



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1971

ADMINISTRATIVE COUNCIL
16th session
Agenda item 14

71FUND/AC.16/15
22 March 2005
Original: ENGLISH

RECORD OF DECISIONS OF THE SIXTEENTH SESSION OF THE ADMINISTRATIVE COUNCIL

(held on 21 and 22 March 2005)

Chairman: Captain Raja Malik (Malaysia)
Vice-Chairman: Mr John Wren (United Kingdom)

Opening of the session

1 Adoption of the Agenda

The Administrative Council adopted the Agenda as contained in document 71FUND/AC.16/1.

MATTERS RELATING TO THE ESTABLISHMENT OF THE SUPPLEMENTARY FUND

Procedural matters

2 Participation

2.1 The following States having at any time been Members of the 1971 Fund were present:

| | | |
|--|------------------|----------------------|
| Algeria | Ghana | Oman |
| Antigua and Barbuda | Greece | Panama |
| Australia | Ireland | Poland |
| Bahamas | Italy | Portugal |
| Belgium | Japan | Qatar |
| Benin | Kenya | Republic of Korea |
| Cameroon | Liberia | Russian Federation |
| Canada | Malaysia | Sierra Leone |
| China (Hong Kong Special Administrative Region) | Malta | Spain |
| Côte d'Ivoire | Marshall Islands | Sweden |
| Cyprus | Mexico | Tunisia |
| Denmark | Monaco | United Arab Emirates |
| Finland | Morocco | United Kingdom |
| France | Netherlands | Vanuatu |
| Gabon | New Zealand | Venezuela |
| Germany | Nigeria | |
| | Norway | |

- 2.2 The following States which had not at any time been Members of the 1971 Fund were represented as observers:

| | | |
|--|----------------------------|---------------------|
| Argentina | Iran (Islamic Republic of) | Singapore |
| Brazil | Latvia | Trinidad and Tobago |
| Chile | Lithuania | Turkey |
| Democratic People's Republic of Korea | Peru | Uruguay |
| Ecuador | Philippines | |
| | Saudi Arabia | |

- 2.3 The following intergovernmental organisations and international non-governmental organisations were represented as observers:

Intergovernmental organisations:

European Commission
 International Maritime Organization (IMO)
 International Oil Pollution Compensation Fund, 1992 (1992 Fund)
 International Oil Pollution Compensation Supplementary Fund (Supplementary Fund)

International non-governmental organisations:

BIMCO
 Comité Maritime International (CMI)
 International Association of Independent Tanker Owners (INTERTANKO)
 International Chamber of Shipping (ICS)
 International Group of P&I Clubs
 International Tanker Owners Pollution Federation Ltd (ITOPF)
 International Union of Marine Insurance (IUMI)
 Oil Companies International Marine Forum (OCIMF)

3 Grant of observer status to the Supplementary Fund

The Administrative Council decided to grant observer status to the International Oil Pollution Compensation Supplementary Fund (Supplementary Fund), as proposed in document 71FUND/AC.16/2.

Secretariat matters

4 Joint Secretariat with the Supplementary Fund

- 4.1 The Administrative Council noted that during the consideration in May 2004 by the 1992 Fund Assembly of the preparations for the entry into force of the Supplementary Fund Protocol, the Director had expressed the view that an arrangement under which the Supplementary Fund and the 1992 Fund shared a Secretariat headed by the same Director would have great practical and financial advantages, as already demonstrated by the 1971 Fund and 1992 Fund joint Secretariat. It was further recalled that at that session the 1992 Fund Assembly had agreed that since it was highly likely that the 1992 Fund would have a wider membership and would be involved in significantly more incidents than the Supplementary Fund, the most practical solution would be for the 1992 Fund Secretariat to administer also the Supplementary Fund.

- 4.2 It was noted that the Assembly of the Supplementary Fund had decided, at its 1st session, that the Headquarters of the Supplementary Fund should be located in London. It was also noted that the Supplementary Fund Assembly had decided, subject to the agreement of the 1992 Fund Assembly and the 1971 Fund Administrative Council, that the Supplementary Fund, the 1992 Fund and the 1971 Fund should have a joint Secretariat, and that the Director of the 1992 Fund should be Director of the Supplementary Fund (in addition to being Director of the 1971 Fund). It was further noted that the Supplementary Fund Assembly had therefore requested the 1992 Fund

Assembly and the 1971 Fund Administrative Council to authorise the Secretariat of the 1992 Fund to administer also the Supplementary Fund and to authorise the Director of the 1992 Fund to perform also the function of Director of the Supplementary Fund.

