



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND

ASSEMBLY
18th session
Agenda item 1

FUND/A.18/1
10 July 1995

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PROVISIONAL ANNOTATED AGENDA OF THE EIGHTEENTH SESSION OF THE ASSEMBLY

to be held at the Headquarters of the
International Maritime Organization, 4 Albert Embankment,
London SE1, from Tuesday 17 October, 2.30 pm,
to Friday 20 October 1995

Opening of the Session

1 Adoption of the Agenda

2 Election of the Chairman and two Vice-Chairmen

In accordance with Article 18.1 of the Fund Convention and Rule 20 of the Rules of Procedure, the Assembly will be invited to elect a Chairman and two Vice-Chairmen who shall hold office until the next regular session.

3 Examination of credentials

In accordance with Rule 10 of the Rules of Procedure, the Director will report to the Assembly on the credentials received from representatives of Members.

4 Report of the Director

The Assembly may wish to consider the Director's report on the operations of the IOPC Fund since the 17th session of the Assembly (FUND/A.18/2).

5 Report on investments

In accordance with Internal Regulation 10.3, the Director will submit a detailed report on the IOPC Fund's investments since the 17th session of the Assembly (FUND/A.18/3).

6 Report of the Investment Advisory Body

In accordance with the mandate of the Investment Advisory Body, the Body shall submit, through the Director, to each ordinary session of the Assembly, a report on its activities since the previous session of the Assembly. The Assembly will be invited to consider this report (FUND/A.18/4).

7 Financial Statements and Auditor's Report and Opinion

In accordance with Article 29.2(f) of the Fund Convention, the Director has prepared the Financial Statements of the IOPC Fund for the financial year 1994. According to Financial Regulation 10.9, the External Auditor shall transmit his Report on the Financial Statements to the Chairman of the Assembly not later than 30 June following the end of the accounting year. The Assembly will be invited to consider the Auditor's Report and Opinion and to approve the accounts of the IOPC Fund (FUND/A.18/5).

8 Appointment of members of the Investment Advisory Body

The Investment Advisory Body shall be composed of three experts appointed by the Assembly for one year. The Assembly will be invited to appoint members of the Investment Advisory Body (FUND/A.18/6).

9 Review of investment policy

The Director will submit a document setting out the developments of the IOPC Fund's investment policy (FUND/A.18/7). The Assembly will be invited to consider this matter.

10 Report on contributions

The Director will submit a report to the Assembly on the payment of contributions (FUND/A.18/8).

11 Reports of the Executive Committee on its 41st, 42nd, 43rd and 44th sessions

According to Article 18.12 of the Fund Convention, the Assembly has to review and approve the reports on the activities of the Executive Committee. The reports on the Committee's 41st, 42nd, 43rd and 44th sessions will be presented to the Assembly by the Committee's Chairman (documents FUND/EXC.41/2, FUND/EXC.42/11 and FUND/EXC.43/7 in respect of the sessions held prior to the issuance of the present document).

12 Election of members of the Executive Committee

Pursuant to Article 23.1 of the Fund Convention, the Assembly will be invited to elect new members of the Executive Committee. The Director will submit a document containing the necessary information (FUND/A.18/9).

13 Appointment of members and substitute members of the Appeals Board

In accordance with Section II(c) of the Statute of the Appeals Board, the Assembly will be invited to appoint members and substitute members of the IOPC Fund's Appeals Board. A document containing the necessary information will be submitted (FUND/A.18/10).

14 Transfers within the 1995 Budget

The Assembly will be invited to consider authorising the Director to make transfers between chapters in the Budget for 1995 in excess of the transfers permitted pursuant to Financial Regulation 4.3 (FUND/A.18/11).

15 Entry into force of the 1992 Protocols amending the 1969 Civil Liability Convention and the 1971 Fund Convention

The entry into force requirements of the 1992 Protocols amending the 1969 Civil Liability Convention and the 1971 Fund Convention were met on 30 May 1995 and these Protocols will enter into force on 30 May 1996. The Director will inform the Assembly of progress being made in various States towards ratification of the Protocols (FUND/A.18/12).

16 Preparations for the entry into force of the 1992 Protocol amending the 1971 Fund Convention

At its 17th session, the Assembly instructed the Director to elaborate the necessary proposals on the various issues involved in the preparations for the entry into force of the 1992 Protocol to the Fund Convention, and to submit these proposals to the Assembly for consideration at its 18th session (cf document FUND/A.17/35, paragraph 15.14). The Director will report on the progress of these preparations (FUND/A.18/13 and related documents).

