



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUNDS

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| 1992 Fund Executive Committee | 92EC65 | | |
| Supplementary Fund Assembly | SA11 | ● | |

REVIEW OF INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS HAVING OBSERVER STATUS

Note by the Secretariat

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|----------------------------|---|
| Summary: | <p>Every three years a review is carried out of international non-governmental organisations having observer status in order to determine whether the continuance of this status is of mutual benefit.</p> <p>To facilitate such a review, this document lists the organisations that currently have observer status with one or more of the IOPC Funds, and provides information regarding their attendance at, and submission of documents to, Fund meetings, as well as contact the Secretariat has had with these organisations since the last review in October 2012. Statements by these organisations concerning the continuance of observer status are also provided.</p> |
| Action to be taken: | <p><u>1992 Fund Assembly</u></p> <p>(a) Establish a group of five States to consider, taking into account the information concerning the relationship between the Funds and the international non-governmental organisations with observer status and the statements by these organisations set out at Annex III, whether the continuance of observer status is of mutual benefit and to report its findings to the governing bodies; and</p> <p>(b) Having taken note of the report of the group of five States, decide whether to withdraw the observer status of any international non-governmental organisation.</p> <p><u>Supplementary Fund Assembly</u></p> <p>Having taken note of the decision of the 1992 Fund Assembly as to whether or not to withdraw the observer status of any international non-governmental organisation, decide whether it wishes to divert from that decision in respect of a particular organisation.</p> |

1 Granting of observer status

- 1.1 Pursuant to Article 18.10 of the 1992 Fund Convention and Article 16.2 of the Supplementary Fund Protocol, the Assemblies of the respective Funds shall determine which non-Contracting States and which intergovernmental and international non-governmental organisations shall be admitted to take part, without voting rights, in meetings of the Assembly and subsidiary bodies.

- 1.2 At its June 1996 session, the 1992 Fund Assembly adopted guidelines on relations between the International Oil Pollution Compensation Fund 1992 and intergovernmental organisations and international non-governmental organisations, which set out, *inter alia*, the criteria for the granting of observer status (document [92FUND/A.1/34/1](#)). These guidelines were amended at the Assembly's October 2002 session in respect of international non-governmental organisations, to include provisions for a periodic review of whether such organisations continue to fulfil the criteria set out in the guidelines, and for the granting of observer status on a provisional basis. The guidelines are reproduced at Annex I.
- 1.3 At its March 2005 session, the Supplementary Fund Assembly decided that intergovernmental organisations and international non-governmental organisations that had been granted observer status in respect of the 1992 Fund should have observer status with the Supplementary Fund, unless the Assembly of the Supplementary Fund decided otherwise in respect of a particular organisation. In light of this decision, the Assembly decided that there was no need for the Supplementary Fund to have any Guidelines similar to those for the 1992 Fund (document [SUPPFUND/A.1/39](#), section 4).
- 1.4 The following international non-governmental organisations currently have observer status with the IOPC Funds:

| <u>Organisation :</u> | <u>Year status acquired:</u> |
|--|------------------------------|
| BIMCO | 1980 |
| Comité Maritime International (CMI) | 1980 |
| Conference of Peripheral Maritime Regions (CPMR) | 2002 |
| European Chemical Industry Council (CEFIC) | 1997 |
| International Association of Classification Societies Ltd (IACS) | 2006 |
| International Association of Independent Tanker Owners | 1985 |
| International Chamber of Shipping (ICS) | 1980 |
| International Group of Liquefied Natural Gas Importers (GIIGNL) | 2007 |
| International Group of P&I Associations | 1980 |
| International Spill Control Organization (ISCO) | 2013 |
| International Salvage Union (ISU) | 1996 |
| International Tanker Owners Pollution Federation Ltd (ITOPF) | 1980 |
| International Union of Marine Insurance (IUMI) | 2005 |
| Oil Companies International Marine Forum (OCIMF) | 1980 |
| World LP Gas Association (WLPGA) | 2009 |

2 Procedure for review

- 2.1 Paragraph B.3 of the 1992 Fund Guidelines provides for the possibility of the withdrawal of the observer status granted to an international non-governmental organisation if the Assembly considers that there is no further advantage to the 1992 Fund in continuing with that status or if any conflict of interests arises or is likely to arise between the respective activities of the 1992 Fund and the organisation concerned.
- 2.2 Paragraph B.4 of the 1992 Fund Guidelines provides that the Assembly will review every three years the list of international non-governmental organisations having observer status in order to determine whether the continuance of observer status for any particular organisation is of mutual benefit.
- 2.3 The Director proposes that the October 2015 review should also be carried out on behalf of the Supplementary Fund. He also proposes that the same procedure be followed as in all previous reviews whereby a group of five States is established to consider whether the continuance of observer status for any particular international non-governmental organisation is of mutual benefit and to report its findings to the governing bodies.

