



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND

ASSEMBLY
9th session
Agenda item 23

FUND/A.9/18
24 October 1986

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RECORD OF DECISIONS OF THE NINTH SESSION OF THE ASSEMBLY

(held from 22 to 24 October 1986)

Opening of the Session

The 9th session of the Assembly was opened by Mr J Bredholt (Denmark), in his capacity as representative of the delegation from which the Chairman of the previous session was elected.

1 Adoption of the Agenda (Agenda item 1)

The Assembly adopted the Agenda as contained in document FUND/A.9/1.

2 Election of the Chairman and Two Vice-Chairmen (Agenda item 2)

The Assembly elected the following delegates to hold office until the next regular session of the Assembly:

Chairman:	Mr J Bredholt (Denmark)
First Vice-Chairman:	Professor H Tanikawa (Japan)
Second Vice-Chairman:	Mr C Douay (France)

3 Grant of Observer Status (Agenda item 3)

3.1 The Director introduced documents FUND/A.9/2 and FUND/A.9/2/Add.1 concerning the request for observer status made by Côte d'Ivoire, the German Democratic Republic and Greece. He informed the Assembly that the Government of Venezuela had also applied for observer status.

3.2 The Assembly decided to grant observer status to Côte d'Ivoire, the German Democratic Republic, Greece and Venezuela.

4 Examination of Credentials (Agenda item 4)

The following Contracting States were present:

Algeria	Monaco
Bahamas	Netherlands
Denmark	Norway
Finland	Oman
France	Poland
Gabon	Portugal
Germany, Federal Republic of	Spain
Indonesia	Sri Lanka
Italy	Sweden
Japan	Syrian Arab Republic
Kuwait	United Kingdom
Liberia	

The Assembly took note of the information given by the Director that all Members participating had submitted credentials which were in order.

The following States were represented as observers:

Belgium	German Democratic Republic
Brazil	Greece
Canada	Mexico
China	Union of Soviet Socialist Republics
Côte d'Ivoire	United States of America
	Venezuela

The following inter-governmental and international non-governmental organisations participated as observers:

International Maritime Organization (IMO)
 Advisory Committee on Pollution of the Sea (ACOPS)
 Friends of the Earth International (FOEI)
 International Association of Independent Tanker Owners
 (INTERTANKO)
 International Chamber of Shipping (ICS)
 International Group of P & I Clubs
 International Tanker Owners Pollution Federation Ltd (ITOPF)
 Oil Companies Institute for Marine Pollution Compensation Ltd
 (CRISTAL)
 Oil Companies International Marine Forum (OCIMF)

5 Consideration of the Report of the Director (Agenda item 5)

5.1 The Director introduced document FUND/A.9/3.

5.2 The Chairman, on behalf of the Assembly, expressed his gratitude to the Director and his staff for the efficient way in which they had administered the IOPC Fund.

5.3 The Assembly expressed its appreciation for the valuable contribution to the IOPC Fund made by the Legal Officer, Mr M Dobashi, who was leaving the IOPC Fund very shortly. In addition, the Assembly welcomed Mr K Wada, who would be succeeding Mr Dobashi as Legal Officer.

5.4 The Assembly urged all Member States to take the necessary steps to ensure that the reports on contributing oil receipts within their respective territories were submitted to the IOPC Fund by the date stipulated in Internal Regulation 5.1.

5.5 The Assembly noted with satisfaction that formal documentation relating to the occupation of the IOPC Fund's offices in the IMO building had recently been signed.

5.6 At the invitation of the Assembly, the representatives of ITOPF and CRISTAL informed the Assembly of the on-going revision of the voluntary industry schemes (TOVALOP and CRISTAL).

6 Consideration of the Report on Investments (Agenda item 6)

The Assembly took note of the Director's report on investments as contained in document FUND/A.9/4.

7 Consideration of the External Auditor's Report (Agenda item 7)

The Director introduced document FUND/A.9/5 containing the External Auditor's Report and the Financial Statements of the IOPC Fund for the period ended 31 December 1985. The Assembly took note of the information given and noted with appreciation the External Auditor's opinion contained in Annex III to that document. It approved the accounts of the IOPC Fund for the financial period 1 January 1985 to 31 December 1985.

8 Appointment of IOPC Fund's Auditors (Agenda item 8)

The Assembly decided to reappoint the Comptroller and Auditor General of the United Kingdom as the IOPC Fund's External Auditor for a further term of four years from 1987.

9 Report on Contributions (Agenda item 9)

The Assembly took note of the Director's report on contributions as contained in documents FUND/A.9/7 and FUND/A.9/7/Add.1. The Assembly expressed its satisfaction with the positive response of contributors in Member States regarding the payment of contributions.

10 Consideration of the Reports of the Executive Committee on its 15th and 16th Sessions (Agenda item 10)

10.1 The Chairman of the Executive Committee, Professor H Tanikawa (Japan), informed the Assembly of the work of the Executive Committee during its 15th and 16th sessions and reported to the Assembly the decisions taken by the Executive Committee at these sessions (documents FUND/EXC.15/2 and FUND/EXC.16/8). The Assembly approved the reports of the Executive Committee.

10.2 The Chairman expressed the thanks of the Assembly to the Chairman of the Executive Committee for the work of the Committee achieved under his Chairmanship.

11 Election of Members of the Executive Committee (Agenda item 11)

The Assembly elected the following Contracting States as members of the Executive Committee:

Elected under
Article 22.2(b) of
the Fund Convention

Germany, Federal Republic of
Finland
Japan
Netherlands
Spain
Sweden

Elected under
Article 22.2(a) of
the Fund Convention

Algeria
Bahamas
Liberia
Oman
Poland
Sri Lanka

12 Appointment of Member and Substitute Member of the Appeals Board (Agenda item 12)

The Assembly appointed Mr A D Silva (Sri Lanka) as a member and Mr M Washizu (Japan) as a substitute member of the Appeals Board, replacing Mr A Perera and Mr J Hanyu, respectively.

