



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992

ASSEMBLY
8th extraordinary session
Agenda item 5

92FUND/A/ES.8/4
28 May 2004
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RECORD OF DECISIONS OF THE EIGHTH EXTRAORDINARY SESSION OF THE ASSEMBLY

(held on 25 and 28 May 2004)

Chairman: Mr W Oosterveen (Netherlands)
First Vice-Chairman: Mr J Aguilar-Salazar (Mexico)
Second Vice-Chairman: Mr Z Alam (Singapore)

Opening of the session

1 Adoption of the Agenda

The Assembly adopted the Agenda as contained in document 92FUND/A/ES.8/1.

2 Examination of credentials

2.1 The following Member States were present:

Algeria	Germany	Philippines
Antigua and Barbuda	Ghana	Poland
Argentina	Greece	Portugal
Australia	Grenada	Republic of Korea
Bahamas	India	Russian Federation
Bahrain	Ireland	Singapore
Belgium	Italy	Spain
Cameroon	Japan	Sweden
Canada	Liberia	Tanzania
China (Hong Kong Special Administrative Region)	Malta	Turkey
Colombia	Marshall Islands	United Arab Emirates
Congo	Mexico	United Kingdom
Cyprus	Morocco	Uruguay
Denmark	Netherlands	Vanuatu
Finland	Nigeria	Venezuela
France	Norway	
	Panama	

The Assembly took note of the information given by the Director that all Member States participating had submitted credentials which were in order.

2.2 The following non-Member States were represented as observers:

Albania	Ecuador	Peru
Chile	Iran (Islamic Republic of)	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, 1971

International non-governmental organisations:

BIMCO
Comité Maritime International (CMI)
Federation of Tank Storage Associations (FETSA)
Friends of the Earth International (FOEI)
International Association of Independent Tanker Owners (INTERTANKO)
International Chamber of Shipping (ICS)
International Group of P&I Clubs
International Salvage Union (ISU)
International Tanker Owners Pollution Federation Ltd (ITOPF)
Oil Companies International Marine Forum (OCIMF)

3 Preparations for the entry into force of the Supplementary Fund Protocol

3.1 General matters relating to the entry into force of the Protocol

3.1.1 The Assembly took note of the information contained in document 92FUND/A/ES.8/2.

3.1.2 It was noted that any positions taken by the 1992 Fund Assembly in respect of the structure or operation of the Supplementary Fund would be merely proposals and that any decisions on these issues would have to be taken by the Assembly of the Supplementary Fund.

Provisional Agenda of the 1st session of the Supplementary Fund Assembly

3.1.3 The Assembly decided to invite the Secretary-General of the International Maritime Organization (IMO) to submit to the Supplementary Fund Assembly for approval at its first session the draft agenda prepared by the Director contained in Annex II to document 92FUND/A/ES.8/2.

3.1.4 It was noted that in addition to the provisional agenda, it would be for the Secretary-General of IMO to circulate any other documents prepared by the Director or presented by the Governments concerned to the States and Organisations invited to the 1st session of the Supplementary Fund Assembly.

Proposed extraordinary session of the 1992 Fund Assembly

3.1.5 The Assembly endorsed the Director's proposal that the 1992 Fund Assembly should hold an extraordinary session during the same week as the 1st session of the Supplementary Fund Assembly in order to enable the 1992 Fund Assembly to take certain decisions in the light of the decisions taken by the Supplementary Fund Assembly. The Assembly considered that it would be appropriate also for the 1971 Fund Administrative Council to hold a session during that week.

3.2 Procedural matters

3.2.1 The Assembly took note of the information contained in document 92FUND/A/ES.8/2/1.

Observer status

3.2.2 The Assembly noted that Rule 4 of the Rules of Procedure of the 1992 Fund Assembly dealing with invitations to non Member States to send observers to the sessions of the Assembly would have to be modified in the Rules of Procedure of the Supplementary Fund Assembly, as set out in paragraph 2.3 of document 92FUND/A/ES.8/2/1.

