



International Oil Pollution
Compensation Funds

Agenda Item 10	IOPC/APR25/10/1	
Date	1 May 2025	
Original	English	
1992 Fund Administrative Council	92AC25/92AES29	●
1992 Fund Executive Committee	92EC84	●
Supplementary Fund Assembly	SAES13	●

RECORD OF DECISIONS OF THE APRIL 2025 SESSIONS OF THE IOPC FUNDS' GOVERNING BODIES

(25th session of the 1992 Fund Administrative Council, acting on behalf of the 29th extraordinary session of the 1992 Fund Assembly, 84th session of the 1992 Fund Executive Committee and 13th extraordinary session of the Supplementary Fund Assembly, held from 29 April to 1 May 2025)

Governing Body (session)		Chair	Vice-Chairs
1992 Fund	Administrative Council (92AC25/ 92AES29)	Mr François Marier (Canada)	Professor Tomotaka Fujita (Japan) Ms Stellamaris Muthike (Kenya)
	Executive Committee (92EC84)	Ms Małgorzata Buszyńska (Poland)	Ms Katarina McGhie-Thompson (Antigua and Barbuda) ^{<1>}
Supplementary Fund	Assembly (SAES13)	Mr Andrew Angel (United Kingdom of Great Britain and Northern Ireland)	Mr Carlos Sequeira (Portugal) Ms Safiye Tecen (Türkiye)

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Opening of the sessions*Minute's silence in tribute to Thomas Liebert*

- 0.1 Prior to the formal opening of the sessions, the Chair of the 1992 Fund Assembly informed delegations of the sad passing in January 2025 of Thomas Liebert, long-serving member of the IOPC Funds' Secretariat. He noted that time would be set aside later in the sessions for those delegates' wishing to pay tribute to Mr Liebert (paragraph 9.3) and that a book of condolences would be available for signature during the sessions. Everyone present in the room stood to observe a minute's silence in tribute to Mr Liebert.

Chair of the 84th session of the 1992 Fund Executive Committee

- 0.2 The Chair of the 1992 Fund Assembly informed the governing bodies that regrettably, the credentials of the delegation of Poland had been received after the deadline for submission and that, in the interests of transparency and fairness to others, as an elected officer, the Chair of the 1992 Fund Executive Committee, Małgorzata Buszyńska, had therefore agreed that she would not Chair the 84th session. The 1992 Fund Assembly Chair thanked the Vice-Chair of the Executive Committee, Katarina McGhie-Thompson (Antigua and Barbuda), for agreeing to preside over the session at short notice.
- 0.3 The Chair of the 1992 Fund Executive Committee, Ms Buszyńska, commented on the unfortunate and unusual circumstances in which she had found herself, and reaffirmed that in the spirit of transparency and fairness she had agreed to step aside for the current session but looked forward returning to the role of Chair in October 2025. She thanked the Vice-Chair, Ms McGhie-Thomson, for being ready and willing to step in and wished her well for the session ahead.

1992 Fund Administrative Council

- 0.4 The Chair of the 1992 Fund Assembly could not open the 29th extraordinary session of the Assembly at 9.30 am since the required quorum of 61 Member States was not achieved. Sixty 1992 Fund Member States were present at that time.
- 0.5 The Chair therefore concluded that, in accordance with Resolution N°7, the items of the Assembly's agenda would be dealt with by the 25th session of the 1992 Fund Administrative Council, acting on behalf of the 29th extraordinary session of the 1992 Fund Assembly^{<2>}.
- 0.6 The Chair reiterated that Member States that have registered for a meeting should ensure that they are present at the opening of the 1992 Fund Assembly session so that quorum can be achieved.

Supplementary Fund Assembly

- 0.7 The Supplementary Fund Assembly Chair opened the 13th extraordinary session of the Assembly with 21 Member States present.

1992 Fund Executive Committee

- 0.8 The 1992 Fund Executive Committee Vice-Chair opened the 84th session of the Executive Committee with 15 Member States present.

<2> From this point forward, references to the '25th session of the 1992 Fund Administrative Council' should be taken to read '25th session of the 1992 Fund Administrative Council, acting on behalf of the 29th extraordinary session of the 1992 Fund Assembly'.

- 0.9 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/APR25/1/1	92AC	92EC	SA
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The 1992 Fund Administrative Council, 1992 Fund Executive Committee and Supplementary Fund Assembly adopted the agenda as contained in document [IOPC/APR25/1/1](#).

1.2	Examination of Credentials Documents IOPC/APR25/1/2 and IOPC/APR25/1/2/1	92AC	92EC	SA
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Establishment of the Credentials Committee

- 1.2.1 The governing bodies took note of the information contained in document [IOPC/APR25/1/2](#).
- 1.2.2 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](#)).
- 1.2.3 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 Administrative Council decision

- 1.2.4 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 Administrative Council appointed the delegations of Canada, Latvia, Marshall Islands, Namibia and United Arab Emirates as members of the Credentials Committee.

1992 Fund Executive Committee and Supplementary Fund Assembly

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

Report of the Credentials Committee

- 1.2.6 The Credentials Committee noted in its final report (document [IOPC/APR25/1/2/1](#)) that it had examined 53 credentials, of which 52 had been found to be in order.
- 1.2.7 It was also noted that nine Member States had submitted credentials after the deadline and that those credentials had not been accepted for examination.
- 1.2.8 It was also noted that 59 Member States had not presented credentials.

- 1.2.9 The Credentials Committee commended the Member States for the timely submission of their credentials. The Credentials Committee noted that, on certain occasions, delegations might need to introduce amendments to credentials which had been submitted prior to the deadline. In this context, the Credentials Committee recommended that such amendments be accepted, provided they were received in advance of their meeting, on the first day of the sessions.
- 1.2.10 The Credentials Committee recommended that this approach be adopted as an established practice for the issuance and submission of credentials. The Credentials Committee also proposed that the practice be formally incorporated into the new circular on credentials and notifications for IOPC Funds' meetings, which would be issued following the presentation of document [IOPC/APR25/1/3](#).
- 1.2.11 The governing bodies took note of the report of the Credentials Committee and expressed their sincere gratitude to the members of the Credentials Committee for their work during the April 2025 meeting of the governing bodies.

1992 Fund Administrative Council decision

- 1.2.12 The 1992 Fund Administrative Council decided to endorse the recommendations of the Credentials Committee in respect of amendments made to credentials submitted before the deadline and instructed the Director to incorporate reference to this practice in a new circular on credentials and notifications.

1992 Fund Executive Committee and Supplementary Fund Assembly

- 1.2.13 The 1992 Fund Executive Committee and Supplementary Fund Assembly noted the decision of the 1992 Fund Administrative Council.

1.3	Credentials for the meetings of the governing bodies Document IOPC/APR25/1/3	92AC	92EC	SA
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- 1.3.1 The governing bodies took note of the information contained in document [IOPC/APR25/1/3](#) regarding credentials for the meetings of the governing bodies.
- 1.3.2 The governing bodies recalled that the policy regarding the formal requirements for the issuance and submission of credentials and notifications for meetings of the IOPC Funds' governing bodies, as provided in Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and of the Supplementary Fund Assembly, and Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee, had been reviewed and amended on several occasions to address inconsistencies and to clarify aspects of both the content of credentials and the procedure for their submission.
- 1.3.3 The governing bodies noted that sometimes credentials were issued by an authority as determined by the Government, but no formal communication was provided to the Director stating that the individual issuing the credentials was 'an appropriate authority as determined by the Government and communicated to the Director'. The governing bodies noted that this could create complications in the event of a vote as only those Member States whose credentials are in order are permitted to vote.
- 1.3.4 The governing bodies further noted the proposal made by the Secretariat in section 2 of document [IOPC/APR25/1/3](#) to formalise the requirement to officially communicate to the Director, through a separate letter, that an appropriate authority had been authorised by a Government to issue credentials whenever credentials were not issued by the Head of State, the Head of Government, the Minister of Foreign States or the Ambassador or High Commissioner.

- 1.3.5 The governing bodies also noted that this practice of submitting credentials accompanied by a letter confirming the delegation of authority, had been recommended by the Credentials Committee in past sessions and adopted by many Member States with positive results.
- 1.3.6 The governing bodies noted that the letter appointing the appropriate authority as determined by the Government to issue credentials would remain valid and in effect for subsequent sessions of the governing bodies until a new person was authorised and communicated to the Director.
- 1.3.7 The governing bodies noted that, if the Secretariat's proposal was endorsed, Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and of the Supplementary Fund Assembly, and Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee would need to be amended. They also noted that the Director would need to be instructed to issue a new circular on credentials and notifications for IOPC Funds' meetings.
- 1.3.8 The governing bodies noted that the reference to the deadline for presenting credentials 'where such an authority is a person who is not a Government employee' had been deleted, as all authorities must submit credentials no later than five working days prior to the opening of the Assembly session, making the distinction unnecessary.

Debate

- 1.3.9 Several delegations, many of which had been members of the Credentials Committee, welcomed the Secretariat's proposal to formalise the requirement to officially communicate the delegated authority of an individual authorised by a Government to the Director through a separate letter. They also endorsed the consequential amendment of Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and of the Supplementary Fund Assembly, and Rule 8 of the Rules of Procedure of the Executive Committee, as set out at Annexes I, II and III, respectively, of document [IOPC/APR25/1/3](#), as well as the issuance of a new circular on credentials and notifications for IOPC Funds' meetings.
- 1.3.10 Several delegations considered that the Secretariat's proposal would help clarify one of the most frequent issues encountered by the Credentials Committee relating to the proper authorisation of the person issuing the credentials. They also noted that it would reduce procedural ambiguity regarding Member States' credentials and voting rights, thereby ensuring transparency and strengthening the procedural integrity of the IOPC Funds. They further noted that it would ensure the consistent application of the Rules of Procedure relating to the issuance and submission of credentials.
- 1.3.11 One delegation explained that the proposal would help address the confusion that credentials submitted to the International Maritime Organization (IMO) are automatically considered valid for the International Mobile Satellite Organization (IMSO) and the IOPC Funds. That delegation supported the Secretariat's recommendation and the suggested new circular on credentials and notifications for IOPC Funds' meeting which would update all Member States.
- 1.3.12 The Chair of the 1992 Fund Administrative Council pointed out a minor procedural error in the document, noting that as a subsidiary body, the 1992 Fund Executive Committee was only required to take note of document [IOPC/APR25/1/3](#), whereas it was the 1992 Fund Assembly's role to decide on the amendment of the relevant Rules of Procedure of the Executive Committee.
- 1.3.13 Finally, the Chair of the 1992 Fund Administrative Council noted the unanimous support expressed by Member States for the Secretariat's proposal.

1992 Fund Administrative Council decision

- 1.3.14 The 1992 Fund Administrative Council endorsed the Secretariat's proposal to formalise the requirement to officially communicate to the Director that an appropriate authority has been authorised by a Government to issue credentials, through a separate letter.
- 1.3.15 The 1992 Fund Administrative Council decided to amend Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee, as set out in Annexes II and III, respectively.
- 1.3.16 The 1992 Fund Administrative Council instructed the Director to issue a new circular on credentials and notifications for IOPC Funds' meetings.

Supplementary Fund Assembly decision

- 1.3.17 The Supplementary Fund Assembly noted the decisions of the 1992 Fund Administrative Council and decided to amend Rule 9 of the Rules of Procedure of the Supplementary Fund Assembly, as set out in Annex IV.
- 1.3.18 The Supplementary Fund Assembly also instructed the Director to issue a new circular on credentials and notifications for IOPC Funds' meetings.

1992 Fund Executive Committee

- 1.3.19 The 1992 Fund Executive Committee took note of the decisions of the 1992 Fund Administrative Council and the amendment to the Rules of Procedure.

1.4	Format of meetings Document IOPC/APR25/1/4	92AC	92EC	SA
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- 1.4.1 The governing bodies took note of document [IOPC/APR25/1/4](#) containing information relating to the possible format of future IOPC Funds' meetings.
- 1.4.2 It was recalled that in light of the decision by the IMO Council to permanently use hybrid capabilities to host meetings, the IOPC Funds' governing bodies had taken the opportunity at their November 2024 sessions to reconsider the format of their future sessions. It was also recalled that, taking into account a number of key considerations from the Director, the governing bodies had instructed him 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 sessions. It was noted that the April 2025 meeting was therefore being held in person, complemented by remote-passive participation.
- 1.4.3 It was further recalled that the governing bodies had 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 session in November 2024. It was recalled that the governing bodies had decided to postpone final consideration of holding future IOPC Funds' meetings in person complemented by remote-active participation (hybrid meetings), until the April 2025 sessions, when they expected to have all the relevant information available to take an informed decision.
- 1.4.4 The Secretariat presented the results of the research it had undertaken since November 2024 into the practical arrangements for delivering hybrid meetings. It reported that the IOPC Funds had engaged the services of a company which is used by IMO, to provide solutions for the sending of links and the displaying of names and flags. It was recalled that a number of issues were

encountered in that regard when using the hybrid facilities to provide a remote-passive service for the April 2024 sessions and to provide a remote-active service for the purpose of the May 2024 workshop on the 2010 HNS Convention, since the IOPC Funds uses its own registration system and has a number of different delegations to IMO. It was reported that the solution proposed by the company had been successfully implemented for the April 2025 meeting and would be in place for any hybrid-passive or active meetings going forward.

- 1.4.5 The governing bodies noted that the Secretariat estimated that the total annual cost for delivering hybrid meetings would be just over £8 000 plus staff time. The Secretariat emphasised however, that there could be costs related to the ongoing use of the hybrid facilities at IMO that were unconfirmed. It was recalled that the IOPC Funds uses the conference services of IMO as part of a formal service agreement. The Secretariat pointed out that it was not known whether that agreement would be amended in light of any additional maintenance or other costs that IMO might incur in relation to the delivery of hybrid meetings for the IOPC Funds.
- 1.4.6 It was noted that, at its November 2024 session the IMO Council had decided to amend its Rules of Procedure to facilitate the delivery of hybrid meetings at IMO. The IOPC Funds Secretariat reported that it had followed the discussions and decisions of the IMO Council and had met with the Director of IMO's Legal Affairs and External Relations Division to discuss the revised amendments and a number of practical implications of the amended Rules.
- 1.4.7 The Secretariat explained that it had reviewed the Rules of Procedure of the governing bodies and had concluded that the following Rules^{<3>} would require amendment in order to facilitate the delivery of meetings in hybrid format:
- Rule 3, on holding the session, which should refer to the main modality being an in-person meeting held in London with a remote participation option using hybrid meeting capabilities as a supplementary option;
 - Rule 22, relating to the requirement for Chairs and Vice-Chairs to be present in person at meetings;
 - Rule 33, which should clearly define the phrase 'Members present' and the phrase 'Members present and voting';
 - Rule 37, requiring elections to take place by secret ballot in person;
 - Rule 38, requiring scrutineers to be present in person to scrutinise any votes cast; and
 - Rule 41, which requires consequential amendments relating to quorum.
- 1.4.8 The governing bodies noted the proposed amendments to the Rules above, as set out in Annexes I, II and III of document [IOPC/APR25/1/4](#). The Secretariat confirmed that when considering the amendments to the Rules, every effort had been made to maintain, as far as possible, the same principles as for physical (in person) meetings.
- 1.4.9 The Secretariat informed the governing bodies that since the opening of the session, one delegation had contacted the Director with alternative proposed amendments to Rule 33. That proposal was presented in document [IOPC/APR25/1/4/WP.1](#).

<3>

The Rule numbers listed are those of the Rules of Procedure of the 1992 Fund Assembly and the Supplementary Fund Assembly.

- 1.4.10 The governing bodies noted that, in addition to amending the Rules of Procedure, a number of amendments to current practices, not explicitly covered in the Rules, would need to be agreed upon in order to facilitate the delivery of hybrid meetings. These included:
- the return of providing a five-day correspondence period after the adoption of the Record of Decisions; and
 - the practice that voting by secret ballot would continue to be held in person only with no proxy voting permitted.
- 1.4.11 The Secretariat suggested that such practices could be recorded in a new circular which could act as a useful reference tool, similar to the 'Organization and Method of Work' documents used for IMO bodies.
- 1.4.12 The Secretariat thanked both the Conference Division and the Legal Affairs and External Relations Division of the IMO Secretariat for the support and information they had provided in relation to hybrid meetings and the review of the Rules of Procedure.
- 1.4.13 Taking into account the information provided, the governing bodies were invited to decide whether to hold future meetings in person but with a passive streaming service or in hybrid format.

Debate

- 1.4.14 The governing bodies thanked the Secretariat for the work undertaken since the November 2024 sessions to fully explore, in cooperation with IMO, the practical arrangements for delivering hybrid meetings, including the cost implications. They noted the outcomes of that work as set out in section 2 of document [IOPC/APR25/1/4](#) and thanked the Secretariat for ensuring it was in a position to use the IMO hybrid meeting infrastructure, whilst continuing to use the IOPC Funds meeting registration system, to deliver the October 2025 sessions of the governing bodies in hybrid format, should they wish to do so.
- 1.4.15 All delegations that spoke expressed a preference for holding future meetings in hybrid format. Many delegations highlighted the ways in which the organisation could benefit from holding in-person meetings, complemented by remote-active participation. These included greater flexibility and accessibility of meetings to delegates, the opportunity for remote representatives with wider expertise to support in-person attendees, and effective means to reduce travels costs for Member States. Several delegations noted that encouraging wider participation in this way would promote broader inclusivity which is more reflective of the membership of the organisation, leading to more enriching discussions.
- 1.4.16 One delegation supported the implementation of hybrid meetings but wished to note in particular that, as stated in the document, voting by secret ballot would take place in person only, with no proxy voting. Another delegation, whilst supporting the transition to hybrid meetings from October 2025, wished to note its remaining concern regarding the practicality of ensuring the anonymity and security of online voting and suggested that further work should be undertaken in that regard. In response, one delegation clarified that voting by secret ballot would continue to be held in person only, as stated in the Rules of Procedure, and that including remote participants in any vote would only be possible for voting by roll call.
- 1.4.17 Two delegations requested clarification regarding the cost implications of hybrid meetings and requested confirmation that no additional financial burden would be placed on the contributors of Member States. In response, the Director clarified that, as with all costs that are unrelated to incidents, the expenses relating to the introduction of hybrid meetings would be covered by the administrative budget of the 1992 Fund. He pointed out that all activities of the organisation were funded by contributors in Member States, including those falling under the administrative budget.

- 1.4.18 A number of delegations that spoke confirmed that they would like the first hybrid meeting of the governing bodies to take place at the next sessions, currently planned for October 2025.
- 1.4.19 All delegations that spoke supported the amendments to the Rules of Procedure as set out in Annexes I, II and III of document [IOPC/APR25/1/4](#). In respect of Rule 33, delegations supported the text proposed in document [IOPC/APR25/1/4/WP.1](#).
- 1.4.20 One delegation referred to the suggestion made by the Secretariat to develop a circular setting out the established practices of the governing bodies in respect of meetings and expressed its support for that document. It proposed, however, that any such document should be presented to the governing bodies for their consideration and approval.

1992 Fund Administrative Council decisions

- 1.4.21 The 1992 Fund Administrative Council decided to hold future meetings of the governing bodies in person complemented by remote-active participation (in hybrid format) from October 2025.
- 1.4.22 In light of this decision, the Administrative Council decided to amend the relevant Rules of Procedure of the 1992 Fund Assembly and the 1992 Fund Executive Committee as set out in Annexes II and III, respectively.
- 1.4.23 The Administrative Council instructed the Director to develop a draft circular setting out the established practices of the governing bodies in respect of meetings for consideration at the next sessions of the governing bodies.

