DRAFT

RECORD OF DECISIONS OF THE MARCH 2021 SESSIONS OF THE IOPC FUNDS’ GOVERNING BODIES

(held from 29 to 31 March 2021)

<table>
<thead>
<tr>
<th>Governing body (session)</th>
<th>Chair</th>
<th>Vice-Chairs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1992 Fund</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assembly (92AES24)</td>
<td>Mr Gaute Sivertsen (Norway)</td>
<td>Professor Tomotaka Fujita (Japan) Mrs Aureny Aguirre O. Sunza (Mexico)</td>
</tr>
<tr>
<td>Executive Committee (92EC75)</td>
<td>Ms Gillian Grant (Canada)</td>
<td>Mr Kanagalingam Selvarasah (Malaysia)</td>
</tr>
<tr>
<td><strong>Supplementary Fund</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assembly (SAES8)</td>
<td>Mr Sungbum Kim (Republic of Korea)</td>
<td>Mr Andrew Angel (United Kingdom) Mr Emre Dinçer (Turkey)</td>
</tr>
</tbody>
</table>
CONTENTS

1 Opening of the sessions

2 Procedural matters
   1.1 Adoption of the Agenda
   1.2 Election of the Chair
   1.3 Examination of credentials
   1.4 Temporary suspension of Rules of Procedure – Facilitating remote sessions

2 Overview
   2.1 Report of the Director

3 Incidents involving the IOPC Funds
   3.1 Incidents involving the IOPC Funds
   3.2 Incidents involving the IOPC Funds – 1992 Fund: Agia Zoni II
   3.3 Incidents involving the IOPC Funds – 1992 Fund: Bow Jubail
   3.4 Incidents involving the IOPC Funds – 1992 Fund: MT Harcourt
   3.5 Incidents involving the IOPC Funds – 1992 Fund: Incident in Israel

4 Compensation matters

5 Treaty matters
   5.1 2010 HNS Convention

6 Financial policies and procedures
   6.1 Amendments to Internal Regulations
   6.2 Amendments to Financial Regulations

7 Secretariat and administrative matters
   7.1 Secretariat matters
   7.2 Information services
   7.3 Appointment of the Director – Procedures

8 Other matters
   8.1 Any other business

9 Adoption of the Record of Decisions

ANNEXES

Annex I List of Member States, non-Member States represented as observers, intergovernmental organisations and international non-governmental organisations

Annex II Internal Regulation 12 of the 1992 Fund and Supplementary Fund

Annex III Financial Regulation 9 of the 1992 Fund and Supplementary Fund

Annex IV Structure of the IOPC Funds Secretariat effective 1 April 2021
Opening of the sessions

0.1 Prior to the opening of the sessions, the Director welcomed participants to the second remote meeting of the IOPC Funds’ governing bodies and referred to document IOPC/MAR21/1/4, which provided information and guidance on the conduct of business for the virtual meeting held via the e-conferencing platform KUDO.

0.2 The Chair of the 1992 Fund Assembly recalled that sessions ordinarily took place in the International Maritime Organization (IMO) building in London. However, due to the COVID-19 pandemic and the consequent travel restrictions and conditions which had limited movement and travel to London, the sessions were being held remotely.

0.3 The Chairs of the governing bodies sought agreement from the Member States present to suspend Rule 3 of the Rules of Procedure to allow for the sessions of the governing bodies to be held remotely, as proposed in document IOPC/MAR21/1/3. The Chairs of the 1992 Fund Assembly and the Supplementary Fund Assembly also sought agreement on the proposal to interpret Rule 33(a) on the definition of ‘Members present’, as Member States being registered for the sessions using the online registration system, and listed as participants in the remote sessions, using the virtual meeting platform, as proposed in document IOPC/MAR21/1/3. The Chair of the 1992 Fund Executive Committee noted that the Rules of Procedure of the Executive Committee did not contain a rule on the definition of ‘Members present’ as contained in Rule 33 of the Rules of Procedure of the 1992 Fund Assembly.

1992 Fund Assembly

0.4 The Chair of the 1992 Fund Assembly opened the 24th extraordinary session of the Assembly with 74 States which had registered to attend the meeting, 71 States which had submitted credentials, and 63 States present at the time of the opening of the sessions.

0.5 He noted the importance of Member States being present during the opening of the 1992 Fund Assembly session in order to achieve quorum.

Supplementary Fund Assembly

0.6 The Supplementary Fund Assembly Chair opened the 8th extraordinary session of the Assembly with 22 Member States present.

1992 Fund Executive Committee

0.7 The 1992 Fund Executive Committee Chair opened the 75th session of the Executive Committee with 14 Member States present.

0.8 The Member States present at the sessions are listed in Annex I, as are the non-Member States, intergovernmental organisations and international non-governmental organisations, which were represented as observers.

1 Procedural matters

1.1 Adoption of the Agenda

<table>
<thead>
<tr>
<th>Document IOPC/MAR21/1/1</th>
<th>92A</th>
<th>92EC</th>
<th>SA</th>
</tr>
</thead>
</table>

The 1992 Fund Assembly, 1992 Fund Executive Committee and Supplementary Fund Assembly adopted the agenda as contained in document IOPC/MAR21/1/1.
1.2 Election of the Chair

1.2.1 The Chair of the 1992 Fund Assembly, Mr Gaute Sivertsen (Norway), informed the governing bodies that he would be stepping down as Chair at the end of the current session, as he intended to submit his candidacy for the post of the Director in the forthcoming election.

Farewell to the Chair of the 1992 Fund Assembly

1.2.2 Mr Sivertsen recalled that he had been involved with the IOPC Funds since the 1992 diplomatic conference and has since attended every meeting of the IOPC Funds. He served as Chair of the 1992 Fund Executive Committee in 1999 and 2000 and had enjoyed working with the Funds so much that he had kept the IOPC Funds file as a part of his portfolio throughout his career with the government.

1.2.3 Mr Sivertsen expressed that it had been an honour and privilege to serve as Chair of the 1992 Fund Assembly for the last 10 years, which had given him the opportunity to work closely with three Audit Bodies, the Director and Secretariat. He also expressed that he had the pleasure of working with all the Member States.

1.2.4 He continued that he hoped to serve the IOPC Funds and Member States in a different role in the future and took the opportunity to thank everyone for their support and trust bestowed upon him in his role as Chair.

1.2.5 The Director recalled that Mr Sivertsen had served as Chair of the 1992 Fund Assembly for 10 years and started as Chair at the same time the Director was elected in 2011. The Director expressed that he had been an exceptional Chair and had taken a lot of interest in the activities of the organisation, and had attended Audit Body meetings. On behalf of himself and the Secretariat, the Director thanked Mr Sivertsen for his help, advice and friendship over the years. On a personal note, the Director expressed that Mr Sivertsen had been a good friend, and it had always been a pleasure working together. The Director wished Mr Sivertsen every success in his next project, which would keep him close to the organisation.

1.2.6 The Chair of the Supplementary Fund Assembly wished Mr Sivertsen all the best with his future endeavours.

1.2.7 Many delegations thanked Mr Sivertsen for presiding over the discussions of the Assembly for the last decade and wished him well in his future projects.

Election of the Chair of the 1992 Fund Assembly

1.2.8 The Director proceeded to note that the post of the Chair of the Assembly would, therefore, become vacant at the end of this session and that the 1992 Fund Assembly would be invited to elect a new Chair to hold office until the next regular session of the Assembly.

