodies noted that since the introduction of the recent sanctions regime, the IOPC Funds' Secretariat has highlighted the issues, risks and dangers and the potential impact upon the international liability and compensation regime, drawing attention to both the guidance issued by the IMO Legal Committee, and the impact upon many of the Clubs in the International Group, who were no longer able to insure vessels trading or carrying Russian crude oil, as they once had.
- 4.5.3 The governing bodies recalled that at the 33rd session of the IMO Assembly, which convened from 27 November to 6 December 2023, the Member States adopted Resolution A.1192(33) which called upon flag States to take measures against 'dark fleet' or 'shadow fleet' operations, specifically:
- (i) to ensure that ships on their registers adhere to measures which prohibit or regulate STS transfers of oil, and that such ships comply with pollution prevention requirements; and
 - (ii) to consider requiring ships on their register to update their STS plans to include notifying them when and where they are engaged in such operations.
- 4.5.4 The governing bodies also recalled that the Resolution also called upon port States to:
- (i) ensure enforcement of the safety and liability conventions;
 - (ii) notify flag States when they become aware of ships intentionally taking measures to avoid detection, such as turning off their Automatic Identification System (AIS) or Long-Range Identification and Tracking (LRIT) transmissions; and
 - (iii) monitor STS operations within their territorial seas and exclusive economic zone (EEZ) and take appropriate action when ships are not complying with maritime safety or maritime pollution prevention regulations.
- 4.5.5 The governing bodies further recalled that the 1992 Fund Convention and Supplementary Fund Protocol contain no exemptions from liability for sanctionable or sanctioned events, but that the Funds may face a number of practical difficulties if dealing with an incident involving a vessel laden with

Russian oil, including having to pay additional compensation if a shipowner or its insurer fails to establish a limitation fund, or difficulties in establishing bank accounts from which to pay compensation.

- 4.5.6 It was recalled that the IOPC Funds' Secretariat had previously highlighted a number of potential impacts upon the IOPC Funds' Member States and its contributors, arising from those vessels which were attempting to circumvent the sanctions by various methods, for instance, by turning off their AIS transponders so as to disappear from coverage in order to conduct illegal STS oil transfer operations, often in dangerous waters/the open sea or in areas with little satellite coverage, thereby negating many of the IMO safety measures and putting coastlines at an increased risk of oil pollution.
- 4.5.7 It was noted that statistics obtained recently from Clarksons Maritime Shipping and Research Services indicated a shift in the numbers and routes of vessels laden with Russian Federation oil along a significant number of Member States' coastlines, as the purchase of Russian Federation oil is maintained or increased, and which indicated that there had been a dramatic increase in the numbers of vessels within the so-called 'dark' or 'shadow' fleet, with recent data showing numbers in the range of 600-1 100 vessels engaging in such operations.
- 4.5.8 It was also noted that many of these vessels were engaged with a further deceptive shipping practice, namely location manipulation, which involved a vessel transmitting a fake location, and that many of the 'dark' fleet were older ships including some not inspected recently, having substandard maintenance, unclear ownership and severe lack of insurance (IMO document LEG100/18/1, paragraph 5.1).

EU Council – packages of economic sanctions

- 4.5.9 It was further noted that in December 2023, February 2024 and June 2024 respectively, the EU announced its 12th, 13th and 14th packages of economic sanctions, introduced by Council Regulation (EU) 2023/2878, the first of which introduced the need to report the transfer of ownership to any third country of any tanker engaged in the transport of crude oil or petroleum products listed in Annex XXV of Regulation 833/2014, falling under the HS Code ex 8901 20, and the last of which, contained new energy-related measures targeting liquified natural gas (LNG), and measures targeting vessels which support the war efforts.

Provision of insurance by International Group insurers – compliance with Price Cap Scheme

- 4.5.10 The governing bodies recalled that the Secretariat had previously reported on the EU Price Cap Scheme which was intended to curb the revenue that the Russian Federation earned from its petroleum products of Russian origin, and under which the International Group were permitted to provide P&I cover for shipments of Russian petroleum products to countries which were not part of the Price Cap Coalition, provided that the price of the cargo remained below the relevant price cap, per barrel, from the time it is loaded until it has cleared customs at the port of destination.

Provision of services by shipping registries, STS operations and the use of ageing vessels

- 4.5.11 The governing bodies also recalled that the Secretariat had also reported on the increase in the number of ships undertaking flag transfers to those States with less enviable inspection records, and had also highlighted the high number of STS operations being undertaken often in dangerous conditions, and by old or ageing vessels, and without notifying the Member State in whose waters the operations are being conducted.

Potential mitigating actions

- 4.5.12 The governing bodies further recalled that at the March 2022 sessions of the governing bodies, the 1992 Fund Administrative Council, acting on behalf of the 1992 Fund Assembly, fully encouraged Member States to adhere to the recommendations contained in the IMO draft circular LEG 109/WP.6, Annex 'Guidance on the impact of the situation in the Black Sea and the Sea of Azov on insurance or other financial security certificates'. The draft guidance was issued as IMO Circular LEG.1/Circ.12 on 7 April 2022 (document [IOPC/MAR22/9/2](#), paragraph 8.1.10).
- 4.5.13 It was recalled that at the 110th session of the IMO Legal Committee held from 27 to 31 March 2023, flag States were further encouraged to comply with the suggestions detailed in IMO document LEG 110/5, by ensuring that tankers under their flag adhered to measures which lawfully prohibited or regulated STS transfers. Port States were also encouraged to ensure enforcement of the safety and liability conventions on such vessels, and to ensure that STS transfer operations were conducted in accordance with the applicable safety requirements in IMO conventions, and should consider subjecting vessels which turned off their AIS to enhanced inspections and notifying the vessel's flag administration as appropriate (IMO document LEG 110/18/1, paragraph 5.10).
- 4.5.14 It was also recalled that the Russian Federation had stated within IMO Circular Letter 4548 of 7 April 2022 that it guaranteed fulfilment of all assumed obligations in their entirety under the international merchant shipping instruments it had previously ratified. The Russian Federation also confirmed full validity of insurance or other financial securities in respect of liability, including 'blue cards' issued by Russian insurance companies in compliance with the requirements of international conventions (document [IOPC/MAY23/9/1](#), paragraph 4.2.21).
- 4.5.15 It was noted that Member States are now also encouraged to adhere to their obligations under Article VII of the 1992 CLC, and their obligations pursuant to IMO Circular LEG.1/Circ. 16, which states that when receiving an Insurance Certificate from an 'insurer' (a provider of insurance or financial security outside of the International Group P&I Clubs, including insurance companies, financial security providers and non-International Group P&I Clubs), the Member State should verify that the insurer and the Insurance Certificate meet the criteria detailed within that Circular. This includes, *inter alia*, a statement certifying that there is in force insurance or other financial security satisfying the requirements of the financial security article of the relevant convention.

Statement by the delegation of the United Kingdom

- 4.5.16 The delegation of the United Kingdom made the following statement:

'The United Kingdom would like to express its appreciation to the Secretariat for this document, which the UK is very supportive of.

There can be no denying that ship-to-ship transfers of crude oil in international waters that are not conducted in accordance with (and in the spirit of) the applicable safety convention requirements, and 'dark operations' to circumvent sanctions, are a serious threat to the safety and security of international shipping.

These actions, as well as the other issues raised in this IOPC Funds' document, can only lead to an increase in the risk of oil spills, and greater exposure of the 1992 Fund and Supplementary Fund.

That is why we join the IOPC Funds and the Director in urging Member States to take all the steps necessary to fully comply with their obligations in relation to ensuring enforcement of the safety and liability conventions, and their obligations under the 1992 CLC and pursuant to IMO Circular LEG.1/Circ.16.

For our part, the UK is determined to deter and disrupt shadow fleet activity. To this end, I would like to share some recent announcements with you on the work that we are doing.

At the European Political Community Summit in July 2024, the UK Prime Minister, Sir Keir Starmer, announced the shadow fleet call to action to tackle the risks posed by the shadow fleet. To date, some 46 countries and the EU are signatories, including the recent additions of the United States and Canada.

Last month, the UK announced its largest package of sanctions against the shadow fleet, bringing the total number of oil tankers sanctioned to 43.

And at the same time, the UK announced that it is taking steps to challenge shadow fleet vessels with suspected dubious insurance to provide details of their insurance status as they pass through the English Channel.

All of these announcements represent the latest in a drumbeat of activity to tackle the risks posed by the shadow fleet and reinforce the UK's commitment to global security and the rule of law.'

Debate

- 4.5.17 One delegation stated that it recognised under the sanctions, that it was permitted for the International Group to insure ships which carried oil below the price cap levels and that ships must be properly covered by P&I insurance. That delegation was deeply concerned by the increase in the numbers of vessels in the dark fleet, and by vessels attempting to evade sanctions by various measures, noting that this could lead to dangerous ship operations and a heightened risk of oil pollution incidents, with an increase in the financial burden upon the IOPC Funds. That delegation, supported by another, urged all Member States to comply with their obligations under Article VII of the 1992 CLC, and in accordance with IMO LEG.1/Circ.16.
- 4.5.18 The delegation of the Russian Federation stated that it had followed the subject matter over the course of several sessions of the governing bodies and understood the concern for the IOPC Funds in general. At the same time, that delegation stated that the IOPC Funds' documents on this issue were placing an emphasis on advertising sanctions, whereas sanctions were the root cause of the problems highlighted in the document, and that if sanctions were removed, many of the issues mentioned in the document would be removed. That delegation also stated that some of the delegations that had spoken, appeared to rely on sanctions instead of international conventions. That delegation highlighted that sanctions and international conventions were of different nature: States voluntarily agreed to be bound to obligations under international conventions which were not directed against any other State, whereas sanctions were illegally introduced by one group of States against another/others to gain benefit, which could not be supported by international law and should not be endorsed by international organisations.
- 4.5.19 Referring to the document in question, that delegation stated also that the interpretations therein presupposed that vessels targeted by sanctions were automatically viewed as being part of the 'dark' or 'shadow fleet' and while these vessels were complying with all the standards under applicable international Conventions, such an approach was therefore inadmissible.
- 4.5.20 Noting that the United Nations (UN) Charter called upon the UN Secretariat to be impartial and equidistant, that delegation urged the IOPC Funds' Secretariat to adhere to these high standards.

1992 Fund Assembly and Supplementary Fund Assembly

- 4.5.21 The governing bodies took note of the information contained in document [IOPC/NOV24/4/4](#) and the interventions made by the delegations that spoke. The governing bodies noted that some of the issues highlighted in the document were not limited to the sanctions situation, as there could be illegal oil transportation which had nothing to do with sanctions, just as it was known that not every ship sailing under sanctions would necessarily be in violation or breach of international regulations.
- 4.5.22 The governing bodies instructed the Director to continue to monitor the situation and to report back at the next sessions of the governing bodies.

4.6	Development of a guidance document — Procedures for determining whether a ship falls under the 1992 Civil Liability Convention or the 2001 Bunkers Convention Document IOPC/NOV24/4/5	92A		SA
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- 4.6.1 The governing bodies took note of document [IOPC/NOV24/4/5](#), regarding the consequences of the court decisions made in respect of the *Bow Jubail* incident and the broad implications for the definition of a ‘ship’ under the 1992 CLC or a ‘ship’ under the 2001 Bunkers Convention, in particular with reference to tankers capable of carrying both persistent oil and other chemical substances as cargo.
- 4.6.2 The governing bodies recalled that in the court proceedings concerning the *Bow Jubail* incident, the Court of Appeal in The Hague considered that there was no generally accepted standard procedure to determine when a ship that can serve both as an oil tanker under the 1992 CLC and as a chemical tanker under the 2001 Bunkers Convention, ceased to be a ‘ship’ under the 1992 CLC. The governing bodies also recalled that the Court of Appeal had further remarked that consideration should be given by the Parties to the 1992 Fund Convention to the creation of such a standard procedure that could then be followed, with a view to invoking the exception provided for in Article I(1) of the 1992 CLC (document [IOPC/NOV20/11/2](#), paragraph 3.12.7).
- 4.6.3 The governing bodies recalled that at their May 2023 session, the 1992 Fund Administrative Council, acting on behalf of the 1992 Fund Assembly, had requested that the Director explore the possibility of developing a guidance document detailing a standard procedure to determine when a ship that can serve both as an oil tanker and as a chemical tanker, ceased to be a ‘ship’ under the 1992 CLC. During those discussions, it was also proposed that the Director consider an interpretation of the meaning of the word ‘residues’ in Article I(1) of the 1992 CLC (document [IOPC/MAY23/9/1](#), paragraphs 3.6.25 and 3.6.33).
- 4.6.4 The governing bodies also recalled that since May 2023, the Director had held a number of meetings with industry representatives to discuss the development of a guidance document. The governing bodies noted that, after extensive discussions with industry representatives, the Director had proposed that such guidance be issued as a footnote in the IOPC Funds’ publication ‘Guidance for Member States, Consideration of the definition of ‘ship’’, under section 3, paragraph 3.1(2).
- 4.6.5 The governing bodies took note of the following text of the footnote proposed by the Director:

‘Where a vessel undergoes cleaning and flushing of its cargo tanks, slop tanks, residual oil tank and all associated pumps and pipelines in accordance with Annex I, Chapter 4 of MARPOL 73/78; and any oil, tank washing and/or oily mixture have been discharged or transferred off the vessel, the Master’s declaration in the vessel’s Oil Record Book will be *prima facie* evidence that the vessel is free of residues.’

- 4.6.6 The Secretariat suggested that, in accordance with this footnote, should the 1992 Fund Assembly authorise the Director to incorporate the proposed footnote in the IOPC Funds' publication 'Guidance for Member States, Consideration of the definition of 'ship'', a standard procedure would be established and therefore, if the shipowner could prove that he had followed the procedure outlined in the footnote, the incident would fall under the 2001 Bunkers Convention, as opposed to the 1992 CLC.
- 4.6.7 The governing bodies also noted that, regarding consideration of the interpretation of the meaning of the word 'residues', the Director was still holding discussions with industry and it was expected that a final proposal would be presented at the regular sessions of the governing bodies in 2025, after all relevant parties had been given the opportunity to consider the issue in detail.

Debate

- 4.6.8 A significant number of delegations agreed with the proposed text and the Director's proposal within the document to amend the Guidance for Member States on the consideration of the definition of 'ship', by adding a footnote to paragraph 3.1(2), noting that this would help to establish a procedure to help determine whether a vessel was classified as a 'ship' under the 2001 Bunkers Convention, or under Article I(1) of the 1992 CLC.
- 4.6.9 One delegation, noting the value in adding a footnote to the Guidance document, proposed an amendment to the text, noting that the proposed footnote as presently drafted, drew reference from the provisions of Regulation 36(5) of MARPOL Annex I, and placed responsibility solely on the Master to ensure the vessel was free of oil residues. That delegation noted that the Regulation stated that each completed tank cleaning operation should be recorded and signed off by the officer in charge of the operations, while the Master was only required to sign off each completed page of the Oil Record Book once it was filled up. Noting that such situations could lead to instances of incomplete Oil Record Book pages that may not have been signed off by the Master, that delegation proposed adding the words 'and/or officer in charge' so that the footnote would read:
- 'Where a vessel undergoes cleaning and flushing of its cargo tanks, slop tanks, residual oil tank and all associated pumps and pipelines in accordance with Annex I, Chapter 4 of MARPOL 73/78; and any oil, tank washing and/or oily mixture have been discharged or transferred off the vessel, the Master's and/or officer in charge's declaration in the vessel's Oil Record Book will be *prima facie* evidence that the vessel is free of residues'.
- 4.6.10 Two delegations stated that it was necessary to also add a similar footnote to the Guidance document at paragraph 3.1(4) which dealt with Oil Bulk Ore carriers.
- 4.6.11 Another delegation, whilst recognising the merits of adding the proposed footnotes to paragraphs 3.1(2) and 3.1(4), noted that the issue of what constituted a 'residue' still remained. That delegation questioned what had been solved by the text of the proposed footnote, and what issues remained. Noting that if the footnote was added, a Master's declaration in the Oil Record Book was *prima facie* evidence and the vessel would be presumed to be clean and free of residues, unless evidence to the contrary was produced.
- 4.6.12 Noting that the footnote made no comment on what evidence to the contrary needed to be produced, that delegation stated that it depended on the interpretation of Article I(1).
- 4.6.13 That delegation stated that it could be argued that there should be no oil physically in the tank at all to satisfy the definition of 'no residue', and that, under this view, if an inspection revealed any oil whatsoever, however small or even just tiny traces or taints, that would constitute 'evidence to the contrary'.