- 4.3 The Council noted that the 1992 Fund Assembly had, at its 9th extraordinary session, authorised the Secretariat of the 1992 Fund to administer, in addition to the 1971 Fund, also the Supplementary Fund and authorised the Director of the 1992 Fund to perform also the function of Director of the Supplementary Fund.
- 4.4 The Administrative Council agreed that the 1971 Fund, the 1992 Fund and the Supplementary Fund should have a joint Secretariat and that the 1992 Fund Secretariat should administer also the Supplementary Fund. It also agreed that the Director of the 1971 Fund, Mr Måns Jacobsson, should *ex-officio* be also Director of the Supplementary Fund.

5 Sharing of joint administrative costs with the 1992 Fund and the Supplementary Fund

- 5.1 The Administrative Council considered the apportionment of the costs of running the joint Secretariat between the 1971 Fund, the 1992 Fund and the Supplementary Fund (document 71FUND/AC.16/4). It was noted that, at its 1st session, the Assembly of the Supplementary Fund had proposed to the 1971 Fund Administrative Council and the 1992 Fund Assembly that the Supplementary Fund should pay a flat management fee to the 1992 Fund initially set at £150 000 per annum (corresponding to approximately 5% of the administrative expenses of the Secretariat) and that for the period 3 March - 31 December 2005 that fee should be £125 000, ie £150 000 per annum pro-rated for a ten month period from the date when the Protocol came into force, ie 3 March 2005.
- 5.2 It was suggested that in future a more detailed breakdown should be made of the actual expenses in respect of the Supplementary Fund. The Director undertook to provide more details of expenses which could be attributed specifically to the Supplementary Fund, but stated that it would be difficult to identify time spent by staff on Supplementary Fund matters.
- 5.3 The Administrative Council agreed to the distribution of joint administrative costs as set out in paragraph 5.1. It also agreed that the level of the management fee should be reconsidered for later years by the governing bodies in the light of experience in respect of the workload of the Supplementary Fund, as suggested by the Supplementary Fund Assembly.
- 5.4 The Administrative Council noted that the 1992 Fund Assembly had agreed, at its 9th extraordinary session, to the payment of a flat management fee by the Supplementary Fund to the 1992 Fund as set out in paragraph 5.1.

6 Lease Agreement in respect of the premises for the Secretariat

The Administrative Council noted that the lease agreement for the Portland House premises of the IOPC Funds Secretariat was entered into on behalf of the 1992 Fund only, as the 1992 Fund Secretariat operated the 1992 Fund and the 1971 Fund (document 71FUND/AC.16/5). It was also noted that the lease allowed the use of the premises for the operations of other intergovernmental organisations which carried out similar functions to that of the 1992 Fund and that there was therefore no need to amend the lease agreement or to enter into a separate agreement on behalf of the Supplementary Fund.

Operational matters

7 Amendments to Financial Regulations

- 7.1 The Administrative Council adopted certain amendments to the Financial Regulations, as proposed by the Director in document 71FUND/AC.16/6, provided that Financial Regulation 10.4(c) should read:

The maximum investment in any bank or building society of the 1971 Fund's assets shall not normally exceed 25% of these assets or £10 million, whichever is the higher

- 7.2 The Director was instructed to make the necessary amendments to the Financial Regulations so as to render the text gender neutral.
- 7.3 It was noted that the revised Financial Regulations as adopted would be published in document 71FUND/AC.16/15/1.