1.2.9 The Director reminded the governing bodies of the procedure adopted in April 2015, whereby the Director would preside over this agenda item for the governing bodies (document IOPC/APR15/9/1).

1992 Fund Assembly decision

1.2.10 The 1992 Fund Assembly elected, by acclamation, Ambassador Antonio Bandini (Italy) to hold office until the next regular session of the Assembly.

1.2.11 Ambassador Bandini thanked the 1992 Fund Member States for the confidence shown in him and expressed that it would be an honour to serve as Chair of the 1992 Fund Assembly. He expressed particular thanks to the delegations which had nominated him and stated that he looked forward to
his work as Chair. He acknowledged that his predecessor, Mr Gaute Sivertsen, had done an excellent job as Chair of the 1992 Fund Assembly and had set a very high standard. Ambassador Bandini hoped to do his utmost best to follow Mr Sivertsen’s lead and wished him the very best of luck for the future.

1.3 Examination of credentials
Documents IOPC/MAR21/1/2 and IOPC/MAR21/1/2/1

<table>
<thead>
<tr>
<th>92A</th>
<th>92EC</th>
<th>SA</th>
</tr>
</thead>
</table>

1.3.1 The governing bodies took note of the information contained in document IOPC/MAR21/1/2.

1.3.2 The governing bodies recalled that at its March 2005 session, the 1992 Fund Assembly had decided to establish, at each session, a Credentials Committee composed of five members elected by the Assembly on the proposal of the Chair, to examine the credentials of delegations of Member States. It was also recalled that the Credentials Committee established by the 1992 Fund Assembly should also examine the credentials in respect of the 1992 Fund Executive Committee, provided the session of the Executive Committee was held in conjunction with a session of the Assembly.

1.3.3 The governing bodies further recalled that, at their October 2008 sessions, the 1992 Fund Assembly and the Supplementary Fund Assembly had decided that the Credentials Committee established by the 1992 Fund Assembly should also examine the credentials of delegations of Member States of the Supplementary Fund (see documents 92FUND/A.13/25 and SUPPFUND/A.4/21).

1992 Fund Assembly decision


1992 Fund Executive Committee and Supplementary Fund Assembly

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

Interim report of the Credentials Committee

1.3.6 In order to facilitate the resolution of an issue regarding the credentials of one particular delegation, the Chair of the Credentials Committee, Mr Kanagalingam Selvarasah, presented an interim report of the Credentials Committee on Tuesday, 30 March 2021 (document IOPC/MAR21/1/2/1).

1.3.7 The Chair of the Credentials Committee recalled that during the sessions of the governing bodies in October 2019, the Director had received two letters of credentials for two separate delegations claiming to represent the Bolivarian Republic of Venezuela (Venezuela). One of the letters of credentials had been signed by H.E. Mrs Rocío Maneiro (Ambassador, Permanent Representative to IMO and other international organisations headquartered in London, appointed by President Nicolas Maduro); and the other one had been signed by President Juan Guaidó (President of the National Assembly, and President (E) of Venezuela).

1.3.8 The Chair also recalled that on that occasion, the Director had invited Dr Rosalie Balkin AO to provide assistance to the Credentials Committee and had requested the advice of Professor Dan Sarooshi Q.C. The Chair further recalled that the Credentials Committee had recommended that the letter of credentials issued by Ambassador Maneiro should be accepted as the official representatives for the October 2019 sessions of the governing bodies. He added that the recommendation of the Credentials Committee had been accepted by the 1992 Fund Assembly, which had been noted by the 1992 Fund Executive Committee and the Supplementary Fund Assembly.
1.3.9 The Chair of the Credentials Committee reported that at the time of the December 2020 sessions of the governing bodies, the Director had again received two letters of credentials for Venezuela. The Director had invited Dr Rosalie Balkin AO to provide her assistance to the Credentials Committee and had requested the advice of Professor Antonios Tzanakopoulos, Associate Professor of Public International Law of the Faculty of Law in the University of Oxford, who provided a legal opinion on this matter.

1.3.10 The Credentials Committee had recommended again that the status quo should continue and that the letter of credentials issued by Ambassador Maneiro should be accepted at that meeting as the official representatives for the December 2020 sessions of the governing bodies. This recommendation was accepted by the 1992 Fund Assembly (see document IOPC/NOV20/1/2/1).

1.3.11 The Chair of the Credentials Committee further reported that the same situation had occurred at the March 2021 sessions of the governing bodies, in that the Director had received letters of credentials from the same two delegations claiming to represent Venezuela. The Director had invited Dr Rosalie Balkin AO to advise the Credentials Committee and had requested Professor Antonios Tzanakopoulos to provide an updated legal opinion on this matter.

1.3.12 The Chair of the Credentials Committee further reported that the Credentials Committee had reviewed the new legal opinion provided by Professor Tzanakopoulos. It had been noted that since the last meeting of the IOPC Funds’ governing bodies in December 2020, the United Nations General Assembly (UNGA) had continued to maintain the status quo regarding the credentials presented by the Maduro Government. It had also been noted that on 1 December 2020, UNGA had decided to accept the credentials submitted by the Maduro representative on behalf of Venezuela.

1.3.13 The Credentials Committee was unanimous in its view that it was not the function of the IOPC Funds to decide which was the legitimate government of Venezuela, since it considered that to be a political question to be decided in another forum, namely the political organs of the United Nations (UNGA and the UN Security Council). The Committee concluded that the role of the Credentials Committee and the 1992 Fund Assembly was simply to decide which of the two representatives should be accredited as the official representative of Venezuela at the March 2021 sessions of the Funds’ governing bodies and make its recommendation to the 1992 Fund Assembly.

1.3.14 In considering this matter and the legal advice provided by Professor Tzanakopoulos on 24 March 2021, the Credentials Committee recommended that the status quo should continue and that the letter of credentials of the current delegation of Venezuela issued by Ambassador Maneiro, appointed by President Maduro, should be accepted and that the named individuals therein should be deemed the official representatives for the March 2021 sessions of the governing bodies. The Credentials Committee noted, however, that this position was applicable to the March 2021 meeting of the governing bodies only, and it could be susceptible to change in the coming months depending on future developments.

1992 Fund Assembly decision

1.3.15 The 1992 Fund Assembly took note of the interim report of the Credentials Committee and, based on its recommendation, decided to accept the credentials of the delegation headed by H.E. Mrs Rocio Maneiro as the official representatives of Venezuela at the March 2021 sessions of the governing bodies.

1992 Fund Executive Committee and Supplementary Fund Assembly

1.3.16 The 1992 Fund Executive Committee and the Supplementary Fund Assembly noted the decision of the 1992 Fund Assembly.
Final report of the Credentials Committee

1.3.17 [The Credentials Committee reported in its final report (document IOPC/MAR21/1/2/2) that it had examined 73 letters of credentials, of which 72 were in order. The Credentials Committee also reported that Bahrain and Tunisia had participated in the sessions but had not yet submitted credentials; this situation was expected to be rectified shortly after the meeting.

1.3.18 The governing bodies expressed their sincere gratitude to the members of the Credentials Committee for their work during the March 2021 meeting.]

1.4 Temporary suspension of Rules of Procedure – Facilitating remote sessions

| Document IOPC/MAR21/1/3 | 92A | 92EC | SA |

1.4.1 The governing bodies considered the proposals to amend or temporarily suspend Rules of Procedure as contained in document IOPC/MAR21/1/3.

