



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUNDS

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1992 Fund Assembly	92A17	●	
1992 Fund Executive Committee	92EC56		
Supplementary Fund Assembly	SA8	●	
1971 Fund Administrative Council	71AC29	●	

REVIEW OF INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS HAVING OBSERVER STATUS

Note by the Secretariat

Summary:	<p>Every three years a review is carried out of international non-governmental organisations having observer status in order to determine whether the continuance of this status is of mutual benefit.</p> <p>To facilitate such a review, this document lists the organisations that currently have observer status with one or more of the IOPC Funds, and provides information regarding their attendance at, and submission of documents to, Fund meetings, as well as contact the Secretariat has had with these organisations since the last review in October 2009. Statements by these organisations concerning the continuance of observer status are also provided.</p>
Action to be taken:	<p><u>1992 Fund Assembly and 1971 Fund Administrative Council</u></p> <ul style="list-style-type: none"> (a) Establish a group of five States to consider, taking into account the information concerning the relationship between the Funds and the international non-governmental organisations with observer status and the statements by these organisations set out at Annex III, whether the continuance of observer status is of mutual benefit, and to report its findings to the governing bodies; and (b) Having taken note of the report of the group of five States, decide whether to withdraw the observer status of any international non-governmental organisation. <p><u>Supplementary Fund Assembly</u></p> <p>Having taken note of the decision of the 1992 Fund Assembly as to whether or not to withdraw the observer status of any international non-governmental organisation, decide whether it wishes to divert from that decision in respect of a particular organisation.</p>

1 Granting of observer status

- 1.1 Pursuant to Article 18.10 of both the 1971 Fund Convention and the 1992 Fund Convention and Article 16.2 of the Supplementary Fund Protocol, the Assemblies of the respective Funds shall determine which non-Contracting States and which intergovernmental and international non-governmental organisations shall be admitted to take part, without voting rights, in meetings of the Assembly and subsidiary bodies.

- 1.2 At its June 1996 session, the 1992 Fund Assembly adopted guidelines on relations between the International Oil Pollution Compensation Fund 1992 and intergovernmental organisations and international non-governmental organisations, which set out, *inter alia*, the criteria for the granting of observer status (document [92FUND/A.1/34/1](#)). These guidelines were amended at the Assembly's October 2002 session in respect of international non-governmental organisations, to include provisions for a periodic review of whether such organisations continue to fulfil the criteria set out in the guidelines, and for the granting of observer status on a provisional basis. The guidelines are reproduced at Annex I.
- 1.3 At its March 2005 session, the Supplementary Fund Assembly decided that intergovernmental organisations and international non-governmental organisations that had been granted observer status in respect of the 1992 Fund should have observer status with the Supplementary Fund, unless the Assembly of the Supplementary Fund decided otherwise in respect of a particular organisation. In light of this decision, the Assembly decided that there was no need for the Supplementary Fund to have any Guidelines similar to those for the 1992 Fund (document [SUPPFUND/A.1/39](#), section 4).
- 1.4 The following international non-governmental organisations currently have observer status with the IOPC Funds:

Organisation	Observer status held	
	1992 Fund and Supplementary Fund	1971 Fund
BIMCO	X	X
Comité Maritime International (CMI)	X	X
Conference of Peripheral Maritime Regions (CPMR)	X	
European Chemical Industry Council (CEFIC)	X	
International Association of Classification Societies Ltd (IACS)	X	
International Association of Independent Tanker Owners (INTERTANKO)	X	X
International Chamber of Shipping (ICS)	X	X
International Group of Liquefied Natural Gas Importers (GIIGNL)	X	
International Group of P&I Associations	X	X
International Salvage Union (ISU)	X	X
International Tanker Owners Pollution Federation Ltd (ITOPF)	X	X
International Union of Marine Insurance (IUMI)	X	
Oil Companies International Marine Forum (OCIMF)	X	X
World LP Gas Association (WLPGA)	X	

2 Procedure for review

- 2.1 Paragraph B.3 of the 1992 Fund Guidelines provides for the possibility of the withdrawal of the observer status granted to an international non-governmental organisation if the Assembly considers that there is no further advantage to the 1992 Fund in continuing with that status or if any conflict of interests arises or is likely to arise between the respective activities of the 1992 Fund and the organisation concerned.
- 2.2 Paragraph B.4 of the 1992 Fund Guidelines provides that the Assembly will review every three years the list of international non-governmental organisations having observer status in order to determine whether the continuance of observer status for any particular organisation is of mutual benefit.
- 2.3 At the October 2003 session of the 1971 Fund Administrative Council, it was noted that many international non-governmental organisations having observer status with the 1992 Fund also had observer status with the 1971 Fund. It was therefore decided that the review should be carried out on behalf of both the 1971 Fund and the 1992 Fund (documents [92FUND/A.8/30](#), paragraph 17.2 and [71FUND/AC.12/22](#), paragraph 14.2).

- 2.4 The Director proposes that the October 2012 review should also be carried out on behalf of the Supplementary Fund. He also proposes that the same procedure be followed as in all previous reviews whereby a group of five States is established to consider whether the continuance of observer status for any particular international non-governmental organisation is of mutual benefit and to report its findings to the governing bodies.

3 Information available

3.1 Attendance at meetings and submission of documents

An overview of the attendance of international non-governmental organisations having observer status at the meetings of IOPC Funds' governing bodies since the previous review in October 2009, and of which organisations have submitted documents during this period, is at Annex II.

