

INTERNATIONAL OIL POLLUTION COMPENSATION FUND

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

EXECUTIVE COMMITTEE -
4th session
Agenda item 7

FUND/EXC.4/4
29 September 1981
Original: ENGLISH

RECORD OF DECISIONS OF THE EXECUTIVE COMMITTEE
(held on 28 and 29 September 1981)

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.4/1.

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

The Director informed the Executive Committee that representatives of all members of the Executive Committee attending its fourth session, with the exception of Ghana, had submitted credentials to the IOPC Fund and that they were in order. Ghana's credentials were received later and were also in order.

The following States were represented as observers:

Bahamas
Belgium
Brazil
Canada
Denmark
Finland
France
Liberia
Netherlands
Norway

Poland
Tunisia
USSR
United Kingdom
United States

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

IMCO
EEC
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.4/2 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.4/2.

With regard to the ANTONIO GRAMSCI incident, the Executive Committee agreed that it was satisfied that no further claims would be made against the Fund and no more expenses would have to be met. The Executive Committee decided to ask the Assembly to take the necessary decisions to allow for the distribution of any amounts left in the ANTONIO GRAMSCI Major Claims Fund.

In respect of the TANIO incident, the Executive Committee agreed that the Fund should aim at the conclusion of an agreement between all claimants regarding the distribution of the total compensation available. Such agreement should, if possible, contain a provision similar to the one contained in the agreement between the Fund and the Swedish Government, by which the Fund is released of all claims that may be made after the payment of the compensation. Such a provision would allow for the payment of the compensation by the Fund before the expiry of the limitation period (Article 6 of the Fund Convention). The Executive Committee agreed with the Director that all possible legal remedies should be pursued with regard

to either breaking the owner's limitation or taking recourse against other persons. The Executive Committee decided to hold another meeting at an appropriate time in early 1982 to discuss the claims made with respect to the TANIO incident and possible legal actions to be taken by the Fund.

4. Consideration of the Report of the Executive Committee on the Fund's Activities in 1981 (Agenda item 4)

The Executive Committee adopted the draft report prepared by the Director as contained in document FUND/EXC.4/3, covering the IOPC Fund's **activities** from the beginning of 1981 up to August 1981. It authorised the Chairman of the Executive Committee and the Director to complete the report for the remaining months of the calendar year 1981 and to bring it up to date.

The Executive Committee agreed that, as from 1982, it would not be necessary to have a discussion in the Executive Committee on the draft activities report covering only part of the calendar year, since information contained in a draft document would be available in other documents. The Executive Committee authorised the Director to publish the report at the end of the calendar year, after consultation with the Chairman of the Executive Committee.

5. Date of Next Session (Agenda item 5)

The Executive Committee agreed to hold its fifth meeting on Friday, 2 October 1981 at 9.30 am at IMCO Headquarters.

6. Any Other Business (Agenda item 6)

No matters were raised under this agenda item.

7. Adoption of Report (Agenda item 7)

The Executive Committee adopted the report as contained in document FUND/EXC.4/WP.1 with a few amendments regarding the participation of members and observers. It was agreed that in future the report of the Executive Committee should reflect, in addition to the decisions taken, a summary of the substantial discussions held during the meeting.
