



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND 1992

ASSEMBLY  
14th extraordinary session  
Agenda item 3

92FUND/A/ES.14/3/Add.1  
27 May 2009  
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## GRANT OF OBSERVER STATUS

### Note by the Director

<b>Summary:</b>	<p>The World LP Gas Association (WLPGA) has applied for observer status with the 1992 Fund.</p> <p>The procedure for consideration of requests for observer status from International Non-Governmental Organisations is considered.</p>
<b>Action to be taken:</b>	<p>(i) Decide whether or not to set up a group of five States to consider applications for observer status from International Non-Governmental Organisations and, if so, establish such a group; and</p> <p>(ii) Decide whether to grant observer status to WLPGA.</p>

### 1 The issue

- 1.1 Article 18.10 of the 1992 Fund Convention provides that the Assembly determines which intergovernmental and international non-governmental organisations shall be admitted to take part, without voting rights, in meetings of the Assembly and subsidiary bodies. The Assembly adopted at its 1st session 'Guidelines on Relations between the International Oil Pollution Compensation Fund 1992 (1992 Fund) and Intergovernmental Organisations and International Non-Governmental Organisations' (document 92FUND/A.1/34/1). These guidelines contain the following criteria for the granting of observer status to international non-governmental organisations:

Observer status may be granted by the Assembly to an international non-governmental organisation, at its request, if:

- (a) the organisation concerned is of truly international character and its objectives are in harmony with those of the 1992 Fund;
- (b) it has aims, responsibilities or activities in the fields related to those of the 1992 Fund or which are of concern or interest to the 1992 Fund, particularly in connection with pollution and environmental matters, maritime and shipping affairs, marine insurance, production or transport of oil or relevant questions of international law; and

- (c) it is able to make a contribution to the work of the 1992 Fund, for example by providing specialised information, advice or expertise, or by identifying or helping to procure the services of experts or consultants, or by otherwise furnishing technical assistance or by making research facilities available.

1.2 Seventeen international non-governmental organisations have observer status with the 1992 Fund. They are set out at Annex I.

## **2 Procedure for the consideration of requests for observer status by international non-governmental organisations**

2.1 At its October 2002 session, the 1992 Fund Assembly decided to apply the following procedure for the consideration of requests for observer status by international non-governmental organisations (document 92FUND/A.7/29, paragraph 16.2):

At the beginning of a session at which a request for observer status by an international non-governmental organisation should be considered, the Assembly shall set up a small group of five Member States which shall during the session screen the request in order to establish whether the applicant fulfils the criteria set out in the 1992 Fund guidelines for the granting of observer status. The group shall report its findings to the Assembly before the end of its session so as to enable the Assembly to take a decision on the request.

2.2 However, this procedure was not followed for any of the applications for observer status subsequently considered by the Assembly, ie those for the International Union of Marine Insurance (IUMI) (March 2005), the International Association of Classification Societies Ltd (IACS) (May 2006) and the International Group of Liquefied Natural Gas Importers (GIIGNL) (June 2007).

2.3 The Assembly is therefore invited to decide whether or not to confirm the procedure adopted in 2002 to set up a group of five States to consider requests for observer status from International Non-Governmental Organisations. If so, the Assembly is invited to establish such a group to consider the request for observer status received from the World LP Gas Association (WLPGA) (cf section 3 below), and to report its findings to the Assembly before the end of the session so as to enable the Assembly to take a decision on the request.

## **3 New request for observer status**

3.1 The World LP Gas Association (WLPGA) has requested observer status with the 1992 Fund. A letter from the Director of the WLPGA setting out the aims and purposes of the organisation is contained at Annex II.

### *HNS Convention*

3.2 Under the 1996 International Convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea (HNS Convention), a system of compensation will be established similar to that created by the 1992 Civil Liability Convention and the 1992 Fund Convention. The financial burden created by this system will be shared between the shipping industry and the cargo interests. The primary liability will rest on the shipowner, with additional compensation available from the International Hazardous and Noxious Substances Fund (HNS Fund), financed by cargo interests. The functioning of the HNS Fund under the HNS Convention will follow very closely the operation of the 1992 Fund under the 1992 Fund Convention.

- 3.3 In a Resolution adopted by the International Conference which adopted the HNS Convention (Resolution 1), the Assembly of the 1992 Fund was invited to assign to the Director of the 1992 Fund, in addition to his functions under the 1992 Fund Convention, the administrative tasks necessary for setting up the HNS Fund in accordance with the HNS Convention. At its 1st session, the Assembly instructed the Director to carry out the tasks requested by the HNS Conference (document 92FUND/A.1/34, paragraph 33.1.3).