3.2 Comments from NGOs

In July 2012, the Secretariat wrote to all international non-governmental organisations having observer status, drawing attention to the fact that the 1992 Fund Assembly had decided to review, every three years, whether organisations with observer status still fulfilled the criteria given in Annex I, and invited comments on whether, in the view of these organisations, the continuance of observer status was still of mutual benefit. Responses were received from all of these organisations and are reproduced at Annex III.

3.3 Contact with the Secretariat

- 3.3.1 The Director and other members of the Secretariat are in regular contact with the International Group of P&I Associations and ITOPF in connection with the day-to-day work of the IOPC Funds, as well as a variety of conferences and training courses.
- 3.3.2 The IOPC Funds' short course (formerly known as the IOPC Funds' internship programme), held in November 2011, was actively supported by INTERTANKO, the International Group of P&I Associations and ITOPF. The short course will again this year be supported by those organisations as well as ICS.
- 3.3.3 The Director is pleased to note that CMI, the International Group of P&I Associations and ITOPF were particularly active in the submission of documents for consideration by the 6th intersessional Working Group of the 1992 Fund, which was established to consider the procedures for the assessment of large numbers of claims for relatively small amounts and also the question of the funding of interim payments
- 3.3.4 The Director is also pleased to report that CMI, IACS, INTERTANKO, ICS, International Group of P&I Associations, ITOPF and IUMI were active in the discussions at the first meeting of the 7th intersessional Working Group of the 1992 Fund, which is considering the definition of 'ship'. Following that meeting, BIMCO, CMI, IACS and INTERTANKO have offered their assistance to the Secretariat in its consideration of the definition of 'ship'.
- 3.3.5 In February 2012, as part of its work following up on the adoption of the 2010 HNS Protocol, the 1992 Fund Secretariat visited CEFIC in Brussels. A very useful meeting took place, during which CEFIC provided helpful feedback from the industry on various matters, including the HNS Finder. Since that meeting the cooperation between CEFIC and the IOPC Funds in respect of HNS matters has been ongoing.

4 Director's considerations

- 4.1 The information set out in Annex II indicates that the majority of NGOs having observer status with the IOPC Funds attend meetings regularly and participate in those meetings, either through the submission of documents or through contributing to the discussions at relevant sessions. Three Organisations which have not attended recent meetings are CEFIC, GIIGNL and ISU.

- 4.2 As pointed out in paragraph 3.3.5, whilst CEFIC has not attended recent meetings of the IOPC Funds, cooperation between the two organisations has increased in the past year and with the 1992 Fund's increased efforts towards encouraging ratification of the 2010 HNS Protocol, both CEFIC and GIIGNL have stated their intention to participate in future meetings of the 1992 Fund Assembly.
- 4.3 ISU explains in its letter to the Director, the difficulties it faces in attending IOPC Funds' meetings with only a one or two-person Secretariat. The Director would like to point out that whilst ISU has been unable to attend meetings of the IOPC Funds for a number of years, he is nevertheless of the view that the observer status of ISU remains of mutual benefit to the two Organisations. He considers that a good relationship with ISU could be of great value to the IOPC Funds in the event of an incident occurring which gives rise to issues relating to salvage.
- 4.4 Taking into account all the information available, as discussed in section 3, the Director is of the opinion that all international non-governmental organisations which currently hold observer status with the IOPC Funds should maintain that status until the next review in 2015.

5 Action to be taken

5.1 1992 Fund Assembly and the 1971 Fund Administrative Council

The 1992 Fund Assembly and the 1971 Fund Administrative Council are invited:

- (a) to take note of the information contained in this document;
- (b) to establish a group of five States to consider, taking into account the information concerning the relationship between the Funds and the international non-governmental organisations with observer status and the statements by these organisations set out at Annex III, whether the continuance of observer status is of mutual benefit, and to report its findings to the governing bodies; and
- (c) having taken note of the report of the group of five States, to decide whether to withdraw the observer status of any international non-governmental organisation.

5.2 Supplementary Fund Assembly

The Supplementary Fund Assembly is invited:

- (a) to take note of the information contained in this document; and
- (b) having taken note of the decision of the 1992 Fund Assembly as to whether or not to withdraw the observer status of any international non-governmental organisation, to decide whether it wishes to divert from that decision in respect of a particular organisation (see paragraph 1.3).

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ANNEX I

Text as revised by the 1992 Fund Assembly at its October 2002 session

GUIDELINES ON RELATIONS BETWEEN THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND 1992 (1992 FUND) AND INTERGOVERNMENTAL ORGANISATIONS AND INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS

A Intergovernmental organisations

- 1 The International Oil Pollution Compensation Fund 1971 will be invited to be represented at all meetings of the Assembly and may be invited, as appropriate, to meetings of subsidiary bodies which may be established.
- 2 The United Nations and the International Maritime Organization and any other specialised agency of the United Nations whose interests and those of the 1992 Fund are of common concern, will be invited to be represented by observers at all meetings of the Assembly and may be invited, as appropriate, to meetings of subsidiary bodies.
- 3 The Assembly will consider requests to be represented by observers received from other intergovernmental organisations whose aims and activities are relevant to those of the 1992 Fund or which are interested in the work of the 1992 Fund. An invitation to attend a session of the Assembly or other meeting may, subject to confirmation by the Assembly, be issued by the Director to any organisation making such a request. The Assembly may decide that invitations be sent to such an organisation either for a specific session or meeting or on a regular basis.
- 4 An agreement for co-operation may, with the approval of the Assembly, be concluded between the 1992 Fund and any intergovernmental organisation, if it is in their mutual interest to do so. The agreement may provide, where appropriate on a reciprocal basis, for admission as an observer, exchange of information, consideration of suggestions for agenda items, consultation on programmes and joint activities and other practical co-operation.

