



International Oil Pollution
Compensation Funds

Agenda Item 10	IOPC/APR25/10/1/WP.1	
Date	1 May 2025	
Original	English	
1992 Fund Administrative Council	92AC25/92ACES29	●
1992 Fund Executive Committee	92EC84	●
Supplementary Fund Assembly	SAES13	●

DRAFT

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

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

Governing Body (session)		Chair	Vice-Chairs
1992 Fund	Assembly (92AC25/ 92ACES29)	Mr François Marier (Canada)	Professor Tomotaka Fujita (Japan) Ms Stellamaris Muthike (Kenya)
	Executive Committee (92EC84)	Ms Małgorzata Buszyńska (Poland)	Ms Katarina McGhie-Thompson (Antigua and Barbuda) ^{<1>}
Supplementary Fund	Assembly (SAES13)	Mr Andrew Angel (United Kingdom of Great Britain and Northern Ireland)	Mr Carlos Sequeira (Portugal) Ms Safiye Tecen (Türkiye)

<1> The Vice-Chair presided over the 84th session of the 1992 Fund Executive Committee.

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Supplementary Fund Protocol

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*Opening of the sessions***1992 Fund Assembly***Minute's silence in tribute to Thomas Liebert*

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

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

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

1992 Fund Administrative Council

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

Supplementary Fund Assembly

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

1992 Fund Executive Committee

- 0.8 The 1992 Fund Executive Committee Vice-Chair opened the 84th session of the Executive

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

Committee with 15 Member States present.

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

1 Procedural matters

1.1	Adoption of the Agenda Documents IOPC/APR25/1/1	92AC	92EC	SA
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- 1.1.1 The 1992 Fund Administrative Council, 1992 Fund Executive Committee and Supplementary Fund Assembly adopted the agenda as contained in document IOPC/APR25/1/1.

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

- 1.2.1 The governing bodies took note of the information contained in document IOPC/APR25/1/2.
- 1.2.2 The governing bodies recalled that at its March 2005 session, the 1992 Fund Assembly had decided to establish, at each session, a Credentials Committee composed of five members elected by the Assembly on the proposal of the Chair, to examine the credentials of delegations of Member States. It was also recalled that the Credentials Committee established by the 1992 Fund Assembly should also examine the credentials in respect of the 1992 Fund Executive Committee, provided that the session of the Executive Committee was held in conjunction with a session of the Assembly (document 92FUND/A/ES.9/28).
- 1.2.3 The governing bodies further recalled that, at their October 2008 sessions, the 1992 Fund Assembly and the Supplementary Fund Assembly had decided that the Credentials Committee established by the 1992 Fund Assembly should also examine the credentials of delegations of Member States of the Supplementary Fund (documents 92FUND/A.13/25 and SUPPFUND/A.4/21).

1992 Fund Administrative Council decision

- 1.2.4 In accordance with Rule 10 of the Rules of Procedure of the 1992 Fund Assembly and the Supplementary Fund Assembly and Rule 9 of the Rules of Procedure of the 1992 Fund Executive Committee, the 1992 Fund Administrative Council appointed the delegations of Canada, Latvia, Marshall Islands, Namibia and United Arab Emirates as members of the Credentials Committee.

1992 Fund Executive Committee and Supplementary Fund Assembly

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

Report of the Credentials Committee

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

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

1.3 Credentials for the meetings of the governing bodies Documents IOPC/APR25/1/3	92AC	92EC	SA
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- 1.3.1 The governing bodies took note of the information contained in document IOPC/APR25/1/3 regarding credentials for the meetings of the governing bodies.
- 1.3.2 The governing bodies recalled that the policy regarding the formal requirements for the issuance and submission of credentials and notifications for meetings of the IOPC Funds' governing bodies, as provided in Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and of the Supplementary Fund Assembly, and Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee, had been reviewed and amended on several occasions to address inconsistencies and to clarify aspects of both the content of credentials and the procedure for their submission.
- 1.3.3 The governing bodies noted that sometimes credentials were issued by an authority as determined by the Government, but no formal communication was provided to the Director stating that the individual issuing the credentials was 'an appropriate authority as determined by the Government and communicated to the Director'. The governing bodies noted that this could create complications in the event of a vote as only those Member States whose credentials are in order are permitted to vote.
- 1.3.4 The governing bodies further noted the proposal made by the Secretariat in section 2 of document IOPC/APR25/1/3 to formalise the requirement to officially communicate to the Director, through a separate letter, that an appropriate authority had been authorised by a Government to issue credentials whenever credentials were not issued by the Head of State, the Head of Government, the Minister of Foreign States or the Ambassador or High Commissioner.
- 1.3.5 The governing bodies also noted that this practice of submitting credentials accompanied by a letter confirming the delegation of authority, had been recommended by the Credentials Committee in past sessions and adopted by many Member States with positive results.
- 1.3.6 The governing bodies noted that the letter appointing the appropriate authority as determined by the Government to issue credentials would remain valid and in effect for subsequent sessions of the governing bodies until a new person was authorised and communicated to the Director.
- 1.3.7 The governing bodies noted that, if the Secretariat's proposal was endorsed, Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and of the Supplementary Fund Assembly, and Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee would need to be amended. They also noted that the Director would need to be instructed to issue a new circular on credentials and notifications for IOPC Funds' meetings.

- 1.3.8 The governing bodies noted that the reference to the deadline for presenting credentials 'where such an authority is a person who is not a Government employee' had been deleted, as all authorities must submit credentials no later than five working days prior to the opening of the Assembly session, making the distinction unnecessary.

Debate

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

1992 Fund Administrative Council decision

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

Supplementary Fund Assembly decision

- 1.3.17 The Supplementary Fund Assembly noted the decisions of the 1992 Fund Administrative Council and decided to amend Rule 9 of the Rules of Procedure of the Supplementary Fund Assembly, as set out in Annex IV.

- 1.3.18 The Supplementary Fund Assembly also instructed the Director to issue a new circular on credentials and notifications for IOPC Funds' meetings.

1992 Fund Executive Committee

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

1.4	Format of meetings Document IOPC/APR25/1/4	92AC	92EC	SA
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- 1.4.1 The governing bodies took note of document IOPC/APR25/1/4 containing information relating to the possible format of future IOPC Funds' meetings.

- 1.4.2 It was recalled that in light of the decision by the IMO Council to permanently use hybrid capabilities to host meetings, the IOPC Funds' governing bodies had taken the opportunity at their November 2024 sessions to reconsider the format of their future sessions. It was also recalled that, taking into account a number of key considerations from the Director, the governing bodies had instructed him to explore with IMO the practical arrangements for delivering hybrid meetings, including in respect of the registration system, the resources required and the costs to be incurred, and to report his findings to the governing bodies at their April 2025 sessions. It was noted that the April 2025 meeting was therefore being held in person, complemented by remote-passive participation.

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

- 1.4.4 The Secretariat presented the results of the research it had undertaken since November 2024 into the practical arrangements for delivering hybrid meetings. It reported that the IOPC Funds had engaged the services of a company which is used by IMO, to provide solutions for the sending of links and the displaying of names and flags. It was recalled that a number of issues were encountered in that regard when using the hybrid facilities to provide a remote-passive service for the April 2024 sessions and to provide a remote-active service for the purpose of the May 2024 workshop on the 2010 HNS Convention, since the IOPC Funds uses its own registration system and has a number of different delegations to IMO. It was reported that the solution proposed by the company had been successfully implemented for the April 2025 meeting and would be in place for any hybrid-passive or active meetings going forward.

- 1.4.5 The governing bodies noted that the Secretariat estimated that the total annual cost for delivering hybrid meetings would be just over £8 000 plus staff time. The Secretariat emphasised however, that there could be costs related to the ongoing use of the hybrid facilities at IMO that were unconfirmed. It was recalled that the IOPC Funds uses the conference services of IMO as part of a formal service agreement. The Secretariat pointed out that it was not known whether that agreement would be amended in light of any additional maintenance or other costs that IMO might incur in relation to the delivery of hybrid meetings for the IOPC Funds.

- 1.4.6 It was noted that, at its November 2024 session the IMO Council had decided to amend its Rules of Procedure to facilitate the delivery of hybrid meetings at IMO. The IOPC Funds Secretariat reported that it had followed the discussions and decisions of the IMO Council and had met with the Director

of IMO's Legal Affairs and External Relations Division to discuss the revised amendments and a number of practical implications of the amended Rules.

1.4.7 The Secretariat explained that it had reviewed the Rules of Procedure of the governing bodies and had concluded that the following Rules would require amendment in order to facilitate the delivery of meetings in hybrid format:

- Rule 3 on holding the session, which should refer to the main modality being an in person meeting held in London with a remote participation option using hybrid meeting capabilities as a supplementary option;
- Rule 22 relating to the requirement for Chairs and Vice-Chairs to be present in person at meetings;
- Rule 33, which should clearly define the phrase 'Members present' and the phrase 'Members present and voting';
- Rule 37, requiring elections to take place by secret ballot in person;
- Rule 38, requiring scrutineers to be present in person to scrutinise any votes cast; and
- Rule 41, which requires consequential amendments relating to quorum.

