



CO-OPERATION AGREEMENT WITH THE INTERNATIONAL MARITIME ORGANIZATION

Note by the Director of the International Oil Pollution Compensation Funds 1971 and 1992

Summary:	It is proposed that an Agreement of Co-operation should be concluded between IMO and the Supplementary Fund.
Action to be taken:	To consider the conclusion of such an Agreement.

1 The issue

- 1.1 At its first session, the Assembly of the 1992 Fund approved a draft Agreement of Co-operation between the 1992 Fund and the International Maritime Organization (IMO) which was based on the corresponding Agreement between the 1971 Fund and IMO concluded in 1971 (document 92FUND/A.1/34, paragraph 13).
- 1.2 These Agreements were concluded in the light of the close relationship between the responsibilities and activities of the two Organisations in the field of the prevention and control of marine pollution by oil and of remedying damage caused by such pollution, and with a view to facilitating the attainment of their common objectives in this field through the maximum possible co-ordination of their efforts (Preamble to the Agreement, second paragraph).
- 1.3 The text of the Agreement between IMO and the 1992 Fund is reproduced in Annex I.
- 1.4 On the assumption that the Supplementary Fund and 1992 Fund will have a joint Secretariat, the Director is of the opinion that it would be appropriate if a corresponding agreement were concluded between IMO and the Supplementary Fund. During its consideration in May 2004 of the preparations for the entry into force of the Supplementary Fund Protocol, the Assembly of the 1992 Fund shared this view (document 92FUND/A/ES.8/4, paragraph 3.4.13).
- 1.5 Following discussions between the Secretary-General of IMO and the Director, it is proposed that an Agreement of Co-operation between IMO and the Supplementary Fund be concluded, following very closely the text of the Agreement between IMO and the 1992 Fund. A draft Agreement, set out in Annex II, is submitted for consideration by the Assembly. The Agreement would have to be considered by the IMO Council and approved by the IMO Assembly before being signed by the Secretary-General of IMO and the Director.

2 Action to be taken by the Assembly

The Assembly is invited

- (a) to take note of the information contained in this document; and
- (b) to consider the conclusion of an Agreement of Co-operation between IMO and the Supplementary Fund.

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ANNEX I

Agreement of co-operation between the International Maritime Organization and the International Oil Pollution Compensation Fund 1992

The International Maritime Organization (hereinafter referred to as "IMO") and the International Oil Pollution Compensation Fund 1992 (hereinafter referred to as "the 1992 Fund"),

RECOGNISING the close relationship between their responsibilities and activities in the field of the prevention and control of marine pollution by oil and the remedying of damage caused by such pollution,

DESIRING to facilitate the attainment of their common objectives in this field through the maximum possible co-ordination of their efforts,

HAVE AGREED AS FOLLOWS:

Maintenance of Co-operation

- 1 IMO and the 1992 Fund agree to establish and maintain co-operation in respect of matters of common interest to the two Organizations. In particular, IMO and the 1992 Fund agree to consult on all matters arising in the exercise by IMO and its Secretary-General of depositary and other functions in respect of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 and, as appropriate, the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Exchange of Information and Documentation

- 2 IMO and the 1992 Fund agree to exchange information and documentation and to keep each other fully informed of their activities and programmes of work in the field of the prevention and control of marine pollution, subject always to such arrangements as may be necessary for safeguarding or withholding information of a confidential nature.

Consultation on Matters of Common Interest

- 3 IMO agrees to consult with the 1992 Fund in connexion with IMO programmes or activities in which the 1992 Fund may have a substantial interest; and the 1992 Fund agrees to consult with IMO in connexion with the 1992 Fund's programmes or activities in which IMO may have a substantial interest.

Proposals for Consideration

- 4 IMO may propose matters for consideration by the organs of the 1992 Fund. Such suggestions will be submitted by the Secretary-General of IMO to the Director of the 1992 Fund who will, if he deems it appropriate, include any such matters on the agenda of the 1992 Fund organ concerned in accordance with the applicable rules of procedure. Similarly, the 1992 Fund may propose subjects for consideration by the organs of IMO. Such suggestions will be submitted by the Director of the 1992 Fund to the Secretary-General of IMO who will, if he deems it appropriate, include such matters on the agenda of the IMO organ concerned in accordance with the applicable rules of procedure.

Reciprocal Representation

- 5 (a) IMO shall be invited to send representatives to sessions of the Assembly of the 1992 Fund and to meetings of any subsidiary bodies. Such representatives shall participate as observers in respect of items on the agenda which are of interest to IMO, in accordance with the applicable rules of procedure.

