



International Oil Pollution
Compensation Funds

Agenda Item 5	IOPC/MAR22/5/2	
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1992 Fund Assembly	92AES26	●
1992 Fund Executive Committee	92EC78	
Supplementary Fund Assembly	SAES10	●

REVIEW OF INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS HAVING OBSERVER STATUS

Note by the Secretariat

Summary:

Every three years, a review is carried out of international non-governmental organisations having observer status in order to determine whether the continuance of this status is of mutual benefit. The last review was due to be conducted at the November 2021 meeting of the governing bodies. However, given the reduction in working hours resulting from convening a remote meeting and considering Member States had to take several substantial decisions in addition to electing the new Director of the organisation, the observer review was postponed to the March 2022 meeting.

To facilitate such a review, this document lists the organisations that currently have observer status with the IOPC Funds, and provides information regarding their attendance at, and submission of documents to meetings, as well as contact the Secretariat has had with these organisations since the last review in October 2018. Statements by these organisations concerning the continuance of observer status are also provided in Annex III.

Action to be taken: 1992 Fund Assembly

- (a) Establish a group of five States with the mandate to consider the information provided by the Secretariat concerning the relationship between the Funds and the international non-governmental organisations and, taking that information into account, consider whether the continuance of observer status for each organisation is of mutual benefit and report its findings to the governing bodies.
- (b) Decide whether, having taken note of the report of the group of five States, the continuance of observer status of each international non-governmental organisation is of mutual benefit.

Supplementary Fund Assembly

Take note of the decision of the 1992 Fund Assembly and decide whether to divert from that decision in respect of a particular organisation.

1 Granting of observer status

- 1.1 Pursuant to Article 18.10 of the 1992 Fund Convention and Article 16.2 of the Supplementary Fund Protocol, the Assemblies of the respective Funds shall determine which non-Contracting States and

which intergovernmental and international non-governmental organisations shall be admitted to take part, without voting rights, in meetings of the Assembly and subsidiary bodies.

- 1.2 At its June 1996 session, the 1992 Fund Assembly adopted guidelines on relations between the International Oil Pollution Compensation Fund 1992 and intergovernmental organisations and international non-governmental organisations (1992 Fund Observer Status Guidelines), which set out, *inter alia*, the criteria for the granting of observer status (document 92FUND/A.1/34/1). These Guidelines were amended at the Assembly's October 2002 session in respect of international non-governmental organisations, to include provisions for a periodic review of whether such organisations continue to fulfil the criteria set out in the Guidelines and for the granting of observer status on a provisional basis. Further minor amendments have been introduced by the 1992 Fund Assembly at subsequent sessions, and the current text, as adopted in April 2018, is reproduced in Annex I.
- 1.3 At its March 2005 session, the Supplementary Fund Assembly decided that intergovernmental organisations and international non-governmental organisations that had been granted observer status in respect of the 1992 Fund should have observer status with the Supplementary Fund, unless the Assembly of the Supplementary Fund decided otherwise in respect of a particular organisation. In light of this decision, the Assembly decided that there was no need for the Supplementary Fund to have guidelines similar to those for the 1992 Fund (document SUPPFUND/A.1/39, section 4).
- 1.4 The following international non-governmental organisations currently have observer status with the IOPC Funds:

Organisation	Year status acquired
BIMCO	1980
Cedre	2018
Comité Maritime International (CMI)	1980
Conference of Peripheral Maritime Regions (CPMR)	2002
European Chemical Industry Council (Cefic)	1997
International Association of Classification Societies Ltd (IACS)	2006
International Chamber of Shipping (ICS)	1980
Ibero-American Maritime Law Institute (IIDM)	2017
International Group of P&I Associations (International Group)	1980
International Spill Control Organization (ISCO)	2013
International Salvage Union (ISU)	1996
International Union of Marine Insurance (IUMI)	2005
INTERTANKO	1985
I TOPF Limited (I TOPF)	1980
Oil Companies International Marine Forum (OCIMF)	1980
Sea Alarm Foundation (Sea Alarm)	2017
World LPG Association (WLPGA)	2009

2 Procedure for review

- 2.1 Paragraph B.4 of the 1992 Fund Observer Status Guidelines provides for the possibility of the withdrawal of the observer status granted to an international non-governmental organisation if the Assembly considers that there is no further advantage to the 1992 Fund in continuing with that status or if any conflict of interests arises or is likely to arise between the respective activities of the 1992 Fund and the organisation concerned.
- 2.2 Paragraph B.5 of the 1992 Fund Observer Status Guidelines provides that the Assembly will review the list of international non-governmental organisations having observer status every three years to

determine whether the continuance of observer status for any particular organisation is of mutual benefit.

- 2.3 The Director proposes that the same procedure be followed as in all previous reviews, whereby a group of five States is established to consider whether the continuance of observer status for any particular international non-governmental organisation is of mutual benefit and to report its findings to the governing bodies (paragraph B.2 of the 1992 Fund Observer Status Guidelines).

3 Information available

3.1 Attendance at meetings and submission of documents

An overview of the attendance of international non-governmental organisations having observer status at the meetings of IOPC Funds governing bodies during the three-year period since the previous review in October 2018 is in Annex II. No meeting documents were submitted by any international non-governmental organisations with observer status during that three-year period.

3.2 Comments from non-governmental organisations

In January 2022, the Secretariat wrote to all international non-governmental organisations having observer status, drawing attention to the fact that the 1992 Fund Assembly had decided to review, every three years, whether organisations with observer status still fulfilled the criteria given in Annex I, and invited comments on whether, in the view of these organisations, the continuance of observer status was still of mutual benefit. Responses were received from all of these organisations and are reproduced in Annex III.

