



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
SUPPLEMENTARY  
FUND

ASSEMBLY  
1st session  
Agenda item 19

SUPPFUND/A.1/18  
11 February 2005  
Original: ENGLISH

## SUBMISSION OF OIL REPORTS

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

<b>Summary:</b>	States which are Members of the Supplementary Fund, and therefore also Members of the 1992 Fund, will be obliged to submit reports on contributing oil received during a given calendar year. Modifications to the existing 1992 Fund oil reporting form and explanatory notes are proposed to permit their use for both the 1992 Fund and the Supplementary Fund and to make them more user-friendly.
<b>Action to be taken:</b>	Consider proposed modifications to the existing 1992 Fund oil reporting form and explanatory notes.

#### 1 The issue

- 1.1 The levying of contributions to the Supplementary Fund will be based on oil reports in respect of individual contributors in Supplementary Fund Member States. Article 13 of the Supplementary Fund Protocol provides:

Contracting States shall communicate to the Director of the Supplementary Fund information on oil receipts in accordance with article 15 of the 1992 Fund Convention provided, however, that communications made to the Director of the 1992 Fund under article 15, paragraph 2, of the 1992 Fund Convention shall be deemed to have been made also under this Protocol.

- 1.2 According to 1992 Fund Internal Regulations 4.1 and 4.2, reports on contributing oil receipts shall be made using the form annexed to the Internal Regulations, taking into account the explanatory notes attached to the form. The present form is reproduced at Annex I.
- 1.3 States which become Members of the Supplementary Fund must already be Members of the 1992 Fund and so will be obliged to submit reports on contributing oil to the 1992 Fund.
- 1.4 For States in which contributing oil is only received directly by sea, and not by other means of transport such as by pipeline or road, the reports to the Supplementary Fund would be identical to those to the 1992 Fund. It is expected that the great majority of States which join the Supplementary Fund will fall into this category.
- 1.5 However, States in which contributing oil is received by other means of transport, such as by pipeline or road, which has previously been received in another State by sea may need to make separate reports to the 1992 Fund and the Supplementary Fund depending on whether or not the

latter State is also a Member of the Supplementary Fund and, if so, the date on which it joined that Fund.

- 1.6 At its May 2004 session the 1992 Fund Assembly agreed with the Director that in respect of the great majority of States which would become Members of the Supplementary Fund, that Fund could simply accept oil reports made under the 1992 Fund Convention pursuant to Article 13 of the Supplementary Fund Protocol. However, it was noted that States in which contributing oil is received by other means of transport than by sea, such as by pipeline or road, which had previously been received in another State by sea may need to make separate reports to the 1992 Fund and the Supplementary Fund depending on whether or not the latter State was also a Member of the Supplementary Fund and, if so, the date on which it joined that Fund. The Assembly also agreed that it would, therefore, be necessary for the Supplementary Fund to issue its own reporting form for use in those cases where the quantities of oil subject to the levy of contributions for 1992 Fund and the Supplementary Fund were not identical. The 1992 Fund Assembly further agreed that it would be necessary to make modifications to the 1992 Fund reporting form so that States could indicate whether a report to the 1992 Fund should be considered as a report to the Supplementary Fund also (document 92FUND/A/ES.8/4, paragraph 3.5.2).
- 1.7 On further consideration, the Director is of the view that the existing 1992 Fund reporting form and explanatory notes could be modified in such a way as to permit their use for both the 1992 Fund and the Supplementary Fund. He has also considered the need to make the form and notes more user-friendly. The Director's proposals as regards a revised form and revised notes are set out at Annex II.
- 1.8 Article 14 of the Supplementary Fund Protocol deals with the case where the aggregate quantity of contributing oil received in a Member State in a given calendar year is less than 1 million tonnes. In such a case, that Member State shall assume the obligations that would be incumbent on any person who would be liable to contribute to the Supplementary Fund in respect of oil received in that State in so far as no liable person exists for the aggregate quantity of oil received. That means that the Member State would be liable to pay contributions for a quantity of contributing oil corresponding to the difference between 1 million tonnes and the aggregate quantity of actual contributing oil receipts reported in respect of that State. The Director is of the view that such a State should not be required to submit a report in respect of any contributing oil which has been deemed to have been received in that State but that he should write to any such State requesting it to identify the government ministry or authority which would be responsible for the payment of such contributions. In the letter the Director should indicate the quantity of contributing oil for which the State is obliged to pay contributions.

## **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 proposed modifications to the existing 1992 Fund oil reporting form and explanatory notes.