8 Joint Audit Body

- 8.1 The Administrative Council noted that the Supplementary Fund Assembly and the 1992 Fund Assembly had proposed that the 1971 Fund, the 1992 Fund and the Supplementary Fund should have a joint Audit Body.
- 8.2 The Administrative Council noted that the Supplementary Fund Assembly had agreed at its 1st session that it should not hold elections of the Audit Body Members but instead leave this function to the 1992 Fund Assembly. The Council decided that likewise it should not hold elections for the joint Audit Body but leave this function to the 1992 Fund Assembly.
- 8.3 In view of the decisions set out in paragraph 8.2, the Administrative Council noted that the 1992 Fund Assembly had adopted a revised mandate for the Joint Audit Body. The 1971 Fund Administrative Council endorsed the composition and revised mandate of the Audit Body as contained in Annex I.
- 8.4 The Administrative Council noted that the term of office of the present members of the Audit Body would expire at the October 2005 sessions of the IOPC Funds' governing bodies, and that an election of the members for a new term of office would take place at that session.
- 8.5 The Administrative Council noted that the current mandate and composition of the Audit Body provided that three of the six members elected from Member States should not be renewable after three years.
- 8.6 At the same time the Administrative Council endorsed the view of the 1992 Fund Assembly that continuity was very important for the Audit Body and that this objective would be best achieved by the procedure for election based on Option 2, as set out in paragraph 2.4 of document 92FUND/A/ES.9/16/1. The Administrative Council noted that the 1992 Fund Assembly had decided as follows:
- (a) If no more than three of the present members stood for re-election, their period of office should be automatically renewed.
 - (b) Should more than three members of the present Audit Body nominated by Member States stand for re-election, a first ballot would be held between all these candidates and the three candidates receiving the highest number of votes would be re-elected for a second and final term of three years.

- (c) A second ballot would then be held between all other candidates nominated by Member States (ie other than present members) and the three receiving the highest number of votes would be elected for an initial term of three years.
- (d) In the event that there were less than three new nominations from Member States, the requirement of the mandate that the term of office of three of the present members of the Audit Body should not be renewable would not apply. If there were more than three candidates from the present members of the Audit Body standing for re-election, the balance of the remaining seats would be filled from among the present members based on the number of votes received.

8.7 The Administrative Council noted that the seventh member ('outsider') was elected by the 1992 Fund Assembly separately as set out in the mandate.

9 Joint Investment Advisory Body

9.1 It was recalled that the 1971 Fund and the 1992 Fund each had an Investment Advisory Body composed of external experts with special knowledge in investment matters, to advise the Director in general terms on such matters.

9.2 The Administrative Council noted that the Supplementary Fund Assembly and the 1992 Fund Assembly had, at their 1st session and 9th extraordinary session respectively, agreed that the three Funds should have a joint Investment Advisory Body and that the Supplementary Fund Assembly and the 1971 Fund Administrative Council should not make appointments to the Body but instead leave this function to the 1992 Fund Assembly.

9.3 The Administrative Council endorsed the proposal by the 1992 Fund Assembly and the Supplementary Fund Assembly that there should be a joint Investment Advisory Body for the 1971 Fund, the 1992 Fund and the Supplementary Fund, as proposed by the Director in document 71FUND/AC.16/8. The Council also noted that, in light of that decision, the 1992 Fund Assembly and the Supplementary Fund Assembly had adopted a revised mandate for the Investment Advisory Body.

9.4 The Administrative Council decided that the 1971 Fund Administrative Council should not make appointments to the Investment Advisory Body but instead leave this function to the 1992 Fund Assembly.

9.5 The Administrative Council also decided that in future the members of the joint Investment Advisory Body should be elected for a term of three years and not annually as had hitherto been the case.

9.6 In view of the decisions set out in paragraphs 9.2 and 9.4, the Administrative Council adopted a revised mandate for the Joint Investment Advisory as set out in Annex II.

General administrative matters

10 Annual Reports

10.1 The Administrative Council decided that, in view of the close link that existed between the 1992 Fund, the Supplementary Fund and the 1971 Fund, the three Organisations should issue joint Annual Reports.

10.2 It was noted that the Supplementary Fund Assembly and the 1992 Fund Assembly had decided, at their 1st session and 9th extraordinary session respectively, to publish joint Annual Reports for the three Organisations.

11 Other administrative matters11.1 Nomenclature

11.1.1 The Administrative Council decided that the following terminology should be used:

| | 1971 Fund Convention | 1992 Fund Convention | Supplementary Fund Protocol |
|------------------------|--|--|---|
| Full Name | International Oil Pollution Compensation Fund 1971 | International Oil Pollution Compensation Fund 1992 | International Oil Pollution Compensation Supplementary Fund |
| Abbreviated Expression | 1971 Fund <i>or</i> IOPC Fund 1971 | 1992 Fund <i>or</i> IOPC Fund 1992 | Supplementary Fund <i>or</i> IOPC Supplementary Fund |

11.1.2 The Administrative Council noted that in certain circumstances it would be necessary or appropriate to refer to the 1971 Fund, the 1992 Fund and the Supplementary Fund together, and agreed that the following terminology should be used: 'International Oil Pollution Compensation Funds' as the full name, and 'IOPC Funds' as the abbreviated expression.