Supplementary Fund Assembly decisions

- 1.4.24 The Supplementary Fund Assembly noted the decisions of the 1992 Fund Administrative Council and decided to hold its future meetings in person complemented by remote-active participation (in hybrid format) from October 2025.
- 1.4.25 In light of this decision, the Supplementary Fund Assembly decided to amend the relevant Rules of Procedure as set out in Annex IV.
- 1.4.26 The Assembly also instructed the Director to develop a draft circular setting out the established practices of the governing bodies in respect of meetings for consideration at the next sessions of the governing bodies.

1992 Fund Executive Committee

- 1.4.27 The 1992 Fund Executive Committee took note of the decisions of the 1992 Fund Administrative Council in respect of the format of meetings.

1.5	Implementation of the Rules of Procedure of the governing bodies and strengthening of communication between the Secretariat and the Member States Document IOPC/APR25/1/5	92AC	92EC	SA
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Statement by the delegation of Panama

- 1.5.1 The delegation of Panama presented document [IOPC/APR25/1/5](#) and made the following statement (original Spanish):

‘The Republic of Panama has the honour to present document [IOPC/APR25/1/5](#), the purpose of which is to strengthen the proper implementation of the Rules of Procedure of the governing bodies, guaranteeing the full exercise of Member States’ rights to intervene

and speak. This proposal also seeks to consolidate mutual respect and constructive dialogue within this organisation, protecting the international reputation of Member States, and to establish a prior consultation process to prevent issues arising from the dissemination of unverified information.

The need for these measures stems from events that took place during the 2021 and November 2024 sessions. In 2021, a Member State mentioned the name of the Panamanian-flagged vessel *Esmerald* based on speculation and without waiting for the conclusion of the corresponding investigation or possessing evidence to support the pollution allegations. Similarly, in November 2024, our delegation experienced a concerning situation when the Secretariat limited our right to intervene, when seeking to clarify that the tugboat *Solo Creed*, identified with IMO number 7505994, was neither registered in Panama's Ship Registry nor owned by an entity incorporated under our jurisdiction at the time of the incident.

We would like to emphasise that, on that occasion, our delegation's intention was solely to provide clarification, not to modify the content of the final report. These events demonstrate the need to review and improve current procedures, ensuring that the principles of transparency, objectivity, and respect are upheld.

This situation highlights the importance of respecting the right to speak, as stipulated in Rule 42 of the Rules of Procedure of the 1992 Fund and Supplementary Fund Assemblies, as well as Rule 38 of the Rules of Procedure of the Executive Committee. We would also like to draw attention to a significant discrepancy: in the English version of these Rules of Procedure, the right to speak is explicitly described as a 'right', whereas the Spanish version does not reflect this in the same way.

The proposal we are presenting aims to foster clear and direct communication between the Secretariat and Member States prior to the dissemination of information that could affect a State's international reputation. Specifically, we propose the inclusion of an amendment to the Rules of Procedure establishing the obligation to conduct a prior consultation process, thus allowing for the identification and assessment of the potential impacts of the information to be presented.

The fundamental objective of this initiative is to ensure that any information made public is truthful, objective, and respectful of the reputation and integrity of Member States at the international level.

Finally, through the document we are presenting, we aim to reinforce the proper implementation of the Rules of Procedure and strengthen the relationship of trust between the Secretariat and Member States, for the benefit of this organisation.'

Debate

- 1.5.2 In response to the comments by Panama in respect of Rule 42 of the Rules of Procedure of the 1992 Fund Assembly and Supplementary Fund Assembly, and of Rule 38 of the Rules of Procedure of the 1992 Fund Executive Committee in section 2 of document [IOPC/APR25/1/5](#), the Director thanked the delegation for drawing attention to the discrepancy between the English version which referred explicitly to the Chair according 'the right to speak' and the Spanish version of the text which did not. It was noted that the same issue was present in the French version. The Secretariat therefore proposed amendments to the French and Spanish texts to align them more closely with the English version, as set out in document [IOPC/APR25/1/5/WP.1](#).

- 1.5.3 In response to the points made by Panama in respect of strengthening communication between the Secretariat and the Member States, the Director stated that the Secretariat received information from many sources, particularly in respect of incidents. He clarified that, in the interest of transparency, information received is shared with the governing bodies in the reports presented at meetings. He confirmed that the Secretariat does try to verify information received and to consult with Member States concerned.
- 1.5.4 All delegations that spoke supported the proposal to align the text of the Rules of Procedure which refers to the Chair according the 'right to speak' in all languages, and thanked the delegation of Panama for bringing the discrepancy to the attention of the governing bodies.
- 1.5.5 One delegation expressed its support for the fundamental principles of transparency, mutual respect and equity underlying the Rules of Procedure of the governing bodies and noted that the right to speak during proceedings was an essential component in the legitimacy and integrity of discussions. That delegation firmly supported the full and consistent application and upholding of the Rules to ensure that every delegation can exercise its right to speak without undue interference. That delegation also recognised the importance of fostering effective communication between Member States and the Secretariat particularly in respect of any information presented that could potentially affect the reputation of a State. That delegation supported the proposal by Panama to include a new Rule in the Rules of Procedure of the governing bodies to address this issue.
- 1.5.6 Several other delegations also agreed that the Member States' right to speak was a fundamental element of international meetings and supported Panama's views on that point. One delegation commented that Member States should be guaranteed an environment in which they can express their views freely and responsibly, since such an environment provides for constructive and transparent discussions. That delegation considered that it was equally important to uphold the procedural fairness and mutual respect between Member States and the Secretariat. That delegation expressed the view that smooth communication is more sustainable and effective when based on a voluntary and trust-based approach and suggested that rather than the adoption of a new Rule, a more flexible approach to consultations should be adopted.
- 1.5.7 The majority of delegations supported the proposals by Panama to strengthen communication both between Member States, and between States and the Secretariat. They also agreed that strong communication and consultations were instrumental in the discussions of the governing bodies. However, most delegations considered that it was neither necessary nor desirable to formalise any consultation process in the Rules of Procedure of the governing bodies. One delegation expressed concerns that doing so could lead to practical difficulties in the implementation of such a Rule.
- 1.5.8 One delegation pointed out that, in its view, the concerns expressed by Panama in respect of the conduct of business during meetings and the 'right to speak' were already addressed in Rule 43 of the 1992 Fund Assembly Rules of Procedure.
- 1.5.9 Another delegation agreed with the principle of transparency, consultation and respect as others had also stated, but did not see the need for further prior consultation by the Secretariat with Member States before presenting any verbal or written information. That delegation expressed its agreement with the Director that the Secretariat was already making every effort to consult with States, that it circulated documents sufficiently in advance of meetings, and that if delegations were to have any issues during meetings of the governing bodies, there was ample opportunity to raise them under the relevant agenda item or under any other business. That delegation also stated its view that States should reserve the right to consult or not. That delegation stated that it could not therefore support the proposals by Panama.

- 1.5.10 The Chair of the 1992 Fund Administrative Council took the opportunity to encourage open dialogue between the Chairs of the governing bodies and the Member States. He reminded delegations that the Chairs were elected to facilitate such dialogue and not to restrict the right to speak of any representatives. He encouraged delegations to approach him, or his fellow Chairs, at any time, should there be any issues that they wished to raise.

1992 Fund Administrative Council and Supplementary Fund Assembly decisions

- 1.5.11 The governing bodies recognised that the delegations' right to speak was of great importance and that the relevant Rules of Procedure should be consistently applied and upheld.
- 1.5.12 The governing bodies decided to amend the French and Spanish texts of Rule 42 of the Rules of Procedure of the 1992 Fund Assembly and Supplementary Fund Assembly and of Rule 38 of the Rules of Procedure of the 1992 Fund Executive Committee to align them more closely with the English version. The adopted texts are as set out in Annexes II, III and IV, respectively.
- 1.5.13 The governing bodies decided not to include a new Rule in the Rules of Procedure of the governing bodies formalising a consultation process between States and between States and the Secretariat. However, the governing bodies did encourage the strengthening of effective communication between one another through voluntary trust-based consultations.

1992 Fund Executive Committee

- 1.5.14 The 1992 Fund Executive Committee noted the decisions of the 1992 Fund Administrative Council.

2 Overview

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| 2.1 | Report of the Director | 92AC | | SA |
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- 2.1.1 The Director welcomed everybody to the April 2025 meeting of the governing bodies and apologised for the delay in issuing two key documents, which had been postponed to reflect the most recent developments.
- 2.1.2 The Director addressed the ongoing incidents, noting that in the *Prestige* case, the Court of First Instance in Bordeaux had ruled that the 1992 Fund's action against the American Bureau of Shipping (ABS) was time-barred. He further stated that the 1992 Fund Executive Committee would need to decide whether to pursue an appeal.
- 2.1.3 In respect of the *Redffern* incident, the Director expressed concern over the legal proceedings in Nigeria, noting the court's disregard for the 1992 Fund's applications. He recalled that all the available evidence indicated that the oil had escaped from an inland barge that was not covered by the 1992 Civil Liability Convention (CLC) or the 1992 Fund Convention, as it did not comply with the definition of 'ship' contained within Article I(1) of the 1992 CLC.
- 2.1.4 With respect to the *Agia Zoni II* incident in Greece, the Director reported that the criminal trial was still ongoing.
- 2.1.5 The Director reported that substantial progress had been made in assessing and paying claims for the *Princess Empress* incident. He thanked the authorities in the Philippines for their assistance during visits by members of the IOPC Funds' Secretariat to the Philippines, and their assistance regarding the opening of temporary local claims submission offices (CSOs) and the facilitation of the payment process in the fisheries sector.
- 2.1.6 The Director reported that over ninety claims had been assessed in relation to the *Gulfstream* incident in Trinidad and Tobago, with payment of compensation underway.

- 2.1.7 With respect to the *Marine Honour* incident, the Director reported that compensation payments had begun. He added that the 1992 Fund had received claims from two Singapore government agencies and expected to receive more in the future.
- 2.1.8 In relation to the *Terranova* incident, the Director reported that the 1992 Fund had established two CSOs, with three teams operating from those offices to collect claims. The Director added that drawing on the experience gained from the *Princess Empress* incident and working with the same team had facilitated efficient outreach and effective processing of claims.
- 2.1.9 With respect to the *Volgoneft 212* and *Volgoneft 239* incidents in the Russian Federation, the Director reported that both vessels had broken up in bad weather in the Black Sea, affecting a large coastal area. He noted that significant clean-up efforts were reportedly underway. However, he added that in the absence of concrete information, it was still too early to assess whether and how this incident would affect the IOPC Funds.
- 2.1.10 The Director reported significant progress in promoting the 2010 HNS Convention, especially following announcements by several European states of their intention to ratify the Convention. He noted that the new HNS Project Manager, Gillian Grant, had joined the Secretariat in December 2024 and had significantly increased the capacity of the Secretariat in relation to HNS matters. The Director referred to the recent incident involving the *MV Solong* and the *MV Stena Immaculate* off the North Sea coast of the United Kingdom and noted that this was a stark reminder that HNS incidents do happen and underscored the need for the entry into force of the 2010 HNS Convention.
- 2.1.11 With respect to oil reporting, the Director reported that the Secretariat had used data provided by a third party (Eikon) to assess the reliability of reported contributing oil figures and nil declarations, thereby supporting Member States in submitting accurate reports. He added that the Secretariat had contacted the relevant oil reporting authorities for background and clarification when variations were identified between reported tonnage and the third-party data.
- 2.1.12 The Director also reported that 16 Member States had outstanding reports or contributions. He added that in accordance with 1992 Fund Assembly Resolution N°12, any compensation of payments to the public sector in those Member States would be suspended until their obligations were fulfilled.
- 2.1.13 He noted that invoices had been issued under 1992 Fund Assembly Resolution N°13 to address outstanding contributions in respect of the Dominican Republic, Syrian Arab Republic, Saint Lucia, Djibouti, Guinea and Panama.
- 2.1.14 The Director shared his appreciation for the Member States that had taken on the obligation of outstanding contributions, mentioning in particular the government of Curaçao, which had recently paid on behalf of a contributor who had ceased operations there in 2019. He also thanked the authorities in Ghana for the final settlement of outstanding contributions, which was currently being processed by the bank.
- 2.1.15 The Director also thanked the authorities of Malaysia and Argentina for their assistance in facilitating the payment of outstanding contributions by contributors in those Member States.
- 2.1.16 The Director reported that as at 29 April 2025, 96% of the contributions for 2024 had been received.
- 2.1.17 On the impact of sanctions on the international liability and compensation regime, the Director expressed concern about the significant number of ships operating with insurance that did not comply with the Conventions. He encouraged Member States to ensure compliance with international safety and liability conventions.

- 2.1.18 The Director reported that the Audit Body and the External Auditor were reviewing the 2024 Financial Statements, which they would be signing at their next meeting on 2 May 2025.
- 2.1.19 With respect to the IMO underlease, the Director reported proposed amendments to the current underlease agreement, prompted by increased costs. He recommended that the 1992 Fund Administrative Council approve the changes.
- 2.1.20 The Director reported on the publication of key documents, including the Guide to persistent and contributing oils, Guidance for Member States – investigating the circumstances surrounding an oil pollution incident involving uninsured and unsafe ships, and the 2024 Annual Report.
- 2.1.21 With respect to outreach, the Director reported that the Secretariat had actively participated in multiple events worldwide and continued to deliver training and organise successful webinars. The Director confirmed the IOPC Funds Annual Academy would be held from 9 to 13 June 2025.
- 2.1.22 The Director reported that the organisation's priority was to serve Member States and the victims of oil pollution while protecting the interests of the IOPC Funds. He noted that with fourteen active incidents involving the 1992 Fund, there was significant activity.
- 2.1.23 The Director emphasised that it was essential to continue ensuring that the claims-handling process was effective and efficient, with prompt payments made in every incident. He stated that the Secretariat would continue strengthening strong relationships with all Member States to ensure the uniform and effective implementation and interpretation of the Conventions. The Director further highlighted the need for the Secretariat to promote the benefits of the 1992 Fund to those most at risk. He stated that the Secretariat would continue actively engaging with Member States to support their efforts in becoming parties to the 2010 HNS Convention, while also developing tools necessary for the first meeting of the HNS Fund Assembly and the creation of the HNS Fund. Finally, he added that the Secretariat would continue to address the risks associated with ships that were unsafe, uninsured or inadequately insured.

3 **Incidents involving the IOPC Funds**

3.1	Incidents involving the IOPC Funds Document IOPC/APR25/3/1		92EC	SA
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- 3.1.1 The 1992 Fund Executive Committee and Supplementary Fund Assembly took note of document [IOPC/APR25/3/1](#), which contained information on documents for the April 2025 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/APR25/3/2		92EC	
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- 3.2.1 The 1992 Fund Executive Committee took note of the information contained in document [IOPC/APR25/3/2](#) regarding the *Prestige* incident.

- 3.2.2 The Executive Committee recalled that the 1992 Fund had paid the amount available for compensation under the 1992 Civil Liability and Fund Conventions, retaining EUR 804 800 for potential liabilities.

Legal action by France against the American Bureau of Shipping (ABS) in France

- 3.2.3 The Executive Committee recalled that in April 2010, the French Government had brought a legal action against the classification society of the *Prestige*, namely ABS in the Court of First Instance in Bordeaux.
- 3.2.4 It was recalled that ABS had opposed this action, relying on the defence of sovereign immunity but that in April 2019, the Court of Cassation in France had decided that ABS could not avail itself of the defence of sovereign immunity in this case.
- 3.2.5 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

- 3.2.6 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.
- 3.2.7 It was also recalled that ABS had submitted points of defence alleging that it was entitled to sovereign immunity on the same basis as the flag State of the *Prestige*.
- 3.2.8 It was further recalled that both ABS and the 1992 Fund had argued that the issue of sovereign immunity should be dealt with as a priority by the Judge in charge of the merits, together with the other admissibility arguments raised by ABS.
- 3.2.9 The Executive Committee recalled that ABS had raised the following arguments against the admissibility of the 1992 Fund's action against ABS:
- (i) Sovereign immunity: ABS intends to challenge the question of sovereign immunity up to the level of the Court of Cassation in the hope that it might reverse its judgment of April 2019 in the case of the French State against ABS.
 - (ii) The doctrine of *res judicata* (a matter already judged): ABS argues that since the United States courts have already discharged them from any liability in the *Prestige* case, the US court decision rendered in the case of the Spanish State against ABS has *res judicata* authority before any other court. In particular, ABS has argued that, as the 1992 Fund is subrogated into the rights of the Spanish State, which was a party to the US proceedings, the US judgment binds the 1992 Fund.
 - (iii) Channelling: In the case of the *Erika* incident, the Court of Cassation expressed the view that the Registro Italiano Navale (RINA), the classification society that certified the *Erika*, was covered under Article III(4) of the 1992 CLC as persons who perform services for the ship (but the protection was denied because the Court decided that the damage had resulted from RINA's recklessness). ABS argues that, on the basis of that decision, ABS would be protected by Article III(4) of the 1992 CLC and therefore the 1992 Fund's action against ABS would not be admissible.
 - (iv) Time bar: The issue of the time bar is linked to the issue of channelling above. ABS argues that the 1992 Fund's action is time-barred under the 1992 Civil Liability and Fund Conventions, according to Article VIII of the 1992 CLC.

3.2.10 The Executive Committee also recalled that the 1992 Fund had replied to the arguments of ABS as follows:

- (i) Sovereign immunity: ABS cannot benefit from sovereign immunity because ABS is not an emanation of the State of the Bahamas and does not contribute to exercising the sovereignty of that State. In addition, the 1992 Fund has argued that the solution adopted by the Court of Cassation at its April 2019 judgment in the action of France against ABS should be applied in the 1992 Fund's action. In its judgment, the Court of Cassation stated the principle that even if a classification society conducts activities of certification and classification simultaneously, these activities are severable and the classification society is only entitled to benefit from sovereign immunity in the framework of its activity of statutory certification, but not for its activity of classification. The 1992 Fund's action relates to faults committed by ABS in its classification activity.
- (ii) Authority of *res judicata* of a foreign decision: On this point, the 1992 Fund has had to accept that it would have to renounce its claim for the amounts paid in compensation in Spain, since the decision by the United States Court of Appeal in the action by Spain against ABS, rejecting Spain's claim, had the authority of *res judicata*. The 1992 Fund nevertheless maintains the claim in subrogation of the rights of the French claimants and the Portuguese State, totalling EUR 14 365 907.98.
- (iii) Channelling: Classification societies cannot benefit from channelling of liability, because:
 - (a) The classification society is not a 'servant or agent of the owner' of the ship, nor a 'member of the crew' (Article III(4), paragraph (a) of the 1992 CLC). According to the terms of the agreement of classification of vessels, ABS is an independent contractor and cannot act as a servant or agent of any other party.
 - (b) The classification society is not a 'pilot or any other person who... performs services for the ship' (Article III(4), paragraph (b) of the 1992 CLC) since it does not participate in the nautical operation of the ship, and the inspections which it is supposed to carry out on the ship are not services provided to the ship but only to the shipowner, at the latter's request or that of the ship's insurers.
- (iv) Time bar: Since the 1992 CLC does not apply to actions in tort brought against third parties such as ABS, these actions are not governed by the 1992 CLC. The 1992 Fund's action against ABS would therefore be governed by French law, which provides for a 10-year limitation period. This period started to run on 13 November 2002, the date the *Prestige* sank. Since the 1992 Fund brought its action on 30 October 2012, the 1992 Fund's action is not time-barred.
- (v) On the merits of the action, the 1992 Fund argues that the liability of classification societies follows the rule whereby a party who performs a contract badly shall be liable in tort to those who suffer detriment caused by that bad execution. In the case of the *Prestige*, ABS's contractual breach is based on their failure to comply with stipulations laid down in their classification regulation. In addition, in the context of the criminal proceedings in Spain, the Spanish Court concluded, on the basis of the testimony of several experts, that ABS had displayed gross negligence and recklessness.

3.2.11 It was recalled that, if the 1992 Fund's action against ABS was 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.

