



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND

EXECUTIVE COMMITTEE  
49th session  
Agenda item 4

71FUND/EXC.49/11  
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## **ADMISSIBILITY OF CLAIMS RELATING TO SALVAGE OPERATIONS AND SIMILAR ACTIVITIES**

### Note by the Director

1 At its 44th session, the Executive Committee was informed that in the *Aegean Sea* and *Braer* cases the question had been raised by the shipowners and the P & I insurers concerned of which criteria should be applied to determine the admissibility of claims against the IOPC Fund for the recovery of amounts paid for services rendered under Lloyd's Open Form 90. The Committee noted that this led to the wider question of admissibility in general of claims for salvage operations and similar activities, which was of relevance beyond these cases. The Committee took note of the information contained in a document presented by the Director (document FUND/EXC.44/14) which set out the policy applied by the IOPC Fund as regards the admissibility of claims for recovery of costs for operations of this type, the legal framework applicable to such operations and the position taken by the shipowners and P & I Clubs concerned in these cases.

2 In view of the importance of the issues involved, the Executive Committee instructed the Director to make an in-depth study of these issues, for consideration by the Committee at a future session (document FUND/EXC.44/17, paragraph 3.14.6).

3 Due to a very heavy workload on the IOPC Fund Secretariat in recent months and the complexity and importance of the issues involved, the Director has not been able to complete this study. He proposes therefore that the Executive Committee should postpone its consideration of these issues to its 50th session, to be held in October 1996.

**4      Action to be taken by the Executive Committee**

The Executive Committee is invited to:

- (a) take note of the information contained in this document; and
  - (b) give the Director such instructions in respect of the issues involved as the Committee may deem appropriate.
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