3.3 Contact with the Secretariat

- 3.3.1 The Director and other members of the Secretariat are in regular contact with the International Group and ITOPF in connection with the day-to-day work of the IOPC Funds, as well as a variety of conferences and training courses.
- 3.3.2 The IOPC Funds Short Course, which was held in 2019 and virtually in 2021, having been cancelled in 2020 due to the COVID-19 pandemic, continues to be actively supported by ICS, the International Group and ITOPF, with presentations given by each organisation.
- 3.3.3 The IOPC Funds organised a one-day training course for a number of new ITOPF technical staff in 2019, which also provided an opportunity to meet ITOPF staff members that may be called upon to assist with technical advice in the event of an incident.
- 3.3.4 The IOPC Funds have organised multiple workshops online and before the COVID-19 pandemic, in person, with ICS, the International Group and ITOPF, including joint workshops in October 2019 in Mexico and in November 2019 in Brazil, which promoted the international liability and compensation regime. Members of the Secretariat also attended the Mexico Colloquium 2019 at the request of CMI. The IOPC Funds also took part in a webinar organised by Sea Alarm in February 2021.
- 3.3.5 At the request of IIDM, the IOPC Funds delivered a presentation to a seminar for participants across Latin America in October 2021 and will participate in the IIDM Maritime Law Symposium in March 2022.
- 3.3.6 The Secretariat has also maintained engagement on HNS matters with Cefic, who has submitted a document for consideration at the upcoming March 2022 meeting of the governing bodies. Furthermore, a draft HNS Claims Manual is currently being developed by the Secretariat in collaboration with IMO, in preparation for the entry into force of the 2010 HNS Protocol. A number

of organisations, namely, Cedre, Cefic, ICS and the International Group, are currently assisting in the production of this manual.

- 3.3.7 In addition, Cedre, having been granted observer status with the 1992 Fund in October 2018, has established good contacts within the organisation, and the IOPC Funds have been invited to deliver a presentation during its annual Information Day.

4 Director's considerations

- 4.1 It is notable that during 2020 and 2021, two of the three years covered by this review, usual working practices were affected globally by the pandemic, and this would have been the case for the organisations that are subject to this review and also for the IOPC Funds, whose meetings were held remotely during that time. Despite this, and, as set out in Annex II, most non-governmental organisations with observer status with the IOPC Funds have continued to regularly attend meetings and have participated in those meetings.
- 4.2 While ISU has only attended one recent meeting of the IOPC Funds, cooperation between the organisation and the IOPC Funds Secretariat has continued since the October 2018 review. As recognised at the time of the previous review, ISU comprises a Secretariat of only one or two persons, making it difficult for the organisation to participate. The conclusion at the end of the 2018 review was that the Secretariat would maintain a relationship with ISU and encourage them to participate if ever an issue of salvage should arise within IOPC Funds meetings of the governing bodies. The Director recommends that this approach continues to be applied.
- 4.3 The only organisation which has not attended recent meetings is CPMR. However, prior to 2018, the organisation had attended meetings regularly and submitted documents for consideration by the governing bodies. Given the exceptional circumstances of the past two years, the Director recommends that CPMR continues to hold observer status, but is encouraged to attend meetings more regularly going forward.
- 4.4 The Director notes that during the remote meetings in 2020 and 2021, the time available for discussions aside from the essential agenda items was limited, and, as such, items which would ordinarily lead to the active contribution of the observer organisations and the submission of documents by them were not tabled. With this in mind, unlike in previous reviews, this element of the review may not be useful on this occasion.
- 4.5 The Director also notes that for several organisations, the Secretariat engages regularly, some on a weekly basis, on various items of mutual interest. The Secretariat works with a number of organisations to deliver presentations for workshops and other events. With others, there is collaboration on various projects, and with some, they have provided information or shared expertise when requested. In the Director's view, these interactions outside of the meetings are incredibly useful to the organisation.
- 4.6 Taking into account all the information available, the Director recommends that all international non-governmental organisations which currently hold observer status with the IOPC Funds maintain that status until the next review in 2025.

5 Action to be taken

5.1 1992 Fund Assembly

The 1992 Fund Assembly is invited to:

- (a) establish a group of five States with the mandate to consider the information provided by the Secretariat concerning the relationship between the Funds and the international non-governmental organisations and, taking that information into account, consider whether the continuance of observer status for each organisation is of mutual benefit and report its findings to the governing bodies; and
- (b) decide whether, having taken note of the report of the group of five States, the continuance of observer status for each international non-governmental organisation is of mutual benefit.

5.2 Supplementary Fund Assembly

The Supplementary Fund Assembly is invited to take note of the decision of the 1992 Fund Assembly and decide whether to divert from that decision in respect of a particular organisation.

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ANNEX I

GUIDELINES ON RELATIONS BETWEEN THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND 1992 (1992 FUND) AND INTERGOVERNMENTAL ORGANISATIONS AND INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS

(as amended by the 1992 Fund Administrative Council at its 17th session, acting on behalf of the 1992 Fund Assembly at its 22nd extraordinary session, held from 30 April to 2 May 2018)

A Intergovernmental organisations

- 1 The United Nations and the International Maritime Organization and any other specialised agency of the United Nations whose interests and those of the 1992 Fund are of common concern, will be invited to be represented by observers at all meetings of the Assembly and may be invited, as appropriate, to meetings of subsidiary bodies.
- 2 The Assembly will consider requests to be represented by observers received from other intergovernmental organisations whose aims and activities are relevant to those of the 1992 Fund or which are interested in the work of the 1992 Fund. An invitation to attend a session of the Assembly or other meeting may, subject to confirmation by the Assembly, be issued by the Director to any organisation making such a request. The Assembly may decide that invitations be sent to such an organisation either for a specific session or meeting or on a regular basis.
- 3 An agreement for co-operation may, with the approval of the Assembly, be concluded between the 1992 Fund and any intergovernmental organisation, if it is in their mutual interest to do so. The agreement may provide, where appropriate on a reciprocal basis, for admission as an observer, exchange of information, consideration of suggestions for agenda items, consultation on programmes and joint activities and other practical co-operation.

