

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

EXECUTIVE COMMITTEE -
7th session
Agenda item 6

FUND/EXC.7/3
8 October 1982
Original: ENGLISH

RECORD OF DECISIONS OF THE EXECUTIVE COMMITTEE
(held on 27 and 28 September 1982)

Chairman: Mr P Novia (Italy)
Vice-Chairman: Mr C Douay (France)

1 Adoption of the Agenda (Agenda item 1)

The Executive Committee adopted the Agenda as contained in document FUND/EXC.7/1.

2 Examination of Credentials (Agenda item 2)

The following members of the Executive Committee were present:

France	Norway
Federal Republic of Germany	United Kingdom
Italy	Yugoslavia.

The Director informed the Executive Committee that representatives of all members of the Executive Committee present at the meeting had submitted credentials which were in order.

The following States were represented as observers:

Algeria	Monaco
Bahamas	Netherlands
Brazil	Poland
Canada	Spain
Denmark	Sweden
Finland	Switzerland
Gabon	USSR
Japan	USA.
Liberia	

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

International Maritime Organization (IMO)
International Chamber of Shipping (ICS)
International Tanker Owners Pollution Federation Ltd (ITOPF)
International Group of P & I Clubs
Oil Companies Institute for Marine Pollution Compensation Ltd
(CRISTAL)
Oil Companies International Marine Forum (OCIMF)
Permanent International Association of Navigation Congresses
(PIANC).

3 Information on and Approval of Settlement of Claims (Agenda item 3)

3.1 TANIO INCIDENT

3.1.1 With regard to the claims for pollution damage resulting from the TANIO incident, the Executive Committee noted that the French Government had submitted the final part of its claim in September 1982 and that the total of this claim now amounted to French Francs 487 319 111.28. The Executive Committee also took note of the Director's statement that the IOPC Fund's surveyors were presently examining this claim and that he intended to take up negotiations with the French Government on this claim within a few weeks, so that a final figure could be presented to the Executive Committee for its meeting next year. In connection with the discussion of the French Government's claim, the Executive Committee received a preliminary report on the pumping of the oil out of the ship's sunken bow section from the IOPC Fund's technical expert. It noted that the final report, together with an evaluation of the costs that in the expert's opinion could have been saved, would be available within six weeks and would then form the basis for the discussion of the French Government's claim as far as the costs for the pumping of the oil was concerned.

3.1.2 The Executive Committee also took note of the information given by the Director that the submission or justification of claims announced by French communes had not proceeded much since the Executive Committee's sixth session. It also noted that the Director had been informed of about 200 more claims from private persons that may be made at a later stage. With respect to both of these sets of claims, no information was yet available as to the nature of these claims and their total amount.

3.1.3 The Executive Committee approved the settlement at an amount of French Francs 47 000 of the claim made by the Comité des Assureurs Maritimes de Paris for pollution damage to private pleasure boats.

3.1.4 The Executive Committee authorised the Director to make a part payment to any one claimant if this was necessary to enable the IOPC Fund to take action against the shipowner or third parties on the basis of subrogated rights.

3.1.5 Before discussing the legal questions of whether the IOPC Fund should try to break the owner's limitation or to take recourse action against a third party, the Executive Committee decided to continue holding its meeting in public. It then received a report from the IOPC Fund's legal adviser on the developments since the Executive Committee's sixth session. In the light of this report, it decided that it would not be in a position to give a final opinion on whether the IOPC Fund should try to break the owner's limitation and agreed that this question be taken up again at the Executive Committee's eighth session when, in the presence of the IOPC Fund's French legal adviser, more information may be given to the Executive Committee.

3.2 OTHER INCIDENTS

The Executive Committee took note of the information given by the Director with respect to other incidents contained in documents FUND/EXC.7/2 and FUND/EXC.7/2/Add.1. With regard to the FUKUTOKU MARU NO 8 incident, it authorised the Director to settle the claims arising from this incident even if the limit established in Regulation 8.4.1 was exceeded.

4 Date Of Next Session (Agenda item 4)

The Executive Committee agreed to hold its next session on Friday 1 October 1982.

5 Any Other Business (Agenda item 5)

No items were raised under this Agenda item.

6 Adoption of the Report to the Assembly (Agenda item 6)

The draft report as contained in document FUND/EXC.7/WP.1 was adopted, subject to some drafting amendments.