1.4.8 The governing bodies noted the proposed amendments to the Rules above, as set out in Annexes I, II and III of document IOPC/APR25/1/4. The Secretariat confirmed that when considering the amendments to the Rules, every effort had been made to maintain, as far as possible, the same principles as for physical (in person) meetings.

1.4.9 The Secretariat informed the governing bodies that since the opening of the session, one delegation had contacted the Director with alternative proposed amendments to Rule 33. That proposal was presented in document IOPC/APR25/1/4/WP.1.

1.4.10 The governing bodies noted that, in addition to amending the Rules of Procedure, a number of amendments to current practices, not explicitly covered in the Rules, would need to be agreed upon in order to facilitate the delivery of hybrid meetings. These included:

- the return of providing a five-day correspondence period after the adoption of the Record of Decisions; and
- the practice that voting by secret ballot would continue to be held in person only with no proxy voting permitted.

1.4.11 The Secretariat suggested that such practices could be recorded in a new circular which could act as a useful reference tool, similar to the 'Organization and Method of Work' documents used for IMO bodies.

1.4.12 The Secretariat thanked both the Conference Division and the Legal Affairs and External Relations Division of the IMO Secretariat for the support and information they had provided in relation to hybrid meetings and the review of the Rules of Procedure.

1.4.13 Taking into account the information provided, the governing bodies were invited to decide whether to hold future meetings in person but with a passive streaming service or in hybrid format.

Debate

1.4.14 The governing bodies thanked the Secretariat for the work undertaken since the November 2024

sessions to fully explore, in cooperation with IMO, the practical arrangements for delivering hybrid meetings, including the cost implications. They noted the outcomes of that work as set out in section 2 of document IOPC/APR25/1/4 and thanked the Secretariat for ensuring it was in a position to use the IMO hybrid meeting infrastructure, whilst continuing to use the IOPC Funds meeting registration system, to deliver the October 2025 sessions of the governing bodies in hybrid format, should they wish to do so.

- 1.4.15 All delegations that spoke expressed a preference for holding future meetings in hybrid format. Many delegations highlighted the ways in which the organisation could benefit from holding in person meetings, complemented by remote-active participation. These included greater flexibility and accessibility of meetings to delegates, the opportunity for remote representatives with wider expertise to support in person attendees, and effective means to reduce travels costs for Member States. Several delegations noted that encouraging wider participation in this way would promote broader inclusivity which is more reflective of the membership of the organisation, leading to more enriching discussions.
- 1.4.16 One delegation supported the implementation of hybrid meetings but wished to note in particular that, as stated in the document, voting by secret ballot would take place in person only, with no proxy voting. Another delegation, whilst supporting the transition to hybrid meetings from October 2025, wished to note its remaining concern regarding the practicality of ensuring the anonymity and security of online voting and suggested that further work should be undertaken in that regard. In response, one delegation clarified that voting by secret ballot would continue to be held in person only, as stated in the Rules of Procedure, and that including remote participants in any vote would only be possible for voting by roll call.
- 1.4.17 Two delegations requested clarification regarding the cost implications of hybrid meetings and requested confirmation that no additional financial burden would be placed on the contributors of Member States. In response, the Director clarified that, as with all costs that are unrelated to incidents, the expenses relating to the introduction of hybrid meetings would be covered by the administrative budget of the 1992 Fund. He pointed out that all activities of the organisation were funded by contributors in Member States, including those falling under the administrative budget.
- 1.4.18 A number of delegations that spoke confirmed that they would like the first hybrid meeting of the governing bodies to take place at the next sessions, currently planned for October 2025.
- 1.4.19 All delegations that spoke supported the amendments to the Rules of Procedure as set out in Annexes I, II and III of document IOPC/APR25/1/4. In respect of Rule 33, delegations supported the text proposed in document IOPC/APR25/1/4/WP.1.
- 1.4.20 One delegation referred to the suggestion made by the Secretariat to develop a circular setting out the established practices of the governing bodies in respect of meetings and expressed its support for that document. It proposed, however, that any such document should be presented to the governing bodies for their consideration and approval.

1992 Fund Administrative Council decisions

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

sessions of the governing bodies.

Supplementary Fund Assembly decisions

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

1992 Fund Executive Committee

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

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

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

‘The Republic of Panama has the honour to present document IOPC/APR25/1/5, the purpose of which is to strengthen the proper implementation of the Rules of Procedure of the governing bodies, guaranteeing the full exercise of Member States’ rights to intervene and speak. This proposal also seeks to consolidate mutual respect and constructive dialogue within this organization, protecting the international reputation of Member States, and to establish a prior consultation process to prevent issues arising from the dissemination of unverified information.

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

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

This situation highlights the importance of respecting the right to speak, as stipulated in Article 42 of the Rules of Procedure of the 1992 Fund and Supplementary Fund Assemblies, as well as Article 38 of the Rules of Procedure of the Executive Committee. We would also

like to draw attention to a significant discrepancy: in the English version of these Rules of Procedure, the right to speak is explicitly described as a 'right', whereas the Spanish version does not reflect this in the same way.

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

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

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

Debate

- 1.5.2 In response to the comments by Panama in respect of Rule 42 of the Rules of Procedure of the 1992 Fund Assembly and Supplementary Fund Assembly, and of Rule 38 of the Rules of Procedure of the 1992 Fund Executive Committee in section 2 of the document, the Director thanked the delegation for drawing attention to the discrepancy between the English version which referred explicitly to the Chair according 'the right to speak' and the Spanish version of the text which did not. It was noted that the same issue was present in the French version. The Secretariat therefore proposed amendments to the French and Spanish texts to align them more closely with the English version, as set out in document IOPC/APR25/1/5/WP.1.
- 1.5.3 In response to the points made by Panama in respect of strengthening communication between the Secretariat and the Member States, the Director stated that the Secretariat received information from many sources, particularly in respect of incidents. He clarified that, in the interest of transparency, information received is shared with the governing bodies in the reports presented at meetings. He confirmed that the Secretariat does try to verify information received and to consult with Member States concerned.
- 1.5.4 All delegations that spoke supported the proposal to align the text of the Rules of Procedure which refers to the Chair according the 'right to speak' in all languages, and thanked the delegation of Panama for bringing the discrepancy to the attention of the governing bodies.
- 1.5.5 One delegation expressed its support for the fundamental principles of transparency, mutual respect and equity underlying the Rules of Procedure of the governing bodies and noted that the right to speak during proceedings was an essential component in the legitimacy and integrity of discussions. That delegation firmly supported the full and consistent application and upholding of the Rules to ensure that every delegation can exercise its right to speak without undue interference. That delegation also recognised the importance of fostering effective communication between Member States and the Secretariat particularly in respect of any information presented that could potentially affect the reputation of a State. That delegation supported the proposal by Panama to include a new Rule in the Rules of Procedure of the governing bodies to address this issue.
- 1.5.6 Several other delegations also agreed that the Member States' right to speak was a fundamental element of international meetings and supported Panama's views on that point. One delegation commented that Member States should be guaranteed an environment in which they can express their views freely and responsibly, since such an environment provides for constructive and

transparent discussions. That delegation considered that it was equally important to uphold the procedural fairness and mutual respect between Member States and the Secretariat. That delegation expressed the view that smooth communication is more sustainable and effective when based on a voluntary and trust-based approach and suggested that rather than the adoption of a new Rule, a more flexible approach to consultations should be adopted.

- 1.5.7 The majority of delegations supported the proposals by Panama to strengthen communication both between Member States, and between States and the Secretariat. They also agreed that strong communication and consultations were instrumental in the discussions of the governing bodies. However, most delegations considered that it was neither necessary nor desirable to formalise any consultation process in the Rules of Procedure of the governing bodies. One delegation expressed concerns that doing so could lead to practical difficulties in the implementation of such a Rule.
- 1.5.8 One delegation pointed out that, in its view, the concerns expressed by Panama in respect of the conduct of business during meetings and the ‘right to speak’ were already addressed in Rule 43 of the 1992 Fund Rules of Procedure.
- 1.5.9 Another delegation agreed with the principle of transparency, consultation and respect as others had also stated, but did not see the need for further prior consultation by the Secretariat with Member States before presenting any verbal or written information. That delegation expressed its agreement with the Director that the Secretariat was already making every effort to consult with States, that it circulated documents sufficiently in advance of meetings, and that if delegations were to have any issues during meetings of the governing bodies, there was ample opportunity to raise them under the relevant agenda item or under any other business. That delegation also stated its view that States should reserve the right to consult or not. That delegation stated that it could not therefore support the proposals by Panama.
- 1.5.10 The Chair of the 1992 Fund Administrative Council took the opportunity to encourage open dialogue between the Chairs of the governing bodies and the Member States. He reminded delegations that the Chairs were elected to facilitate such dialogue and not to restrict the right to speak of any representatives. He encouraged delegations to approach him, or his fellow Chairs at any time, should there be any issues that they wished to raise.