3 Information available

3.1 Attendance at meetings and submission of documents

An overview of the attendance of international non-governmental organisations having observer status at the meetings of IOPC Funds' governing bodies since the previous review in October 2012, and of which organisations have submitted documents during this period, is at Annex II.

3.2 Comments from non-governmental organisations

In July 2015, the Secretariat wrote to all international non-governmental organisations having observer status, drawing attention to the fact that the 1992 Fund Assembly had decided to review, every three years, whether organisations with observer status still fulfilled the criteria given in Annex I, and invited comments on whether, in the view of these organisations, the continuance of observer status was still of mutual benefit. Responses were received from all of these organisations and are reproduced at Annex III.

3.3 Contact with the Secretariat

3.3.1 The Director and other members of the Secretariat are in regular contact with the International Group of P&I Associations and ITOPF in connection with the day-to-day work of the IOPC Funds, as well as a variety of conferences and training courses.

3.3.2 The IOPC Funds' short course, held annually, continues to be actively supported by ICS, INTERTANKO, the International Group of P&I Associations and ITOPF.

3.3.3 The Director is pleased to note that ICS and the International Group of P&I Associations have actively participated in the discussions and/or submitted documents in respect of the meetings of the 7th intersessional Working Group of the 1992 Fund which is considering the definition of 'ship'. The International Group of P&I Associations also continues to work with the IOPC Funds' Secretariat on the issue of interim payments.

3.3.4 Cooperation between CEFIC and WLPGA in respect of HNS matters has been ongoing. CEFIC actively participated and presented at the workshop on the reporting of HNS which took place in London on 12 and 13 November 2012, organised by the International Maritime Organization (IMO) in cooperation with the IOPC Funds. Both CEFIC and WLPGA also participated in a workshop on the HNS Convention in Rome in October 2014 which was hosted by the Italian Government and supported by the IOPC Funds. WLPGA has also invited the IOPC Funds to participate in its World Forum later in 2015.

3.3.5 The International Salvage Union has remained in contact with the IOPC Funds' Secretariat since the last review in 2012, most recently in relation to a joint short course on salvage, wrecks and HNS, in which it collaborated and delivered at Interspill 2015.

4 Director's considerations

4.1 The information set out in Annex II indicates that the majority of non-governmental organisations having observer status with the IOPC Funds attend meetings regularly and participate in those meetings, either through the submission of documents or through contributing to the discussions at relevant sessions. Three organisations which have not attended recent meetings are CEFIC, ISU and GIIGNL.

4.2 As pointed out in paragraphs 3.3.4 and 3.3.5, whilst neither CEFIC nor ISU have attended recent meetings of the IOPC Funds, cooperation between the two organisations and the IOPC Funds' Secretariat has continued since the 2012 review of observer organisations and both organisations have stated their intention to participate in future meetings of the 1992 Fund Assembly should specific issues of concern to them, namely HNS and salvage matters respectively, arise in the discussions of the governing bodies.

- 4.3 Taking this into account, the Director is of the view that the observer status of both CEFIC and ISU remains of mutual benefit to the Organisations.
- 4.4 With regard to GIIGNL, there has not been any contact with the organisation since 2013 when the governing bodies, having postponed the decision from 2012 pending some issues with the organisation which were subsequently resolved, decided that it should maintain its observer status. At that time GIIGNL confirmed its intention to participate more actively in the work of the IOPC Funds, particularly in respect of HNS matters. Whilst that participation has not yet increased, in its comments submitted in relation to the current review, GIIGNL expressed its intention to attend the October 2015 sessions of the governing bodies.
- 4.5 Taking into account all the information available, as discussed in section 3, the Director is of the opinion that all international non-governmental organisations which currently hold observer status with the IOPC Funds should maintain that status until the next review in 2018.

5 Action to be taken

5.1 1992 Fund Assembly

The 1992 Fund Assembly is invited:

- (a) to take note of the information contained in this document;
- (b) to establish a group of five States to consider, taking into account the information concerning the relationship between the Funds and the international non-governmental organisations with observer status and the statements by these organisations set out at Annex III, whether the continuance of observer status is of mutual benefit, and to report its findings to the governing bodies; and
- (c) having taken note of the report of the group of five States, to decide whether to withdraw the observer status of any international non-governmental organisation.

5.2 Supplementary Fund Assembly

The Supplementary Fund Assembly is invited:

- (a) to take note of the information contained in this document; and
- (b) having taken note of the decision of the 1992 Fund Assembly as to whether or not to withdraw the observer status of any international non-governmental organisation, to decide whether it wishes to divert from that decision in respect of a particular organisation (see paragraph 1.3).

