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COMPENSATION
FUND 1992

ASSEMBLY
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Agenda item 6

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IMPLEMENTATION OF THE 1992 CIVIL LIABILITY AND FUND CONVENTIONS INTO NATIONAL LAW

Note by the Director

Summary:	The Director reports on the results of his enquiries as to whether the 1992 Conventions have been fully implemented into the national law of Member States.
Action to be taken:	Consider whether further action should be taken.

1 Introduction

- 1.1 The 1992 Fund Assembly has repeatedly stated that correct implementation of the 1992 Civil Liability and Fund Conventions was essential for the proper functioning of the international compensation regime established by these Conventions and that unless the Conventions were implemented correctly into national law, the regime could not function in a proper, uniform and equitable manner.
- 1.2 At the Assembly's October 2004 session, the United Kingdom delegation drew attention to the possibility that the failure of some States to submit oil reports or of contributors in some States to pay contributions might, in some cases, be due to a lack of legislation implementing the Conventions into their national law. That delegation made the point that such failures to implement the Conventions could have other serious repercussions in the future, particularly in view of the increase in the financial limit of the 1992 Fund Convention (document 92FUND/A.9/31, paragraph 33.4.1).
- 1.3 The Assembly instructed the Director to write to all Member States to enquire whether the 1992 Conventions had been fully implemented into their national law (document 92FUND/A.9/31, paragraph 33.4.2).
- 1.4 On 11 April 2005 the Director wrote to Governments of the 87 States which were Members of the 1992 Fund at that time requesting them to indicate by 30 June 2005 whether the 1992 Conventions had been fully implemented into national law. In the light of the limited number of responses to this letter, the Director sent a reminder letter on 19 September 2005 to those Member States which had not responded as well as a letter to other States for which the 1992 Fund Convention had entered into force since April 2005 or for which the Convention would enter into force shortly.

- 1.5 As at 5 October 2005, replies had been received from 31 of the 1992 Fund Member States. The majority of the replies indicated that the Conventions had been implemented into national law. A table showing the results of the Director's enquiries is at the Annex.
- 1.6 Given the importance which the Assembly attaches to this issue, the Director is of the view that efforts should be made to obtain responses to this request from all 1992 Fund Member States.

2 Action to be taken by Assembly

The Assembly is invited:

- (a) to take note of the results of the Director's enquiries; and
- (b) to consider whether further action should be taken on this issue.

* * *

ANNEX

Response to Director's letters regarding the implementation of
the 1992 Civil Liability and Fund Conventions
(as of 5 October 2005)

<u>Member State</u>	<u>Implemented</u>	<u>Not implemented</u>	<u>No reply</u>	<u>Acknowledgement of Director's letter</u>
Algeria			x	
Angola			x	
Antigua and Barbuda			x	
Argentina	x			
Australia			x	
Bahamas	x			
Bahrain			x	
Barbados	x			
Belgium			x	
Belize			x	
Brunei Darussalam			x	
Cambodia			x	
Cameroon			x	
Canada	x			
Cape Verde		x		
China (Hong Kong SAR)				x
Colombia	x			
Comoros			x	
Congo			x	
Croatia	x			
Cyprus	x			
Denmark	x			
Djibouti			x	
Dominica			x	
Dominican Republic			x	
Estonia ^{<1>}			x	
Fiji			x	
Finland	x			
France			x	
Gabon			x	
Georgia			x	
Germany	x			
Ghana			x	
Greece	x			
Grenada			x	
Guinea			x	
Iceland			x	
India	x			
Ireland	x		x	
Italy	x			
Jamaica			x	

^{<1>} Only a 1992 Fund Member State, or shortly to become a Member State, at the time of the Director's reminder of 19 September 2005

<u>Member State</u> -	<u>Implemented</u>	<u>Not implemented</u>	<u>No reply</u>	<u>Acknowledgement of Director's letter</u>
Japan	x			
Kenya			x	
Liberia			x	
Lithuania	x			
Madagascar			x	
Malaysia ^{<1>}			x	
Maldives			x	
Malta	x			
Marshall Islands			x	
Mauritius			x	
Mexico	x			
Monaco			x	
Morocco			x	
Mozambique			x	
Namibia		x		
Netherlands	x			
New Zealand			x	
Nigeria			x	
Norway	x			
Oman			x	
Panama			x	
Papua New Guinea			x	
Philippines		x		
Poland			x	
Portugal	x			
Qatar			x	
Republic of Korea	x			
Russian Federation	x			
Saint Lucia ^{<1>}				
Saint Kitts and Nevis			x	
Saint Vincent and the Grenadines			x	
Samoa			x	
Seychelles			x	
Sierra Leone			x	
Singapore			x	
Slovenia			x	
South Africa ^{<1>}				x
Spain	x			
Sri Lanka			x	
Sweden	x			
Tanzania			x	
Tonga			x	
Trinidad and Tobago				x
Tunisia	x			
Turkey			x	
Tuvalu ^{<1>}			x	
United Arab Emirates			x	
United Kingdom	x			
Uruguay	x			

<u>Member State</u> -	<u>Implemented</u>	<u>Not implemented</u>	<u>No reply</u>	<u>Acknowledgement of Director's letter</u>
Vanuatu			x	
Venezuela			x	