11.1.3 The Administrative Council noted that the Supplementary Fund Assembly and the 1992 Fund Assembly had agreed, at their 1st session and 9th extraordinary session respectively, to the use of the terminology set out in paragraphs 11.1.1 and 11.1.2.

11.2 Logo

11.2.1 The Administrative Council agreed that the same logo as the one used by the 1971 Fund and the 1992 Fund should also be used by the Supplementary Fund.

11.2.2 The Administrative Council noted that the Supplementary Fund Assembly and the 1992 Fund Assembly had, at their 1st session and 9th extraordinary session respectively, agreed that the same logo should be used for all three Organisations.

*OTHER MATTERS***12 Procedures for recruitment of the next Director**

12.1 The Administrative Council took note of various decisions taken by the 1992 Fund Assembly at its 9th extraordinary session in respect of the procedures for recruitment of the next Director.

12.2 It was noted that the 1992 Fund Assembly had adopted the text of the Job Specification for the Post of Director proposed by the Audit Body as set out in the Annex to document 71FUND/AC.16/11, except for the section headed Candidate Profile which had been amended to read as follows:

CANDIDATE PROFILE

The successful candidate will have extensive administrative and management experience at senior level, demonstrated leadership experience and a strong track record in dealing with public and private sector organisations at senior level. He/she needs to be a highly effective communicator, with demonstrable skills in negotiation and diplomacy, and the ability to deal credibly and authoritatively with governments and other parties in the shipping, insurance and oil industries as well as with victims of oil pollution.

1. Knowledge/Professional experience

Specifically, the 1992 Fund Assembly has expressed the view that the successful candidate would **ideally** have the following knowledge and professional experience:

- expert knowledge of the Civil Liability and Fund Conventions and other related Conventions;
- experience in handling complex legal issues relevant to the work of the Funds and ability to understand various legal systems;
- experience of claim-handling matters;
- ability to assess and take decisions on expert advice in legal and other matters;
- experience in financial matters, general management and handling of staff matters;
- experience of the public sector and grasp of decision processes and reasoning of governments;
- familiarity with high-level negotiations;
- experience of working with governments at all levels as well as with public and private bodies;
- experience of international conferences and in intergovernmental meetings;
- experience in dealing with the media;
- excellent oral and written communication skills including ability to draft complex documents.

2. Personal attributes

In addition, the 1992 Fund Assembly has indicated that the successful candidate would be expected to have the following personal attributes:

- objectivity and integrity;
- fairness;
- diplomacy;
- sensitivity to political issues related to the work of the Funds;
- excellent decision-making skills;
- flexibility and openness to change;
- excellent inter-personal skills;
- organisational and management skills;
- ability to set priorities;
- ability to delegate and to motivate staff and others who work on behalf of the Funds;
- attention to detail;
- fluency in one of the official languages of the Funds (English, French and Spanish) and a good working knowledge of one of the other two official languages, bearing in mind the working environment of the Secretariat and related organisations.

12.3 The Administrative Council also noted that the 1992 Fund Assembly had decided, in accordance with the proposal by the Audit Body, that the Director should, as soon as possible after its present session, circulate a Note to Member States inviting them to submit candidates for the post of Director, which should be received by the IOPC Funds' Secretariat by 30 June 2005. It was further noted that the 1992 Fund Assembly had decided that only candidatures received by 30 June 2005 would be considered for the post of Director and that the current Director had been instructed to circulate to Member States candidatures received by that date, but should not circulate candidatures received after that date.

12.4 It was noted that the 1992 Fund Assembly had decided that States nominating candidates should validate the candidates' experience, skills and competencies against those set out in the Annex to the Note to Member States and that it should be left to individual candidates and their sponsoring Governments to promote their candidatures as they saw fit.