1992 Fund Administrative Council and Supplementary Fund Assembly decisions

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

2 Overview

2.1	Report of the Director	92AC		SA
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- 2.1.1 The Director welcomed everybody to the April 2025 meeting of the governing bodies and apologised for the delay in issuing two key documents, which had been postponed to reflect the most recent developments.

- 2.1.2 The Director addressed the ongoing incidents, noting that in the *Prestige* case, the Court of First Instance in Bordeaux had ruled that the 1992 Fund's action against the American Bureau of Shipping (ABS) was time-barred. He further stated that the 1992 Fund Executive Committee would need to decide whether to pursue an appeal.
- 2.1.3 In respect of the *Redferm* incident, the Director expressed concern over the legal proceedings in Nigeria, noting the court's disregard for the 1992 Fund's applications. He recalled that all the available evidence indicated that the oil had escaped from an inland barge that was not covered by the 1992 Civil Liability Convention (CLC) or the 1992 Fund Convention, as it did not comply with the definition of 'ship' contained within Article I(1) of the 1992 CLC.
- 2.1.4 With respect to the *Agia Zoni II* incident in Greece, the Director reported that the criminal trial was still ongoing.
- 2.1.5 The Director reported that substantial progress had been made in assessing and paying claims for the *Princess Empress* incident. He thanked the authorities in the Philippines for their assistance during visits by members of the IOPC Funds' Secretariat to the Philippines, and their assistance regarding the opening of temporary local claims submission offices (CSOs) and the facilitation of the payment process in the fisheries sector.
- 2.1.6 The Director reported that over ninety claims had been assessed in relation to the *Gulfstream* incident in Trinidad and Tobago, with payment of compensation underway.
- 2.1.7 With respect to the *Marine Honour* incident, the Director reported that compensation payments had begun. He added that the 1992 Fund had received claims from two Singapore government agencies and expected to receive more in the future.
- 2.1.8 In relation to the *Terranova* incident, the Director reported that the 1992 Fund had established two CSOs, with three teams operating from those offices to collect claims. The Director added that drawing on the experience gained from the *Princess Empress* incident and working with the same team had facilitated efficient outreach and effective processing of claims.
- 2.1.9 With respect to the *Volgoneft 212* and *Volgoneft 239* incidents in the Russian Federation, the Director reported that both vessels had broken up in bad weather in the Black Sea, affecting a large coastal area. He noted that significant clean-up efforts were reportedly underway. However, he added that in the absence of concrete information, it was still too early to assess whether and how this incident would affect the IOPC Funds.
- 2.1.10 The Director reported significant progress in promoting the 2010 HNS Convention, especially following announcements by several European states of their intention to ratify the Convention. He noted that the new HNS Project Manager, Gillian Grant, had joined the Secretariat in December 2024 and had significantly increased the capacity of the Secretariat in relation to HNS matters. The Director referred to the recent incident involving the *MV Solong* and the *MV Stena Immaculate* off the North Sea coast of the United Kingdom and noted that this was a stark reminder that HNS incidents do happen and underscored the need for the entry into force of the 2010 HNS Convention.
- 2.1.11 With respect to oil reporting, the Director reported that the Secretariat had used data provided by a third party (Eikon) to assess the reliability of reported contributing oil figures and nil declarations, thereby supporting Member States in submitting accurate reports. He added that the Secretariat had contacted the relevant oil reporting authorities for background and clarification when variations were identified between reported tonnage and the third-party data.
- 2.1.12 The Director also reported that 16 Member States had outstanding reports or contributions. He added that in accordance with 1992 Fund Resolution N°12, any compensation of payments to the public sector in those Member States would be suspended until their obligations were fulfilled.

- 2.1.13 He noted that invoices had been issued under 1992 Fund Resolution N°13 to address outstanding contributions in respect of the Dominican Republic, Syrian Arab Republic, Saint Lucia, Djibouti, Guinea and Panama.
- 2.1.14 The Director shared his appreciation for the Member States that had taken on the obligation of outstanding contributions, mentioning in particular the government of Curaçao, which had recently paid on behalf of a contributor who had ceased operations there in 2019. He also thanked the authorities in Ghana for the final settlement of outstanding contributions, which was currently being processed by the bank.
- 2.1.15 The Director also thanked the authorities of Malaysia and Argentina for their assistance in facilitating the payment of outstanding contributions by contributors in those Member States.
- 2.1.16 The Director reported that as at 29 April 2025, 96% of the contributions for 2024 had been received.
- 2.1.17 On the impact of sanctions on the international liability and compensation regime, the Director expressed concern about the significant number of ships operating with insurance that did not comply with the Conventions. He encouraged Member States to ensure compliance with international safety and liability conventions.
- 2.1.18 The Director reported that the Audit Body and the External Auditor were reviewing the 2024 Financial Statements, which they would be signing at their next meeting on 2 May 2025.
- 2.1.19 With respect to the IMO underlease, the Director reported proposed amendments to the current underlease agreement, prompted by increased costs. He recommended that the 1992 Fund Assembly approve the changes.
- 2.1.20 The Director reported on the publication of key documents, including the Guide to Persistent and Contributing Oils, Guidance for Member States – investigating the circumstances surrounding an oil pollution incident involving uninsured and unsafe ships, and the 2024 Annual Report.
- 2.1.21 With respect to outreach, the Director reported that the Secretariat had actively participated in multiple events worldwide and continued to deliver training and organise successful webinars. The Director confirmed the IOPC Funds Annual Academy would be held from 9 to 13 June 2025.
- 2.1.22 The Director reported that the organisation's priority was to serve Member States and the victims of oil pollution while protecting the interests of the IOPC Funds. He noted that with fourteen active incidents involving the 1992 Fund, there was significant activity.
- 2.1.23 The Director emphasised that it was essential to continue ensuring that the claims-handling process was effective and efficient, with prompt payments made in every incident. He stated that the Secretariat would continue strengthening strong relationships with all Member States to ensure the uniform and effective implementation and interpretation of the Conventions. The Director further highlighted the need for the Secretariat to promote the benefits of the 1992 Fund to those most at risk. He stated that the Secretariat would continue actively engaging with Member States to support their efforts in becoming parties to the 2010 HNS Convention, while also developing tools necessary for the first meeting of the HNS Fund Assembly and the creation of the HNS Fund. Finally, he added that the Secretariat would continue to address the risks associated with ships that were unsafe, uninsured or inadequately insured.

3 Incidents involving the IOPC Funds

[to be inserted]

4 **Compensation matters**

4.1	The potential impact of sanctions on the international liability and compensation regime Document IOPC/APR25/4/1	92AC		SA
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- 4.1.1 The 1992 Fund Administrative Council and Supplementary Fund Assembly took note of document IOPC/APR25/4/1.
- 4.1.2 The governing bodies recalled that since the introduction of the current sanctions regime, the IOPC Funds' Secretariat had highlighted the issues, risks and dangers, and the potential impact upon the international liability and compensation regime, drawing attention to both the guidance issued by the IMO Legal Committee, and the impact upon many of the Clubs in the International Group of P&I Associations (International Group), who were no longer able to insure vessels trading or carrying Russian crude oil, as they once had.
- 4.1.3 The governing bodies also recalled that at the 33rd session of the IMO Assembly, which convened from 27 November to 6 December 2023, the Member States had adopted Resolution A.1192(33) which called upon flag and port States to take measures against 'dark fleet' or 'shadow fleet' operations.
- 4.1.4 The governing bodies noted that port State control data suggested that detentions had remained overall steady over the past two years, but that while detention rates among the largest flag States had been decreasing over recent years, several smaller registries with poor records of regulatory oversight had seen a significant influx of ships that circumvented sanctions and, by extension, safety compliance.
- 4.1.5 The governing bodies also noted the reports of increased interference and jamming of global navigation satellite systems (GNSS) within the Baltic Sea, which impacted upon maritime navigation, safety, port operations and infrastructure leading to a higher risk of maritime accidents and possible oil pollution incidents, with some States calling for the revival of the long-range identification and tracking system (LRIT) as a tool to eradicate the problem of vessels 'going dark' to transport illegal or sanctioned cargoes.
- 4.1.6 The governing bodies further noted that at the 112th session of the IMO Legal Committee which convened from 24 to 28 March 2025, the Member States considered the increasing need to combat unlawful operations within the remit of IMO and supported the development of a new output to conduct a regulatory scoping exercise of IMO Conventions and other instruments available for Member States, to further develop actions to prevent unlawful operations including substandard ships. It was noted that a Working Group and Correspondence Group had been established to further those aims.
- 4.1.7 The governing bodies further recalled that the 1992 Fund Convention and Supplementary Fund Protocol contain no exemptions from liability for sanctionable or sanctioned events, but that the IOPC Funds may face a number of practical difficulties if dealing with an incident involving a vessel laden with Russian oil, including having to pay additional compensation if a shipowner or its insurer fails to establish a limitation fund, or difficulties in establishing bank accounts from which to pay compensation.
- 4.1.8 It was recalled that the IOPC Funds' Secretariat had previously highlighted a number of potential impacts upon the IOPC Funds' Member States and its contributors, arising from those vessels which were attempting to circumvent the sanctions by various methods, and that many of the 'dark' fleet were older ships including some not inspected recently, having substandard maintenance, unclear ownership and severe lack of insurance (IMO document LEG100/18/1, paragraph 5.1).

