

INTERNATIONAL OIL POLLUTION COMPENSATION FUND

FONDS INTERNATIONAL D'INDEMNISATION POUR LES DOMMAGES  
DUS A LA POLLUTION PAR LES HYDROCARBURES

EXECUTIVE COMMITTEE -  
3rd session  
Agenda item 9

FUND/EXC.3/7  
8 October 1980  
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RECORD OF DECISIONS OF THE EXECUTIVE COMMITTEE

Chairman: Professor H. Tanikawa (Japan)  
Vice-Chairman: Mr. Y.N. Ohene-Akrasi (Ghana)

1. Adoption of Agenda (Agenda item 1)

The Executive Committee adopted the Agenda as contained in document FUND/EXC.3/1.

2. Examination of Credentials (Agenda item 2)

The following members of the Executive Committee were present:

Federal Republic of Germany  
Ghana  
Indonesia  
Italy  
Japan  
Sweden  
Syrian Arab Republic.

The Director informed the Executive Committee that the representatives of all seven members participating had submitted credentials to the IOPC Fund and that they were in order.

The following States were represented as observers:

Algeria  
Bahamas  
Belgium  
Brazil  
Canada  
Denmark  
Finland  
France  
Liberia  
Netherlands  
Norway  
Poland  
Tunisia  
United Kingdom  
United States  
Yugoslavia.

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

IMCO  
BIMCO  
ICS  
CMI  
ITOPF  
INTERNATIONAL GROUP OF P & I CLUBS  
CRISTAL  
OCIMF  
PIANC.

3. Information on Settlement of Claims (Agenda item 3)

The Executive Committee took note of the information given in document FUND/EXC.3/2 and the additional explanations given by the Director, in particular, with regard to the developments of some incidents after the issuance of document FUND/EXC.3/2.

With regard to the ANTONIO GRAMSCI incident, the Swedish delegation informed the Executive Committee that the Swedish Government had authorised the Chancellor of Justice to make a waiver or reduction of the interest due under the agreement concluded between Sweden and the IOPC Fund. This authority covered the interest accrued during the period from 5 April 1980 to 30 June 1980.

4. Calculation of Indemnification Payable to the Shipowner (Article 5 of the Fund Convention) (Agenda item 4)

The Executive Committee discussed at considerable length the method of conversion of (gold) francs into national currencies to be applied for the calculation of the indemnification payable to the shipowner under Article 5 of the Fund Convention with respect to the MIYA MARU NO.8 incident and similar incidents in Japan. For reasons of practicability, it was eventually agreed that in these cases the method of conversion used by the competent court in establishing the limitation amount should also be used for the calculation of the indemnification.

The Executive Committee expressed its concern, however, that national legislations or jurisprudence differing from the method of conversion adopted by a resolution at the first session of the Assembly and laid down in Regulation 2 of the Fund's Internal Regulations may lead to great difficulties for the operations of the Fund. The Assembly was requested to consider this matter and urge, by adoption of a further resolution or otherwise, Member States, having not already done so, to adopt as soon as possible a method of converting (gold) francs into national currencies in accordance with Regulation 2 of the Fund's Internal Regulations and adopt as soon as possible the 1976 Protocol to the Fund Convention.

5. Consideration of the Report of the Executive Committee on the Fund's Activities in 1980 (Agenda item 5)

The Executive Committee adopted, subject to some amendments, the draft report prepared by the Director as contained in document FUND/EXC.3/4, covering the activities from the beginning of 1980 up to August 1980.

The Executive Committee authorised the Chairman of the Executive Committee and the Director to complete the report on the remaining months of the calendar year 1980.

6. Amendment of Provisions on Provident Fund (Agenda item 6)

The Executive Committee adopted the Director's proposal that all staff members, whether employed on a full-time or part-time basis, should be included in the Provident Fund.

It was, therefore, agreed that the words "for full time service" in the first sentence of Rule VIII.5(h) of the IOPC Fund's Staff Rules be deleted.

7. Date of Next Session (Agenda item 7)

The Executive Committee decided to hold its fourth session in London on 28 and 29 September 1981, before the fourth regular session of the Assembly, subject to the decision taken by the Assembly on the date of its next meeting.

8. Any Other Business (Agenda item 8)

The Executive Committee approved the amendments to the IOPC Fund's Staff Rules issued by the Director in accordance with Staff Regulation 28 (document FUND/EXC.3/6). These amendments were issued in order to keep the Fund's Staff Regulations and Rules in accordance with IMCO's Regulations and Rules, especially as far as the salary system is concerned.