\* \* \*

ANNEX I

**REPORT ON CONTRIBUTING OIL RECEIPTS  
TO BE SUBMITTED TO THE  
INTERNATIONAL OIL POLLUTION  
COMPENSATION FUND 1992**

made pursuant to Article 15.1 of the  
1992 International Convention on the Establishment of an  
International Fund for Compensation for Oil Pollution Damage  
(1992 Fund Convention)

This report should be submitted to the Director of the International Oil Pollution Compensation Fund 1992 (1992 Fund), Portland House, Stag Place, London SW1E 5PN, United Kingdom, to reach him not later than 30 April of the year following that to which the figures refer.

**Signature of Report**

The form should be completed and signed by an officer of the company or other person being reported upon. If the form is completed by the Government or a Government authority, it should, nevertheless, be signed by an officer of the company or person as certification that the figures are correct.

If a Member State has declared, under Article 14 of the 1992 Fund Convention, that it assumes itself obligations that are incumbent on any person who is liable to pay contributions in respect of oil received in the territory of that State, signature of an officer of the company or person in question is not obligatory.

The form should also be signed by a responsible official of the Government or competent Government authority to indicate that the Government or authority is satisfied that the information contained therein is correct and complete.

## NOTES

### Persons Liable to Report

- 1 A report should be submitted in respect of each "person" for whom the total quantity of contributing oil received during the relevant calendar year exceeds 150 000 metric tonnes.
- 2 However, a report should also be submitted in respect of any "person" who received contributing oil in a quantity not exceeding 150 000 tonnes in the relevant calendar year, if the quantity of contributing oil received by that person in that calendar year, when aggregated with quantities received **in the same reporting State** in that same calendar year by a person or persons "associated" with that person, exceeds 150 000 tonnes.
- 3 "Person" means any individual or partnership, or any public or private body, whether corporate or not, including a State or any of its constituent sub-divisions.
- 4 "Associated person" means any subsidiary or commonly controlled entity. The question whether a "person" comes within this definition shall be determined by the national law of the State concerned.

### Address

- 5 Give the full postal address to which invoices based on this report should be sent.

### Receipts to be Reported

- 6 "Contributing oil" means crude oil and fuel oil as defined under(a) and (b) below:
  - (a) "Crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation. It also includes crude oils from which certain distillate fractions have been removed (sometimes referred to as "topped crudes") or to which certain distillate fractions have been added (sometimes referred to as "spiked" or "reconstituted" crudes).
  - (b) "Fuel oil" means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the "American Society for Testing and Materials' Specification for Number Four Fuel Oil (Designation D396-69)", or heavier.

A list of contributing oil and non-contributing oil is reproduced on the reverse of the form.

- 7 "Contributing oil received" includes all contributing oil received during the relevant calendar year:
  - (a) in the ports or terminal installations in the territory of the reporting State if such oil was carried by sea to such ports or terminal installations;
  - (b) in any installation situated in the territory of the reporting State if such oil has been carried by sea and discharged in a port or terminal installation of a non-Member State and has thereafter been carried to the reporting State from the non-Member State by modes of transport other than by sea (eg by pipeline, non-sea-going barge, road or rail transport) provided, however, that in such cases oil receipts shall only be taken into account on first receipt in a Member State.
- 8 Discharge into a floating tank within the territorial waters of a Member State (including its ports) constitutes a receipt of oil, irrespective of whether the tank is connected with onshore installations via pipeline or not. Ships are considered to be floating tanks in this connection only if they are "dead" ships, ie if they are not ready to sail.
- 9 Movement within the same port area shall not be considered as carriage by sea.
- 10 Ship-to-ship transfer shall not be considered as receipt, irrespective of where this transfer takes place (ie within a port area or outside the port but within territorial waters) and whether it is done solely by using the ships' equipment or by means of a pipeline passing over land. This applies for a transfer between two sea-going vessels as well as for a transfer between a sea-going vessel and an internal waterway vessel and irrespective of whether the transfer takes place within or outside a port area. When the oil, after having been transferred in this way from a sea-going vessel to another vessel, has been carried by the latter to an onshore installation situated in the same Member State or in another Member State, the receipt in that installation shall be considered as receipt of oil carried by sea. However, in the case where the oil passes through a storage tank before being loaded to the other ship, it has to be reported as oil received at that tank in that State.
- 11 Imports should be entered under "Received from other States" and receipts from other sources under "Received otherwise".
- 12 "Received otherwise" includes movements from terminals at sea, from floating storage, from offshore oil fields by vessel or after cabotage (ie after coastal movement of crude or fuel oil within the same State).
- 13 "Member State" means a State for which the 1992 Fund Convention is in force. When completing the report, States for which the 1992 Fund Convention enters into force **after** 30 April of the year when the report is submitted shall be considered non-Member States.
- 14 The report should specify the State from which contributing oil was received and the mode of transport by which received. Only such oil which has at some stage been carried by sea should be reported.
- 15 Quantities of contributing oil should be given in metric tonnes and rounded off to the **nearest tonne**.