B International non-governmental organisations

- 1 Observer status may be granted by the Assembly to an international non-governmental organisation, at its request, if:
 - (a) the organisation concerned is of truly international character and its objectives are in harmony with those of the 1992 Fund;
 - (b) it has aims, responsibilities or activities in the fields related to those of the 1992 Fund or which are of concern or interest to the 1992 Fund, particularly in connection with pollution and environmental matters, maritime and shipping affairs, marine insurance, production or transport of oil or relevant questions of international law; and
 - (c) it is able to make a contribution to the work of the 1992 Fund, for example by providing specialised information, advice or expertise, or by identifying or helping to procure the services of experts or consultants, or by otherwise furnishing technical assistance or by making research facilities available.
- 2 Observer status may be granted on a provisional basis for a period normally not exceeding three years.
- 3 Observer status will be withdrawn if the Assembly considers that there is no further advantage to the 1992 Fund in continuing with the same or if any conflict of interests arises or is likely to arise between the respective activities of the 1992 Fund and the organisation concerned.

- 4 The Assembly will review every three years the list of international non-governmental organisations having observer status in order to determine whether the continuance of observer status for any particular organisation is of mutual benefit.

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ANNEX II

ATTENDANCE AT MEETINGS OF IOPC FUNDS' BODIES AND SUBMISSION OF DOCUMENTS BY INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS

Meeting date	1992 Fund	1971 Fund	Supp. Fund	BIMCO	CMI	CPMR	CEPIC	GLIIGL	IACS	INTERANKO	ICS	Int. Group of P&I Associations	ISU	ITOPF	IUMI	OCIMF	WLPGA
October 2006	ASS, EXC	AC	ASS	√	√					√	√	√	√	√	√	√	
March 2007	EXC, WGR	AC		√	√				√	√	√	√D		√	√	√	
June 2007	ASS, EXC, WGR				√			√		√	√	√D		√D	D	√	
October 2007	ASS, EXC	AC	ASS		√	√	√	√	√	√	√	√		√	√	√	
March 2008	EXC, WGR				√D		√	√D		√	√	√D		√	√	√	
June 2008	ASS, EXC, WGR				√		√D	√D		√	√	√D		√	√	√	
October 2008	ASS, EXC	AC	ASS		√				√	√	√	√		√		√	
March 2009	EXC			√	√					√	√	√		√	√	√	
June 2009	ASS, EXC				√					√	√	√		√	√	√	√
October 2009	ASS, EXC, WGR	AC	ASS	√	√				√	√	√	√D		√	√	√	√
June 2010	EXC, WGR				√				√	√	√	√D		√D	√	√	√
October 2010	ASS, EXC	AC	ASS	√	√					√	√	√		√	√	√	√
March 2011	ASS, EXC, WGR	AC	ASS		√D					√	√	√D		√D			√
July 2011	ASS, EXC, WGR				√D				√	√	√	√D		√	√		
October 2011	ASS, EXC	AC	ASS	√	√				√	√	√	√		√	√		√
April 2012	ASS, EXC, WGR	AC		√	√	√			√	√	√	√D		√	√	√	√

√=attended sessions

D = submitted documents or made presentation

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ANNEX III

SUBMISSIONS BY OBSERVER ORGANISATIONS

BIMCO

We indeed consider the continuation of observer status very important and of mutual benefit to the IOPC as well as to our association and its members.

As the oldest and one of the largest independent international shipping associations, with a membership composed of shipowners, managers, brokers, agents, P&I Clubs and many other stakeholders with vested interests in the shipping industry, BIMCO has an genuine commitment to be involved in the works undertaken by the IOPC. Owner members represent a broad spectrum of ship operations including dry cargo vessels, container vessels, tanker vessels and offshore vessels and the discussions in the IOPC thus potentially have direct implications on our membership. The ongoing discussions on the definition of ship contained in the 1992 Civil Liability and Fund Conventions obviously represent one current issue, which is very relevant to our association and membership. The fact that BIMCO covers a truly global membership of more than 2 500 companies in over 120 countries highlights our wish to promote higher standards and greater harmony in regulatory matters worldwide.

BIMCO is a practical membership organisation providing information and guidance to its members covering all aspects of their business activities. An equally important role for the association is to participate in international maritime legislative work in various fora to secure a global framework within which maritime business can be conducted safely and efficiently. BIMCO has, therefore, for many years lent its support to the work of the IMO, IOPC and other organisations by offering its practical expertise, not least in the marine technical matters, and we obviously intend to continue providing such support whenever necessary.

Although the *Erika* and *Prestige* oil pollution incidents took place a number of years ago they obviously stay very close to mind for the international community as well as for a large number of people affected directly or indirectly. While the immediate work program of the IOPC is fortunately not dominated by such issues as those following these disastrous events, BIMCO is of course still actively committed to continuously working towards enhancing quality shipping worldwide. A natural prerequisite in this respect is the ability for the association to join the debate and the ability to cooperate closely with other shipping-related bodies.