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ANNEX I

Text as revised by the 1992 Fund Assembly at its October 2002 session

GUIDELINES ON RELATIONS BETWEEN THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND 1992 (1992 FUND) AND INTERGOVERNMENTAL ORGANISATIONS AND INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS

A Intergovernmental organisations

- 1 The International Oil Pollution Compensation Fund 1971 will be invited to be represented at all meetings of the Assembly and may be invited, as appropriate, to meetings of subsidiary bodies which may be established.
- 2 The United Nations and the International Maritime Organization and any other specialised agency of the United Nations whose interests and those of the 1992 Fund are of common concern, will be invited to be represented by observers at all meetings of the Assembly and may be invited, as appropriate, to meetings of subsidiary bodies.
- 3 The Assembly will consider requests to be represented by observers received from other intergovernmental organisations whose aims and activities are relevant to those of the 1992 Fund or which are interested in the work of the 1992 Fund. An invitation to attend a session of the Assembly or other meeting may, subject to confirmation by the Assembly, be issued by the Director to any organisation making such a request. The Assembly may decide that invitations be sent to such an organisation either for a specific session or meeting or on a regular basis.
- 4 An agreement for co-operation may, with the approval of the Assembly, be concluded between the 1992 Fund and any intergovernmental organisation, if it is in their mutual interest to do so. The agreement may provide, where appropriate on a reciprocal basis, for admission as an observer, exchange of information, consideration of suggestions for agenda items, consultation on programmes and joint activities and other practical co-operation.

B International non-governmental organisations

- 1 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.
- 2 Observer status may be granted on a provisional basis for a period normally not exceeding three years.
- 3 Observer status will be withdrawn if the Assembly considers that there is no further advantage to the 1992 Fund in continuing with the same or if any conflict of interests arises or is likely to arise between the respective activities of the 1992 Fund and the organisation concerned.

- 4 The Assembly will review every three years the list of international non-governmental organisations having observer status in order to determine whether the continuance of observer status for any particular organisation is of mutual benefit.

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ANNEX II

ATTENDANCE AT MEETINGS OF IOPC FUNDS' BODIES AND SUBMISSION OF DOCUMENTS BY INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS

| Meeting date | 1992 Fund | Supp. Fund | BIMCO | CEFIC | CMI | CPMR | GIIGNL | IACS | ICS | Int. Group of P&I Associations | INTERTANKO | ISCO | ISU | ITOPF | IUMI | OCIMF | WLPGA |
|--------------|---------------|------------|-------|-------|-----|------|--------|------|-----|--------------------------------|------------|------|-----|-------|------|-------|-------|
| October 2009 | ASS, EXC, WGR | ASS | √ | | √ | | | √ | √ | √D | √ | | | √ | √ | √ | √ |
| June 2010 | EXC, WGR | | | | √ | | | √ | √ | √D | √ | | | √D | √ | √ | √ |
| October 2010 | ASS, EXC | ASS | √ | | √ | | | | √ | √ | √ | | | √ | √ | √ | √ |
| March 2011 | ASS, EXC, WGR | ASS | | | √D | | | | √ | √D | √ | | | √D | | | √ |
| July 2011 | ASS, EXC, WGR | | | | √D | | | √ | √ | √D | √ | | | √ | √ | | |
| October 2011 | ASS, EXC | ASS | √ | | √ | | | √ | √ | √ | √ | | | √ | √ | | √ |
| April 2012 | ASS, EXC, WGR | | √ | | √ | √ | | √ | √ | √D | √ | | | √ | √ | √ | √ |
| October 2012 | ASS, EXC | ASS | √ | | | √ | | √ | √ | √D | √ | | | √ | √ | √ | √ |
| April 2013 | ASS, EXC, WGR | | √ | | √ | √D | | √ | √D | √D | √ | | | √ | | √ | √ |
| October 2013 | ASS, EXC | ASS | √ | | √ | | | √ | √D | √D | √ | √ | | √ | √ | √ | √ |
| May 2014 | ASS, EXC, WGR | | √ | | √ | | | √ | √ | √ | | √ | | √ | | √ | √ |
| October 2014 | ASS, EXC | ASS | √D | | | | | √ | √D | √D | √D | √D | | √ | √D | √ | √ |
| April 2015 | ASS, EXC, WGR | | √ | | | | | √ | √ | √D | √ | √D | | √ | | √ | √ |

√=attended sessions

D = submitted documents or made presentation

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ANNEX III

SUBMISSIONS BY OBSERVER ORGANISATIONS

BIMCO

We continue to believe that BIMCO's observer status with the IOPC Funds is of mutual benefit to both organisations and we would therefore welcome a continuation of this observer status.