EU Council – packages of economic sanctions

4.1.9 It was further noted that in December 2023, February 2024, June 2024 and February 2025 respectively, the EU announced its 12th, 13th, 14th and 16th packages of economic sanctions, the first of which introduced the need to report the transfer of ownership to any third country of any tanker engaged in the transport of crude oil or petroleum products listed in Annex XXV of Regulation 833/2014, falling under the HS Code ex 8901 20.

4.1.10 The governing bodies noted that the 16th package of economic sanctions listed 74 vessels that form part of the 'shadow' fleet or contribute to the Russian Federation's energy revenues, and which were subject to a port access ban and a prohibition to provide a broad array of maritime and other services such as financing and financial assistance, insurance and brokering, flag registration, technical assistance, bunkering, ship supply services, crew change services, cargo loading and discharge services, fendering and tug services.

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

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

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

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

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

Potential mitigating actions

4.1.14 The governing bodies recalled that at their March 2022 sessions, the 1992 Fund Administrative Council, acting on behalf of the 1992 Fund Assembly, fully encouraged Member States to adhere to the recommendations contained in the IMO draft circular LEG 109/WP.6, Annex 'Guidance on the impact of the situation in the Black Sea and the Sea of Azov on insurance or other financial security certificates'. The draft guidance was issued as IMO Circular LEG.1/Circ.12 on 7 April 2022 (document [IOPC/MAR22/9/2](#), paragraph 8.1.10).

4.1.15 It was also recalled that at the 110th session of the IMO Legal Committee held from 27 to 31 March 2023, flag States were further encouraged to comply with the suggestions detailed in IMO document LEG 110/5, by ensuring that tankers under their flag adhered to measures which lawfully prohibited or regulated STS transfers. Port States were also encouraged to ensure enforcement of the safety and liability conventions on such vessels, and to ensure that STS transfer operations were conducted in accordance with the applicable safety requirements in IMO conventions. Port States were further encouraged to consider subjecting vessels which turned off their AIS to enhanced inspections and notifying the vessel's flag administration as appropriate (IMO document LEG 110/18/1, paragraph 5.10).

4.1.16 It was further recalled that the Russian Federation had stated within IMO Circular Letter 4548 of 7 April 2022 that it guaranteed fulfilment of all assumed obligations in their entirety under the

international merchant shipping instruments it had previously ratified. The Russian Federation also confirmed full validity of insurance or other financial securities in respect of liability, including 'blue cards' issued by Russian insurance companies in compliance with the requirements of international conventions (document [IOPC/MAY23/9/1](#), paragraph 4.2.21).

- 4.1.17 It was noted that some of the Russian Federation insurers were under sanctions in various jurisdictions and it was unknown whether anyone in those jurisdictions would be able to accept payments from such an insurer.
- 4.1.18 It was further recalled that Member States were encouraged to adhere to their obligations under Article VII of the 1992 CLC, and their obligations pursuant to IMO Circular LEG.1/Circ.16, which states that when receiving an Insurance Certificate from an 'insurer' (a provider of insurance or financial security outside of the International Group P&I Clubs, including insurance companies, financial security providers and non-International Group P&I Clubs), the Member State should verify that the insurer and the Insurance Certificate meet the criteria detailed within that Circular. This includes, *inter alia*, a statement certifying that there is in force insurance or other financial security satisfying the requirements of the financial security article of the relevant convention.

Steps taken by the IOPC Funds' governing bodies

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

Intervention by the delegation of the Russian Federation

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

Debate

- 4.1.21 One delegation stated that it was deeply concerned with the increase of the 'dark fleet' which had led to dangerous shipping operations which heightened the risk of oil pollution incidents and increased the financial burden upon the IOPC Funds and its contributors. Recalling that the IMO Legal Committee had agreed to develop guidelines or best practices on the registration of ships at its 112th session in March 2025, that delegation highlighted that the regulatory scoping exercise proposed by the IMO Legal Committee would be a new output for IMO in the 2026-27 biennial agenda. That delegation requested that each Member State and stakeholder comply with the obligations under Article VII of the 1992 CLC and follow the guidelines in IMO Circular LEG.1/Circ.16.
- 4.1.22 A number of delegations called upon all stakeholders to comply with their obligations to ensure that oil was transported in safe ships which were properly insured, noting that the international compensation regime had proved its worth, but was dependent on individual Member States complying with their obligations. Noting that sustained action was required, one delegation stated that a lack of adequate insurance undermined the international compensation regime and left victims at risk of not receiving adequate compensation. Some delegations also highlighted the provisions of the various IOPC Funds and IMO Resolutions, and IMO Circulars, noting that these

contained information to help ensure environmental and navigation safety.

- 4.1.23 One delegation stated that it did not allow STS operations in its territorial waters, only allowing such operations to take place in its ports under permit. That delegation also highlighted the issues it had experienced with an incident in one of its ports, involving a general cargo vessel with inadequate insurance provided by an insurer outside the International Group of P&I Associations. The online query page of the insurer in question, had indicated a valid insurance policy was in place prior to the incident, but after the incident, the insurer had stated that the insurance policy had been cancelled one month previously, leaving the Port Authority to remove the wreck of the vessel. That delegation stated that the lessons from this experience might be relevant for an incident involving a tanker, and that it would put forward further proposals for foreign-flagged vessels at the next meetings of the IMO Legal Committee and the IOPC Funds' governing bodies.
- 4.1.24 The International Group of P&I Associations, whilst noting that section 2.4 of document IOPC/APR25/4/1 was intended to highlight issues with vessels insured outside the International Group, stated that the Clubs within the Association still insured approximately 80% of ocean-going tankers, of which less than 18% were involved with the carriage of Russian oil, which the International Group Clubs could insure when carried under the Price Cap Scheme conditions.

1992 Fund Administrative Council and Supplementary Fund Assembly

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

5 Financial reporting

5.1	Report on the applicability of 1992 Fund Resolution N°12 and Supplementary Fund Resolution N°3 Document IOPC/APR25/5/1	92AC		SA
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- 5.1.1 The governing bodies took note of the information contained in document IOPC/APR25/5/1 in respect of the applicability of 1992 Fund Assembly Resolution N°12 and Supplementary Fund Assembly Resolution N°3.
- 5.1.2 The governing bodies recalled that the 1992 Fund Assembly and the Supplementary Fund Assembly have repeatedly expressed great concern about Member States who do not fulfil their treaty obligations to submit oil reports and to ensure payment of annual contributions. They further recalled that in an effort to address this ongoing concern, at their April 2016 sessions, the governing bodies adopted 1992 Fund Resolution N°12 — Measures in respect of outstanding oil reports and outstanding contributions, and Supplementary Fund Resolution N°3 — Measures in respect of outstanding contributions (document IOPC/APR16/9/1, paragraphs 6.1.15 and 6.1.16).
- 5.1.3 The governing bodies noted that as at 28 February 2025, the measure to defer payments of compensation under 1992 Fund Resolution N°12 was applicable to 18 Member States, as set out at Annex III of document IOPC/APR25/5/1. It was also noted that the measure to defer payments of

compensation under Supplementary Fund Resolution N°3 was not applicable to any Member State of the Supplementary Fund.

5.1.4 It was further noted that, since the publication of document IOPC/APR25/5/1, two Member States had fulfilled outstanding obligations, as follows, resulting in 1992 Fund Resolution N°12 being applicable to 16 Member States of the 1992 Fund:

- the Government of Curaçao has paid in full the outstanding contributions and interest charges owed by a contributor in that State, assuming the obligation in accordance with Article 14.1 of the 1992 Fund Convention; and
- the Government of Ghana has made the final payment of contributions and interest outstanding from that state, assuming the obligation of its contributor, in the same manner as Curaçao.

Director's considerations

5.1.5 The Director expressed his concern that there were 16 Member States to which the measure to defer payments of compensation under the 1992 Fund Resolution N°12 was applicable, and that therefore these States might not have full access to compensation in the event of an incident.

5.1.6 The Director recalled the obligation of States Parties pursuant to Article 15 of the 1992 Fund Convention and Article 13 of the Supplementary Fund Protocol to submit oil reports, and the duty of the States Parties pursuant to Article 13.2 of the 1992 Fund Convention and Article 12.1 of the Supplementary Fund Protocol to ensure that any obligation to contribute to the Funds arising under the Conventions in respect of oil received within the territory of those States is fulfilled, and to this end to take appropriate measures under their national law.

5.1.7 The Director urged the States Parties listed at Annex III of document IOPC/APR25/5/1 to fulfil their obligations under Articles 13.2, 15.1 and 15.2 of the 1992 Fund Convention, by submitting outstanding oil reports and ensuring the prompt payment of contributions.