In conclusion, for the reasons states above, BIMCO would very much value the opportunity to maintain its observer status as an international non-governmental organisation at the IOPC.

Comité Maritime International (CMI)

CMI continues to take an active interest in the work of the IOPC Funds, and wishes to continue with this relationship, and to retain its Observer status. The most recent active collaboration with IOPC Funds has been the research carried out in 2012 jointly by Richard Shaw, the CMI Observer Delegate, with Mans Jacobsson on the treatment of interim payments to pollution victims under the CLC and Fund Conventions.

In addition the CMI Observer Delegation makes regular interventions when it can contribute something useful to the matter under debate, and prepares short reports on the meetings of the Fund Bodies which are posted on the CMI Website <comitemaritime.org> in the section headed News Letters and Year Books.

The greatest asset of the CMI is, as you are aware, the strength of our network of National Maritime Law Associations, and the diversity of professions and activities represented among the membership of those associations. We have contributed significantly and, I hope, positively to the discussions of the IOPC Fund Governing Bodies over the years.

I trust that this makes the CMI's position clear. The CMI values its relationship with the IOPC Fund. The regular attendance of our representative at the Fund meetings and its active participation in the debates is, I trust, sufficient proof of our commitment to the aims and objectives of the Fund, and of our wish to continue that relationship into the future.

Conference of Peripheral Maritime Regions (CPMR) (Original French)

The CPMR's involvement in the IOPC Funds is one of its priorities in the current phase of its maritime safety activity. The CPMR considers that maintaining its observer status with the 1992 Fund would be of mutual benefit. Indeed, the involvement of maritime regions within the CPMR on maritime safety issues has increased in recent years and directly or indirectly concerns all issues relating to the prevention of incidents and their solutions, especially in the framework of the IOPC Funds. The CPMR therefore wishes to participate in all future IOPC Fund meetings open to observers and to make a useful contribution to the functioning of the IOPC Funds.

1. Involvement in questions related to the action of the European Union and IMO

Following from the work done through the Aquamarina working group, the CPMR's maritime safety activity has entered a new phase. In the current phase, the CPMR member Regions are focusing their action on the following subjects:

- The implementation of the 'Erika 3' package;
- Compensation for ecological damage, especially the role of the IOPC Funds;
- Maritime surveillance and pollution response;
- Links between the European Social Agenda and maritime safety issues, as the human factor often plays a big part in terms of responsibility for incidents.

These questions, in particular compensation for ecological damage, were the subject of a seminar at the European Parliament on 1 December 2011 in which the IOPC Fund was invited to participate. Those questions were then the subject of further discussion and form the basis for further reflection by the CPMR Regions. The role of the IOPC Funds is a key topic under consideration, which is consequently strongly mobilising the CPMR member Regions, in some cases based on their actual experience of compensation mechanisms.

The next General Assembly of the CPMR (3-5 October 2012, Bialystok) will be an opportunity to address these questions specifically. It will be followed by:

- a seminar (9-11 October 2012, Larnaca, Cyprus), co-organized by the CPMR in the framework of the MAREMED project, which will deal specifically with pollution prevention and oil pollution compensation;
- another seminar (22-23 November 2012, Biarritz, France), organized by the Surfrider Foundation on the consequences of the *Prestige* incident.

In addition, maritime safety is also a subject linked to several initiatives undertaken under the auspices of the CPMR, in particular concerning data and indicators on the marine environment, shipbuilding and the integrated management of coastal areas.

Also, following the wreck of the Costa Concordia, the CPMR organized a seminar on the island of Giglio (Tuscany) on the question of maritime safety in passenger transportation.

2. Involvement of the CPMR in interregional cooperation projects concerning maritime safety

In the last three years, the CPMR has been involved, with its member Regions, in the implementation of European projects, including the MAREMED5 project (Maritime Regions Cooperation for the Mediterranean) in which it is a partner. This project covers 14 Regions and 5 States (FR-IT-ES-GR-CY) and one of its action lines is pollution prevention.

The CPMR has collaborated on several other European projects, notably:

- The ARCOPOL project (Atlantic Regions Coastal Pollution, Response and Preparedness; 14 partners from ES-FR-P-UK-IRL (regional and local authorities, research and training institutes, regional development agencies)). This project is intended to implement one of the action lines identified in the framework of the Aquamarina project, consisting of sharing of information between authorities on

administrative procedures put in place with respect to compensation. The aim of the project is to assist victims in their actions and to compare the use made of sums derived from compensation, and the different management methods and structures involved.

- The BALTIC MASTER II7 project (30 direct partners and 18 associate partners from 9 Baltic countries in the European Union) whose objective is to improve on-shore anti-pollution actions and which has carried out analyses of the socio-economic impact of pollution.

European Chemical Industry Council (CEFIC)

Thank you for consulting CEFIC about its observer status at the IOPC 1992 Fund. In the light of the preparation of the HNS Convention's implementation, we would confirm our interest for this status.

As our recent meeting has shown, we have mutual interest in the developments of the application of this Convention. We also consider the observer status to be beneficial in enabling us to closely monitor developments in the application of the 1992 Fund, in particular concerning the level of compensation limits and any changes in the nature of the damage covered by the 1992 Fund. For our part, we hope, that representing the broad interests of the chemical industry, including petro-chemicals in Europe as a whole, we could continue to make a constructive contribution to the work of IOPC.

International Association of Classification Societies Ltd (IACS)

I am pleased to advise that IACS firmly believes in the mutual benefit of IACS maintaining its observer status.