- 4.6.14 That delegation did not agree with this interpretation, but preferred an interpretation which stated that if the tank was sufficiently cleaned such that the risk of contamination became essentially negligible, it would meet the definition of ‘no residue’ within Article I(1) of 1992 CLC.
- 4.6.15 That delegation stated that under this interpretation, if one could show that the tank was not clean and the contamination was not negligible, it would constitute ‘evidence to the contrary’.
- 4.6.16 That delegation also stated that the addition of the footnote alone was not in itself sufficient to solve the problem raised in the *Bow Jubail* incident, as the real question was the interpretation of the definition of ‘no residue’. Noting that no conclusion had been reached at the time of the sessions but that it would be discussed in the future, that delegation stated it looked forward to the next session of the governing bodies to hopefully conclude the discussion.
- 4.6.17 Two observer delegations, having welcomed the opportunity to be heavily involved in the development and discussions with the IOPC Funds and other industry representatives, supported the proposed footnote to be inserted in 3.1(2), recognising that the footnote was only part of the guidance required on this important issue. One of those delegations noted the suggestions proposed by some of the delegations during the debate, but indicated that they needed more time to consider the implications of the latter proposals. All observer delegations that spoke noted the importance and ongoing necessity to reach an interpretation of the word ‘residues’.

1992 Fund Assembly decision

- 4.6.18 The 1992 Fund Assembly endorsed the text of the footnote for future inclusion in the IOPC Funds’ publication ‘Guidance for Member States, Consideration of the definition of ‘ship’’, under section 3, paragraph 3.1(2). The Assembly also decided that the proposal made by one delegation to amend the text, and the proposal to insert the footnote also at paragraph 3.1(4) would be considered together with the interpretation of the meaning of the word ‘residues’ at a future session.

Supplementary Fund Assembly

- 4.6.19 The Supplementary Fund Assembly endorsed the text of the footnote for future inclusion in the IOPC Funds’ publication ‘Guidance for Member States, Consideration of the definition of ‘ship’’, under Section 3, paragraph 3.1(.2). The Assembly also decided that the proposal made by one delegation to amend the text, and the proposal to insert the footnote also at paragraph 3.1(.4) would be considered together with the interpretation of the meaning of the word ‘residues’ at a future session.

5 Financial reporting

5.1	Submission of oil reports Document IOPC/NOV24/5/1	92A		SA
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- 5.1.1 The governing bodies took note of the information contained in document [IOPC/NOV24/5/1](#) in respect of the submission of oil reports.
- 5.1.2 It was noted that since the publication of document [IOPC/NOV24/5/1](#), reports had been received from Algeria for 2023, Colombia for 2023, Islamic Republic of Iran for 2023, Mauritania for 2016 and 2017 and Niue for 2022 and 2023. Consequently, 27 Member States had reports outstanding at the time of the November 2024 sessions of the governing bodies and reports already submitted by Member States represented 92% of expected contributing oil for the 2023 calendar year.

5.1.3 The 1992 Fund Assembly noted with concern that nine Member States had outstanding oil reports for five or more years. It was further noted that the Dominican Republic had not submitted any reports since joining the 1992 Fund in 2000. However, it was noted that the Government of the Dominican Republic had made efforts to establish the volumes of oil received in the years since joining the Fund, and the Secretariat was in discussions with authorities from the Dominican Republic to decide the best approach to resolving their outstanding obligations to the 1992 Fund.

5.1.4 With regards to the Supplementary Fund, it was noted that one Member State had not completed the submission of oil reports for 2023.

Online reporting system

5.1.5 It was recalled that the Secretariat had developed an online reporting system (ORS) to assist Member States in the submission of oil reports.

5.1.6 It was noted that the Secretariat was exploring requirements for an online HNS reporting system to incorporate reporting and contributions management and that as oil reporting will be one element of the HNS reporting system, further development in this area would be coordinated between the 1992 Fund and the work currently being undertaken on behalf of the future HNS Fund.

Measures encouraging the submission of oil reports

5.1.7 The governing bodies noted that in June 2024, 1992 Fund and Supplementary Fund Member States with oil reports or contributions outstanding for two or more years were notified by a formal letter that Resolution N°12 and Resolution N°3 respectively, were applicable to them. It was further noted that information on Member States to which these Resolutions were applicable had been presented in document [IOPC/NOV24/5/3](#).

5.1.8 The governing bodies noted that the Secretariat is analysing the oil reporting status of Member States with outstanding reports in consideration of the application of 1992 Fund Assembly Resolution N°13. A summary of the analysis is presented in document [IOPC/NOV24/6/1](#).

Director's considerations

5.1.9 The Director expressed his gratitude for the engagement and cooperation of Member States with regards to the submission of oil reports, highlighting the necessity of continuous work to ensure that all Member States continue to fulfil this important obligation under the 1992 Fund Convention and the Supplementary Fund Protocol.

5.1.10 The Director also expressed his concern that nine Member States had outstanding reports for five years or more and that one State had never submitted reports, despite being a member of the 1992 Fund for many years.

1992 Fund Assembly and Supplementary Fund Assembly

5.1.11 The governing bodies emphasised the importance of submitting oil reports. They instructed the Director to continue his efforts to obtain outstanding reports and to continue to bring the matter of submission of oil reports to each regular session. They also urged delegations to cooperate with the Secretariat to ensure that States fulfil their obligations in this regard.

5.2	Report on contributions Document IOPC/NOV24/5/2	92A		SA
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- 5.2.1 The governing bodies took note of the information on contributions contained in document [IOPC/NOV24/5/2](#).
- 5.2.2 The 1992 Fund Assembly noted that a government-owned contributor in Ghana had outstanding contributions of £105 051 at the time of publishing document [IOPC/NOV24/5/2](#), but that the Member State had since made a payment of some £97 000, leaving a balance of contributions outstanding of £7 282 plus interest of some £35 322.
- 5.2.3 The 1992 Fund Assembly recalled that at its October 2017 session it had decided to write off contributions due from two contributors in the Russian Federation, after the authorities in the Russian Federation had provided oil reports which contained incorrect information and had not rectified errors in the oil reports in a timely manner. It was noted that in March 2020, the Director had received a letter from the Ministry of Transport of the Russian Federation confirming that consideration was being given to meet the Russian Federation's obligation under Article 15.4 of the 1992 Fund Convention. The 1992 Fund Assembly also noted that the Russian delegation had, on 7 April 2022, corresponded via IMO Circular Letter No.4548, which referred to the Russian Federation's commitment to fulfilling all obligations arising from previously ratified international instruments.
- 5.2.4 The 1992 Fund Assembly noted that a contributor in the Bolivarian Republic of Venezuela had outstanding contributions of £976 136 which had accumulated since May 2019.
- 5.2.5 It was also noted that a contributor in the Islamic Republic of Iran had outstanding contributions of £687 789 and that the contributor had been unable to pay due to sanctions affecting the 1992 Funds' banks. It was noted that interest charges had been waived since the date of attempted payment.
- 5.2.6 It was further noted that contributions of £186 072 had been due from three contributors in Malaysia at the time of publishing document [IOPC/NOV24/5/2](#), but that after receipt of a payment in October 2024 a balance of £16 344 remained outstanding from two contributors.
- 5.2.7 The 1992 Fund Assembly noted that a contributor in Curaçao (Kingdom of the Netherlands) had outstanding contributions of £172 550, which had accumulated since March 2020. It was noted that the Director had been in communication with authorities in Curaçao and was hoping for a resolution soon.
- 5.2.8 It was also noted that contributions of £130 657 had been outstanding from one contributor in the Netherlands, but that payment had been received since publishing document [IOPC/NOV24/5/2](#).
- 5.2.9 It was further noted that contributions of £97 095 were outstanding from two contributors in Argentina. The Director shared his appreciation for the work done by authorities in Argentina to facilitate the payment of amounts outstanding from previous years. He was hopeful that amounts outstanding from the 2023 levies would be paid soon.
- 5.2.10 The 1992 Fund Assembly also noted that the Director did not intend to take legal action in respect of outstanding contributions from contributors in Argentina, Curaçao, Ghana, Islamic Republic of Iran, Malaysia, the Russian Federation and Venezuela at the present time.
- 5.2.11 The 1992 Fund Assembly recalled that contributions were due from five contributors based in Denmark, Morocco, Switzerland, the United Kingdom and Türkiye, which had all gone into liquidation. Pursuant to its decision at its October 2014 session, the 1992 Fund Assembly recalled that any balance due would be written off in the Financial Statements on receipt of final settlement from the liquidators.

5.2.12 The 1992 Fund Assembly noted the Director’s appreciation towards authorities in Côte d’Ivoire, Ghana, Malaysia, the Netherlands and Singapore for their assistance in facilitating payment of contributions in the weeks since document [IOPC/NOV24/5/2](#) had been published.

5.2.13 The Supplementary Fund Assembly noted that no contributions to the Supplementary Fund were outstanding.

Debate

5.2.14 The Chair of the 1992 Fund Assembly added that the situation looked fairly encouraging and that the amounts due were, in overall terms, fairly limited. He also noted that, the ongoing dialogue with countries and contributors who were in arrears was producing some positive results.

1992 Fund Assembly and Supplementary Fund Assembly

5.2.15 The governing bodies took note of the information provided on contributions.

5.3	Report on the applicability of 1992 Fund Assembly Resolution N°12 and Supplementary Fund Assembly Resolution N°3 Document IOPC/NOV24/5/3	92A		SA
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5.3.1 The governing bodies took note of the information contained in document [IOPC/NOV24/5/3](#) in respect of the applicability of 1992 Fund Assembly Resolution N°12 and Supplementary Fund Assembly Resolution N°3.

5.3.2 The governing bodies recalled that the 1992 Fund Assembly and the Supplementary Fund Assembly have repeatedly expressed great concern about Member States who do not fulfil their treaty obligations to submit oil reports and to ensure payment of their annual contributions. They further recalled that in an effort to address this ongoing concern, at their April 2016 sessions, the governing bodies adopted 1992 Fund Assembly Resolution N°12 — Measures in respect of outstanding oil reports and outstanding contributions, and Supplementary Fund Assembly Resolution N°3 — Measures in respect of outstanding contributions (document [IOPC/APR16/9/1](#), paragraphs 6.1.15 and 6.1.16).

5.3.3 The governing bodies noted that the measure to defer payment of compensation under 1992 Fund Assembly Resolution N°12 was applicable to 21 Member States, as at 20 September 2024, as set out at Annex III of document [IOPC/NOV24/5/3](#). It was also noted that the measure under the Supplementary Fund Assembly Resolution N°3 was not applicable to any Member State to the Supplementary Fund.

5.3.4 It was further noted that, since the publication of document [IOPC/NOV24/5/3](#), one Member State had fulfilled outstanding obligations, resulting in 1992 Fund Assembly Resolution N°12 being applicable to 20 Member States.

Director’s considerations

5.3.5 The Director expressed his concern that there were 20 Member States to which the measure to defer payments of compensation under the 1992 Fund Assembly Resolution N°12 was applicable, and that therefore these States may not have full access to compensation in the event of an incident.

5.3.6 The Director also expressed concern that, if determined by the 1992 Fund Assembly, a large number of Member States would not be eligible to nominate candidates for membership of the joint Audit Body nor to be elected as members of the 1992 Fund Executive Committee.

- 5.3.7 The Director recalled the obligation of Member States pursuant to Article 15 of the 1992 Fund Convention and Article 13 of the Supplementary Fund Protocol to submit oil reports, and the duty of the Member States pursuant to Article 13.2 of the 1992 Fund Convention and Article 12.1 of the Supplementary Fund Protocol to ensure that any obligation to contribute to the Funds arising under the Convention in respect of oil received within the territory of those States is fulfilled, and to this end to take appropriate measures under their national law.
- 5.3.8 The Director urged the Member States listed at Annex III of document [IOPC/NOV24/5/3](#) to fulfil their obligations under Articles 13.2, 15.1 and 15.2 of the 1992 Fund Convention, by submitting outstanding oil reports and ensuring the prompt payment of contributions.

1992 Fund Assembly and Supplementary Fund Assembly

- 5.3.9 The governing bodies noted the information contained in document [IOPC/NOV24/5/3](#).

5.4	Report on investments Document IOPC/NOV24/5/4	92A		SA
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- 5.4.1 The governing bodies took note of the information on the IOPC Funds' investments for the period 1 July 2023 to 30 June 2024 contained in document [IOPC/NOV24/5/4](#). The governing bodies also noted the number of institutions used by the IOPC Funds for investment purposes and the amounts invested by each Fund during that period.
- 5.4.2 The governing bodies noted that the Bank of England and the United States Federal Reserve continued to increase base rates in the period under review, while the European Central Bank and the Bank of Israel had commenced rate cuts by June 2024. The combined result was a continuation of the increase in the yields achieved by the IOPC Funds, compared to the previous reporting period.
- 5.4.3 It was also noted that the IAB had made no recommendations to change the lending limits in the Internal Investment Guidelines, due to the credit markets remaining stable during the reporting period.
- 5.4.4 It was further noted that the 1992 Fund was holding euros for the General Fund and the *Prestige, Agia Zoni II* and *Bow Jubail* Major Claims Funds, Israeli shekels for the Incident in Israel Major Claims Fund and United States dollars for the General Fund.
- 5.4.5 It was noted that investments with SMBC bank had exceeded the normal limits on two occasions during the reporting period, as shown at Annex VI of document [IOPC/NOV24/5/4](#).

1992 Fund Assembly and Supplementary Fund Assembly

- 5.4.6 The governing bodies took note of the information provided and will continue to follow closely the investments held by the 1992 Fund and the Supplementary Fund.

5.5	Report of the joint Investment Advisory Body Document IOPC/NOV24/5/5	92A		SA
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- 5.5.1 The governing bodies took note of the report of the joint Investment Advisory Body (IAB) for the period from November 2023 to September 2024 contained at the Annex to document [IOPC/NOV24/5/5](#).
- 5.5.2 The governing bodies noted that the mandate of the IAB, as laid down by the governing bodies of the two Funds, remained unchanged. They also noted that the IAB's primary role was to advise the Director on investment matters and the management of currency exposure related to incidents.

- 5.5.3 The governing bodies further noted that during the reporting period, the IAB had met four times with the Secretariat and once with the Audit Body. The governing bodies noted that, during those meetings with the Secretariat, the IAB had reported on economic and financial market developments relevant to the Funds.
- 5.5.4 The governing bodies noted that the global economy had remained remarkably resilient over the reporting period, with steady growth as inflation returned to target levels. The governing bodies noted that many key central banks, including the Federal Reserve, the European Central Bank, and the Bank of England, had reduced policy rates due to progress made towards meeting their inflation targets.
- 5.5.5 The governing bodies further noted that financial markets had mostly leaned towards anticipating a smooth landing rather than a recession. The prospects of lower policy rates, resilient growth, and improving earnings had propelled equity markets upward in most countries. However, in early August 2024, concerns about a slowing US economy and the unwinding of positions funded by Japanese Yen borrowings (so called 'carry trades') had caused a temporary correction to some assets trading at lofty valuations.
- 5.5.6 The governing bodies also noted that credit markets had reflected a general risk-on sentiment, with credit spreads of investment-grade and high-yield bonds continuing their downward trajectory and that credit default swap spreads had remained within moderate ranges over the reporting period.
- 5.5.7 In relation to the Funds' financial markets transactions, the governing bodies further noted that hedging activity to minimise the risk of adverse currency movements had been moderate in the reporting period.
- 5.5.8 The governing bodies noted that hedging levels for the *Agia Zoni II* incident and the Incident in Israel had remained close to the benchmark level of 50% of levies received for compensation due for an incident, as stipulated in the hedging guidelines, and that these levels were considered appropriate.
- 5.5.9 The governing bodies also noted that payments for the *Princess Empress* incident had, to date, consisted mainly of small-value transfers processed through a remittance service. The governing bodies also noted that with this approach the remittance service provider had been paid in Pound sterling and that, as a result, direct currency hedging had not been possible. However, the governing bodies noted that a correspondent banking relationship had recently been established in the Philippines for future large-value payments to be made by direct bank-to-bank transfers, which would enable FX hedging transactions going forward, if required.
- 5.5.10 The governing bodies noted that, after the first levy of £20 million for the *Bow Jubail Major Claims Fund* had been raised on 1 March 2024, the IAB had advised building a hedging position in accordance with the guidelines. Consequently, EUR 10 million had been purchased on a forward basis, and the hedge ratio stood at 42% based on the amounts received.
- 5.5.11 The governing bodies further noted that foreign exchange movements had been mostly moderate during the reporting period, with slight overall appreciation of the Pound sterling.
- 5.5.12 The governing bodies also noted that for deposit transactions, the IAB had monitored counterparty risk criteria, and that no changes had been made to the list of counterparty banks, with 34 banks remaining in the Group One and Group Two list.