3.2.3 The Assembly endorsed the Director's proposal that Rule 5 of the Rules of Procedure of the Supplementary Fund Assembly, which relates to the invitations to inter-governmental and international non-governmental organisations to sessions of the Assembly as observers, should be, *mutatis mutandis*, identical to the corresponding Rules of the 1992 Fund Assembly.

3.2.4 The Assembly also endorsed the proposal by the Director that intergovernmental organisations and international non-governmental organisations that had been granted observer status in respect of the 1992 Fund should automatically have observer status with the Supplementary Fund, unless the Assembly of the Supplementary Fund decided otherwise in respect of a particular organisation.

Rules of procedure

3.2.5 The Assembly took note of the proposed Rules of Procedure for the Supplementary Fund Assembly contained in Annex II of document 92FUND/A/ES.8/2/1 and decided to recommend to the Supplementary Fund Assembly to adopt the proposed text.

3.2.6 The Assembly agreed with amendments to Rules 1, 4, 5 and 14 of the Rules of Procedure for the 1992 Fund Assembly proposed by the Director. The Assembly endorsed the Director's proposal that the 1992 Fund Assembly should adopt the amendments to these Rules of Procedure at the same time as the Supplementary Fund's Rules of Procedure were adopted.

3.3 Treaty matters

3.3.1 The Assembly took note of the information contained in document 92FUND/A/ES.8/2/2.

Status of the Supplementary Fund Protocol

3.3.2 The Assembly noted that as at 28 May 2004 three States (Denmark, Finland and Norway) had ratified the Supplementary Fund Protocol.

3.3.3 The delegation of Japan stated that the Japanese Diet had approved the Bill introducing the Supplementary Fund Protocol and that it was expected that the approval of the ratification by the Diet would take place in the beginning of June 2004. The French delegation informed the Assembly that it was expected that France would ratify in late June or early July. The United Kingdom delegation indicated that ratification by the United Kingdom was expected on 30 June 2004 subject to completion of the necessary parliamentary processes. The Spanish delegation stated that the Spanish parliament would consider the Protocol under an urgency procedure and that ratification was expected to take place within two months. The Irish delegation declared that the Irish ratification could take place during June or July 2004. The delegation of Germany stated that ratification by Germany was expected to take place at the end of July or in August. The delegations of Greece, Poland and Sweden expected that their States would ratify by the end of 2004. The delegation of Italy has informed the Assembly that progress is being made at governmental level in preparation for the procedure preceding parliamentary ratification. The delegation of the Netherlands informed the Assembly that progress towards ratification was being made by its parliament.

- 3.3.4 In view of these indications, the Assembly considered that it was likely that the Protocol would enter into force during the autumn of 2004.

Application of the Supplementary Fund Protocol to the EEZ or an area designated under Article 3(a)(ii)

- 3.3.5 It was noted that Article 3(a)(ii) of the Supplementary Fund Protocol concerning the establishment by Contracting States of an EEZ or designation of an area under that provision was identical to Article 3(a)(ii) of the 1992 Fund Convention.
- 3.3.6 The Assembly agreed with the Director that it would be appropriate that notifications received by the Secretary-General of IMO or the Director from States which were Members of the 1992 Fund should automatically apply in respect of the Supplementary Fund Protocol when they became Parties to the Protocol.

3.4 Secretariat and Headquarters matters

- 3.4.1 The Assembly took note of the information contained in document 92FUND/A/ES.8/2/3.