IACS wishes to confirm its commitment to the IOPC Fund and to provide our technical advice and input, as requested, on any matter being discussed by the Fund that has relevance to Classification matters.

The historical and continued strong linkage between marine insurers and classification societies is a partnership that promotes and facilitates the delivery of the ideals of safe ships and clean seas.

The IACS observer at meetings of the 1992 Fund is the Association's Permanent Representative, Mr Paul Sadler.

Regrettably, meetings of the 1992 Fund are sometimes held at the same time as the meetings of the senior policy decision-making and governance bodies of IACS, in particular the Council and the General Policy Group. Consequently, IACS has not been able to attend every meeting of the Fund in the last 3 years. However, please be assured that when this does occur we endeavour to meet with those who have attended the meetings of the 1992 Fund as soon as possible to discuss the outcomes of these meetings.

At present, we are endeavouring to make a positive contribution to the discussions, both in the meetings of the Fund and intersessionally, on the definition of the term 'ship'. In particular, we understand that our advice on the current survey and certification regime for vessels that are involved in the maritime transport chain for oil, both from the classification and the statutory maritime safety and pollution prevention perspectives, is considered to be helpful.

As we stated in our letter applying for Observer status dated 6 April 2006, IACS continues to make a unique contribution to maritime safety and pollution prevention through technical support, compliance verification and research and development. More than 90% of the world's cargo carrying tonnage is covered by the classification design, construction and through-life compliance Rules and standards set by the thirteen Member Societies of IACS.

We look forward to continuing what we firmly believe is the mutual benefit derived from the Observer status that IACS enjoys at the 1992 Fund.

International Association of Independent Tanker Owners (INTERTANKO)

INTERTANKO has taken an active interest in the work of the International Oil Pollution Compensation Fund and respectfully requests that its consultative status be prolonged.

As its full name implies, INTERTANKO is the international association of independent tanker owners. The Association has 242 members, whose combined fleet comprises more than 3 000 tankers totalling 276 million dwt, which is 70% of the world's independent tanker fleet above 10 000 dwt. INTERTANKO's associate membership stands at 273 companies with an interest in oil and oil and chemicals shipping.

We suggest that INTERTANKO's aims, as set out in the Association's Articles of Association quoted below fits in well with the requirements for observer status. Furthermore, we trust that INTERTANKO's contributions to the work of the Fund - in the form of submissions, active participation in meetings, as well as promotion of the international oil pollution compensation system in other fora - has been considered both positive and constructive over the years.

Extract from INTERTANKO's Articles of Association

2) Aims

The Association is a non-profit organisation whose aims are to further the interests of independent tanker owners; to promote a free and competitive tanker market; to work for safety at sea and the protection of the marine environment.

The scope and objects shall be:

- to promote internationally the interests of its members in matters of general policy;
- to co-operate with other technical, industrial or commercial and environmental interests or bodies on problems of mutual concern to its members and to such interests;
- to take part in the deliberations of other international bodies so far as may be necessary for the attainment of its objects;
- to do all things conducive to the attainment of the above objects or any of them.

International Chamber of Shipping (ICS)

Thank you for your letter of 20 July inviting our comments on whether the continuance of the observer status of the International Chamber of Shipping (ICS) would be of mutual benefit to ICS and the 1992 Fund. ICS is firmly of the view that this indeed would be the case.

As you are aware, ICS is the principal international trade association for the shipping industry comprising national shipowners' associations representing all sectors and trades, including tankers. The ICS membership is strongly supportive of the international regime of civil liability and compensation for oil pollution damage administered by the 1992 Fund Secretariat. Shipowners' liability is an integral part of the regime and we believe it is essential that shipowners are properly represented during the Fund's deliberations in order to observe the proper functioning of the system and to provide advice on any technical or practical issues that may arise. The continuing success of the international regime depends on the support of all stakeholders and, for its part, ICS continues to participate actively in the work of the 1992 Fund and to promote the regime in other fora whenever possible and appropriate.

During the three years since the previous review, ICS has maintained its regular attendance at all meetings of the 1992 Fund Assembly and Executive Committee, as well as meetings of the intersessional Working Groups held during the period. ICS participation during this period has been primarily by way of oral interventions at meetings rather than written submissions. ICS has also had, and continues to have, contact with the Fund's Secretariat.

The important work of the fifth intersessional Working Group (the HNS Focus Group) culminated in the adoption by IMO in 2010 of a Protocol to the HNS Convention. The work was of direct relevance to our membership and ICS made a positive and constructive contribution to the deliberations and satisfactory completion of the work. ICS and its members are promoting the ratification of the HNS Convention as amended by the Protocol of 2010.

More recently, ICS has been participating in the work of the sixth and seventh intersessional Working Groups. ICS is presently in the process of obtaining information in order to assist the deliberations of the seventh intersessional Working Group (WG7) in its consideration of the definition of 'ship'. In consultation with the Chairman of WG7, ICS is coordinating an industry working group comprising other interested international associations to obtain the necessary information on the trade practices of tankers and FSUs. A first meeting of the industry working group was convened by ICS on 30 July and all efforts are being made to ensure that the necessary information will be available for the next meeting of WG7 in spring 2013. Furthermore, it is hoped that preliminary findings will be available for the proposed meeting of the WG7 consultation group in the margins of the October 2012 sessions of the IOPC Funds.

