



INTERNATIONAL
OIL POLLUTION
COMPENSATION
SUPPLEMENTARY
FUND

ASSEMBLY
1st session
Agenda item 25

SUPPFUND/A.1/24
20 January 2005
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ESTABLISHMENT OF SUBSIDIARY BODIES

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

Summary:	It is submitted that there is no need for the Supplementary Fund to establish a subsidiary body to deal with claims for compensation.
Action to be taken:	To consider whether any such subsidiary body should be established.

1 The issue

- 1.1 According to Article 16.2 of the Supplementary Fund Protocol and Article 18.9 of the 1992 Fund Convention, the Assembly may establish any temporary or permanent subsidiary body it may deem necessary.
- 1.2 The Supplementary Fund will not undertake its own examination of claims for compensation but pay compensation for 'established claims', ie claims which have been recognised by the 1992 Fund or have been accepted as admissible by a decision of a competent court binding on the 1992 Fund (Article 4.4 of the Supplementary Fund Protocol).
- 1.3 At its 8th session, held in October 2003, the 1992 Fund Assembly agreed with the Director that since the Supplementary Fund would not undertake its own examination of claims for compensation, there would be no need for the Supplementary Fund to set up a body to deal with claims (document 92FUND/A.8/30, paragraph 7.10).

2 Action to be taken

The Assembly is invited to consider whether any subsidiary body to deal with claims should be established.