Headquarters State, Secretariat and Director

- 3.4.2 It was recalled that at its 8th session in October 2003, the Assembly had instructed the Director to base the preparatory work on the assumption that the Supplementary Fund would have its Headquarters in London and that the 1992 Fund and the Supplementary Fund would be administered by a joint Secretariat headed by a single Director (document 92FUND/A.8/30, paragraph 7.8).
- 3.4.3 The delegation of Japan stated that whilst it supported in principle the Director's proposals, it considered that further clarification was needed as regards cases of conflict of interests between the 1992 Fund and the Supplementary Fund, in addition to the provision in Article 17.2 of the Supplementary Fund Protocol, namely that in cases of conflict of interests the Supplementary Fund should be represented by the Chairman of the Assembly. The Director undertook to examine the matter further and to report to the Assembly at a later session.
- 3.4.4 The Assembly agreed with the Director 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.
- 3.4.5 As regards the appointment of the Director of the Supplementary Fund, it was recalled that in connection with the transfer of the Secretariat function from the 1971 Fund to the 1992 Fund, the 1971 Fund Assembly had decided, at its 4th extraordinary session held in April/May 1998, that the Director of the 1971 Fund should *ex officio* be the person who held the post of Director of the 1992 Fund, provided that the Assembly of the 1992 Fund agreed thereto and that the Director of the 1992 Fund agreed to carry out the functions of the Director for the 1971 Fund also (document 71FUND/A/ES.4/16, paragraph 15.1.27).
- 3.4.6 One delegation pointed out that in intergovernmental organisations the Executive Head was normally a national of one of the Member States. However, other delegations emphasised that qualifications were more important than nationality when appointing the Director of the Supplementary Fund. One delegation further pointed out that in order to be consistent with the approach of keeping costs to a minimum, it would be necessary for the Director of the Supplementary Fund to be *ex officio* the person holding the post of Director of the 1992 Fund regardless of nationality.

Adoption of Staff Regulations and Rules

- 3.4.7 The Assembly noted that if the Director and Secretariat of the 1992 Fund were also to perform the same functions for the Supplementary Fund, there would not be any need for a separate set of Staff Regulations and Staff Rules for the Supplementary Fund. The Assembly also noted that certain provisions of the 1992 Fund Staff Regulations and Staff Rules would require amendment to allow staff to act also for the Supplementary Fund.

Sharing of Joint Administrative Costs between the Supplementary Fund and the 1992 Fund

- 3.4.8 It was noted that for the financial years 1996 (part) to 2003 the distribution of costs between the 1971 Fund and the 1992 Fund had been made in such a way that, in principle, each appropriation had been split on a percentage basis both in the budget and in the accounts. It was also noted, however, that in October 2003 the governing bodies of the two Organisations had approved the Director's proposal that the 1971 Fund should instead pay a flat management fee for the costs of running the joint Secretariat, which for 2004 was set at approximately 10% of the joint administrative expenses in addition to the fee charged by the External Auditor in respect of the audit of the 1971 Fund (documents 92FUND/A.8/20 and 92FUND/A.8/30, section 24, and 71FUND/AC.12/17 and 71FUND/AC.12/22, section 19).
- 3.4.9 The Assembly agreed with the Director that an arrangement for sharing the costs of running a joint Secretariat similar to the present arrangement between the 1992 Fund and the 1971 Fund would be the most appropriate for the Supplementary Fund, at least until it became involved in any incidents. The Assembly also agreed that the arrangement should be reviewed yearly to reflect the workload on the Secretariat resulting from the respective activities of the three Organisations.

Headquarters Agreement

- 3.4.10 The Assembly noted that as instructed by it at its 8th session in October 2003, the Director had entered into consultations with the United Kingdom Government on the preparations of a Headquarters Agreement governing the relationship between the Host State and the Supplementary Fund. It was also noted that the Director was considering with the Government whether the 1992 Fund's Headquarters Agreement should be revised in the light of developments.
- 3.4.11 The Assembly further noted that the Supplementary Fund Assembly, at its 1st session, would be invited to consider the text of a Headquarters Agreement between the Supplementary Fund and the Government of the Host State. It was also noted that if it were considered appropriate to revise the 1992 Fund's Headquarters Agreement, the 1992 Fund Assembly would be invited to examine the revised text.

