



INTERNATIONAL
OIL POLLUTION
COMPENSATION
SUPPLEMENTARY
FUND

ASSEMBLY
1st session
Agenda item 24

SUPPFUND/A.1/23
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CLAIMS MANUAL

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

Summary: This document deals with the issue as to whether the Supplementary Fund needs a Claims Manual and, if so, whether it should have its own Manual or whether the 1992 Fund and the Supplementary Fund should have a joint Manual.

Action to be taken: To consider whether the Supplementary Fund should have a Claims Manual.

1 The issue

- 1.1 The governing bodies of the 1971 and 1992 Funds have developed criteria for the admissibility of various types of claims which are set out in Claims Manuals. The Manual is a practical guide to presenting claims for compensation. The present version of the 1992 Fund's Manual, which was approved by the 1992 Fund Assembly at the October 2004 session, will be published in spring 2005.
- 1.2 At its 8th extraordinary session, held in May 2004, the 1992 Fund Assembly agreed with the Director's proposal that the 1992 Fund and the Supplementary Fund should issue a joint Claims Manual, based on the 1992 Fund's Claims Manual (document 92FUND/A/ES.8/4, paragraph 3.6.6).
- 1.3 As stated at the 1992 Fund Assembly's October 2004 session, the Director had given further consideration as to whether the 1992 Fund and the Supplementary Fund should issue a joint Manual. Bearing in mind that the Supplementary Fund would not make its own assessment of claims for compensation, the Director had finally come to the view that the Supplementary Fund did not need a Manual, and had proposed that the 1992 Fund Assembly should make a recommendation to the Supplementary Fund Assembly to this effect.
- 1.4 Some delegations supported the Director's proposal to recommend to the Assembly of the Supplementary Fund that it should not issue its own Manual, which would in any event be identical to the 1992 Fund Manual. Other delegations had a contrary view.
- 1.5 The Assembly decided that the question of whether the Supplementary Fund should have a Claims Manual would have to be considered again in the future and that any final decision would have to be left to the Assembly of the Supplementary Fund (document 92FUND/A.9/31, paragraph 23.17).
- 1.6 The Director maintains the view that the Supplementary Fund does not need a Claims Manual, since the Supplementary Fund would not normally be involved in the handling and assessment of claims but only make payments for claims which have been recognised by the 1992 Fund or have been accepted by decisions of a competent court binding on the 1992 Fund. In the Director's view

it could be misleading if the Supplementary Fund were to have a Claims Manual, whether its own or in the form of a joint 1992 Fund/Supplementary Fund Manual. The new version of the 1992 Fund's Manual, which was approved by the 1992 Fund Assembly at its October 2004 session, contains a number of references to the Supplementary Fund including a statement that the criteria under which compensation claims qualify for compensation from the Supplementary Fund are identical to those of the 1992 Fund. In addition it states that the 1992 Fund's claims settlement policy, set out in its Claims Manual, also applies to compensation payments by the Supplementary Fund. The Director considers that this is sufficient.

- 1.7 If the Assembly were to consider that a Claims Manual were needed for the Supplementary Fund, the Manual should, in the Director's view, be issued jointly with the 1992 Fund.

2 Action to be taken

The Assembly is invited to consider:

- (a) whether the Supplementary Fund needs a Claims Manual; and
 - (b) if so, whether it should have its own Manual or whether the 1992 Fund and the Supplementary Fund should publish a joint Manual.
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