**REPORT ON CONTRIBUTING OIL RECEIVED IN 20.....**

made pursuant to Article 15.1 of the 1992 Fund Convention

STATE	
PERSON <sup>1-3</sup> RECEIVING CONTRIBUTING OIL	

ASSOCIATED PERSONS	Is the reporting person an "associated person" <sup>4</sup> ?	Yes/No
If yes, name parent company of group		

ADDRESS <sup>5</sup> (for invoicing)	
CONTACT PERSON (for invoicing)	

Contributing oil <sup>6</sup> (crude oil and fuel oil as defined) received <sup>7-12</sup> directly after carriage by sea	Quantity <sup>15</sup> (metric tonnes)	
Received from other States <sup>11</sup>		
Received otherwise <sup>11,12</sup>		
	<b>SUBTOTAL</b>	

Contributing oil <sup>6</sup> (crude oil and fuel oil as defined) received <sup>7-14</sup> from a non-Member State <sup>13,14</sup> by modes of transport other than carriage by sea.		
State from which received	Mode of Transport	Quantity <sup>5</sup> (metric tonnes)
	<b>SUBTOTAL</b>	

**TOTAL QUANTITY OF CONTRIBUTING OIL RECEIVED**

--

For completion by competent officer of company or other body receiving the oil	
Name	
Signature	
Title	
Telefax	
Date	

For completion by reporting Government Official	
Ministry or Agency	
Signature	
Title	
Telefax	
Date	

FUND USE ONLY	Entered	Associated to CTR/	71 Fund	92 Fund	Both	FUND USE ONLY
	Checked	Parent of CTR/	File: CTR/			

## List of Contributing Oil and Non-Contributing Oil

The following list of contributing and non-contributing oil is intended as a guide for contributors (see also note 6)

### Contributing Oil

#### *Crude Oils*

All naturally occurring crude oils  
Condensate <sup><1></sup>  
Topped crudes  
Spiked crudes  
Reconstituted crudes

#### *Finished Products*

N°4 fuel (ASTM)  
Navy special fuel  
Light fuel oil  
N°5 fuel (ASTM) - light  
Medium fuel oil  
N°5 fuel (ASTM) - heavy  
Bunker C fuel oil  
Heavy fuel oil  
Marine fuel oil  
N°6 fuel oil (ASTM)  
Blended fuel oils by viscosity  
or sulphur content  
Bituminous emulsions and fuel oil emulsions <sup><2></sup>

#### *Intermediate or Process Stocks*

Fuel oil blend stocks

### Non-Contributing Oil

#### *Crude Oils*

Natural gas liquids  
Condensate <sup><1></sup>  
Casinghead naphtha  
Natural gasoline  
Cohasset-panuke

#### *Finished Products*

LNG and LPG  
Aviation gasolines  
Motor gasoline (petrol, essence)  
White spirit  
Kerosene  
Aviation kerosene  
- Jet 1 A  
- N°1 fuel (ASTM)  
Gas oil  
Heating oil  
N°2 fuel (ASTM)  
Lubricating oil  
Marine diesel

#### *Intermediate or Process Stocks*

Straight run naphthas  
Light cracked naphtha  
Heavy cracked naphtha  
Platformate  
Reformate  
Steam-cracked naphtha  
Polymers  
Isomers  
Alkylates  
Catalytic cycle oil  
Reformer feed  
Steam cracker feed  
Gas oil blend stocks  
Catalytic cracker feedstock  
Visbreaker feedstock  
Aromatic tar

<1> To be considered as 'non-contributing oil' if more than 50% by volume distils at a temperature of 340°C and at least 95% by volume distils at a temperature of 370°C, when tested by the ASTM Method D 86/78 or any subsequent revision thereof.

<2> Quantity of emulsion received should be reported with no allowance for its water content.