- 3.2.12 It was also recalled that, in September 2023 the Judge in charge of the proceedings had decided, in both the French action and the 1992 Fund action, to invite the parties to send their final submissions, on the sole questions of admissibility, by 12 December 2023 and that it was only if the actions were held admissible that the Court would re-open the proceedings to deal with the merits of the cases, mainly the cause of the incident and the liability of ABS.
- 3.2.13 The Executive Committee recalled that the 1992 Fund had presented its final submissions on admissibility in November 2023, largely along the same lines argued previously, with the addition of the following in regards to the channelling provisions in Article III(4) of the 1992 CLC:
- (i) Following the *ejusdem generis* rule, the category of other persons performing services for the ship referred to in Article III(4) of the 1992 CLC is limited to persons other than the pilot, performing services for the ship similar to those of the pilot.
 - (ii) Such other person, although not a member of the crew, must be a person performing services for the ship similar to those performed by the crew. Such services must, therefore, be performed on board in the course of navigation.

February 2025 judgment

- 3.2.14 The 1992 Fund Executive Committee noted that in February 2025, the Court of First Instance in Bordeaux had delivered a judgment deciding that the 1992 CLC applied to the 1992 Fund's action against ABS and that therefore the action was time-barred, on the basis that the recourse action had been brought at a date later than the six-year anniversary of the incident, as provided in the 1992 CLC. It was noted that the judgment had also found that ABS did not have the right to benefit from sovereign immunity.
- 3.2.15 The Executive Committee noted that in its decision, the Court argued as follows:
- (i) The compensation system established by the 1992 CLC applies to all pollution damage falling within the scope of the Convention as defined in Article II of the 1992 CLC.
 - (ii) As quoted by ABS, under the French Constitution, duly ratified or approved treaties or agreements shall, upon their publication, have an authority superior to that of domestic laws.
 - (iii) Since the 1992 CLC applies to the incident resulting from the sinking of the *Prestige*, in the Court's view the time-bar provisions established by Article VIII of the 1992 CLC apply to all liability actions brought in relation to this damage.
- 3.2.16 The Executive Committee noted that the same Court had issued a judgment in the action of France against ABS, deciding that the action by France was time-barred.
- 3.2.17 The Executive Committee noted that the Director recommended he be authorised to appeal the judgment, on the basis of the following considerations:
- (i) The 1992 CLC does not apply to actions in tort brought against third parties such as ABS and therefore these actions should not be governed by the 1992 CLC.
 - (ii) The 1992 Fund's action against ABS should therefore be governed by French law, which provides for a 10-year limitation period. This period started to run on 13 November 2002, the date the *Prestige* sank and, since the 1992 Fund brought its action on 30 October 2012, the 1992 Fund's action is not time-barred.

Debate

- 3.2.18 All the delegations that spoke agreed with the Director's view expressed in section 6 of document [IOPC/APR25/3/2](#), that the 1992 CLC does not apply to actions in tort brought against third parties such as ABS and that therefore these actions should not be governed by the 1992 CLC, but by national law. It was considered that this would be consistent with the spirit and text of the Conventions.
- 3.2.19 It was stated that the applicable limitation period in this case should be that provided under French law, which in this case would not have expired. It was also stated that the application in this case of the six-year time-bar period in the 1992 CLC would have implications for the 1992 Fund's ability to recover costs. It was therefore crucial for the 1992 Fund to take all available legal avenues to protect its interests and those of Member States.
- 3.2.20 In particular, the view was expressed that the six-year time-bar under Article VIII of the 1992 CLC only relates to claims under the 1992 CLC, against the shipowner, and should not be extended to actions brought by the 1992 Fund against third parties which fall outside the 1992 CLC. Attention was drawn to Article III(5) of the 1992 CLC which states that the Convention does not prejudice any rights of recourse of the owner against third parties.
- 3.2.21 It was also considered that this case raised important questions regarding the scope and applicability of the 1992 CLC, and that appealing would be important not only for safeguarding the Fund's interests but also to preserve the integrity of the international regime, which benefits all Member States.
- 3.2.22 In view of the above considerations, all delegations that intervened agreed that the Director should be authorised to appeal the judgment by the Court of First Instance in Bordeaux.

1992 Fund Executive Committee decision

- 3.2.23 The 1992 Fund Executive Committee decided to authorise the Director to appeal the judgment by the Court of First Instance in Bordeaux.
- 3.2.24 The Executive Committee noted that the Director would continue to monitor the incident and would report any developments at the next session of the governing bodies.

3.3	Incidents involving the IOPC Funds — 1992 Fund: <i>Redfferm</i> Document IOPC/APR25/3/3		92EC	
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- 3.3.1 The 1992 Fund Executive Committee took note of document [IOPC/APR25/3/3](#), which contained information relating to the *Redfferm* incident.
- 3.3.2 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 transhipment operation from the tanker *MT Concep*.
- 3.3.3 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.
- 3.3.4 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

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

- (i) the barge *Redfferm* was not a 'ship' under Article I(1) of the 1992 CLC;
- (ii) 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
- (iii) there was a lack of information submitted to prove the claimants' identities and occupations.

Legal proceedings

3.3.6 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.

3.3.7 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.

3.3.8 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. It was noted that, thereafter, the legal proceedings had continued very slowly until October 2017 when the Nigerian Court of Appeal referred the case back to the Federal High Court.

3.3.9 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.

3.3.10 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.

3.3.11 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.

3.3.12 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'.

- 3.3.13 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.
- 3.3.14 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.
- 3.3.15 It was further recalled that in early June 2022, the claimants' lawyer had 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.
- 3.3.16 The 1992 Fund Executive Committee recalled that in November 2022, the Judge had 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.
- 3.3.17 The 1992 Fund Executive Committee also recalled that in February 2023, the claimants' lawyer wrote to the 1992 Fund requesting payment of the judgment. 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.
- 3.3.18 The 1992 Fund Executive Committee noted that in February 2024, the claimants' lawyer had been granted the leave of the Court to renew the writ of summons, and in May 2024 the Judge had set a trial date of July 2024, but that on that date, no Counsel appeared for the claimants. It was noted that the 1992 Fund's lawyer had 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.
- 3.3.19 The 1992 Fund Executive Committee further noted that at the hearing, the 1992 Fund's application to dismiss the suit was argued. The judge adjourned the matter for a ruling.

Developments since November 2024

- 3.3.20 It was noted that in January 2025, the Judge had dismissed the 1992 Fund's application, giving reasons at odds with the order sought, and had held that the same application had been previously argued and dismissed. It was also noted that the 1992 Fund's lawyers had filed an appeal against the ruling on two grounds, namely that the judge failed to make a finding (and that the claim filed by the claimants was time-barred), and that he failed to consider the contents of the affidavits filed by the parties. It was noted that the appeal was accompanied by an application for a stay of the proceedings against the 1992 Fund, pending the appeal. It was further noted that at a hearing in March 2025, the Judge had refrained from giving judgment as it was not ready.

Statement by the delegation of Nigeria

- 3.3.21 The delegation of Nigeria made the following statement:

'Nigeria extends its appreciation for the Secretariat's thorough and transparent update on the *Redferm* incident. We recognise the considerable efforts made by the 1992 Fund in navigating the complex legal and procedural challenges associated with this matter. Nigeria acknowledges the unique difficulties posed by the late notification of the incident and the challenges in establishing the barge's status under Article I(1) of the 1992 CLC. We commend the 1992 Fund's careful adherence to the established legal framework and its commitment to ensuring that claims are assessed objectively, transparently, and in strict accordance with international conventions.'

Nigeria therefore remains firmly committed to supporting the integrity of the IOPC Funds' compensation regime and upholding the principles that safeguard the credibility of the international maritime claims system. We fully endorse the 1992 Fund's prudent and legally sound approach in resisting premature or unsubstantiated claims. Nigeria reaffirms its dedication to strengthening cooperation with the IOPC Funds and maintaining high standards of maritime governance, and we look forward to working constructively with all stakeholders to ensure that outcomes in cases such as *Redferm* continue to respect the letter and spirit of the 1992 Fund Convention.'

1992 Fund Executive Committee

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

3.4	Incidents involving the IOPC Funds — 1992 Fund: <i>Agia Zoni II</i> Document IOPC/APR25/3/4		92EC	
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- 3.4.1 The 1992 Fund Executive Committee took note of document [IOPC/APR25/3/4](#), relating to the *Agia Zoni II* incident.

Limitation fund claims evaluation procedure

- 3.4.2 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.
- 3.4.3 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.
- 3.4.4 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 following the hearing in September 2024, a judgment was awaited.

Investigation into the cause of the incident

- 3.4.5 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.

- 3.4.6 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.
- 3.4.7 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.
- 3.4.8 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:
- (a) as per the opinion of all experts, the ship was intentionally sunk in order to cause pollution;
 - (b) 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);
 - (c) notwithstanding the progressive starboard list of the ship, the two crewmen did nothing and notified no one;
 - (d) 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;
 - (e) 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
 - (f) 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.
- 3.4.9 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.
- 3.4.10 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.

- 3.4.11 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.
- 3.4.12 The Executive Committee further noted that a full trial of the five persons listed above had started on 24 October 2024, at which a number of witnesses were examined. The proceedings re-commenced in early 2025, and were expected to conclude by May 2025. It was therefore considered not appropriate to comment further on the examinations that had taken place to date.

Claims for compensation

- 3.4.13 It was noted that the 1992 Fund had received 424 claims amounting to EUR 100.21 million and one claim for USD 175 000 and that it had approved 418 claims. It was also noted that the 1992 Fund had paid 192 claims totalling EUR 16.92 million in compensation. It was also 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

- 3.4.14 The delegation of Greece made the following statement:

‘First of all, allow us, once again to express the high appreciation of the Greek State for all payments made so far by the 1992 Fund to the persons who suffered pollution damage from the *Agia Zoni II* incident, as well as for the ongoing endeavours of the 1992 Fund’s experts to assess the rest of the claims.

Notwithstanding judicial proceedings currently taking place and their outcomes and in total respect of the 1992 Fund’s internal assessment process of these outcomes, we would also emphasise the need and underline the importance of ensuring seamless process on the compensation payments to all those who are entitled to compensation from the *Agia Zoni II* incident in a prompt and effective manner.

Moreover, we would also 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: (a) the appeals against decision no. 1891/2022 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 and (b) the court hearing regarding the amended claim by the Greek State for liquid waste disposal costs was initially set for May 2024 and after a new postponement is set for May 2025. As reflected in paragraphs 4.2.1 of document [IOPC/APR25/3/4](#) the amended claim was paid in February 2024.

Furthermore, with regard to the references made in paragraph 6.4.1 of document [IOPC/APR25/3/4](#) under deliberation relating to the ‘Impact of the investigative reports on the 1992 Fund’s payment of compensation’, we would like to point out that there is a difference in wording compared to the previous versions of the document and therefore, we would like to note the following:

As has been expressed during previous sessions of the 1992 Fund Executive Committee, an unappealable penal judgment would be required if any persons were to be held to have intentionally or negligently caused the pollution damage.

Furthermore, to our understanding, the legal interpretation of Article 4, paragraph 3 of the 1992 Fund Convention leads to the conclusion that, with respect to preventive measures, the 1992 Fund would not be entitled to invoke contributory deliberate act or negligence on the part of the claimant as grounds for the 1992 Fund's exoneration from paying compensation.

As regards the references made to our national legislation in paragraphs 6.5.3 and 6.5.4 of document [IOPC/NOV23/3/9](#), we note that international Conventions prevail over domestic law, as supported by Article 28 of the Greek Constitution.

Moreover, we would like to highlight the legal advice that the 1992 Fund has received from its lawyers as reflected in paragraphs 6.5.6, 6.5.7 and 6.5.8 of document [IOPC/NOV23/3/9](#).

With regard to the investigation into the cause of the *Agia Zoni II* incident, as it is stated in the document under deliberation, the main proceedings of the criminal case for the said incident commenced in October 2024, before continuing in 2025. Following the conclusion of the trial, the court will issue its judgement. Therefore, the issuance of an irrevocable decision is still pending.'

Debate

- 3.4.15 In response to the statement by the delegation of Greece, the Secretariat stated that the legal advice the 1992 Fund had received was not to pay further compensation to one of the indicted parties until the outcome of the ongoing criminal proceedings had been determined. Once those criminal proceedings had been concluded and a judgment issued, the situation would be clear as to whether the 1992 Fund should pay the outstanding claims or seek to recover all sums paid from any party held liable for causing the incident.

1992 Fund Executive Committee

- 3.4.16 The 1992 Fund Executive Committee noted the information reported and the statement by the delegation of Greece. The Executive Committee noted that that the Director would continue to monitor the incident and would report any developments at the next session of the governing bodies.

3.5	Incidents involving the IOPC Funds — 1992 Fund: <i>Princess Empress</i> Document IOPC/APR25/3/5		92EC	
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- 3.5.1 The 1992 Fund Executive Committee took note of the information contained in document [IOPC/APR25/3/5](#) regarding the *Princess Empress* incident.
- 3.5.2 The Executive Committee 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.
- 3.5.3 It was recalled that the ship was insured with the Shipowners' Mutual Protection and Indemnity Association (Luxembourg) (Shipowners' P&I Club), part of the International Group of P&I Associations (International Group) and that the Small Tanker Oil Pollution Indemnification Agreement (STOPIA) 2006 (as amended 2017)^{<4>} applied to this incident.

<4> From this point forward, references to 'STOPIA 2006' should be taken to read 'STOPIA 2006 (as amended 2017)'.

- 3.5.4 The Executive Committee recalled that claims relating 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 had started paying compensation when the 1992 CLC limit had been 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, that the STOPIA 2006 limit had also been reached.
- 3.5.5 It was further recalled that the 1992 Fund and the Shipowners' P&I Club had opened a CSO in Calapan, Oriental Mindoro and set up a number of temporary collection centres in different areas, some of which were not easily reachable.
- 3.5.6 It was also recalled that efforts had been made to compensate claimants in the fisheries sector as soon as assessments were ready and that as with the collection of claims, a process was in place to reach legitimate claimants to provide compensation. The Executive Committee noted that these efforts had resulted in over 32 000 fisheries claims paid by the end of 2024.

Claims situation

- 3.5.7 The Executive Committee took note of the information contained in section 6 of document [IOPC/APR25/3/5](#) concerning the claims situation and the update provided by the Secretariat.
- 3.5.8 The Executive Committee noted that the CSO had so far registered a total of 39 822 claims, mainly in the fisheries sector, with a total claimed amount of PHP 1 901.98 million, USD 26.5 million, EUR 2.7 million and £64 500. It was also noted that the 1992 Fund and the Shipowners' P&I Club had so far paid 32 987 claims with totals amounting to some PHP 1 060.6 million, USD 26.2 million, EUR 2.7 million and £64 500.
- 3.5.9 It was further noted that a total of 3 478 claims had been rejected.

Fisheries

- 3.5.10 The Executive Committee noted that the CSO had registered 36 918 claims in the fisheries sector, with a total claimed of PHP 1 753.32 million.
- 3.5.11 It was recalled that the completion of a fisheries study by local university experts engaged by the Club and the Fund, finalised in March 2024, had allowed the assessment of the bulk of claims in the fishing category and that as a result, 23 238 claims were approved at that time. The Executive Committee noted that, given the logistics and the high number of claims, the payment process for the 23 238 fishers had taken several months to complete, starting in April 2024 and finishing in October 2024.
- 3.5.12 It was recalled that, in addition to the above, in October 2024 the 1992 Fund and the Shipowners' P&I Club had approved the assessment of claims from 9 030 fish traders. The Executive Committee noted that the payment process for these fish traders had been carried out in November 2024, except for one very remote municipality for which the corresponding payments will be made in the near future.
- 3.5.13 The Executive Committee also noted that, in February 2025 the 1992 Fund and the Shipowners' P&I Club had approved an additional assessment of a total of 2 697 claims comprising claims from fishers and fish traders not previously assessed, and claims from the fish processing and marine farming sub-sectors. It was noted that the payment process in respect of these claims was ongoing.
- 3.5.14 The Executive Committee noted that 32 914 claims in the fisheries sector, totalling PHP 1 053 million, had been paid and that 2 971 claims had been rejected.

Tourism

- 3.5.15 The Executive Committee noted that the CSO had received 2 891 claims in the tourism sector, totalling PHP 121.2 million, that 997 claims had been approved at PHP 3.5 million, and that 420 claims had been rejected.

Intervention by the delegation of the Philippines

- 3.5.16 The delegation of the Philippines expressed appreciation for the fast action taken by the shipowner's insurer and the 1992 Fund in assisting those affected by the pollution, in setting up a CSO which paved the way to the fast processing of claims, and that in spite of the challenges created by claimants not having bank accounts, the 1992 Fund had found an alternative way to compensate claimants. That delegation also expressed gratitude for the Secretariat's visit to the Philippines in January 2025 to meet stakeholders and address their concerns. The delegation also noted that the huge progress made in the settlement of claims thanks to the efforts and collaboration of all parties concerned. The delegation further stated that the Government of the Philippines recognised the importance of submitting claims ahead of the time-bar deadline, and that it was still compiling the institutional claims and would notify the 1992 Fund once the claims were ready.

1992 Fund Executive Committee

- 3.5.17 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 governing bodies.

3.6	Incidents involving the IOPC Funds — 1992 Fund: <i>Gulfstream</i> Document IOPC/APR25/3/6		92EC	
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- 3.6.1 The 1992 Fund Executive Committee took note of document [IOPC/APR25/3/6](#) which contained information relating to the *Gulfstream* incident.
- 3.6.2 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.
- 3.6.3 The Executive Committee also recalled that the barge was on a voyage from Pozuelo's 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.
- 3.6.4 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 to Trinidad and Tobago had been made by the Director and Claims Manager.
- 3.6.5 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.

- 3.6.6 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.
- 3.6.7 The Executive Committee recalled that the history of the auction sale of the barge, its movements after being aground on a beach for some seven months, its serious maintenance issues, lack of survey data or insurance, and appearance in satellite footage in the region of Pozuelo's Bay, Venezuela (a major petroleum port), were detailed in document [IOPC/APR24/3/6](#).
- 3.6.8 The Executive Committee also recalled that document [IOPC/APR24/3/6](#) stated that an online database had located the barge *Gulfstream* in Pozuelo's Bay, Venezuela, on 26 January 2024. The tug and barge were visually matched near this location in Pozuelo's Bay on 27, 29, 30 and 31 January 2024.
- 3.6.9 The Executive Committee further recalled that on 3 February 2024, after leaving Pozuelo's Bay, satellite imagery showed 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's Bay, possibly via a ship-to-ship transfer.
- 3.6.10 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 and therefore, 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

- 3.6.11 It was recalled 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 by the Angolan authorities for breaching the boundaries of a number of oil field exclusion zones.
- 3.6.12 It was recalled that the authorities in Trinidad and Tobago had contacted 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 also recalled that the vessel had been arrested with the intention to sell it and to ascertain further details of its owners at the time of the incident. It was further recalled that the tug had been located and arrested in Angola, but had escaped detention. Its location was still unknown despite efforts to trace it.
- 3.6.13 The Executive Committee noted that there was a lack of any definitive information regarding the ownership of the barge *Gulfstream* at the time of the incident. The Executive Committee recalled that ship registration documents provided by the Zanzibar Maritime Authority indicated that the listed owner of the *Solo Creed*, during its voyage towing the barge *Gulfstream*, showed the owner

as an officer of a Panamanian company which also owned several other vessels which transit between Caribbean, Colombian and Venezuelan ports, often appearing to sail 'dark' with Automatic Identification System (AIS) tracking data disabled.

- 3.6.14 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 are continuing.

Oil removal from barge

- 3.6.15 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.
- 3.6.16 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.

Sale of barge

- 3.6.17 The Executive Committee noted that the barge had been sold for scrap in March 2025.