1.4.2 The governing bodies noted that, since certain Rules of Procedure presuppose in-person meetings, such rules would need to be temporarily suspended or amended on an exceptional basis to allow for the March 2021 sessions of the governing bodies to be conducted remotely.

1.4.3 It was also noted that the proposals for amendments to procedures were the same as those approved by the governing bodies at their first remote sessions in December 2020 and were closely aligned to the guidance on remote sessions adopted by IMO.

1.4.4 It was further noted that the Director had made every effort to retain established practices of in-person meetings as was reasonably possible. It was also noted that the Director’s priority was for the governing bodies to be able to take the decisions required to ensure the organisations could continue to function properly.

Intervention by the Russian Federation

1.4.5 The delegation of the Russian Federation agreed with the proposals outlined by the Director, however, reiterated the point that the proposals would apply to these sessions only, and did not set a precedent for future sessions.

1992 Fund Assembly and Supplementary Fund Assembly decisions

1.4.6 The governing bodies decided to:

(i) temporarily suspend Rule 3 of the Rules of Procedure in relation to the location of the meeting to allow for remote sessions to be held;

(ii) endorse the proposal that, in accordance with Rule 27/23\footnote{The equivalent rules are provided in Rule 27 of the Rules of Procedure of the Supplementary Fund Assembly and Rule 23 of the Rules of Procedure of the 1992 Fund Executive Committee.} and in line with established practice, the Secretariat should prepare a draft Record of Decisions to be presented for adoption by the governing bodies on the last day of the virtual meeting; and agreed that the sessions should then remain open for an additional seven working day period from the publication of the consolidated draft Record of Decisions, for delegations to comment on that document by correspondence; and
(iii) continue to adopt decisions by consensus during the remote sessions and that if the need for a vote should arise, an alternative voting procedure would need to be adopted.

1.4.7 The governing bodies also noted that:

(i) while Rule 9/8<sup>2</sup> provides that delegations can register and submit credentials up to the opening day of the sessions, for practical reasons delegations were requested to submit credentials no later than Friday, 12 March 2021; and

(ii) for the purposes of the March 2021 meeting, ‘present’ as defined in Rule 33(a) shall be interpreted as being registered for the sessions using the online registration system, and listed as a participant in the remote sessions, using the virtual meeting platform.

**1992 Fund Executive Committee**

1.4.8 The 1992 Fund Executive Committee noted the decisions made by the 1992 Fund Assembly.

2 **Overview**

2.1 **Report of the Director**

2.1.1 The Director gave an oral report on the activities of the IOPC Funds since the December 2020 sessions of the governing bodies, providing some background to the key items on the agenda.

2.1.2 In terms of membership, the Director recalled that the 1992 Fund Convention had entered into force in the Republic of Nauru on 23 March 2021 and had brought the number of 1992 Fund Member States to 118 on that date.

2.1.3 With respect to compensation matters, the Director gave a brief update and reported that compensation payments made for the *Agia Zoni II* incident totalled EUR 14.87 million.

2.1.4 The Director referred to the explosion of the *MT Harcourt* in Nigeria in November 2020. He reported that 31 barrels of crude oil had been spilled, that the owner was a party to the Small Tanker Oil Pollution Indemnification Agreement (STOPIA) 2006 (as amended 2017). He added that it was unlikely that the losses would exceed the STOPIA limit (SDR 20 million) and that the Fund would be called upon to pay compensation. He also reported that a claim had been filed by 12 riverine communities for approximately USD 28 million against the shipowner and master, in the Federal High Court, Warri, Nigeria, and that no proceedings had yet been commenced against the 1992 Fund.

2.1.5 The Director also gave an update on the *Bow Jubail* incident and said that this case was important for the future of the organisation. He reported that the Fund had applied to join the proceedings before the Supreme Court of the Netherlands and was awaiting a response on whether it would be allowed to join.

2.1.6 The Director reported that in February 2021 he had been contacted by the Israeli authorities in relation to a mystery spill, which could become a potential new case for the Fund. He added that the Secretariat had been working with the Israeli authorities on this incident which would be presented by the Head of Claims at the meeting.

2.1.7 The Director referred to the Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by

<sup>2</sup> The equivalent rules are provided in Rule 9 of the Rules of Procedure of the Supplementary Fund Assembly and Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee
Sea, 1996 (2010 HNS Protocol). He recalled that the IOPC Funds had been tasked to carry out the necessary work to set up the HNS Fund and make preparations for the first session of the HNS Fund Assembly. He noted that substantial progress had been made so far but that substantial work still remained to be carried out.

2.1.8 With respect to staff matters, the Director reported that he had invited Mr Robert Owen (IT/Office Manager) to join the Management Team to provide advice on IT/office-related matters. The Director stated that he considered that the IT expertise required to maintain business operations while working remotely and the increasing importance of cybersecurity made the IT function crucial in the activities of the organisations and warranted a separate IT department. Against this background, he had decided to include Mr Owen in the Management Team on a permanent basis and appoint him as Head of the IT Department.

2.1.9 The Director also made reference to the appointment of the new Director and said that he had presented a document on the possible voting options that would be discussed on the second day of the meeting. The Director added that he was looking forward to the feedback from Member States on this issue.

2.1.10 In concluding, the Director thanked the Ambassador of Venezuela for her efforts in facilitating the payment of contributions from Venezuela due to the Fund. He also thanked the delegation from the Russian Federation for their cooperation and stated that he awaited the decision of the Russian Federation authorities regarding the payment of the outstanding contributions that had been written off in October 2017.

3 Incidents involving the IOPC Funds

[to be inserted]

4 Compensation matters

4.1 Compensation matters

The governing bodies noted that no items were raised under this agenda item.

5 Treaty matters

5.1 2010 HNS Convention

The 1992 Fund Assembly took note of the information contained in document IOPC/MAR21/5/1 submitted by the Secretariat with regard to the tasks necessary for the setting up of the International Hazardous and Noxious Substances Fund (HNS Fund).

Status of the 2010 HNS Protocol

5.1.1 It was noted that, since the December 2020 session of the 1992 Fund Assembly, no State had deposited an instrument of ratification or accession to the 2010 HNS Protocol with the Secretary-General of IMO and that, therefore, at the time of the session, there were five Contracting States to the Protocol, namely, Canada, Denmark, Norway, South Africa and Turkey.

Recent developments

5.1.3 It was noted that after the full review undertaken in 2019–2020, the HNS Finder had continued to be updated to take into account changes in the codes and lists referred to in the HNS Convention. It was
reported that the latest update had been completed in March 2021 and incorporated the changes to the list following the IMO circular MEPC.2/Circ.26 (Tripartite agreements), the International Maritime Dangerous Goods (IMDG) Code amendment 40-20 as well as the Resolution MEPC.318(74) containing a number of amendments to Chapters 1, 15, 16, 17, 18, 19 and 21 of the International Bulk Chemical (IBC) Code, which became effective on 1 January 2021.

