

 <p>INTERNATIONAL OIL POLLUTION COMPENSATION FUNDS</p>	Agenda item: 5	IOPC/OCT09/5/1	
	Original: ENGLISH	14 September 2009	
	1992 Fund Assembly	92A14	•
	1992 Fund Executive Committee	92EC46	
	Supplementary Fund Assembly	SA5	•
	1971 Fund Administrative Council	71AC24	•

REPORT ON SUBMISSION OF OIL REPORTS

Note by the Director

Summary:	Reports of contributing oil received in 2008 have been submitted by 66 States, of which 47 exceed 150 000 tonnes. Oil reports for the year 2008 and/or previous years are outstanding for 36 States in respect of the 1992 Fund, for one State in respect of the Supplementary Fund, and for five States in respect of the 1971 Fund. Oil reports have never been received from ten States in respect of the 1992 Fund.
Action to be taken:	<u>1992 Fund Assembly, Supplementary Fund Assembly, 1971 Fund Assembly:</u> Information to be noted.

1 **Introduction**

This document sets out the situation with regard to the submission of oil reports for the calendar year 2008 in respect of the 1992 Fund, the Supplementary Fund, and the 1971 Fund. Information on the steps taken in order to obtain the outstanding reports is given in the document IOPC/OCT09/6/3.

2 **Situation in respect of outstanding oil reports**

- 2.1 In letters dated 15 January 2009, 1992 Fund Member States, Supplementary Fund Member States and former 1971 Fund Member States were invited to submit to the Secretariat their reports on contributing oil received in 2008 and/or any outstanding reports, as appropriate. Competent authorities were reminded that the governing bodies had repeatedly emphasised their great concern about States which did not fulfil their treaty obligations to submit reports, as it was crucial for the functioning of the international compensation regime that States fulfilled these obligations. They were also reminded that the extent to which a State had fulfilled its obligation to submit reports would be taken into account when the 1992 Fund Assembly elected members of the Executive Committee. As regards the Supplementary Fund, States were reminded that failure to submit reports could lead to the temporary or permanent denial of compensation.
- 2.2 Reminder letters dated 31 July 2009 were sent to the competent authorities of States with outstanding reports.
- 2.3 At present, oil reports are outstanding for the year 2008 and/or previous years, in respect of 36 of the present 102 Member States of the 1992 Fund, and five former Member States of the 1971 Fund, as set out in the Annex. A number of these States have reports outstanding for several years.
- 2.4 In the case of 14 States which have outstanding reports to the 1992 Fund for one year only and which in the past have submitted reports, it is thought that the non-submission is an administrative oversight. The Director does not envisage any major problems in obtaining these outstanding reports.
- 2.5 Reports for two or three years are outstanding in respect of 8 States (Djibouti, Nigeria, Cook Islands, Ecuador, Hungary, Kiribati, Mauritius and Venezuela).