Applicability of the Conventions

- 3.6.18 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

- 3.6.19 It was noted that as at 28 April 2025, 290 claims for compensation totalling USD 30.3 million, covering some of the clean-up operations and including 171 claims in the fisheries sector in Tobago, had been submitted to the focal point office. These claims are being assessed by the 1992 Fund's experts.
- 3.6.20 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.
- 3.6.21 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 sector. It was noted that the Secretariat is engaging with potential claimants to ascertain the extent of such losses.

Limitation proceedings

- 3.6.22 The Executive Committee noted that as at 28 April 2025, 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.
- 3.6.23 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.
- 3.6.24 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

- 3.6.25 The delegation of Trinidad and Tobago stated that it was grateful for the assistance provided by the Secretariat and whilst the oil pollution had been cleared up, there remained a number of items still to be resolved including the sale of the oil, the treatment of the waste oil and locating the tug *Solo Creed*. Noting that there were difficulties with the sale of the oil due to the unknown origin of the oil, the delegation stated that steps were being taken to find a satisfactory outcome. Regarding the waste oil, the delegation stated that a lengthy procurement process had been undertaken to identify a suitable contractor and progress was being made.
- 3.6.26 The delegation stated that it had received assistance from other delegations including Jamaica and Costa Rica regarding the origin of the oil, and had also received assistance from Panama who had assisted in identifying who was the agent on behalf of the owner of the barge.

Debate

- 3.6.27 One delegation stated that it was unfortunate that the owners of the barge and tug were still unidentified and recalled that the 1992 Fund Assembly had adopted Resolution N°14 at the November 2024 sessions of the governing bodies raising awareness of the risk of uninsured and unsafe ships, and had issued Guidance for Member States investigating the circumstances surrounding an oil pollution incident involving uninsured and unsafe ships. That delegation urged all Member States and all relevant parties, including the authorities in Trinidad and Tobago and Angola, to follow Resolution N°14 and the Guidance document, and to cooperate with the Secretariat to undertake further investigations to identify the owners and insurers of the vessels involved in the incident. That delegation also stressed the importance of proper implementation of the first tier of the international liability and compensation regime (the 1992 CLC), and stressed its regret that this incident had set another unfortunate precedent. These views were supported by another delegation.
- 3.6.28 Another delegation stated that as a CARICOM Member State, it stood firmly with the authorities of Trinidad and Tobago, and stated its commitment to supporting their efforts. That delegation urged other Member States to assist in bringing the matter to a swift conclusion.

Statement by the delegation of Panama

3.6.29 The delegation of Panama made the following statement (original Spanish):

‘Allow me to begin by expressing, on behalf of the delegation of the Republic of Panama, our deepest regret for the passing of our great friend and spiritual guide, Pope Francis, the Pope of young people. May God receive him in his rightful place.

Returning to the matters at hand, the Republic of Panama thanks the Secretariat for the updates presented in document [IOPC/APR25/3/6](#). We take this opportunity to state that, to date, our Administration has not been contacted by any entity to enquire about or verify information related to the owner of the tugboat *Solo Creed*, identified with IMO number 7505994.

It is of utmost importance for our Administration to emphasise that the tugboat *Solo Creed* is not, nor has it been in the past, registered in the Panamanian Registry of Ships. Furthermore, at the time of the incident, its owner was not a legal entity incorporated under Panamanian jurisdiction.

Additionally, we wish to reiterate our concerns reflected in the proposal presented by our delegation in document [IOPC/APR25/1/5](#), in which we highlighted the need to establish effective mechanisms for prior communication between the Secretariat and the delegations that worthily represent Member States, prior to the disclosure of information — whether verbal or written — that could affect the image or reputation of a State internationally.

It should be recalled that, in previous sessions, statements have been made mentioning Panamanian-flagged vessels and the Republic of Panama, by both Member States and the Secretariat, without presenting clear evidence or conducting prior consultation with our competent authorities to verify the facts. This situation reaffirms the importance and relevance of the proposal we have submitted. In this regard, we reiterate our firm commitment to collaborate in any investigation that requires it, providing all the information at our disposal, with the aim of supporting the affected States, the IOPC Funds, and any other relevant organisations. All the above is focused on strengthening transparency, promoting constructive dialogue, and fostering mutual respect.’

1992 Fund Executive Committee

3.6.30 The 1992 Fund Executive Committee noted the information and the interventions made by all the delegations that spoke. The 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.

3.7	Incidents involving the IOPC Funds — 1992 Fund: <i>Marine Honour</i> Document IOPC/APR25/3/7		92EC	
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3.7.1 The 1992 Fund Executive Committee took note of document [IOPC/APR25/3/7](#) on the *Marine Honour* incident.

3.7.2 The Executive Committee recalled that on 14 June 2024, the product tanker *Marine Honour* was stationary at Pasir Panjang Terminal, Singapore, when it was struck by the hopper dredger *Vox Maxima*. This caused the *Marine Honour* to contact the vessel it was alongside, the *Ever Blink*. The collision breached the hull of the *Marine Honour* resulting in intermediate fuel oil (IFO) 380 being released into the environment. The Executive Committee noted that following further enquiries by the Secretariat, the quantity of oil spilled is understood to have been closer to an estimated 817 m³.

Impact of spill

- 3.7.3 The Executive Committee recalled that the spill had affected areas along the coast of Singapore. Oil also reached the southern coast of Johor and the East Johor Strait in Malaysia.

Response operations

- 3.7.4 It was recalled that clean-up and response operations in Singapore were completed by the Singapore authorities on 3 September 2024. Clean-up operations in Malaysia were completed on 16 July 2024.

Claims for compensation

- 3.7.5 The 1992 Fund Executive Committee noted that the shipowner and its insurer, QBE Insurance (Singapore) Pte Ltd (QBE), had submitted claims for clean-up costs, the costs for mitigating the risk of further pollution and a hull-cleaning programme for affected pleasure craft. As at 28 April 2025, QBE's claims totalled SGD 7 634 003 and USD 18 276 681. It was also noted that as at 28 April 2025, the 1992 Fund had approved amounts of USD 2 631 927, SGD 2 477 764, USD 2 770 592 and USD 1 189 082 in relation to QBE's claims for clean-up costs. It was also noted that further claims submitted by QBE were being assessed and additional claims were expected.
- 3.7.6 The Executive Committee noted that QBE's expenditure as a result of the incident had exceeded the 1992 CLC limit. In consideration of this, the 1992 Fund agreed to make a provisional payment to QBE for USD 11 million, which included the approved amounts and was determined in anticipation of forthcoming assessments by the international experts involved in the incident from its inception.
- 3.7.7 Regarding the costs of the Singapore Government's response operations, the Executive Committee noted that the Maritime Port Authority of Singapore (MPA) had submitted a claim for SGD 4 140 620 and that Sentosa Development Corporation had submitted a claim for SGD 986 608. It was also noted that further claims from government agencies in Singapore were expected, likely to be in the region of SGD 15 million.
- 3.7.8 It was further noted that claims from the affected fishing communities in Malaysia were expected.
- 3.7.9 The Executive Committee noted that as at 28 April 2025, 309 claims had been submitted to the CSO for a total of approximately SGD 19.5 million and USD 19 million. It was noted that as at 28 April 2025, 107 offers had been made to claimants excluding QBE which amounted to approximately SGD 1.5 million, and approximately SGD 600 000 had been paid in compensation or was in the process of being paid.
- 3.7.10 The Secretariat reported that estimates of the impact of the incident indicate that claims will not surpass the 1992 Fund's limit.

Limitation proceedings

- 3.7.11 The 1992 Fund Executive Committee recalled that the owner of the *Marine Honour* and QBE had limited their liability under the 1992 CLC and constituted the limitation fund on 18 October 2024.
- 3.7.12 It was also recalled that on 17 October 2024, the Singapore High Court had granted an application made by the owner of the *Vox Maxima* to limit liability under the Convention on Limitation of Liability for Maritime Claims, 1976, as modified by the 1996 Protocol (LLMC 76/96). It was noted that the Court had granted an application by the 1992 Fund to extend the deadline to submit its claim.

Director's considerations

- 3.7.13 The Executive Committee noted the Director's gratitude to the Singapore Government for its efficient response to the incident, MPA for the meeting it had hosted with the 1992 Fund, and QBE for its continued cooperation in the handling of the incident.

Intervention by the delegation of Singapore

- 3.7.14 The delegation of Singapore expressed gratitude to the Director and the Secretariat for the close cooperation with the Singapore Government agencies involved in the incident. The delegation was also pleased to note that progress had been made in processing claims and paying compensation.

Statement by the delegation of Malaysia

- 3.7.15 The delegation of Malaysia made the following statement:

'We wish to provide a comprehensive update on the current status of the claims process following the *Marine Honour* oil spill incident that occurred off the coast of Johor on 17 June 2024.

Following the incident, the Department of Fisheries (DOF) and the Pengerang Area Fishermen's Association (PNKP) initiated a joint investigation to assess the environmental and socio-economic impact of the spill. The incident caused widespread concern among the coastal fishing community, leading to the lodging of 167 police reports by affected fishermen.

The oil spill adversely impacted four major fishing bases, namely Kg. Sungai Musoh, Teluk Ramunia, Sungai Rengit and Sungai Buntu.

These areas, heavily reliant on small-scale fisheries, suffered significant disruption. The investigation, which spanned approximately three weeks, confirmed that fishing operations were completely suspended during this period, resulting in a total loss of income for the affected fishermen.

In response, PNKP, in close collaboration with DOF, prepared and submitted the relevant claims for compensation on behalf of the fishermen to the owner of the vessel *Marine Honour* on 15 January 2025. In early February 2025, the vessel owner responded, requesting that the documentation be resubmitted using the format prescribed by the IOPC Funds. This request is in line with international best practices and allows for a structured and transparent evaluation of the claims.

At present, PNKP is working diligently to revise and reformat the claim documents to comply with the IOPC Funds' guidelines. It is anticipated that the revised documentation will be submitted by June 2025, marking a key step forward in securing redress for the impacted communities.'

1992 Fund Executive Committee

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

3.8	Incidents involving the IOPC Funds — 1992 Fund: <i>Terranova</i> Document IOPC/APR25/3/8		92EC	
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- 3.8.1 The 1992 Fund Executive Committee took note of document [IOPC/APR25/3/8](#) regarding the *Terranova* incident.

- 3.8.2 The Executive Committee recalled that on 25 July 2024, the *Terranova* capsized and sank in water approximately 23 metres deep 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.

Cargo removal and clean-up operations

- 3.8.3 The 1992 Fund Executive Committee recalled that in total 97% of the cargo had been recovered from the vessel during at-sea response activities.
- 3.8.4 It was noted that on 23 October 2024 the Philippines Coast Guard issued the vessel owner with a wreck removal order, on the basis that the remaining 3% of cargo remained a continuing hazard to the marine environment and that the location of the wreck would create a hazard to vessel anchoring and other operations.

Claims for compensation

- 3.8.5 The Executive Committee recalled that the 1992 Fund and Steamship Mutual had taken steps to jointly establish CSOs in the provinces of Bataan and Cavite in the Philippines, to facilitate the submission of claims for compensation resulting from the incident.
- 3.8.6 It was noted that the CSO in Bataan opened on 11 October 2024 and, as at 15 March 2025, had collected 2 693 claims. The CSO in Cavite opened on 16 January 2025 and, as at 15 March 2025, had collected 6 959 claims.

Interim payments

- 3.8.7 The Executive Committee noted that an agreement on interim payments with Steamship Mutual in respect of the incident had been signed on 11 November 2024.

Director's considerations

- 3.8.8 The Executive Committee noted that estimates of the impact of the incident indicate that claims for pollution damage have surpassed the 1992 CLC limit applicable to the *Terranova* and with the anticipated level of claims it is considered likely that the claims will exceed the STOPIA 2006 limit.
- 3.8.9 The Executive Committee noted the Director's gratitude to the Government of the Philippines and to the local authorities in the affected areas, for their assistance during visits by members of the Secretariat to the Philippines, and his appreciation of Steamship Mutual's active response to this incident and ongoing cooperation with the 1992 Fund.

Intervention by the delegation of the Philippines

- 3.8.10 The delegation of the Philippines thanked the Secretariat for the document and stated its appreciation for the proactive steps taken by the 1992 Fund in the establishment of the CSOs and the implementation of the claims-handling system. The delegation thanked the Director and the Secretariat for their visit to the Philippines in January 2025 and engaging with local government units and various national government agencies. The delegation noted that these meetings were helpful to the claims submission process and that high-level meetings with the secretaries of Transport and Justice provided insight.
- 3.8.11 The delegation of the Philippines welcomed the signing of the Interim Payment Agreement, which allowed the Director to make interim payments with respect to claims resulting from this incident, which was important to the government of the Philippines and the affected claimants.

- 3.8.12 That delegation also reported that it is actively working to improve maritime safety standards, to strengthen enforcement measures and exploring advanced technologies for oil recovery. The delegation reaffirmed its commitment to international cooperation and 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.

1992 Fund Executive Committee

- 3.8.13 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.

3.9	Incidents involving the IOPC Funds — 1992 Fund: Incidents in the Russian Federation Document IOPC/APR25/3/9		92EC	
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- 3.9.1 The 1992 Fund Executive Committee took note of document [IOPC/APR25/3/9](#) on two incidents in the Russian Federation.

- 3.9.2 The Executive Committee noted that on 15 December 2024 two oil tankers, *Volgoneft 212* and *Volgoneft 239* were caught in a storm at the southern end of the Kerch Strait entering into the Black Sea. As a result of the storm the *Volgoneft 212* split in two and sank, resulting in the death of one crew member. The *Volgoneft 239* also split in two, with the fore part sinking and the aft part running aground near the Port of Kavkaz.

- 3.9.3 It was also noted that both vessels were carrying a cargo of mazut, with a total volume of approximately 8 450 tonnes of cargo, of which it is estimated that 2 400 to 5 000 tonnes spilled from both vessels.

Impact of the spill

- 3.9.4 The Executive Committee noted that early satellite imagery indicated two separate oil slicks in the area of the Kerch Strait, with the oil appearing to have been carried in an easterly direction and making landfall on 17 December 2024 in the Anapsky and Temryuksky Districts. States of emergency were declared in the Anapsky and Temryuksky Districts on 17 December 2024 and a regional state of emergency was declared in Krasnodar Krai on 25 December 2024. By early January 2025, oil was also being reported in Sevastopol, on the Crimean peninsula.

- 3.9.5 The Executive Committee noted that the Russian Federation had reported that the area of the spill extended to 2 800 square metres and impacted more than 300 kilometres of coastline. It was noted that a Federal Emergency Regime and a Government Commission had been established by decree on 10 January 2025.

Response operations

- 3.9.6 The 1992 Fund Executive Committee noted that the Russian Federation had advised that 28 vessels were involved in pollution response in the Black Sea and that 455 interagency monitoring groups had been organised, utilising aviation, drones, sea vessels and divers. More than 5 000 people and 600 units of equipment were employed in the response activities and 18 stations for the rescue of wildlife species were organised.

- 3.9.7 The Executive Committee also noted the information provided by the Russian Federation detailing specific clean-up efforts relating to the collection and processing of oily water and the removal of contaminated sand and soil.

Applicability of the Conventions

- 3.9.8 The Executive Committee noted that the Russian Federation is Party to both the 1992 CLC and the 1992 Fund Convention. Therefore, the CLC limitation applicable to each vessel is SDR 4.51 million.
- 3.9.9 The *Volgoneft 212* and *Volgoneft 239* are believed to be insured with the Russian National Reinsurance Company.

Director's considerations

- 3.9.10 The Executive Committee noted that the Director has had informal discussions with members of the Russian delegation, and that the 1992 Fund had received an update on the progress of the response on 7 February 2025.

Statement by the delegation of the Russian Federation

- 3.9.11 The delegation of the Russian Federation made the following statement:

‘On 15 December 2024, in the southern part of the Kerch Strait, several kilometres from the coast, in stormy conditions two tankers *Volgoneft 212* and *Volgoneft 239* were broken up with an interval of about two hours. There was no collision of the vessels. These were two separate accidents.

Both tankers made voyages between the ports of the Russian Federation and carried a cargo of petroleum products (heavy fuel oil) with a total volume of about 9 000 tonnes.

After the breakage of the tankers, both parts of the *Volgoneft 212* tanker, as well as the fore part of the *Volgoneft 239*, sank, and the stern part of the second tanker was stranded ashore near the Cape Panagia. The crews of both tankers were evacuated, and unfortunately one person died.

The incidents were classified as very serious marine casualties. The State Emergency situation was declared by the Government.

As a result of the accidents, about 3 100 tonnes of petroleum products (heavy fuel oil) were spilled from both vessels.

In the course of the investigation process, the law enforcement authorities have initiated criminal cases. All necessary investigative actions are on the way.

Twenty-eight vessels were involved in localisation and pollution response in the Black Sea area.

The work of 455 interagency monitoring groups has been organised. The aviation, drones, vessels, special crafts of the Ministry of Emergency Situations of the Russian Federation, as well as divers are involved in the situation monitoring process.

The Russian Federation is taking all necessary measures to localise and neutralise the consequences of these accidents.

As of 25 April 2025, approximate 1 000 kilometres of the coast were examined in Kuban and Crimea regions. Hundreds of thousands of tonnes of contaminated sand, soil and pebbles have been collected.

The stern part of *Volgoneft 239* was aground near Cape Panagia. The remaining oil was pumped out and then the stern part was cut into pieces. By the beginning of March 2025, the work on dismantling of the stern part of the *Volgoneft 239* tanker was completed ahead of schedule, 744 tonnes of metal were handed over for recycling. After the completion of the disposal of the stern part of *Volgoneft 239* the cleaning of the area commenced and has been already completed. The Ministry of Emergency Situations continues daily monitoring of the situation in the emergency zone until the consequences of the accident are completely eliminated.

The situation in the area where the sunken fragments of the ships are located remains stable; no fuel oil leaks from the tanks have been recorded. Divers continue monitoring and controlling the condition of the sunken fragments of *Volgoneft 212* and *Volgoneft 239*. Inspections of all sunken fragments show that the fragments are in the same condition.

The procedure for recovering the wreckage of both tankers has been determined at the governmental level. The project is now on the way.

According to the Federal Agency for Fishery, the situation with bioresources in the Black Sea remains consistently positive. No negative impact from the oil spill on fish and seafood production has been recorded. Based on the results of the studies of the Black Sea waters in the aquatic bioresources fishing zone, no deviations in the quality of the caught fish and seafood have been recorded. Fishing is carried out at a distance from polluted areas and is carried out in a normal mode. No traces of fuel oil were found in the fishing areas or on the fishing gear used in the fishery.

The investigation of the main course of the accidents is still in the process. It is expected that the official results of the investigation will be announced at the governmental level.

The Russian Federation is considering the official application to be made to the IOPC Funds for the compensation.

The Arbitration Court of the Krasnodar region decided to invite the IOPC Funds as the third party to consider a civil dispute over the wreck of the tankers. The official notification to the Secretariat is expected to follow through the Ministry of Justice of the Russian Federation.'

Statement by the delegation of Ukraine

3.9.12 The observer delegation of Ukraine made the following statement:

'Ukraine would like to take part in today's discussion regarding the incident involving the Russian tankers that occurred on 15 December 2024 in the area of the Kerch Strait, and share with the participants the data we have to date. This disaster occurred in close proximity to Ukraine, and its consequences have been fully felt by us as well.

First and foremost, we would like to express our sincere appreciation to the Secretariat for submitting the document addressing the situation that the Russian Federation is seeking, by all possible means, to obscure from the attention of the international community. At the same time, we kindly urge the Secretariat and Member States, in their consideration of these incidents, to pay particular attention to the status of the Kerch Strait. We recall that, following the occupation of part of Ukraine's territory, the aggressor state unilaterally proclaimed the strait as its internal waters, in flagrant violation of international law and in breach of Ukraine's sovereign rights.

