



## STATUS OF THE 1992 FUND CONVENTION

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

#### Note by the Director

<b>Summary:</b>	The document contains an up-date on the results of the Director's enquiries as to whether the 1992 Conventions have been fully implemented into the national law of Member States.
<b>Action to be taken:</b>	Information to be noted.

#### 1 The issue

- 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 In October 2004 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).
- 1.3 At the time of the October 2006 session the Director had contacted all 98 States which had ratified the 1992 Fund Convention, of which 54 had confirmed that the Conventions had been fully implemented whereas 14 had stated that the Conventions had not been implemented into national legislation. The Director had written to those States which had not implemented the Conventions into their national legislation and offered assistance in the preparation of the necessary legislation (document 92FUND/A.11/35, paragraph 6.2).
- 1.4 The Assembly noted at that session that, despite having been contacted repeatedly both in writing and by telephone since April 2005, 30 of the 98 Member States had still not stated whether or not the 1992 Conventions had been fully implemented into their national law. The Assembly instructed the Director not to continue to make such efforts to obtain responses from those States which had still not responded to his enquiries but to focus future efforts on those States which in their responses had informed him that the 1992 Conventions had not been fully implemented into their national law. The Director was also instructed to report to the Assembly at each regular session on the situation in this regard.
- 1.5 Since the October 2006 session the Director has continued to draw the attention of States which ratify the 1992 Fund Convention to the importance of the implementation of the 1992 Conventions into national law and to offer assistance preparing the necessary legislation.

- 1.6 As at 3 October 2007 the Director has not received any further responses to the original enquiries other than those referred to in paragraphs 1.3 and 1.4 above nor has he been informed that any new Member State has not fully implemented the Conventions into national law.

**2 Action to be taken by the Assembly**

The Assembly is invited:

- (a) to take note of the information contained in this document; and
  - (b) to give the Director such instructions in respect of this issue as it may deem appropriate.
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