



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUNDS

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1992 Fund Assembly	92A20	•
1992 Fund Executive Committee	92EC65	
Supplementary Fund Assembly	SA11	•

SUBMISSION OF OIL REPORTS

Note by the Secretariat

Summary:	Oil reports for the year 2014 and/or previous years are outstanding for 21 States in respect of the 1992 Fund and two States with respect to the Supplementary Fund. Information is also provided on the latest developments of the online reporting system for contributing oil.
Action to be taken:	<u>1992 Fund Assembly and Supplementary Fund Assembly</u> Information to be noted.

1 **Introduction**

1.1 This document sets out the status of the submission of oil reports for the calendar year 2014 in respect of the 1992 Fund and the Supplementary Fund. It also provides an update on the development of the online reporting system for the submission of oil reports by Member States.

2 **Situation with regards to outstanding reports**

2.1 In January 2015, the Director invited the 1992 Fund and Supplementary Fund Member States to submit to the Secretariat their reports on contributing oil received in 2014. He also requested the submission of any outstanding reports from previous years, as appropriate.

2.2 Electronic reminders were sent out in May and June 2015 and reminder letters were sent in July 2015. These were followed up by phone calls to the competent authorities of States with outstanding reports.

2.3 Competent authorities were reminded of the governing bodies' concern about States that did not fulfil their treaty obligations to submit reports, as it is crucial for the functioning of the international compensation regime. They were also reminded that with respect to the 1992 Fund, the extent to which a State fulfilled its obligation to submit reports would be taken into account when making payments of claims for compensation and when the 1992 Fund Assembly elects members of the 1992 Fund Executive Committee. With respect to the Supplementary Fund, States were reminded that failure to submit oil reports could lead to a temporary or permanent denial of compensation.

2.4 The Director is pleased to report that South Africa, following the adoption of a new domestic law fully implementing the 1992 Fund Convention, has submitted reports for some contributors for the years 2010-2014. The Secretariat is now working with the South African authorities to resolve the remaining outstanding issues.

2.5 Information on oil report submissions as at 16 September 2015 is given in the Annex to this document.

2.6 1992 Fund

- 2.6.1 As at 16 September 2015, 21 out of the 114 Member States of the 1992 Fund still had outstanding reports for 2014 (see Annex I).
- 2.6.2 Out of the 21 States with outstanding oil reports for the 1992 Fund, 9 States, including a new Member State, recorded outstanding reports for one year only. It is suspected that the non-submission of oil reports by these States is an administrative oversight and the Director does not envisage any major problems in obtaining these outstanding reports. Furthermore, it is expected that 'nil' quantities will be reported with respect to seven of these States.
- 2.6.3 Six States have not submitted oil reports for four years or more.
- 2.6.4 Out of those six States, four of them have been Member States of the 1992 Fund for a number of years and have not submitted any reports: Dominican Republic (16 years), Comoros (15 years), Guinea (13 years), Saint Lucia (11 years).
- 2.6.5 Despite the number of States with outstanding reports, the financial consequences of the missing reports are limited. The 93 States that have submitted reports for 2014 are estimated to represent some 98.8% of the expected total contributing oil for the 1992 Fund (see document [IOPC/OCT15/4/1](#), Annex).
- 2.6.6 Based on historical oil report submissions by Member States the Secretariat maintains a list of contributors for each State. Member States are requested to provide clarification in the event that oil reports are not submitted for all contributors. In this regard information on oil receipts of some contributors have been requested from the Netherlands (in respect to oil receipts in Europe), South Africa and Kenya.
- 2.6.7 Due to changes in domestic sovereignty in the Netherlands, previous overseas territories are now semi-autonomous regions. Information on oil receipts from Sint Maarten and Curaçao are being pursued by the Secretariat with assistance from the Netherlands.

2.7 Supplementary Fund

- 2.7.1 As at 16 September 2015, two out of the 31 Member States of the Supplementary Fund still had outstanding oil reports (see Annex I).
- 2.7.2 One State (Congo) has outstanding reports for only one year and one State (Slovak Republic) has outstanding reports for two years and has yet to submit its first oil reports.
- 2.7.3 The financial consequences of the missing reports are limited with respect to the Supplementary Fund. The reports already submitted by States for 2014 are estimated to represent 100% of the expected total contributing oil (see document [IOPC/OCT15/4/1](#), Annex).