Debate

- 5.5.13 The Chair of the 1992 Fund Assembly noted that given the situation in the currency markets, and taking into account the size of the IOPC Funds' investments, a hedge ratio of 42% seemed appropriate. He added that, although the exchange rate market remained stable, significant geopolitical and environmental risks remained. The Chair of the 1992 Fund Assembly and the Chair of the Supplementary Fund Assembly thanked the Investment Advisory Body for their work.
- 5.5.14 The Director commended and thanked the finance team in the Secretariat for their work and the Investment Advisory Body for their expert advice and support which were essential to the operations of the Funds.

1992 Fund Assembly and Supplementary Fund Assembly

- 5.5.15 The 1992 Fund Assembly and the Supplementary Fund Assembly noted the Report of the Investment Advisory Body.

5.6	Report of the joint Audit Body Document IOPC/NOV24/5/6	92A		SA
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- 5.6.1 The governing bodies noted the report of the joint Audit Body contained as Annex I of document [IOPC/NOV24/5/6](#).
- 5.6.2 The governing bodies noted that the Audit Body's core function was to ascertain the adequacy and effectiveness of the IOPC Funds' management and financial systems. They also noted that to fulfil this function, the Audit Body had reviewed and considered the work of the External Auditor. The governing bodies further noted that the Audit Body had met several times with the External Auditor to get information about the audit programme for the 2023 Financial Statements and to review it. The governing bodies noted that the Audit Body had also considered the Director's responses and updates to the External Auditor's recommendations following an audit, and had indicated that no recommendations from prior years remained ongoing, nor had any new recommendations been made during the audit of the 2023 Financial Statements.
- 5.6.3 The governing bodies noted that the Audit Body had held closed sessions with the External Auditor, and had noted with satisfaction the good working relationship between the Secretariat and the External Auditor.
- 5.6.4 The governing bodies noted that there had been some delays in the signing of the audit opinion on the 2023 Financial Statements for the 1992 Fund, caused by necessary adjustments following the receipt of 23 000 claims relating to the *Princess Empress* incident. The governing bodies also noted that the audit opinion had been signed in July 2024.
- 5.6.5 The governing bodies noted that the Audit Body had reviewed the effectiveness of the IOPC Funds' risk management. They also noted that the Secretariat conducted an annual risk review, and that the Audit Body had discussed the risk management framework and the results of this review with the Secretariat during the Audit Body's December 2023 meeting. The governing bodies further noted that the Audit Body had expressed satisfaction that potential risks had been identified and addressed appropriately.
- 5.6.6 The governing bodies noted that the handling and payment of claims was the most important task of the Secretariat. The governing bodies also noted that at the April 2024 meeting of the Audit Body, the Secretariat had provided a detailed presentation on the procedures for paying fisheries claims related to the *Princess Empress* incident, including the development of a system for prompt and efficient payments. The governing bodies further noted that the Audit Body had commended the Secretariat for its efforts in handling a high volume of small claims, especially from claimants who did not have access to traditional banking services.

- 5.6.7 The governing bodies noted that the Audit Body had met with the Investment Advisory Body which had presented information on major currencies, and that there had been agreement that holding the General Fund working capital in Pounds sterling and US dollars had been a sound strategy.
- 5.6.8 The governing bodies noted that the Audit Body had reviewed the 2023 Financial Statements and reports, having met twice with the External Auditor. The governing bodies noted that during the July 2024 Audit Body meeting, the External Auditor had provided the final Audit Completion report, which had been approved by the Audit Body. They also noted that the Audit Body had been assured that the 2023 Financial Statements, prepared by the Secretariat, were complete and consistent, and free from material misstatement caused by fraud or error.
- 5.6.9 The governing bodies noted that following its review of the 2023 Financial Statements and based on assurances from the external audit results, the Audit Body recommended the approval of the Financial Statements of the 1992 Fund and the Supplementary Fund for the year ending 31 December 2023.
- 5.6.10 The governing bodies noted that the Audit Body had dedicated considerable time to managing the process of selecting a new External Auditor and that the details on this topic were contained in document [IOPC/NOV24/6/2](#), which would be presented later in the sessions.
- 5.6.11 The governing bodies noted that another key responsibility of the Audit Body had been to review the effectiveness of the relationship between the Secretariat and the External Auditor. The governing bodies noted that the Audit Body considered that the External Auditor's approach had been systematic and effective, and that the working relationship between the External Auditor and the Secretariat was professional and constructive, which was of added value to the IOPC Funds' operations.
- 5.6.12 The governing bodies noted that in April 2024, the 1992 Fund Assembly had instructed the Director, in consultation with the Audit Body, to develop an internal procedure to gather information on the applicability of relevant conventions and to provide guidance to Member States on investigating the circumstances surrounding an oil pollution incident. The governing bodies noted that the Audit Body had begun discussions on these topics during the July 2024 Audit Body meeting and had been involved in ongoing work via correspondence. The governing bodies also noted that the Director had reported on the progress of that topic earlier in the sessions.
- 5.6.13 The Chair of the Audit Body expressed gratitude to his colleagues, including the External Expert who was unwell and could not attend, for their work over 2024. He also thanked all members of the Secretariat for its support, as well as the Chairs of the governing bodies for their advice.

Debate

- 5.6.14 One delegation endorsed the Audit Body's recommendation that the 1992 Fund Assembly approve the Financial Statements and Auditor's Report and Opinion for the 1992 Fund and the Supplementary Fund for the 2023 financial year.
- 5.6.15 The Chair of the 1992 Fund Assembly and the Chair of the Supplementary Fund Assembly thanked the Audit Body for their work.
- 5.6.16 The Director commended the Audit Body and thanked the Audit Body members for their report and their work, which should provide assurance to the Assemblies that the Secretariat is conducting its work appropriately. He stated that the meetings with the Audit Body provided the Secretariat with an opportunity to have a challenging and constructive exchange of views that further enhances the work of the Secretariat.

1992 Fund Assembly and Supplementary Fund Assembly

5.6.17 The governing bodies noted the recommendation of the Audit Body to approve the 2023 Financial Statements.

5.7	2023 Financial Statements and Auditor's Report and Opinions Documents IOPC/NOV24/5/7 , IOPC/NOV24/5/7/1 , IOPC/NOV24/5/7/2	92A		SA
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5.7.1 The 1992 Fund Assembly and the Supplementary Fund Assembly took note of the information contained in document [IOPC/NOV24/5/7](#). The governing bodies dealt separately with their respective Financial Statements for the financial year 2023, contained in documents [IOPC/NOV24/5/7/1](#) and [IOPC/NOV24/5/7/2](#).

5.7.2 A representative of the External Auditor, BDO, Mr Steve Bladen, introduced the External Auditor's Report and Opinion for the 1992 Fund and the External Auditor's Opinion for the Supplementary Fund.

5.7.3 The governing bodies noted that the audit was well supported by the Secretariat and the working papers provided to the auditors were of good quality.

5.7.4 The governing bodies noted that the Financial Statements continued to be prepared in accordance with International Public Sector Accounting Standards (IPSAS) and in accordance with the IOPC Funds' Financial Regulations in all respects. The governing bodies also noted that, as in previous years, the financial disclosures were comprehensive and contained enough detail to facilitate in-depth analysis of the IOPC Funds' positions, performance and future commitments. It was further noted that no new accounting policies or changes to operations had affected the preparation of the 2023 Financial Statements.

5.7.5 The governing bodies noted with appreciation the Financial Statements of their respective organisations as well as the External Auditor's Report and Opinions. It was also noted that the External Auditor had provided an unmodified audit opinion on the 2023 Financial Statements for each organisation.

5.7.6 It was further noted that the audit had involved procedures considered appropriate for the entity according to the auditor's judgement, risk assessment and testing of the internal controls of the organisations. The External Auditor was satisfied that no weaknesses had been identified in the internal controls. The governing bodies noted that the unmodified audit opinions on the Financial Statements were confirmation that the organisations' internal financial controls had operated effectively.

5.7.7 The 1992 Fund Assembly noted that there were no new recommendations in the External Auditor's Report on the 2023 Financial Statements and no recommendations had been carried forward from previous years.

1992 Fund Assembly decision

5.7.8 The 1992 Fund Assembly approved the Financial Statements of the 1992 Fund for the financial year 2023.

Supplementary Fund Assembly decision

5.7.9 The Supplementary Fund Assembly approved the Financial Statements of the Supplementary Fund for the financial year 2023.

6 Financial policies and procedures

6.1	Measures encouraging the submission of oil reports — Implementation of 1992 Fund Assembly Resolution N°13 and Supplementary Fund Assembly Resolution N°5 Document IOPC/NOV24/6/1	92A	92EC	SA
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- 6.1.1 The governing bodies took note of the information contained in document [IOPC/NOV24/6/1](#) regarding the implementation of 1992 Fund Assembly Resolution N°13 and Supplementary Fund Assembly Resolution N°5.
- 6.1.2 They recalled that, at their November 2023 sessions, the governing bodies adopted 1992 Fund Assembly Resolution N°13 and Supplementary Fund Assembly Resolution N°5, which authorised the Director to issue invoices to contributors based on estimates when no oil reports were submitted.
- 6.1.3 The governing bodies also noted that, following engagement and evaluation with three data providers, the Secretariat has determined that LSEG Eikon Commodities Trade Flows (Eikon) was the best data source for the estimation of contributing oil.
- 6.1.4 It was noted that the Director had prioritised eight 1992 Fund Member States, all with oil reports outstanding for more than five years, for initial consideration in respect of the application of Resolution N°13; the Dominican Republic, Syrian Arab Republic, Albania, Saint Lucia, Djibouti, Bahrain, Guinea and Panama.
- 6.1.5 The governing bodies noted that by using data provided by Eikon, the Secretariat had identified differences between oil reported to the 1992 Fund and the estimated volume received in-country. They further noted that the Director had communicated with several of these Member States, encouraging them to fulfil their reporting obligations.

Director's considerations

- 6.1.6 The 1992 Fund Assembly noted that the Director planned to use his authority under Resolution N°13, alongside other tools such as Article 14 of the 1992 Fund Convention, to resolve the issues in respect of the Dominican Republic, Syrian Arab Republic, Saint Lucia, Djibouti, Guinea and Panama. It was also noted that the Director intended to begin issuing invoices to the Member States concerned after this session.
- 6.1.7 It was also noted that the Director was confident that data provided by Eikon could be used to evaluate the reliability of reported contributing oil, thereby supporting Member States in the submission of accurate reports.

Debate

- 6.1.8 One delegation expressed appreciation for the Secretariat's efforts to issue invoices to the Member States concerned, based on estimates of oil receipts, by promptly applying 1992 Fund Resolution N°13. That delegation further welcomed the decrease in the number of Member States that had not submitted oil reports, attributing this improvement to the prompt application of Resolutions N°12 and N°13 concerning the submission of oil reports. That delegation, however, noted with concern that 27 Member States still had outstanding oil reports and encouraged the Secretariat to continue addressing this issue. It also requested that at future sessions, the Secretariat share any challenges encountered with Member States regarding the application of Resolution N°13.
- 6.1.9 One delegation enquired whether the data from Eikon could be accessed by Member States. In response, the Director confirmed that Member States could access the data provider's services through a paid subscription.

- 6.1.10 The Chair of the 1992 Fund Assembly highlighted the significant progress in implementing measures available under Resolution N°13 and noted the fact that the data provided by Eikon largely corresponded to the reports already received by the Secretariat, confirming their reliability.
- 6.1.11 The Chair of the Supplementary Fund Assembly noted that Resolution N°5 currently did not apply to any Supplementary Fund Member States.

1992 Fund Assembly and Supplementary Fund Assembly

- 6.1.12 The governing bodies noted the information contained in document [IOPC/NOV24/6/1](#). They instructed the Director to continue his efforts to encourage Member States to submit oil reports and to continue to report on the application of 1992 Fund Assembly Resolution N°13 and Supplementary Fund Assembly Resolution N°5 at each regular session of the governing bodies. They also urged the Member States concerned to cooperate with the Director to fulfil their obligations in this regard.

6.2	Appointment of the External Auditor Document IOPC/NOV24/6/2	92A		SA
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- 6.2.1 The governing bodies took note of the information contained in document [IOPC/NOV24/6/2](#) submitted by the Audit Body on the appointment of the External Auditor, which was presented by the Chair of the Audit Body.
- 6.2.2 The Chair of the Audit Body recalled that at the April 2024 sessions of the governing bodies, the Audit Body reported that three commercial firms had expressed interest in becoming the External Auditor to the IOPC Funds.
- 6.2.3 The governing bodies noted that on 3 May 2024, one of those firms had withdrawn from the tender process and that the other two firms, Macalvins and Forvis Mazars, had been invited by the Audit Body to submit written tenders. The governing bodies also noted that both firms had been invited to an interview by the Audit Body at its meeting in July 2024, in which the Secretariat had participated.
- 6.2.4 The governing bodies further noted that the Audit Body had ranked the two candidates based on the evaluation of their submitted tenders against the agreed selection criteria, which had been approved by the governing bodies during their November 2023 sessions.
- 6.2.5 The governing bodies noted that, as a result of the tender process, the Audit Body had concluded that Forvis Mazars should be recommended to the governing bodies for appointment as External Auditor to the IOPC Funds for a period of four years, covering the financial years 2026-2029 inclusive, subject to satisfactory annual performance reviews.
- 6.2.6 The governing bodies also noted that, although only two firms had been interviewed, the Audit Body felt assured, following the presentation and interviews, that Forvis Mazars was highly competent, professional, and well capable of meeting the standards expected by the Member States. The governing bodies further noted that the principal reasons for recommending Forvis Mazars had been summarised in paragraph 4.3 of document [IOPC/NOV24/6/2](#).
- 6.2.7 The governing bodies noted that Forvis Mazars had the requisite experience performing audits under International Public Sector Accounting standards (IPSAS), which were relevant for the IOPC Funds, and that they had prior audit experience with inter-governmental organisations, including presenting at governing bodies meetings.

- 6.2.8 The governing bodies also noted that the interviewed partner, Mr Marcello Stimato, had demonstrated the best understanding of the IOPC Funds Financial Regulations and budgetary framework, as well as a strong commitment to making the IOPC Funds a valued client.
- 6.2.9 The governing bodies further noted that the Audit Body was confident the IOPC Funds would receive a high-quality audit at a fair and appropriate fee.
- 6.2.10 The governing bodies were invited to consider the joint Audit Body's recommendation to appoint Forvis Mazars as the IOPC Funds' External Auditor for a period of four years, covering the financial years 2026-2029 inclusive, subject to satisfactory annual performance reviews.

Debate

- 6.2.11 The Russian Federation reiterated its position on the selection of candidates for the External Auditor role, as previously expressed during the April 2024 sessions of the governing bodies. That delegation stated that, having noted the report and the recommendation made by the Audit Body, the Russian Federation would not recognise any selected candidate due to the flawed selection process.
- 6.2.12 The Chair of the 1992 Fund Assembly stated that the Assembly was already aware of the position of the Russian Federation and that it was well noted.

1992 Fund Assembly and Supplementary Fund Assembly decision

- 6.2.13 The 1992 Fund Assembly and the Supplementary Fund Assembly noted and approved the recommendation of the Audit Body to appoint Forvis Mazars as the IOPC Funds' External Auditor for a period of four years, covering the financial years 2026-2029 inclusive, subject to satisfactory annual performance reviews.