5.1.4 With regard to the administrative tasks related to the handling of claims for compensation, the 1992 Fund Assembly noted that the informal group set up to work on the preparation of a draft HNS Claims Manual, namely Cedre, the International Chamber of Shipping (ICS), the International Group of P&I Associations (International Group), ITOPF and IMO, had been able to meet on two occasions, in November 2020 and February 2021. It was noted that the group had agreed to split its work into thematic sub-groups to examine the technical and legal aspects specific to the HNS Convention and develop suggestions for possible draft texts. It was further noted that once the group of experts had prepared a draft of the technical manual, it was the intention of the Secretariat to use it as a basis for discussion and that it would be made available for comment, further development and improvement from any interested delegations before its consideration by the first HNS Fund Assembly.

5.1.5 Finally, the 1992 Fund Assembly noted that since online seminars and workshops had been more frequently made available worldwide in recent times, the Secretariat had been able to take part in some remote activities about the liability and compensation regime, including the HNS Convention whenever possible. In particular, in March 2021, an online seminar on the HNS Convention was organised by the Universidad del Salvador de Argentina and with the participation of 11 other universities from most Latin American States. In addition, it was noted that an online training session was organised by the European Maritime Safety Agency (EMSA) for the benefit of the maritime administration of Georgia, in November 2020.

Debate

5.1.6 The delegation of Canada, as a Contracting State to the 2010 HNS Convention, thanked the Secretariat for the work carried out so far to facilitate the setting up of the HNS Fund, while recognising that there was still much work to be done. That delegation took the opportunity to refer to Article 45 of the 2010 HNS Convention, which provides that all States Parties must submit annual reports on HNS contributing cargo received. In that respect, it noted that the Circular providing details of the data reported by States Parties in 2019, that should have been published by IMO, had not yet been issued due to some delays in reporting. That delegation insisted on the importance of that information being provided by Contracting States on an annual basis, both for meeting the entry into force conditions of the Convention as well as ensuring the sharing of the financial burden after entry into force. That delegation took the opportunity to offer its assistance to any State on the matter of HNS reporting. It also stated that it looked forward to being joined as a Contracting State to the Convention by other States in due course, particularly by those receiving large volumes of contributing cargo.

5.1.7 The delegation of France provided an update on its progress on the implementation of the 2010 HNS Convention. It stated that it had already adopted and published two pieces of legislation in May 2020, setting out the reporting obligations of those entities receiving HNS in France, as well as the methods by which they should submit their reports. That delegation added that it was now preparing its ratifying legislation and that for that next phase, coordination with other States was indeed crucial. It also noted that its administration was receiving questions from potential contributors regarding the definition of ‘receiver’ in the Convention and that further clarification on this matter would be helpful.

5.1.8 The delegation of Germany indicated that the implementation bill was in discussion in Parliament and that it could be adopted in August 2021, allowing for HNS reporting to begin and the ratification process to be completed sometime in 2022. That delegation added that to ensure a level playing field among all States Parties, a coordinated ratification process was necessary, in particular with the Netherlands and Belgium, but also with France and others.
5.1.9 The delegation of the Netherlands informed the 1992 Fund Assembly that data on HNS had been gathered since 2018 to facilitate the identification of receivers in the Netherlands. It also indicated that domestic implementation of the HNS Convention was underway and confirmed that the whole process was done in close coordination with Belgium and Germany.

5.1.10 The delegation of Belgium confirmed that it was also cooperating closely with the neighbouring countries and making progress towards domestic implementation of the Convention and invited other States to join that effort.

5.1.11 The delegation of Estonia informed the 1992 Fund Assembly that its instrument of ratification of the 2010 HNS Protocol was due to be sent to IMO in May 2021.

5.1.12 The delegation of Cameroon expressed its interest in the HNS Convention as part of its ongoing efforts to minimise the risks of incidents involving HNS in Cameroon. However, it requested assistance from the IOPC Funds or IMO to better understand the reporting and financial implications involved in becoming Party to this Convention. The Director responded in confirming that the IOPC Funds’ Secretariat, together with IMO, would be able to provide support and invited the delegation to contact the Secretariat to discuss the matter further.

5.1.13 The observer delegation of IMO took the floor to confirm that technical assistance could also be made available from IMO under its Integrated Technical Cooperation Programme if required.

5.1.14 The observer delegation of the International Group informed the 1992 Fund Assembly that a number of shipping organisations (International Group, ICS, BIMCO and the European Community Shipowners’ Associations (ECSA)) had collectively reached out to the European Chemical Industry Council (CEFIC) to work together with the chemical industry to improve their understanding of the Convention and its practical implications. That delegation stressed the fact that all sides of the industry should be cooperating on this very important matter and expressed the hope that it would have a positive and reassuring impact on States considering accession to that instrument.

5.1.15 The Chair expressed his appreciation to the delegations who provided an update, as it showed that the HNS Convention was getting closer to entry into force.

5.1.16 The 1992 Fund Assembly noted the information presented and welcomed the developments reported. It also noted that the Secretariat would continue to regularly provide details to the Assembly on the progress towards the entry into force of the 2010 HNS Convention.

6 Financial policies and procedures

6.1 Amendments to the Internal Regulations

| Document IOPC/MAR21/6/1 | 92A | SA |

1992 Fund Assembly and Supplementary Fund Assembly decision

In light of recent staff changes, the 1992 Fund Assembly and Supplementary Fund Assembly decided to amend 1992 Fund Internal Regulation 12 and Supplementary Fund Internal Regulation 12, relating to the delegation of authority. The amended Regulations are set out at Annex II.
6.2 Amendments to the Financial Regulations  
Document IOPC/MAR21/6/2  

**1992 Fund Assembly and Supplementary Fund Assembly decision**

In light of recent staff changes, the 1992 Fund Assembly and Supplementary Fund Assembly decided to amend 1992 Fund and Supplementary Fund Financial Regulations 9 relating to the management of monies. The amended Regulations are set out at Annex III.

### Secretariat and administrative matters

#### Secretariat matters

Document IOPC/MAR21/7/1  

7.1.1 The governing bodies took note of the information contained in document IOPC/MAR21/7/1 regarding the operation of the Secretariat.

**Management Team**

7.1.2 The governing bodies recalled that at its December 2020 sessions, the Director had informed the Assembly that following the departure of the Legal Counsel and considering the Information Technology (IT) expertise required in order to maintain business operations while working remotely throughout the COVID-19 crisis, the Director had invited Mr Robert Owen, IT/Office Manager to attend Management Team meetings to provide key advice on IT/office-related matters. The governing bodies further recalled that, at that time, the Assembly was informed that the Director would examine whether the IT/Office Manager should continue its role within the Management Team on a permanent basis and would inform the 1992 Fund Assembly at its next session in 2021.

7.1.3 The governing bodies noted the Director’s decision to make Mr Robert Owen a permanent member of the Management Team. The governing bodies further noted that in recognition of the fact that Mr Owen was now a member of the Management Team, the Director had decided to reflect this change in the post title and, therefore, noted that the title of ‘IT/Office Manager’ had changed to ‘Head, Information Technology’.

**New department structure of the organisations**

7.1.4 The governing bodies noted that the IT and office management functions currently fell within the Finance and Administration Department of the Secretariat and took note of the organisational chart showing the incumbents within the current structure (Annex I of document IOPC/MAR21/7/1).

7.1.5 The governing bodies noted the Director’s comments regarding the strategic importance and business-critical role of IT now and in the future and noted the Director’s intention, therefore, to separate the IT and office management functions from the Finance and Administration Department, which would result in a separate IT Department with responsibility for office management, within the structure of the Secretariat.