3 Development of the online reporting system

- 3.1 Since 2010 the Secretariat has been developing an online reporting system (ORS) to assist Member States to more efficiently submit oil data to the Secretariat.
- 3.2 Taking into account that 22 States representing 52.7% of the total tonnage had used the ORS to submit their 2013 oil reports, the governing bodies strongly encouraged the Director to continue developing the system and to urge more States to use it.
- 3.3 During 2015, the Secretariat continued to introduce improvements to the system and invited all States to use the ORS for the submission of the 2014 oil reports.

- 3.4 As at 16 September 2015, 25 States had submitted their 2014 oil reports through the ORS, representing 79.7% of the total oil tonnage reported to the 1992 Fund and 83.5% to the Supplementary Fund, respectively (based on 2013 tonnage figures):

Australia	France	Poland
Bahamas	Germany	Portugal
Bulgaria	India	Republic of Korea
Canada	Italy	Singapore
China ^{<1>}	Japan	Spain
Denmark	Latvia	Sweden
Estonia	New Zealand	Turkey
Finland	Norway	United Kingdom
		Vanuatu

- 3.5 The percentage of oil tonnage submitted via the ORS is a very encouraging figure and shows that most major contributing States are now using the system. However the number of State users remains small and represents only 22% of the 1992 Fund's Membership.
- 3.6 To facilitate its further development and subsequent adoption as the official submission procedure, it is important that many more States use the online reporting system in the future. The Secretariat encourages those Member States that have not yet done so to approach the Secretariat to register for the online reporting system for the submission of the 2015 oil reports.
- 3.7 It should be noted that, for the present, Member States using the ORS system are also required to have the oil report printed and signed by both the contributor and the relevant authority in the Member State and submitted to the Secretariat.

4 Director's considerations

- 4.1 Despite the continuous improvement regarding the number of Member States with outstanding oil reports, the Director considers it to be a matter of on-going serious concern that a number of 1992 Fund Member States and one Supplementary Fund Member State has outstanding oil reports for more than one year. The Director notes in particular that there are six States for which no reports have ever been submitted, in spite of the Secretariat's repeated efforts to remind them of this important treaty obligation.
- 4.2 The Director will continue his efforts to obtain the outstanding reports, taking into account any discussions at the October 2015 sessions of the Funds' governing bodies. The Director strongly encourages all 1992 Fund and Supplementary Fund Member States to support the Secretariat in this matter.
- 4.3 With regards to the ORS, the Director considers that having reached about 80% of the total tonnage being reported via the ORS signifies a major step forward for this project. The Secretariat will continue to engage with the relevant authorities in Member States to further encourage the use of the ORS and will continue to develop the ORS and its functionalities with the aim of replacing the existing Secretariat contribution database.

5 Action to be taken

1992 Fund Assembly and Supplementary Fund Assembly

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

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<1> The 1992 Fund Convention applies to the Hong Kong Special Administrative Region only.

ANNEX

Non-submission of oil reports by Member States

	States	Number of years of outstanding reports	Tonnage given in most recent complete report	Years for which reports are outstanding	
				1992 Fund	Supplementary Fund
1	Dominican Republic	16	No reports received	1999-2014	
2	Comoros	15	No reports received	2000-2014	
3	Guinea	13	No reports received	2002-2014	
4	St Lucia	11	No reports received	2004-2014	
5	Venezuela (Bolivarian Republic of)	8	8,356,267	2007-2014	
6	Syrian Arab Republic	6	Nil	2009-2014	
7	Albania	2	Nil	2013-2014	
8	Benin	2	Nil	2013-2014	
9	Djibouti	2	Nil	2013-2014	
10	Senegal	2	1,027,980	2013-2014	
11	Sierra Leone	2	Nil	2013-2014	
12	Slovak Republic	2	No reports received	2013-2014	2013-2014
13	Congo	1	Nil	2014	2014
	States			Years for which reports are outstanding	

ANNEX

(Non-submission of oil reports by Member States)

		Number of years of outstanding reports	Tonnage given in most recent complete report	1992 Fund	Supplementary Fund
14	Côte d'Ivoire	1	3,741,385	2014	
15	Gabon	1	Nil	2014	
16	Mauritania	1	Nil	2014	
17	Mozambique	1	Nil	2014	
18	Nicaragua	1	No reports received	2014	
19	Serbia	1	Nil	2014	
20	Tanzania	1	512,113	2014	
21	Trinidad and Tobago	1	4,123,956	2014	