6.3	Re-appointment of the External Expert of the joint Audit Body Document IOPC/NOV24/6/3	92A		SA
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- 6.3.1 The governing bodies noted that, at its November 2021 meeting, the 1992 Fund Assembly had decided to appoint Mrs Alison Baker as the external expert of the joint Audit Body for a three-year term from 1 January 2022 to 31 December 2024.
- 6.3.2 The governing bodies also noted that in accordance with the Composition and Mandate of the Audit Body, the external expert is elected on the recommendation of the Chair of the 1992 Fund Assembly, for a period of three years, twice renewable.
- 6.3.3 The governing bodies further noted that first term of office of the current external expert, Mrs Alison Baker, would expire on 31 December 2024.
- 6.3.4 The governing bodies noted the recommendation of the Chair of the 1992 Fund Assembly that Mrs Alison Baker be re-appointed for a second three-year term, until 31 December 2027, based on the valuable experience Mrs Baker had gained during her first three-year term and the need to facilitate a smooth transition for the new External Auditor in 2026.

Debate

- 6.3.5 The Chair of the 1992 Fund Assembly and the Chair of the Supplementary Fund Assembly commended and thanked Mrs Baker for her work during the last three years.

- 6.3.6 The Chair of the Audit Body thanked Mrs Baker for her support and assistance, which greatly facilitated the work of the Audit Body and said he would be very happy with her reappointment.

1992 Fund Assembly and the Supplementary Fund Assembly

- 6.3.7 The governing bodies endorsed the recommendation of the Chair of the 1992 Fund Assembly to re-appoint Mrs Alison Baker for a second three-year term, until 31 December 2027.

7 Secretariat and administrative matters

7.1	Secretariat matters Document IOPC/NOV24/7/1	92A	SA
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- 7.1.1 The governing bodies took note of the information contained in document [IOPC/NOV24/7/1](#) regarding the operation of the Secretariat.
- 7.1.2 The governing bodies noted that as at 1 September 2024, there were 37 posts within the structure of the Secretariat and 25 staff members working in the Secretariat. The governing bodies also noted that there were six vacant posts in the Professional category and six vacant posts in the General Service category as at 1 September 2024.
- 7.1.3 The governing bodies noted that following the departure of the Senior Claims Manager at the P5 level in July 2024, the Director had decided to amend the vacant Senior Claims Manager job description to be able to utilise the existing P5 budgeted post for an HNS Project Manager at the P5 level. The governing bodies further noted that the HNS Project Manager would lead and direct the work on all activities to facilitate the prompt entry into force of the 2010 HNS Convention and the setting up of the HNS Fund Secretariat.
- 7.1.4 The governing bodies noted that an appointment had been made and that this post would be filled in December 2024. The governing bodies also noted that even though the cost of this post had been included in the Secretariat's budget for 2025, a proportion of this cost would be recouped through the HNS Fund management fee.
- 7.1.5 The governing bodies further noted that the Director had used his authority to create a new post of Claims Manager at the P3 level in the Claims Department. It was noted that the creation of this new post was necessary as since the departure of the Senior Claims Manager in July 2024, the department was short of one Claims Manager post, and given that the Senior Claims Manager (P5) job description had been amended in order to utilise the existing P5 post for the HNS Project Manager, it was therefore the P3 Claims Manager post which had been created. The governing bodies noted that an appointment had been made and that the post had now been filled effective 1 November 2024.

Changes to staff members since November 2023

- 7.1.6 The governing bodies noted that Mr Raymond Bayor had been appointed to the position of Information Officer, Administration Department with effect from 1 February 2024.
- 7.1.7 The governing bodies further noted that Ms Sylvie Legidos had resigned from her position of Translation Coordinator, Administration Department with effect from 17 May 2024.
- 7.1.8 The governing bodies also noted that Ms Chiara Della Mea had resigned from her position of Senior Claims Manager, Claims Department with effect from 18 July 2024.
- 7.1.9 The governing bodies noted that Mr Mouhamad Ali Kielany had been appointed to the position of Claims Manager, Claims Department with effect from 24 July 2024.

- 7.1.10 The governing bodies recalled that at the October 2015 sessions, the Director had informed the governing bodies of his decision to only fill this post in the event that an additional Claims Manager was operationally needed. The governing bodies further recalled that at the November 2023 sessions, the Director had informed the governing bodies of his decision that an additional Claims Manager was needed and a recruitment process had been undertaken, resulting in the appointment of Mr Kielany.

Provident Fund

- 7.1.11 The governing bodies recalled that at their November 2023 sessions the Director had mentioned that he intended to carry out a full review of the Provident Fund scheme in 2024. The governing bodies took note of the update on this by the Director and the fact that initial contact had been made with the United Nations Joint Staff Pension Fund to enquire whether it would be an option for the 1992 Fund to join the United Nations Joint Staff Pension scheme. It was further noted that any further developments in this regard would be reported by the Director at the next regular sessions of the governing bodies in 2025.

Debate

- 7.1.12 One delegation remarked that the Secretariat should consider the length of time a vacancy is advertised for, to ensure that sufficient time is provided to prospective candidates of all 1992 Fund Member States and enabling timely submission of applications prior to the vacancy closing.

1992 Fund Assembly

- 7.1.13 The 1992 Fund Assembly noted the information provided and the amendments to Annex C and Annex E of the 1992 Fund Staff Rules.

Supplementary Fund Assembly

- 7.1.14 The Supplementary Fund Assembly noted the information provided and the amendments to the 1992 Fund Staff Rules.

7.2	Information services Document IOPC/NOV24/7/2	92A		SA
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- 7.2.1 The governing bodies noted the information contained in document [IOPC/NOV24/7/2](#) regarding the information services provided by the Secretariat and key developments in that regard since the April 2024 meeting.
- 7.2.2 It was noted that several improvements had been introduced to the website's structure and navigation to enhance accessibility to key areas and that, shortly prior to the November 2024 sessions, new designs and layouts had been applied to specific sections, including the homepage and the governing bodies page. It was noted that this new design would be applied gradually across the site during the coming weeks.
- 7.2.3 Delegations were informed that, as with previous incidents, the Secretariat had created specific 'Information for Claimants' web pages in 2024, which include claim forms, for the *Gulfstream*, *Marine Honour* and *Terranova* incidents that occurred in February 2024, June 2024 and July 2024 respectively.
- 7.2.4 The Secretariat urged all delegates to register for an IOPC Funds' document services account to receive key updates, meeting document notifications, and to use the online system to upload credentials and register multiple participants. The Secretariat also expressed its availability to assist with account registration, meeting registrations, as well as the submission of credentials.

- 7.2.5 Member States were also encouraged to submit copies of their national legislation relevant to the 1992 Civil Liability and Fund Conventions, and, if applicable, the Supplementary Fund Protocol to the Secretariat for inclusion in their Member State online country profile. The Secretariat noted that Singapore and Mauritius had submitted their legislation to the Director during 2024. It also reported that the Cyprus had submitted its national legislation during the session. The Secretariat thanked the Member States and noted that their online profiles would be updated accordingly.
- 7.2.6 It was noted that the Secretariat was available to assist States in reviewing their national legislation to ensure effective implementation. States were invited to seek the Secretariat’s assistance when submitting copies of their legislation or to contact the Secretariat at any time, should this be of interest to them.
- 7.2.7 It was noted that only 32 1992 Fund Member States had provided information to the Director, in accordance with 1992 Fund Assembly Resolution N^o4, in respect of the establishment of any EEZ or designated area under Article 3(a)(ii) of the 1992 Fund Convention. It was recalled that, at its 1st session, the 1992 Fund Assembly had recognised that in order to determine the geographical scope of application of the 1992 Fund Convention in respect of a given Member State, it was necessary for the 1992 Fund to know such information.
- 7.2.8 It was noted that the United Nations Division for Ocean Affairs and the Law of the Sea (UN DOALOS) held the same information on its website and had granted the Secretariat permission to share the relevant content pertaining to the States which had not yet complied with 1992 Fund Assembly Resolution N^o4. It was noted that that information would be used accordingly to update the online country profiles and that the project was expected to be completed by the end of 2024.
- 7.2.9 The governing bodies noted that the Guide to Persistent and Contributing Oils, which was approved by the governing bodies in April 2024 (document [IOPC/APR24/9/1](#), paragraph 7.1.9), and an updated general brochure giving an overview of the organisation had both been published online in advance of the November 2024 meeting. The governing bodies also noted that a new animated instructional video outlining the process for submitting letters of credentials for the IOPC Funds’ meetings had been published on the organisation’s website and circulated among Member States.
- 7.2.10 Delegations were encouraged to follow the organisation on social media via its accounts on X (@IOPCFunds) and LinkedIn (International Oil Pollution Compensation Funds) where all the latest news and developments from the organisation were reported.
- 7.2.11 It was noted that the Secretariat maintained specific records of a Member State’s general focal point for IOPC Funds’ matters and a separate focal point for oil reporting matters, which may or may not be the same person. The Secretariat thanked all those States who had responded to its recent request for confirmation of a designated general focal point and encouraged all those yet to respond to do so at their earliest convenience. It was noted that, in general, any updates to contact details should be sent to externalrelations@iopcfunds.org.

1992 Fund Assembly and Supplementary Fund Assembly

- 7.2.12 The governing bodies noted the information provided.

7.3 Support provided to Member States Document IOPC/NOV24/7/3	92A		SA
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- 7.3.1 The governing bodies noted the information contained in document [IOPC/NOV24/7/3](#) relating to the training, educational, and outreach activities delivered by the Secretariat since November 2023 and the activities and support services it expects to offer to Member States in 2025.

- 7.3.2 The governing bodies also noted in particular that the Secretariat had continued to organise or contribute to training and support activities for Member States, often in collaboration with IMO and other organisations with whom the IOPC Funds work closely, including the International Group and ITOPF. It was further noted that these events had been delivered in various formats, such as regional or national workshops held in person or customised online training events or presentations.
- 7.3.3 It was noted that the Secretariat had also participated in training exercises, international conferences and exhibitions and had hosted a wide range of in-house visits from government representatives.
- 7.3.4 The Secretariat reported on the continued success of the IOPC Funds' week-long Annual Academy in June 2024, and the half-day Induction Course delivered for Member States immediately prior to the regular sessions of the governing bodies each year. It also reported on the regional lunch meetings which the Director hosts for UK-based representatives of Member States. It was noted that the next such meeting would be held for the Asia-Pacific region on 4 December 2024 and that invitations would be issued nearer the time.
- 7.3.5 In addition to providing such activities specifically for the benefit of Member States, the Secretariat also reported that it had continued to promote the understanding of the international liability and compensation regime among wider audiences. It was further recalled that in October 2023, the Secretariat had launched a series of short webinars which had run at regular intervals throughout 2024. It was also noted that the webinar series had proven very popular, with many of the sessions receiving over 200 registrations and attracting participants from governments, industry, insurers, fellow maritime-related organisations, lawyers, oil spill response experts and more, representing a global audience. It was noted that the final two sessions in the series would focus on the 2010 HNS Convention and would be delivered in early 2025.
- 7.3.6 It was also reported that the Secretariat had continued to support various universities and other educational institutions with a specific interest in maritime law or the marine environment by delivering lectures, hosting groups of students and supporting key events.
- 7.3.7 The Secretariat took the opportunity to thank all those Member States, organisations and educational institutions who had hosted or worked with the IOPC Funds during 2024, expressing its particular appreciation to IMO for collaborating on various events throughout the year. States were encouraged to discuss their training needs for 2025 either directly with the Secretariat or with the IMO Technical Cooperation Division.

Debate

- 7.3.8 The delegation of Ecuador stated that it was pleased to hear that the Secretariat continued to provide such a wide range of training and outreach activities. That delegation referred to an online technical workshop that had been delivered by the IOPC Funds in collaboration with ITOPF and the International Group in October 2024. That delegation thanked the Secretariat for the very comprehensive and useful workshop and encouraged other States to engage in similar events, noting their value in terms of training and information exchange, but also in terms of the development of strong links within the maritime community.

1992 Fund Assembly

- 7.3.9 The 1992 Fund Assembly was pleased to note the continued engagement of Member States with the Secretariat outside of the sessions of the governing bodies throughout the year.

7.4	European Union General Data Protection Regulation Document IOPC/NOV24/7/4	92A		SA
7.4.1	The 1992 Fund Assembly and Supplementary Fund Assembly took note of document IOPC/NOV24/7/4 , which contained information on the application of the General Data Protection Regulation (GDPR) of the European Union (EU) and Directive 2016/680 (the Directive) to the IOPC Funds, and on the Secretariat’s engagement towards the implementation of the IOPC Funds’ data protection system.			
7.4.2	The governing bodies recalled that the Secretariat had sought clarification from the UK Government on the application of the GDPR and the Directive in light of the existing 1992 Fund and Supplementary Fund Headquarters Agreements, and that the reply indicated that the GDPR applied to the IOPC Funds and that the IOPC Funds could have its own position as to its application.			
7.4.3	The governing bodies also recalled that the Secretariat had retained the services of a data protection lawyer to provide advice as to the application of the GDPR and the Directive, and generally advise on the policies and procedures to be implemented by the IOPC Funds.			
7.4.4	The governing bodies further recalled that following the departure of the UK from the EU on 31 January 2020, the UK had maintained the data protection standards that existed under the GDPR and the UK’s Data Protection Act 2018 by means of legislation. They further recalled that on 28 June 2021, the EU Commission adopted two ‘adequacy decisions’ for the UK, thereby recognising that UK data protection legislation provide an essentially equivalent level of protection to that guaranteed under EU law, and the decisions permitted the free flow of personal data between the UK and the EU and were subject to a review after a period of four years.			
7.4.5	It was recalled that the Secretariat believed that the GDPR would not apply to the IOPC Funds, based on the inviolability of archives stipulated in Article 6 ^{<3>} of the Headquarters Agreements for the 1992 Fund and Supplementary Fund but nevertheless, the Secretariat believed that the same principles as the GDPR should be applied to protect the data held by the IOPC Funds.			
7.4.6	It was also recalled that the Secretariat had engaged an expert in implementing the GDPR in order to receive assistance with developing policies and procedures reflecting the data protection principles laid out by the GDPR. It was further recalled that the Secretariat had identified personal data held by the IOPC Funds and had also drafted a Data Protection Policy; Data Privacy Notices for claimants; General Data Privacy Notice for all other persons who have had dealings with the IOPC Funds; and a Data Classification and Retention Policy. The governing bodies recalled that the Secretariat had also considered the provisions necessary to be inserted into various types of contracts which the IOPC Funds conclude, including the experts’ contracts which are normally concluded with insurers and experts in the claims-handling process.			
7.4.7	The governing bodies also recalled that the Secretariat had also engaged an IT support team to assist with the implementation of the Microsoft Purview Information Protection (MPIP) suite of IT programs, which enabled a phased approach to be adopted and which identified sensitive information and defined the security and controls to be applied to the data.			
7.4.8	The governing bodies further recalled that with the assistance of the expert engaged to implement the principles of the GDPR, the staff of the IOPC Funds had received preliminary training on the concept of data protection, which included ensuring each individual was aware of their duties and responsibilities under the IOPC Funds’ data protection system.			

<3> Corresponding to Article 4 of the revised Headquarters Agreements for the 1992 Fund and Supplementary Fund. The revised Agreements were adopted by the governing bodies in November 2020, signed by the UK Government and the IOPC Funds on 23 March 2022 and are awaiting Parliamentary approval.

- 7.4.9 It was recalled that the Secretariat had continued to make substantial progress with the tasks required for implementing the principles of the GDPR, and had completed the design and implementation of an IT training platform upon which staff have been trained further during the last quarter of 2023 and first quarter of 2024.
- 7.4.10 It was noted that the Secretariat had initiated a comprehensive data clean-up exercise to systematically review and purge unnecessary data, ensuring compliance with established data protection policies. It was also noted that additional measures would be implemented to monitor and evaluate data retention practices, reinforcing the Secretariat's commitment to safeguarding personal information while upholding transparency and accountability.
- 7.4.11 It was further noted that a further series of planned implementation would take place including the publication of the full suite of data protection and retention policies on the IOPC Funds' website, in order to respond to queries on any data protection issues.

1992 Fund Assembly and Supplementary Fund Assembly

- 7.4.12 The 1992 Fund Assembly and the Supplementary Fund Assembly took note of the information provided on the GDPR, and that the Director would report any further developments at a future session of the governing bodies.