- 12.5 The Administrative Council also noted that the 1992 Fund Assembly had decided that the following voting procedure should be followed for the election of the Director:
- (a) Voting concerning the appointment of Director shall be by secret ballot.
 - (b) Before holding each ballot, each Member State present shall receive a list of the names of all candidates standing in that ballot in alphabetical order.
 - (c) In each ballot each delegation of the Member States present shall indicate the candidate it supported by ticking the relevant box. If a list indicates support for more than one candidate, the vote is invalid.
 - (d) A candidate who obtains two-thirds of the votes of the Member States present at the meeting at the time of the vote shall be declared appointed as Director.
 - (e) If, in any ballot in which more than two candidates participate, no candidate is appointed in accordance with paragraph (d), a number of successive ballots shall be held in accordance with the following rules:
 - (i) The candidate who receives the least number of votes in the previous ballot, including the first ballot, shall not be included in the list of candidates for the subsequent ballot.
 - (ii) If a candidate obtains two-thirds of the votes of the Member States present at the meeting at the time of the vote, he/she shall be declared appointed as Director.
 - (iii) The ballots will continue until a candidate is appointed under subparagraph (ii) above.
 - (f) If, in any ballot in which more than two candidates participate, two or more candidates receive the same number of votes so that the candidate to be excluded from the next ballot cannot be determined, an intermediate ballot shall first be held among those candidates to determine which of them should not be included in the next ballot. The candidate who in the intermediate ballot receives the least number of votes shall be excluded from the next ballot. If in an intermediate ballot there is a tie between any of the candidates, the Chairman shall draw lots between them and the last one to be drawn shall be excluded from the next ballot.
- 12.6 The Council noted that the 1992 Fund Assembly had decided that, in view of the fact that appointment of the Director should be of interest also to the former 1971 Fund Member States that were not Members of the 1992 Fund, those States should be permitted to be present at the Assembly's private meeting, without voting rights.
- 12.7 It was noted that the Assembly had decided that in order to ensure the efficient functioning of the Organisations as well as a smooth transition, and in the interests of the incoming and outgoing Directors, the present Director should retain full responsibility for the Organisations up to 31 October 2006, the newly-elected Director should join the Secretariat on 1 September 2006 and take over responsibility for the Organisations on 1 November 2006 and the present Director should continue to be available up to 31 December 2006.
- 12.8 It was finally noted that in the light of the discussions on the procedures for the recruitment of the next Director, the 1992 Fund Assembly had agreed to the text of a Note to be circulated to 1992 Fund Member States inviting nominations for the post of Director as set out in Annex III.

13 Review of observer status

- 13.1 The Administrative Council noted the information contained in document 71FUND/AC.16/12 regarding the observer status of the Advisory Committee on the Protection of the Sea (ACOPS).
- 13.2 The delegation of the United Kingdom reminded the Assembly that ACOPS was a charitable organisation with a very small secretariat. That delegation and the observer delegation of Brazil expressed the belief that ACOPS was a truly international organisation which followed closely the work of the IOPC Funds and was very much concerned with marine pollution and environmental protection.
- 13.3 The Administrative Council decided to reinstate the observer status of ACOPS.

14 Any other business

14.1 Amendments to Rules of Procedure

- 14.1.1 The Administrative Council adopted amendments to its Rules of Procedure as proposed by the Director in document 71FUND/AC.16/13.
- 14.1.2 It was noted that the revised Rules of Procedure as adopted would be published in document 71FUND/AC.16/15/2.

14.2 Joint Resolution on the Joint Secretariat

- 14.2.1 The Administrative Council noted the view expressed by the Director in document 71FUND/AC.16/14 that the relationship between the 1971 Fund, the 1992 Fund and the Supplementary Fund, which as decided by the governing bodies should be administered by a joint Secretariat and have a single Director, may not be easily understood by those who were not familiar with the treaty instruments establishing these Organisations. It was noted that the Director had concluded that it would be useful, therefore, if these decisions were consolidated in a single document. It was also noted that the Director had proposed that the governing bodies should adopt a joint Resolution on this matter. The Administrative Council noted the Director's view that such a Resolution might be useful in the Funds' dealings with banks and other financial institutions and when the Funds issued powers of attorney or became involved in legal proceedings.
- 14.3 The Administrative Council adopted the text of the draft of a Joint Resolution on the Joint Secretariat of the 1992 Fund, 1971 Fund and Supplementary Fund as contained in Annex IV.