Lease Agreement in respect of the premises of the Supplementary Fund Secretariat

- 3.4.12 The Assembly noted that the lease agreement for the Portland House premises was entered into on behalf of the 1992 Fund only, as the 1992 Fund Secretariat operated the 1992 Fund and the 1971 Fund (documents 92FUND/A.4/15, section 6 and 71FUND/A.22/15, section 6). However, the Assembly also noted that the lease allowed use of the premises for the operations of other intergovernmental organisations which carried out similar functions to that of the 1992 Fund. Assuming that the 1992 Fund and Supplementary Fund would have a joint Secretariat, the Assembly noted that there would therefore be no need to amend the lease agreement or to enter into a separate agreement on behalf of the Supplementary Fund.

Co-operation Agreement with IMO

- 3.4.13 The Assembly agreed with the Director that it would be appropriate if an agreement on co-operation were concluded between the Supplementary Fund and IMO, based on the corresponding Agreement between the 1992 Fund and IMO.

Agreements with IMO on administrative arrangements

- 3.4.14 The Assembly noted that the IOPC Funds had agreements with IMO in respect of the meetings and offices of the IOPC Funds in the IMO Headquarters. It was also noted that these agreements would have to be amended in order to cover also the activities of the Supplementary Fund.

3.5 Contribution matters

- 3.5.1 The Assembly took note of the information contained in document 92FUND/A/ES.8/2/4.

Submission of oil reports

- 3.5.2 The Assembly agreed with the Director that in respect of the great majority of States which would become Members of the Supplementary Fund, that Fund could simply accept oil reports made under the 1992 Fund Convention pursuant to Article 13 of the Supplementary Fund Protocol. However, it was noted that States which received contributing oil by other means of transport than by sea, such as by pipeline or road, which had previously been received in another State by sea may need to make separate reports to the 1992 Fund and the Supplementary Fund depending on whether or not the latter State was also a Member of the Supplementary Fund and, if so, the date on which it joined that Fund. The Assembly also agreed that it would, therefore, be necessary for the Supplementary Fund to issue its own reporting form for use in those cases where the quantities of oil subject to the levy of contributions for 1992 Fund and the Supplementary Fund were not identical. The Assembly further agreed that it would be necessary to make modifications to the 1992 Fund reporting form so that States could indicate whether a report to the 1992 Fund should be considered as a report to the Supplementary Fund also.
- 3.5.3 The Assembly instructed the Director to submit drafts of the oil reporting forms and explanatory notes for use by the 1992 Fund and the Supplementary Fund for consideration by the 1992 Fund Assembly and at the 1st session of the Supplementary Fund Assembly.

Denial of compensation due to non-submission of oil reports

- 3.5.4 The Assembly recalled that both the 1971 Fund and the 1992 Fund had encountered significant difficulties in the operation of the contributions system as a result of a number of Member States not fulfilling their obligations under the 1971 and 1992 Fund Conventions to submit their reports on oil receipts, making it impossible for the Funds to issue invoices to contributors in those States. It also recalled that the Assembly had recently considered the issue of whether it was possible to use sanctions against States which had repeatedly not submitted oil reports and that it had concluded that there was not much that could be done under the text of the 1992 Fund Convention (cf document 92FUND/A.8/30, paragraph 15.7).
- 3.5.5 The Assembly noted that the Supplementary Fund Protocol contained, in Article 15, paragraphs 2 and 3, provisions designed to address the problem encountered by the 1971 and 1992 Funds. It was recalled that Article 15.2 provided that no compensation should be paid for oil pollution damage in a particular Member State (ie in its territory, territorial sea, exclusive economic zone or area determined under Article 3(a)(ii)) or for preventive measures to prevent or minimise such damage until that Member State had fulfilled its obligations up to and including the year preceding the incident either to submit oil reports under Article 13.1 or to notify the Director of the Supplementary Fund that reports were not required under Article 15.1. It also recalled that under Article 15.2 the Supplementary Fund Assembly should determine in the Internal Regulations the circumstances under which a Member State should be considered as having failed to comply with its obligations. The Assembly further recalled that Article 15.3 provided that if compensation had been temporarily denied and the State had still not fulfilled its obligations to report one year after the Director of the Supplementary Fund had notified the State of its failure to report, then compensation should be denied permanently.
- 3.5.6 The Assembly instructed the Director to examine further the conditions under which a Member State should be considered as having failed to comply with its obligations and to submit a

proposal to the 1st session of the Supplementary Fund Assembly for provisions in this regard to be included in the Internal Regulations.