Now, turning directly to the incident itself: under storm conditions, two Russian tankers, *Volgoneft 212* and *Volgoneft 239* – both technically outdated and unfit for transporting heavy fuel oil under such circumstances – collided, causing a large-scale oil spill. This disaster triggered a chain of severe environmental consequences across the Black Sea region.

The initial contamination struck the coastline of the Krasnodar region in Russia. However, under the influence of currents and wind conditions, the heavy fuel oil spread across the Kerch Strait, affecting the Crimean coastline, particularly areas near the city of Kerch and nature reserves such as the Opukskiy Nature Reserve.

Satellite monitoring using Sentinel-1 imagery began on 17 December 2024 and confirmed ongoing pollution along the southern and western Crimean coasts. By January 2025, oil slicks up to 15 kilometres in length were visible between the Crimean and Caucasian coastlines. On 24 January 2025, clumps of heavy fuel oil were indeed detected along the Odesa region coastline, specifically in the Lymanska, Tuzlivska, and Serhiivska communities. Samples were collected and transferred to laboratories for chemical analysis and risk assessment.

The disaster severely impacted the whole Black Sea ecosystem, causing the death of over 700 seabirds and 61 dolphins, threatening protected areas, and posing long-term risks to biodiversity, fisheries, and human health due to toxic oil contamination.

As of today, pollution remains heavily concentrated in the Kerch Strait as well as along the southern and western coasts of Crimea. The physicochemical properties of the heavy fuel oil cause it to gradually settle, creating a serious risk of secondary contamination through sediments. In addition, localised pollution has been confirmed along the northwestern Black Sea coast. Ukrainian scientific institutions are continuing comprehensive environmental monitoring to assess the long-term impacts of this disaster on marine ecosystems and coastal areas.

This environmental disaster and the Russian Federation's irresponsible behaviour have inflicted long-lasting harm upon the Black Sea and its littoral states. By operating obsolete tankers, failing to inform the international community, and delaying an effective response, Russia has caused a catastrophe that cannot be resolved within months – its consequences will be felt for generations.

The Russian Federation not only failed to ensure safe shipping by operating aged and unsuitable vessels but also actively concealed the scale of the incident. It failed to promptly inform neighbouring countries and international organisations about the spill. As a result, effective international response measures were delayed, and the management of the consequences was poorly organised, leading to enormous environmental and economic losses, estimated at billions of dollars, which will affect the region for decades.

We call on the Russian Federation to act responsibly, comply with international law, and ensure transparency in its actions. It is imperative to promptly inform the global community about such emergencies, rather than concealing or minimising the scale of disasters.

We also urge the IOPC Funds and its Member States to continue monitoring this situation, keep it within the focus of their activities, and ensure that those responsible are held accountable.'

Statement by the delegation of France

3.9.13 The delegation of France made the following statement (original French):

'I have the honour to take the floor on behalf of the Polish Presidency of the European Union (EU) (whose credentials, as explained at the beginning of the meeting, were regrettably not accepted by the IOPC Funds, and with her permission) as well as on behalf of the other EU Member States and the European Commission.

On the matter at hand, we reiterate the constant position of the EU regarding the territorial integrity and sovereignty of Ukraine, as recalled by the Ukrainian delegation, and we are particularly concerned about the incidents involving the *Volgoneft 212* and *Volgoneft 239* vessels, which were originally designed for river transport and later converted for maritime transport – as these incidents not only affect the Russian Federation but also Ukraine and the Black Sea region.

We acknowledge the significant challenges in addressing and managing such incidents, particularly when they occur in the context of armed conflict, where access to information, cooperation and coordination can be significantly limited. However, such incidents can have devastating and long-term impacts on marine ecosystems, biodiversity, fisheries, and human health, as seen in the Black Sea region, where pollution remains a serious concern.

Continuous environmental monitoring remains essential to fully assess and mitigate the consequences of such disasters.

We call upon the Russian Federation to inform the IOPC Funds of the actions it has taken as a flag State in response to this situation and what measures it intends to undertake in order to prevent similar incidents in the future.'

Statement by the delegation of the United Kingdom

3.9.14 The delegation of the United Kingdom made the following statement:

'The UK would like to join others including France, and their statement on behalf of EU Member States and the European Commission, in expressing concern about the marine pollution that has resulted from this incident. This delegation would also like to remind Russia of their responsibility to safeguard the marine environment and the suitability, safety and security of shipping, and calls for Russia to comply fully with their international obligations in this regard.

This is also an opportunity to further remind all Member States of the importance of fulfilling IMO Assembly Resolution 1183(33) and the obligations on flag and port States to ensure that oil spill incidents do not pose environmental risks.

As such the UK similarly echoes the calls for the Russian Federation to further advise the IOPC Funds on what actions it has taken, and what actions it will take in future to prevent reoccurrence, and on its monitoring, to allow the Director to continue monitoring the situation and report on any developments.'

*Debate*3.9.15 One delegation shared the views expressed by the delegation of France. Another delegation expressed its condolences regarding the crew member who lost their life as a result of the incident involving the *Volgoneft 212*. That delegation also expressed its appreciation to the Secretariat for the information provided in the document. That delegation noted that a formal request for assistance had not been received from the Russian Federation and as a result the Secretariat had

not yet been able to fully investigate the circumstances of the incidents. That delegation further noted that on a preliminary basis the incidents appeared to fall within the scope of the 1992 Civil Liability and Fund Conventions, but that an investigation would need to be done to determine if any events enumerated in Article IV(2) of the 1992 Fund Convention were applicable in this case. That delegation further stated that 1992 Fund Assembly Resolution N°12 would also be an issue. The delegation expressed its hope that the Secretariat, in cooperation with the Russian Federation, would have an opportunity to gather relevant information so that a decision could be reached in the future.

1992 Fund Executive Committee

- 3.9.16 The 1992 Fund Executive Committee noted that the Director will continue to monitor the incidents and report any developments at a future session.

4 Compensation matters

4.1	The potential impact of sanctions on the international liability and compensation regime Document IOPC/APR25/4/1	92AC		SA
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- 4.1.1 The 1992 Fund Administrative Council and Supplementary Fund Assembly took note of document [IOPC/APR25/4/1](#).
- 4.1.2 The governing bodies recalled that since the introduction of the current sanctions regime, the IOPC Funds' Secretariat had 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.
- 4.1.3 The governing bodies also recalled that at the 33rd session of the IMO Assembly, which convened from 27 November to 6 December 2023, the Member States had adopted Resolution A.1192(33) which called upon flag and port States to take measures against 'dark fleet' or 'shadow fleet' operations.
- 4.1.4 The governing bodies noted that port State control data suggested that detentions had remained overall steady over the past two years, but that while detention rates among the largest flag States had been decreasing over recent years, several smaller registries with poor records of regulatory oversight had seen a significant influx of ships that circumvented sanctions and, by extension, safety compliance.
- 4.1.5 The governing bodies also noted the reports of increased interference and jamming of global navigation satellite systems (GNSS) within the Baltic Sea, which impacted upon maritime navigation, safety, port operations and infrastructure leading to a higher risk of maritime accidents and possible oil pollution incidents, with some States calling for the revival of the long-range identification and tracking system (LRIT) as a tool to eradicate the problem of vessels 'going dark' to transport illegal or sanctioned cargoes.
- 4.1.6 The governing bodies further noted that at the 112th session of the IMO Legal Committee which convened from 24 to 28 March 2025, the Member States considered the increasing need to combat unlawful operations within the remit of IMO and supported the development of a new output to conduct a regulatory scoping exercise of IMO Conventions and other instruments available for Member States, to further develop actions to prevent unlawful operations including substandard ships. It was noted that a working group and correspondence group had been established to further those aims.

- 4.1.7 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 IOPC 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.
- 4.1.8 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, 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

- 4.1.9 It was further noted that in December 2023, February 2024, June 2024 and February 2025 respectively, the EU announced its 12th, 13th, 14th and 16th packages of economic sanctions, 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.
- 4.1.10 The governing bodies noted that the 16th package of economic sanctions listed 74 vessels that form part of the 'shadow' fleet or contribute to the Russian Federation's energy revenues, and which were subject to a port access ban and a prohibition to provide a broad array of maritime and other services such as financing and financial assistance, insurance and brokering, flag registration, technical assistance, bunkering, ship supply services, crew change services, cargo loading and discharge services, fendering and tug services.

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

- 4.1.11 The governing bodies recalled that the Secretariat had previously reported on the EU Price Cap Scheme in document [IOPC/APR24/4/1](#).

Provision of services by shipping registries, ship-to-ship (STS) operations and the use of ageing vessels

- 4.1.12 The governing bodies 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 were being conducted.
- 4.1.13 The governing bodies also took note of a study released in February 2025, which stated that P&I insurance had been identified for 63.5% of the global fleet of crude carriers and oil product/chemical tankers, with no information about P&I insurance found for 36.5% of the global fleet, and that 64.2% of ships without International Group insurance were registered in grey-listed, black-listed or unranked jurisdictions.

Potential mitigating actions

- 4.1.14 The governing bodies recalled that at their March 2022 sessions, 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).

- 4.1.15 It was also 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. Port States were further encouraged to 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).
- 4.1.16 It was further 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).
- 4.1.17 It was noted that some of the Russian Federation insurers were under sanctions in various jurisdictions and it was unknown whether anyone in those jurisdictions would be able to accept payments from such an insurer.
- 4.1.18 It was further recalled that Member States were 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.

Steps taken by the IOPC Funds' governing bodies

- 4.1.19 The 1992 Fund Administrative Council and Supplementary Fund Assembly recalled that in November 2024, they had adopted Resolutions N°14 and N°6, respectively, on 'Raising awareness of the risk of uninsured and unsafe ships', and also agreed the post-incident 'Guidance for investigating the circumstances surrounding an oil pollution incident involving uninsured and unsafe ships' in order to identify ships and persons involved, including, but not limited to, shipowners and their insurers. The governing bodies also recalled that the Secretariat had revised its own internal procedures to be followed 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.

Debate

- 4.1.20 The delegation of the Russian Federation stated that the Russian Federation guaranteed fulfilment of its obligations under the international conventions and stated that the root cause of many of the issues highlighted in the document were the illegal, unilateral measures imposed by some States which had a negative impact on the international compensation regime.

- 4.1.21 One delegation stated that it was deeply concerned with the increase of the 'dark fleet' which had led to dangerous shipping operations which heightened the risk of oil pollution incidents and increased the financial burden upon the IOPC Funds and its contributors. Recalling that the IMO Legal Committee had agreed to develop guidelines or best practices on the registration of ships at its 112th session in March 2025, that delegation highlighted that the regulatory scoping exercise proposed by the IMO Legal Committee would be a new output for IMO in the 2026-27 biennial agenda. That delegation requested that each Member State and stakeholder comply with the obligations under Article VII of the 1992 CLC and follow the guidelines in IMO Circular LEG.1/Circ.16.
- 4.1.22 A number of delegations called upon all stakeholders to comply with their obligations to ensure that oil was transported in safe ships which were properly insured, noting that the international compensation regime had proved its worth, but was dependent on individual Member States complying with their obligations. Noting that sustained action was required, one delegation stated that a lack of adequate insurance undermined the international compensation regime and left victims at risk of not receiving adequate compensation. Some delegations also highlighted the provisions of the various IOPC Funds and IMO Resolutions, and IMO Circulars, noting that these contained information to help ensure environmental and navigation safety.
- 4.1.23 One delegation stated that it did not allow STS operations in its territorial waters, only allowing such operations to take place in its ports under permit. That delegation also highlighted the issues it had experienced with an incident in one of its ports, involving a general cargo vessel with inadequate insurance provided by an insurer outside the International Group of P&I Associations. The online query page of the insurer in question, had indicated a valid insurance policy was in place prior to the incident, but after the incident, the insurer had stated that the insurance policy had been cancelled one month previously, leaving the Port Authority to remove the wreck of the vessel. That delegation stated that the lessons from this experience might be relevant for an incident involving a tanker, and that it would put forward further proposals on verifying insurance policies for foreign-flagged vessels at the next meetings of the IMO Legal Committee and the IOPC Funds' governing bodies.
- 4.1.24 The International Group of P&I Associations, whilst noting that section 2.4 of document [IOPC/APR25/4/1](#) was intended to highlight issues with vessels insured outside the International Group, stated that the Clubs within the Association still insured approximately 80% of ocean-going tankers, of which less than 18% were involved with the carriage of Russian oil, which the International Group Clubs could insure when carried under the Price Cap Scheme conditions.

1992 Fund Administrative Council and Supplementary Fund Assembly

- 4.1.25 The governing bodies noted the information provided by the Secretariat and the interventions made by delegations, noting in particular that many had expressed deep concern over the risks and financial exposure of 'dark fleet' vessels, especially due to the lack of insurance and the potentially dangerous conducting of STS operations. It was noted that all States who spoke had expressed support for the safe transport of oil, stressing the potential impact on the environment and the need for all stakeholders to meet their obligations. The statement by the Russian Federation as to the fulfilment of its international obligations and the root causes of the issue was also noted. The governing bodies instructed the Director to continue to monitor the situation and to report back at the next sessions of the governing bodies.

5 Financial reporting

5.1	Report on the applicability of 1992 Fund Resolution N°12 and Supplementary Fund Resolution N°3 Document IOPC/APR25/5/1	92AC		SA
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- 5.1.1 The governing bodies took note of the information contained in document [IOPC/APR25/5/1](#) in respect of the applicability of 1992 Fund Assembly Resolution N°12 and Supplementary Fund Assembly Resolution N°3.
- 5.1.2 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 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 Resolution N°12 — Measures in respect of outstanding oil reports and outstanding contributions, and Supplementary Fund Resolution N°3 — Measures in respect of outstanding contributions (document [IOPC/APR16/9/1](#), paragraphs 6.1.15 and 6.1.16).
- 5.1.3 The governing bodies noted that as at 28 February 2025, the measure to defer payments of compensation under 1992 Fund Resolution N°12 was applicable to 18 Member States, as set out at Annex III of document [IOPC/APR25/5/1](#). It was also noted that the measure to defer payments of compensation under Supplementary Fund Resolution N°3 was not applicable to any Member State of the Supplementary Fund.
- 5.1.4 It was further noted that, since the publication of document [IOPC/APR25/5/1](#), two Member States had fulfilled outstanding obligations, as follows, resulting in 1992 Fund Resolution N°12 being applicable to 16 Member States of the 1992 Fund:
- the Government of Curaçao has paid in full the outstanding contributions and interest charges owed by a contributor in that State, assuming the obligation in accordance with Article 14.1 of the 1992 Fund Convention; and
 - the Government of Ghana has made the final payment of contributions and interest outstanding from that State, assuming the obligation of its contributor, in the same manner as Curaçao.

Director's considerations

- 5.1.5 The Director expressed his concern that there were 16 Member States to which the measure to defer payments of compensation under the 1992 Fund Resolution N°12 was applicable, and that therefore these States might not have full access to compensation in the event of an incident.
- 5.1.6 The Director recalled the obligation of States Parties 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 States Parties 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 Conventions 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.
- 5.1.7 The Director urged the States Parties listed at Annex III of document [IOPC/APR25/5/1](#) 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.

Debate

- 5.1.8 The delegation of the Marshall Islands reiterated its opposition to 1992 Fund Resolution N°12.

- 5.1.9 One delegation expressed appreciation for the efforts made by the Secretariat and urged the Secretariat to continue supporting Member States, particularly those facing capacity limitations, in developing their capability to fulfil their treaty obligations through technical assistance.

1992 Fund Administrative Council and Supplementary Fund Assembly

- 5.1.10 The governing bodies noted the information provided and expressed their appreciation to the Director and the Secretariat for their efforts to ensure fairness for all contributors. The governing bodies also noted the challenges faced by some Member States and the necessity of technical cooperation and support to assist them in fulfilling their obligations. Furthermore, the governing bodies expressed their appreciation to the Governments of Curaçao and Ghana for their efforts in resolving outstanding issues and urged the remaining Member States concerned to address their outstanding obligations promptly.

6 Financial policies and procedures

6.1	Measures encouraging the submission of oil reports — Implementation of 1992 Fund Resolution N°13 and Supplementary Fund Resolution N°5 Document IOPC/APR25/6/1	92AC		SA
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- 6.1.1 The governing bodies took note of the information contained in document [IOPC/APR25/6/1](#) 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 Resolution N°13 and Supplementary Fund 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 recalled 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. The governing bodies further noted that it was estimated that Albania and Bahrain had not received oil. It was also noted that the remaining six Member States were considered to have received oil, and therefore, the Director had decided to apply Resolution N°13 to these six Member States.
- 6.1.4 The governing bodies further recalled that letters were sent to the six Member States prior to the November 2024 sessions of the governing bodies to notify them of the proposed application of 1992 Fund Resolution N°13, to communicate the estimated contributing oil tonnages, and to urge them to take immediate action by submitting their outstanding oil reports or providing comments on the estimations.
- 6.1.5 The governing bodies noted that, following the letters sent to the six Member States, the Secretariat had received one report from Panama for 2022 and subsequently recalculated the estimates for Panama to reflect the report submitted.
- 6.1.6 The governing bodies also noted that the Director had issued invoices on 25 March 2025, with a payment deadline of 25 May 2025, based on the estimates and including the recalculated figures for Panama.
- 6.1.7 The governing bodies further noted that, after the issuance of the invoices, the Secretariat had held discussions with Saint Lucia and with Panama. Saint Lucia provided background information explaining the reasons for the non-submission of its oil reports. It was further noted that Panama had made efforts to resolve its outstanding reports and had submitted additional oil reports, although some reports remain outstanding.

- 6.1.8 The governing bodies noted the Director's planned implementation procedure for future issuing of invoices based on estimated tonnages: The Secretariat will estimate the quantity of unreported oil and notify the Member State concerned through an official letter. The Member State will be granted a six-month period to respond, during which time they may wish to report actual quantities received. In cases where reported oil quantities differ significantly from the Secretariat's estimates, an explanation would be requested. Following the six-month period, the Director will issue an invoice which would be considered final, based on estimated tonnages or, if provided, reported tonnages.
- 6.1.9 The governing bodies also noted that, for this first application of 1992 Fund Resolution N°13, although invoices had already been issued, the Secretariat would set 31 July 2025 as the end date for discussions on estimated tonnages, during which time it would continue to work closely with the Member States concerned to review any additional submissions and, where appropriate, make adjustments to invoiced amounts before that date.

Director's considerations

- 6.1.10 The 1992 Fund Administrative Council noted that the Director was confident that the estimations of contributing oil were sufficiently credible to serve as the basis for the issued invoices, and that the Member States concerned had been given adequate time for their review and response.
- 6.1.11 It was also noted that the Director affirmed that invoices had been issued in full accordance with the provisions under 1992 Fund Resolution N°13.
- 6.1.12 It was further noted that the Director believed that this approach would assist the Member States concerned in resolving their outstanding oil reporting obligations while also reinforcing compliance among other Member States that have already fulfilled their obligations under the 1992 Fund Convention.

Debate

- 6.1.13 Some delegations expressed support for the implementation of 1992 Fund Resolution N°13 and Supplementary Fund Resolution N°5, acknowledging the importance of safeguarding the financial stability of the Funds and promoting compliance with reporting obligations.
- 6.1.14 One delegation expressed appreciation for the Secretariat's report and welcomed the reduction in the number of Member States with outstanding oil reports. That delegation also expressed serious concern that 16 Member States could be subject to measures contained in Resolution N°12, noting in particular the six Member States subject to the application of Resolution N°13. The delegation urged the Secretariat to continue its efforts to reduce the number of outstanding oil reports and suggested that the Secretariat consider sharing relevant information with the IMO Legal Committee, given IMO's role in adopting the Fund Convention, to raise awareness among IMO Member States of breaches of obligations under the Convention.

