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SUBMISSION OF OIL REPORTS

MEASURES ENCOURAGING THE SUBMISSION OF OIL REPORTS

Note by the Director

Summary:	The non-submission of oil reports has been a constant problem. At their October 2005 sessions, the governing bodies instructed the Director to proceed with a number of measures which had been proposed to assist States to submit oil reports. This document deals with the implementation of these measures.
Action to be taken:	Give the Director such further instructions as regards the issues dealt with in this document as the governing bodies may deem appropriate.

1 **Introduction**

- 1.1 The non-submission of oil reports has been a constant problem over the years for the 1971 Fund and the 1992 Fund. The current situation is set out in document 92FUND/A.11/14, SUPPFUND/A.2/9 and 71FUND/AC.20/9.
- 1.2 At their October 2005 sessions, the governing bodies considered the Secretariat's normal procedures for monitoring the submission of oil reports as well as recommendations as to further measures that might encourage States to fulfil their obligations in this regard (document 92FUND/A.10/14/1, SUPPFUND/A/ES.1/8/1 and 71FUND/AC.17/9/1).
- 1.3 The governing bodies considered a number of measures to encourage States to submit oil reports focussing on either assisting States to submit reports or 'shaming' them into doing so (document 92FUND/A.10/37, paragraphs 15.6-15.8, SUPPFUND/A/ES.1/21, paragraphs 9.3-9.5, and 71FUND/AC.17/20, paragraphs 11.6-11.8).
- 1.4 As regards assisting States to submit oil reports, the governing bodies considered the following measures:
 - (a) The Secretariat could liaise much more closely with the Embassy or High Commission of new 1992 Fund Member States in order to try to prevent problems from arising in the first place. This could include inviting the Embassy or High Commission to inform the Secretariat of an

individual who was to be responsible for the procedure for submission of the oil reports, either at the Embassy or High Commission or at a relevant Ministry or agency.

- (b) All States could be invited to give the Secretariat the contact details of the person, section or agency which in the respective State was responsible for the submission of reports so as to enable the Secretariat to make direct contacts when problems arise.
 - (c) The Secretariat was considering establishing an electronic reporting system for the submission of reports on contributing oil, similar to that which has been developed in the context of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention). It was conceivable that the reduced administrative work involved in using such a system compared to the present system might assist those States with relatively small administrations in the submission of reports.
 - (d) The governing bodies might wish to consider whether, when electing Chairman and Vice-Chairmen of various Fund bodies, account should be taken of whether the States whose nationals are considered for election have fulfilled their obligations to submit oil reports.
 - (e) The governing bodies might wish to instruct the Director to invite a few States which have established efficient procedures for compiling the necessary information and submitting the reports to inform the Secretariat of these procedures. The Director could then prepare an information document which could assist other States in setting up such procedures.
- 1.5 As regards 'shaming' States into submitting oil reports, in addition to highlighting States with outstanding reports on the website and in the Annual Report, the governing bodies could invite those States with outstanding reports which are represented at the sessions of the governing bodies to report back at the next session with an explanation as to the reasons for that State's failure to submit reports.
- 1.6 The governing bodies instructed the Director to proceed with the measures which had been proposed to assist States to submit oil reports listed in paragraph 1.4 but not with those intended to 'shame' States into submitting reports listed in paragraph 1.5 (document 92FUND/A.10/37, paragraphs 15.13, SUPPFUND/A/ES.1/21, paragraphs 9.10, and 71FUND/AC.17/20, paragraphs 11.12).
- 1.7 However, as regards the 1971 Fund, the Administrative Council decided during its discussion of the winding up of that Fund that the former 1971 Fund Member States with outstanding oil reports should be listed on the IOPC Funds' website (document 71FUND/AC.17/20, paragraph 15.18).
- 1.8 It should be noted that it is important to distinguish between non-submission of reports by States and non-payment of contributions by contributors. The non-submission of reports is in principle a major problem, although in practice the financial implications are limited, since it is likely that most States that do not submit reports have few if any contributors, and where there are any contributors in these States it is likely that they only receive relatively small quantities of contributing oil. In contrast there are relatively few contributors who do not pay invoiced amounts, although these amounts can in some cases be quite significant.

2 Report on implementation of measures to assist States to submit oil reports

- 2.1 With regard to the measures referred to in paragraph 1.4(a) and (b), the Secretariat has increased its efforts to improve liaison not only with the Embassy or the High Commission in London of new 1992 Fund Member States but also with the respective authorities of all those Member States

that have outstanding reports. Such efforts will, on the one hand, help the Secretariat to ensure it has the correct contact details of the individual and authority responsible for the submission of oil reports and, on the other, create closer links which will in turn enable the Secretariat to better address difficulties that Member States encounter. The Secretariat is also in the process of increasing its assistance and guidance to new Member States by extending invitations to visit the IOPC Funds' offices or by offering to have IOPC Funds' staff visit the Embassy or High Commission in order to convey as much information as possible on the submission of oil reports. These efforts will be carried out on a continuing basis throughout each calendar year.

- 2.2 With regard to the measure referred to in paragraph 1.4(c), the Secretariat intends to proceed with establishing an electronic reporting system for the submission of reports on contributing oil, similar to that which has been developed in the context of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention).
- 2.3 The Director proposes that the measure referred to in paragraph 1.4(d) be applied at those October 2006 sessions at which a governing body elects a Chairman and/or Vice-Chairman. At the opening of each session, the respective Chairman could, if appropriate, remind Member States of this measure and suggest that it be applied at that session. It should be recalled that, under the Resolution establishing the 1992 Fund Executive Committee adopted by the 1992 Fund Assembly, the Assembly when electing members of the Committee may take into account the extent to which a particular State has fulfilled its obligation to submit oil reports (document 92FUND/A.2/29, Annex I).
- 2.4 Further to the measure referred to in paragraph 1.4(e), the Director invited seven Member States which had established efficient procedures for compiling the necessary information and submitting oil reports to provide the Secretariat with details of their procedures. As at 4 October 2006, five responses had been received. Some of the responses were more detailed than others and some Member States have more elaborate systems in place than others. Based on the information received, the Director will prepare an information document which could assist other States in setting up such procedures.
- 2.6 As regards the 1971 Fund, a new entry on the 'Headlines' page within the 'News & Events' section of the IOPC Funds' website was added, listing the former 1971 Fund Member States with outstanding oil reports. The list, which is set out in a table, contains the following information for each State: the name of the State, the number of outstanding reports, the quantity of oil given in the most recent report and the years for which reports are outstanding.

3 Action to be taken by the governing bodies

The governing bodies are invited:

- (a) to take note of the information contained in this document; and
- (b) to give the Director such further instructions as regards the issues dealt with in this document as they may deem appropriate.
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