Levying of contributions

- 3.5.7 It was noted that the Supplementary Fund would need to levy contributions in order to obtain sufficient liquid funds for its administration, for the reimbursement to the 1992 Fund of costs incurred in relation to the International Conference which adopted the Supplementary Fund Protocol, for the preparations for the entry into force of the Supplementary Fund Protocol and for the payment of claims, if any.
- 3.5.8 The 1992 Fund Assembly considered two options regarding the timing of the first levy of contributions to the Supplementary Fund, namely either that the contributions should be levied at the first session of the Supplementary Fund Assembly or that the decision should be deferred to a later session. The Assembly agreed in principle with the proposal by the Director that the first levy of contributions should be postponed until the Supplementary Fund Assembly's ordinary session in 2005.
- 3.5.9 The Assembly agreed with the Director that the Supplementary Fund should have a small working capital of £1million.
- 3.5.10 The Assembly considered that it would be preferable for contributions to the Supplementary Fund to be levied every year.

Capping of contributions

- 3.5.11 The Assembly recalled that Article 18 of the Supplementary Fund Protocol provided for a system of capping of contributions during a transitional period. It was noted that the capping system under the Supplementary Fund Protocol was, from a technical point of view, identical to that under the 1992 Fund Convention and recalled certain decisions taken by the 1992 Fund Assembly as regards the application of the capping provisions in that Convention (documents 92FUND/A.1/17 and 92FUND/A.1/34, paragraphs 17.2-17.4).
- 3.5.12 The Assembly endorsed the Director's proposal that the Supplementary Fund should follow the same procedures in respect of the capping procedures as had been applied by the 1992 Fund, as set out in paragraph 5.2 of document 92FUND/A/ES.8/2/4.

3.6 Compensation matters

- 3.6.1 The Assembly took note of the information contained in document 92FUND/A/ES.8/2/5.

Criteria for the admissibility of claims

- 3.6.2 Since the Supplementary Fund, under Article 4.4 of the Supplementary Fund Protocol, shall pay compensation in respect of claims recognised by the 1992 Fund, the Assembly agreed with the Director that the criteria for the admissibility of claims against the Supplementary Fund must be identical to those applied by the 1992 Fund. The Assembly recommended that for this reason the Supplementary Fund should not develop its own criteria.
- 3.6.3 One delegation expressed the view that more detailed criteria for the admissibility of claims should be developed for the 1992 Fund which would, under Article 4.4 of the Supplementary Fund Protocol, also be applicable to the Supplementary Fund. The Assembly invited the Director to examine this matter further for consideration at a later session.

The Supplementary Fund's involvement in the claims handling process and the payment procedures

- 3.6.4 The Assembly noted that there would normally not be any need for the Supplementary Fund to become directly involved in the claims handling process, but that it would merely have to decide whether and to what extent the Supplementary Fund should pay the proportion of any established claim not paid under the 1992 Conventions.
- 3.6.5 The Assembly shared the Director's view that the exact conditions under which the Supplementary Fund should commence payments should be considered by the Supplementary Fund Assembly on a case-by-case basis.

Claims Manual

- 3.6.6 The Assembly considered that the 1992 Fund and the Supplementary Fund should issue a joint Claims Manual, based on the 1992 Fund's Claims Manual, and that the text should be modified to reflect the establishment of the Supplementary Fund.
- 3.6.7 The Assembly agreed with the Director's proposal that in the context of this revision consideration should be given to reviewing the Manual in order to make it more reader-friendly so as to give further assistance to claimants.