1992 Fund Administrative Council and Supplementary Fund Assembly

- 6.1.15 The governing bodies noted the information provided and expressed their appreciation to the Director for the efforts to ensure that Member States fulfil their treaty obligations. They also instructed the Director and the Secretariat to continue efforts to encourage Member States to submit oil reports and to continue to report to the governing bodies on the application of 1992 Fund Resolution N°13 and Supplementary Fund Resolution N°5. The governing bodies instructed the Director to report on Resolution N°12 and Resolution N°13 to the next session of the IMO Legal Committee. They also urged the Member States concerned to cooperate with the Director to fulfil their obligations in this regard.

7 Secretariat and administrative matters

7.1	IMO lease agreement — Proposed amendments to the underlease Document IOPC/APR25/7/1	92AC		
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- 7.1.1 The 1992 Fund Administrative Council took note of the information contained in document [IOPC/APR25/7/1](#). The Administrative Council was invited to consider proposed amendments to the underlease agreement with IMO, and to decide whether the Director should be instructed to approve these amendments.
- 7.1.2 The 1992 Fund Administrative Council noted that an underlease had been in effect since 1 March 2016, following an agreement signed by the Secretary-General of IMO and the Director of the IOPC Funds. It was noted that the lease covered offices located on the first floor of the IMO Headquarters building and was due to expire in October 2032.
- 7.1.3 It was noted that key terms of the underlease included a fixed rent until October 2024, an option for termination at a contractual break point, and provisions for a rent review. It was also noted that IMO and the IOPC Funds were required to agree a revised rent by October 2023, but that this process had been delayed. The rent review was completed late and on 23 September 2024, IMO proposed a revised annual rent of £375 000 from 1 November 2024, based on a higher rate per square metre. It was further noted that the Government of the United Kingdom had confirmed that it would maintain its 80% contribution towards the rent.
- 7.1.4 The 1992 Fund Administrative Council noted that IMO had proposed incorporating this revised rent through a new clause (paragraph 2.5) in the underlease.
- 7.1.5 It was also noted that IMO had submitted proposals to amend the service charge arrangement. The existing capped model would be replaced by a cost-based system, whereby the IOPC Funds would pay a proportionate share of actual expenses, itemised in monthly invoices. Paragraphs in the underlease that capped annual increases would be removed.
- 7.1.6 The Administrative Council took note of a proposed revision to the medical charge where IMO suggested replacing the fixed per-person rate with a variable charge based on actual costs and staff usage, which would ensure closer alignment between charges and real expenditures.
- 7.1.7 It was noted that because these proposals were received after the budgeting deadline of 1 July 2024, the increased costs could not be reflected in the approved 2025 budget and that the Secretariat was awaiting updated financial estimates from IMO to assess budgetary impacts, which would be presented at a future session.
- 7.1.8 The Administrative Council further noted that in a letter dated 12 December 2024, IMO had submitted its proposed amendments and simultaneously issued notice of immediate termination of the underlease if the changes were not accepted. The Director had kept the UK Government fully informed and expressed his appreciation for its continued financial and logistical support.
- 7.1.9 It was further noted that the Director acknowledged the challenges posed by rising costs and underlined the importance of maintaining a sustainable financial arrangement. The Administrative Council took note of the Director's recommendation that the governing bodies approve the proposed underlease amendments.

Debate

- 7.1.10 The delegations that spoke unanimously supported the decision to instruct the Director to approve the proposed amendments to the underlease agreement with IMO, as outlined in the Annex to document [IOPC/APR25/7/1](#).

- 7.1.11 Several delegations acknowledged the financial challenges underpinning the proposed changes and considered the amendments to be reasonable and justifiable in light of the current economic environment. Appreciation was expressed for the Director's handling of the matter and for ensuring transparency by keeping Member States informed, as well as for the continued support of the UK Government, particularly its commitment to maintain the 80% contribution towards the rent. Delegations also highlighted the strategic and operational benefits of the IOPC Funds remaining located within the IMO Headquarters building and emphasised the importance of preserving a positive and cooperative relationship with IMO.
- 7.1.12 Some delegations expressed concern regarding the timing of IMO's proposal, which had occurred after the agreed budget deadline. They emphasised the importance of ensuring that any future changes to the underlease were communicated in a timely manner to avoid financial and operational disruption. In this regard, delegations encouraged improved dialogue between the IOPC Funds and IMO to strengthen coordination and facilitate timely engagement on such matters.

1992 Fund Administrative Council decision

- 7.1.13 The 1992 Fund Administrative Council instructed the Director to approve the proposed amendments to the underlease as set out in the Annex to document [IOPC/APR25/7/1](#).

7.2	Information services Document IOPC/APR25/7/2	92AC		SA
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- 7.2.1 The governing bodies noted the information contained in document [IOPC/APR25/7/2](#) regarding key developments in the information services provided by the Secretariat.

Website

- 7.2.2 It was noted that shortly before the November 2024 sessions of the governing bodies, several improvements had been introduced to the website's structure and navigation to enhance accessibility to key areas and that new designs and layouts had been applied to specific sections of the site. It was noted that, since the November 2024 meeting, the Secretariat had continued to apply the new design to further areas of the site. It was noted that a new page containing oil data and statistics was also under development and that the aim was to provide online users with quick access to the latest reported oil figures, the latest levies and information on the payment of contributions, as well as historical statistics that might be of interest.
- 7.2.3 It was also noted that a 'Frequently Asked Questions' page would be created specifically for queries relating to oil reporting and contributions in an effort to directly assist government representatives responsible for submitting oil reports, contributors who submit reports to the relevant State Authority, and employees within contributing entities who manage the payment of invoices to the IOPC Funds each year.
- 7.2.4 Member States were 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.
- 7.2.5 It was noted that only 32 of the 1992 Fund Member States had provided information to the Director, in accordance with 1992 Fund Assembly Resolution N°4, in respect of the establishment of any exclusive economic zone (EEZ) or designated area under Article 3(a)(ii) of the 1992 Fund Convention. It was recalled that, at its first 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.

- 7.2.6 It was noted that, with the agreement of the United Nations Division for Ocean Affairs and the Law of the Sea (UN DOALOS), the Secretariat had begun to add the corresponding information which is already published on the DOALOS section of the UN website to the IOPC Funds' online country profiles of those States which had not yet complied with 1992 Fund Assembly Resolution N°4.

Publications

- 7.2.7 The governing bodies noted that the 2023 Financial Statements of the 1992 Fund and the Supplementary Fund had been published in December 2024. It was also noted that the Guide to persistent and contributing oils, which was approved by the governing bodies in April 2024, had been published in November 2024. The Secretariat reported that the organisation's Annual Report for 2024 and an updated version of its general overview brochure had been published in early April 2025. Delegations were encouraged to access the digital versions of all IOPC Funds' publications, available in English, French and Spanish, under the Publications section of the website.
- 7.2.8 The governing bodies noted that an updated version of the animated instructional video outlining the process for submitting letters of credentials and registering for the IOPC Funds' meetings had also been made available in February 2025 in all official languages. It was also noted that an updated version of the IOPC Funds' introductory video, which serves as a useful educational tool and can be accessed in English, French and Spanish via the 'About Us' section of the website, had been released in April 2025.

Debate

- 7.2.9 One delegation commended the Secretariat for the notable progress made in enhancing the IOPC Funds' information services. In particular, that delegation welcomed the restructuring of the website to improve accessibility, especially the creation of a dedicated section for oil reporting and contributions, as well as the planned development of an oil data and statistics portal. That delegation noted that these improvements represented a significant step towards promoting transparency, facilitating compliance, and strengthening the operational efficiency of the international liability and compensation regime.
- 7.2.10 That delegation also expressed its appreciation for the Secretariat's continued efforts to ensure that critical information remained easily accessible to Member States and stakeholders through updated publications and enhanced communication tools. It further recognised the importance of the Secretariat's initiative to update the introductory video and expand the availability of the instructional animation on the submission of credentials across all official languages.
- 7.2.11 Finally, the delegation welcomed the Secretariat's proactive decision to include, in the online country profiles of States that have not yet complied with 1992 Fund Assembly Resolution N°4, the corresponding information already published on the DOALOS section of the UN website. That delegation noted that this initiative would help ensure clarity regarding the geographical scope of the 1992 Fund Convention, and encouraged the Secretariat to continue its valuable efforts to expand outreach, foster greater engagement, and further strengthen the visibility and effectiveness of the IOPC Funds.

1992 Fund Administrative Council and Supplementary Fund Assembly

- 7.2.12 The governing bodies noted the developments reported in respect of the information services provided by the Secretariat.

8 Treaty matters

8.1	Status of the 2010 HNS Convention Document IOPC/APR25/8/1	92AC		
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- 8.1.1 The 1992 Fund Administrative Council took note of the information contained in document [IOPC/APR25/8/1](#).

Status of the Convention

- 8.1.2 The 1992 Fund Administrative Council recalled the criteria for the entry into force of the 2010 HNS Protocol. It noted that the Protocol 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. Once the 2010 HNS Protocol enters into force, the 1996 Convention, as amended by the 2010 Protocol, will be called 'the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010 (2010 HNS Convention)'.
- 8.1.3 It was noted that, as at 29 April 2025 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 had reported receiving in 2023 over 19.2 million tonnes of cargo which would contribute to the general account.
- 8.1.4 The 1992 Fund Administrative Council recalled that at the November 2024 meeting of the IOPC Funds' governing bodies, the delegations of Belgium, Germany, the Kingdom of the Netherlands and Sweden had announced their intention to simultaneously ratify the 2010 HNS Convention in the summer of 2025. It was noted that, should this happen, the conditions necessary to trigger the entry into force of the Convention would be met and it would enter into force 18 months later.
- 8.1.5 The 1992 Fund Secretariat reported that it continued to work internally and with relevant partners to prepare for the first session of the HNS Fund Assembly, and to lay the groundwork to ensure that the HNS Fund would be fully operational from its creation.

HNS Project Manager

- 8.1.6 The 1992 Fund Administrative Council noted that in December 2024, the Secretariat had welcomed the arrival of the new HNS Project Manager who will lead and direct all HNS activities at the IOPC Funds and work with Member States, industry and interested organisations to support the entry into force of the Convention. It was further noted that this position provides a focal point and extra capacity within the 1992 Fund Secretariat to carry out the tasks necessary to support both the successful entry into force of the Convention and creation of the HNS Fund.

The HNS website and additional tools

- 8.1.7 It was noted that the 1992 Fund Secretariat continued to update and maintain the website www.hnsconvention.org which, as well as containing general information on the 2010 HNS Convention, hosts the HNS Finder, the online database that allows users to search the list of all HNS as defined by the Convention. It was further 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 the spring of 2025, ensuring it can be efficiently used for the preparation of the 2024 reports on contributing cargo.

- 8.1.8 It was also noted that following a discovery exercise completed in 2024 and reported on at the November 2024 meeting of the IOPC Funds' governing bodies, the 1992 Fund Secretariat had contracted a software company to develop an HNS reporting platform, based on the different reporting options set out in the Convention. Work on the project is expected to be completed by early autumn 2025 so that the platform may be tested by Contracting States to the 2010 HNS Convention later this year.

Development of a 2010 HNS Convention Claims Manual

- 8.1.9 The 1992 Fund Administrative Council noted that since the November 2024 meeting of the governing bodies, the Secretariat had continued to work with a number of relevant organisations to develop a draft 2010 HNS Convention Claims Manual. The Secretariat reported that the working group was close to finalising the draft text which would be presented to the first session of the HNS Fund Assembly for adoption.

Outreach activities and technical assistance

- 8.1.10 The 1992 Fund Administrative Council also noted that the 1992 Fund Secretariat 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.
- 8.1.11 It was also noted that since the November 2024 meeting of the governing bodies, members of the Secretariat had delivered multiple seminars on the 2010 HNS Convention including in Brunei Darussalam, Malta, the Philippines, Singapore and the United Kingdom. It was further noted that the Director and the HNS Project Manager had been invited to speak on the 2010 HNS Convention at the Colloquium of the Comité Maritime International in Tokyo, Japan in May 2025.
- 8.1.12 The 1992 Fund Secretariat encouraged States to consider holding online workshops with their relevant stakeholders for the purpose of highlighting to a wide audience the value of the 2010 HNS Convention, as well as explaining how to prepare HNS contributing cargo reports. It was noted that the 1992 Fund Secretariat is available to support such activities and to assist States considering ratifying or acceding to the 2010 HNS Convention.

Debate

- 8.1.13 Several delegations welcomed the appointment of the HNS Project Manager to the IOPC Funds Secretariat and acknowledged the increased capacity the position had created to support the entry into force of the Convention. Those delegations also thanked the Secretariat for its proactive work to promote the entry into force of the Convention and to prepare for the first HNS Fund Assembly, recognising that it was an important but missing piece of the international liability framework.
- 8.1.14 Many delegations referred to the shipping sector's efforts to decarbonise, and the resulting rise in the use of low and zero carbon alternative fuels, many of which are classified as HNS. Several delegations noted that as the volume of alternative fuels being transported by sea increased, the risk of HNS incidents for coastal States also increased, underlining the need for a robust international framework to address HNS-related damages. Delegations noted that the transportation of alternative fuels also posed increased risks to seafarers, and shared the view that the sooner the 2010 HNS Convention entered into force, the better it would be for the safety and welfare of seafarers, as the Convention covered a broader set of damages. Given the risk to seafarers, one delegation noted that the need for the Convention to be ratified by major flag States could not be understated.

- 8.1.15 Several delegations raised the recent collision of the *MV Stena Immaculate* and the *MV Solong* off the east coast of the UK, and noted that the incident was an important reminder of the types of damage that could be caused by HNS which underlined the importance of the Convention.
- 8.1.16 The delegation of the Netherlands informed the governing bodies that it had completed its domestic implementing legislation and reporting regulations, and had submitted contributing cargo reports for the last three years. As a result, the delegation stated that the Netherlands was ready to implement the Convention and was continuing to work towards coordinated ratification with Germany, Belgium and Sweden.
- 8.1.17 The delegation of Germany reminded the 1992 Fund Administrative Council that it had co-sponsored document [IOPC/NOV24/8/2/2](#) submitted to the 1992 Fund Assembly in November 2024 together with Belgium, the Netherlands and Sweden, in which those States had expressed their commitment to take the necessary steps to deposit instruments of ratification of the Convention in the early summer of 2025. The delegation explained, however, that a federal election and other unforeseen events in Germany had regrettably delayed the proposed timeline. While Germany could no longer ratify the Convention in summer 2025 as planned, it reaffirmed its commitment to ratification, and stated that every effort would be made to speed up the process and its efforts, in order to become a Party to the Convention as soon as possible.
- 8.1.18 The delegation of Sweden reminded the 1992 Fund Administrative Council that it had been in a position to accede to the Convention for a number of years, having adopted the necessary legislation and regulations and completed the required reporting. The delegation reiterated that it would align its accession with other European countries and confirmed its full commitment to ratifying the Convention as soon as possible, stating that it would continue to synchronise its efforts with the delegations of Belgium, Germany and the Netherlands.
- 8.1.19 The delegation of Italy congratulated those States that had already ratified the Convention and informed the 1992 Fund Administrative Council that it had convened an interagency meeting in March 2025 with positive results. The delegation expressed the hope that Italy would be in a position to become a Party to the Convention in the near future.
- 8.1.20 The delegation of the Philippines expressed its appreciation to the IOPC Funds' Secretariat, the IMO Secretariat and the International Group of P&I Associations for a five-day workshop on IMO's liability conventions that took place in Manila in January 2025. The workshop had a special focus on the 2010 HNS Convention and provided a valuable opportunity for government agencies to better understand how it works. The delegation of the Philippines also thanked the Secretariat for updating the HNS Finder, noting that it was a valuable tool for determining which substances are covered by the Convention and who should be approached about reporting.
- 8.1.21 The delegation of South Africa welcomed the impending entry into force of the Convention and stated that it would seriously consider hosting an HNS workshop in the coming year, a proposal that was warmly welcomed by many delegations.
- 8.1.22 Many Contracting States to the Convention welcomed the updates on ratifications, expressed their enthusiasm for the future, and stated that they looked forward to collaborating with each other. Several delegations emphasised that significant work remained ahead to deepen the collective understanding of the Convention and to overcome the remaining legal and logistical challenges to bring the Convention into force.
- 8.1.23 Other delegations, including Bahamas, Italy, Kenya, Madagascar, Namibia and the Philippines, expressed their appreciation for the outreach and technical cooperation activities provided by the Secretariat. However, these delegations noted the need for greater capacity-building and technical assistance to ensure that States were fully apprised of the extensive requirements and benefits of the Convention. These States noted a desire to become Parties, but indicated that they required

assistance to understand the obligations of the Convention so that they could properly implement it. These delegations further emphasised that technical assistance and support was particularly important for developing countries.

- 8.1.24 Several delegations, including the delegation of Canada and the observer delegation of the European Chemical Industry Council (Cefic), reiterated their offers to share experience and provide support to other States who wanted to ratify the Convention.
- 8.1.25 The observer delegation of IMO expressed its pleasure that the 2010 HNS Convention was close to entry into force, while noting that much work lay ahead before the Secretary-General of IMO convened the first meeting of the HNS Fund Assembly. That delegation stressed the importance of Contracting States providing annual contributing cargo reports by the 31 May deadline, to ensure that cargo reporting would continue to become more accurate as the entry into force of the Convention got closer. That delegation further noted that IMO's Integrated Technical Cooperation Programme was available to assist States wanting to implement the Convention, and that its importance had been underlined at the most recent meeting of the IMO Legal Committee. Finally, that delegation indicated that an updated brochure regarding the 2010 HNS Convention developed in collaboration with the IOPC Funds, the International Group of P&I Associations and ITOPF would be published in the near future.
- 8.1.26 The observer delegation of Cefic reiterated its strong support for the 2010 HNS Convention and underlined the chemical industry's commitment to the Convention and the principles of responsible care. That delegation indicated that it would continue to provide support to those wishing to ratify the Convention, in close collaboration with the relevant national organisations. Cefic underlined that the success of the Convention depended on it being widely ratified so that the financial burden was shared over many shoulders. Cefic called upon 1992 Fund Member States, especially those that received significant amounts of contributing cargo, to ratify the Convention as soon as possible. Cefic also called on the delegations of Poland and Denmark during their presidencies of the European Union, to launch an initiative for all member States of the European Union to ratify the Convention in the near future, in order to create a level playing field within the single market. That delegation also expressed concern about the impact of international sanctions on the HNS Fund and asked for support from the IOPC Funds' governing bodies to assist the chemical industry in dealing with the sanctions within the framework of the 2010 HNS Convention. Cefic committed to assisting with the refinement of the HNS Finder and underlined that the first HNS Fund Assembly needed to work towards harmonised criteria including for reporting limits and transshipments.
- 8.1.27 In summarising the debate, the Chair of the 1992 Fund Administrative Council thanked the Secretariat for its proactive efforts to support the entry into force of the Convention, including technical workshops hosted jointly with IMO. The Chair also expressed gratitude to the delegations that had provided updates on the status of their ratification processes. He further noted that the increased transportation of alternative fuels and the recent incident off the coast of the UK underlined the importance of the Convention and the reasons for States to consider ratifying it.

1992 Fund Administrative Council

- 8.1.28 The 1992 Fund Administrative Council noted the information provided by the Secretariat and the positive progress reported by a number of States towards ratification of the 2010 HNS Convention.
- 8.1.29 The 1992 Fund Administrative Council commended and thanked the Secretariat for its continued efforts to prepare and assist States for the entry into force of the 2010 HNS Convention. The Administrative Council also noted that the Director would report on progress at the next session of the 1992 Fund Assembly.