B International non-governmental organisations

- 1 Observer status may be granted by the Assembly to an international non-governmental organisation, at its request, if:
 - (a) the organisation concerned is of truly international character and its objectives are in harmony with those of the 1992 Fund;
 - (b) it has aims, responsibilities or activities in the fields related to those of the 1992 Fund or which are of concern or interest to the 1992 Fund, particularly in connection with pollution and environmental matters, maritime and shipping affairs, marine insurance, production or transport of oil or relevant questions of international law; and
 - (c) it is able to make a contribution to the work of the 1992 Fund, for example by providing specialised information, advice or expertise, or by identifying or helping to procure the services of experts or consultants, or by otherwise furnishing technical assistance or by making research facilities available.
- 2 The Assembly may decide to seek the advice of a group formed of five Member States, nominated at the opening of a session. The group will examine the request for observer status based, in particular, on the criteria listed in paragraph B.1 and report its findings to the Assembly at that session.

- 3 Observer status may be granted on a provisional basis for a period normally not exceeding three years.
- 4 Observer status will be withdrawn if the Assembly considers that there is no further advantage to the 1992 Fund in continuing with the same or if any conflict of interests arises or is likely to arise between the respective activities of the 1992 Fund and the organisation concerned.
- 5 The Assembly will review every three years the list of international non-governmental organisations having observer status in order to determine whether the continuance of observer status for any particular organisation is of mutual benefit.
- 6 The Assembly may decide to seek the advice of a group formed of five Member States nominated at the opening of a session for the review of organisations having observer status. The group will make an assessment based, in particular, on the criteria listed in paragraph B.1 and report its findings to the Assembly at that session.

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ANNEX II

ATTENDANCE AT MEETINGS OF IOPC FUNDS GOVERNING BODIES AND SUBMISSION OF DOCUMENTS BY INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS*

Meeting date	Governing bodies	BIMCO	Cedre	CMI	CPMR	Cefic	IACS	ICS	IIDM	International Group	ISCO	ISU	IUMI	INTERTANKO	ITOPF	OCIMF	Sea Alarm	WLPGA
October 2018	92AC18/92A23, 92EC71, SA15	√		√	√	√	√	√		√	√		√	√	√	√	√	√
April 2019	92AC19/92AES23, 92EC72, SAES7	√	√	√			√	√		√	√			√	√	√		√
October 2019	92A24, 92EC73, SA16	√	√	√			√	√	√	√			√	√	√	√	√	√
December 2020	92A25, 92EC74, SA17	√	√	√			√	√	√	√	√	√		√	√	√	√	√
March 2021	92AES24, 92EC75, SAES8	√	√	√		√	√	√	√	√	√			√	√	√	√	√
July 2021	92AC20/92AES25, 92EC76, SAES9	√	√	√			√	√	√	√	√				√	√		
November 2021	92A26, 92EC77, SA18	√	√	√			√	√		√					√	√	√	√

√ = attended sessions

* No meeting documents were submitted by any international non-governmental organisations with observer status during the three-year period since the last review in October 2018.

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ANNEX III

BIMCO

I can assure you that BIMCO greatly values the relationship between our two organisations. I am therefore pleased to confirm BIMCO's wish to continue its observer status with the IOPC Funds.

BIMCO is the largest direct entry shipping organisation with 1 900 members in 130 countries and our membership represents 60% of the world's cargo fleet in all industry sectors measured by tonnage — including 51% of the tanker fleet. Membership is wide-ranging and includes shipowners, operators, managers, brokers, agents, P&I Clubs and other stakeholders engaged in the shipping industry.

International uniformity is essential to shipping as a global industry. BIMCO's active engagement in a range of inter-governmental organisations — including the IOPC Funds, the International Maritime Organization (IMO), the United Nations Framework Convention on Climate Change (UNFCCC), the London Convention and Protocol, the United Nations Commission on International Trade Law (UNCITRAL) and others — means that industry views can be included when developing, refining and improving the global maritime law and policy framework.

The deliberations and decisions of the IOPC Funds have important implications for the shipping industry in its widest sense. BIMCO's participation in the meetings of the Funds means that we are able to keep our members informed and updated about activities at the Funds which potentially have implications for their business.

BIMCO therefore values the opportunity to contribute to the work carried out by the IOPC Funds and would very much welcome the continuation of our observer status with the Funds. My colleague, Christian Hoppe, has represented BIMCO at the meetings of the IOPC Funds for the past 12 years and is looking forward to joining the next session taking place on 29–30 March. On a final note, allow me to express BIMCO's appreciation of the significant work done by the Funds, together with the IMO and other stakeholders, to facilitate the entry into force of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010 (HNS Convention). BIMCO strongly supports the Convention and is working together with other industry organisations to promote ratification of the Convention.

Cedre

I wish to confirm to you the enormous importance that Cedre, a not-for-profit association under private law, attaches to the benefit of its observer status with the 1992 Fund. The information provided to the IOPC Funds in August 2018 is unchanged. Cedre has continued its work and maintained its expertise in the sphere of prevention of accidental water pollution, particularly oil pollution.