7.1.6 The governing bodies further noted the Director’s intention to appoint Mr Owen as Head of the IT Department at his current P5 grade and the posts of IT Officer and IT/Office Administrator as well as the vacant post of Office Manager would report to the Head of the IT Department.

7.1.7 The governing bodies noted that the Director’s intended change to the departmental structure would mean that the Secretariat would be divided into four departments, namely: the Claims Department; the Finance and Administration Department; the External Relations and Conference Department; and the newly created IT Department, and that this would be in addition to the Director’s Office, which is outside the departmental structure.
The governing bodies further noted that it was the Director’s intention for the new departmental structure to be effective from 1 April 2021. The governing bodies took note of the organisational chart showing the incumbents within the new structure effective 1 April 2021. The amended organisational chart is set out in Annex IV.

The governing bodies also noted the Director’s intention to review the classification of the post of ‘Head, Information Technology’ as per standard practice to reflect the additional tasks and responsibilities and that the Director would report the outcome of the classification of the post to the 1992 Fund Assembly in November 2021.

The governing bodies further noted that Mr Ranjit Pillai would, as Head of the Finance and Administration Department, continue to be Deputy Director and responsible for Finance and Human Resource functions until he retires in June 2022, and that the succession to the post of Head, Finance and Administration Department would be undertaken by the next Director.

Debate

One delegation raised the matter of the number of vacancies shown in the organisation’s organigram and whether these posts were to be filled. The Director, in response, stated that he had no intention of filling the vacant posts, and of these posts, only that of Claims Manager was budgeted for. He added that the posts were retained should there be a need to recruit for the posts at a future date.

1992 Fund Assembly and Supplementary Fund Assembly

The 1992 Fund Assembly and the Supplementary Fund Assembly took note of the information contained in the document and congratulated Mr Owen on his new role, and wished him all the best.

Information services

Document IOPC/MAR21/7/2

92A

SA

The governing bodies noted the information contained in document IOPC/MAR21/7/2 regarding remote activities and training events organised by or involving the Secretariat.

It was noted that since demand for such remote services had inevitably increased following the global COVID-19 pandemic and restrictions on gatherings and travel had continued into 2021, the Secretariat had begun to deliver remote training and information events and was also planning to run the 2021 Short Course as an online event. Furthermore, it was exploring whether the Induction Course could also be provided online.

It was noted that the Secretariat had contributed to a number of webinars since the December 2020 sessions of the governing bodies, including events organised by the GI WACAF project, EMSA and the Ministry of Environment, Quebec, Canada and that the Secretariat was available to work together with any States that may consider it useful to organise similar online activities. It was further noted that, since it had not been possible to host any of the annual visits from universities and other educational institutions, the Secretariat had opted to maintain its support for interested students by providing online seminars on request.

The governing bodies noted that the Secretariat was also developing a series of short webinars, which would be open to a wide audience, covering the key areas which form the bases of the IOPC Funds and the work of the organisations, such as claims handling or oil reporting and contributions. It was noted that further information on dates and joining instructions would be announced after the March 2021 meeting of the governing bodies.
Short Course

7.2.5 It was recalled that the 2020 Short Course, which was due to be held from 8–12 June, was unfortunately cancelled as a result of the COVID-19 pandemic (circular IOPC/2020/Circ.8).

7.2.6 It was also recalled that the Secretariat had previously concluded that it would not be practical to provide remote access to additional participants of the IOPC Funds’ annual Short Course while it took place in parallel as a physical course with participants in London. It was noted, however, that since ongoing restrictions were likely to prevent the physical presence of any participants in London in June 2021, the Secretariat had considered the practicalities and, in consultation with the supporting partners of the course, had decided to offer an adapted, fully remote version of the course this year on a trial basis.

7.2.7 The governing bodies noted the practical information relating to the remote Short Course as set out in document IOPC/MAR21/7/2. In particular, it was noted that the course would take place in June 2021 and that the application process would remain the same as for the in-person Short Course, whereby nominations of participants should come directly from governments of Member States and should be accompanied by a completed nomination form and candidate’s brief curriculum vitae. It was noted that spaces would be allocated on a first come, first served basis and that the course would be open to a maximum number of 15 participants.

7.2.8 It was also noted that a circular would be issued shortly after the March 2021 sessions of the governing bodies, confirming the dates and programme of the remote course and containing the nomination form and further details on how to apply.

Induction Course

7.2.9 It was noted that the Secretariat was also considering whether the annual Induction Course for meeting delegates could be delivered as a fully remote event if required and continues to investigate ways in which it could ensure remote users would be able to benefit from the Induction Course in the same way as local participants.

Annual Report

7.2.10 The Director took the opportunity to inform the governing bodies that the 2020 Annual Report of the IOPC Funds had recently been published and was available to download or request in hard copy via the publications section of the IOPC Funds’ website.

Debate

7.2.11 One delegation thanked the Secretariat for the work undertaken to adapt the induction course and the short course in order to deliver them remotely. That delegation noted that the remote delivery of these courses would be carried out on a trial basis and expressed hope that such virtual training opportunities would continue to be offered after the restrictions on travel as a result of the global pandemic were eased. That delegation highlighted the particular value of such remote activities for those Member States that were least able to travel to London and commented on the usefulness of both the physical and virtual training services offered by the Secretariat.

1992 Fund Assembly and Supplementary Fund Assembly

7.2.12 The governing bodies welcomed the information provided and thanked the Secretariat for its efforts to ensure information and training opportunities are accessible remotely.
7.3 Appointment of the Director – Procedures

The governing bodies noted that the post of Director would become vacant on 31 December 2021 on the expiry of the current Director’s term of office and that the 1992 Fund Assembly will, therefore, be invited at its 26th session in November 2021, to appoint a new Director who will, *ex officio*, also be Director of the Supplementary Fund.

7.3.2 It was noted that, in the event that in November 2021 the sessions of the governing bodies are held in person, as usual, the appointment of the Director could take place by a secret ballot held in person, in a private meeting, overseen by two scrutineers appointed by the 1992 Fund Assembly, in line with the Funds’ established practice. It was recalled that this practice was followed in 2005 and 2011, and it was noted that in the Director’s view, to the extent possible, the same procedures should be applied to the appointment of the new Director in November 2021.

7.3.3 The governing bodies also noted, however, that due to the ongoing COVID-19 pandemic, the November 2021 meeting of the IOPC Funds’ governing bodies may be held at least partly, if not fully, remotely and that in that case, the usual ballot procedure applicable for the appointment of the Director would need to be adapted accordingly on an exceptional basis.

7.3.4 The governing bodies noted the information contained in document IOPC/MAR21/7/3, which sets out the established practice for the appointment of the new Director in detail as well as four possible options for alternative ballot procedures that could be considered by the governing bodies in the event that the November 2021 meeting is held remotely. The four alternative options presented in the document are to elect the Director:

(a) exclusively via an online voting system;
(b) exclusively by postal voting;
(c) via a hybrid solution that offers both voting in-person at the meeting or online voting; or
(d) via a hybrid option that offers both voting in-person at the meeting or postal voting.

7.3.5 The details of each option were described in the document and the governing bodies noted in particular:

- under option (a) that the online voting process would be similar to that followed for the election of the members of the joint Audit Body in December 2020 and that it would be organised to take place during the meeting by the third-party provider, UK Engage;
- under option (b), that Member States could opt to send their vote by post in advance of the meeting once all nominated candidates have been announced;
- under option (c), that Member States would need to confirm at the opening of the session whether they wish to cast their vote in person or online and that for those Member States wishing to cast their votes in person, voting would be conducted by secret ballot during the meeting in line with the established practice;
- under option (d), that Member States could opt to either vote in-person at the meeting or send their vote by post in advance of the meeting once all nominated candidates have been announced.

