



International Oil Pollution  
Compensation Funds

Agenda Item 5	IOPC/NOV24/5/1	
Date	3 October 2024	
Original	English	
1992 Fund Assembly	92A29	●
1992 Fund Executive Committee	92EC83	
Supplementary Fund Assembly	SA21	●

## SUBMISSION OF OIL REPORTS

### Note by the Secretariat

<b>Summary:</b>	As at 20 September 2024, 96 Member States have submitted reports for 2023 to the 1992 Fund, representing some 91% of the expected total contributing oil <sup>&lt;1&gt;</sup> . Oil reports are outstanding from 32 Member States with respect to the 1992 Fund, of which 28 Member States have not completed reporting for the year 2023.
	As at 20 September 2024, one Member State had not made a complete submission of oil reports for 2023. All other Member States had completed submissions.
<b>Action to be taken:</b>	<u>1992 Fund Assembly and Supplementary Fund Assembly</u>
	Information to be noted.

### 1 Introduction

- 1.1 This document sets out the status of the submission of oil reports in respect of the 1992 Fund and the Supplementary Fund. It also provides an update on the development of the online reporting system (ORS) for the submission of oil reports by Member States.
- 1.2 In January 2024, the Director invited 1992 Fund and Supplementary Fund Member States to submit to the Secretariat their reports on contributing oil received in the calendar year 2023 by 30 April 2024. The submission of any outstanding reports from previous years was also requested, as appropriate. The Secretariat maintains a list of contributors for each Member State. Member States were provided with the list of the contributors in their State along with the contributing oil receipts for the previous years to assist them in submitting the current oil reports.
- 1.3 Reminders were sent out in April, May, June, July, August and September 2024 to Member States with outstanding oil reports. As in previous years, these communications were followed by meetings with the competent authorities of Member States with outstanding reports.
- 1.4 In general, clarification is sought from Member States in the event that oil reports are not submitted for all contributors or when there are inconsistencies with previously reported tonnages. The Secretariat also has access to information on persistent oil received after sea transport, published by Refinitiv Eikon, a subscription service also used by the Secretariat for banking and currency data. This

<1> Ninety-six reports have been submitted out of 121 1992 Fund Member States, plus three autonomous partners. The Netherlands, Aruba, Curaçao and Sint Maarten are autonomous partners within the Kingdom of the Netherlands, a status which obliges them to submit reports of contributing oil to the 1992 Fund directly. The Supplementary Fund has not been extended to Aruba, Curaçao or Sint Maarten.

information is used, together with web-based open-source research, to assist Member States with reporting and clarifying reasons for large variations in tonnages.

## **2 Situation with regards to outstanding reports**

### **2.1 1992 Fund**

2.1.1 For the year 2023, 124 reporting entities, which include 121 Member States plus three autonomous partners (i.e. Aruba, Curaçao and Sint Maarten), were liable to submit oil reports. The 96 reporting entities that have submitted reports for 2023 are estimated to represent some 91% of the expected total contributing oil. It should be noted that, in September 2023, the 1992 Fund had received reports for 95% of the expected contributing oil.

2.1.2 Based on the reports received thus far, the total quantity of oil received in 2023 has increased by some 6% compared to 2022, with the total expected contributing oil in 2023 estimated to be some 1.50 billion tonnes.

2.1.3 As at 20 September 2024, 32 reporting entities had not completed the submission of reports on contributing oil for 2023 or prior years, as shown at the Annex, of which 28 reporting entities recorded outstanding reports for 2023 only. It is further expected that 'nil' quantities will be reported by 14 of the reporting entities yet to submit.

2.1.4 Of the 18 reporting entities with reports outstanding for more than one year, Syrian Arab Republic has not submitted any reports for 15 years since joining the 1992 Fund. Oil reports are outstanding for Albania for 11 years (2013–2023), Saint Lucia for 10 years (2004–2013), Djibouti for seven years (2017–2023), Bahrain for six years (2018–2023), Guinea for six years (2018–2023), Panama for six years (2018–2023) and Senegal for five years (2019–2023).

2.1.5 The Dominican Republic has not submitted any reports for the 25 years that are outstanding since joining the 1992 Fund in 2000 (1999–2023). The Government of the Dominican Republic has made efforts to establish the volumes of oil received in the years since joining the Fund. The Secretariat is in discussions with authorities from the Dominican Republic to decide the best approach to resolving their outstanding obligations to the 1992 Fund.

2.1.6 Submission of oil reports by Panama has been incomplete for six years, preventing the Secretariat from invoicing contributions in respect of some contributors in that State.

### **2.2 Supplementary Fund**

As at 20 September 2024, Spain had not completely submitted oil reports for 2023. All other Member States, including new Member State Mauritius, have completed the submission of oil reports.

## **3 Online reporting system (ORS)**

3.1 An online reporting system (ORS) has been developed to assist Member States in the submission of their contributing oil data to the Secretariat.

3.2 The Secretariat plans to update the system to integrate the ORS with the new Enterprise Resource Planning (ERP) system, which currently contains contributions management and financial accounting.

3.3 The Secretariat is also exploring requirements for an online Hazardous and Noxious Substances (HNS) reporting system, incorporating reporting and contributions management. Oil reporting will be one element of an HNS reporting system, so it is planned that further development in this area will be

coordinated between the 1992 Fund and the work currently being undertaken on behalf of the future HNS Fund.