The good reputation of our association is recognised in France, as in many foreign countries across all regions of the world. Our sources of financing continue to be balanced between the public sector (national and international) and the private sector, and our associative status allows us to undertake the work requested of us in a highly objective manner. The IOPC Funds have thus been able to entrust us with a number of expert reviews in the past. We are also currently contributing, with the IOPC Funds, ITOPF and others to the drafting of a claims manual under the HNS Convention.

We therefore hope that you will consider us as having sufficient common interests for you to maintain Cedre's observer status.

Comité Maritime International (CMI)

You have asked specifically for our comments on whether we consider that the continuance of CMI's observer status with the IOPC Funds would continue to be of mutual benefit to CMI and to the 1992 Fund.

As stated in past letters in response to similar requests for our views on this issue, the response is a resounding "yes".

CMI has for many years consistently sent high-level delegations to attend the meetings of the governing bodies of the Funds, the core of which have been comprised, since the last review, of Mr Patrick Griggs, CBE, who is a past President of CMI, as well as myself in my capacity as Secretary-General of CMI. We have continued to attend virtually throughout the current COVID-19 pandemic. This is some indication of how greatly CMI values its relationship with the IOPC Funds.

Following each meeting of the Funds' governing bodies, it is CMI practice to prepare a report on the meeting, which is then published in our CMI Newsletter, which is sent to all our constituent Maritime Law Associations, Titulary Members and Consultative Members. The newsletters are also posted on the CMI website. These reports are also published in the Journal of International Maritime Law.

As you may be aware, CMI has a number of International Working Groups and Standing Committees which undertake research in a variety of areas of interest to the Funds, including Liability for Wrongful Arrest, Liability of Classification Societies, Security Interests over Shipping Containers, Implementation and Promotion of Maritime Conventions, Offshore Activities, Ship Nomenclature and more recently, Marine Autonomous Surface Ships (MASS).

In relation to the Implementation and Promotion of Maritime Law Conventions, you may be aware that, at our Colloquium in Mexico City in September/October 2019, two full plenary sessions were devoted to the subject of "Civil Liability, IOPC Fund and HNS Conventions — Is it Time for Latin American Governments to ratify These Conventions?" — the aim was to stimulate interest in the conventions and their potential benefits to states, with a view to promoting further ratification by governments in the region. Session 1 was moderated by myself [Dr Rosalie Balkin AO, Secretary General], with your predecessor, Mr José Maura, a key speaker, while Mrs Liliana Monsalve, Head of Claims, was moderator of the second session.

It had been planned to hold a follow-up session in Tokyo in 2020 but, most unfortunately, due to COVID-19, that conference has now been postponed to 2025.

In relation to MASS, CMI has been working closely with the IMO Maritime Safety Committee and the Legal Committee in their regulatory scoping exercise which, as you know, included the various liability and compensation conventions developed under the aegis of IMO with substantial input by the IOPC Funds. The matters raised in this review may very well need to be considered further by the IOPC Funds at some stage. If so, CMI stands ready to offer the Funds the benefit of its expertise and assistance.

It goes without saying that CMI also stands ready to assist the IOPC Funds at any stage in the future with all of the above-mentioned issues as well as any other issues within the scope of our work. As already noted in previous correspondence, CMI is able to call upon our network of National Maritime Law Associations, which cover a wide variety of different legal systems and jurisdictions.

CMI in conjunction with the Centre for Maritime Law of the National University of Singapore (CML) also maintains a Database of Judicial Decisions on International Conventions, all of which might be of interest to the Funds and its members. More details may be found on the CMI website.

In conclusion, the CMI values its relationship with the IOPC Funds and our continued engagement in meetings of the Funds' governing bodies demonstrates our concern to continue that relationship and to contribute positively to the aims and objectives of the Funds.

Conference of Peripheral Maritime Regions (CPMR)

The CPMR considers that maintaining its observer status with the 1992 Fund would be of mutual benefit to both organisations.

Indeed, in the coming months, the CPMR envisages relaunching its activities in the field of compensation for environmental damage caused by spills of oil at sea, by mobilising its members in organising seminars and capitalising on the results of projects such as the Atlantic Regions' Coastal Pollution Response (ARCOPOL) Platform or Sistema di Controllo Marino (SICOMAR). In this regard, in particular, the General Secretariat of the CPMR is cooperating with its member regions, such as Tuscany and Western Greece, to reflect on these issues and identify and program specific actions for the period 2022–2023.

These factors lead the CPMR to wish to maintain its observer status.

The CPMR will participate in the meetings of the governing bodies of the IOPC Funds in March 2022.

European Chemical Industry Council (Cefic)

Cefic has a strong interest in the developments regarding the ratification and implementation of the 2010 HNS Convention. Therefore, we are interested in keeping our observer status with the 1992 Fund Assembly.

Recently, Cefic has communicated its position on the 2010 HNS Convention. Cefic is willing to engage with the 1992 Fund Assembly, national authorities, and European Commission (EC) to foster ratification and implementation. We urgently expect more collaboration and harmonisation between Member States and have some concerns on implementation criteria. Cefic also offers its support in communication and encouraging our members to proactively analyse and collect all information needed.

I would be grateful if you could propose continuation of Cefic's observer status during the next 1992 Fund Assembly.

Meanwhile, Joost Naessens, Cefic Director Transport & Logistics, has been invited to submit a document to the Assembly regarding its position and will participate to the discussion during the first day.

International Association of Classification Societies (IACS)

In anticipation of the forthcoming review by the 1992 Fund Assembly, it would be an honour for IACS to continue its collaborative association with the IOPC Funds and consequently, I am pleased to confirm our wish to retain observer status. We remain firmly committed to the long-established and cooperative relationship between our organisations which we undoubtedly consider to be mutually beneficial.

IACS continues to be fully committed to the work of the IOPC Funds, and stands ready to provide technical advice and input, as requested, on those matters being discussed by the IOPC Funds which are relevant to the scope of activities of classification societies, and pertinent to their role as recognised organisations of flag States.