15 Adoption of the Record of Decisions

The draft Record of Decisions of the Administrative Council, as contained in document 71FUND/AC.16/WP.3, was adopted, subject to certain amendments.

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ANNEX I

COMPOSITION AND MANDATE OF THE JOINT AUDIT BODY OF THE 1992 FUND, THE 1971 FUND AND THE SUPPLEMENTARY FUND

- 1 The Audit Body shall be composed of seven members elected by the 1992 Fund Assembly: one named Chairman nominated by 1992 Fund Member States, five named individuals nominated by 1992 Fund Member States and one named individual not related to the Organisations (“outsider”), with expertise and experience in audit matters nominated by the Chairman of the 1992 Fund Assembly. Nominations, accompanied by the curriculum vitae of the candidate, should be submitted to the Director at least six weeks in advance of the session at which the election will take place.
- 2 Members of the Audit Body shall hold office for three years, once renewable. Of the first Audit Body to be elected, the term of three of those elected from 1992 Fund Member States shall not be renewable.
- 3 The members of the Audit Body shall perform their functions independently and in the interest of the Organisations as a whole. The members elected from 1992 Fund Member States shall not receive any instructions from their Governments.
- 4 Travel and subsistence expenses of the six members of the Audit Body elected from 1992 Fund Member States shall be paid by the Organisations. The member not related to the Organisations (“outsider”) shall be paid travel expenses and an appropriate fee.
- 5 The Audit Body shall:
 - (a) review the effectiveness of the Organisations regarding key issues of financial reporting, internal controls, operational procedures and risk management;
 - (b) promote the understanding and effectiveness of the audit function within the Organisations, and provide a forum to discuss internal control issues, operational procedures and matters raised by the external audit;
 - (c) discuss with the External Auditor the nature and scope of each forthcoming audit;
 - (d) review the Organisations’ financial statements and reports;
 - (e) consider all relevant reports by the External Auditor, including reports on the Organisations’ financial statements; and
 - (f) make appropriate recommendations to the governing bodies.
- 6 The Audit Body shall normally meet at least twice a year. The Chairman of the Audit Body and the External Auditor may request that additional meetings should be held. The meetings shall be convened by the Director, in consultation with the Chairman of the Audit Body.
- 7 The External Auditor, the Director and the Head of the Finance and Administration Department shall normally be present at the meetings.

- 8** The Chairman of the Audit Body shall report on its work to each regular session of the governing bodies.
- 9** Every three years the functioning of the Audit Body and its mandate shall be reviewed by the governing bodies on the basis of an evaluation report from the Chairman of the Audit Body.

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ANNEX II

MANDATE OF THE JOINT INVESTMENT ADVISORY BODY OF THE 1992 FUND, THE 1971 FUND AND THE SUPPLEMENTARY FUND

- 1 The Investment Advisory Body of the International Oil Pollution Compensation Funds 1971 and 1992 and the International Oil Pollution Compensation Supplementary Fund is composed of three persons appointed by the Assembly of the International Oil Pollution Compensation Fund 1992 for three years.
- 2 The mandate of the Investment Advisory Body is:
 - (a) to advise the Director in general terms on investment matters;
 - (b) in particular, to advise the Director on the tenor of the Funds' investments and the suitability of institutions used for investment purposes;
 - (c) to draw the Director's attention to any developments which may justify a revision of the Funds' investment policy as laid down by the governing bodies; and
 - (d) to advise the Director on any other matters relevant to the Funds' investments.
- 3 The Body shall meet at least three times a year. The meetings shall be convened by the Director. Any member of the Body may request a meeting to be held. The Director, the Head of the Finance and Administration Department and Finance Manager shall be present at the meetings.
- 4 The members of the Body shall be available for informal consultations with the Director in case of need.
- 5 The Body shall submit, through the Director, to each regular autumn session of the governing bodies, a report on its activities since the previous autumn sessions of the governing bodies.

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ANNEX III

NOTE TO BE CIRCULATED TO 1992 FUND MEMBER STATES

Nomination of candidates for the position of Director of the International Oil Pollution Compensation Funds

As a result of the expiry of the contract of the current Director of the International Oil Pollution Compensation Funds (IOPC Funds)^{<1>}, Mr Måns Jacobsson, on 31 December 2006, the post of Director will become vacant.