ICS and the Fund's Secretariat have been in touch in relation to various matters since the previous review of observer status, most recently in relation to the internship programme and the upcoming 2012 IOPC Funds' Short Course in November. ICS is looking forward to making a positive contribution to the Short Course by presenting one of the modules and contributing to the social programme.

Accordingly we believe that ICS continues to fulfil the criteria for observer status with the 1992 Fund as set out in B1 of the Guidelines and that its continuance would be of mutual benefit to the Fund and the ICS membership. ICS greatly values its observer status with the 1992 Fund and respectfully requests its continuation.

International Group of Liquefied Natural Gas Importers (GIIGNL) (Original French)

With regard to our interest in your activities, we wish to maintain our status, in particular concerning activities related to the HNS Convention. Considering the stakes now involved in the ratification of this Convention both for current applications and new developments in our industry, our teams have expressed the wish to follow your activities. Observer status seems to us to be a highly appropriate means of doing so.

International Group of P&I Associations

As we have previously commented, the member Clubs of the International Group are closely involved in all major issues of general importance that come before the IOPC Funds. The Group Clubs between them currently cover, amongst other liabilities, the pollution liabilities of approximately 95% of the world oceangoing tanker fleet and approximately 90% of the world merchant fleet. The Group Clubs are the major providers of certificates required under CLC and more recently the Bunker Convention and are involved in the majority of maritime pollution incidents occurring worldwide. In this context the Group Clubs work closely with the IOPC Funds in relation to individual claims arising.

Apart from specific claims involvement the Group is currently working together with the Funds in relation to the issues of funding of interim payments and review of the claims manual and has participated and will continue to participate in the processes for implementation of the HNS Convention. The Group also has an ongoing liaison with the Funds and ITOPIF and provides periodical updates to the Funds in relation to STOPIA 2006 vessel numbers. The Group also coordinates with the Funds in relation to the Funds internship program arranging for interns to visit with Group Clubs and the Group Secretariat.

Group Clubs continue to value their observer status with the 1992 Fund and believe this to be an important and mutually beneficial arrangement. The Group Clubs would certainly be keen to renew their observer status with the 1992 Fund for a further three years.

International Salvage Union (ISU)

ISU fully complies with the requirements regarding NGOs set out in sections 1 (a), (b) and (c) of the Guidelines. ISU now has 59 full Members and 62 Affiliated/Associated Members based throughout the World. The full members of ISU include all of the world's major marine salvage contractors. The Affiliated Members are organisations such as INTERTANKO, INTERCARGO and BIMCO, whilst the Associates are firms, organisations and individuals with an involvement in salvage activity, who do not engage in marine salvage as a main contractor.

I appreciate that there must be a review of the status of NGOs, and also that ISU has rarely attended any meetings of the IOPCF.

ISU remains a small organisation. I will be handing over to a new General Manager, Mark Hoddinott, later this year, and he will be the only full time ISU person, although ISU also has a Communications/PR Consultant and a Legal Adviser with one of the leading London maritime law firms. As a consequence it is difficult for ISU to attend prolonged meetings. However ISU will always be pleased to participate in any meetings/discussions, etc. with IOPCF dealing with Marine Salvage and/or Environmental Protection, and I hope that ISU may maintain its NGO status with IOPCF in the future.

International Tanker Owners Pollution Federation Ltd (ITOPF)

I consider that ITOPF fully meets the criteria set out in paragraph B.1 of the Guidelines enclosed with your letter. I would also submit that we regularly attend all meetings of the 1992 Fund, including the Assembly, Executive Committee and Working Groups. I therefore trust that the Assembly at its October 2012 session will agree to the continuance of our observer status.

ITOPF has contributed to the work of the IOPC Funds in many ways since 1978 and hopes to continue doing so in the future:

ITOPF'S role

ITOPF's Members comprise virtually all the world's tanker owners. The owners of other types of ship are eligible to become Associates. In both cases the annual subscriptions are paid by the third party liability insurers on behalf of their members. Despite the organisation's membership and funding, ITOPF is a technical body that is not involved in lobbying on behalf of any particular interest.

Response to spills

ITOPF'S priority service is attending on-site at significant ship-source spills of oil, chemicals and other substances around the world, at the request of owners and their third party liability insurers. The primary purpose of this attendance is to encourage effective clean-up and the mitigation of damage to the environment and economic resources through giving objective technical advice. When the incident involves a ship, as defined in the CLC and Fund Convention, that is spilling or threatening to spill persistent oil in a State party to the Fund Convention, ITOPF will often be the organisation that first informs the Fund of the incident. The Fund then normally asks ITOPF to represent its interests on-site as regards the clean-up and damage to fisheries and the environment. When the HNS Convention comes into force it is highly probable that the same arrangement will apply to chemical spills.

When on-site at spills the ITOPF staff member will actively encourage adherence to the claims admissibility guidelines contained in the Fund's Claims Manual. Situation reports are routinely sent to various parties, including the Fund, and particular issues will be discussed as they arise.

Damage assessment and analysis of claims

Assessing the damage caused by a spill to fisheries and/or to the environment is a part of ITOPF's on-site role at spills. Reports will be sent back to the Club and Fund to keep them apprised of the situation and to allow them to appoint additional experts or take other actions as deemed necessary in the circumstances. An area of increasing activity for ITOPF is environmental damage, with involvement in post-spill studies and in assessing the feasibility of reasonable restoration measures. It is anticipated that involvement in such issues for the Fund will grow in the years ahead.