Debate

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

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

1992 Fund Administrative Council and Supplementary Fund Assembly

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

6 Financial policies and procedures

6.1	Measures encouraging the submission of oil reports — Implementation of 1992 Fund Resolution N°13 and Supplementary Fund Resolution N°5 Document IOPC/APR25/6/1	92AC		SA
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- 6.1.1 The governing bodies took note of the information contained in document IOPC/APR25/6/1 regarding the implementation of 1992 Fund Assembly Resolution N°13 and Supplementary Fund Assembly Resolution N°5.
- 6.1.2 They recalled that, at their November 2023 sessions, the governing bodies adopted 1992 Fund Resolution N°13 and Supplementary Fund Resolution N°5, which authorised the Director to issue invoices to contributors based on estimates when no oil reports were submitted.
- 6.1.3 The governing bodies also recalled that the Director had prioritised eight 1992 Fund Member States, all with oil reports outstanding for more than five years, for initial consideration in respect of the application of Resolution N°13: the Dominican Republic, Syrian Arab Republic, Albania, Saint Lucia, Djibouti, Bahrain, Guinea and Panama. The governing bodies further noted that it was estimated that Albania and Bahrain had not received oil. It was also noted that the remaining six Member States were considered to have received oil, and therefore, the Director decided to apply Resolution N°13 to these six Member States.
- 6.1.4 The governing bodies further recalled that letters were sent to the six Member States prior to the November 2024 sessions of the governing bodies to notify them of the proposed application of 1992 Fund Resolution N°13, to communicate the estimated contributing oil tonnages, and to urge them to take immediate action by submitting their outstanding oil reports or providing comments on the estimations.
- 6.1.5 The governing bodies noted that, following the letters sent to the six Member States, the Secretariat had received one report from Panama for 2022 and subsequently recalculated the estimates for Panama to reflect the report submitted.
- 6.1.6 The governing bodies also noted that the Director had issued invoices on 25 March 2025, with a payment deadline of 25 May 2025, based on the estimates and including the recalculated figures for Panama.
- 6.1.7 The governing bodies further noted that, after the issuance of the invoices, the Secretariat had held discussions with Saint Lucia and with Panama. Saint Lucia provided background information explaining the reasons for the non-submission of its oil reports. It was further noted that Panama had made efforts to resolve its outstanding reports and had submitted additional oil reports, although some reports remain outstanding.
- 6.1.8 The governing bodies noted the Director's planned implementation procedure for future issuing of invoices based on estimated tonnages: The Secretariat will estimate the quantity of unreported oil and notify the Member State concerned through an official letter. The Member State will be granted a six-month period to respond, during which time they may wish to report actual quantities received. In cases where reported oil quantities differ significantly from the Secretariat's estimates, an explanation would be requested. Following the six-month period, the Director will issue an invoice which would be considered final, based on estimated tonnages or, if provided, reported tonnages.
- 6.1.9 The governing bodies also noted that, for this first application of 1992 Fund Resolution N°13, although invoices had already been issued, the Secretariat would set 31 July 2025 as the end date for discussions on estimated tonnages, during which time it would continue to work closely with

the Member States concerned to review any additional submissions and, where appropriate, make adjustments to invoiced amounts before that date.

Director's considerations

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

Debate

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

1992 Fund Administrative Council and Supplementary Fund Assembly

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

7 Secretariat and administrative matters

7.1	IMO lease agreement — Proposed amendments to the underlease Document IOPC/APR25/7/1	92AC		
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- 7.1.1 The 1992 Fund Administrative Council took note of the information contained in document IOPC/APR25/7/1. The Administrative Council was invited to consider proposed amendments to the underlease agreement with the International Maritime Organization (IMO), and to decide whether the Director should be instructed to approve these amendments.
- 7.1.2 The 1992 Fund Administrative Council noted that an underlease had been in effect since 1 March 2016, following an agreement signed by the Secretary-General of IMO and the Director of the IOPC

Funds. It was noted that the lease covered offices located on the first floor of the IMO Headquarters building and was due to expire in October 2032.

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

Debate

- 7.1.10 The delegations that spoke unanimously supported the decision to instruct the Director to approve the proposed amendments to the underlease agreement with IMO, as outlined in the Annex to document IOPC/APR25/7/1.
- 7.1.11 Several delegations acknowledged the financial challenges underpinning the proposed changes and considered the amendments to be reasonable and justifiable in light of the current economic environment. Appreciation was expressed for the Director's handling of the matter and for ensuring transparency by keeping Member States informed, as well as for the continued support of the UK Government, particularly its commitment to maintain the 80% contribution towards the rent. Delegations also highlighted the strategic and operational benefits of the IOPC Funds remaining located within the IMO Headquarters building and emphasised the importance of preserving a positive and cooperative relationship with IMO.
- 7.1.12 Some delegations expressed concern regarding the timing of IMO's proposal, which had occurred after the agreed budget deadline. They emphasised the importance of ensuring that any future changes to the underlease were communicated in a timely manner to avoid financial and

operational disruption. In this regard, delegations encouraged improved dialogue between the IOPC Funds and IMO to strengthen coordination and facilitate timely engagement on such matters.

1992 Fund Administrative Council decision

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

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

Website

- 7.2.2 It was noted that shortly before the November 2024 sessions of the governing bodies, several improvements had been introduced to the website's structure and navigation to enhance accessibility to key areas and that new designs and layouts had been applied to specific sections of the site. It was noted that, since the November 2024 meeting, the Secretariat had continued to apply the new design to further areas of the site. It was noted that a new page containing oil data and statistics was also under development and that the aim was to provide online users with quick access to the latest reported oil figures, the latest levies and information on the payment of contributions, as well as historical statistics that might be of interest.
- 7.2.3 It was also noted that a 'Frequently Asked Questions' page would be created specifically for queries relating to oil reporting and contributions in an effort to directly assist government representatives responsible for submitting oil reports, contributors who submit reports to the relevant State Authority, and employees within contributing entities who manage the payment of invoices to the IOPC Funds each year.
- 7.2.4 Member States were encouraged to submit copies of their national legislation relevant to the 1992 Civil Liability and Fund Conventions, and, if applicable, the Supplementary Fund Protocol, to the Secretariat for inclusion in their Member State online country profile.
- 7.2.5 It was noted that only 32 of the 1992 Fund Member States had provided information to the Director, in accordance with 1992 Fund Resolution N°4, in respect of the establishment of any exclusive economic zone (EEZ) or designated area under Article 3(a)(ii) of the 1992 Fund Convention. It was recalled that, at its first session, the 1992 Fund Assembly had recognised that in order to determine the geographical scope of application of the 1992 Fund Convention in respect of a given Member State, it was necessary for the 1992 Fund to know such information.
- 7.2.6 It was noted that, with the agreement of the United Nations Division for Ocean Affairs and the Law of the Sea (UN DOALOS), the Secretariat had begun to add the corresponding information which is already published on the DOALOS section of the UN website to the IOPC Funds' online country profiles of those States which had not yet complied with 1992 Fund Assembly Resolution N°4.

Publications

- 7.2.7 The governing bodies noted that the 2023 Financial Statements of the 1992 Fund and the Supplementary Fund had been published in December 2024. It was also noted that the Guide to Persistent and Contributing Oils, which was approved by the governing bodies in April 2024, had been published in November 2024. The Secretariat reported that the organisation's Annual Report for 2024 and an updated version of its general overview brochure had been published in early April 2025. Delegations were encouraged to access the digital versions of all IOPC Funds' publications, available in English, French and Spanish, under the Publications section of the website.

- 7.2.8 The governing bodies noted that an updated version of the animated instructional video outlining the process for submitting letters of credentials and registering for the IOPC Funds' meetings had also been made available in February 2025 in all languages. It was also noted that an updated version of the IOPC Funds' introductory video, which serves as a useful educational tool and can be accessed in English, French and Spanish via the 'About Us' section of the website, had been released in April 2025.

Debate

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

1992 Fund Administrative Council and Supplementary Fund Assembly

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

8 Treaty matters

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

Status of the Convention

- 8.1.2 The 1992 Fund Administrative Council recalled the criteria for the entry into force of the 2010 HNS Protocol. It noted that the Protocol will enter into force 18 months after the date on which it is ratified by at least twelve States, including four States each with not less than 2 million units of gross tonnage, and having received during the preceding calendar year a total quantity of at least 40 million tonnes of cargo that would be contributing to the general account. Once the 2010 HNS Protocol enters into force, the 1996 Convention, as amended by the 2010 Protocol, will be called 'the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010 (2010 HNS Convention)'.
- 8.1.3 It was noted that, as at 29 April 2025 there were eight Contracting States to the 2010 HNS Protocol,

namely Canada, Denmark, Estonia, France, Norway, Slovakia, South Africa and Türkiye. It was also noted that five of the current Contracting States had more than 2 million units of gross tonnage and that in total, the eight States had reported receiving in 2023 over 19.2 million tonnes of cargo which would contribute to the general account.