The International Oil Pollution Compensation Funds are world-wide inter-governmental organisations, i.e. set up by States, providing compensation to victims of oil pollution damage resulting from spills of persistent oil from tankers. The Funds are financed by levies on certain types of oil carried by sea. The levies are paid by entities which receive oil after sea transport, normally not by States. The Funds are administered by a joint Secretariat located in London with 27 staff members. The Secretariat is headed by a Director appointed by Member States.

Pursuant to the decision of the Assembly of the International Oil Pollution Compensation Fund 1992 (1992 Fund) at its 9th session in October 2004, the Assembly will at its 10th session in October 2005 appoint a new Director. At its 9th extraordinary session held in March 2005, the Assembly decided that in order to ensure a smooth transition from the present Director to his successor, the present Director should retain responsibility for the Organisations up to 31 October 2006, the newly-elected Director should join the Secretariat on 1 September 2006 and take over responsibility for the Organisations on 1 November 2006 and the present Director would continue to be available up to 31 December 2006.

It should be noted that the Director of the 1992 Fund is *ex officio* Director of the 1971 Fund and of the International Oil Pollution Compensation Supplementary Fund.

The Director has been instructed by the 1992 Fund Assembly to make the necessary preparations for the entry into force of the 1996 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention), the preparations to be based on the assumption that the present IOPC Funds Secretariat will administer also the Fund which will be established under the HNS Convention.

Nominations of candidates for the position of Director are invited from 1992 Fund Member States and must be received by the Fund's Secretariat by 30 June 2005. The Director will circulate to Member States, without delay, any candidatures received by that deadline. The Assembly has decided that candidatures received by the IOPC Funds Secretariat after that date will not be considered for the appointment of Director and such candidatures will not be circulated.

The relevant provisions of the 1992 Fund Convention and details on the responsibilities of the Director as well as desirable experience, skills and competences of the candidates are set out in the Annex.

States nominating a candidate should validate the candidate's experience, skills and competences against those set out in the Annex by indicating to what extent the candidate fulfils these attributes.

Depending on the number of candidates, the Assembly may wish to invite candidates to make a short oral presentation of approximately 10 minutes' duration in support of his/her candidature at the Assembly's October 2005 session.

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<1> The International Oil Pollution Compensation Fund 1971 (1971 Fund), the International Oil Pollution Compensation Fund 1992 (1992 Fund) and the International Oil Pollution Compensation Supplementary Fund (Supplementary Fund)

ANNEX IV

Resolution on the Joint Secretariat
adopted on 22 March 2005
by the Assembly of the International Oil Pollution Compensation Fund, 1992, the
Administrative Council of the International Oil Pollution Compensation Fund, 1971 and the
Assembly of the International Oil Pollution Compensation Supplementary Fund, 2003

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND, 1992 (1992 Fund),

THE ADMINISTRATIVE COUNCIL OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND, 1971 (1971 Fund), and

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND, 2003 (Supplementary Fund),

NOTING that the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 entered into force on 3 March 2005, thereby establishing the Supplementary Fund,

AWARE that since the establishment of the 1992 Fund in 1996, the 1971 Fund and the 1992 Fund have been administered by a joint Secretariat headed by a single Director,

RECALLING that from 1996 to 1998 the Secretariat of the 1971 Fund administered the 1992 Fund, whereas since 1998 the Secretariat of the 1992 Fund has served as Secretariat of the 1971 Fund also,

RECOGNISING the benefits of the present arrangement,

BELIEVING that a similar arrangement in respect of the Supplementary Fund would be beneficial,

CONSIDERING that the 1992 Fund, the 1971 Fund and the Supplementary Fund should be administered by one Secretariat headed by a single Director,

TAKING THE VIEW that the most appropriate arrangement would be for the Secretariat of the 1992 Fund to function as the Secretariat not only of the 1971 Fund but also of the Supplementary Fund and that the Director of the 1992 Fund, in addition to being *ex officio* Director of the 1971 Fund, should also be *ex officio* Director of the Supplementary Fund.

DECIDE

1. The Secretariat of the 1992 Fund shall as hitherto administer the 1971 Fund and shall also administer the Supplementary Fund.
2. The Director of the 1992 Fund shall continue *ex officio* to be Director of the 1971 Fund and shall also *ex officio* be Director of the Supplementary Fund.