Claims for clean-up expenses are regularly reviewed by ITOPF in relation to what was observed at the time of the spill and the Fund's own claims admissibility guidelines. ITOPF also utilises its extensive knowledge on the rates charged by various public and private entities around the world as a basis for commenting on the reasonableness of costs. Once the assessment of a claim is completed a detailed report is passed to the insurer and Fund to assist them with their settlement negotiations. In major cases, ITOPF's involvement in claims for clean-up costs and damage on behalf of the Fund can last for many years.

Participation in Fund Working Groups

ITOPF has a long history of making positive contributions to Fund Working Groups. In 1994, for example, it produced three detailed papers for the Seventh Intersessional Working Group of the 1971 Fund on Preventive Measures, Economic Loss and Environmental Damage. These papers put forward constructive proposals for claims admissibility guidelines, many of which were subsequently adopted by the Fund Assembly for incorporation in the organisation's Claims Manual. ITOPF also played a major role in re-drafting the 1992 Fund's policy on Environmental Damage, in conjunction with various national delegations. More recently, ITOPF has submitted papers and contributed to discussion at the 1992 Fund's 6th Intersessional Working Group meetings considering large numbers of claims for small amounts.

Attendance at Meetings

One or more members of ITOPF's staff attend meetings of the Executive Committee and Assembly. It is very rare that there is not at least one ITOPF representative in the meeting room. ITOPF's assistance is often requested for review of papers related to particular spills.

I hope that you agree that the above summary demonstrates that ITOPF meets the criteria set out in paragraph B.1 of the Guidelines enclosed with your original letter fully. I therefore trust that the Assembly at its October 2012 session will agree to the continuance of our observer status.

International Union of Marine Insurance (IUMI)

IUMI would very much like to continue their 'Observer status' at IOPC; very much on the same basis as before, where Mr Tony Nunn retired from these duties at the end of 2008, when Andrew Higgs agreed to seek to try to carry on his good work, with Fritz Stabinger, the Secretary-General of IUMI.

The International Union of Marine Insurance were first granted Observer Status in March 2005 and have attended meetings of the International Oil Compensation Fund 1992 since then. They have contributed when appropriate on matters relevant to Marine Insurance and have in turn been grateful for the information and discussions which have been of considerable value and interest.

IUMI are particularly interested in the discussions about a definition of a 'ship', where marine insurers and energy insurers both have an interest, and it has clearly been established that there is no generally accepted definition of a ship; for UNCLOS or IMO Treaty purposes, or otherwise.

IUMI value their Observer Status with IOPC and trust that this comparatively new relationship can only prosper and be mutually beneficial for both IOPC and IUMI. For the assistance of the Assembly and those reviewing IUMI positions, the following information may be of some value.

The International Union of Marine Insurance are a professional body run by and for its members. They provide an essential forum to discuss and exchange ideas of common interest and to protect and advance member's interests. They also provide through its worldwide communication network a platform from which views on matters of concern to its members are disseminated to the marine and shipping industry, International Organisations and International media. IUMI have a unique status in the world of marine insurance, whose members are dedicated to expand international trade, and transport by sea, and to enter emerging markets.

IUMI founded in 1874 as an Association of 52 national or market Marine Insurance Associations World Wide the aims are:

- To discuss problems in marine (re)insurance, and to exchange experience.
- To consider matters related to international legislation, Loss Prevention and Safety.
- To collect and disseminate information, and further to develop marine insurance.

IUMI are, however, not involved in the formulation of rating schedules, clauses or conditions.

The Administration is through an Executive Committee (President, Mr Ole Wikbourg, Norway) and Technical Committees specialising in Ocean Hull, Legal and Liability, Loss Prevention, Cargo, Inland Hull, Yachts, Fishing Vessels ('IFY') and Offshore Oil and Energy matters. The General Secretary is Fritz Stabinger, Switzerland, where the Secretariat is currently situated.

An Annual Meeting in various major centres takes place each September (2012 San Diego, California, USA, and 2013, London UK) where problems are debated with members of the various Associations including Workshops. Leading industry figures are invited as Keynote Speakers.

IUMI was originally among the first six most senior Non-Government Organisations elected to Observer Status at IMO, in 1958, and regularly attend IMO meetings and have participated in various discussions, including IMO Guidelines to Shipowners, Ship Operators and Ship Masters regarding Piracy and Armed Robbery in High Risk Sea Areas, targeted economic sanctions under UNSC Resolutions, EQUASIS Ship-Types, off-shore energy and transboundary pollution, and Loss Prevention issues relating Total Loss Statistics etc.

IUMI have appointed liaison officers/observers to UNCTAD, ICC, CMI, ICS and IACS, for example.

It is the hope and wish of IUMI to maintain Observer Status with the IOPC Funds. We suggest that the common factors concerning marine accidents, pollution, liability and the off-shore oil industry are areas of vital interest to the IOPC Funds and IUMI. We can certainly learn from your deliberations and may be able to contribute from time to time.

Oil Companies International Marine Forum (OCIMF)

OCIMF greatly values the work of your organisation which is of fundamental importance to our member companies and I confirm our strong desire to retain observer status.

OCIMF represents a broad spectrum of national and international oil companies on matters of safety and environmental protection with respect to the seaborne transportation and terminal handling of hydrocarbons. An important aspect of our work is to produce and publish industry standards and best practice, with the objective of promoting continuous improvements in standards of design and operation and reducing incidents. The OCIMF mission and objectives complement those of the IOPC Funds.