We believe it is important to acknowledge the sterling work carried out by the IOPC Funds, despite the ongoing difficulties and disruptions resulting from the COVID-19 pandemic, and to recognise its successful hosting of four remote meetings in December 2020 and March, July and November 2021, including your election as its fifth Director.

During the latest review period, and notwithstanding the pandemic, IACS participated in all meetings of the IOPC Funds. In order to be able to continue to fulfil this commitment, the Association makes every effort to arrange its own meeting obligations around those of the IOPC Funds.

IACS' observer at meetings of the IOPC Funds is the Association's Accredited Representative to the IMO, Mr Konstantin Petrov, and/or his alternate, Mrs Nimia Herrera Willems (IMO Technical Officer).

As stated in our letter of 6 April 2006, when IACS applied for observer status, the Association makes a unique contribution to maritime safety and pollution prevention through technical support, compliance verification and research and development. More than 90% of the world's cargo carrying tonnage is covered by the classification design, construction and through-life compliance Rules and standards set by the twelve members of IACS. Their work, as recognised organisations, directly benefits the flag States — the IOPC Funds' Member States. Due to the strong links with the institutions of insurance and protection and indemnity, as well as the supervision of application of high standards of safety and pollution prevention, IACS is woven into the fabric of issues being considered by the IOPC Funds.

We look forward to continuing our mutually beneficial relationship with the IOPC Funds, and to enjoying the benefits derived from having observer status.

International Chamber of Shipping (ICS)

With regard to your invitation to comment on whether the continuance of the observer status of ICS would be of mutual benefit to ICS and the 1992 Fund, ICS is firmly of the view that this would indeed be the case.

As you are aware from our submissions to previous reviews of observer status, ICS is the principal international trade association for the shipping industry comprising national shipowners' associations representing all sectors and trades, including tankers. The ICS membership has been, and remains, a staunch supporter of the international regime of civil liability and compensation for oil pollution damage administered by the 1992 Fund and Supplementary Fund Secretariat. Shipowners' liability is an integral part of the regime, and we believe it is essential that shipowners are represented during the Fund's deliberations in order to observe the proper functioning of the system and to provide advice on any technical or practical issues that may arise. The continuing success of the international regime depends on the support of all stakeholders and ICS continues to participate actively in the work of the 1992 Fund and to promote the regime whenever appropriate.

During the three years since the previous review, ICS has attended all meetings of the 1992 Fund Assembly and Executive Committee and the Supplementary Fund Assembly. At these meetings, ICS has been represented at a high level by the Chairman of our Maritime Law Committee, our Principal Legal Director and Legal Policy Manager and industry experts from our member associations. ICS has also continued to maintain constructive contact with the Fund's Secretariat. This has included frequent dialogue with the Director's office and his team. ICS has also continued to be a regular contributor to the annual IOPC Funds' Short Course.

In addition, ICS has worked in close cooperation with the IOPC Funds and other international organisations to promote the international liability and compensation regime, for example, through the workshop (held jointly with the International Group of P&I Clubs, IMO, and ITOFF), in Mexico in October 2019. Most recently ICS has been an active participant in the informal work being led by the Secretariat in developing a draft HNS Claims Manual for the administrative tasks related to the handling of claims for compensation following an HNS incident, in readiness for consideration by the first HNS Fund Assembly to be convened after the entry into force of the 2010 HNS Protocol.

We very much hope that it is evident from the above that ICS continues to fulfil the criteria for observer status with the 1992 Fund as set out in B1 of the Guidelines. ICS greatly values its observer status, which we firmly believe is of mutual benefit to the Fund and the ICS membership, and we respectfully request its continuation.

Ibero-American Institute of Maritime Law (IIDM)

For the IIDM, it has been an honour to participate in various meetings of the IOPC Funds.

We also wish to inform you that this year we held our first course on Maritime Law, focusing on activities and objectives related to those of the IOPC Funds, in particular with regards to environmental and pollution issues, maritime affairs and maritime transport, marine insurance, oil production and transport, and matters related to international law. We were honoured by the participation of Mr José Maura and Mrs Liliana Monsalve, both as lecturers on the course. This first course was attended by students from countries throughout almost the entire Ibero-American region.

Furthermore, the participation of Mr Maura and Mrs Monsalve in the virtual seminars held in 2020 and 2021 by the IIDM was very important, as they demonstrated to us through the sharing of information and knowledge, the enormous value of the IOPC Funds.

We wish to inform you that the IIDM has already registered two delegates to attend the meeting of the governing bodies to take place on 29 and 30 March through the KUDO platform.

Lastly, but no less important, we consider the relationship and collaboration between our two organisations invaluable, and we wish this to continue for many years to come.

International Group of P&I Associations

The member Clubs of the International Group are closely involved in all major issues of general importance that come before the IOPC Funds. The Group Clubs between them currently cover, amongst other liabilities, the pollution liabilities (including oil pollution, whether carried as cargo or as ship's fuel) of approximately 95% of the world's oceangoing tanker fleet and approximately 90% of the tonnage of the world merchant fleet. The Group Clubs have for many years been the major providers of the financial guarantees required under the 1992 Civil Liability Convention (CLC) (as well as under the International Convention on Civil Liability for Bunker Oil Pollution Damage (Bunkers) and the Nairobi International Convention on the Removal of Wrecks, 2007, (Wreck Removal)) and are involved in the majority of ship sourced pollution incidents occurring worldwide.