#### **4 Measures encouraging the submission of oil reports**

- 4.1 In recent years, competent authorities have been reminded of the governing bodies' concern about States that did not fulfil their treaty obligations to submit reports, as it is crucial for the functioning of the international compensation regime. Reference has been made to 1992 Fund Resolution N°12 – Measures in respect of outstanding oil reports and outstanding contributions and Supplementary Fund Resolution N°3 – Measures in respect of outstanding contributions, which were adopted by the governing bodies at their April 2016 sessions (document [IOPC/APR16/9/1](#), paragraphs 6.1.15 and 6.1.16).
- 4.2 Under 1992 Fund Resolution N°12, in the event that a State Party to the 1992 Fund Convention has two or more oil reports in arrears, or has any contributors who are in arrears with their payments for two or more years, any claim submitted by the Administration of that State or a public authority working directly on the response or recovery for the pollution incident on behalf of that State will be assessed for admissibility, but payment will be deferred until the reporting deficiency is rectified.
- 4.3 Furthermore, States that are determined by the 1992 Fund Assembly to be in breach of their obligations under Articles 13.2, 15.1 or 15.2 of the 1992 Fund Convention shall not be eligible to nominate candidates for membership of the Audit Body nor to be elected as members of the 1992 Fund Executive Committee.
- 4.4 Under Resolution N°3, in the event that a State Party to the Supplementary Fund Protocol has any contributors who are in arrears with their payments for two or more years, any claim submitted by the Administration of that State or a public authority working directly on the response or recovery for the pollution incident on behalf of that State will be assessed for admissibility, but payment will be deferred until the reporting deficiency is rectified.
- 4.5 In June 2024, Member States of the 1992 Fund and Supplementary Fund with oil reports or contributions outstanding for two or more years were notified by a formal letter that Resolution N°12 and Resolution N°3 respectively, were applicable to them. Information on Member States to which 1992 Fund Resolution N°12 and Supplementary Fund Resolution N°3 are currently applicable can be found in document [IOPC/NOV24/5/3](#).
- 4.6 At the November 2023 sessions, the governing bodies approved 1992 Fund Resolution N°13 and Supplementary Fund Resolution N°5 authorising the Director to issue invoices based on estimates, and relevant amendments to the Internal Regulations (document [IOPC/NOV23/11/1](#), paragraphs 6.2.25 and 6.2.26).
- 4.7 The Secretariat is analysing the oil reporting status of Member States with outstanding reports for consideration in respect of the application of 1992 Fund Resolution N°13. A summary of the analysis is presented in document [IOPC/NOV24/6/1](#).

#### **5 Director's considerations**

- 5.1 The Director is grateful for the continued cooperation and engagement of Member States with respect to the submission of oil reports. Work is still required to ensure that all Member States continue to fulfil this important obligation under the 1992 Fund Convention and the Supplementary Fund Protocol.
- 5.2 The Director notes with concern that nine Member States of the 1992 Fund have outstanding reports for five or more years and that one State has never submitted reports despite being a member of the 1992 Fund for many years.

5.3 Ongoing work is required to ensure that all Member States continue to fulfil this important obligation under the 1992 Fund Convention and the Supplementary Fund Protocol. The Director strongly encourages all 1992 Fund and Supplementary Fund Member States to support the Secretariat in this matter.

**6 Action to be taken**

1992 Fund Assembly and Supplementary Fund Assembly

The 1992 Fund Assembly and the Supplementary Fund Assembly are invited to take note of the information contained in this document.

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**ANNEX**

**Non-submission of oil reports by Member States, as at 20 September 2024**

	Member State	Number of oil years outstanding	Tonnage given in most recent complete report	Years for which reports are outstanding	
				1992 Fund	Supplementary Fund
1	Dominican Republic <2>	25	No reports received	1999–2023	
2	Syrian Arab Republic <2>	15	No reports received	2009–2023	
3	Albania <2>	11	-	2013–2023	
4	Saint Lucia <2>	10	497 427	2004–2013	
5	Djibouti <2><3>	7	167 042	2017–2023	
6	Bahrain <2>	6	-	2018–2023	
7	Guinea <2><3>	6	173 942	2018–2023	
8	Panama <2><3>	6	10 339 086	2018–2023	
9	Senegal <2>	5	1 474 654	2019–2023	
10	Dominica <2>	4	-	2020–2023	
11	Cameroon <2>	3	-	2020, 2022–2023	
12	Malaysia <2><3>	3	20 291 298	2021–2023	
13	Palau <2>	3	-	2021–2023	
14	United Republic of Tanzania <2>	3	150 224	2021–2023	
15	Angola	2	2 001 204	2022–2023	
16	Comoros	2	-	2022–2023	
17	Mauritania <2>	2	348 795	2016–2017	
18	Niue	2	-	2022–2023	
19	Algeria	1	341 948	2023	

	Member State	Number of oil years outstanding	Tonnage given in most recent complete report	Years for which reports are outstanding	
				1992 Fund	Supplementary Fund
20	Bahamas	1	6 315 030	2023	
21	Benin	1	-	2023	
22	Cabo Verde	1	-	2023	
23	Colombia	1	1 427 250	2023	
24	Georgia	1	-	2023	
25	Iran (Islamic Republic of)	1	16 113 042	2023	
26	Nicaragua <sup>&lt;2&gt;</sup>	1	909 897	2021	
27	Saint Kitts and Nevis	1	-	2023	
28	Samoa	1	-	2023	
29	Serbia	1	-	2022	
30	Spain	1	72 553 039	2023	2023
31	Vanuatu	1	-	2023	
32	Venezuela (Bolivarian Republic of) <sup>&lt;3&gt;</sup>	1	4 935 036	2023	

<sup><2></sup> The measure to defer payments of compensation under the 1992 Fund Resolution N°12 is applicable due to oil reports outstanding for two or more years, i.e. reports for the year 2021 and before as at 20 September 2024.

<sup><3></sup> The measure to defer payments of compensation under the 1992 Fund Resolution N°12 is applicable due to contributions outstanding for two or more years, as at 20 September 2024.