8.2	Review of 1992 Civil Liability and Fund Conventions — Propose to IMO to convene Conference to revise or amend, as applicable, the 1992 Fund Convention Document IOPC/APR25/8/2	92AC		SA
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- 8.2.1 The governing bodies took note of document [IOPC/APR25/8/2](#) submitted by the delegation of India.
- 8.2.2 During the introduction of their document, the delegation of India stated that it had been a considerable amount of time since the 1992 Fund Convention was last amended, and that during that time there had been significant changes in the maritime industry, in trade, and the transportation of oil. That delegation highlighted that there had also been changes in the socioeconomic impact of maritime oil pollution as well as in the technology to respond to such pollution incidents.
- 8.2.3 India reminded the governing bodies that it had submitted previous documents on this topic (documents [IOPC/APR19/5/2](#) and [IOPC/NOV20/8/3](#)) and drew attention to the key issues of concern.
- 8.2.4 In particular, that delegation noted that, in its view, the onus of contribution to the 1992 Fund appeared to be concentrated upon a few Member States only, which might not be an equitable distribution of responsibility. It stated that, since the benefits of the compensation system were distributed globally, this created an imbalance and raised concerns about fairness and sustainability. The delegation of India proposed the contribution system of the IOPC Funds should be reassessed to ensure a more equitable distribution of financial responsibility which includes both oil-consuming and major oil-producing States.
- 8.2.5 The Indian delegation reminded the governing bodies that the requirement to maintain insurance or financial security only applied to certain ships transporting more than 2 000 metric tonnes of oil in bulk. It noted that in incidents involving vessels carrying less than 2 000 metric tonnes of oil where there is no mandatory insurance cover against oil pollution liabilities, the 1992 Fund was required to pay compensation to the affected entities from the outset.
- 8.2.6 That delegation also pointed out that, while Article 10 of the 1992 Fund Convention requires a receiver of oil cargo in a Contracting State to pay contributions only if receiving more than 150 000 metric tonnes of oil cargo by sea in a calendar year, even small quantities of oil pollution could result in substantially large claims. It expressed the view that the provision exempting a class of receivers from contributing could encourage a lack of oversight by receivers of small parcels of oil cargo by sea and suggested that this imposed an additional burden on persons receiving more than 150 000 metric tonnes of oil cargo by sea, who have to shoulder the burden of making contributions to the 1992 Fund in incidents which arise during transportation of such parcels by sea.
- 8.2.7 The Indian delegation proposed that the definition of ‘ship’ under the 1992 CLC might need revision as the non-inclusion of any mention of ensuring sea worthiness might not be consistent with the principles of the organisation.
- 8.2.8 Taking all the points above into account, that delegation proposed that the 1992 Fund Administrative Council should consider requesting the IMO Legal Committee to convene a conference to review and amend the 1992 Fund Convention.

Debate

- 8.2.9 The Chair of the 1992 Fund Administrative Council thanked the delegation of India for the presentation of the document and noted that the governing bodies had undertaken work in the past to identify any need for change in respect of, not only the current compensation regime for oil

pollution, but also for HNS. He recalled that such work had resulted in the development of the Supplementary Fund Protocol and the 2010 HNS Protocol respectively. He confirmed that these draft treaties had then been referred to IMO. The Chair clarified that the convening of a diplomatic conference requires broad support, followed by substantial preparatory work before it takes place, including a thorough discussion of the issues within the 1992 Fund Assembly or at IMO. He pointed out that this was typically done through the establishment of a working group, followed by approval from the 1992 Fund Assembly and reference to and approval from the IMO Legal Committee.

- 8.2.10 The Director thanked the delegation of India for its document and stated that he was conscious of the concerns it had highlighted, and that since taking up his post he had been consistently seeking ways to address the issues raised within the existing framework of the Conventions. He referred in particular to the implementation of 1992 Fund Assembly Resolutions N°12 and N°13, which were aimed at ensuring that all States report oil and pay contributions in accordance with their obligations under the 1992 Fund Convention. He explained that this was now done with the support of third party data to verify the accuracy of the reports submitted. He also referred to his efforts to gain wider acceptance of a STOPIA-type mechanism for insurers outside of the International Group.
- 8.2.11 All delegations that spoke thanked the delegation of India for its document and expressed appreciation for the concerns raised.
- 8.2.12 One delegation appreciated India's historic and sterling commitment to the strengthening of the international system of liability and compensation for damage caused by oil pollution. Another delegation expressed the view that given the long period of time since the last revision of the 1992 Conventions, it was now the appropriate time to consider amending the Conventions so that contributions to the IOPC Funds were more equitably shared among Member States. That delegation supported the proposals contained in document [IOPC/APR25/8/2](#).
- 8.2.13 One delegation, acknowledging the concerns of the Indian delegation, noted that it was also one of the largest contributors to the Fund and shared some of the concerns expressed. At the same time it noted the overwhelming success of the existing international liability and compensation regime and the serious risks which might arise from the revision of the existing legal framework. That delegation noted that any revision of the 1992 Conventions could involve changes to their scope and the introduction of political issues which might not be able to be resolved between States, resulting in the adoption of competing conventions and the fragmentation of the international liability and compensation regime.
- 8.2.14 That delegation supported a more cautious approach than that proposed by the Indian delegation. It referred in particular to the steps already taken, such as the introduction of STOPIA 2006 and TOPIA 2006. That delegation also stressed the need to not underestimate other substantial improvements which had already been made under the existing framework, for example the introduction of 1992 Fund Resolutions N°12 and N°13 to enhance implementation of the contribution system without amending the Conventions. The vast majority of delegations that spoke during the discussions supported this intervention.
- 8.2.15 A number of delegations who also represent some of the largest contributors to the 1992 Fund were sympathetic to the concerns raised by India, but all were concerned by the risks posed in re-opening the Conventions and, whilst open to discussions regarding changes to the Conventions, they required a more thorough analysis of the proposed changes and consideration of other possible options to address those issues within the existing framework.

Statement by the delegation of the United Arab Emirates

8.2.16 The delegation of the United Arab Emirates made the following statement:

'This delegation wishes to thank India for document [IOPC/APR25/8/2](#) on the need for detailed revision of or amendments to the 1992 Fund Convention.

However, we do have some concern on the proposal. In general, we believe that the Funds since established have been working very well and complementing the International Convention on Civil Liability for Oil Pollution Damage, 1969, as renewed in 1992.

Regarding the proposal in paragraph 2.3 of document [IOPC/APR25/8/2](#) on the need to reassess the 1992 Fund's contribution mechanism to ensure a more equitable distribution of financial responsibility, involving not just the few contributing nations, but also oil-consuming and major oil-producing countries, this delegation believes that this matter was extensively discussed and negotiated during the development of the Fund. The question 'How would contributions to the Fund be made?' was raised as set out in the reference document LEG/WG (FUND) II/WP.10 where the views expressed that it would be more equitable to require that contributions to the Fund be made not only by importers of oil but also by the oil producing countries. However, there were a number of difficulties and challenges related to this approach. As a result, it was agreed that the receivers of such oil should pay contributions to the Fund.

In relation to the proposal in paragraph 2.4 of document [IOPC/APR25/8/2](#) that the 1992 CLC requires only the owner of a ship registered in a Contracting State and carrying more than 2 000 tons of oil in bulk to maintain insurance or other financial security, this delegation believes that such proposal would lead to potential amendments to the 1992 CLC which is beyond the mandate of the IOPC Funds. Noting also an extensive discussion on this matter took place in the past during the development of the International Convention on Civil Liability for Oil Pollution Damage, 1969, as renewed in 1992.

In conclusion, our understanding that the proposal in the document is to request the 1992 Fund Assembly to consider requesting IMO (Legal Committee) to convene a Conference for the purpose of revising or amending the 1992 Fund Convention. However, we believe that the IOPC Funds does not have the mandate to amend or consider amendments or convene or request IMO to convene a Conference for the purpose of revising or amending the 1992 Fund Convention. According to the Convention, any amendment proposed and circulated shall be submitted to the Legal Committee of the Organization (IMO). A Conference for the purpose of revising or amending the 1992 Fund Convention may be convened by the Organization. The Organization 'IMO' shall convene a Conference of Contracting States for the purpose of revising or amending the 1992 Fund Convention at the request of not less than one third of all Contracting States.

Furthermore, and before considering a request for convening a Conference, we believe that a new output would be needed for amendment in the agenda of the Legal Committee in accordance with LEG.1/Circ.14 'Organization and method of work of the Legal Committee'. Should there be amendments for consideration by the Legal Committee, a two-thirds majority of the Contracting States present and voting in the Legal Committee shall be required for the adoption of any amendments.

Therefore, consideration to amend or convene a Conference for the purpose of revising or amending the 1992 Fund Convention or 1992 Civil Liability Convention shall remain within the remit of IMO, particularly, its Legal Committee.'

- 8.2.17 Many delegations aligned themselves with the statement made by the delegation of the United Arab Emirates, noting that many of the changes proposed in document [IOPC/APR25/8/2](#) would require amendment of the 1992 Civil Liability and Fund Conventions, a task which is outside the scope of the governing bodies' mandate and which would need to be undertaken by IMO.
- 8.2.18 One delegation noted the potential risks of opening up the Conventions and recommended that any proposals should initially be scrutinised by the Secretariat, in collaboration with the IMO Legal Committee, to undertake a technical and legal review, with a view to enhancing the effectiveness of the regime within the existing framework.
- 8.2.19 One delegation expressed the view that while the system may not be perfect, and may well have its weaknesses, the present legal framework is able to provide compensation to those who suffer damage from oil pollution. That delegation expressed concern that any modification to the current legal framework could weaken the system, which has now been operating successfully for several decades and whose complexities are widely understood and accepted. Many delegations supported this intervention.
- 8.2.20 Many delegations also considered that the benefits which might result from revising the Conventions did not outweigh the potential risks of re-opening them. Those delegations considered that the current proposal by India did not demonstrate sufficient evidence to justify revising the Conventions at this stage. They also expressed the view that before any revision should be considered, an impact assessment would be needed to consider the likely impact on the compensation regime. Those delegations were of the view that it was premature to consider establishing a working group on this issue.
- 8.2.21 A number of delegations noted that the existing compensation regime reflects the intention to apply the polluter pays principle in assigning the burden of financing the regime. Those delegations considered the contribution system to be one of the essential decisions taken during the development of the international liability and compensation regime and recalled that it was subject to extensive debate during the drafting of the Conventions. They considered that seeking to amend the contribution system would go beyond a revision of the Conventions and would instead be akin to an entirely new treaty.
- 8.2.22 One delegation recalled that the governing bodies had previously considered a revision of the Conventions some 20 years ago and at the time, that delegation had been in favour of re-opening the Conventions to correct the imbalances and errors in the compensation system. However, the majority of States had preferred to adopt other solutions to balance the burden of risk, such as the introduction of STOPIA 2006 and TOPIA 2006, and the decision was taken not to amend the Conventions. With the benefit of hindsight, that delegation stated that the correct approach had been taken by the majority not to revise the Conventions.
- 8.2.23 One delegation noted that the IOPC Funds' system is a model for other international compensation regimes and that one of the delays to the entry into force of the 2010 HNS Convention is the large number of contributors it will inevitably involve. That delegation expressed concerns about proposed changes in document [IOPC/APR25/8/2](#) to reduce the threshold of contributing oil to less than 150 000 tonnes of persistent oil and noted the difficulties that would likely be encountered in recovering contributions from a large number of small oil receivers.

Intervention by the delegation of India

- 8.2.24 The delegation of India thanked the Chair, the Director and other delegations for their interventions. Whilst the delegation appreciated the concerns raised, it stated that regular review, augmentation, improvement and amendment of their instruments is a core function of international organisations, including IMO, which was demonstrated by the amendment of the 1969 CLC in 1992 after a period of 23 years and similarly, the amendment of the 1971 Fund Convention in 1992 after a period of 21 years.
- 8.2.25 That delegation stated that it had been more than 28 years since the adoption of the previous amendments to the 1992 Conventions and that therefore it might be prudent to review, and if necessary, to amend one or both of the 1992 Civil Liability and Fund Conventions. The delegation stated that a revision of the Conventions might provide more clarity to the instruments and allow them to adapt to changes that had occurred.
- 8.2.26 The Indian delegation aligned itself with the statement made by the delegation of the United Arab Emirates, agreeing that the governing bodies might not have the mandate to make amendments to the Conventions. That delegation clarified that this was the reason document [IOPC/APR25/8/2](#) proposed that the 1992 Fund Assembly request IMO to convene a Conference in order to consider revision of the 1992 Fund Convention.
- 8.2.27 The delegation of India further stated that document [IOPC/APR25/8/2](#) drew attention to relevant areas of concern within the 1992 Civil Liability and Fund Conventions which might be considered for amendment. These areas might include, but are not limited to:
- the definition of ‘ship’ in Article I of the 1992 CLC;
 - Article VII of the 1992 CLC; and
 - Article 10 of the 1992 Fund Convention.
- 8.2.28 The delegation stated that pursuant to Article 14 of the 1992 CLC and Article 32 of the 1992 Fund Convention, amendment to the respective Conventions may only be made by IMO after convening a Conference.
- 8.2.29 The Indian delegation also queried why the Rules of Procedures of the 1992 Fund Assembly do not have a mechanism or procedure to allow for recommendations to be proposed by the 1992 Fund Assembly directly to IMO and/or its Legal Committee. That delegation stated that this was particularly relevant as the IOPC Funds is one of the largest governing bodies of IMO-governed liability regimes.
- 8.2.30 The delegation stated that it appreciated the efforts of the Director and the Secretariat in implementing 1992 Fund Assembly Resolutions N°12 and N°13 but considered that a further review of the Conventions might still be considered.
- 8.2.31 The delegation of India noted the concerns raised regarding difficulties which might arise when collecting contributions from smaller oil companies. However, the delegation stated that preparations which had been made for the entry into force of the 2010 HNS Convention had already established a mechanism for collecting contributions from smaller contributors, and that the same might easily be implemented by the Secretariat in respect of the 1992 Fund.
- 8.2.32 The delegation of India thanked other delegations who had mentioned the need for further impact assessment or evaluation of any changes to the Conventions. That delegation proposed that any assessment or evaluation should be done through a working group or correspondence group, further stating that they had proposed that the Chair consider establishing such a group.

- 8.2.33 The delegation noted the Chair's comments that the creation of a working group was the typical route when considering a review of the Conventions. It noted that a review of the 1992 Civil Liability and Fund Conventions would constitute a formidable task and might require multiple deliberations amongst all stakeholders. The Indian delegation proposed that a document should be ready with clear outputs, to be submitted to IMO's Legal Committee later in 2025, for a session of the IMO Legal Committee in 2026. It requested the Chair to consider constituting a working group or a correspondence group to draft the proposed document.

Debate (continued)

- 8.2.34 The observer delegation of IMO recalled the past history of revisions to the Conventions, noting that of all the topics under revision, the contribution scheme was not one that was recommended. That delegation commented on the relevant procedures which would need to be followed within IMO to revise the 1992 Fund Convention under Article 32 in the *Final Clauses of the Protocol of 1992 to amend the 1971 Fund Convention*. That delegation confirmed that a conference may be convened by IMO for the purpose of revising the Convention at the request of not less than one third of all Contracting States and that similar provisions applied to the 1992 CLC.
- 8.2.35 The observer delegation of ICS noted that the 1992 CLC, 1992 Fund Convention and Supplementary Fund Protocol represented three of the most successful Conventions created by IMO. It further stated that the longevity of the compensation regime was evidence that the system works, rather than being a justification for review or amendment. That delegation commented that the regime delicately balances the interests and responsibilities of the industry stakeholders involved in the international transportation of oil at sea, so as to play a full and equitable part in the liability and compensation system. It considered that any changes to the system would risk upsetting this balance and emphasised the need to explore all potential options within the framework before considering revision of the Conventions. That delegation further noted that any future proposals to amend the Convention or Conventions, if and when they are made, should be made in the appropriate forum, which for the CLC is IMO.
- 8.2.36 The observer delegation of the International Group of P&I Associations supported the interventions made by others in respect of the risks of re-opening the Conventions, noting that the existing system had a good balance between the stakeholders, stating that approximately 95% of claims for compensation were borne solely by the shipowners and their insurers, under the first tier of compensation.
- 8.2.37 On behalf of the 1992 Fund Administrative Council, the Chair thanked the delegation of India for its document and noted that this had led to a rich debate on an important issue. He also confirmed that it was appropriate to take the time to review these concerns in order to consider if the regime remains fit for purpose.
- 8.2.38 In summarising the debate, the Chair of the 1992 Fund Administrative Council noted that the vast majority of the delegations that spoke did not support the proposals in document [IOPC/APR25/8/2](#). He recalled that those delegations had particularly drawn attention to the risks of re-opening the Conventions, which might result in a fragmentation of the regime and loss of the delicate balance between the shipowner and the oil industry. There was also strong concern that this would affect the ability to pay compensation in the future.
- 8.2.39 The Chair recognised that many delegations had acknowledged the concerns raised in the document, and had conceded that whilst the system is not perfect, the longevity of the compensation regime speaks to its success. The Chair noted that delegations had reaffirmed their commitment to the international liability and compensation regime.

1992 Fund Administrative Council decision

- 8.2.40 The 1992 Fund Administrative Council did not support the proposal by the delegation of India to request the Legal Committee of IMO to convene a Conference for the purpose of revising or amending the 1992 Fund Convention.
- 8.2.41 The 1992 Fund Administrative Council noted that any delegations wishing to further explore the issues raised in the document submitted by India should submit more detailed proposals, supported by evidence, demonstrating a compelling need for any revision of the Conventions together with an assessment of the potential impact such revisions might have.

Supplementary Fund Assembly

- 8.2.42 The Supplementary Fund Assembly took note of document [IOPC/APR25/8/2](#) and the decision of the 1992 Fund Administrative Council.

9 Other matters

- 9.1
- | | | | |
|------------------------|-------------|-------------|-----------|
| Future sessions | 92AC | 92EC | SA |
|------------------------|-------------|-------------|-----------|
- 9.1.1 It was recalled that at their November 2024 sessions, the governing bodies had confirmed the dates of their sessions to be held in 2025, namely the current April sessions and those set to take place during the week of 20 October 2025.
- 9.1.2 The Secretariat reported that the IOPC Funds' October 2025 meeting will now take place at the same time as IMO's Intersessional Working Group on Reduction of Green House Gases (ISWG-GHG), as decided at the 83rd session of the Marine Environment Protection Committee (MEPC) earlier in April 2025. It was reported that, due to the larger size of that meeting with an anticipated 800 attendees, the Secretary-General of IMO had requested that the October 2025 sessions of the IOPC Funds' governing bodies be held in Room 9 of the IMO Headquarters building to enable the Main Hall to be used for the ISWG-GHG meeting.
- 9.1.3 It was noted that the Director had responded positively to this request in principle, having requested confirmation that all facilities and resources to deliver the meeting, including hybrid meeting facilities and support services, availability of interpreters, catering services and all usual related events and activities, would remain unaffected by the two meetings running concurrently.
- 9.1.4 The Secretariat noted with regret the likelihood that some delegations, particularly those comprising of only one or two representatives, would need to choose between the two meetings. It also noted that since Room 9 has a capacity of 250 seats and that October/November IOPC Funds' meetings were usually attended by between 230 and 260 in-person attendees, space in the room would likely be limited.
- 9.1.5 Bearing these points in mind, the Secretariat noted that ideally it would be preferable to find an alternative date when the governing bodies could still hold its sessions in the Main Hall and confirmed that it would continue to liaise with the Conference Division of IMO to explore possibilities in that regard. The Secretariat confirmed that any change in date would be communicated to the governing bodies as early as possible.
- 9.1.6 The Secretariat also suggested that should the meeting go ahead alongside that of ISWG-GHG in Room 9 during the week of 20 October 2025, delegations might wish to consider in advance how they would manage their representation should they usually attend both meetings, and whether they would be able to split their delegation or send additional representatives to participate either in person or remotely at each of the meetings.

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

- 9.1.7 The governing bodies took note of the update on logistics for their October 2025 sessions.