- (b) The 1992 Fund shall be invited to send representatives to sessions of the organs of IMO and to conferences convened by IMO. Such representatives shall participate as observers in the deliberation of these bodies or conferences with regard to items on the agenda which are of interest to the 1992 Fund, in accordance with the applicable rules of procedure.

Administrative Arrangements

- 6 The Secretary-General of IMO and the Director of the 1992 Fund may enter into such administrative arrangements for the implementation of this Agreement, including arrangements for the provision of assistance and the payment or reimbursement of expenditure in connexion with any such assistance, as may be necessary or desirable.

Revision

- 7 This Agreement may be revised by agreement between IMO and the 1992 Fund.

Denunciation

- 8 IMO or the 1992 Fund may, at any time, denounce this Agreement by giving six months' notice to the other party.

Entry into Force

- 9 This Agreement shall enter into force upon signature on behalf of IMO and the 1992 Fund.

Done at London this 10th day of December, 1997

For the International Maritime
Organization

For the International Oil Pollution
Compensation Fund 1992

[signed: W O'Neil]

[signed: M Jacobsson]

Secretary-General

Director

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ANNEX II

D R A F T

Agreement of co-operation between the International Maritime Organization and the International Oil Pollution Compensation Supplementary Fund^{<1>}

The International Maritime Organization (hereinafter referred to as "IMO") and the International Oil Pollution Compensation Supplementary Fund (hereinafter referred to as "the Supplementary Fund"),

RECOGNISING the close relationship between their responsibilities and activities in the field of the prevention and control of marine pollution by oil and the remedying of damage caused by such pollution,

DESIRING to facilitate the attainment of their common objectives in this field through the maximum possible co-ordination of their efforts,

HAVE AGREED AS FOLLOWS:

Maintenance of Co-operation

- 1 IMO and the Supplementary Fund agree to establish and maintain co-operation in respect of matters of common interest to the two Organizations. In particular, IMO and the Supplementary Fund agree to consult on all matters arising in the exercise by IMO and its Secretary-General of depositary and other functions in respect of the Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992.

Exchange of Information and Documentation

- 2 IMO and the Supplementary Fund agree to exchange information and documentation and to keep each other fully informed of their activities and programmes of work in the field of the prevention and control of marine pollution, subject always to such arrangements as may be necessary for safeguarding or withholding information of a confidential nature.

Consultation on Matters of Common Interest

- 3 IMO agrees to consult with the Supplementary Fund in connexion with IMO programmes or activities in which the Supplementary Fund may have a substantial interest; and the Supplementary Fund agrees to consult with IMO in connexion with the Supplementary Fund's programmes or activities in which IMO may have a substantial interest.

Proposals for Consideration

- 4 IMO may propose matters for consideration by the organs of the Supplementary Fund. Such suggestions will be submitted by the Secretary-General of IMO to the Director of the Supplementary Fund who will, if he deems it appropriate, include any such matters on the agenda of the Supplementary Fund organ concerned in accordance with the applicable rules of procedure. Similarly, the Supplementary Fund may propose subjects for consideration by the organs of IMO. Such suggestions will be submitted by the Director of the Supplementary Fund to the Secretary-General of IMO who will, if he deems it appropriate, include such matters on the agenda of the IMO organ concerned in accordance with the applicable rules of procedure.

<1> Changes in comparison with the text of the Agreement between IMO and the 1992 Fund are highlighted.

Reciprocal Representation

- 5 (a) IMO shall be invited to send representatives to sessions of the Assembly of the **Supplementary** Fund and to meetings of any subsidiary bodies. Such representatives shall participate as observers in respect of items on the agenda which are of interest to IMO, in accordance with the applicable rules of procedure.
- (b) The **Supplementary** Fund shall be invited to send representatives to sessions of the organs of IMO and to conferences convened by IMO. Such representatives shall participate as observers in the deliberation of these bodies or conferences with regard to items on the agenda which are of interest to the **Supplementary** Fund, in accordance with the applicable rules of procedure.

Administrative Arrangements

- 6 The Secretary-General of IMO and the Director of the **Supplementary** Fund may enter into such administrative arrangements for the implementation of this Agreement, including arrangements for the provision of assistance and the payment or reimbursement of expenditure in connexion with any such assistance, as may be necessary or desirable.

Revision

- 7 This Agreement may be revised by agreement between IMO and the **Supplementary** Fund.

Denunciation

- 8 IMO or the **Supplementary** Fund may, at any time, denounce this Agreement by giving six months' notice to the other party.

Entry into Force

- 9 This Agreement shall enter into force upon signature on behalf of IMO and the **Supplementary** Fund.

Done at London this day of, 2005

For the International Maritime
Organization

For the International Oil Pollution
Compensation **Supplementary** Fund

Secretary-General

Director