The vast majority of 1992 CLC, and 1992 CLC/1992 Fund cases involve a ship entered for P&I cover with one of the member Clubs of the International Group. In this context the Group Clubs work closely with the IOPC Funds in relation to individual claims arising. Reference is made in this regard to the Memorandum of Understanding (MoU) between the International Group and the 1992 IOPC Fund and which we understand is the only MoU that exists between the 1992 IOPC Fund and another NGO representing the parties that pay compensation for the purposes of the 1992 CLC.

Apart from specific claims involvement, the Group is continuing to work with the Funds in relation to important issues on the Fund's agenda and has participated and will continue to participate in the processes for implementation of the HNS Convention. The Group also has an ongoing liaison with the Funds and ITOPF with regard to outreach and provides periodical updates to the Funds in relation to Small Tanker Oil Pollution Indemnification Agreement (STOPIA) vessel numbers. The Group also coordinates with the Funds in relation to the Fund's annual Short Course arranging for visits with Group Clubs, the Group Secretariat and Lloyds of London.

The Group Clubs therefore consider that it is of mutual importance to renew their observer status with the 1992 Fund Assembly for a further three years.

International Spill Control Organization (ISCO)

Turning to your letter regarding ISCO observer status at IOPC, like yourself, I [Mr Neil Marson JP. MRIN. MNI. F.Inst Pa) have recently taken on the appointment of Secretary General of ISCO, and am very much still getting to know the workings of our Organisation. The perpetual existence of COVID-19 has created issues for the smooth running of our Organisation, which resulted in an unintentional retraction of ISCO's activities, something that I am keen to rectify and ensure that ISCO is once again proactive in its workings, and a positive contributor to its partnering organisations and its membership.

With that in mind, I wish to confirm to you that ISCO are fully committed to supporting the work of IOPC Funds, and wish very much to retain our observer status, we have a growing membership, and along with our weekly newsletter which is accessed by more than 3 500 readers each week, remain in a strong position to communicate on a worldwide basis the outcome of the IOPC Funds' meetings, whilst at the same time enabling your organisation, through the weekly newsletter, to communicate your work to a wider audience.

I apologise for the lack of attendance during the last year, something which I have now rectified; I can assure you of our participation and support at the forthcoming meetings, and beyond. I would welcome the opportunity for our working relationship to continue, and I have noted that the next meeting will be on the 29–30 March (virtual) and will be conducted by KUDO, and can confirm that we will participate in the meeting.

Like yourself, I value the cooperation and relationship between our two organisations, and am totally committed to ensuring that strong bond is retained.

International Salvage Union (ISU)

Our position regarding IOPC Funds remains the same as three years ago and we wish to retain our observer status in case a salvage issue should arise within IOPC Funds meetings, or you might need advice on associated matters at any time.

As stated in the past, we remain a comparatively small trade association, but have similar observer status with IMO, CMI, EC, and ITOPI to name a few organisations where we provide similar advice.

We have a small staff in London, and in addition I [Mr Roger Evans FNI] will retire on 1 April 2022 when Mr James Herbert will take over as Secretary General who will maintain the contact and support to the IOPC Funds.

As you have mentioned, despite the COVID-19 pandemic, ISU was able to attend the March 2021 meeting and would like to continue participation where and when possible.

I have noted your next meeting dates of 29–30 March 2022 held virtually which no doubt ISU will attend.

I would hope that you will allow the ISU to retain its observer status with the IOPC Funds and that we can look forward to a mutually beneficial future collaboration on any external project issues.

International Union of Marine Insurance (IUMI)

IUMI is an international organization consisting of 44 national (marine) insurance associations from around the world. The marine insurers represented by our member associations are among the largest and most highly capitalised insurance companies in the world. Among the various marine insurance products they provide is marine liability insurance which includes cover for pollution liability, both as direct insurance and reinsurance.

Our membership includes many of the reinsurers who participate in the reinsurance programme purchased each year by the International Group (IG) that allows the individual Group Clubs to provide USD 1 billion of

insurance cover for oil pollution damage including pollution damage as defined in the 1992 CLC and Fund Conventions.

They also provide cover for individual Group Clubs' non-poolable liabilities, for the pollution liability exposure of the offshore energy industry, for worldwide brown watercraft and for spills arising from sub-sea structures and pipelines. As such, this sector of our industry is very much aligned with the objectives of the IOPC Funds and the continuation of our status as an observer, from our point of view, is mutually beneficial.

An example of an issue relevant to the IOPC Funds and IUMI are oil pollution incidents involving insurers that are not members of the IG. IUMI is currently involved in discussions with Member States of the IOPC Funds, IMO and the IG to develop solutions for problems arising with non-IG insurers.

With regard to the attendance of forthcoming IOPC Funds meeting, we intend to participate whenever agenda items are relevant to our membership. Over the past years we attended several IOPC Funds meetings and shared our views on certain papers and policy issues.

We look forward to hearing whether the 1992 Fund Assembly favourably considers our request to continue IUMI's observer status.

INTERTANKO

INTERTANKO has taken an active interest in the work of the International Oil Pollution Compensation Funds and respectfully requests that its consultative status be prolonged.

As its full name implies, INTERTANKO is the International Association of Independent Tanker Owners. The Association has 190 shipowner members, whose combined fleet comprises more than 4 160 tankers with over 371 million dwt. INTERTANKO's associate membership stands at 240 companies and organisations with interests in oil, gas and chemical shipping by sea.

We suggest that INTERTANKO's aims, as set out in our Articles of Association quoted below, fit well with the Funds' requirements for observer status. Furthermore, we trust that INTERTANKO's contributions to the work of the Funds — in the form of submissions, participation in meetings and the IOPC Funds' Short Course, as well as the promotion of international oil pollution compensation conventions in other fora — has been considered both positive and constructive over the years.