9.2	Any other business	92AC	92EC	SA
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Proposal to expand access to the IOPC Funds' Induction Course

- 9.2.1 One delegation noted the crucial role played by the Induction Course since its inception in 2017 in providing delegates with a comprehensive understanding of the work of the IOPC Funds, including the organisation's role in the event of an oil spill, as well as the obligations and responsibilities of Member States with respect to oil reporting and contributions.
- 9.2.2 Regrettably, the delegation observed that this highly informative course remained accessible only to those able to attend in person, thereby limiting participation for many Member States. The delegation expressed the view that a sound understanding of the international liability and compensation regime, as well as the role of Member States within that framework, should be delivered to all Member States, whether based in London or elsewhere.
- 9.2.3 Furthermore, the delegation noted that the Induction Course is delivered over a single day, making it well suited for remote participation. In light of this, the delegation respectfully requested that the Secretariat consider offering the course in hybrid format. It was emphasised that such an initiative would facilitate broader participation and help ensure that all delegates were equipped with the essential knowledge and understanding of the work of the IOPC Funds.

Coffee breaks hosted by the Netherlands and Malaysia

- 9.2.4 During the meeting of the governing bodies, the delegations of the Netherlands and Malaysia generously hosted the morning coffee breaks. The governing bodies expressed their appreciation and thanked both delegations for their thoughtful gesture.

Condolences extended to the Islamic Republic of Iran following the tragic explosion at Shahid Rajaee port

- 9.2.5 During the meeting, several delegations expressed their heartfelt condolences to the Government of the Islamic Republic of Iran in the wake of the recent explosion at Shahid Rajaee port, which tragically resulted in the loss of many lives and left over a thousand people injured in a Member State of the 1992 Fund.

9.3	Tributes to Thomas Liebert	92AC	92EC	SA
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- 9.3.1 Throughout the week of the meeting many delegations, when intervening for the first time, expressed their sincere condolences to the family and colleagues of Thomas Liebert. Prior to the closing of the meeting, delegations were invited to pay tribute to Mr Liebert.

Statement by the Director

9.3.2 The Director made the following statement:

‘Since his sad passing this January, Thomas’s absence has been keenly felt in the Secretariat. He worked for the IOPC Funds for more than 15 years during which time he ably headed the External Relations and Conference Department in addition to tirelessly and passionately promoting the entry into force of the 2010 HNS Convention. His contribution to the organisation will be remembered for many years to come.

While Thomas’s illness was a terrible shock, he bore the disease with unfailing dignity and good humour. I really admired this about him.

I extend my heartfelt sympathies to Thomas’s family and friends on behalf of myself and the Secretariat. May he rest in peace.’

Statement by the Chair of the 1992 Fund Administrative Council

9.3.3 The Chair of the 1992 Fund Administrative Council made the following statement (original French):

‘If I could start with a few personal thoughts about Thomas. I first met Thomas when he joined the IOPC Funds’ Secretariat and immediately I saw the energy and dedication that he brought with him.

He was a breath of fresh air and over the years I was fortunate to collaborate closely with him. In 2012 and 2018, we worked together to deliver two workshops on the HNS Convention. Thomas truly believed in his work and worked tirelessly to serve the Member States as Head of the External Relations and Conference Department, and in facilitating the entry into force of the 2010 HNS Convention.

I cherish my memories of Thomas, his good humour, his smile and candour. To his family and friends, my deepest condolences for your loss and know that the IOPC Funds’ delegates will remember him fondly.

May he rest in peace and adieu my friend.’

Statement by the delegation of France

9.3.4 The delegation of France made the following statement (original French):

‘It was with deep sorrow and great sadness that we learned late last year of the recurrence of Thomas’ illness that had affected him for several years, and of his sudden passing on 20 January.

Our thoughts have been with his family, his loved ones, as well as his colleagues, with whom Thomas had forged strong bonds during his years of service within the IOPC Funds.

For nearly a quarter of a century, Thomas dedicated himself to supporting others within the maritime community: early in his career, he advocated for small-scale artisanal fishing projects and activities, defended seafarers’ rights, and later, through his work in response to and prevention of marine pollution, in the various roles he successively held at IMO, at OSRL and at the IOPC Funds.

Most recently, he played a determined and effective role in contributing to the 2010 HNS Convention, coordinating efforts to promote it, facilitating its entry into force, and establishing the contribution system. The imminent entry into force of the Convention, which he sadly did not live to witness, will stand as part of the legacy he leaves to the maritime community.

His warmth, personal qualities, good humour, as well as his unique sense of style – a thoughtful blend of French elegance and well-assimilated British originality – left an indelible and much-appreciated impression on all who knew him.

We wish to pay a heartfelt tribute to him at this time and extend our deepest thanks to the IOPC Funds Secretariat and his colleagues for the support they provided him during these last months of his battle with illness.'

Statement by the delegation of Poland

9.3.5 The delegation of Poland made the following statement:

'We would like to express our sincere and heartfelt condolences on the passing of our dear colleague, Mr Thomas Liebert. Thomas will be remembered not only as a highly respected professional, but also as a person of warmth, kindness and integrity. His dedication to the work of the IOPC Funds, including his tireless efforts in promoting the 2010 HNS Convention, left a lasting impact.

We hope his family and friends find comfort in the memory of his life and in the many lives he touched. May he rest in peace.'

Statement by the delegation of Latvia

9.3.6 The delegation of Latvia made the following statement:

'We would like to express our deepest condolences to Mr Liebert's family, colleagues and loved ones. Mr Liebert will always be remembered as a great professional with his lasting contribution to the work of the IOPC Funds, especially in his efforts to promote the ratification process of the 2010 HNS Convention. He will always be remembered for his smile, positive attitude, French elegance and humour.'

Statement by the delegation of the Netherlands

9.3.7 The delegation of the Netherlands made the following statement:

'We can only echo the kind and thoughtful words of the other delegations who spoke before us. On behalf of the Kingdom of the Netherlands we would also like to express our sincere condolences and deepest sympathies over the sad passing of Thomas in January this year.

Getting to know Thomas Liebert, we experienced him as a very knowledgeable and engaged person with regards to matters related to the IOPC Funds and the 2010 HNS Convention. We very much appreciated his extensive knowledge and experience, and his great work in the facilitation of bringing the 2010 HNS Convention into force. It is tragic that he is not able to witness the final result of his hard work, which is the actual entry into force of the 2010 HNS Convention as this is coming very close.

But above all we will remember him for his positive personality and his presence will be immensely missed. We wish his family, friends and colleagues lots of strength.'

Statement by the delegation of Canada

9.3.8 The delegation of Canada made the following statement (original French):

‘It is with deep sadness that we learnt of the passing of our esteemed colleague, Thomas. It was devastating to hear the news, when we had hoped that he was in remission. Thomas was dedicated to the work of the IOPC Funds and made significant contributions to the broader maritime community. It was through our common work on the HNS Convention, during the pandemic, that I first met Thomas and even during that difficult period of hundreds of virtual meetings, we were able to form a valuable connection thanks to his brilliant personality. His commitment to his work, his passion for the marine environment and the Conventions with which we work, and his warm personality will be greatly missed.

We extend our heartfelt condolences to his family and friends, and to the French delegation during this difficult time. Thomas's legacy will continue to inspire us, and we are grateful for the time we had with him.’

9.3.9 The Chair of the 1992 Fund Administrative Council thanked delegations for their tributes.

10 Adoption of the Record of Decisions

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

The draft Record of Decisions of the April 2025 sessions of the IOPC Funds' governing bodies, as contained in documents IOPC/APR25/10/1/WP.1 and IOPC/APR25/10/1/WP.1/1, was adopted, subject to certain amendments.

* * *

ANNEX I

1.1 Member States present at the sessions

		1992 Fund Administrative Council	1992 Fund Executive Committee	Supplementary Fund Assembly
1	Algeria	•		
2	Angola	•		
3	Antigua and Barbuda	•	•	
4	Argentina	•		
5	Australia	•		•
6	Bahamas (the)	•		
7	Belgium	•		•
8	Bulgaria	•		
9	Cameroon	•		
10	Canada	•		•
11	China ^{<1>}	•		
12	Colombia	•		
13	Côte d'Ivoire	•		
14	Cyprus	•		
15	Denmark	•		•
16	Ecuador	•		
17	Finland	•		•
18	France	•	•	•
19	Germany	•		•
20	Ghana	•		
21	Greece	•		•
22	India	•	•	
23	Iran (Islamic Republic of)	•		
24	Italy	•	•	•
25	Jamaica	•		
26	Japan	•	•	•

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

		1992 Fund Administrative Council	1992 Fund Executive Committee	Supplementary Fund Assembly
27	Kenya	•		
28	Latvia	•		•
29	Liberia	•		
30	Madagascar	•	•	
31	Malaysia	•		
32	Malta	•		
33	Marshall Islands	•	•	
34	Mexico	•		
35	Morocco	•		•
36	Namibia	•	•	
37	Netherlands	•	•	•
38	Nigeria	•		
39	Norway	•	•	•
40	Oman	•		
41	Panama	•		
42	Philippines	•		
43	Poland	•	•	•
44	Portugal	•	•	•
45	Republic of Korea	•	•	•
46	Russian Federation	•		
47	Saint Kitts and Nevis	•		
48	San Marino	•		
49	Senegal	•		
50	Singapore	•	•	
51	South Africa	•		
52	Spain	•		•
53	Sweden	•		•
54	Thailand	•		
55	Trinidad and Tobago	•		

		1992 Fund Administrative Council	1992 Fund Executive Committee	Supplementary Fund Assembly
56	Türkiye	•		•
57	United Arab Emirates	•		
58	United Kingdom	•		•
59	Uruguay	•	•	
60	Venezuela (Bolivarian Republic of)	•		

1.2 States represented as observers

		1992 Fund	Supplementary Fund
1	Brazil	•	•
2	Guatemala	•	•
3	Indonesia	•	•
4	Iraq	•	•
5	Kuwait	•	•
6	Pakistan	•	•
7	Ukraine	•	•

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	Cedre	•	•
2	Comité Maritime International (CMI)	•	•
3	European Chemical Industry Council (Cefic)	•	•

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	World Liquid Gas Association (WLGA)	•	•

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ANNEX II

RULES OF PROCEDURE FOR THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND ESTABLISHED UNDER THE 1992 FUND CONVENTION

Rules amended by the 1992 Fund Administrative Council at their 25th session during discussion of documents [IOPC/APR25/1/3](#) (see section 1.3), [IOPC/APR25/1/4](#) (see section 1.4) and [IOPC/APR25/1/5](#) (see section 1.5), adopted on 1 May 2025

Sessions

Rule 3

The Assembly shall hold its sessions in person in London (United Kingdom), supported by hybrid meeting capabilities, unless it decides otherwise on any particular occasion. If, between sessions, the Director, with the Chair's approval, or any Member proposes that the next session be held elsewhere, an affirmative decision to that effect may be taken by a majority of Members giving their approval in writing (including by telefax or electronic mail) to the Director. Such majority approval should be communicated to Members at least forty-five days before the commencement of that session.

Credentials

Rule 9

Each Member shall transmit to the Director the credentials of its representative, together with the names of any alternates or other members of its delegation not later than five working days prior to the opening of the Assembly session. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place or by an appropriate authority as determined by the Government and communicated to the Director. Where the credentials are issued by an appropriate authority as determined by the Government, a letter authorising the authority to issue credentials shall be provided to the Director, not later than five working days prior to the opening of the Assembly session. The letter shall be signed by the Head of State, the Head of Government, or by the Minister of Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place.

Chair and Vice-Chairs

Rule 22

The Chair and the Vice-Chairs of the Assembly shall be present, in person, during the sessions of the Assembly, unless exceptional circumstances arise. If the Chair is absent from a session, or any part thereof or, for any reason, is unable to carry out his or her duties, one of the Vice-Chairs shall act as Chair.

Voting

Rule 33

Each Member shall have one vote. For the purposes of these Rules and in accordance with Article 32 of the 1992 Fund Convention:

- (a) the phrase "Members present" means Members present at the meeting at the time of the vote;
- (b) the phrase "Members present and voting" means Members present and casting an affirmative or negative vote. Members who abstain from voting or who cast an invalid vote shall be considered as not voting;
- (c) for the purpose of Rule 33 (a) and Rule 33 (b), Members are considered present whether they are participating in person or remotely through the hybrid system. Members in the session who are not present at the time the voting takes place shall be considered as not present.

Rule 37

Elections shall be decided by secret ballot, held in person, unless the Assembly decides otherwise.

Rule 38

In a secret ballot two scrutineers shall, on the proposal of the Chair, be appointed by the Assembly from the Members present in person and shall proceed to scrutinize the votes cast. All invalid votes cast shall be reported to the Assembly.

Conduct of Business

Rule 41

A majority of the Members shall constitute a quorum for the meetings of the Assembly. Members participating either in person or remotely through the hybrid system shall be counted in determining quorum.

Rule 42^{<1>}

In addition to exercising the powers conferred upon him or her elsewhere by these Rules, the Chair shall declare the opening and the closing of the session of the Assembly and, subject to the Assembly's wishes, he or she shall determine the hours of meetings and may adjourn meetings. The Chair shall direct the discussion and ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions resulting from the voting.

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^{<1>} No amendments were made to Rule 42 in English. An amendment to the text of Rule 42 in French and Spanish was made to correct a translation discrepancy.

ANNEX III

RULES OF PROCEDURE FOR THE EXECUTIVE COMMITTEE OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND ESTABLISHED UNDER THE 1992 FUND CONVENTION

Rules amended by the 1992 Fund Administrative Council at their 25th session, during discussion of documents [IOPC/APR25/1/3](#) (see section 1.3), [IOPC/APR25/1/4](#) (see section 1.4) and [IOPC/APR25/1/5](#) (see section 1.5), adopted on 1 May 2025

Sessions

Rule 3

The Executive Committee shall hold its sessions in person in London (United Kingdom), supported by hybrid meeting capabilities, unless it decides otherwise on any particular occasion. If, between sessions, the Director, with the Chair's approval, or any Member proposes that the next session be held elsewhere, an affirmative decision to that effect may be taken by a majority of Members giving their approval in writing (including by telefax or electronic mail) to the Director. Such majority approval should be communicated to Members at least forty-five days before the commencement of that session.

Credentials

Rule 8

Each Member shall transmit to the Director the credentials of its representative, together with the names of any alternates or other members of its delegation not later than five working days prior to the opening of the Executive Committee session. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place or by an appropriate authority as determined by the Government and communicated to the Director. Where the credentials are issued by an appropriate authority as determined by the Government, a letter authorising the authority to issue credentials shall be provided to the Director, not later than five working days prior to the opening of the Executive Committee session. The letter shall be signed by the Head of State, the Head of Government, or by the Minister of Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place.

Chair and Vice-Chairs

Rule 19

The Chair and the Vice-Chair of the Executive Committee shall be present, in person, during the sessions of the Executive Committee, unless exceptional circumstances arise. If the Chair is absent from a session, or any part thereof or, for any reason, is unable to carry out his or her duties, the Vice-Chair shall act as Chair.

Voting

Rule 28bis

Each Member shall have one vote. For the purposes of these Rules:

- (a) the phrase "Members present" means Members present at the meeting at the time of the vote;
- (b) the phrase "Members present and voting" means Members present and casting an affirmative or negative vote. Members who abstain from voting or who cast an invalid vote shall be considered as not voting;
- (c) for the purpose of Rule 28bis (a) and Rule 28bis (b), Members are considered present whether they are participating in person or remotely through the hybrid system. Members in the session who are not present at the time the voting takes place shall be considered as not present.

Rule 33

Elections shall be decided by secret ballot, held in person, unless the Executive Committee decides otherwise.

Rule 34

In a secret ballot two scrutineers shall, on the proposal of the Chair, be appointed by the Executive Committee from the Members present in person and shall proceed to scrutinize the votes cast. All invalid votes cast shall be reported to the Executive Committee.

Conduct of Business

Rule 37

At least two-thirds of the members of the Executive Committee shall constitute a quorum for its meetings. Members participating either in person or remotely through the hybrid system shall be counted in determining quorum.

Rule 38^{<1>}

In addition to exercising the powers conferred upon him or her elsewhere by these Rules, the Chair shall declare the opening and the closing of the session of the Executive Committee and, subject to the Executive Committee's wishes, he or she shall determine the hours of meetings and may adjourn meetings. The Chair shall direct the discussion and ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions resulting from the voting.

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^{<1>} No amendments were made to Rule 38 in English. An amendment to the text of Rule 38 in French and Spanish was made to correct a translation discrepancy.

ANNEX IV

RULES OF PROCEDURE FOR THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND ESTABLISHED UNDER THE 2003 SUPPLEMENTARY FUND PROTOCOL

Rules amended by the Supplementary Fund Assembly at their 13th extraordinary session during discussion of documents [IOPC/APR25/1/3](#) (see section 1.3), [IOPC/APR25/1/4](#) (see section 1.4) and [IOPC/APR25/1/5](#) (see section 1.5), adopted on 1 May 2025

Sessions

Rule 3

The Assembly shall hold its sessions in person in London (United Kingdom), supported by hybrid meeting capabilities, unless it decides otherwise on any particular occasion. If, between sessions, the Director, with the Chair's approval, or any Member proposes that the next session be held elsewhere, an affirmative decision to that effect may be taken by a majority of Members giving their approval in writing (including by telefax or electronic mail) to the Director. Such majority approval should be communicated to Members at least forty-five days before the commencement of that session.

Credentials

Rule 9

Each Member shall transmit to the Director the credentials of its representative, together with the names of any alternates or other members of its delegation not later than five working days prior to the opening of the Assembly session. The credentials shall be issued by the Head of State or by the Head of Government or by the Minister for Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place or by an appropriate authority as determined by the Government and communicated to the Director. Where the credentials are issued by an appropriate authority as determined by the Government, a letter authorising the authority to issue credentials shall be provided to the Director, not later than five working days prior to the opening of the Assembly session. The letter shall be signed by the Head of State, the Head of Government, or by the Minister of Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place.

Chair and Vice-Chairs

Rule 22

The Chair and the Vice-Chairs of the Assembly shall be present, in person, during the sessions of the Assembly, unless exceptional circumstances arise. If the Chair is absent from a session, or any part thereof or, for any reason, is unable to carry out his or her duties, one of the Vice-Chairs shall act as Chair.

Voting

Rule 33

Each Member shall have one vote. For the purposes of these Rules and in accordance with Article 16.2 of the Supplementary Fund Protocol and Article 32 of the 1992 Fund Convention:

- (a) the phrase "Members present" means Members present at the meeting at the time of the vote;
- (b) the phrase "Members present and voting" means Members present and casting an affirmative or negative vote. Members who abstain from voting or who cast an invalid vote shall be considered as not voting;
- (c) for the purpose of Rule 33 (a) and Rule 33 (b), Members are considered present whether they are participating in person or remotely through the hybrid system. Members in the session who are not present at the time the voting takes place shall be considered as not present.

Rule 37

Elections shall be decided by secret ballot, held in person, unless the Assembly decides otherwise.

Rule 38

In a secret ballot two scrutineers shall, on the proposal of the Chair, be appointed by the Assembly from the Members present in person and shall proceed to scrutinize the votes cast. All invalid votes cast shall be reported to the Assembly.

Conduct of Business

Rule 41

A majority of the Members shall constitute a quorum for the meetings of the Assembly. Members participating either in person or remotely through the hybrid system shall be counted in determining quorum.

Rule 42^{<1>}

In addition to exercising the powers conferred upon him or her elsewhere by these Rules, the Chair shall declare the opening and the closing of the session of the Assembly and, subject to the Assembly's wishes, he or she shall determine the hours of meetings and may adjourn meetings. The Chair shall direct the discussion and ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions resulting from the voting.

^{<1>} No amendments were made to Rule 42 in English. An amendment to the text of Rule 42 in French and Spanish was made to correct a translation discrepancy.