BIMCO is the oldest and one of the largest independent international shipping associations with more than 2 100 members in over 130 countries. Members include shipowners, operators, managers, brokers, agents, P&I Clubs and other stakeholders with vested interests in the shipping industry. BIMCO owner members comprise all segments of the industry, including tanker vessels. The deliberations and decisions of the IOPC Funds therefore potentially have implications for BIMCO members and for the wider shipping industry as a whole and, as also highlighted in the comments we submitted for the previous review, BIMCO therefore has a genuine commitment to be involved in this work. This is the case, for example, in relation to the intersessional Working Group set up to discuss the definition of 'ship' contained in the 1992 Civil Liability and Fund Conventions as well as the deliberations in the past years with respect to the winding up of the 1971 Fund.

BIMCO is a practical membership organisation providing information and guidance to its members covering all aspects of their business activities. An equally important role for the association is to participate in international maritime legislative work in various fora to promote a global framework within which maritime business can be conducted safely, securely and efficiently. BIMCO has, therefore, for many years lent its support to the work of the IMO, IOPC and other organisations by offering its practical expertise, not least in the marine technical matters, and we obviously intend to continue providing such support whenever necessary.

In conclusion, BIMCO would very much value the opportunity to maintain its observer status as an international non-governmental organisation with the IOPC Funds.

Comité Maritime International (CMI)

As my predecessor as President of the CMI, Karl Johan-Gombrii said in his letter dated 6 August 2012, the "CMI continues to take an active interest in the work of the IOPC Funds", and wishes to continue with this relationship, and to retain its Observer status.

Sadly, we lost Richard Shaw who was the designated CMI Observer Delegate but have arranged for Rosalie Balkin to take over that role.

She provides reports to us of the meetings which are printed in the CMI Newsletter which is sent to all our constituent Maritime Law Associations, Titulary Members and Consultant Members. In addition our newsletters are posted on the CMI website.

Our relationship with the IMO Legal Committee is as strong as ever and we seem to be assisting it in a growing number of areas. We stand ready to assist the IOPC Funds at any stage in the future and, as Karl Gombrii mentioned in his 6 August 2012 letter, we are able to call upon a network of National Maritime Law Associations, whose membership exceeds 10 000 around the world.

The CMI values its relationship with the IOPC Funds and our continuing involvement through Rosalie Balkin does, I hope, demonstrate our concern to continue that relationship and contribute positively to the aims and objectives of the Funds.

Conference of Peripheral Maritime Regions (CPMR) (Original French)

The CPMR considers that maintaining its observer status in the 1992 Fund would be of mutual benefit to both organizations.

Based on the analysis by the CPMR of the judgment handed down by the French Court of Cassation concerning the Erika incident presented at the April 2013 meeting of the IOPC Funds Governing Bodies, the

CPMR is engaging in activities concerning the prevention of and response to incidents, especially in the framework of the IOPC Funds.

The question of compensation for losses lies at the heart of these questions and will, from now on, be the focus of the CPMR's action in the field of maritime safety. The CPMR is currently involved in the discussions concerning the linking of European and international regulations, especially the CLC and IOPC Funds Conventions. The CPMR is a participant, in particular, in the discussions concerning the revision of the European Environmental Liability Directive. It took part, for example, in a workshop organized in November 2014 by the European Commission in which the IOPC Funds also participated. The CPMR will continue to be involved in these discussions and hopes at the same time to make a contribution to them.

To that end, the CPMR is currently focusing as a priority on matters related to assessment of losses. For example, it is a partner in the ARCOPOL platform project. The project draws on the experiences of actors in the Atlantic in analysing pollution, and the final seminar will take place in Brussels on 15 October. The CPMR is also participating in the organization of the SAFERSEAS 2015 seminar (Brest, 26-30 October 2015) which will be an opportunity to address the question of assessment and compensation of losses related to incidents. Based on this work, as well as discussions with actors in other maritime basins and other projects, the CPMR hopes to synthesize aspects which could usefully be the subject of discussions between the Secretariat and the IOPC Funds Member States.

At the same time, the CPMR is also working to involve the regions in the compensation procedures, with the intention of incorporating reflection on the 1992 Fund Claims Manual. This work is initially taking place with regions which have direct experience of past or current procedures. It will naturally also be the subject of discussions with the Secretariat and IOPC Funds Member States.

Taken together, all these activities lead to the CPMR's wish to maintain its observer status, to participate in the meetings and activities of the IOPC Funds and to make a useful contribution to the reflection on the functioning of the IOPC Funds.

The CPMR will participate in the meetings of the IOPC Funds Governing Bodies in October 2015 and hopes to hold discussions with the IOPC Funds Secretariat in advance of these meetings.