October 1999

\* \* \*



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUNDS

FONDS INTERNATIONAUX  
D'INDEMNISATION POUR  
LES DOMMAGES DUS  
À LA POLLUTION PAR  
LES HYDROCARBURES

FONDOS INTERNACIONALES  
DE INDEMNIZACIÓN DE  
DAÑOS DEBIDOS A LA  
CONTAMINACIÓN POR  
HIDROCARBUROS

ANNEX II

DRAFT

**REPORT ON RECEIPTS OF CONTRIBUTING OIL**

**made under**

**Article 15.1 of the 1992 International Convention on the Establishment  
of an International Fund for Compensation for Oil Pollution Damage  
(1992 Fund Convention)**

**and/or**

**Article 13.1 of the 2003 Protocol to the 1992 Fund Convention  
(Supplementary Fund Protocol)**

The 1992 Fund Convention and the Supplementary Fund Protocol require that all Member States report to the Director of the International Oil Pollution Compensation Funds (IOPC Funds) each year the name and address of any company or entity in that State which is liable to pay contributions to the 1992 Fund and/or to the Supplementary Fund, as well as the quantity of contributing oil received by each of these companies and entities in the preceding year. The Funds' Internal Regulations require that the reports should be submitted using this form and no later than 30 April each year.

Member States in which no company or entity is liable to pay contributions to the 1992 Fund and/or the Supplementary Fund should notify the Director accordingly.

Please note that a company or entity which receives contributing oil in a State which is a Member of the Supplementary Fund may need to submit separate reports in respect of the 1992 Fund and the Supplementary Fund, if that company or entity receives any contributing oil by modes of transport other than directly by sea (eg by pipeline, non-sea-going barge, road or rail) from a State which was a Member of the 1992 Fund but was not a Member of the Supplementary Fund for all or part of the relevant year.

Please ensure that the report has been signed correctly before submitting it to:

The Director  
The IOPC Funds  
Portland House  
Stag Place  
London SW1E 5PN  
United Kingdom

**NOTE. The form for reporting receipts of contributing oil on page 3 should not be circulated without the notes on pages 2 and the definition of contributing oil on page 4.**

## **NOTES**

### **COMPANY OR ENTITY RECEIVING CONTRIBUTING OIL**

A report should be submitted for each company or entity that received more than 150 000 metric tonnes of contributing oil (crude oil and heavy fuel oil as set out on page 4 of this form) in any calendar year. Company or entity includes any individual or partnership, any public or private body, whether corporate or not, and a State or any of its sub-divisions, such as provinces or agencies.

However, a report should also be submitted for any individual entity that received less than 150 000 tonnes of contributing oil in any calendar year if it forms part of a group of "associated" companies or other entities which together received more than 150 000 tonnes of contributing oil in the same State in that year. "Associated" means any subsidiary or commonly controlled entity. Whether or not an entity is associated shall be determined by the national law of the State concerned.

### **RECEIPTS OF CONTRIBUTING OIL**

All contributing oil received during the relevant calendar year should be reported if it was:

- A. received in the ports or terminal installations in the Member State directly after carriage by sea
  - i. having been imported from other States, or
  - ii. following coastal movement within the same State (eg from terminals at sea, from floating storage tanks, from offshore oil fields by vessel or after cabotage);

or

- B. received by other modes of transport (eg by pipeline, non-sea-going barge, road or rail transport) from a non-Member State, after having been received in a port or terminal installation in that State after carriage by sea. Such oil is only liable for contributions on first receipt in a Member State.

"Received in the ports or terminal installations in the Member State" includes discharge into a floating tank within the territorial waters of the Member State (including its ports), irrespective of whether the tank is connected with onshore installations via pipeline or not. Ships are considered to be floating tanks in this connection only if they are "dead" ships, ie if they are not ready to sail.

"Received" does not include ship-to-ship transfer, irrespective of whether such a transfer

- i. takes place within a port area or outside the port but within territorial waters, or
- ii. is done solely by using the ships' equipment or by means of a pipeline passing over land, or
- iii. is between two sea-going vessels or from a sea-going vessel to an internal waterway vessel.

When the oil, after having been transferred in this way from a sea-going vessel to another vessel, has been carried by the latter to an onshore installation situated in the same Member State or in another Member State, the receipt in that installation shall be considered as receipt of oil carried by sea. However, in the case where the oil passes through a storage tank before being loaded to the other ship, it has to be reported as oil received at that tank in that State.

"Carriage by sea" does not include movement within the same port area.

### **SIGNATURES**

The form should be signed by a competent officer of the company or entity receiving contributing oil as certification that the figures are correct. Should a Member State have declared that it assumes itself the liability to pay contributions in respect of oil received in the territory of that State, such a signature is not obligatory.