Extract from INTERTANKO's Articles of Association:

2) Aims

The Association is a non-profit organisation whose aims are to further the interests of independent tanker owners; to promote a free and competitive tanker market; to work for safety at sea and the protection of the marine environment.

The scope and objects shall be:

- to promote internationally the interests of its members in matters of general policy;
- to cooperate with other technical, industrial or commercial and environmental interests or bodies on problems of mutual concern to its members and to such interests;
- to take part in the deliberations of other international bodies so far as may be necessary for the attainment of its objects;
- to do all things conducive to the attainment of the above objects or any of them.

I [Ms Katharina Stanzel, Managing Director] trust and hope this satisfies the required criteria and would welcome any further feedback on how our engagement could be further enhanced.

ITOPF Ltd. (ITOPF)

Regarding the 1992 Fund Assembly's review of international non-governmental organisations having observer status, I am pleased to confirm that I [Mr Oli Beavon, Managing Director] consider there to be mutual benefit to ITOPF and to the IOPC Funds for ITOPF to continue to hold this status. Accordingly, I attach an update of our previous supporting comments for consideration by the 1992 Fund Assembly at their meeting in March. We expect to be able to attend the meeting and look forward to participating.

I consider ITOPF meets fully the criteria set out in paragraph B.1 of the Guidelines enclosed with your letter. I would submit that we regularly attend all meetings of the 1992 Fund, including the Assembly, Executive Committee and Working Groups. ITOPF has had a direct involvement in the majority of incidents involving the IOPC Funds and has contributed to the work of the Funds in many other ways since 1978. We hope to continue this valuable relationship in the future. I trust, therefore, that the Assembly at its March 2022 session will agree to the continuance of our observer status.

The core values of ITOPF are central to our work and to the strong bond we have with the IOPC Funds:

Collaboration — inspiring teamwork and cooperation to achieve the goal of effective spill response.
Integrity — engendering trust in our work through honesty and scientific principles.

Objectivity — providing unbiased, consistent advice to all who seek it.

Respect — empowering a friendly, supportive culture that values diversity and the abilities and experience of all.

Diligence — delivering our services to the highest standards of excellence, with skill and good judgment.

ITOPF's role

ITOPF's Members comprise virtually all the world's commercial tanker owners. The owners of many other types of ship are eligible to become Associates of ITOPF. In both cases the annual subscriptions are paid to ITOPF by the ship's third-party liability insurers on behalf of their members. ITOPF is a technical body offering impartial advice, which is not involved in lobbying on behalf of any particular interest.

Response to spills

ITOPF's priority service is attending on-site at ship-source spills of oil, chemicals and other substances around the world, at the request of shipowners, their third-party liability insurers and the IOPC Funds. The primary purpose of this attendance is to promote and encourage effective clean-up and the mitigation of damage to the environment, economic resources and affected communities through the provision of objective technical advice. When the incident involves a ship, as defined in the 1992 Civil Liability and Fund Conventions, that is spilling or threatening to spill persistent oil in a Contracting State to the Fund Convention, ITOPF can be the organisation that first informs the Funds of the incident.

Under the terms of an agreement signed between the 1992 Fund and ITOPF in 2014, and revised in 2017, the Funds is able to call on the services of ITOPF as a recognised expert to assist with the provision of technical advice, monitoring and assessment of claims for clean-up operations and pollution damage as a result of an oil spill incident in Contracting States. Upon the entry into force of the HNS Convention, a similar arrangement will be possible to apply to relevant incidents.

When on-site at a pollution incident the ITOPF adviser(s) will actively encourage adherence to the claims admissibility criteria contained in the 1992 Fund's Claims Manual and associated Guidelines. ITOPF situation

reports are sent routinely from the field to various parties, including the IOPC Funds, with particular issues highlighted and discussed as they arise.

Damage assessment and analysis of claims

Assessing the damage caused by a spill to economic activities, primarily to fisheries and tourism, and/or to the environment is a part of ITOPF's on-site role at spills. Reports will be sent to the Funds' Secretariat, and other parties as appropriate, to keep them apprised of the situation and to allow them to appoint additional experts or take other actions as deemed necessary in the circumstances. The role of ITOPF in environmental damage includes involvement in post-spill studies and in assessing the feasibility of reasonable restoration measures. It is anticipated that involvement of ITOPF in such issues for the Funds will continue in the years ahead.

Claims for clean-up expenses are reviewed regularly by ITOPF in relation to observations made on site at the time of the spill and to the Funds' own claims admissibility criteria. ITOPF also utilises its extensive knowledge on the rates charged by various public and private entities globally as a basis for commenting on the reasonableness of costs. ITOPF has been requested by the Funds' Secretariat to review claims for fisheries, tourism and other losses arising from pollution damage. Once the assessment of a claim is completed a detailed report is passed to the Secretariat, and to the casualty's insurer if appropriate, to assist them with their settlement negotiations. In major cases, ITOPF's involvement in the assessment of claims for clean-up costs and damage on behalf of the Funds can last for many years.

Participation in Fund Working Groups

ITOPF has a long history of positive contributions to the Funds' Working Groups. In 1994, for example, ITOPF produced three detailed papers for the Seventh Intersessional Working Group of the 1971 Fund on Preventive Measures, Economic Loss and Environmental Damage. These papers put forward constructive proposals for claims admissibility guidelines, many of which were subsequently adopted by the Fund Assembly for incorporation in the organisation's Claims Manual. ITOPF also played a major role in re-drafting the 1992 Fund's policy on Environmental Damage, in conjunction with various national delegations. ITOPF has submitted papers and contributed to discussion at the 1992 Funds' 6th Intersessional Working Group meetings considering large numbers of claims for small amounts and on the subsequent document Guidance for Member States.