European Chemical Industry Council (CEFIC)

As you know CEFIC has a strong interest in the HNS Convention and therefore we would like to keep our observer status at the IOPC Funds. CEFIC played indeed an active role in developing the Reporting Guidelines and I made a presentation at the October 2014 HNS Workshop.

Taking into account that the EU is preparing a Council Decision on the ratification and accession of the HNS Convention by EU Member States, the entry into force of the HNS Convention is becoming more likely. Therefore involvement of the chemical industry in further discussions on the implementation of HNS is important.

I would therefore be grateful if you could propose the continuation of CEFIC's observer status at the October IOPC Meeting.

International Association of Classification Societies Ltd (IACS)

I am pleased to advise that IACS firmly believes in the mutual benefit of IACS maintaining its observer status.

IACS wishes to confirm its commitment to the IOPC Fund and provide our technical advice and input, as requested, on any matter being discussed by the Fund that has relevance to Classification matters.

The historical and continued strong linkage between marine insurers and classification societies is a partnership that promotes and facilitates the delivery of the ideals of safe ships and clean seas.

The IACS observer at meetings of the 1992 Fund is the Association's Permanent Representative, Mr Paul Sadler.

In 2012, we commented in our submission that our attendance at meetings of the Fund was not as good as we wanted. However, we have taken action to address this issue and you will note from the papers providing the List of Participants at Fund meetings, that in this latest 'review' period, IACS participated in the October 2013 meeting of the Fund, both meetings held in 2013 and 2014 and the April 2015 meeting.

In the last 3 years we have continued to take a particular interest in the discussions, both in the meetings of the Fund and intersessionally, on the definition of the term 'ship'.

We would also like to take this opportunity to thank the Director for the informal lunch meetings that he regularly hosts. IACS considers these gatherings provide very useful opportunities for informal exchanges of views on subjects of common interest in the fields related to those of the IOPC Funds or which are of interest to the IOPC Funds.

As we stated in our letter applying for Observer status dated 6 April 2006, IACS continues to make a unique contribution to maritime safety and pollution prevention through technical support, compliance verification and research and development. More than 90% of the world's cargo carrying tonnage is covered by the classification design, construction and through-life compliance Rules and standards set by the thirteen Member Societies of IACS.

We look forward to continuing what we firmly believe is the mutual benefit derived from the Observer status that IACS enjoys at the 1992 Fund.

International Association of Independent Tanker Owners (INTERTANKO)

INTERTANKO has taken an active interest in the work of the International Oil Pollution Compensation Fund and respectfully requests that its consultative status be prolonged.

As its full name implies, INTERTANKO is the International Association of Independent Tanker Owners. The Association has 206 members, whose combined fleet comprises some 3,080 tankers totalling 266 million dwt. INTERTANKO's associate membership stands at 229 companies with an interest in oil, and oil and chemicals, shipping.

We suggest that INTERTANKO's aims, as set out in the Association's Articles of Association quoted below fits in well with the requirements for observer status. Furthermore, we trust that INTERTANKO's contributions to the work of the Fund - in the form of submissions, active participation in meetings, as well as promotion of the international oil pollution compensation system in other fora - has been considered both positive and constructive over the years.

Extract from INTERTANKO's Articles of Association,

2) Aims

The Association is a non-profit organisation whose aims are to further the interests of independent tanker owners; to promote a free and competitive tanker market; to work for safety at sea and the protection of the marine environment.

The scope and objects shall be:

- to promote internationally the interests of its members in matters of general policy;
- to co-operate with other technical, industrial or commercial and environmental interests or bodies on problems of mutual concern to its members and to such interests;
- to take part in the deliberations of other international bodies so far as may be necessary for the attainment of its objects;
- to do all things conducive to the attainment of the above objects or any of them.

International Chamber of Shipping (ICS)

Thank you for your letter dated 23 July inviting our comments on whether the continuance of the observer status of the International Chamber of Shipping (ICS) would be of mutual benefit to ICS and the 1992 Fund. ICS is firmly of the view that this would indeed be the case.

As you are aware from our submissions to previous reviews of observer status, ICS is the principal international trade association for the shipping industry comprising national shipowners' associations representing all sectors and trades, including tankers. The ICS membership is strongly supportive of the international regime of civil liability and compensation for oil pollution damage administered by the 1992 Fund Secretariat. Shipowners' liability is an integral part of the regime and we believe it is essential that shipowners are properly represented during the Fund's deliberations in order to observe the proper functioning of the system and to provide advice on any technical or practical issues that may arise. The continuing success of the international regime depends on the support of all stakeholders and, for its part, ICS continues to participate actively in the work of the 1992 Fund and to promote the regime in other fora whenever appropriate.

