



International Oil Pollution  
Compensation Funds

<b>Agenda Item 5</b>	IOPC/OCT19/5/1	
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<b>Original</b>	English	
<b>1992 Fund Assembly</b>	92A24	●
<b>1992 Fund Executive Committee</b>	92EC73	
<b>Supplementary Fund Assembly</b>	SA16	●

## SUBMISSION OF OIL REPORTS

### Note by the Secretariat

<b>Summary:</b>	<p>One hundred and one States have submitted reports for 2018 to the 1992 Fund, representing 97.31% of the expected total contributing oil. Oil reports for the year 2018 and/or previous years are outstanding for 18 States with respect to the 1992 Fund.</p> <p>Thirty States have submitted reports for 2018 to the Supplementary Fund, representing 99.39% of the expected total contributing oil. Oil reports for the year 2018 and/or previous years are outstanding for two States with respect to the Supplementary Fund.</p>
<b>Action to be taken:</b>	<p><u>1992 Fund Assembly and Supplementary Fund Assembly</u></p> <p>Information to be noted.</p>

### 1 Introduction

- 1.1 This document sets out the status of the submission of oil reports in respect of the 1992 Fund and the Supplementary Fund. It also provides an update on the development of the online reporting system for the submission of oil reports by Member States.
- 1.2 In January 2019, the Director invited the 1992 Fund and Supplementary Fund Member States to submit to the Secretariat their reports on contributing oil received in 2018 by 30 April 2019. The submission of any outstanding reports from previous years was also requested, as appropriate. The Secretariat maintains a list of contributors for each State. Member States are provided with a list of the contributors in their State along with the contributing oil receipts for the previous three years to assist them in submitting the current oil reports.
- 1.3 Electronic reminders were sent out in May 2019 and reminder letters were sent in July 2019. These were followed up by further electronic reminders and phone calls to the competent authorities of States with outstanding reports.
- 1.4 Clarification is sought from Member States in the event that oil reports are not submitted for all contributors or when there are inconsistencies with previously reported tonnages. The Secretariat also has access to information on persistent oil received after sea transport, published by Refinitiv's Eikon service to which the Secretariat already subscribes for information on counterparty banks. This information is used by the Secretariat, together with web-based open-source research, to assist Member States with reporting and clarifying reasons for large variations in tonnages.
- 1.5 Competent authorities were reminded of the governing bodies' concern about States that did not fulfil their treaty obligations to submit reports, as it is crucial for the functioning of the international compensation

regime, and they were referred to Resolution N°12—Measures in respect of outstanding oil reports and outstanding contributions, which was adopted at the April 2016 session of the 1992 Fund Administrative Council. Attention was drawn to the fact that in accordance with Resolution N°12 with respect to the 1992 Fund, the extent to which a State fulfilled its obligation to submit reports would be taken into account when making payments of claims for compensation and when the 1992 Fund Assembly elects members of the 1992 Fund Executive Committee.

- 1.6 With respect to the Supplementary Fund, States were reminded that failure to submit oil reports could lead to a temporary or permanent denial of compensation.

## **2 Situation with regard to outstanding reports**

### **2.1 1992 Fund**

- 2.1.1 The 101 States that have submitted reports for 2018 are estimated to represent some 97.31% of the expected total contributing oil for the 1992 Fund (see document IOPC/OCT19/4/1, Annex). As at 24 September 2019, 18 Member States had not submitted reports on contributing oil for 2018 or prior years (see Annex).

- 2.1.2 Out of the 18 States with outstanding reports, 8 States recorded outstanding reports for one year only. It is expected that the non-submission of oil reports by these States is an administrative oversight and that 'nil' quantities will be reported in four of these States.

- 2.1.3 Of the nine States with reports outstanding for more than one year, two have not submitted any reports since joining the 1992 Fund: Dominican Republic (20 years) and Syrian Arab Republic (10 years). Oil reports are outstanding for Saint Lucia for 10 years (2004–2013), the Republic of Albania for six years (2013–2018) and the Kingdom of Morocco for four years (2015–2018).

- 2.1.4 Reports are outstanding the Kingdom of the Netherlands for the years 2004–2009, with respect to Bonaire and St Eustatius<sup><1></sup>. The authorities in the Netherlands have informed the Secretariat they are taking the appropriate steps under their national legislation to ensure that reports are submitted by the contributor in St Eustatius. The contributor in Bonaire is in severe financial difficulty, and the authorities are continuing their efforts to liaise with the contributor's head office, which is located in another Member State.

- 2.1.5 Reports are also outstanding for Sint Maarten (Kingdom of the Netherlands) for the years 2004–2018. The authorities in Sint Maarten have informed the Secretariat that there is one oil receiver and they are awaiting final confirmation of tonnages from the oil receiver before submitting reports. They expect to submit the reports shortly.