7.5 Appointment of members and substitute members of the Appeals Board Documents IOPC/NOV24/7/5 and IOPC/NOV24/7/5/1	92A		
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- 7.5.1 The 1992 Fund Assembly took note of the information contained in documents [IOPC/NOV24/7/5](#) and [IOPC/NOV24/7/5/1](#).

Developments since the November 2023 session of the 1992 Fund Assembly

- 7.5.2 It noted that since the appointment of the Appeals Board in November 2023, two members, Mrs Fernanda Millicay (Argentina), and Mr Kohichi Yamagishi (Japan), had been replaced by their respective successors (Ms Ángela Teves Libarona and Mr Jun Nakazawa) in their posts in London in accordance with Section II, paragraph (c) of the Statute of the Appeals Board.
- 7.5.3 It was also noted that Ms Ángela Teves Libarona (Argentina) and Mr Jun Nakazawa (Japan) had kindly accepted to serve as substitute members rather than assuming the role of members in accordance with document [IOPC/OCT19/11/1](#), paragraph 7.3.7. It was further noted that Dr Christos Atalianis (Cyprus) and Mr Suho Lee (Republic of Korea), being the existing substitute members, had kindly accepted to serve as members of the Appeals Board in the place of Mrs Fernanda Millicay (Argentina) and Mr Kohichi Yamagishi (Japan) until the 1992 Fund Assembly's regular session in 2025.
- 7.5.4 It was noted that the new composition of the Appeals Board was as follows:

Members:

Dr Christos Atalianis (Cyprus)
Mr Suho Lee (Republic of Korea)
Sir Michael Wood (United Kingdom)

Substitute members:

Ms Ángela Teves Libarona (Argentina)
H.E. Mrs Marine de Carné-Trécession de Coëtlogon (France)
Mr Jun Nakazawa (Japan)

1992 Fund Assembly

- 7.5.5 The 1992 Fund Assembly expressed their appreciation to both the outgoing and incoming members and substitute members of the Appeals Board.

8 Treaty matters

8.1	Status of the 1992 Fund Convention and the Supplementary Fund Protocol Document IOPC/NOV24/8/1	92A		SA
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- 8.1.1 The governing bodies took note of document [IOPC/NOV24/8/1](#) concerning the status of the 1992 Fund Convention and the Supplementary Fund Protocol.
- 8.1.2 It was noted that at the time of the November 2024 sessions of the governing bodies, there were 121 Member States of the 1992 Fund.
- 8.1.3 It was further noted that the Republic of Iraq had acceded to the 1992 Fund Convention and that the Convention would enter into force for that State on 5 August 2025.
- 8.1.4 It was further noted that the Supplementary Fund Protocol had entered into force for the Republic of Mauritius on 9 July 2024, and, therefore, at the time of the November 2024 sessions of the governing bodies, there were 33 Member States of the Supplementary Fund.

1992 Fund Assembly and Supplementary Fund Assembly

- 8.1.5 The governing bodies noted the information presented in document [IOPC/NOV24/8/1](#).

8.2	2010 HNS Convention Documents IOPC/NOV24/8/2 , IOPC/NOV24/8/2/1 and IOPC/NOV24/8/2/2	92A		
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DOCUMENT [IOPC/NOV24/8/2](#) – SUBMITTED BY THE SECRETARIAT

- 8.2.1 The 1992 Fund Assembly took note of the information contained in document [IOPC/NOV24/8/2](#).

Status of the Convention

- 8.2.2 The 1992 Fund Assembly recalled the criteria for the entry into force of the 2010 HNS Protocol, noting that it will enter into force 18 months after the date on which it is ratified by at least twelve States, including four States each with not less than 2 million units of gross tonnage, and having received during the preceding calendar year a total quantity of at least 40 million tonnes of cargo that would be contributing to the general account.
- 8.2.3 It was noted that, as at the opening of the session there were eight Contracting States to the 2010 HNS Protocol, namely Canada, Denmark, Estonia, France, Norway, Slovakia, South Africa and Türkiye. It was also noted that five of the current Contracting States had more than 2 million units of gross tonnage and that in total, the eight States reported receiving in 2023 over 19.2 million tonnes of cargo which would contribute to the general account.

Outreach activities and technical assistance

- 8.2.4 The Secretariat reported that it had continued to take opportunities to promote the entry into force of the 2010 HNS Convention, to engage with interested States and other key stakeholders, and to share information with industry representatives through the delivery of various workshops or other training and outreach activities, often in close cooperation with the IMO Secretariat.

- 8.2.5 In that respect, it was noted that the IOPC Funds and IMO had jointly hosted a workshop, which was attended by 57 States and which focused on the practical elements of implementation, specifically on HNS cargo reporting and its related practical aspects. It was noted that the aim of the workshop, which had been moderated by Mr François Marier of Canada, had been to assist States in the development of an efficient reporting system for HNS cargo and that, drawing on the IOPC Funds' almost 50 years' experience managing reports for oil, the message from the hosts was that, whilst the reporting of HNS would be more complex, it was certainly manageable with the right systems and processes in place from the start.
- 8.2.6 States were encouraged to consider holding online workshops with their relevant stakeholders for the purpose of highlighting the value of the 2010 HNS Convention, as well as explaining how to prepare HNS contributing cargo reports, to a wide audience. The Secretariat confirmed its readiness to support such activities for interested States.

HNS website and additional tools

- 8.2.7 It was noted that the Secretariat had continued to update and maintain the website www.hnsconvention.org, which as well as containing general information on the 2010 HNS Convention, also hosts the HNS Finder, the online database that allows users to search the list of all HNS as defined by the Convention. It was noted that the HNS Finder had been updated with the latest data in June 2024 and that the Secretariat intended to publish the next version in January 2025, ensuring it can be efficiently used for the preparation of the 2024 reports on contributing cargo.
- 8.2.8 The Secretariat reported that a comprehensive discovery exercise had been conducted during 2024 to gather requirements for the development of a new HNS reporting system, based upon the different reporting options as set out in the Convention.

Other activities

- 8.2.9 It was noted that the Secretariat had continued to work with a number of relevant organisations to develop a draft HNS Convention Claims Manual and that the final proposed text would be presented to the HNS Fund Assembly for adoption.
- 8.2.10 The Secretariat also reported that it had been working with IMO, ITOPI, ICS and the International Group to update a 2016 brochure which explains the benefits of the 2010 HNS Convention with the latest figures and information. It was noted that the work was well advanced and that a new brochure was expected to be published before the end of 2024.

DOCUMENT [IOPC/NOV24/8/2/2](#) – SUBMITTED BY BELGIUM, GERMANY, THE KINGDOM OF THE NETHERLANDS AND SWEDEN

- 8.2.11 The 1992 Fund Assembly noted the information contained in document [IOPC/NOV24/8/2/2](#) which was introduced by the delegation of the Netherlands on behalf of the co-sponsors of Belgium, Germany and Sweden.
- 8.2.12 In presenting the document, the delegation of the Netherlands explained that the purpose of the submission of the document by the co-sponsors at this time was to reiterate their full commitment to ratifying the 2010 HNS Convention, and because they now had a concrete timeline to work towards which would be useful information for the Secretariat as it carries out its preparatory work for the entry into force of the Convention. That delegation confirmed that the four co-sponsors intended to ratify in the early summer of 2025 which would trigger the entry into force of the Convention 18 months later. That delegation also expressed the hope of the co-sponsors that their joint ratification would encourage other States to do the same.

- 8.2.13 It was recalled that in 2020, the Netherlands, Belgium and Germany had committed to simultaneously ratifying the 2010 HNS Protocol because of their close proximity to one another and of that of their ports, to which HNS cargoes are shipped, and to ensure a level playing field in terms of the HNS cargo receivers and their possible contributions to the HNS Fund. It was noted that, on that basis, regular cooperation and coordination between the three States had been established in order to guarantee a level playing field as regards HNS trade in the context of high cross-border transit of HNS.
- 8.2.14 It was noted that Belgium, Germany, the Netherlands and Sweden had been in regular contact with each other as well as with the Secretariat of the IOPC Funds during 2024 and were preparing for their ratification of the Convention.
- 8.2.15 The co-sponsors of the document pointed out the requirement for States to submit data on the total quantities of contributing cargo liable for contributions received in that State during the preceding calendar year at the same time as depositing their instrument of ratification. They noted that a national reporting system was therefore needed in order to collect the relevant data prior to ratification of the 2010 HNS Convention and reported that the four States had made progress in their national implementation of the Convention. They also reported that they had conducted reporting exercises in recent years in order to collect the data on contributing cargo liable for contributions received in their ports in respect of each account.
- 8.2.16 The delegation of Sweden added to the presentation of the document by informing the Assembly that it had been in a position to accede to the Convention for a number of years, that it had adopted the necessary legislation and regulations, and had a fully functioning reporting system in place. That delegation recalled that it had reported in various fora previously that it would align its accession with other countries in Europe with major ports and confirmed that it looked forward to working with the co-sponsors and others to ensure that the Convention would be a success.
- 8.2.17 The delegation of Belgium thanked Germany, the Netherlands and Sweden for their coordination and cooperation, and expressed gratitude to the Secretariat for its support.
- 8.2.18 The delegation of Germany added its support to the presentation by the Netherlands and confirmed it was looking forward to the entry into force of the Convention. That delegation underlined the importance to the State that the group of States were aligned on the reporting of HNS cargoes and also thanked the IOPC Funds and Canada for the workshops that had been delivered where this had been an area of focus.

Debate

- 8.2.19 The delegation of Canada congratulated the co-sponsors of document [IOPC/NOV24/8/2/2](#) on their upcoming ratification and stated that it looked forward to the Convention's entry into force in the next two years which would help to fill a significant gap in the international framework. That delegation noted that the inaugural members of the HNS Fund Assembly will have important work to do, but expressed confidence that, with the support of the Secretariat, including the new HNS Project Manager, they would succeed.
- 8.2.20 The delegation of Finland confirmed it remained committed to ratifying the 2010 HNS Convention and confirmed that it already had a reporting system in place in accordance with its national legislation and that all the necessary implementing legislation has been adopted. It pointed out, however, that the date of ratification was subject to confirmation at a political level but the preparations for that decision were underway.
- 8.2.21 The delegation of Denmark thanked the co-sponsors of document [IOPC/NOV24/8/2/2](#) for sharing their positive progress towards ratification and Finland for its progress also. That delegation recognised that this marked a significant milestone in the path towards entry into force of the Convention.

- 8.2.22 The Chair of the 1992 Fund Assembly acknowledged the commercial benefits of a group of neighbouring States simultaneously ratifying the Convention given the issues that could arise where ports that are situated next to one another, but where one is in a State Party to the Convention and the other is not. He suggested it would be better if all ports in the same region were subject to the same regulations.
- 8.2.23 The observer delegation of IMO expressed its delight to learn of the planned joint ratification by Belgium, Germany, the Netherlands and Sweden in the early summer of 2025. That delegation noted that, since the entry into force criteria relating to the volume of reported cargo and tonnage would then be fulfilled, the IMO Secretary-General would be ready to convene the first session of the HNS Fund Assembly within the required time as set out in the Convention. That delegation also referred to the many documents and other work that would need to be prepared in advance of that Assembly session.
- 8.2.24 The Chair of the Supplementary Fund Assembly congratulated those States that had reported on their positive progress towards ratification, which he considered excellent news, particularly noting the many years that had passed since the 2010 HNS Protocol, and before that the original HNS Convention, was adopted. He noted in particular that, given the increasing volumes of HNS cargo being transported by sea, and the expectation that this increase will continue with the transition to new fuels, the existence of a liability and compensation regime to deal with accidents from the carriage of such cargoes should be a high priority for any coastal State.
- 8.2.25 The Director also commented on the extremely positive updates by the four co-sponsors of the document and by Finland. He noted that this information was significant for the Secretariat since it gave them a target date to work towards.

1992 Fund Assembly

- 8.2.26 The Assembly noted the information provided by the Secretariat and the positive progress reported by a number of States towards ratification of the 2010 HNS Convention.

DOCUMENT [IOPC/NOV24/8/2/1](#) – SUBMITTED BY THE SECRETARIAT

- 8.2.27 The 1992 Fund Assembly took note of the information contained in document [IOPC/NOV24/8/2/1](#) in respect of the cost of financing activities undertaken to make progress towards the entry into force of the 2010 HNS Convention.
- 8.2.28 The 1992 Fund Assembly noted that, since 2002, loans have been provided to the HNS Fund from the 1992 Fund General Fund to continue administrative preparations for the setting up of the HNS Fund and the costs, including interest, would be reimbursed to the 1992 Fund by the HNS Fund when the 2010 HNS Convention entered into force.
- 8.2.29 It was also noted that as of 30 June 2024, the total amount appropriated since 2002 amounted to £1 849 000, of which £793 933 (including interest) had been used.
- 8.2.30 It was further noted that an increased appropriation of £424 000 had been approved for 2024 activities as recognition of the further increase in volume of activities undertaken to assist States in their work towards ratification of the 2010 HNS Protocol.
- 8.2.31 The 1992 Fund Assembly noted that the continued increase in volume of activities undertaken to assist States in their work towards ratification of the 2010 HNS Protocol, as well as work associated with establishing a system for HNS reporting and invoicing of contributions, had given rise to increased levels of staff participation across the IOPC Funds' Secretariat.

- 8.2.32 It was also noted that the Director had utilised an existing post in the IOPC Funds’ Secretariat to establish an additional post of HNS Project Manager, who will lead and direct all HNS activities. The proposal that the cost of this post be reflected in the management fee paid by the HNS Fund to the 1992 Fund was noted.
- 8.2.33 The 1992 Fund Assembly further noted the Director’s proposal that a management fee be paid by the HNS Fund to the 1992 Fund in respect of the costs incurred by the Secretariat to promote the entry into force of the 2010 HNS Convention, and noted the proposed fee of £264 000, based on an estimate of the cost of twelve working days of the Secretariat as a whole.
- 8.2.34 The 1992 Fund Assembly noted that a discovery exercise had been conducted to develop system requirements and projected development costs for an online system to manage HNS reporting and contributions. The cost of implementing the development proposal was estimated at £300 000.
- 8.2.35 It also noted that an appropriation of £110 000 was proposed to cover ongoing activities such as maintaining the dedicated 2010 HNS Convention website, the HNS Finder and the provision of training and support to States.

Debate

- 8.2.36 One delegation expressed support for the proposed HNS budget, noting that work must continue on preparations for the entry into force of the 2010 HNS Convention, which was likely within the next two years. That delegation expressed appreciation for the Secretariat’s continued work on this matter which was supported by another delegation.
- 8.2.37 Another delegation expressed appreciation to the Director for the information provided and welcomed the development of the HNS reporting and contributions system in order to facilitate its swift implementation when the 2010 HNS Convention enters into force.

1992 Fund Assembly decisions

- 8.2.38 The 1992 Fund Assembly took note of the new HNS Project Manager post.
- 8.2.39 The 1992 Fund Assembly noted the Director’s proposal, as explained in document [IOPC/NOV24/9/1/1](#) and paragraph 4.3 of document [IOPC/NOV24/8/2/1](#), that the 1992 Fund should receive an increased management fee of £264 000 to cover additional administrative expenses incurred, including the expanded Secretariat efforts in respect of the preparations for the entry into force of the 2010 HNS Convention.
- 8.2.40 The 1992 Fund Assembly noted the estimated cost of £300 000 for the development of the new HNS reporting system.
- 8.2.41 The 1992 Fund Assembly noted the proposed HNS Fund appropriation of £799 000, which was presented to the 1992 Fund Assembly for approval in document [IOPC/NOV24/9/1/1](#).

9 Budgetary matters

9.1	Budgets for 2025 and assessments of contributions to the General Fund Documents IOPC/NOV24/9/1 , IOPC/NOV24/9/1/1 and IOPC/NOV24/9/1/2	92A		SA
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- 9.1.1 The governing bodies took note of the information contained in documents [IOPC/NOV24/9/1](#), [IOPC/NOV24/9/1/1](#) and [IOPC/NOV24/9/1/2](#).

