



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUNDS

<b>Agenda item: 7</b>	IOPC/OCT10/7/1/1	
Original: ENGLISH	28 September 2010	
1992 Fund Assembly	<b>92A15</b>	•
1992 Fund Executive Committee	<b>92EC49</b>	
Supplementary Fund Assembly	<b>SA6</b>	•
1971 Fund Administrative Council	<b>71AC25</b>	•

## ARRANGEMENTS FOR THE APPOINTMENT ON AN INTERIM BASIS OF AN ACTING DIRECTOR OF THE IOPC FUNDS

### Note by the Chairman of the 1992 Fund Assembly

<b>Summary:</b>	Mr Willem Oosterveen, Director of the International Oil Pollution Compensation Funds is, for medical reasons, unfortunately unable to act as Director of the IOPC Funds for the time being. Considering the exceptional circumstances and the need to put in place, on an interim basis, a formal delegation of authority to facilitate the administration of the IOPC Funds until such time as the Director resumes his duties or the 1992 Fund Assembly decides otherwise, the Chairman of the 1992 Fund Assembly puts forward a proposal for the consideration of the 1992 Fund Assembly.
<b>Action to be taken:</b>	<u>1992 Fund Assembly:</u> <sup>&lt;1&gt;</sup>  (a) to take note of the information contained in this document; and  (b) to take the necessary decisions with respect to the delegation of authority as it deems appropriate (see paragraphs 2.2 and 2.3 below).  <u>Supplementary Fund Assembly and 1971 Fund Administrative Council:</u>  To take note of the information contained in this document and endorse the decisions taken by the 1992 Fund Assembly.

### 1 Introduction

- 1.1 As set out in Circular 92FUND/Circ.71, SUPPFUND/Circ.18, 71FUND/Circ.93 dated 21 September 2010, Mr Willem Oosterveen, Director of the International Oil Pollution Compensation Funds is in hospital and is unfortunately unable to act as Director of the IOPC Funds for the time being. He cannot therefore fulfil the functions set out in Article 29 of the 1971 Fund Convention and of the 1992 Fund Convention and Article 16.2 of the Supplementary Fund Protocol.
- 1.2 Pursuant to Internal Regulation 12*bis* in respect of the 1971 Fund and Internal Regulation 12 in respect of the 1992 Fund and the Supplementary Fund, Mr José Maura, Head, Claims Department, is authorised to act on his behalf in the fulfilment of the functions of Director set out in the above-mentioned Articles and to be the legal representative of the respective Funds. Mr Maura agreed to undertake these responsibilities from 21 September 2010 until the regular autumn sessions of the IOPC Funds' governing bodies to be held in the week of 18 October 2010 at which time the governing bodies would review the situation and take the decisions deemed appropriate.

<sup><1></sup> In March 2005, the 1992 Fund Assembly, the 1971 Fund Administrative Council and the Supplementary Fund Assembly decided that the Director should continue *ex officio* to be Director of the 1971 Fund and should also *ex officio* be Director of the Supplementary Fund.

- 1.3 It is everyone's hope that Mr Oosterveen will make a speedy recovery and resumes his duties at the earliest possible opportunity. However, due to Mr Oosterveen's medical condition, there is a possibility that Mr Maura may need to fulfil the functions of the Director for some period of time.

## **2 Consideration and proposal by the Chairman**

- 2.1 Considering the exceptional circumstances, the forthcoming session of the 1992 Fund Assembly provides an opportunity to put in place, on an interim basis, a formal delegation of authority to facilitate the administration of the IOPC Funds until such time as the Director resumes his duties or the Assembly decides otherwise.
- 2.2 The Chairman therefore proposes the following for consideration by the 1992 Fund Assembly:
- (a) that the 1992 Fund Assembly create an interim position of Acting Director, on an exceptional basis, until the Director resumes his duties or until the Assembly decides otherwise;
  - (b) that the Acting Director should *ex officio* also be Acting Director of the Supplementary Fund and the 1971 Fund; and
  - (c) that Mr José Maura be appointed to the position of Acting Director with effect from [18 October 2010] until such time as the Director resumes his duties or until the Assembly decides otherwise.
- 2.3 If the 1992 Fund Assembly is in agreement with the above-mentioned proposition, the Chairman of the 1992 Fund Assembly will hold consultations with delegations and make a proposal to the Assembly before the end of the current session with respect to the contract of the Acting Director.

## **3 Action to be taken**

### 1992 Fund Assembly, Supplementary Fund Assembly and 1971 Fund Administrative Council

- 3.1 The 1992 Fund Assembly is invited:
- (a) to take note of the information contained in this document; and
  - (b) to take the necessary decisions with respect to the delegation of authority as it deems appropriate.
- 3.2 The Supplementary Fund Assembly and the 1971 Fund Administrative Council are invited to take note of the information contained in this document and endorse the decisions taken by the 1992 Fund Assembly.
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