During the three years since the previous review, ICS has maintained its regular attendance at all meetings of the 1992 Fund Assembly and Executive Committee, as well as meetings of the intersessional Working Groups held during the period. ICS representation during this period has continued at a high level by the Chairman of our Maritime Law Committee, our Legal Director, and other industry experts, and contributions to meetings have included both written submissions and oral interventions. ICS has also had, and continues to have, contact with the Fund's Secretariat.

Most recently, ICS has been an active participant in the deliberations of the 7th intersessional Working Group on the definition of ship, and has worked in the margins with governments, other industry associations and the Chairman of the group to assist in progressing the work. ICS also participated in the 61st intersessional Working Group until its closure in 2013.

Over the past three years ICS has also become a regular contributor to the IOPC Funds short course, presenting one of the modules and contributing to the social programme.

Accordingly we believe that ICS continues to fulfil the criteria for observer status with the 1992 Fund as set out in B1 of the guidelines and that its continuance would be of mutual benefit to the Fund and the ICS membership. ICS greatly values its observer status with the 1992 Fund and respectfully requests its continuation.

International Group of Liquefied Natural Gas Importers (GIIGNL) (Original French)

I write on behalf of President Domenico Dispenza and in my capacity of delegate of the GIIGNL in response to your letter of 23 July 2015.

Having considered your request, the GIIGNL sees a clear benefit in continuing to be associated with the work of the IOPC Funds as observer.

Our association keeps up to date with activities relating to the HNS Convention, although there seem to have been few developments in recent years. That is also one of the reasons why the GIIGNL has not been involved much in recent years.

In this context, we would like to be informed of the programme for the forthcoming meetings in October and we will make every effort to send a representative.

We remain at the disposal of the 1992 Fund to contribute to its discussions wherever we can.

International Group of P&I Associations

As we have previously commented, the member Clubs of the International Group are closely involved in all major issues of general importance that come before the IOPC Funds. The Group Clubs between them

currently cover, amongst other liabilities, the pollution liabilities of approximately 95% of the world oceangoing tanker fleet and approximately 90% of the world merchant fleet. The Group Clubs have for many years been the major providers of certificates required under CLC, and more recently the Bunker Convention, and are involved in the majority of maritime pollution incidents occurring worldwide. In this context the Group Clubs work closely with the IOPC Funds in relation to individual claims arising.

Apart from specific claims involvement the Group is continuing to work with the Funds in relation to the difficult issues of funding of interim payments and has participated and will continue to participate in the processes for the implementation of the HNS Convention. The Group also has an ongoing liaison with the Funds and ITOPF and provides periodical updates to the Funds in relation to STOPIA 2006 vessel numbers. The Group also coordinates with the Funds in relation to the Funds internship program arranging for interns to visit with Group Clubs and the Group Secretariat.

The Group Clubs consider that it is of mutual importance to renew their observer status with the 1992 Fund for a further three years.

International Spill Control Organization (ISCO)

I am pleased to confirm our strong interest in continuing our good relationship with IOPC Funds.

ISCO has been represented at IOPC Funds by Dr Douglas Cormack who has continued to regularly attend IOPC Funds meetings and has submitted several papers on matters of mutual interest.

I have reviewed the attachment document [IOPC/OCT13/1/3](#). There are only relatively minor changes in the information supplied - (1) The number of countries in which ISCO has members has increased from 45 to 47. (2) With the dissolution of the IMO OPRC-HNS Working Group, ISCO is now actively contributing to the work of the recently launched IMO Pollution Prevention & Response (PPR) Sub-Committee of the Marine Environment Protection Committee.

ISCO continues to pursue its educational role, disseminating information, providing technical support and promoting international co-operation in response to pollution incidents. The work being undertaken by Dr Cormack is consistent with the aim of basing pollution incident response on scientifically proven knowledge, helping to limit avoidable marine pollution and make spill response more cost-effective.

We hope to look forward to the continuation of a mutually beneficial relationship.

International Salvage Union (ISU)

Our position regarding IOPC Funds remains the same as three years ago. We wish to retain our observer status in case a salvage issue should arise within IOPC Funds' meetings. We remain a comparatively small trade association with a small secretariat of one full-time employee, two part-time employees and two consultant advisers. It is difficult for us to attend the IOPC Funds meetings due to other commitments, however, I had already noted your next meeting dates of 19th-23rd October and will endeavour to attend, even if only for part of the meeting.

Our collaboration on the short courses for Interspill 2015 demonstrated our willingness to assist IOPC Funds whenever we are able and to take advantage of the personal contact that these opportunities generate. We also had representation at one of your receptions earlier this year when Rob Wallis, the ISU Legal Adviser, attended on our behalf.

In summary, I hope that you will allow ISU to retain its observer status with the IOPC Funds and we look forward to further collaboration on any external projects.

