



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND

ASSEMBLY
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Agenda item 19

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AMENDMENTS TO THE STAFF REGULATIONS

Note by the Director

Introduction

1 The Staff Regulations of the IOPC Fund were adopted by the Assembly at its 2nd session in April 1979 (document FUND/A.2/16/1, paragraph 8). The Staff Regulations may be supplemented or amended by the Assembly or the Executive Committee (Staff Regulation 27). Amendments to the Staff Regulations were adopted by the Assembly at its 6th and 7th sessions (documents FUND/A.6/16, paragraph 17.1 and FUND/A.7/14, paragraph 13.2, respectively). No proposals for amendments have been submitted to the Executive Committee.

2 Under Regulation 28, the Director shall issue Staff Rules necessary to implement the Staff Regulations and shall report such Rules and any amendments thereto to the Executive Committee.

3 At the 14th session of the Executive Committee, the Director undertook to examine the Staff Regulations and Staff Rules in order to establish whether there was any need for amendments. In particular, he would consider whether Staff Regulation 28 should be amended so as to provide for the reporting of amendments of the Staff Rules by the Director to the Assembly instead of to the Executive Committee (document FUND/EXC.14/7, paragraph 4.2).

4 The Director has examined the Staff Regulations in their entirety. This examination has led him to make the following observations and proposals.

Functions of the Assembly and Executive Committee

5 Under the Fund Convention, the Assembly shall, in principle, hold regular sessions every calendar year (Article 19.1). The Assembly may delegate the exercise of various functions to the Executive Committee (Article 26.1(c)). It may, for example,

allocate to the Executive Committee the functions specified in Article 18.5, ie the adoption of the annual budget and the fixing of annual contributions. If these functions were allocated to the Executive Committee, the regular sessions of the Assembly would be held only once every two years (Article 19.1, second sentence).

6 At its 3rd session, the Assembly decided to allocate certain functions to the Executive Committee, in addition to those referred to in Article 26 of the Fund Convention (document FUND/A.3/15, paragraph 13). These functions relate mainly to the settlement of claims.

7 The role of the Executive Committee has thus been limited mainly to the consideration and approval of settlements of claims against the IOPC Fund, to the taking of other decisions relating to such claims and to the examination of the Director's reports on settlements of claims made by him.

8 It appears unlikely that the Assembly would allocate to the Executive Committee the functions of adopting the annual budget and of fixing the annual contributions. In these circumstances, the Assembly would continue to hold regular sessions every year.

Proposed Amendments to the Staff Regulations

9 In view of the foregoing, it would appear to be sufficient and appropriate if amendments to the Staff Rules issued by the Director were reported to the Assembly instead of to the Executive Committee. The Director suggests, therefore, that Regulation 28 be amended accordingly.

10 As mentioned above, the Staff Regulations may be supplemented or amended by the Assembly or the Executive Committee (Regulation 27). In view of the distribution of tasks between the Assembly and the Executive Committee, the Director proposes that only the Assembly should have the right to amend the Staff Regulations. It is suggested that Regulation 27 be amended accordingly.

11 Under Staff Regulation 23(b), the Director shall establish and operate a Provident Fund to which both the IOPC Fund and staff members shall contribute on such terms and conditions as may be approved by the Executive Committee. The conditions for contributions to the Provident Fund have budgetary implications. It appears that these conditions should, therefore, be approved by the Assembly rather than by the Executive Committee. In fact, changes in the rates of contributions to the Provident Fund were decided by the Assembly at its 8th session (document FUND/A.8/15, paragraph 13.3) and not by the Executive Committee. It is suggested that Staff Regulation 23(b) be amended in this regard.

12 If the Assembly were to agree with the Director regarding the amendments to Staff Regulations 23(b), 27 and 28, it is proposed that these Regulations be amended to read as follows:

Regulation 23(b)

The Director shall establish and operate a Provident Fund to which both the Fund and staff members shall contribute on such terms and conditions as may be approved by the Assembly.

Regulation 27

These Regulations may be supplemented or amended by the Assembly, without prejudice to the acquired rights of staff members of the Secretariat.

Regulation 28

The Director shall issue Staff Rules necessary to implement these Regulations and shall report such Rules and any amendments thereto to the Assembly.

Action to be taken by the Assembly

13 The Assembly is invited to consider the Director's proposals for amendments to Staff Regulation 23(b), 27 and 28.