8.1.4 The 1992 Fund Administrative Council recalled that at the November 2024 meeting of the IOPC Funds' governing bodies, the delegations of Belgium, Germany, the Kingdom of the Netherlands and Sweden announced their intention to simultaneously ratify the 2010 HNS Convention in the summer of 2025. It was noted that, should this happen, the conditions necessary to trigger the entry into force of the Convention would be met and it would enter into force 18 months later.

8.1.5 The 1992 Fund Secretariat reported that it continued to work internally and with relevant partners to prepare for the first session of the HNS Fund Assembly, and to lay the groundwork to ensure that the HNS Fund would be fully operational from its creation.

HNS Project Manager

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

The HNS website and additional tools

8.1.7 It was noted that the Secretariat continued to update and maintain the website www.hnsconvention.org which, as well as containing general information on the 2010 HNS Convention, hosts the HNS Finder, the online database that allows users to search the list of all HNS as defined by the Convention. It was further noted that the HNS Finder had been updated with the latest data in June 2024 and that the Secretariat intended to publish the next version in the spring of 2025, ensuring it can be efficiently used for the preparation of the 2024 reports on contributing cargo.

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

Development of a 2010 HNS Convention Claims Manual

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

Outreach activities and technical assistance

8.1.10 The 1992 Fund Administrative Council also noted that the 1992 Fund Secretariat had continued to take opportunities to promote the entry into force of the 2010 HNS Convention, to engage with interested States and other key stakeholders, and to share information with industry representatives through the delivery of various workshops or other training and outreach activities, often in close cooperation with the IMO Secretariat.

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

Debate

- 8.1.13 Several delegations welcomed the appointment of the HNS Project Manager to the IOPC Funds Secretariat and acknowledged the increased capacity the position had created to support the entry into force of the Convention. Those delegations also thanked the Secretariat for its proactive work to promote the entry into force of the Convention and to prepare for the first HNS Fund Assembly, recognising that it was an important but missing piece of the international liability framework.
- 8.1.14 Many delegations referred to the shipping sector's efforts to decarbonise, and the resulting rise in the use of low and zero carbon alternative fuels, many of which are classified as HNS. Several delegations noted that as the volume of alternative fuels being transported by sea increased, the risk of HNS incidents for coastal States also increased, underlining the need for a robust international framework to address HNS-related damages. Delegations noted that the transportation of alternative fuels also posed increased risks to seafarers, and shared the view that the sooner the 2010 HNS Convention entered into force, the better it would be for the safety and welfare of seafarers, as the Convention covered a broader set of damages. Given the risk to seafarers, one delegation noted that the need for the Convention to be ratified by major flag States could not be understated.
- 8.1.15 Several delegations raised the recent allision of the *MV Stena Immaculate* and the *MV Solong* off the east coast of the UK, and noted that the incident was an important reminder of the types of damage that could be caused by HNS which underlined the importance of the Convention.
- 8.1.16 The delegation of the Netherlands informed the governing bodies that it had completed its domestic implementing legislation and reporting regulations, and had submitted contributing cargo reports for the last three years. As a result, the delegation stated that the Netherlands was ready to implement the Convention and was continuing to work towards coordinated ratification with Germany, Belgium and Sweden.
- 8.1.17 The delegation of Germany reminded the 1992 Fund Administrative Council that it had co-sponsored document IOPC/NOV24/8/2/2 submitted to the 1992 Fund Assembly in November 2024 together with Belgium, the Netherlands and Sweden, in which those States had expressed their commitment to take the necessary steps to deposit instruments of ratification of the Convention in the early summer of 2025. The delegation explained, however, that a federal election and other unforeseen events in Germany had regrettably delayed the proposed timeline. While Germany could no longer ratify the Convention in summer 2025 as planned, it reaffirmed its commitment to ratification, and stated that every effort would be made to speed up the process and its efforts, in order to become a Party to the Convention as soon as possible.
- 8.1.18 The delegation of Sweden reminded the 1992 Fund Administrative Council that it had been in a position to accede to the Convention for a number of years, having adopted the necessary legislation and regulations and completed the required reporting. The delegation reiterated that it would align its accession with other European countries and confirmed its full commitment to

ratifying the Convention as soon as possible, stating that it would continue to synchronise its efforts with the delegations of Belgium, Germany and the Netherlands.

- 8.1.19 The delegation of Italy congratulated those States that had already ratified the Convention and informed the 1992 Fund Administrative Council that it had convened an interagency meeting in March 2025 with positive results. The delegation expressed the hope that Italy would be in a position to become a Party to the Convention in the near future.
- 8.1.20 The delegation of the Philippines expressed its appreciation to the IOPC Funds' Secretariat, the IMO Secretariat and the International Group of P&I Associations for a five-day workshop on IMO's liability conventions that took place in Manila in January 2025. The workshop had a special focus on the 2010 HNS Convention and provided a valuable opportunity for government agencies to better understand how it works. The delegation of the Philippines also thanked the Secretariat for updating the HNS Finder, noting that it was a valuable tool for determining which substances are covered by the Convention and who should be approached about reporting.
- 8.1.21 The delegation of South Africa welcomed the impending entry into force of the Convention and stated that it would seriously consider hosting an HNS workshop in the coming year, a proposal that was warmly welcomed by many delegations.
- 8.1.22 Many Contracting States to the Convention welcomed the updates on ratifications, expressed their enthusiasm for the future, and stated that they looked forward to collaborating with each other. Several delegations emphasised that significant work remained ahead to deepen the collective understanding of the Convention and to overcome the remaining legal and logistical challenges to bring the Convention into force.
- 8.1.23 Other delegations, including Bahamas, Italy, Kenya, Madagascar, Namibia and the Philippines expressed their appreciation for the outreach and technical cooperation activities provided by the Secretariat. However, these delegations noted the need for greater capacity-building and technical assistance to ensure that States were fully apprised of the extensive requirements and benefits of the Convention. These States noted a desire to become Parties, but indicated that they required assistance to understand the obligations of the Convention so that they could properly implement it. These delegations further emphasised that technical assistance and support was particularly important for developing countries.
- 8.1.24 Several delegations including the delegation of Canada and the observer delegation of CEFIC reiterated their offers to share experience and provide support to other States who wanted to ratify the Convention.
- 8.1.25 The observer delegation of IMO expressed its pleasure that the 2010 HNS Convention was close to entry into force, while noting that much work lay ahead before the Secretary-General of the IMO convened the first meeting of the HNS Fund Assembly. That delegation stressed the importance of Contracting States providing annual contributing cargo reports by the 31 May deadline, to ensure that cargo reporting would continue to become more accurate as the entry into force of the Convention got closer. That delegation further noted that IMO's Integrated Technical Cooperation Programme was available to assist States wanting to implement the Convention, and that its importance had been underlined at the most recent meeting of the IMO Legal Committee. Finally, that delegation indicated that an updated brochure regarding the 2010 HNS Convention developed in collaboration with the IOPC Funds, the International Group of P&I Associations and ITOF would be published in the near future.
- 8.1.26 The observer delegation of CEFIC reiterated its strong support for the 2010 HNS Convention and underlined the chemical industry's commitment to the Convention and the principles of responsible care. That delegation indicated that it would continue to provide support to those wishing to ratify the Convention, in close collaboration with the relevant national organisations. CEFIC underlined

that the success of the Convention depended on it being widely ratified so that the financial burden was shared over many shoulders. CEFIC called upon 1992 Fund Member States, especially those that received significant amounts of contributing cargo, to ratify the Convention as soon as possible. CEFIC also called on the delegations of Poland and Denmark during their presidencies of the European Union, to launch an initiative for all member States of the European Union to ratify the Convention in the near future, in order to create a level playing field within the single market. That delegation also expressed concern about the impact of international sanctions on the HNS Fund and asked for support from the IOPC Funds' governing bodies to assist the chemical industry in dealing with the sanctions within the framework of the HNS Convention. CEFIC committed to assisting with the refinement of the HNS Finder and underlined that the first HNS Fund Assembly needed to work towards harmonised criteria including for reporting limits and transshipments.

- 8.1.27 In summarising the debate, the Chair of the 1992 Fund Administrative Council thanked the Secretariat for its proactive efforts to support the entry into force of the Convention, including technical workshops hosted jointly -with IMO. The Chair also expressed gratitude to the delegations that had provided updates on the status of their ratification processes. He further noted that the increased transportation of alternative fuels and the recent incident off the coast of the UK underlined the importance of the Convention and the reasons for States to consider ratifying it.