International Tanker Owners Pollution Federation Ltd (ITOPF)

Regarding the 1992 Fund Assembly's review of international non-governmental organisations having Observer status and your letter dated 23rd July, I am pleased to confirm that I consider there to be mutual benefit to ITOPF and to the IOPC Funds for ITOPF to continue to hold Observer status. Accordingly, I attach

an update of our previous supporting comments for consideration by the 1992 Fund Assembly at their meeting in October.

I echo your view that the relationship and cooperation between our two organisations is invaluable and I look forward to it continuing for many years to come.

Updated Comments from International Tanker Owners Pollution Federation (ITOPF)

I consider that ITOPF fully meets the criteria set out in paragraph B.1 of the Guidelines enclosed with your letter. I would also submit that we regularly attend all meetings of the 1992 Fund, including the Assembly, Executive Committee and Working Groups. I therefore trust that the Assembly at its October 2015 session will agree to the continuance of our observer status.

ITOPF has contributed to the work of the IOPC Funds in many ways since 1978 and hopes to continue doing so in the future:

ITOPF's role

ITOPF's Members comprise virtually all the world's tanker owners. The owners of other types of ship are eligible to become Associates. In both cases the annual subscriptions are paid by the third party liability insurers on behalf of their members. Despite the organisation's membership and funding, ITOPF is a technical body that is not involved in lobbying on behalf of any particular interest.

Response to spills

ITOPF's priority service is attending on-site at significant ship-source spills of oil, chemicals and other substances around the world, at the request of owners and their third party liability insurers. The primary purpose of this attendance is to encourage effective clean-up and the mitigation of damage to the environment and economic resources through giving objective technical advice. When the incident involves a ship, as defined in the CLC and Fund Convention, that is spilling or threatening to spill persistent oil in a state party to the Fund Convention, ITOPF will often be the organisation that first informs the Fund of the incident. The Fund then normally asks ITOPF to represent its interests on-site as regards the clean-up and damage to fisheries and the environment. When the HNS Convention comes into force it is highly probable that the same arrangement will apply to chemical spills.

When on-site at spills the ITOPF staff member will actively encourage adherence to the claims admissibility guidelines contained in the Fund's Claims Manual. Situation reports are routinely sent to various parties, including the Fund, and particular issues will be discussed as they arise.

Damage assessment and analysis of claims

Assessing the damage caused by a spill to fisheries and/or to the environment is a part of ITOPF's on-site role at spills. Reports will be sent back to the Fund, and other parties as appropriate, to keep them apprised of the situation and to allow them to appoint additional experts or take other actions as deemed necessary in the circumstances. An area of increasing activity for ITOPF is environmental damage, with involvement in post-spill studies and in assessing the feasibility of reasonable restoration measures. It is anticipated that involvement in such issues for the Fund will grow in the years ahead.

Claims for clean-up expenses are regularly reviewed by ITOPF in relation to what was observed at the time of the spill and the Fund's own claims admissibility guidelines. ITOPF also utilises its extensive knowledge on the rates charged by various public and private entities around the world as a basis for commenting on the reasonableness of costs. ITOPF is asked often by the Fund to review claims for fisheries, tourism and other losses arising from pollution damage. Once the assessment of a claim is completed a detailed report is passed to the insurer and Fund to assist them with their settlement negotiations. In major cases, ITOPF's involvement in claims for clean-up costs and damage on behalf of the Fund can last for many years.

Participation in Fund Working Groups

ITOPF has a long history of making positive contributions to Fund Working Groups. In 1994, for example, it produced three detailed papers for the Seventh Intersessional Working Group of the 1971 Fund on Preventive Measures, Economic Loss and Environmental Damage. These papers put forward constructive proposals for claims admissibility guidelines, many of which were subsequently adopted by the Fund Assembly for incorporation in the organisation's Claims Manual. ITOPF also played a major role in re-drafting the 1992

Fund's policy on Environmental Damage, in conjunction with various national delegations. ITOPF has submitted papers and contributed to discussion at the 1992 Funds' 6th Intersessional Working Group meetings considering large numbers of claims for small amounts and on the subsequent document Guidance for Member States.

Attendance at Meetings

One or more members of ITOPF's staff attend meetings of the Executive Committee and Assembly. It is very rare that there is not at least one ITOPF representative in the meeting room. ITOPF's assistance is often requested for review of papers related to particular spills.

ITOPF has contributed to the production of further Fund documents on a number of subjects, more recently drafting the Fund Guidelines for the Management of Fisheries Closures and Restrictions Following an Oil Spill, and providing constructive comments and suggestions for the Guidelines for Presenting Claims for Clean Up and Preventive Measures and on Environmental Damage Claims. ITOPF is able to understand more clearly the feedback from Member States through attendance at the meetings.