Establishment of subsidiary bodies

- 3.6.8 The Assembly recalled that at its 8th session in October 2003, it had agreed with the Director that since the Supplementary Fund would not make its own examination of claims for compensation, there would be no need for the Supplementary Fund to set up a body to deal with claims for compensation (document 92FUND/A.8/30, paragraph 7.10).

Co-operation with P&I Clubs

- 3.6.9 The Assembly agreed with the Director that it would be to the benefit of claimants, P&I Clubs and the Funds if the Memorandum of Understanding, signed in November 1980 by the International Group of P&I Clubs and the 1971 Fund and extended, by means of an exchange of letters, to cover co-operation between the P&I Clubs and the 1992 Fund, were extended to cover co-operation between the Clubs and the Supplementary Fund.
- 3.6.10 The Assembly invited the Director to enter into negotiations with the International Group for the purpose of reaching an agreement on such an extension.

Sharing of joint costs in respect of incidents involving both the 1992 Fund and the Supplementary Fund

- 3.6.11 Since it was likely that the Supplementary Fund would become involved in a very limited number of incidents, the Assembly recommended that the distribution of joint costs in respect of incidents involving both the 1992 Fund and the Supplementary Fund be agreed between the governing bodies of the respective Funds on a case-by-case basis, taking into account the particular circumstances of the incident in question.

3.7 Operational matters

- 3.7.1 The Assembly took note of the information contained in document 92FUND/A/ES.8/2/6.

Internal Regulations

- 3.7.2 The Assembly noted that since the Director had not yet prepared draft Internal Regulations for the Supplementary Fund, the contents of the Internal Regulations of the Supplementary Fund would, on a number of points, depend on the instructions that the 1992 Fund Assembly might wish to

give him in respect of various matters dealt with in other documents submitted to the Assembly at the present sessions.

Financial Regulations

- 3.7.3 The Director introduced the draft Financial Regulations for the Supplementary Fund and proposals for amendments to the 1992 Fund's Financial Regulations, as set out in the Annex to document 92FUND/A/ES.8/2/6.
- 3.7.4 In view of the late submission of this document the Chairman invited delegates to consider the proposed texts and submit any comments to the Secretariat well in advance of the 1st session of the Supplementary Fund Assembly.

External Auditor

- 3.7.5 The Assembly endorsed the Director's proposal that since the Supplementary Fund and the 1992 Fund and, at least for some time, the 1971 Fund would be operating in parallel and would probably share a joint Secretariat, it would seem appropriate that the same person should act as External Auditor for all three Organisations. It further endorsed the proposal that the appointment of the External Auditor of the Supplementary Fund should initially be from a date to be decided by the Supplementary Fund Assembly at its 1st session to 31 December 2006, so as to coincide with his terms of office for the 1971 and 1992 Funds, and thereafter for periods of four years.

Investment Advisory Body

- 3.7.6 The Assembly endorsed the Director's proposal that the Supplementary Fund should have an Investment Advisory Body with the same mandate as that of the Bodies of the 1971 and 1992 Funds and that the composition of the three Bodies should be the same.

Audit Body

- 3.7.7 The Assembly endorsed the Director's proposal that the Supplementary Fund should have a joint Audit Body with the 1971 and 1992 Funds.

3.8 Financial matters

- 3.8.1 The Assembly took note of the information contained in document 92FUND/A/ES.8/2/7.

Supplementary Fund budget

- 3.8.2 The Assembly agreed with the Director's recommendation in paragraph 2.4 of document 92FUND/A/ES.8/2/7 that the flat management fee payable by the Supplementary Fund to the 1992 Fund towards the running of the joint Secretariat of the 1971, 1992 and Supplementary Funds should initially be set at £150 000 per annum, being approximately 5% of the administrative expenditure of the IOPC Funds Secretariat for 2004. The Assembly also agreed that the management fee could be adjusted for later years by the governing bodies of the IOPC Funds in the light of experience in respect of the workload of the Supplementary Fund.
- 3.8.3 The Assembly also considered that the Supplementary Fund should pay, in addition to the management fee, administrative costs relating only to the Supplementary Fund, such as fees for the External Auditor's audit of the Supplementary Fund, as well as non-incident related costs for general consultancy and legal experts dealing only with Supplementary Fund activities. It agreed with the Director that an amount of £50 000 should be included in the Supplementary Fund's annual budget to cover these costs.
- 3.8.4 The Assembly agreed with the Director's proposal that the first Supplementary Fund budget should include amounts enabling the Supplementary Fund to repay the 1992 Fund for the costs to finance the International Conference which adopted the Supplementary Fund Protocol and for the