7.3.6 The advantages and disadvantages of each of these four options were presented in the document, and the 1992 Fund Assembly was invited to note the information and provide feedback.
7.3.7 One particular requirement that was highlighted in the document was for one or more further ballots to take place in the event that no candidate obtains a two-thirds majority in the first ballot. It was noted that the established practice of holding multiple ballots if required would be particularly difficult when using a postal voting system and that a possible solution could be to hold one ballot in which voters rank the candidates in order of preference. Essentially, the various rounds of voting would still be undertaken but in one ballot paper/form. It was noted that, while the application of this system would be a departure from established practice in one part, it would nevertheless enable all Member States to participate in all rounds in exactly the same way.

7.3.8 It was noted that, in the event that the meeting is able to take place in person, in line with established practice, but some overseas delegations remain unable, or would prefer not to travel to London for the meeting in November, out of the 118 States Members of the 1992 Fund, 109 have official diplomatic representation in the United Kingdom in the form of an Embassy or High Commission which may enable them to send a UK-based representative to vote in person.

7.3.9 It was noted that in all cases, a circular would be issued in the three official languages in April 2021, calling for the nomination of candidates by 1992 Fund Member States and that the deadline for nominations would be 30 June 2021. The names of all candidates will be circulated to Member States in a circular in July 2021.

7.3.10 It was noted that, as set out in the Director’s considerations in document IOPC/MAR21/7/3, should the 1992 Fund Assembly consider that any adaptation of the established ballot procedure is not practical or agreeable, it may wish to delay its consideration of the matter until after discussions at the IMO Council in June 2021, when it will be considering ballot procedures for the appointment of members of the Council. It was noted that, in that case, the 1992 Fund Assembly could hold an extraordinary session in July to discuss further details on the appointment process. It was noted that alternatively, the Assembly may wish to postpone the appointment of the Director until it is possible to do so using the established practice.

*Intervention by the observer delegation of the International Maritime Organization (IMO)*

7.3.11 The observer delegation of IMO confirmed that the IMO Secretariat had been exploring possible ballot procedures for the election of the IMO Council and that, in its view, the method of voting in that case would be highly dependent on the modality of the IMO Assembly meeting in December 2021, during which the election was due to take place. It noted three possible scenarios which were all dependent on the global progression of the COVID-19 pandemic and the resulting restrictions on travel, namely (i) a full physical meeting at the IMO building at which Member States would be able to attend in person; (ii) a hybrid meeting at which some delegations would be able to attend in person and others would attend remotely; and (iii) a fully remote meeting.

7.3.12 The IMO representative pointed out that each of the scenarios described above could lead to the use of a different method of voting to elect the members of the Council. Under scenario (i), it was expected that paper ballots and a physical vote would be possible, although the representative stated that IMo would be exploring the possibility of using electronic voting in the future. Scenario (ii) would, in the representative’s view require the use of alternative methods of voting, such as the ones described in document IOPC/MAR21/7/3. Under scenario (iii), the IMO representative considered it likely that a new voting system would need to be adopted, such as physical voting by appointment to comply with any social distancing requirements in place at the time or perhaps online voting. It was noted that the IMO Secretariat had been looking into the practices of other UN organisations and agencies and would be providing its Member States with further information in that regard.
Debate

7.3.13 The 1992 Fund Assembly thanked the Director for the detailed information contained in document IOPC/MAR21/7/3. It also expressed its appreciation to the delegation of IMO for the information provided relating to the work it had also undertaken in relation to carrying out elections under the current exceptional circumstances.

7.3.14 Many delegations that spoke took the opportunity to express their appreciation for the work of the current Director during his two terms of office and noted that the appointment of the next Director was a very important decision for the organisation that required careful consideration.

7.3.15 A number of delegations stated that they were eager to see a return to physical, in-person meetings and all delegations that spoke agreed that ideally the election of the next Director should be carried out in person, by secret ballot, in a private meeting, under the supervision of two scrutineers appointed by the Assembly and therefore fully in line with established practice.

7.3.16 However, the majority of delegations noted that, while the progression of the pandemic in the United Kingdom appeared to be more positive at present, the situation was not the same in every State and remained unpredictable. With this in mind, delegations accepted that it may not be possible to hold an in-person meeting in full in November 2021 and that it was right to consider alternative options for ballot procedures. It was emphasised, however, that any decision to deviate from established practice would only be taken on an exceptional basis and in order to find a pragmatic solution to the current exceptional situation only and should not be used as a precedent for any future voting or election requirements that the Assembly may have.

7.3.17 One delegation expressed that although the COVID-19 pandemic has required working methods to be adjusted, changes made should be kept only to what is necessary and endeavour to maintain established practice. That delegation preferred not to deviate from the established voting procedure. It specifically referred to the election carried out by the International Civil Aviation Organization (ICAO) in February 2021 where multiple rounds of voting were held and each round of voting was conducted on a separate day. That delegation also referred to an election to be conducted by the Intergovernmental Oceanographic Commission (ICAO) in June 2021, whereby the sessions will be held online, but voting will be conducted in person. That delegation, therefore, confirmed its preference for in-person voting.

7.3.18 Many delegations provided their initial feedback on the options set out in the document, however, they expressed a strong preference to delay making any decision at the current session. Instead, they suggested that the matter be discussed again at an extraordinary session of the Assembly in July 2021 when it should be clearer which format the November meeting will take in light of the progression over the coming months of the pandemic and the global vaccination programme. Those delegations were also keen to learn from the experience and decisions of other organisations, in particular that of IMO.

7.3.19 From the feedback provided on the alternative ballot procedure options, many delegations considered that option (c), which is a hybrid option of both physical and online voting, to be the preferred option. Several delegations expressed the view that this option would allow for many States to vote in person, in line with established practice, while still offering the possibility to those States who may be unable to travel to London, to vote in a secure, confidential and efficient manner.

7.3.20 Some delegations stated that they would be happy to proceed with option (a) only which would involve voting exclusively online and would enable all States to vote in a uniform manner regardless of their physical presence at the meeting. However, those States confirmed that they would also agree to option (c) in order to accommodate the different preferences and concerns of other States. Those delegations expressed their satisfaction with the previous experience using the online voting system.
A number of States expressed concern about the security and secrecy of online voting and reiterated that the decision to elect the members of the joint Audit Body in December 2020 using the online voting tool was for the purposes of that election only and should not be used as a precedent for the appointment of the Director. For this reason, a number of delegations expressed their preference for option (d), which is a hybrid of both in-person and postal voting, which they considered to be more secure and the most in line with established practice.

However, when discussing postal voting, a number of delegations expressed concerns, some with regard to the risk of delays or lost postal votes and others with regards to the management of multiple ballots under this system if required.

One delegation stated multiple ballots could be accommodated within the postal voting system. That delegation considered that options (c) and (d) could be refined and developed further. It insisted, however, that any postal vote should be managed by the Secretariat and not by an external provider. Another delegation requested the Secretariat to develop a possible timetable and further details on the practicalities of using such a system for multiple ballots. In that regard, one delegation suggested that the use of postal voting should require States to use a courier service to return votes to reduce the risk of delays.