- 9.1.2 The 1992 Fund Assembly considered the draft 2025 budget for the administrative expenses of the IOPC Funds' joint Secretariat, the management fee payable by the Supplementary Fund and the assessment of contributions to the General Fund of the 1992 Fund as proposed by the Director in document [IOPC/NOV24/9/1/1](#).
- 9.1.3 The Supplementary Fund Assembly considered the draft 2025 budget and the assessment of contributions to the General Fund of the Supplementary Fund in document [IOPC/NOV24/9/1/2](#).
- 9.1.4 It was recalled that the Director had been authorised to create positions in the General Service category as required, providing that the resulting cost did not exceed 10% of the figure for salaries in the budget, and noted the request by the Director for this authorisation to be renewed.
- 9.1.5 It was also noted that the Director had requested that the governing bodies renew the authorisation given to him to create one position in the Professional category at the P3 level, subject to need and within the budget resources available.
- 9.1.6 It was further noted that there had been an overall increase of 7.3% in the draft 2025 joint Secretariat budget compared to the 2024 budget, due to an increase in costs under chapters for Personnel, General Services, Meetings and Other Expenditure. Budgets for the Travel and Unforeseen Expenditure chapters had remained the same as 2024.
- 9.1.7 The governing bodies recalled that in March 2005, they had decided that the distribution of the cost of running the joint Secretariat should be made on the basis of the Supplementary Fund paying a flat management fee to the 1992 Fund and that this approach had been followed in subsequent years.
- 9.1.8 The 1992 Fund Assembly noted the Director's estimate of the expenses to be incurred in respect of the preparation for the entry into force of the 2010 HNS Convention and recalled that all costs incurred by the 1992 Fund for the setting up of the HNS Fund would be reimbursed by the HNS Fund with interest, once the HNS Fund was established.
- 9.1.9 The 1992 Fund Assembly also noted the Director's proposal to maintain the working capital at £15 million in the budget year 2025.
- 9.1.10 The 1992 Fund Assembly further noted the Director's proposal to levy 2024 contributions to the General Fund of £13 million payable by 1 March 2025.

1992 Fund Assembly decisions

- 9.1.11 The 1992 Fund Assembly renewed the authorisation given to the Director to create additional posts in the General Service category provided that the resulting cost did not exceed 10% of the figure for salaries in the budget (i.e. up to £285 000, based on the 2025 budget).
- 9.1.12 The 1992 Fund Assembly renewed the authorisation given to the Director to create a Professional post at P3 level subject to need and budget availability.
- 9.1.13 The 1992 Fund Assembly adopted the budget for 2025 for the 1992 Fund joint Secretariat administrative expenses of £5 775 384 and the 1992 Fund's external audit fee of £79 800, as set out at Annex II of document [IOPC/NOV24/9/1/1](#).
- 9.1.14 The 1992 Fund Assembly approved the management fee payable by the Supplementary Fund to the 1992 Fund of £44 000.
- 9.1.15 The 1992 Fund Assembly approved the Director's estimate of the expenses to be incurred in 2025 in respect of the preparation for the entry into force of the 2010 HNS Convention, i.e. £799 000.
- 9.1.16 The 1992 Fund Assembly decided to maintain the working capital of the 1992 Fund at £15 million in the budget year 2025.

- 9.1.17 The 1992 Fund Assembly approved the Director's proposal to levy 2024 contributions of £13 million, payable by 1 March 2025.

Supplementary Fund Assembly decisions

- 9.1.18 The Supplementary Fund Assembly adopted the budget for 2025 for the administrative expenses of the Supplementary Fund for a total of £60 510 (including the management fee of £44 000 payable to the 1992 Fund, and the cost of the external audit) as set out at Annex III of document [IOPC/NOV24/9/1/2](#).
- 9.1.19 The Supplementary Fund Assembly decided to maintain the working capital of the General Fund at £1 million.
- 9.1.20 The Supplementary Fund Assembly approved the Director's proposal that there should be no levy of 2024 contributions to the General Fund.

9.2	Assessment of contributions to Major Claims Funds and Claims Funds Documents IOPC/NOV24/9/2 , IOPC/NOV24/9/2/1 , and IOPC/NOV24/9/2/2	92A		SA
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- 9.2.1 The 1992 Fund Assembly and the Supplementary Fund Assembly noted the Director's proposal for contributions to Major Claims Funds and Claims Funds, respectively, as outlined in documents [IOPC/NOV24/9/2](#), [IOPC/NOV24/9/2/1](#) and [IOPC/NOV24/9/2/2](#).
- 9.2.2 The 1992 Fund Assembly noted that, in the Director's view, it would not be necessary to levy 2024 contributions for the *Prestige*, *Agia Zoni II*, Incident in Israel and *Bow Jubail* Major Claims Funds.
- 9.2.3 The 1992 Fund Assembly also noted that in the Director's view it would not be necessary to levy 2024 contributions to the *Alfa I* and *Nesa R3* Major Claims Funds and that any expenditure exceeding the balance available in those Major Claims Funds should be met from loans from the General Fund or from another Major Claims Fund in accordance with Financial Regulations 7.1(c)(iv) and 7.2(d) of the 1992 Fund.
- 9.2.4 The 1992 Fund Assembly further noted the Director's proposal to levy 2024 contributions of £10 million to the *Princess Empress* Major Claims Fund, and £10 million to the *Gulfstream* Major Claims Fund, payable by 1 March 2025. The Assembly further noted the Director's proposal to levy 2024 contributions of £40 million to the *Marine Honour* Major Claims Fund, with £30 million payable by 1 March 2025, and £10 million, or part thereof, to be invoiced later in 2025 if it proves necessary.
- 9.2.5 The 1992 Fund Assembly noted the Director's considerations on the rise in the volume of contributions being levied, and the fact that, while high levies create a burden on contributors to the 1992 Fund, fluctuations in the size of the levies are caused by incidents in which the 1992 Fund has been called upon to pay compensation.
- 9.2.6 The 1992 Fund Assembly also noted the Director's comments on the fact that the current assessment of contributions is not unprecedented and that fluctuation in the size of the levies is a typical feature of the IOPC Funds' financing due to the fact that costs are driven by incidents.
- 9.2.7 The 1992 Fund Assembly further noted the Director's appreciation towards contributors to the 1992 Fund for their understanding and continued cooperation.

Debate

- 9.2.8 The delegation of Trinidad and Tobago expressed its thanks to the Chair and members of the 1992 Fund and raised the issue of the *Gulfstream* incident, which had significantly impacted Trinidad and Tobago. That delegation noted that the Secretariat had estimated compensation liability in respect of the *Gulfstream* incident at TTD 240 million, or approximately £28.5 million, and also noted the proposed levy of £10 million for the period until March 2026.
- 9.2.9 The delegation of Trinidad and Tobago recognised that the Secretariat was working efficiently on the necessary process of claims assessment. However, that delegation also noted that, through no fault of their own, their expenses had reached around £35 million and continued to rise. While expressing appreciation to the IOPC Funds for its work, that delegation requested that it be formally noted that the estimate of compensation liability proposed at this stage might be insufficient.
- 9.2.10 In response, the Chief of Finance acknowledged that a significant degree of judgement was used in the estimation of compensation liability. She deferred to her colleagues in the Claims Department on the issue of admissibility, but provided assurance that the estimate of compensation liability would be revisited annually, and, if additional funds were required, a further levy would be proposed in 2025. The Chief of Finance further stated that, should compensation payments in respect of the *Gulfstream* Major Claims Funds exceed the cash available, the 1992 Fund could facilitate a loan from either the General Fund or another Major Claims Fund to ensure timely payment of compensation. The Chief of Finance assured the delegation of Trinidad and Tobago that the 1992 Fund sought to ensure that compensation payments were never delayed due to a lack of funding.
- 9.2.11 The delegation of Trinidad and Tobago thanked the Chief of Finance for her response and stated that Trinidad and Tobago would continue to work with the 1992 Fund on this matter. That delegation expressed concern regarding the divergence between the estimated liability and expenses already incurred by the State, while recognising that not all expenses may be recoverable.
- 9.2.12 The delegation of Singapore expressed support for the 2024 levy amount and deferred levy proposal for the *Marine Honour* Major Claims Fund, commenting that the proposal was reasonable considering the estimated £52.4 million that may be payable by the 1992 Fund in respect of the *Marine Honour* incident over the 20-month period of 1 July 2024 to 1 March 2026.
- 9.2.13 That delegation agreed with the Director's considerations regarding the challenges associated with determining levies, and the impact levies might have on contributors. That delegation agreed that the IOPC Funds' system of invoicing contributors on a needs-basis i.e. only when incidents occur or circumstances require it to do so, remained a fair, well-managed and efficient system. That delegation also expressed appreciation to the States Parties and contributors to the 1992 Fund for their support.

1992 Fund Assembly decisions

- 9.2.14 The 1992 Assembly decided not to levy 2024 contributions in respect of the *Prestige*, *Alfa I*, *Agia Zoni II*, *Nesa R3*, Incident in Israel and *Bow Jubail* Major Claims Funds.
- 9.2.15 The 1992 Fund Assembly decided to levy 2024 contributions of £10 million to the *Princess Empress* Major Claims Fund, payable by 1 March 2025.
- 9.2.16 The 1992 Fund Assembly decided to levy 2024 contributions of £10 million to the *Gulfstream* Major Claims Fund, payable by 1 March 2025.
- 9.2.17 The 1992 Fund Assembly decided to levy 2024 contributions of £40 million to the *Marine Honour* Major Claims Fund, with £30 million payable by 1 March 2025, and £10 million, or part thereof, to be invoiced later in 2025 if it proves necessary.

Supplementary Fund Assembly

9.2.18 The Supplementary Fund Assembly noted that there had been no incidents that required the Supplementary Fund to pay compensation and that there was, therefore, no need for contributions to be levied.

9.3	Proposed change to working capital Document IOPC/NOV24/9/3	92A		
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9.3.1 The 1992 Fund Assembly took note of the information provided in document [IOPC/NOV24/9/3](#) in relation to the working capital of the 1992 Fund.

9.3.2 It was recalled that the 1992 Fund's working capital had been built up through the years 1996 to 2004 to enable the 1992 Fund to pay claims promptly without having to wait for the following payment of contributions or resorting to bank loans.

9.3.3 It was also recalled that the fall in the number of incidents during the years 2006 to 2016 had prompted the 1992 Fund Administrative Council, acting on behalf of the Assembly, to reduce the level of working capital from £22 million to £15 million at its April 2017 session (document [IOPC/APR17/9/1](#), paragraph 6.1.10).

9.3.4 It was further recalled that the first SDR 4 million of expenditure for any new incident was paid from the General Fund in accordance with the 1992 Fund's Financial Regulation 7.1.

9.3.5 The 1992 Fund Assembly noted that the General Fund working capital is intended to fund payments in respect of incidents occurring after the approval of levies for the General Fund and Major Claims Funds, up to the due date of the next round of levies, a period of 20 months.

9.3.6 It was also noted that the number of new incidents had increased in the years 2023 and 2024 and that the risk faced by the 1992 Fund had increased because of oil transported by the 'shadow' fleet and an increase in vessels engaged in maritime trade.

9.3.7 It was further noted that the cost of clean-up operations, personnel and equipment hire for oil spill response had increased, meaning that the General Fund working capital was being stretched further and would therefore cover fewer incidents.

9.3.8 The 1992 Fund Assembly noted that there had been an increase in the number of incidents for which there had been no insurer or inadequate insurance, increasing the cost for the 1992 Fund and accelerating the commencement of payment of compensation by the 1992 Fund.

9.3.9 It was noted that the Director had proposed that the General Fund working capital be increased from £15 million to £22 million over the budget years 2026 and 2027 by increasing the levy of contributions to the General Fund.

Debate

9.3.10 One delegation stated its awareness of the risk environment that the IOPC Funds is facing due to new incidents and the increase over recent years of 'shadow fleet' activity, as well as uninsured and unsafe ships. That delegation recognised that the prompt payment of compensation is crucial for the settlement of claims. It also expressed concern that the increase of the working capital as part of the General Fund levy would unavoidably increase the burden on contributors in each Member State.

- 9.3.11 That delegation stated that it had no strong objection to the increase of the working capital from £15 million to £22 million over the two-year period between 2026 and 2027, however, it strongly urged the Secretariat to closely monitor the number of incidents that occurred and, if circumstances allowed, to submit a document to the Assembly at a future session proposing the reduction of the working capital.
- 9.3.12 Another delegation thanked the Director for preparing the document outlining his considerations and reasons for changes to the 1992 Fund's working capital. That delegation was supportive of the proposal to increase the working capital from £15 million to £22 million over the budget years 2026 and 2027, given the increased number of incidents involving the 1992 Fund, the increased risk exposure arising from the 'shadow' fleet as well as an increasing number of vessels engaged in maritime trade.
- 9.3.13 That delegation noted that the Director's proposed increases of the working capital in 2026 and 2027 ranged from 15.8% to 26.7% year-on-year and fell within the historical range of year-on-year increases of between 10.0% and 33.3% during the years 1996 to 2005.
- 9.3.14 That delegation also noted that the proposed amount of working capital to be achieved by 2027, set at £22 million, was the same as the amount maintained during the period 2005 to 2017. It supported the Director's proposal to implement the change progressively, in a two-phase approach, given that the increase in working capital would entail an increase to levies which would have a financial impact on contributors. In addition, should future circumstances permit, that delegation proposed that the 1992 Fund Assembly review and lower the working capital, as and when appropriate.
- 9.3.15 Another delegation expressed support for the Director's proposal to increase the working capital, to be made over the budget years 2026 and 2027. It agreed that a two-phase approach was appropriate and aligned itself with concerns expressed by other delegations.
- 9.3.16 Another delegation thanked the Director for his efforts in addressing this difficult matter and acknowledged that the proposal was carefully considered in light of new incidents and the financial situation of the 1992 Fund. That delegation agreed that the 1992 Fund must maintain sufficient liquidity to make compensation payments before the following levy period and it therefore agreed to the proposed increase to the working capital.

1992 Fund Assembly decision

- 9.3.17 The 1992 Fund Assembly decided to approve the Director's proposal to increase the working capital to £22 million over the budget years 2026 and 2027 by increasing the levy of contributions to the General Fund.

10 Other matters

10.1	Any other business	92A	92EC	SA
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Gulfstream

- 10.1.1 The delegation of Trinidad and Tobago requested to deliver a statement on the *Gulfstream* incident. The incident had been discussed under agenda item 3, however, since the Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister of the Government of the Republic of Trinidad and Tobago had not been able to join the session at that time, the Chair of the 1992 Fund Executive Committee accepted that the statement could be delivered for information only. The statement by the delegation of Trinidad and Tobago is set out at Annex V.

Debate

- 10.1.2 One delegation stated that it endorsed the statement of the delegation of Trinidad and Tobago, and appealed to Member States to provide any information they could in relation to the presence of the tug involved in the incident, since for many people who live in the Caribbean and Pacific, beaches were a part of their national treasures and many peoples' livelihoods depended on the beaches being in pristine condition. That delegation appealed to Member States to provide any additional information that might be helpful in locating the tug, and to report it to any Member State or to the Secretariat, so that those who were responsible for the incident could be held responsible.
- 10.1.3 Another delegation endorsed the previously expressed views, since it stated that incidents could occur in any place in the world, and appealed for any person who had information relating to the tug to share that information, noting that Member States were to co-operate and try their best to assist any Member State in need.
- 10.1.4 The Chair of the 1992 Fund Assembly noted that the appeal for assistance was accepted and shared by all, and requested all those who had information to share to be active, in order to facilitate the collection of all the necessary details required to identify the parties responsible for the incident.

Other matters

- 10.1.5 No further items were raised under this agenda item.

10.2	Future sessions	92A	92EC	SA
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Debate

- 10.2.1 When considering the dates for future sessions of the governing bodies, one delegation raised a point for the attention of the Director relating to the scheduling of the 2026 sessions. It was noted that the IMO Council, at its session in July 2024, had decided to recognise Eid al-Fitr and Eid al-Adha as official holidays. That delegation explained that the decision would not be implemented until after adoption by the IMO Assembly in 2025, after which it may also affect the scheduling of IOPC Funds' meetings from 2026 onwards.

1992 Fund Assembly and Supplementary Fund Assembly decisions

- 10.2.2 The governing bodies decided to hold the next regular sessions of the 1992 Fund Assembly and the Supplementary Fund Assembly during the week of 20 October 2025.
- 10.2.3 The governing bodies also decided that their next extraordinary sessions would take place during the week of 28 April 2025.

1992 Fund Executive Committee decision

- 10.2.4 The 1992 Fund Executive Committee decided to hold its 84th session during the week of 28 April 2025.