17 Budget for 1996

A draft budget for the calendar year 1996 will be submitted to the Assembly for consideration and adoption (FUND/A.18/14).

18 Assessment of annual contributions

In accordance with Article 12 of the Fund Convention, the Assembly will be invited to decide on the assessment of annual contributions. The Director will submit a document on this matter (FUND/A.18/15).

19 Legal status of the Provident Fund

The Assembly decided at its 16th session that the status of the Provident Fund should be clarified, and agreed in principle that the Provident Fund should be constituted as a trust. The Assembly instructed the Director to study in depth the various legal and practical problems involved, in consultation with the External Auditor, and to present detailed proposals to the Executive Committee for consideration. The Assembly decided at its 17th session to postpone its consideration of this issue to its 18th session. The Director will submit a document concerning the developments on this matter (FUND/A.18/16).

20 Investigations into the cause of Incidents

At its 17th session, the Assembly accepted an offer by the delegation of the United Kingdom to lead a Correspondence Group of interested Member States to consider the problems encountered in different States concerning the various procedures and investigations carried out following an incident. It was agreed that the Correspondence Group would report to the Assembly at its 18th session on progress made in identifying the problems and possible ways of overcoming them (FUND/A.18/17).

21 Position vis-à-vis the Fund Convention of certain States formerly part of the Union of Soviet Socialist Republics

At its 17th session, the Assembly instructed the Director to pursue his efforts to establish the position of the Governments of Azerbaijan, Georgia, Kazakhstan, Latvia, Lithuania, Turkmenistan and Ukraine vis-à-vis the Fund Convention. A document concerning this issue will be submitted by the Director (FUND/A.18/18).

22 Levy of contributions in respect of an oil receiver in Croatia

At its 17th session, the Assembly considered whether an oil receiving company in the Republic of Croatia, which had accepted the obligation to pay contributions for the oil received by the company since 8 October 1991 (the date when the Republic of Croatia became Party to the Fund Convention by virtue of succession), was also liable to pay contributions for oil received before that date by a company with the same name located in the then Socialist Federal Republic of Yugoslavia. The Director will submit a document on the developments on this issue (FUND/A.18/19).

23 Replacement of instruments enumerated in Article 5.3 of the Fund Convention

The Assembly will be invited to examine whether to include certain Amendments to SOLAS 74 and MARPOL 73/78 in the list of instruments contained in Article 5.3 of the Fund Convention (FUND/A.18/20).

24 Refund of indirect taxes

At recent sessions, the Assembly has considered certain difficulties which the IOPC Fund has encountered in the application of Article 34.2 of the Fund Convention, in accordance with which Governments of Member States shall take, whenever possible, appropriate measures for the remission or refund of indirect taxes and sales taxes paid by the IOPC Fund in the exercise of its official activities. At its 17th session, the Assembly instructed the Director to pursue his discussions with representatives of the Government of the Member State in which the IOPC Fund had encountered problems concerning the application of this provision. The Director will submit a document on the developments on this issue (FUND/A.18/21).

25 Amendments to the Staff Rules

The Director will report to the Assembly on amendments to the Staff Rules issued by him in accordance with Staff Regulation 28 (FUND/A.18/22).

26 Draft International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea

The International Maritime Organization envisages convening an International Conference in the spring of 1996 to consider a draft Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea. Under the draft Convention there would be established a system of compensation similar to that created by the Civil Liability Convention and the Fund Convention. The Director will submit a document containing information on this matter (FUND/A.18/23).

27 Insurance of contributions

At its 17th session, the Assembly considered the possibilities for the IOPC Fund of taking out insurance to cover the levying of contributions. The Assembly instructed the Director to study the matter further and invited the Governments of Member States to make observations in writing to the Director. The Director will submit a report on this matter (FUND/A.18/24).

28 Date of next session

Article 19 of the Fund Convention provides that the Assembly shall have regular sessions once every calendar year. In accordance with the Assembly's wish to hold its regular sessions normally in September/October each year, tentative arrangements have been made with the International Maritime Organization for a session in this period in 1996.

29 Any other business

The Assembly will be invited to consider other matters which may be proposed by Members or by the Director.

30 Adoption of the report of the 18th session

Rule 27 of the Rules of Procedure provides that the Secretariat shall prepare a report of the session incorporating the decisions taken. The Assembly will be invited to adopt this report.