- 2.6 A further 17 States have not submitted oil reports for four or more years. Of these, two have outstanding reports in respect only of the 1971 Fund and 15 in respect of the 1992 Fund. No reports have been submitted by ten States since they became Members of the 1992 Fund: Dominican Republic (ten years), Comoros (nine years), Guinea (seven years), United Republic of Tanzania (seven years), Saint Lucia (five years), South Africa (five years), Cook Islands (two years), Ecuador (two years), Hungary (two years) and Kiribati (two years). Hungary is also a Member of the Supplementary Fund. No reports have been submitted by two States (Guyana and Mauritania) since they became Members of the 1971 Fund, and they have outstanding reports for five and seven years, respectively.
- 2.7 Despite efforts by the South African Petroleum Industry Association, reports for South Africa remain outstanding. Investigations revealed that some oil receivers had sent relevant information to the government, but that, allegedly, the oil reports could not be submitted to the Fund because the Fund Convention had not been fully implemented into the national legislation. As a result of contacts between the Secretariat and the South African authorities, reports from two contributors for the years 2004-2008 have now been received, but these reports are still awaiting countersignature by the South African authorities.
- 2.8 Cambodia has previously submitted information on oil receipts for 2001-2006, but unfortunately the reports were incomplete. Despite efforts by the Secretariat to rectify this, and to obtain reports for 2007-2008, the reports remain incomplete.
- 2.9 With regard to Indonesia, the Secretariat has received a copy of the outstanding 1998 oil report, but this was not countersigned by the Indonesian authorities. It is understood, however, that an Indonesian Government representative will be bringing the countersigned report to the Fund during September 2009.
- 2.10 Despite the large number of States with outstanding reports, the financial consequences appear to be very limited. As regards the 1992 Fund, for example, those States which have submitted reports for 2008 represent some 99.25% of the expected total contributing oil (cf document IOPC/OCT09/4/1, Annex I). A further six States (Cameroon, Ghana, Mauritius, Nigeria, Russian Federation and Venezuela) represent the remaining 0.75%. Of those States which have never submitted reports to either the 1971 Fund or the 1992 Fund, it is expected that few receive contributing oil in significant quantities.
- 2.11 The Director considers it to be a matter of serious concern that oil reports are outstanding in respect of a number of the former 1971 Fund Member States and that a number of 1992 Fund Member States have reports outstanding in respect of more than one year. Since the 1971 Fund Convention ceased to be in force on 24 May 2002, problems will arise in connection with the winding up of that Fund unless the outstanding reports are submitted.
- 2.12 The Director will continue his efforts to obtain the outstanding reports, taking into account any discussions at the October 2009 sessions of the Funds' governing bodies. It would be appreciated if all 1992 Fund Member States and former 1971 Fund Member States would support the Secretariat in its endeavours to improve the situation.

3 Action to be taken

1992 Fund Assembly, Supplementary Fund Assembly, 1971 Fund Administrative Council:

The 1992 Fund Assembly, Supplementary Fund Assembly, and the 1971 Fund Administrative Council are invited to take note of the information contained in this document.

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ANNEX

State	Number of outstanding reports	Quantity given in most recent complete report (tonnes)	Years for which reports outstanding		
			1971 Fund	1992 Fund	Supplementary Fund
Dominican Republic	10	No reports received		1999-2008	
Comoros	9	No reports received		2000-2008	
Cambodia < ¹ >	8			2001-2008	
Grenada	8	0		2001-2008	
Mauritania	7	No reports received	1995-2001		
Guinea	7	No reports received		2002-2008	
United Republic of Tanzania	7	No reports received		2002-2008	
Guyana	5	No reports received	1997-2001		
Oman	5	0		2004-2008	
Papua New Guinea	5	0		2004-2008	
Saint Lucia	5	No reports received		2004-2008	
South Africa < ² >	5	No reports received		2004-2008	
Tuvalu	5	0		2004-2008	
Belize	4	0		2005-2008	
Congo	4	0		2005-2008	
Maldives	4	0		2005-2008	
Saint Kitts and Nevis	4	0		2005-2008	
Djibouti	3	0		2006-2008	
Nigeria	3	519 348		2006-2008	
Cook Islands	2	No reports received		2007-2008	
Ecuador	2	No reports received		2007-2008	
Hungary	2	No reports received		2007-2008	2007-2008
Kiribati	2	No reports received		2007-2008	
Mauritius	2	510 557		2007-2008	
Venezuela	2	8 356 267		2007-2008	
Angola	1	1 823 248		2008	
Bahrain	1	0		2008	
Cameroon	1	1 491 152		2008	
Cape Verde	1	0		2008	
Dominica	1	0		2008	
Georgia	1	0		2008	
Ghana	1	1 974 993		2008	
Indonesia < ³ >	1	12 006 831	1998		
Israel	1	13 575 759		2004	
Kenya	1	322 060		2008	
Kuwait	1	0	2001		
Luxembourg	1	0		2008	
Namibia	1	0		2008	
Panama	1	4 206 452	1998		
Russian Federation	1	4 793 047		2008	
St Vincent & the Grenadines	1	0		2008	
Tonga	1	0		2008	

<¹> Reports for 2001-2006 received but incomplete

<²> Partial reports received, but awaiting countersignature by competent authority

<³> Report received, but awaiting countersignature by competent authority