10.3	Farewell to the outgoing Chair of the 1992 Fund Assembly	92A	92EC	SA
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- 10.3.1 Before the closing of the sessions, the Director led delegations in thanking Ambassador Bandini, the outgoing Chair of the 1992 Fund Assembly, for his contribution as Chair of the Assembly.

10.3.2 The Director made the following statement:

'I was Chair of the 1992 Fund Assembly when you started as a delegate in 2013. During our initial conversations, you told me your last posting as an Ambassador was in Oslo, the capital of my home country Norway. You were well-versed in all things Norwegian, and we discussed many things, including food and mountaineering. You had travelled everywhere in Norway and knew everyone, even referring to the current Prime Minister as 'my friend', Jonas Gahr Støre. It was very entertaining to speak with you and I realised that you would be an ideal candidate for the Chair of the 1992 Fund Executive Committee. We therefore agreed on a pathway for you to become Chair of the Executive Committee, which you did successfully from 2017 to 2019.

Then in April 2021, as I stepped down as Chair of the 1992 Fund Assembly to launch my candidacy for the Director, you were the obvious choice to replace me. I think the Assembly was very happy to have you as the new Chair. I certainly enjoyed working with you in my previous role as the Chair of the 1992 Fund Assembly, and I have immensely enjoyed working with you in my current capacity.

You have conducted the meetings with eloquence and humour, drawing on your experience from a long career in the diplomatic service, always trying to foster dialogue and reaching amicable agreements. In addition to chairing our meetings, I also benefited from your sound advice. Your eloquence in all our working languages, and some others, is now legendary. In addition, you have often introduced us to Latin expressions and proverbs, and these have brought an extra dimension of entertainment and humour to our proceedings.

Antonio, I will miss our evenings in Rome, where I have travelled to meet with you to discuss issues. I will miss my guided tours of Rome: *Urbs Aeterna, Caput Mundi, Città Eterna*, and of course our dinners exploring the wonders of Italian cuisine that we have enjoyed together.

On behalf of the Assembly and the Secretariat, I would like to express our thanks for your service.'

10.3.3 The Director presented Ambassador Bandini with an inscribed glass ornament in recognition of his three years' service as Chair of the 1992 Fund Assembly.

10.3.4 The outgoing Chair of the 1992 Fund Assembly made the following statement:

(original in Spanish)

'Dear Director, dear colleagues, dear friends,

I hope you forgive me for this moment of sentimentality and emotion as I address you for the last time. Because this is not just my last chance to speak to this distinguished Assembly, but also my last intervention in an international forum, after a lifetime devoted to diplomacy and international relations. Thirty-nine years of diplomatic service, eleven of them as a national coordinator to the IOPC Funds, initially as a delegate and then as a Chair, first of the Executive Committee and later of the Assembly of the 1992 Fund. Not to mention the early years, brief but intense, as an officer in the navy: fifty full years, now coming to an end on this November day.

But it is not only a matter of dates. At a moment like this, the personal blends with the professional, and the farewell to so many friendships forged over the years weighs just as heavily. I would like to mention them all, but I am going to limit myself to two, both Spanish-speakers, whose omission would be unjust: the former Director, José Maura, friend

and mentor, from whom I learned so much and who honoured me with his friendship; and María Basílico, whose professionalism, infinite willingness and constant affection made it possible for me to fulfil the services of the chairmanship, especially during the difficult period of the pandemic.

(original in French)

From a professional point of view, the IOPC Funds have represented a unique experience in the field of multilateral cooperation, an area in which I had also gained important experience, whether at the UN, the OECD or even within the European Union. When I left the Italian diplomatic service in 2013, the bitterness was tempered by the thought of no longer having to personally deal with an international framework that was constantly and discouragingly deteriorating. Peaceful relations between States, as they emerged from the Second World War, are gradually deteriorating. The system based on respect for the rules, which has guaranteed decades of peace, at least in the West, is giving way to a return to a logic of force, both economic and military, and declared aggressiveness. This is not the place to discuss its origins or the associated responsibilities. Suffice to say that this is a system with which I found it increasingly difficult to identify.

I think we are all well aware of the consequences. Among them, the crisis of international organisations, created to foster collaboration between States and promote harmonious progress for the whole of humanity, is particularly serious. This applies first and foremost to the United Nations, but also affects international financial organisations, and even those of a regional nature, including our European Union. Only the old and new military alliances are thriving, in Europe as well as in Asia and elsewhere in the world.

(original in English)

In this discouraging context, IMO and the IOPC Funds in particular represent a bright exception. Our goals have always been clear: environmental protection, compensation for victims, and fair distribution of costs among all stakeholders, whether governmental or private. On these major topics, which we all share, mutual commitment and cooperation have never faltered, not even in moments of the most intense confrontation. This has allowed us to maintain a level of practicality and efficiency, far from the 'talking shops' that several international fora have become, unimaginable in other international contexts. The results achieved speak for themselves: prompt handling of incidents, speed in disbursing compensation to victims, efficiency in collecting funding, careful management of legal and judicial procedures. A great deal of credit goes to the entire Secretariat, starting, of course, with the Director, to whom I would once more like to express my thorough appreciation. But the same holds true for all of you, delegates. Efficiency, dedication and harmony have allowed me to form valuable friendships and, above all, have greatly facilitated my not-so-simple task of fostering agreement and convergence among legitimate, and at times not easily reconcilable, national interests.

Like everyone who reaches a pivotal moment in his life, or in what remains of it, I find it difficult today to imagine my future without diplomacy. I suppose there will still be board meetings of banks and companies, and further academic activities. Yet I also long for more sailing and, above all, more time and enhanced skills as a grandfather. My concern for the future of international relations remains deep. But it is comforting to know that my final experience has taken place in such a positive context of collaboration and harmony. A limited niche, maybe. But also, a tangible demonstration that a better future of peace and mutual understanding is still possible for the States you represent and for mankind as a whole.

I apologise if I have taken too much of your time; this is my final address, I know it is dangerous to sit between anybody and his or her lunch and I count on your understanding. Once more let me express my gratitude to the Director, the Secretariat and you all for organising this farewell event and granting me this much appreciated token of friendship and appreciation. It now makes our parting all the more difficult, yet I shall treasure it together with cherished memories of my service at the IOPC Funds. One last, heartfelt thanks to the interpreters, to whom my fondness of languages has often made work more challenging. You will not be overly surprised that a little more is coming, after all: '*in cauda venenum*', my beloved Latins used to say: 'the venom lies in the tail'. '*Bonum opus pergete, maxima ipso cum diligent: labor omnia vincit*: Continue the same good work, with the same great diligence; through your efforts every difficulty shall be overcome'.

To all of you, to the new and extremely capable Chairs (what would I have done without François Marier's constant assistance, including scrupulously keeping note of the list of speakers and switching off my microphone). I wish you continuing good work.

I know that when, in a few minutes I will ring my beloved ship bell for the last time, it will be with a tinge of sadness. Yet the prevailing feelings will be ones of affection for this organisation and of deep gratitude to all in this room for making my past year so meaningful and rewarding. For this, I am now thanking you from the deepest of my heart.'

- 10.3.5 Many delegations, including Ambassador Bandini's Italian colleagues, took the opportunity to express appreciation for his exemplary service as Chair of the 1992 Fund Assembly, for his leadership and dedication to the organisation and to the wider maritime community and diplomatic service. He was commended for his skilful guidance of sometimes difficult discussions during his three years as Chair, which was considered invaluable to the work of the IOPC Funds, but also for his long-standing commitment to protecting the marine environment at large. The Italian delegation noted in particular that his influence would continue to be felt within the forum of the IOPC Funds for years to come.

11 Adoption of the Record of Decisions

1992 Fund Assembly, 1992 Fund Executive Committee and Supplementary Fund Assembly decision

The draft Record of Decisions of the November 2024 sessions of the IOPC Funds' governing bodies, as contained in documents [IOPC/NOV24/11/WP.1](#) and [IOPC/NOV24/11/WP.1/1](#), was adopted, subject to certain amendments.

* * *

ANNEX I

1.1 Member States present at the sessions

		1992 Fund Assembly	1992 Fund Executive Committee	Supplementary Fund Assembly
1	Algeria	•	•	
2	Antigua and Barbuda	•		
3	Argentina	•		
4	Australia	•		•
5	Bahamas (the)	•	•	
6	Belgium	•		•
7	Brunei Darussalam	•		
8	Bulgaria	•		
9	Cameroon	•		
10	Canada	•	•	•
11	China ^{<1>}	•		
12	Colombia	•	•	
13	Cook Islands	•		
14	Côte d'Ivoire	•		
15	Croatia	•		•
16	Cyprus	•	•	
17	Denmark	•	•	•
18	Dominican Republic	•		
19	Ecuador	•		
20	Finland	•		•
21	France	•		•
22	Gambia (the)	•		
23	Georgia	•		
24	Germany	•		•
25	Ghana	•		
26	Greece	•		•

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

		1992 Fund Assembly	1992 Fund Executive Committee	Supplementary Fund Assembly
27	India	•	•	
28	Ireland	•		•
29	Italy	•	•	•
30	Jamaica	•		
31	Japan	•		•
32	Kenya	•		
33	Latvia	•		•
34	Liberia	•		
35	Luxembourg	•		
36	Madagascar	•		
37	Malaysia	•		
38	Marshall Islands	•		
39	Mexico	•		
40	Monaco	•		
41	Morocco	•		•
42	Namibia	•		
43	Netherlands	•		•
44	New Zealand	•	•	•
45	Nigeria	•		
46	Norway	•		•
47	Oman	•		
48	Panama	•		
49	Philippines	•		
50	Poland	•	•	•
51	Portugal	•		•
52	Republic of Korea	•	•	•
53	Russian Federation	•		
54	Saint Kitts and Nevis	•		
55	San Marino	•		

		1992 Fund Assembly	1992 Fund Executive Committee	Supplementary Fund Assembly
56	Senegal	•		
57	Singapore	•		
58	South Africa	•	•	
59	Spain	•	•	•
60	Sri Lanka	•		
61	Sweden	•		•
62	Thailand	•	•	
63	Trinidad and Tobago	•		
64	Türkiye	•		•
65	United Arab Emirates	•		
66	United Kingdom	•	•	•
67	Uruguay	•		
68	Venezuela (Bolivarian Republic of)	•		

1.2 States represented as observers

		1992 Fund	Supplementary Fund
1	Brazil	•	•
2	Guatemala	•	•
3	Iraq	•	•

1.3 Intergovernmental organisations

		1992 Fund	Supplementary Fund
1	European Commission	•	•
2	International Maritime Organization (IMO)	•	•

1.4 International non-governmental organisations

		1992 Fund	Supplementary Fund
1	BIMCO	•	•
2	Cedre	•	•
3	Conference of Peripheral Maritime Regions (CPMR)	•	•
4	International Association of Classification Societies Ltd (IACS)	•	•
5	International Chamber of Shipping (ICS)	•	•
6	International Group of P&I Associations	•	•
7	INTERTANKO	•	•
8	ITOPF	•	•
9	Oil Companies International Marine Forum (OCIMF)	•	•
10	Sea Alarm Foundation (Sea Alarm)	•	•
11	World Liquid Gas Association (WLGA)	•	•

* * *

ANNEX II

Resolution N°14 of the 1992 Fund

Adopted on 8 November 2024

Raising awareness of the risk of uninsured and unsafe ships

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND, 1992 (1992 Fund)

RECALLING that, under the 1992 Civil Liability Convention (1992 CLC), there are fundamental obligations for a State Party to ensure that a ship trading under its flag or entering or leaving a port in its territory has the required insurance or other financial security,

RECALLING ALSO that failure to meet these treaty obligations may result in State liability,

RECOGNISING that whilst the vast majority of shipowners that are engaged in transportation of oil by sea do so in a responsible manner and in accordance with relevant IMO requirements, including those relating to the insurance and financial security requirements of the 1992 CLC, an increasing number of ships which are in breach of international standards are transporting oil,

NOTING with regret and great concern the increasing transportation of oil now being conducted by unsafe and uninsured ships or those with insurance not in compliance with Article VII of the 1992 CLC, effectively undermining the safety and environmental standards developed by the International Maritime Organization (IMO), as well as the international liability and compensation regime based on the 1992 CLC, the 1992 Fund Convention and the Supplementary Fund Protocol,

NOTING ALSO that recently there have been oil spill incidents that fall within the scope of the 1992 CLC, 1992 Fund Convention and potentially the Supplementary Fund Protocol, in which the spill sources are unclear, the responsible shipowner is not identified, or the ship is not insured, or does not have insurance in compliance with Article VII of the 1992 CLC,

NOTING WITH CONCERN that under Article 4 of the 1992 Fund Convention, the 1992 Fund may have to pay compensation to victims of oil pollution in the affected Member State without any contribution from the shipowner or its insurer,

RECOGNISING that the shared responsibility between the shipping and the oil industries is crucial for the effective and efficient functioning of the international liability and compensation regime,

CONSCIOUS that this situation could continue in the future if no action is taken to prevent it,

NOTING WITH REGRET that, even though this issue has been discussed by the 1992 Fund Assembly and in the IMO Legal Committee on several occasions and is to some extent addressed in IMO Assembly Resolution A.1192(33), some oil transportation continues to be conducted using unsafe and uninsured ships or those with insurance not in compliance with Article VII of the 1992 CLC,

RECOGNISING the need to raise awareness of the current situation and for States and all parties concerned to fulfil their obligations to prevent any future transportation of oil by uninsured ships or those with insurance not in compliance with Article VII of the 1992 CLC or ships that are in significant breach of the safety and environmental standards contained in the relevant IMO Conventions,

- 1 **URGES** all States to take the necessary steps to enforce the safety and environmental standards contained in the relevant IMO Conventions and instruments and to enforce the insurance requirements applicable under Article VII of the 1992 CLC to the ships under their flags and those ships entering or leaving a port in their territories,
- 2 **REMINDS** each State affected by a spill that the IOPC Funds may not be liable to pay compensation if the person, including a State, suffering the damage has not taken all reasonable steps under the applicable instruments to pursue the legal remedies available to them against the owner liable for the damage under the 1992 CLC,
- 3 **ENCOURAGES** all States Parties to the 1992 CLC to follow the recommendations contained in the Guidelines for Accepting Insurance Certificates and Insurance Companies, Financial Security Providers and Protection & Indemnity Clubs (P&I Clubs) as contained in IMO Circular LEG.1/Circ.16,
- 4 **ENCOURAGES ALSO** all States Parties to the 1992 CLC to follow the consultation process contained in Article VII (7) of the Convention, should there be any concern that the insurer or guarantor named in the insurance certificate is not financially capable of meeting the obligations imposed by the Convention,
- 5 **URGES ALSO** those States involved in an oil pollution incident caused by a ship that is uninsured or with insurance not in compliance with Article VII of the 1992 CLC or a ship significantly breaching the safety and environmental standards contained in the relevant IMO Conventions to cooperate with each other in investigations into the causes of such incidents and the persons involved (including the identity of the shipowner) as well as into the reasons why ships were operating without sufficient insurance coverage or without complying with safety and environmental standards,
- 6 **ENCOURAGES** those States affected by such an incident to refer to the guidance document developed by the Director for Member States on investigating the circumstances surrounding an oil pollution incident, in order to identify ships and persons involved, including, but not limited to, shipowners and their insurers,
- 7 **INSTRUCTS** the Director to continue to protect the interests of the IOPC Funds and the interests of the Member States and to promote the use of insurers which provide coverage in full compliance with the requirements under Article VII of the 1992 CLC, to ensure that the international liability and compensation regime is able to function as intended,
- 8 **ALSO INSTRUCTS** the Director to pursue recourse action in the event of incidents occurring involving the IOPC Funds in which the owner/insurer of the ship does not fulfil its obligations under the 1992 CLC.