The form should also be signed by a responsible official of the Government or competent Government authority to indicate that the Government or authority is satisfied that the information given is complete and that the figures are correct.



# REPORT TO THE IOPC FUNDS ON RECEIPTS OF CONTRIBUTING OIL

Before completing this form, please read the notes on page 2 and the definition of contributing oil on page 4.

<b>STATE</b> in which oil was received						
<b>YEAR</b> in which oil was received						
<b>FUND</b> to which report is being made ie to the 1992 Fund only, to the Supplementary Fund only or to both Funds	1992 Fund only		Supp. Fund only		Both Funds	

<b>COMPANY OR ENTITY RECEIVING CONTRIBUTING OIL</b>	
Please give details exactly as you would like them to appear on invoices	
<b>COMPANY OR ENTITY</b>	
<b>FOR THE ATTENTION OF</b>	
<b>ADDRESS</b>	
<b>CONTACT PERSON</b> in case of queries	Name
	Job title
	Telephone no.
	Fax no.
	Email address
<b>ASSOCIATED COMPANIES OR ENTITIES</b> which may also have received contributing oil	

<b>RECEIPTS OF CONTRIBUTING OIL</b>	
ie crude oil and heavy fuel oil as defined on page 4 of this form	
	<b>QUANTITY</b> in metric tonnes, rounded to the nearest tonne
<b>A. Received directly after carriage by sea</b>	
Imported from other States	
After coastal movement within the same State	
<b>B. Received by other modes of transport eg by pipeline, after carriage by sea</b>	
From a non-Member State	
State from which received	Mode of transport
<b>TOTAL QUANTITY OF CONTRIBUTING OIL RECEIVED</b>	

<b>SIGNATURES</b>			
<b>OFFICER OF COMPANY OR ENTITY</b>		<b>GOVERNMENT OFFICIAL</b>	
Signed		Signed	
Date		Date	
Name		Name	
Job title		Job title	
		Body	

<b>FUND USE ONLY</b>	File:	Associated to:	92 Fund	SF	Entered	Checked	<b>FUND USE ONLY</b>
	CTR/						

## Contributing Oil

"Contributing oil" means crude oil and fuel oil as defined under (a) and (b) below:

- (a) "Crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation. It also includes crude oils from which certain distillate fractions have been removed (sometimes referred to as "topped crudes") or to which certain distillate fractions have been added (sometimes referred to as "spiked" or "reconstituted" crudes).
- (b) "Fuel oil" means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the "American Society for Testing and Materials' Specification for Number Four Fuel Oil (Designation D396-69)", or heavier.

The following list of contributing and non-contributing oil is intended as a guide for contributors.

### Contributing Oil

#### *Crude Oils*

All naturally occurring crude oils  
Condensate <1>  
Topped crudes  
Spiked crudes  
Reconstituted crudes

#### *Finished Products*

N°4 fuel (ASTM)  
Navy special fuel  
Light fuel oil  
N°5 fuel (ASTM) - light  
Medium fuel oil  
N°5 fuel (ASTM) - heavy  
Bunker C fuel oil  
Heavy fuel oil  
Marine fuel oil  
N°6 fuel oil (ASTM)  
Blended fuel oils by viscosity  
or sulphur content  
Bituminous emulsions and fuel oil emulsions <2>

#### *Intermediate or Process Stocks*

Fuel oil blend stocks

### Non-Contributing Oil

#### *Crude Oils*

Natural gas liquids  
Condensate <1>  
Casinghead naphtha  
Natural gasoline  
Cohasset-panuke

#### *Finished Products*

LNG and LPG  
Aviation gasolines  
Motor gasoline (petrol, essence)  
White spirit  
Kerosene  
Aviation kerosene  
- Jet 1 A  
- N°1 fuel (ASTM)  
Gas oil  
Heating oil  
N°2 fuel (ASTM)  
Lubricating oil  
Marine diesel

#### *Intermediate or Process Stocks*

Straight run naphthas  
Light cracked naphtha  
Heavy cracked naphtha  
Platformate  
Reformate  
Steam-cracked naphtha  
Polymers  
Isomers  
Alkylates  
Catalytic cycle oil  
Reformer feed  
Steam cracker feed  
Gas oil blend stocks  
Catalytic cracker feedstock  
Visbreaker feedstock  
Aromatic tar

<1> To be considered as 'non-contributing oil' if more than 50% by volume distils at a temperature of 340°C and at least 95% by volume distils at a temperature of 370°C, when tested by the ASTM Method D 86/78 or any subsequent revision thereof.

<2> Quantity of emulsion received should be reported with no allowance for its water content.