1992 Fund Administrative Council

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

8.2	Review of 1992 Civil Liability and Fund Conventions — Propose to IMO to convene Conference to revise or amend, as applicable, the 1992 Fund Convention Document IOPC/APR25/8/2	92AC		SA
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- 8.2.1 The governing bodies took note of document IOPC/APR25/8/2 submitted by the delegation of India.
- 8.2.2 During the introduction of their document, the delegation of India stated that it had been a considerable amount of time since the 1992 Fund Convention was last amended, and that during this time there had been significant changes in the maritime industry, in trade, and the transportation of oil. That delegation highlighted that there had also been changes in the socioeconomic impact of maritime oil pollution as well as in the technology to respond to such pollution incidents.
- 8.2.3 India reminded the governing bodies that it had submitted previous documents on this topic (documents IOPC/APR19/5/2 and IOPC/NOV20/8/3) and drew attention to the key issues of concern.
- 8.2.4 In particular, that delegation noted that, in its view, the onus of contribution to the 1992 Fund appeared to be concentrated upon a few Member States only, which might not be an equitable distribution of responsibility. It stated that, since the benefits of the compensation system were distributed globally, this created an imbalance and raised concerns about fairness and sustainability. The delegation of India proposed the contribution system of the IOPC Funds should be reassessed to ensure a more equitable distribution of financial responsibility which includes both oil-consuming and major oil-producing States.

- 8.2.5 The Indian delegation reminded the governing bodies that the requirement to maintain insurance or financial security only applied to certain ships transporting more than 2 000 metric tonnes of oil in bulk. It noted that in incidents involving vessels carrying less than 2 000 metric tonnes of oil where there is no mandatory insurance cover against oil pollution liabilities, the 1992 Fund was required to pay compensation to the affected entities from the outset.
- 8.2.6 That delegation also pointed out that, while Article 10 of the 1992 Fund Convention requires a receiver of oil cargo in a Contracting State to pay contributions only if receiving more than 150 000 metric tonnes of oil cargo by sea in a calendar year, even small quantities of oil pollution could result in substantially large claims. It expressed the view that the provision exempting a class of receivers from contributing could encourage a lack of oversight by receivers of small parcels of oil cargo by sea and suggested that this imposed an additional burden on persons receiving more than 150 000 metric tonnes of oil cargo by sea, who have to shoulder the burden of making contributions to the 1992 Fund in incidents which arise during transportation of such parcels by sea.
- 8.2.7 The Indian delegation proposed that the definition of 'ship' under the 1992 CLC might need revision as the non-inclusion of any mention of ensuring sea worthiness might not be consistent with the principles of the Organisation.
- 8.2.8 Taking all the points above into account, that delegation proposed that the 1992 Fund Administrative Council should consider requesting the IMO Legal Committee to convene a conference to review and amend the 1992 Fund Convention.

Debate

- 8.2.9 The Chair of the 1992 Fund Administrative Council thanked the delegation of India for the presentation of the document and noted that the governing bodies had undertaken work in the past to identify any need for change in respect of, not only the current compensation regime for oil pollution, but also for HNS. He recalled that such work had resulted in the development of the Supplementary Fund Protocol and the 2010 HNS Protocol respectively. He confirmed that these draft treaties had then been referred to IMO. The Chair clarified that the convening of a diplomatic conference requires broad support, followed by substantial preparatory work before it takes place, including a thorough discussion of the issues within the Assembly or at IMO. He pointed out that this was typically done through the establishment of a working group, followed by approval from the Assembly and reference to and approval from the IMO Legal Committee.
- 8.2.10 The Director thanked the delegation of India for its document and stated that he was conscious of the concerns it had highlighted, and that since taking up his post he had been consistently seeking ways to address the issues raised within the existing framework of the Conventions. He referred in particular to the implementation of 1992 Fund Resolutions N°12 and N°13, which were aimed at ensuring that all States report oil and pay contributions in accordance with their obligations under the 1992 Fund Convention. He explained that this was now done with the support of third party data to verify the accuracy of the reports submitted. He also referred to his efforts to gain wider acceptance of a STOPIA-type mechanism for insurers outside of the International Group of P&I Clubs.
- 8.2.11 All delegations that spoke thanked the delegation of India for its document and expressed appreciation for the concerns raised.
- 8.2.12 One delegation appreciated India's historic and sterling commitment to the strengthening of the international system of liability and compensation for damage caused by oil pollution. Another delegation expressed the view that given the long period of time since the last revision of the 1992 Conventions, it was now the appropriate time to consider amending the Conventions so that contributions to the IOPC Funds were more equitably shared among Member States. That delegation supported the proposals contained in document IOPC/APR25/8/2.

- 8.2.13 One delegation, acknowledging the concerns of the Indian delegation, noted that it was also one of the largest contributors to the Fund and shared some of the concerns expressed. At the same time it noted the overwhelming success of the existing international liability and compensation regime and the serious risks which might arise from the revision of the existing legal framework. That delegation noted that any revision of the 1992 Conventions could involve changes to their scope and the introduction of political issues which might not be able to be resolved between States, resulting in the adoption of competing conventions and the fragmentation of the international liability and compensation regime.
- 8.2.14 That delegation supported a more cautious approach than that proposed by the Indian delegation. It referred in particular to the steps already taken, such as the introduction of STOPIA and TOPIA. That delegation also stressed the need to not underestimate other substantial improvements which had already been made under the existing framework, for example the introduction of 1992 Fund Resolutions N°12 and N°13 to enhance implementation of the contribution system without amending the Conventions. The vast majority of delegations that spoke during the discussions supported this intervention.
- 8.2.15 A number of delegations who also represent some of the largest contributors to the 1992 Fund were sympathetic to the concerns raised by India, but all were concerned by the risks posed in re-opening the Conventions and, whilst open to discussions regarding changes to the Conventions, they required a more thorough analysis of the proposed changes and consideration of other possible options to address those issues within the existing framework.

Statement by the delegation of the UAE

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

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

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

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

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

In conclusion, our understanding that the proposal in the document is to request the 1992

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

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

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

- 8.2.17 Many delegations aligned themselves with the statement made by the delegation of the United Arab Emirates, noting that many of the changes proposed in document IOPC/APR25/8/2 would require amendment of the 1992 Civil Liability and Fund Conventions, a task which is outside the scope of the governing bodies' mandate and which would need to be undertaken by IMO.
- 8.2.18 One delegation noted the potential risks of opening up the Conventions and recommended that any proposals should initially be scrutinised by the Secretariat, in collaboration with the IMO Legal Committee, to undertake a technical and legal review, with a view to enhancing the effectiveness of the regime within the existing framework.
- 8.2.19 One delegation expressed the view that while the system may not be perfect, and may well have its weaknesses, the present legal framework is able to provide compensation to those who suffer damage from oil pollution. That delegation expressed concern that any modification to the current legal framework could weaken the system, which has now been operating successfully for several decades and whose complexities are widely understood and accepted. Many delegations supported this intervention.
- 8.2.20 Many delegations also considered that the benefits which might result from revising the Conventions did not outweigh the potential risks of re-opening them. Those delegations considered that the current proposal by India did not demonstrate sufficient evidence to justify revising the Conventions at this stage. They also expressed the view that before any revision should be considered, an impact assessment would be needed to consider the likely impact on the compensation regime. Those delegations were of the view that it was premature to consider establishing a working group on this issue.
- 8.2.21 A number of delegations noted that the existing compensation regime reflects the intention to apply the polluter pays principle in assigning the burden of financing the regime. Those delegations considered the contribution system to be one of the essential decisions taken during the development of the international liability and compensation regime and recalled that it was subject to extensive debate during the drafting of the Conventions. They considered that seeking to amend the contribution system would go beyond a revision of the Conventions and would instead be akin to an entirely new treaty.

8.2.22 One delegation recalled that the governing bodies had previously considered a revision of the Conventions some 20 years ago and at the time, that delegation had been in favour of re-opening the Conventions to correct the imbalances and errors in the compensation system. However, the majority of States had preferred to adopt other solutions to balance the burden of risk, such as the introduction of STOPIA and TOPIA, and the decision was taken not to amend the Conventions. With the benefit of hindsight, that delegation stated that the correct approach had been taken by the majority not to revise the Conventions.

One delegation noted that the IOPC Funds' system is a model for other international compensation regimes and that one of the delays to the entry into force of the 2010 HNS Convention is the large number of contributors it will inevitably involve. That delegation expressed concerns about proposed changes in document IOPC/APR25/8/2 to reduce the threshold of contributing oil to less than 150 000 tonnes of persistent oil and noted the difficulties that would likely be encountered in recovering contributions from a large number of small oil receivers.

Intervention by the delegation of India

8.2.23 The delegation of India thanked the Chair, the Director and other delegations for their interventions. Whilst the delegation appreciated the concerns raised, it stated that regular review, augmentation, improvement and amendment of their instruments is a core function of international organisations, including IMO, which was demonstrated by the amendment of the 1969 CLC in 1992 after a period of 23 years and similarly, the amendment of the 1971 Fund Convention in 1992 after a period of 21 years.

8.2.24 That delegation stated that it had been more than 28 years since the adoption of the previous amendments to the 1992 Conventions and that therefore it might be prudent to review, and if necessary, to amend one or both of the 1992 Civil Liability and Fund Conventions. The delegation stated that a revision of the Conventions might provide more clarity to the instruments and allow them to adapt to changes that had occurred.