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ANNEX III

Resolution N°6 of the Supplementary Fund

Adopted on 8 November 2024

Raising awareness of the risk of uninsured and unsafe ships

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND, 2003 (Supplementary Fund)

RECALLING that, under the 1992 Civil Liability Convention (1992 CLC), there are fundamental obligations for a State Party to ensure that a ship trading under its flag or entering or leaving a port in its territory has the required insurance or other financial security,

RECALLING ALSO that failure to meet these treaty obligations may result in State liability,

BEARING IN MIND that, pursuant to Article 6(2) of the Supplementary Fund Protocol, a claim made against the 1992 Fund shall be regarded as a claim made by the same claimant against the Supplementary Fund,

RECOGNISING that whilst the vast majority of shipowners that are engaged in transportation of oil by sea do so in a responsible manner and in accordance with relevant IMO requirements, including those relating to the insurance and financial security requirements of the 1992 CLC, an increasing number of ships which are in breach of international standards are transporting oil

NOTING with regret and great concern the increasing transportation of oil now being conducted by unsafe and uninsured ships or those with insurance not in compliance with Article VII of the 1992 CLC, effectively undermining the safety and environmental standards developed by the International Maritime Organization (IMO), as well as the international liability and compensation regime based on the 1992 CLC, the 1992 Fund Convention and the Supplementary Fund Protocol,

NOTING ALSO that recently there have been oil spill incidents that fall within the scope of the 1992 CLC, 1992 Fund Convention and potentially the Supplementary Fund Protocol, in which the spill sources are unclear, the responsible shipowner is not identified, or the ship is not insured, or does not have insurance in compliance with Article VII of the 1992 CLC,

NOTING WITH CONCERN that under Article 4 of the 1992 Fund Convention and the Supplementary Fund Protocol, the 1992 Fund and the Supplementary Fund may have to pay compensation to victims of oil pollution in the affected Member State without any contribution from the shipowner or its insurer,

RECOGNISING that the shared responsibility between the shipping and the oil industries is crucial for the effective and efficient functioning of the international liability and compensation regime,

CONSCIOUS that this situation could continue in the future if no action is taken to prevent it,

NOTING WITH REGRET that, even though this issue has been discussed by the 1992 and Supplementary Fund Assemblies and in the IMO Legal Committee on several occasions and is to some extent addressed in IMO Assembly Resolution A.1192(33), some oil transportation continues to be conducted using unsafe and uninsured ships, or those with insurance not in compliance with Article VII of the 1992 CLC,

RECOGNISING the need to raise awareness of the current situation and for States and all parties concerned to fulfil their obligations to prevent any future transportation of oil by uninsured ships or those with insurance not in compliance with Article VII of the 1992 CLC or ships that are in significant breach of the safety and environmental standards contained in the relevant IMO Conventions,

- 1 **URGES** all States to take the necessary steps to enforce the safety and environmental standards contained in the relevant IMO Conventions and instruments and to enforce the insurance requirements applicable under Article VII of the 1992 CLC to the ships under their flags and those ships entering or leaving a port in their territories,
- 2 **REMINDS** each State affected by a spill that the IOPC Funds may not be liable to pay compensation if the person, including a State, suffering the damage has not taken all reasonable steps under the applicable instruments to pursue the legal remedies available to them against the owner liable for the damage under the 1992 CLC,
- 3 **ENCOURAGES** all States Parties to the 1992 CLC to follow the recommendations contained in the Guidelines for Accepting Insurance Certificates and Insurance Companies, Financial Security Providers and Protection & Indemnity Clubs (P&I Clubs) as contained in IMO Circular LEG.1/Circ.16,
- 4 **ENCOURAGES ALSO** all States Parties to the 1992 CLC to follow the consultation process contained in Article VII (7) of the Convention, should there be any concern that the insurer or guarantor named in the insurance certificate is not financially capable of meeting the obligations imposed by the Convention,
- 5 **URGES ALSO** those States involved in an oil pollution incident caused by a ship that is uninsured or with insurance not in compliance with Article VII of the 1992 CLC or a ship significantly breaching the safety and environmental standards contained in the relevant IMO Conventions, to cooperate with each other in investigations into the causes of such incidents and the persons involved (including the identity of the shipowner) as well as into the reasons why ships were operating without sufficient insurance coverage or without complying with safety and environmental standards,
- 6 **ENCOURAGES** those States affected by such an incident to refer to the guidance document developed by the Director for Member States on investigating the circumstances surrounding an oil pollution incident, in order to identify ships and persons involved, including, but not limited to, shipowners and their insurers,
- 7 **INSTRUCTS** the Director to continue to protect the interests of the IOPC Funds and the interests of the Member States and to promote the use of insurers which provide coverage in full compliance with the requirements under Article VII of the 1992 CLC, to ensure that the international liability and compensation regime is able to function as intended,
- 8 **ALSO INSTRUCTS** the Director to pursue recourse action in the event of incidents occurring involving the IOPC Funds in which the owner/insurer of the ship does not fulfil its obligations under the 1992 CLC.

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ANNEX IV
2025 Administrative Budget for 1992 Fund
(Figures in Pounds Sterling)

STATEMENT OF EXPENDITURE	Actual 2023 expenditure for 1992 Fund	2023 budget appropriations for 1992 Fund	2024 budget appropriations for 1992 Fund	2025 budget appropriations for 1992 Fund
	£	£	£	£
I Personnel				
(a) Salaries	2 376 990	2 333 382	2 636 425	2 851 410
(b) Separation and recruitment	1 238	135 000	120 000	130 000
(c) Staff benefits, allowances and training	925 186	1 014 746	1 055 844	1 105 760
(d) Service award	400	400	1 250	1 250
Sub-total	3 303 814	3 483 528	3 813 519	4 088 420
II General services				
(a) Rent of office accommodation (including service charges and rates)	215 506	184 177	205 999	284 464
(b) IT (hardware, software, maintenance and connectivity)	417 473	457 000	457 500	435 000
(c) Furniture and other office equipment	43 138	36 000	20 500	38 000
(d) Office stationery and supplies	4 892	7 000	6 000	5 000
(e) Communications (courier, telephone, postage)	17 983	21 000	19 500	23 000
(f) Other supplies and services	17 399	22 000	22 000	24 000
(g) Representation (hospitality)	23 898	20 000	15 000	18 000
(h) Public information	80 475	96 000	93 000	93 000
Sub-total	820 764	843 177	839 499	920 464
III Meetings				
Sessions of the 1992 Fund and Supplementary Fund governing bodies and intersessional Working Groups	108 826	122 000	112 000	126 000
IV Travel				
Conferences, seminars and missions	110 476	150 000	150 000	150 000
V Other expenditure				
(a) Consultants' and other fees	18 500	100 000	100 000	100 000
(b) Audit Body	177 769	245 000	210 000	232 000
(c) Investment Advisory Body	89 541	90 000	97 000	98 500
Sub-total	285 810	435 000	407 000	430 500
VI Unforeseen expenditure (such as consultants' and lawyers' fees, cost of extra staff and cost of equipment)	-	60 000	60 000	60 000
Total joint Secretariat expenditure I–VI	4 629 690	5 093 705	5 382 018	5 775 384
VII External audit fee (1992 Fund only)	67 515	54 940	74 290	79 800
Total Expenditure I–VII	4 697 205	5 148 645	5 456 308	5 855 184

2025 Administrative Budget for the Supplementary Fund
(Figures in Pounds Sterling)

STATEMENT OF EXPENDITURE		ACTUAL 2023 EXPENDITURE	2023 BUDGET APPROPRIATIONS	2024 BUDGET APPROPRIATIONS	2025 BUDGET APPROPRIATIONS
I	Management fee payable to 1992 Fund	40 000	40 000	42 000	44 000
II	Administrative expenses (including external audit fees)	5 565	14 510	16 100	16 510
Supplementary Fund budget appropriation		45 565	54 510	58 100	60 510

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ANNEX V

Statement by the Republic of Trinidad and Tobago in relation to the *Gulfstream* incident

Status of oil spill clean-up

Chair, thank you for permitting me to make this statement on behalf of Trinidad and Tobago a little out of the usual schedule. The Ministry of Energy and Energy Industries (MEEI) of the Government of the Republic of Trinidad and Tobago, in collaboration with the Tobago House of Assembly (THA), successfully completed the clean-up of the affected coastline of Tobago on 21 August 2024, with sign off from all responsible parties involved, inclusive of ITOPF. Due to a coordinated and pro-active response by all parties, the coastline has fortunately been restored to conditions pre-oil spill. I would like to thank the IOPC Funds and in particular ITOPF for their invaluable assistance in this difficult time.

The THA was given the responsibility for leading the clean-up of the coastline and the MEEI had direct oversight of the offshore spill response, the de-inventory of the wreck, the wreck removal from Tobago, and the coordination of assistance and response from Energy Sector companies. The Government of the Republic of Trinidad and Tobago was fortunate to receive both regional and international support in the management and containment of the oil spill. In this regard, through the MEEI we managed the involvement of foreign countries and foreign companies related to the response.

The de-inventory phase which entailed the extraction of oil from the barge commenced on 13 April 2024, following the hiring on a short lease of a bunkering vessel by MEEI. This phase included the removal of hydrocarbons off the *Gulfstream* via floating hose to frac tanks located on land. The hydrocarbons were transferred to road tanker wagons (RTWs) and transported to the Port of Scarborough for transfer to a barge for onward transmission to a tank storage facility at Paria Fuel Trading Company Limited in Trinidad (Paria). Approximately 32 625 barrels of oil were successfully removed and transferred from the wreck to the bunkering vessel. The bunkering vessel made two journeys to Pointe-à-Pierre (Trinidad) and completed the discharge of the oil into a 500 000-barrel tank provided by Paria Fuel Trading Company.

De-inventory, refloat and tow of the *Gulfstream* vessel

The de-inventory stage was unduly prolonged as a result of the strong currents that would have at times caused offshore pumping operations to cease. However, the approach to the onshore operation was optimised, using a twenty-four hour shift system to allow a continuous pumping operation, utilising the RTWs and the Scarborough Port's services. Upon the successful completion of the de-inventory phase at the end of July 2024, the team embarked on the work relative to the re-floating and towage stage of the process, which was also considerably delayed due to prevailing bad weather. It is to be recalled that this vessel was located on the Atlantic Ocean side of Tobago which is unprotected from the open seas and the elements. It is the windward side of the island, with nothing between the coast of Tobago and Africa to the east.

Notwithstanding the delays, the vessel was successfully refloated on 19 August 2024 and arrived in Trinidad on 22 August 2024 at Sea Lots, Port of Spain. However, on 23 August 2024, there was an attempted unauthorised boarding of a support vessel by unidentified individuals at the wreck site of the *Gulfstream* at Sea Lots, Port of Spain. Due to pre-arranged security arrangements, officers attached to the Trinidad and Tobago Coast Guard were on-site and intervened. There was an exchange of gun fire and

one member of the local response crew sustained a non-life-threatening injury and has since been treated and discharged from hospital. The unknown assailants were not apprehended. This event caused us to reevaluate our plan to de-inventory the remaining 400 barrels of residual oil/oil water on the vessel in Port of Spain.

In accordance with the 'Shipping Act' of Trinidad and Tobago the wreck with the estimated 400 barrels of oil on board, is officially subject to the control of the 'Principal Receiver of Wrecks' (Director of Maritime Services) attached to the Maritime Services Division (MSD) of the Ministry of Works and Transport. In this regard, the Principal Receiver of Wrecks proceeded to develop the plan for the next steps ahead.

Salvage of *Gulfstream* wreck

On 26 April 2024, the Trinidad and Tobago Government put out an official public notice of the intention to take ownership of the *Gulfstream* on the basis of Trinidad and Tobago Maritime Law. The law authorises the Receiver of Wrecks to take possession of a wreck within 30 days of notification, once no one has claimed ownership. Not surprisingly, no one came forward to take ownership of the *Gulfstream* wreck within that timeframe.

On 13 September 2024 the Ministry of Works and Transport via the Maritime Services Division publicly issued a 'Request for Proposal for the purchase as is and where is of the capsized barge *Gulfstream* to be disposed'. The transparent procurement process resulted in receipt of only one bid which is currently being evaluated under the Public Procurement and Disposal of Public Property Act, 2015 (as amended) requirements of Trinidad and Tobago. Once finalised the vessel will be sold for production of scrap metal.

Waste management

It is reported that approximately 50 000 barrels of oily waste and roughly 16 000 cubic yards of solid material was collected from shoreline clean-up operations. This waste was stored at a landfill at Studley Park, Tobago. This waste is planned to be addressed starting in December 2024 or January 2025. The THA was originally responsible for treating the waste, however, they eventually requested that the MEEI take over addressing the waste in June 2024. Since then the MEEI has been evaluating various options for treating the waste based on different technologies and cost structures. The MEEI will soon be engaging in a formal process to solicit proposals to treat the oily waste which is expected to close by mid December 2024.

Sale of the Bunker C oil collected from the *Gulfstream*

The oil collected from the *Gulfstream* and stored at Paria Fuel Trading Company, as mentioned previously, is yet to be sold. One of the issues is identifying the origin of the oil. The MEEI has written to a number of countries in the Latin America and Caribbean region that have operational refineries, inclusive of Venezuela and Colombia, requesting samples of oil for fingerprinting purposes in order to determine the origin of the oil. To date, none of the countries contacted has provided samples of oil for fingerprinting purposes.

Colleagues, in the spirit of collaboration, I am appealing to you my fellow Member States, especially my regional partners, to earnestly consider our request and to provide much-needed support in this matter. Given the nature of this incident, each Member State here today remains vulnerable, and Trinidad and Tobago stands ready to provide support to any Member State in need. I must unfortunately record my

disappointment with the lack of assistance that Trinidad and Tobago has received to date in identifying and locating those responsible for these illegal operations. We have not received any meaningful assistance in locating the owners of these offending vessels as an example.

Status of *Gulfstream* and *Solo Creed* investigation

The location of the *Solo Creed*, which is the tug that was towing the *Gulfstream* when it likely got into difficulties, was established to be in Angola at this time, based on open source reports received from the Angolan navy. Although requests were made to the Angolan authorities for confirmation of this arrest in writing, to date, no confirmation was received by Trinidad and Tobago. As such, the Government of Trinidad and Tobago has been constrained to operate independently, and we have hired a law firm in Portugal to make an application to the courts in Angola for the arrest of the *Solo Creed*.

In response to this legal action that we initiated in Angola, the Angolan Court has mandated the arrest of the tug *Solo Creed* to safeguard Trinidad and Tobago's claim. The arrest follows a determined effort by the Office of the Attorney General and Ministry of Legal Affairs, supported by the Ministry of Energy and Energy Industries, the Trinidad and Tobago Coast Guard, and the Maritime Services Division of the Ministry of Works and Transport. The Angolan Court's decision aims to enable Trinidad and Tobago to secure a claim exceeding TTD 244 000 000, which was simply a preliminary estimate. You heard me say earlier today that the costs have now amounted to TTD 295 000 000, all related to this oil spill.

The tug *Solo Creed* was to remain detained in Luanda, Angola, and was not permitted to depart without providing security to protect the interests of Trinidad and Tobago. This security was intended to ensure compensation for damages incurred from the Tobago oil spill. We are still attempting to find the owner(s) of the *Solo Creed* and the *Gulfstream* and/or those responsible for this oil spill. Colleagues, unfortunately, we have now received very disturbing reports, that even though the Angolan Court ordered that the *Solo Creed* be arrested, it set sail two days ago and has now disappeared. Chair, this is yet another disturbing example of lawlessness operating in the maritime sector and a complete lack of accountability that has frustrated us in Trinidad and Tobago. I trust that should any Member State have this vessel enter its maritime space, that they will immediately contact Trinidad and Tobago and notify us of its location.

Our Government is committed to pursuing all necessary legal actions both domestically and internationally to uphold the rights and interests of its citizens, ensuring accountability for the significant harm inflicted on the livelihoods and environment of Tobago, and to recover the costs associated with the oil spill from those who are responsible. It is you and your countries in this room who contribute to the Fund that is now assisting with this liability, but it is also some Member States that have failed respectfully in being responsible, in assisting with the pursuit of the owners, and those responsible for this vessel.

I find it beyond comprehension that it is possible that there may be certain Member States that have information on the origin of these vessels, of the ownership, where these vessels last left port, where these vessels set sail in the unsatisfactory condition that they did, to cause this incident, in innocent Trinidad and Tobago. I know that if Trinidad and Tobago was on the other side, we would offer assistance to whoever was affected, so I make this plea here today, to all Member States to do the responsible thing and not allow those who are responsible for this incident to continue to hide in the waters somewhere on our globe.

Cost and claims

To date, Trinidad and Tobago has spent over USD 45 million on the response to this spill. Claims have been submitted to the IOPC Funds for works conducted during the period. We look forward to continued cordial collaboration with the IOPC Funds during the claims process.