costs for the preparations for the setting up of that Fund, as set out in paragraphs 2.7 and 2.8 of document 92FUND/A/ES.8/2/7.

- 3.8.5 In the light of the likelihood that the Supplementary Fund Protocol would enter into force towards the end of 2004 the Assembly agreed with the Director that the first financial year for the Supplementary Fund should cover any part of 2004 for which the Protocol will be in force and the entire calendar year 2005. The Assembly invited the Director to submit an administrative budget for the said period to the first session of the Supplementary Fund Assembly.
- 3.8.6 As set out in paragraph 3.5.9 above the Assembly agreed with the Director that the Supplementary Fund should have a small working capital of £1 million.
- 3.8.7 The Assembly suggested that the budget for the first financial year of the Supplementary Fund should include:
- (a) the flat management fee
 - (b) costs specific to the Supplementary Fund
 - (c) reimbursements to the 1992 Fund
 - (d) working capital
- 3.8.8 The Assembly further considered that budget estimates for claims and claims related expenditure in respect of incidents involving the Supplementary Fund would have to be made for each financial period and that these estimates would not be included in the administrative budget, since such expenditure would be paid from separate Claims Funds.

Assessment of annual contributions

- 3.8.9 As set out in paragraphs 3.5.8 and 3.5.10 above the Assembly considered that the first levy of contributions to the Supplementary Fund should be postponed until the ordinary session of the Supplementary Fund Assembly in the autumn of 2005 and that contributions should be levied every year.
- 3.8.10 The Assembly noted that contributions to cover payments of compensation and incident related expenses would, under Article 11.2(b) of the Supplementary Fund Protocol, be levied separately for each incident involving the Supplementary Fund. It agreed with the Director that the level and timing of such contributions would have to be decided by the Supplementary Fund Assembly on a case-by-case basis.

3.9 General administrative matters

- 3.9.1 The Assembly took note of the information contained in document 92FUND/A/ES.8/2/8.

Annual Reports

- 3.9.2 The Assembly agreed that in view of the close link that would exist between the 1992 Fund and the Supplementary Fund, the 1971 Fund, the 1992 Fund and the Supplementary Fund should issue a joint Annual Report.

Nomenclature

- 3.9.3 The Assembly noted that it would be necessary to make a clear distinction between the 1971 Fund, the 1992 Fund and the Supplementary Fund and therefore agreed with the Director's proposals that the terminology contained in paragraph 3.1 of document 92FUND/A/ES.8/2/8 should be used.

- 3.9.4 The Assembly also 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, when this is required, the following terminology should be used: 'International Oil Pollution Compensation Funds' as the full name, and 'IOPC Funds' as the abbreviated expression.

Logo

- 3.9.5 The Assembly agreed with the Director that it would be preferable if the same logo (both in design and colour) were used also by the Supplementary Fund.

4 Any other business

Observer status

- 4.1 The Assembly noted that at its 24th session held in February 2004 the Executive Committee had decided to grant observer status, on a provisional basis, to Pakistan, pending the decision by the Assembly at its next session (document 92FUND/EXC.24/8, paragraph 2.3).
- 4.2 The Assembly confirmed the decision taken by the Executive Committee in February 2004 and granted observer status to Pakistan (cf document 92FUND/A/ES.8/3).

5 Adoption of the Record of Decisions

The draft Record of Decisions, as contained in document 92FUND/A/ES.8/WP.1, was adopted, subject to certain amendments.