*Director's consideration*

- 3.4 The HNS Fund will have up to four accounts, one of which will be for contributions based on receipts of liquefied petroleum gas (LPG). In view of the work to be carried out under the auspices of the 1992 Fund in connection with the preparations for the entry into force of the HNS Convention, the Director is of the view that the granting of observer status to WLPGA, which represents 175 member companies in more than 90 different countries involved in the LPG industry, could be beneficial to the work of the 1992 Fund in this field.
- 3.5 The Director is of the view that WLPGA meets the criteria for the granting of observer status to international non-governmental organisations set out in paragraph 1.1 and therefore recommends that the organisation be granted observer status to the 1992 Fund.

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

The Assembly is invited to:

- (a) decide whether or not to confirm the procedure adopted in 2002 to set up a group of five States to consider the application for observer status by the WLPGA and, if so, to establish such a group (paragraphs 2.1 – 2.3);
- (b) to consider whether the World LP Gas Association fulfils the criteria laid down in the Guidelines on Relations between the 1992 Fund Intergovernmental Organisations and International Non-Governmental Organisations (paragraphs 3.1 – 3.5); and
- (c) to take a decision on WLPGA's application for observer status.

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## ANNEX I

### International non-governmental organisations having observer status with the 1992 Fund

Advisory Committee on Protection of the Sea (ACOPS)  
BIMCO  
Comité Maritime International (CMI)  
Conference of Peripheral Maritime Regions (CPMR)  
European Chemical Industry Council (CEFIC)  
Federation of European Tank Storage Associations (FETSA)  
Friends of the Earth International (FOEI)  
International Association of Classification Societies Ltd (IACS)  
International Association of Independent Tanker Owners (INTERTANKO)  
International Chamber of Shipping (ICS)  
International Group of Liquefied Natural Gas Importers (GIIGNL)  
International Group of P & I Clubs  
International Salvage Union (ISU)  
International Tanker Owners Pollution Federation Ltd (ITOPF)  
International Union for the Conservation of Nature and Natural Resources (IUCN)  
International Union of Marine Insurance (IUMI)  
Oil Companies International Marine Forum (OCIMF)

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WORLD LP GAS ASSOCIATION

International Oil Pollution Compensation Funds

Portland House

Bressenden Place

LONDON SW1E 5PN

For the attention of The Director

27 May 2009

Dear Sir,

We are pleased to take this opportunity to provide some information about the World LP Gas Association (WLPGA).

The WLPGA is a not-for-profit association governed under the 1901 regulation under French law. Its SIREN number is 343 136 032 and its Code APE is 913E.

Its principle activity is to provide information on the LP Gas business, to represent its member companies globally and to provide reports on the industry.

The WLPGA has an extensive international membership stretching from producer companies in the Middle East through to supply, distribution and marketing companies based all over the world. Our current membership is almost 180 and they are in nearly 90 countries.

Through partnerships with the United Nations Development Programme and the World Bank the WLPGA strives to promote the use of LP Gas worldwide to foster a cleaner, healthier and more prosperous world.

Our Mission is to:

- Demonstrate the benefits of LP Gas and position it as clean energy
- Create the environment to develop and sustain LP Gas markets

- Identify and stimulate innovation
- Promote compliance with Health, Safety and Environmental standards and good business practices
- Facilitate and drive information exchange among stakeholders in the industry

The same properties that make LP Gas such a versatile energy source also present challenges in its storage, handling and distribution. LP Gas is an inflammable substance and strict standards and codes of practice are applied to ensure its very good safety record.

Over 230 million tonnes of LP Gas is shipped around the world every year and this figure continues to grow. We estimate nearly 2 billion people use LP Gas in one form or another.

The WLPGA is keen to be engaged in any discussions that have an impact on the LP Gas business and we have been following with interest the developments relating to the HNS Convention.

It is for this reason that the WLPGA seeks observer status to represent the international LP Gas industry on issues relating to the product within the HNS Convention in order that they are conveyed clearly.

Although we are a small office we have an experienced resource pool that can participate and contribute to discussions or questions that arise about LP Gas and look forward to receiving a favourable response to this request for observer status.

Yours sincerely

David Tyler



Director - WLPGA