13 Budget 1987 (Agenda item 13)

13.1 The Director introduced document FUND/A.9/10/1 regarding certain questions relating to contributions to the Provident Fund. The Assembly confirmed its decision at the 8th session that the interim measures referred to in paragraph 4.2 of that document should be applied until the situation within the United Nations pension scheme had become clearer. However, as regards the Legal Officer who would be leaving his post shortly, that part of the separate account contributed by him should be payable to him upon his separation from the IOPC Fund, if he so desired.

13.2 The Assembly adopted the budget appropriations for 1987, as proposed by the Director in the Annex to document FUND/A.9/10. It also reclassified the post of Legal Officer as P.4/P.5, the grade

to be determined by the qualifications and experience of the incumbent. Further, the Assembly fixed the salary of the incoming Legal Officer, Mr K Wada, at grade P.5, step I.

14 Assessment of Annual Contributions (Agenda item 14)

The Assembly decided to raise £1 800 000 for the 1986 annual contributions to the general fund, to be paid by 1 February 1987. The Assembly also decided not to levy any contributions to any major claims fund.

15 Increase of the Maximum Liability of the IOPC Fund (Agenda item 15)

15.1 Documents FUND/A.9/12, FUND/A.9/12/1 and FUND/A.9/12/2 were introduced by the Director, the United Kingdom delegation and the French delegation, respectively.

15.2 The Assembly unanimously decided, in accordance with Article 4, paragraph 6, of the Fund Convention:

- (a) to increase the aggregate amount of compensation payable by the IOPC Fund in respect of any one incident from 675 million poincaré francs to 787 500 000 poincaré francs for incidents which occur after 30 November 1986;
- (b) to increase this aggregate amount further to 900 million poincaré francs for incidents which occur after 30 November 1987.

15.3 Referring to Resolution N°5 adopted by the Assembly at its first extraordinary session in 1980, the Assembly renewed its request to the Director to continue his efforts to convince non-Contracting States to become Parties to the Fund Convention. The Assembly also reaffirmed the necessity of making further efforts to prevent and minimise oil pollution incidents.

16 Replacement of Instruments Enumerated in Article 5.3 of the Fund Convention (Agenda item 16)

16.1 The Assembly decided, in accordance with Article 5.4 of the Fund Convention, to replace the instrument listed in Article 5.3(a)(ii) of the Fund Convention. The reference to the instrument listed in this sub-paragraph was thus amended to read:

- (ii) "the International Convention for the Safety of Life at Sea, 1974, as modified by the Protocol of 1978 relating thereto and as amended by Resolutions MSC.1(XLV) and MSC.6(48) adopted by the Maritime Safety Committee of the International Maritime Organization on 20 November 1981 and 17 June 1983, respectively; or".

It was agreed that this replacement should take effect on 1 May 1987.

16.2 The Assembly decided not to include the 1985 Amendments to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78) in the list contained in Article 5.3(a) of the Fund Convention because it agreed that they were not of relevance for the purpose of Article 5.3 of the Fund Convention.

17 Amendments to the Internal Regulations (Agenda item 17)

17.1 The Assembly adopted the amendments to the Internal Regulations proposed by the Director, as set out in the Annex to document FUND/A.9/14.

17.2 The Assembly instructed the Director to examine whether further amendments to Internal Regulation 5.4 were necessary for the purpose of authorising the Director to recalculate the contributions for all contributors if amendments to the reports on contributing oil receipts would significantly affect the total quantity reported in respect of all Member States.

18 Amendments to the Financial Regulations (Agenda item 18)

The Assembly adopted the amendments to the Financial Regulations proposed by the Director, as set out in the Annex to document FUND/A.9/15.

19 Amendments to the Staff Regulations (Agenda item 19)

The Assembly adopted the amendments to the Staff Regulations proposed by the Director, as set out in paragraph 12 of document FUND/A.9/16.

20 Notification of Incidents to the IOPC Fund (Agenda item 20)

20.1 The Assembly took note of the document submitted by the Director (document FUND/A.9/17) in which it was indicated that the IOPC Fund sometimes was not informed immediately of new incidents in which it might become involved. The Assembly expressed the opinion that it would be in the interests of all parties concerned that the IOPC Fund should be informed promptly of all such incidents. For this reason, the Assembly drew the attention of Governments of Member States and other parties concerned (such as the authorities responsible for clean-up operations, shipowners and P & I Clubs) to the importance of the IOPC Fund being informed as soon as possible of any new incident in respect of which it would have to pay compensation or indemnification, or in respect of which there was a real possibility that the IOPC Fund might have to make such payments.

20.2 The Assembly also noted that it would facilitate the IOPC Fund's handling of any new incident if the following particulars were forwarded to the Director as soon as possible, to the extent that they were available:

- (a) the identity of the ship involved in the incident;
- (b) the date, place and specific details of the incident;
- (c) the type and quantity of oil spilt;
- (d) the kind of pollution damage sustained or threatening;
- (e) the measures that have been taken or which are to be taken in order to combat the oil; and
- (f) the authorities dealing with the spill response and the names of the responsible persons within the authorities concerned.

21 Date of Next Session (Agenda item 21)

The Assembly decided to hold its next ordinary session during the week 5 to 9 October 1987 in London.

22 Any Other Business (Agenda item 22)

No items were raised under this Agenda item.

23 Adoption of the Report of the 9th Session (Agenda item 23)

The draft report, as contained in document FUND/A.9/WP.1, was adopted, subject to some amendments.