One delegation suggested a further option, namely a hybrid of the three voting systems (in-person, online and by post) to accommodate the preferences of all States. Another delegation highlighted that with any hybrid option it would be important to ensure that each State could only vote once. That delegation also enquired as to how the presentations by candidates could be accommodated if postal votes were made before the meeting week, as it noted that to be a key part of the election process.

With regard to the possibility of ranking candidates in one ballot in order to avoid issues with accommodating multiple ballots within a reduced timetable or through postal voting, the majority of States did not consider this to be a suitable solution. Several delegations considered this to depart too far from established practice and considered it important that several ballots take place if required.

One delegation expressed concern that the options presented would all require a departure from established practice and either the waiver of existing rules or the development of new rules and practices within a limited timeframe. That delegation therefore suggested that an alternative possibility could be to extend the term of office of the current Director, a decision which, in its view, would be in accordance with Resolution No 9 which provides for such an extension under exceptional circumstances.

Taking into account all the options presented and noting that other options could still be considered, the large majority of States agreed with the Director’s statement that it was possible and practical to proceed with the appointment of the new Director in November 2021, despite the challenging circumstances and did not see a need to postpone until a later date.

8 Other matters

8.1 Any other business

8.1.1 The governing bodies noted that the next regular sessions of the IOPC Funds’ governing bodies were due to be held the week commencing 8 November 2021. However, the next regular sessions will now take place from Monday, 1 November to Friday, 5 November 2021 due to a revision in the IMO meeting programme.
8.1.2 No other items were raised under this agenda item.

9 Adoption of the Record of Decisions

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

9.1.1 It was recalled that the governing bodies had approved the proposal relating to the preparation and consideration of the Record of Decisions during remote sessions (paragraph 1.4.6).

9.1.2 The draft Record of Decisions for the March 2021 sessions of the IOPC Funds’ governing bodies as contained in documents IOPC/MAR21/9/WP.1 and IOPC/MAR21/9/WP.1/1 was submitted for consideration by Member States on the last day of the virtual meeting.

9.1.3 Due to the limited duration of the virtual meeting, document IOPC/MAR21/9/WP.1 only contained discussions up until the second day of the virtual meeting.

9.1.4 Following the approval of the draft Record of Decisions by the governing bodies at the end of their virtual meeting, the Director prepared a revised draft report (document IOPC/MAR21/9/WP.2) which incorporated the discussions held on the last day of the meeting.

9.1.5 Following the publication of the revised draft report, a correspondence period of seven working days began for Member States to submit comments by correspondence.

9.1.6 Following the correspondence period, the Director prepared an additional document containing the comments received with an accompanying explanation on how they had been addressed in the final Record of Decisions (document IOPC/MAR21/9/1). The final Record of Decisions was then circulated in document IOPC/MAR21/9/2.]
## ANNEX I

### 1.1 Member States present at the sessions

<table>
<thead>
<tr>
<th></th>
<th>1992 Fund Assembly</th>
<th>1992 Fund Executive Committee</th>
<th>Supplementary Fund Assembly</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Algeria</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Angola</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Antigua and Barbuda</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Argentina</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Australia</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>6</td>
<td>Bahamas</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Bahrain</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Belgium</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>9</td>
<td>Brunei Darussalam</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Bulgaria</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Cambodia</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Cameroon</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Canada</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>14</td>
<td>China</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Colombia</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Cook Islands</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Côte d’Ivoire</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Croatia</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>19</td>
<td>Cyprus</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Denmark</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>21</td>
<td>Dominica</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Ecuador</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>23</td>
<td>Estonia</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>24</td>
<td>Finland</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>25</td>
<td>France</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>26</td>
<td>Georgia</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>Germany</td>
<td>●</td>
<td>●</td>
</tr>
</tbody>
</table>

---

*The 1992 Fund Convention applies to the Hong Kong Special Administrative Region only.*

IOPC/MAR21/09/WP.1, Annex I, page 1
<table>
<thead>
<tr>
<th></th>
<th></th>
<th>1992 Fund Assembly</th>
<th>1992 Fund Executive Committee</th>
<th>Supplementary Fund Assembly</th>
</tr>
</thead>
<tbody>
<tr>
<td>28</td>
<td>Ghana</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>29</td>
<td>Greece</td>
<td>●</td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>30</td>
<td>Guyana</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>India</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>32</td>
<td>Iran (the Islamic Republic of)</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>Israel</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>Italy</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>35</td>
<td>Jamaica</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>Japan</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>37</td>
<td>Latvia</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>Liberia</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>39</td>
<td>Luxembourg</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>Madagascar</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>Malaysia</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>42</td>
<td>Malta</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>Marshall Islands</td>
<td>●</td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>44</td>
<td>Mexico</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Morocco</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>46</td>
<td>Mozambique</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>47</td>
<td>Netherlands</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>48</td>
<td>New Zealand</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Nicaragua</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Nigeria</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>Norway</td>
<td>●</td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>52</td>
<td>Palau</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>Panama</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>Philippines</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>55</td>
<td>Poland</td>
<td>●</td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>56</td>
<td>Portugal</td>
<td>●</td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------------------</td>
<td>--------------------</td>
<td>--------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>57</td>
<td>Qatar</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Republic of Korea</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>59</td>
<td>Russian Federation</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Saint Kitts and Nevis</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Singapore</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>62</td>
<td>Spain</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>63</td>
<td>Sri Lanka</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Sweden</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>Thailand</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>Trinidad and Tobago</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>Tunisia</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>Turkey</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>69</td>
<td>United Arab Emirates</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>United Kingdom</td>
<td>●</td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>71</td>
<td>Uruguay</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Vanuatu</td>
<td>●</td>
<td></td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>Venezuela (Bolivarian Republic of)</td>
<td>●</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 1.2 States represented as observers

<table>
<thead>
<tr>
<th></th>
<th>1992 Fund</th>
<th>Supplementary Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Brazil</td>
<td>●</td>
</tr>
<tr>
<td>2</td>
<td>Democratic People's Republic of Korea</td>
<td>●</td>
</tr>
<tr>
<td>3</td>
<td>Guatemala</td>
<td>●</td>
</tr>
<tr>
<td>4</td>
<td>Saudi Arabia</td>
<td>●</td>
</tr>
</tbody>
</table>

### 1.3 Intergovernmental organisations

<table>
<thead>
<tr>
<th></th>
<th>1992 Fund</th>
<th>Supplementary Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>European Commission</td>
<td>●</td>
</tr>
<tr>
<td>2</td>
<td>International Maritime Organization (IMO)</td>
<td>●</td>
</tr>
</tbody>
</table>