- 2.1.6 The financial consequences of the outstanding reports can not be determined.

### **2.2 Supplementary Fund**

- 2.2.1 As at 24 September 2019, reports have been submitted by 30 Member States of the Supplementary Fund. One Member State of the Supplementary Fund, Barbados, had outstanding reports for one year only. One Member State, Morocco, had outstanding reports for four years.

- 2.2.2 The financial consequences of the missing reports are limited with respect to the Supplementary Fund. The reports already submitted by States for 2018 are estimated to represent 99.39% of the expected total contributing oil.

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<1> The authorities in Kingdom of the Netherlands have confirmed that no contributing oil is to be expected in respect of the island of Saba.

### **3 Online reporting system**

3.1 The Secretariat has been developing and trialling an online reporting system (ORS) to assist Member States to submit their data on oil receipts to the Secretariat.

3.2 At the October 2017 sessions of the governing bodies, the 1992 Fund Assembly and the Supplementary Fund Assembly approved the Director's recommendation that three methods of submission be made available to Member States to submit their reports on contributing oil and that each Member State should choose which option best suited their needs (partial or fully electronic submission—see IOPC/OCT17/5/1/1, Annex).

#### **3.3 Developments in 2019**

3.3.1 At the April 2018 sessions, the 1992 Fund Administrative Council and the Supplementary Fund Assembly decided to amend Internal Regulation 4, to allow for the submission of oil reports by electronic means and to define Member State and Secretariat responsibilities with regard to the use and verification of electronic signatures. The amended Internal Regulations came into effect from 1 January 2019 (IOPC/APR18/9/1, paragraph 7.2.4).

3.3.2 The Secretariat completed the work required to allow Member States to upload their oil reports in PDF and JPEG format against individual contributor records in the ORS, providing for electronic submission of oil reports to the Secretariat.

3.3.3 The Secretariat's bespoke accounts and contributions management package, Fundman, is being replaced by an off-the-shelf Enterprise Resource Planning (ERP) system. It is expected that some of the functionality required by the ORS will be available in the new ERP system as standard. Further development work on the bespoke ORS has therefore been postponed until the ERP system is operational and the development needs are identified.

3.3.4 The Secretariat expects the ERP system to be operational in 2020. Once the ERP system is operational, the Secretariat will work on how to integrate the ORS into the ERP system. This is expected to be completed in 2021.

3.3.5 All States were invited to use the ORS for the submission of the 2018 oil tonnages. As at 24 September 2019, 24 of the 53 States registered had submitted their 2018 oil reports through the ORS, representing approximately 68% of the total oil tonnage reported to the 1992 Fund and 70% to the Supplementary Fund.

### **4 Director's considerations**

4.1 The Director is grateful for the continued cooperation and engagement of Member States with respect to the submission of oil reports; however he notes with concern that five Member States have outstanding reports for four or more years.

4.2 The Director will continue his efforts to engage with those Member States that have outstanding reports. He encourages Member States to contact the Secretariat if they have trouble compiling information on oil receipts.

4.3 Ongoing work is required to ensure that all Member States continue to fulfil this important obligation under the 1992 Fund Convention and the Supplementary Fund Protocol. The Director strongly encourages all 1992 Fund and Supplementary Fund Member States to support the Secretariat in this matter.

**5 Action to be taken**

1992 Fund Assembly and Supplementary Fund Assembly

The 1992 Fund Assembly and the Supplementary Fund Assembly are invited to take note of the information contained in this document.

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**ANNEX**

**Non-submission of oil reports by Member States**

	State	Number of years of outstanding reports	Tonnage given in most recent complete report	Years for which reports are outstanding	
				1992 Fund	Supplementary Fund
1	Dominican Republic	20	No reports received	1999–2018	
2	Saint Lucia*	11	3 640 161	2004–2013	
3	Syria	10	No reports received	2009–2018	
4	Albania	6	0	2013–2018	
5	Morocco	4	5 189 312	2015–2018	2015–2018
6	Mauritania	3	241 649	2016–2018	
7	Comoros	2	0	2017–2018	
8	Djibouti	2	167 042	2017–2018	
9	Iran (Islamic Republic of)	2	13 613 243	2017–2018	
10	Angola	1	2 515 392	2018	
11	Argentina	1	12 607 018	2018	
12	Bahrain	1		2018	
13	Barbados	1	225 346	2018	2018
14	Gabon	1		2018	
15	Guinea	1	173 942	2018	
16	Oman	1		2018	
17	Panama	1	10 339 086	2018	

\*Oil reports for calendar years 2014–2018 have been submitted.