



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1971

EXECUTIVE COMMITTEE
55th session
Agenda item 4

71FUND/EXC.55/17
15 October 1997

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AMENDMENT OF RULES OF PROCEDURE OF THE EXECUTIVE COMMITTEE

Note by the Director

1 Introduction

1.1 The Rules of Procedure of the Executive Committee were adopted by the Committee at its 2nd session (document FUND/EXC.2/6). In the text adopted it was provided that the Rules of Procedure for the Executive Committee should be the same as those for the Assembly to the extent that they were relevant to and capable of applying to the proceedings of the Executive Committee, subject to certain changes (document FUND/EXC.2/2/1, Annex II).

1.2 Rule (iv) of the Executive Committee's Rules of Procedure provided as follows:

"Rules 14 and 17 shall not apply. The provisional agenda of meetings of the Executive Committee shall be prepared by the Director in consultation with the Chairman and shall include items required to be dealt with by the application of Articles 18 and 26 of the Fund Convention or which have been requested by the Assembly or by a Member of the Fund.

The provisional agenda together with supporting documents shall normally be communicated by the Director to the Members of the Executive Committee at least 45 days before meetings."

2 Consideration by the Assembly

2.1 At its 2nd extraordinary session, the Assembly considered the question of deadlines for distributions of documents to the Assembly. In this context, the question of the distribution of documentation to the Executive Committee was also considered. The Assembly instructed the Director to study the question of which guidelines should apply for the distribution of documentation for sessions of the Executive Committee and to report to the Assembly at its 19th session (document 71FUND/A.ES/2.22, paragraph 4.4).

2.2 At its 19th session, the Assembly considered the question of the distribution of documentation for the Executive Committee on the basis of a study submitted by the Director (document 71FUND/A.19/16). Some delegations expressed their concern that the text prepared by the Director did not provide that documents should normally be distributed a certain number of days before a session. It was also stated that if delegations received documents only a few days before a session, they did not have sufficient time to prepare the session and to obtain appropriate instructions. Other delegations emphasised, however, that it was important that the Committee was prepared to be flexible on this point, so as to allow claims to be dealt with as promptly as possible. It was stated that the Director should continue to endeavour to issue documents at the earliest possible opportunity, in order to give delegations the maximum time to discuss the questions under consideration and obtain instructions (document 71FUND/A.19/30, paragraph 19.2).

2.3 The Assembly approved the following text of Rule (iv) of the Rules of Procedure of the Executive Committee, as proposed by the Director in paragraph 3.8 of document 71FUND/A.19/16:

"The provisional agenda for each session shall normally be communicated by the Director to the members of the Executive Committee and to other Member States at least forty-five days before the session. Supporting documents should be distributed as early as possible, taking into account the need for Member States to prepare the sessions, the availability of the necessary information and the importance of claims for compensation and other urgent issues to be dealt with promptly."

3 Director's considerations

3.1 The consideration by the Assembly at its 2nd extraordinary session of which guidelines should apply to the distribution of documents for sessions of the Executive Committee was initiated in the context of the consideration of the same question in respect of the Assembly's documentation. It was therefore overlooked that, under Article 26.1(a) of the 1971 Fund Convention, the Executive Committee should adopt its own Rules of Procedure. It would appear, therefore, that it would be for the Executive Committee to consider the text adopted by the Assembly and, if appropriate, confirm this text.

3.2 It should be noted that the intention of the amendment to the Executive Committee's Rules of Procedure was to revise only the provision governing the distribution of documents and not to delete the first part of Rule (iv). It is therefore proposed that the Executive Committee adopts the following text of Rule (iv) of its Rules of Procedure:

"Rules 14 and 17 shall not apply. The provisional agenda of meetings of the Executive Committee shall be prepared by the Director in consultation with the Chairman and shall include items required to be dealt with by the application of Articles 18 and 26 of the Fund Convention or which have been requested by the Assembly or by a Member of the Fund.

The provisional agenda for each session shall normally be communicated by the Director to the members of the Executive Committee and to other Member States at least forty-five days before the session. Supporting documents should be distributed as early as possible, taking into account the need for Member States to prepare the sessions, the availability of the necessary information and the importance of claims for compensation and other urgent issues to be dealt with promptly."

4 Action to be taken by the Executive Committee

The Executive Committee is invited:

- (a) to take note of the information contained in this document; and
 - (b) to consider the Director's proposal concerning the amendment of the Rules of Procedure of the Executive Committee.
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