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COMPENSATION
SUPPLEMENTARY
FUND

ASSEMBLY
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Agenda item 9

SUPPFUND/A.1/8
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APPLICATION OF THE SUPPLEMENTARY FUND PROTOCOL TO THE EEZ OR AN AREA DESIGNATED UNDER ARTICLE 3(a)(ii) OF THE SUPPLEMENTARY FUND PROTOCOL

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

Summary:	It is proposed that notification on the establishment of an exclusive economic zone (EEZ) or designation of an area under Article 3(a)(ii) of the Supplementary Fund Protocol received by the Secretary-General of IMO or the Director in respect of the 1992 Fund should also apply in respect of the Supplementary Fund.
Action to be taken:	Decide on the procedure for providing information to the Supplementary Fund in this regard.

1 The issue

- 1.1 At its 1st session held in 1996 the 1992 Fund Assembly noted that the geographical scope of application of the 1992 Fund Convention included the exclusive economic zone (EEZ) established under the United Nations Convention on the Law of the Sea or an area designated under Article 3(a)(ii) of the 1992 Fund Convention. It was recognised that in order to determine the geographical scope of application of the 1992 Fund Convention in respect of a given Member State, it was necessary for the 1992 Fund to know whether that State had established an EEZ or designated such an area (document 92FUND/A.1/34, paragraph 21.1).
- 1.2 The Assembly adopted a Resolution at its 1st session (1992 Fund Resolution N°4) to the effect that States which established an EEZ or determined an area under Article 3(a)(ii) of the 1992 Fund Convention before ratifying the 1992 Fund Convention were urged to notify the Secretary-General of IMO accordingly when they deposited their instruments of ratification in respect of that Convention, and that States which established an EEZ or determined such an area after the entry into force of the 1992 Fund Convention in respect of those States were invited to notify the Director accordingly (document 92FUND/A.1/34, paragraph 21.2 and Annex IV).
- 1.3 The provisions of Article 3(a)(ii) of the Supplementary Fund Protocol concerning the establishment by Contracting States of an EEZ or designation of such an area are identical to those of Article 3(a)(ii) of the 1992 Fund Convention. 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 agreed with the Director that it would be appropriate that notifications received by the Secretary-General of IMO or the Director from States which were Members of the 1992 Fund

should automatically apply in respect of the Supplementary Fund Protocol when they became Parties to the Protocol (document 92FUND/A/ES.8/4, paragraph 3.3.6).

2 Action to be taken by the Assembly

The Assembly is invited to decide on the procedure for informing the Supplementary Fund of the establishment of an EEZ or designation of an area under Article 3(a)(ii) of the Supplementary Fund Protocol.