Other work

Examples of other collaborative projects between ITOPF and the IOPC Funds include the work undertaken in 2020 with the Funds' appointed consultant to review the definition of persistent oil and ongoing work, which commenced in 2021, to draft a Claims Manual for the HNS Convention.

More distantly, ITOPF has contributed to the production of IOPC Funds documents on a number of subjects, for example by drafting the Fund Guidelines for the Management of Fisheries Closures and Restrictions Following an Oil Spill, and providing constructive comments and suggestions for the Guidelines for Presenting Claims for Clean Up and Preventive Measures and on Environmental Damage Claims.

Attendance at Meetings

One or more members of ITOPF's staff attend meetings of the 1992 Fund Executive Committee and Assembly. It is very rare that there is not at least one ITOPF representative in the meeting room. ITOPF's assistance can be requested for review of papers related to particular spills.

By attending these meetings, ITOPF staff are able to understand more clearly the issues arising from incidents in which ITOPF is involved, and the feedback from Member States on papers, guidelines and other collaborative publications through attendance at the meetings.

I hope that you agree that the above summary demonstrates that ITOPF meets the criteria fully, as set out in paragraph B.1 of the Guidelines enclosed with your original letter. I therefore trust that the Assembly at its March 2022 session will agree to the continuance of our observer status.

Oil Companies International Marine Forum (OCIMF)

OCIMF continues to greatly value the work of the IOPC Funds organisation which is of great importance to our member companies.

I am writing to reconfirm our full support and strong desire to retain our long-standing observer status.

As you know, OCIMF represents a broad spectrum of national and international energy companies on matters of safety and environmental protection. Our mission is to lead the global marine industry in the promotion of safe and environmentally responsible transportation of crude oil, oil products, petrochemicals and gas, and to drive the same values in the management of related offshore marine operations. The OCIMF mission and objectives continue to complement those of the IOPC Funds.

Our membership as of January 2022 stands at 112. A list of our members is attached. As you are aware, it is our members' payments, collected through the oil reporting and contributions mechanism, which support the IOPC Funds. OCIMF and its members recognise the important role that the IOPC Funds and its Member States play in ensuring that victims of oil spill incidents are compensated through careful application of the relevant conventions and good governance.

OCIMF also provides support to IOPC Funds work in the form of expertise drawn from members to assist with technical matters. Our members have proactively engaged to support and share learnings from the Contract Regarding Interim Supplement to Tanker Liability for Oil Pollution (CRISTAL) compensation scheme in advance of the 1971 Fund Convention. We have continued with our close involvement with regular attendance at the IOPC Funds' meetings since 1978 and have contributed to the development of STOPIA, Tanker Oil Pollution Indemnification Agreement (TOPIA), reform of the Supplementary Fund, and development of the HNS Convention and associated Protocols.

It is our strong desire to retain our observer status to the IOPC Funds, which we consider is of significant benefit to both organisations.

I very much look forward to meeting you in person in the coming months when the easing of current restrictions makes this possible.

Sea Alarm Foundation (Sea Alarm)

In relation to the upcoming review in March 2022, I would like to let you know that we would very much like to continue our observer status with the IOPC Funds. We clearly see the mutual benefit for both organisations, in the same way we expressed in our application letter in 2017. Oil spills continue to happen in the marine environment worldwide and the probability of a potential impact they may have on marine wildlife is not declining.

We continue to be ready to provide our expertise to discussions that may arise in meetings of Contracting Parties on this subject matter, and bridge gaps between the expert networks that we are part of globally and the Contracting Parties and/or IOPC Fund staff during and in-between Assembly meetings. Our work continues to take place in close collaboration with authorities in multiple countries and the main regional agreements in Europe, such as the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (Helsinki Convention), Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and Bonn Agreement (1969). In the latter agreement we have recently also obtained an observer status on behalf of European Oiled Wildlife Assistance (EUROWA), the European Network of professional oiled wildlife organisations of which we serve as the Secretariat.

World LPG Association (WLPGA)

The WLPGA is a not-for-profit association whose principal activity is to provide information on the Liquefied Petroleum Gas (LPG) business, to represent its member companies globally and to provide reports on the Industry.

The WLPGA has an extensive membership stretching from producer companies in the Middle East and North America through to supply, distribution, and marketing, based all over the world.

Through partnerships with the United Nations Development Programme (UNDP), the United Nations High Commission for Refugees (UNHCR), the World Bank, and others, the WLPGA and its members strive to promote the use of LPG worldwide to foster a safer, cleaner, healthier and more prosperous world.

The same properties that make LPG such a versatile energy source also present challenges in its storage, handling and distribution. LPG is an inflammable substance and strict standards and codes of practice are applied to ensure its very good safety record. Over 320 million tonnes of LPG are used around the world every year, in hundreds of applications, and this figure continues to grow. More recently we have witnessed the use of LPG as a marine bunker fuel to reduce emissions from ocean-going vessels. We estimate nearly 2 billion people use LPG in one form or another.

The WLPGA is keen to be engaged in any discussions that have an impact on the LPG business and we have followed with keen interest the development relating to the HNS Convention. It is for this reason that the WLPGA continues to seek observer status to represent the international LPG industry on issues relating to the product within the HNS Convention in order that they are conveyed clearly.

We have an experienced resource pool that can participate and contribute to discussions or questions that arise about LPG. The WLPGA has been represented regularly, by David Tyler, and representatives from our Japanese Association, at meetings of the IOPC Funds' governing bodies since being granted observer status in 2009 and we would like to confirm we seek continuance of the WLPGA position as an observer.

We hope your review of our position in March 2022 will conclude we can continue as an observer organisation.

We look forward to the meetings of the 1992 Fund Assembly 29–30 March 2022.