### 1.4 International non-governmental organisations

<table>
<thead>
<tr>
<th></th>
<th>1992 Fund</th>
<th>Supplementary Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>BIMCO</td>
<td>●</td>
</tr>
<tr>
<td>2</td>
<td>Cedre</td>
<td>●</td>
</tr>
<tr>
<td>3</td>
<td>Comité Maritime International (CMI)</td>
<td>●</td>
</tr>
<tr>
<td>4</td>
<td>European Chemical Industry Council (CEFIC)</td>
<td>●</td>
</tr>
<tr>
<td>5</td>
<td>Iberoamerican Maritime Law Institute (IIDM)</td>
<td>●</td>
</tr>
<tr>
<td>6</td>
<td>International Association of Classification Societies Ltd (IACS)</td>
<td>●</td>
</tr>
<tr>
<td>7</td>
<td>International Chamber of Shipping (ICS)</td>
<td>●</td>
</tr>
<tr>
<td>8</td>
<td>International Group of P&amp;I Associations</td>
<td>●</td>
</tr>
<tr>
<td>9</td>
<td>International Spill Control Organization (ISCO)</td>
<td>●</td>
</tr>
<tr>
<td>10</td>
<td>INTERTANKO</td>
<td>●</td>
</tr>
<tr>
<td>11</td>
<td>ITOPF</td>
<td>●</td>
</tr>
<tr>
<td>12</td>
<td>Oil Companies International Marine Forum (OCIMF)</td>
<td>●</td>
</tr>
<tr>
<td></td>
<td>Sea Alarm Foundation (Sea Alarm)</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>13</td>
<td></td>
<td>●</td>
</tr>
<tr>
<td>14</td>
<td>World LPG Association (WLPGA)</td>
<td>●</td>
</tr>
</tbody>
</table>

***
ANNEX II

INTERNAL REGULATIONS OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND ESTABLISHED UNDER THE 1992 FUND CONVENTION
(as amended by the 1992 Fund Assembly at its 24th extraordinary session held from 29 to 31 March 2021)

Regulation 12

_Delegation of authority in the absence of the Director_

The Director may authorise the Deputy Director/Head of the Finance and Administration Department, the Head of the External Relations and Conference Department, the Head of the Claims Department, or the Head of the Information Technology Department in that order, to act on his behalf in the fulfilment of the functions set out in Article 29 of the 1992 Fund Convention, and to be the legal representative of the 1992 Fund. The conditions and extent of such delegation shall be laid down in Administrative Instructions issued by the Director. Delegation made in accordance with this Regulation overrides any limitation of the authority of the above-mentioned officers contained elsewhere in these Regulations or in the Financial Regulations.

If there is no one of the said senior members of the Secretariat available to assume the function of the Director, the Chair of the 1992 Fund Assembly shall appoint a member of the Secretariat, other than those mentioned in the preceding paragraph, to carry out this function until the next regular or extraordinary session of the Assembly or until any of the said senior members of the Secretariat has been able to resume their responsibilities.
INTERNAL REGULATIONS OF THE INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND ESTABLISHED UNDER THE 2003 SUPPLEMENTARY FUND PROTOCOL
(as amended by the Supplementary Fund Assembly at its 8th extraordinary session held from 29 to 31 March 2021)

Regulation 12

Delegation of authority in the absence of the Director

The Director may authorise the Deputy Director/Head of the Finance and Administration Department, the Head of the External Relations and Conference Department, the Head of the Claims Department, or the Head of the Information Technology Department in that order, to act on his or her behalf in the fulfilment of the functions set out in Article 16 of the Supplementary Fund Protocol in conjunction with Article 29 of the 1992 Fund Convention, and to be the legal representative of the Supplementary Fund. The conditions and extent of such delegation shall be laid down in Administrative Instructions issued by the Director. Delegation made in accordance with this Regulation overrides any limitation of the authority of the abovementioned officers contained elsewhere in these Regulations or in the Financial Regulations.

If there is no one of the said senior members of the Secretariat available to assume the function of the Director, the Chair of the 1992 Fund Assembly shall appoint a member of the Secretariat, other than those mentioned in the preceding paragraph, to carry out this function until the next regular or extraordinary session of the Assembly or until any of the said senior members of the Secretariat has been able to resume their responsibilities.

***
ANNEX III

FINANCIAL REGULATIONS OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND 1992
ESTABLISHED UNDER THE 1992 FUND CONVENTION
(as amended by the 1992 Fund Assembly at its 24th extraordinary session held from 29 to 31 March 2021)

Regulation 9

Management of monies

9.2 The Director may authorise officers to act as signatories on behalf of the 1992 Fund in giving payment instructions. The 1992 Fund’s bankers shall be empowered to accept payment instructions on behalf of the 1992 Fund when signed as follows:

(a) for any sum up to £100,000, by any two officers from category A or B;
(b) for any sum in excess of £100,000, by one officer from category A plus one officer from category A or B.

For the purposes of this Regulation, the categories are as follows:

Category A  Director, Deputy Director/Head of the Finance and Administration Department, Head of the External Relations and Conference Department, and the Head of the Claims Department

Category B  Head of the Information Technology Department and Finance Manager

Further conditions in respect of the delegation of authority under this Regulation shall be laid down by the Director in Administrative Instructions.
FINANCIAL REGULATIONS OF THE INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND ESTABLISHED UNDER THE 2003 SUPPLEMENTARY FUND PROTOCOL  
(as amended by the Supplementary Fund Assembly at its 8th extraordinary session held from 29 to 31 March 2021)

Regulation 9

Management of monies

9.2 The Director may authorise officers to act as signatories on behalf of the Supplementary Fund in giving payment instructions. The Supplementary Fund’s bankers shall be empowered to accept payment instructions on behalf of the Supplementary Fund when signed as follows:

(a) for any sum up to £100,000, by any two officers from category A or B;
(b) for any sum in excess of £100,000, by one officer from category A plus one officer from category A or B.

For the purposes of this Regulation, the categories are as follows:

Category A  Director, Deputy Director/Head of the Finance and Administration Department, Head of the External Relations and Conference Department, and the Head of the Claims Department

Category B  Head of the Information Technology Department and Finance Manager

Further conditions in respect of the delegation of authority under this Regulation shall be laid down by the Director in Administrative Instructions.

***
STRUCTURE OF THE IOPC FUNDS’ SECRETARIAT EFFECTIVE 1 APRIL 2021

Director
José Maura

Deputy Director/Head of Finance & Administration Department
Ranjit Pillai

Director’s Office

María Basilico,
Executive Assistant
Yuji Okugawa, Policy Officer (start date of 1 July 2021 to be confirmed)

Legal Counsel (vacant)
Administrative/Claims Assistant (vacant)

Finance & Administration Department

Ranjit Pillai, Deputy Director/Head of Department
Julia Shaw, Human Resources Manager
Claire Montgomery, Finance Manager
Elisabeth Galobardes, Finance Assistant
Kathleen McBride, Finance Assistant
Marina Singh, Finance Assistant
Sarah Hayton, Oil Reporting Administrator

Administrative Assistant (vacant)
Office Manager (vacant)

Information Technology (IT) Department

Robert Owen, Head of Department
Stuart Colman, IT Officer
Paul Davis, IT/Office Administrator

Claims Department

Liliana Monsalve, Head of Department
Chiara Della Mea, Claims Manager
Mark Homan, Claims Manager
Ana Cuesta, Claims Manager
Chrystelle Collier, Claims Administrator

Claims Manager (vacant)
Claims Assistant (vacant)

External Relations & Conference Department

Thomas Liebert, Head of Department
Victoria Turner, Information Officer
Julia Sükän del Río, External Relations & Conference Coordinator
Sylvie Legidos, Translation Coordinator
María Alonso Romero, Associate Editor (Spanish)
Johana Lanzaray, Associate Editor (French)
Mariana Saúl, Associate Editor (Spanish)
Nadja Popović, External Relations & Conference Assistant

External Relations Officer (vacant)
Translator (French) (vacant)
Translator (Spanish) (vacant)

IOPC/MAR21/9/WP.1, Annex IV