8.2.25 The Indian delegation aligned itself with the statement made by the delegation of the United Arab Emirates, agreeing that the governing bodies might not have the mandate to make amendments to the Conventions. That delegation clarified that this was the reason document IOPC/APR25/8/2 proposed that the 1992 Fund Assembly request IMO to convene a Conference in order to consider revision of the 1992 Fund Convention.

8.2.26 The delegation of India further stated that document IOPC/APR25/8/2 drew attention to relevant areas of concern within the 1992 Civil Liability and Fund Conventions which might be considered for amendment. These areas might include, but are not limited to:

- the definition of 'ship' in Article I of the 1992 CLC;
- Article VII of the 1992 CLC; and
- Article 10 of the 1992 Fund Convention.

8.2.27 The delegation stated that pursuant to Article 14 of the 1992 CLC and Article 32 of the 1992 Fund Convention, amendment to the respective Conventions may only be made by IMO after convening a Conference.

8.2.28 The Indian delegation also queried why the Rules of Procedures of the 1992 Fund Assembly do not have a mechanism or procedure to allow for recommendations to be proposed by the 1992 Fund Assembly directly to IMO and/or its Legal Committee. That delegation stated that this was particularly relevant as the IOPC Funds is one of the largest governing bodies of IMO-governed liability regimes.

- 8.2.29 The delegation stated that it appreciated the efforts of the Director and the Secretariat in implementing 1992 Fund Assembly Resolutions N°12 and N°13 but considered that a further review of the Conventions might still be considered.
- 8.2.30 The delegation of India noted the concerns raised regarding difficulties which might arise when collecting contributions from smaller oil companies. However, the delegation stated that preparations which had been made for the entry into force of the 2010 HNS Convention had already established a mechanism for collecting contributions from smaller contributors, and that the same might easily be implemented by the Secretariat in respect of the 1992 Fund.
- 8.2.31 The delegation of India thanked other delegations who had mentioned the need for further impact assessment or evaluation of any changes to the Conventions. That delegation proposed that any assessment or evaluation should be done through a working group or correspondence group, further stating that they had proposed that the Chair consider establishing such a group.
- 8.2.32 The delegation noted the Chair's comments that the creation of a working group was the typical route when considering a review of the Conventions. It noted that a review of the 1992 Civil Liability and Fund Conventions would constitute a formidable task and might require multiple deliberations amongst all stakeholders. The Indian delegation proposed that a document should be ready with clear outputs, to be submitted to IMO's Legal Committee later in 2025, for a session of the IMO Legal Committee in 2026. It requested the Chair to consider constituting a working group or a correspondence group to draft the proposed document.

Debate (continued)

- 8.2.33 The observer delegation of IMO recalled the past history of revisions to the Conventions, noting that of all the topics under revision, the contribution scheme was not one that was considered. That delegation commented on the relevant procedures which would need to be followed within IMO to revise the 1992 Fund Convention under Article 32 in the *Final Clauses of the Protocol of 1992 to amend the 1971 Fund Convention*. That delegation confirmed that a conference may be convened by IMO for the purpose of revising the Convention at the request of not less than one third of all Contracting States and that similar provisions applied to the 1992 CLC.
- 8.2.34 The observer delegation of ICS noted that the 1992 CLC, 1992 Fund Convention and Supplementary Fund Protocol represented three of the most successful Conventions created by IMO. It further stated that the longevity of the compensation regime was evidence that the system works, rather than being a justification for review or amendment. That delegation commented that the regime delicately balances the interests and responsibilities of the industry stakeholders involved in the international transportation of oil at sea, so as to play a full and equitable part in the liability and compensation system. It considered that any changes to the system would risk upsetting this balance and emphasised the need to explore all potential options within the framework before considering revision of the Conventions.
- 8.2.35 The observer delegation of the International Group of P&I Associations supported the interventions made by others in respect of the risks of re-opening the Conventions, noting that the existing system had a good balance between the stakeholders, stating that approximately 95% of claims for compensation were borne solely by the shipowners and their insurers, under the first tier of compensation.
- 8.2.36 On behalf of the 1992 Fund Administrative Council, the Chair thanked the delegation of India for its document and noted that this had led to a rich debate on an important issue. He also confirmed that it was appropriate to take the time to review these concerns in order to consider if the regime remains fit for purpose.
- 8.2.37 In summarising the debate, the Chair of the 1992 Fund Administrative Council, noted that the vast

majority of the delegations that spoke did not support the proposals in document IOPC/APR25/8/2. He recalled that those delegations had particularly drawn attention to the risks of re-opening the Conventions, which might result in a fragmentation of the regime and loss of the delicate balance between the shipowner and the oil industry. There was also strong concern that this would affect the ability to pay compensation in the future.

- 8.2.38 The Chair recognised that many delegations had acknowledged the concerns raised in the document, and had conceded that whilst the system is not perfect, the longevity of the compensation regime speaks to its success. The Chair noted that delegations had reaffirmed their commitment to the international liability and compensation regime.

1992 Fund Administrative Council decision

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

Supplementary Fund Assembly

- 8.2.41 The Supplementary Fund Assembly took note of document IOPC/APR25/8/2 and the decision of the 1992 Fund Administrative Council.

9 Other matters

9.1	Future sessions	92AC	92EC	SA
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- 9.1.1 It was recalled that at their November 2024 sessions, the governing bodies had confirmed the dates of their sessions to be held in 2025, namely the current April sessions and those set to take place during the week of 20 October 2025.
- 9.1.2 The Secretariat reported that the IOPC Funds' October 2025 meeting will now take place at the same time as IMO's Intersessional Working Group on Reduction of Green House Gases (ISWG-GHG), as decided at the 83rd session of the Marine Environment Protection Committee (MEPC) earlier in April 2025. It was reported that, due to the larger size of that meeting with an anticipated 800 attendees, the Secretary-General of IMO had requested that the October 2025 sessions of the IOPC Funds' governing bodies be held in Room 9 of the IMO Headquarters building to enable the Main Hall to be used for the ISWG-GHG meeting.
- 9.1.3 It was noted that the Director had responded positively to this request in principle, having requested confirmation that all facilities and resources to deliver the meeting, including hybrid meeting facilities and support services, availability of interpreters, catering services and all usual related events and activities, would remain unaffected by the two meetings running concurrently.
- 9.1.4 The Secretariat noted with regret the likelihood that some delegations, particularly those comprising of only one or two representatives, would need to choose between the two meetings. It also noted that since Room 9 has a capacity of 250 seats and that October/November IOPC Funds' meetings were usually attended by between 230 and 260 in-person attendees, space in the room would likely be limited.
- 9.1.5 Bearing these points in mind, the Secretariat noted that ideally it would be preferable to find an

alternative date when the governing bodies could still hold its sessions in the Main Hall and confirmed that it would continue to liaise with the Conference Division of IMO to explore possibilities in that regard. The Secretariat confirmed that any change in date would be communicated to the governing bodies as early as possible.

- 9.1.6 The Secretariat also suggested that should the meeting go ahead alongside that of ISWG-GHG in Room 9 during the week of 20 October 2025, delegations might wish to consider in advance how they would manage their representation should they usually attend both meetings, and whether they would be able to split their delegation or send additional representatives to participate either in person or remotely at each of the meetings.

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

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

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

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

Coffee breaks hosted by the Netherlands and Malaysia

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

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

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

9.3	Tributes to Thomas Liebert	92AC	92EC	SA
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- 9.3.1 [to be inserted]

10 Adoption of the Record of Decisions

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

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

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ANNEX I

1.1 Member States present at the sessions

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

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

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

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

1.2 States represented as observers

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

1.3 Intergovernmental organisations

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

1.4 International non-governmental organisations

		1992 Fund	Supplementary Fund
1	Cedre	•	•
2	Comité Maritime International (CMI)	•	•

3	European Chemical Industry Council (Cefic)	•	•
4	International Association of Classification Societies Ltd (IACS)	•	•
5	International Chamber of Shipping (ICS)	•	•
6	International Group of P&I Associations	•	•
7	INTERTANKO	•	•
8	ITOPF	•	•
9	Oil Companies International Marine Forum (OCIMF)	•	•
10	World Liquid Gas Association (WLGA)	•	•

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ANNEX II

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

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

Sessions

Rule 3

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

Credentials

Rule 9

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

Chair and Vice-Chairs

Rule 22

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

Voting

Rule 33

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

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

Rule 37

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

Rule 38

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

Conduct of Business

Rule 41

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

Rule 42^{<1>}

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

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

ANNEX III

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

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

Sessions

Rule 3

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

Credentials

Rule 8

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

Chair and Vice-Chairs

Rule 19

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

Voting

Rule 28bis

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

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

Rule 33

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

Rule 34

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

Conduct of Business

Rule 37

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

Rule 38^{<1>}

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

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

ANNEX IV

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

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

Sessions

Rule 3

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

Credentials

Rule 9

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

Chair and Vice-Chairs

Rule 22

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

Voting

Rule 33

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

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

Rule 37

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

Rule 38

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

Conduct of Business

Rule 41

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

Rule 42^{<1>}

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

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