I hope that you agree that the above summary demonstrates that ITOPF meets the criteria set out in paragraph B.1 of the Guidelines enclosed with your original letter fully. I therefore trust that the Assembly at its October 2015 session will agree to the continuance of our observer status.

International Union of Marine Insurance (IUMI)

IUMI currently has membership of 48 national or market marine associations worldwide. The marine insurers represented by the market associations are among the largest most highly capitalised insurance companies in the world. Among the many marine insurance products they provide is marine liability insurance, which includes cover for pollution liability both as direct insurance and reinsurance. Our membership include many of the reinsurers who participate in the reinsurance programme purchased each year by the International Group of P&I Associations that allows the individual Group Clubs to provide \$1 billion of insurance cover for oil pollution damage including pollution damage as defined in the 1992 Civil Liability Convention (1992 CLC) and the 1992 Fund Convention. They also provide cover for individual Group Clubs non-poolable liabilities, for the pollution liability exposure of the offshore energy industry, for worldwide brown water craft and for spills arising from sub-sea structures and pipe lines. As such, this sector of our industry is very much aligned to the objectives of the IOPC Funds and the continuance of our status as an observer, in our view, is mutually beneficial.

As regards attendance at IOPC meetings, we look to attend when agenda items are of particular relevance to the interests of our membership. Last year we put forward paper reference [IOPC/OCT14/4/8](#) and spoke to introduce that paper at the IOPC Fund meeting held in October 2014.

We look to hearing that the 1992 Fund Assembly favourably considers our continuing to have observer status.

Oil Companies International Marine Forum (OCIMF)

Thank you for your letter of July 23 regarding the forthcoming review of those organisations holding observer status at IOPC Fund meetings. OCIMF greatly values the work of the IOPC funds organisation which is of fundamental importance to our member companies and I confirm our strong desire to retain observer status.

OCIMF represents a broad spectrum of national and international oil and gas companies on matters of safety and environmental protection with respect to the seaborne transportation and terminal handling of hydrocarbons.

An important aspect of our work is to produce and publish industry standards and best practice with the objective of promoting continuous improvements in the standards of design and operation of tankers and operation of hydrocarbon handling terminals to improve safety and reduce incidents. The OCIMF mission and objectives complement those of the IOPC Funds.

Our membership has grown to 96 oil companies covering every continent of the globe. For good order, I attach a list of current membership as illustration of the international nature of our organisation and its reach

across our important industry. Our member companies are also major contributors to IOPC Funds through annual receiver contributions.

I would also draw attention to the contribution made by OCIMF and experts drawn from the membership to the work of the IOPC Funds in our long association. Our members have participated since inception sharing learnings from the voluntary CRISTAL compensation scheme in advance of the 1971 Fund Convention. We have continued our close involvement with regular attendance at IOPC meetings since 1978 and have contributed resource and expertise on work groups including developments of STOPIA, TOPIA, reform of the Supplementary Fund and more recently in advancing the HNS Convention and Protocol.

In conclusion, it is our strong desire to retain observer status which we consider to be of benefit to both organisations.

World LP Gas Association (WLPGA)

The WLPGA was very pleased to have had its Observer Status of the IOPC Funds renewed as confirmed by the letter received from Mr. Thomas Liebert, Head External Relations and Conference Department, IOPC Funds on 12 November 2012.

We now wish to reconfirm and update the statement we sent out in our letter July 2012 and we do this below: The WLPGA is a not-for-profit association governed under the 1901 regulation under French law. Its SIREN number is 343 136 Q32 and its Code APE is 913E.

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

The WLPGA has an extensive membership stretching from producer companies in the Middle East through to supply, distribution and marketing companies organisations based all over the world. Our current membership is now over 220 from over 100 companies.

Through partnerships with the United Nations Development Programme and the World Bank the WLPGA strives to promote the use of LPG worldwide to foster a safer, cleaner, healthier and more prosperous world. Our Mission is to:

- Demonstrate the benefits of LPG and inform, educate and influence all stakeholders
- Support the development of LPG markets
- Promote compliance with standards, good business and safety practices
- Identify innovation and facilitate knowledge transfer

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

Over 270 million metric tonnes of LPG is shipped around the world every year and this figure continues to grow. We estimate nearly 2.5 billion people use LPG in one form or another.

The WLPGA is keen to be engaged in any discussions that have an impact on the LPG industry and we continue to follow with interest the developments relating to the HNS Convention.

It is for this reason that the WLPGA seeks an extension to its observer status to represent the international LPG 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 might arise about LPG.

We look forward to participating in future discussions on HNS and thank you again for the opportunity of doing so in an Observer Status capacity.