Our membership has grown to 94 oil companies covering every continent of the globe. For good order, I attach a list of current members as illustration of the International nature of our organisation (see below). Our member companies are also major contributors to IOPC Funds through annual receiver contributions.

I would also draw attention to contribution made by OCIMF and experts drawn from the membership to the work of the IOPC Funds in our long association. Our members have participated since inception sharing learning's from the voluntary CRISTAL compensation scheme in advance of the 1971 Fund Convention. We have continued our close involvement with regular attendance at IOPC meetings since 1978 and have contributed resource and expertise on work groups including developments of STOPIA, TOPIA, reform of the Supplementary Fund and more recently in advancing the HNS Convention and Protocol.

In conclusion, it is our strong desire to retain observer status which we consider to be of benefit to both organisations.

LIST OF MEMBERS OF OIL COMPANIES INTERNATIONAL MARINE FORUM

94 companies worldwide (as of August 2012)

Abu Dhabi Company for Onshore Oil Operations	Murco Petroleum Limited
Abu Dhabi Marine Operating Company	National Iranian Tanker Company
Abu Dhabi National Oil Company	Neste Oil Corporation
Addax Oryx Group	Nexen Inc
Administración Nacional de Combustibles Alcohol y Portland	Nigeria LNG Limited
Angola LNG	Noble Americas Corp
Bakri International Energy Company Limited	NuStar Energy LP
BG LNG Services LLC	Occidental Energy Marketing Inc
Bharat Oman Refineries Ltd	OCENSA
BHP Billiton Limited	OMV Refining & Marketing GmbH
BP Shipping Limited	Pan American Energy
Cargill Ocean Transportation	PDV Marina SA
Cenovus Energy Inc	Pertamina
Centrica PLC	Petrobras
Chevron Shipping Company LLC	Petróleos de Portugal – PETROGAL, SA
CNOOC	Petroleos Mexicanos
Compagnie de Distribution des Hydrocarbures	Petroleum Industry Marine Association of Japan *
Compania Espanola de Petroleos SA	Petronas Sungai Udang Port Sdn Bhd
ConocoPhillips	Petron Corporation
Ecopetrol S.A.	Petroplus Marketing AG
Emirates National Oil Company	Petrovietnam
Enel Trade SpA	Phillips 66 Company
ENAP	Preem Petroleum AB
Engen Petroleum Limited	Primorsk Oil Terminal
Eni SpA	PTT Public Limited Company
ERG SpA	Qatar Petroleum Corporation
Essar Oil Limited	Qatar International Petroleum Marketing Co Limited ('Tasweeq')
Excelerate Energy LLC	Reliance Industries Limited
Gazprom Global LNG Ltd	Repsol YPF Trading Y Transporte SA
GDF Suez	SARAS SpA
Greater Nile Petroleum Operating Co Limited	Saudi Arabian Oil Company
Hess Corporation	Sempra LNG
Husky Energy	Shell International Trading and Shipping Company Limited
Indian Oil Corporation Limited	Sonangol Marine Services
Ineos Manufacturing Scotland Limited	Sonatrach SpA
INPEX Corporation	Statoil ASA
International Marine Transportation Limited	Suncor Energy Inc
Koch Shipping Inc	Sunoco Logistics Partners LP
Kuwait Oil Company	Talisman Energy UK Limited
LUKOIL Oil Company	Tesoro Maritime Company
Maersk Oil	Total SA
Marathon Oil Company	Tullow Oil Plc
Marathon Petroleum Co. LP	Valero Marketing & Supply Co
Marquard & Bahls AG	

* PIMA is counted as 4 OCIMF members, a full list of PIMA Companies is held at the OCIMF Secretariat

World LP Gas Association (WLPGA)

The WLPGA is a not-for-profit association governed under the 1901 regulation under French law. Its SIREN number is 343 136 Q32 and its Code APE is 913E. Its principle activity is to provide information on the LP Gas business, to represent its member companies globally and to provide reports on the Industry.

The WLPGA has an extensive membership stretching from producer companies in the Middle East through to supply, distribution and marketing, based all over the world. Our current membership is now over 200 from over 100 countries.

Through partnerships with the United Nations Development Programme and the World Bank the WLPGA strives to promote the use of LP Gas worldwide to foster a safer, cleaner, healthier and more prosperous world. Our Mission is to:

- Demonstrate the benefits of LP Gas and inform, educate and influence all stakeholders.
- Support the development of LP Gas markets.
- Promote compliance with standards, good business and safety practices.
- Identify innovation and facilitate knowledge transfer.

The same properties that make LP Gas such a versatile energy source also present challenges in its storage, handling and distribution. LP Gas is an inflammable substance and strict standards and codes of practice are applied to ensure its very good safety record. Over 250 million tonnes of LP Gas is shipped around the world every year and this figure continues to grow. We estimate nearly 2 billion people use LP Gas in one form or another.

The WLPGA is keen to be engaged in any discussions that have an impact on the LP Gas business and we have followed with keen interest the development relating to the HNS Convention. It is for this reason that the WLPGA continues to seek observer status to represent the International LP Gas industry on issues relating to the product within the HNS Convention in order that they are conveyed clearly.

Although we are a small office we have an experienced resource pool that can participate and contribute to discussions or questions that arise about LP Gas.

We look forward to participating in future discussions on HNS and thank you again for the opportunity of doing so in an Observer Status capacity.