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SUBMISSION OF OIL REPORTS

MEASURES ENCOURAGING THE SUBMISSION OF OIL REPORTS

Note by the Director

Summary:	The non-submission of oil reports has been a constant problem. At their October 2005 sessions, the governing bodies instructed the Director to proceed with a number of measures which had been proposed to assist States to submit oil reports. This document provides an update on the implementation of these measures.
Action to be taken:	Give the Director such further instructions as regards the issues dealt with in this document as the governing bodies may deem appropriate.

1 Introduction

- 1.1 The non-submission of oil reports has been a constant problem over the years for the 1971 Fund and the 1992 Fund. The current situation is set out in document 92FUND/A.12/12, SUPPFUND/A.3/10 and 71FUND/AC.22/9/1.
- 1.2 At their October 2005 sessions, the governing bodies considered the Secretariat's normal procedures for monitoring the submission of oil reports as well as recommendations as to further measures that might encourage States to fulfil their obligations in this regard (document 92FUND/A.10/14/1, SUPPFUND/A/ES.1/8/1 and 71FUND/AC.17/9/1).
- 1.3 The governing bodies considered a number of measures to encourage States to submit oil reports focussing on either assisting States to submit reports or 'shaming' them into doing so (document 92FUND/A.10/37, paragraphs 15.6-15.8, SUPPFUND/A/ES.1/21, paragraphs 9.3-9.5, and 71FUND/AC.17/20, paragraphs 11.6-11.8).
- 1.4 As regards assisting States to submit oil reports, the governing bodies considered the following measures:
 - (a) The Secretariat could liaise much more closely with the Embassy or High Commission of new 1992 Fund Member States in order to try to prevent problems from arising in the first place.

This could include inviting the Embassy or High Commission to inform the Secretariat of an individual who was to be responsible for the procedure for submission of the oil reports, either at the Embassy or High Commission or at a relevant Ministry or agency.

- (b) All States could be invited to give the Secretariat the contact details of the person, section or agency which in the respective State was responsible for the submission of reports so as to enable the Secretariat to make direct contacts when problems arise.
 - (c) The Secretariat was considering establishing an electronic reporting system for the submission of reports on contributing oil, similar to that which has been developed in the context of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention). It was conceivable that the reduced administrative work involved in using such a system compared to the present system might assist those States with relatively small administrations in the submission of reports.
 - (d) The governing bodies might wish to consider whether, when electing Chairman and Vice-Chairmen of various Fund bodies, account should be taken of whether the States whose nationals are considered for election have fulfilled their obligations to submit oil reports.
 - (e) The governing bodies might wish to instruct the Director to invite a few States which have established efficient procedures for compiling the necessary information and submitting the reports to inform the Secretariat of these procedures. The Director could then prepare an information document which could assist other States in setting up such procedures.
- 1.5 As regards 'shaming' States into submitting oil reports, in addition to highlighting States with outstanding reports on the website and in the Annual Report, the governing bodies could invite those States with outstanding reports which are represented at the sessions of the governing bodies to report back at the next session with an explanation as to the reasons for that State's failure to submit reports.
- 1.6 The governing bodies instructed the Director to proceed with the measures which had been proposed to assist States to submit oil reports, listed in paragraph 1.4, but not with those intended to 'shame' States into submitting reports, listed in paragraph 1.5 (document 92FUND/A.10/37, paragraphs 15.13, SUPPFUND/A/ES.1/21, paragraphs 9.10, and 71FUND/AC.17/20, paragraphs 11.12).
- 1.7 However, as regards the 1971 Fund, the Administrative Council decided during its discussion of the winding up of that Fund that the former 1971 Fund Member States with outstanding oil reports should be listed on the IOPC Funds' website (document 71FUND/AC.17/20, paragraph 15.18).
- 1.8 It should be noted that it is important to distinguish between non-submission of reports by States and non-payment of contributions by contributors. The non-submission of reports is in principle a major problem, although in practice the financial implications are limited, since it is likely that most States that do not submit reports have few if any contributors, and where there are any contributors in these States it is likely that they only receive relatively small quantities of contributing oil. In contrast there are relatively few contributors who do not pay invoiced amounts, although these amounts can in some cases be quite significant.

2 Report on implementation of measures to assist States to submit oil reports

- 2.1 The implementation of the measures referred to in paragraphs 1.4(a), (b) and (d) and 1.7 was reported to the governing bodies at their October 2006 sessions (cf document 92FUND/A.11/14/1, SUPPFUND/A.2/9/1 and 71FUND/AC.20/9/1).

- 2.2 With regard to the measure referred to in paragraph 1.4(c), the Secretariat is proceeding with the establishment of an electronic reporting system for the submission of reports on contributing oil, similar to that which has been developed in the context of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention). It is hoped that a trial version of such a system will be available for demonstration to the governing bodies at their October 2008 sessions, at the latest.
- 2.3 Further to the measure referred to in paragraph 1.4(e), the 1992 Fund Administrative Council, acting on behalf of the Assembly, noted at its June 2007 session that the Director had prepared an information document which could assist States in setting up procedures for the submission of oil reports (cf documents 92FUND/A.ES.12/4 and 92FUND/AC.3/A/ES.12/14, paragraph 4.1). This document is being distributed to States which currently have outstanding oil reports, as well as to States which ratify the 1992 Fund Convention in the future. Based on the feedback received at the June 2007 session, the Director is preparing a similar document aimed at assisting contributors, rather than governments, to establish procedures for the submission of oil reports.

3 Action to be taken by the governing bodies

The governing bodies are invited:

- (a) to take note of the information contained in this document; and
 - (b) to give the Director such further instructions as regards the issues dealt with in this document as they may deem appropriate.
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