



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND

EXECUTIVE COMMITTEE -
9th session
Agenda item 6

FUND/EXC.9/4
28 April 1983

Original: ENGLISH

RECORD OF DECISIONS OF THE EXECUTIVE COMMITTEE
(held from 26 to 28 April 1983)

Chairman: Mr J R Perrett (United Kingdom)
Vice-Chairman: Mr A J Kandakai (Liberia)

Opening of the Session

The session was opened by the Chairman who welcomed the participants to the first session of the IOPC Fund in the new headquarters building. He also informed the meeting that instruments of accession had been deposited on behalf of Fiji and Sri Lanka. He especially welcomed the representatives of these States who attended the meeting as observers.

1 Adoption of the Agenda (Agenda item 1)

The Executive Committee adopted the Agenda as contained in document FUND/EXC.9/1.

2 Examination of Credentials (Agenda item 2)

The following members of the Executive Committee were present:

Algeria	Norway
France	Spain
Japan	United Kingdom.
Liberia	

The Executive Committee took note of the information that all members of the Executive Committee present at the meeting had submitted credentials which were in order.

The following States were represented as observers:

Brazil	Indonesia
Canada	Italy
Denmark	Netherlands
Fiji	Poland
Finland	Sri Lanka
Gabon	Sweden.
Federal Republic of Germany	

The following international non-governmental organisations participated as observers:

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)
Permanent International Association of Navigation
Congresses (PIANC).

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

3.1 Incidents other than the TANIO incident

The Director introduced document FUND/EXC.9/2 containing information with regard to oil pollution incidents on developments which had taken place since the Executive Committee's last session. With regard to the RYUEI MARU NO.8 and the EISHIN MARU cases, the Committee noted that the RYUEI MARU NO.8 incident is giving rise to some legal problems in Japan and that it was unlikely that claims would be made against the IOPC Fund in either of the two cases.

3.2 TANIO incident

3.2.1 The Director introduced document FUND/EXC.9/3 and explained the progress that had been made since the Executive Committee's last session regarding the settlement of claims and the taking of legal actions. In particular, more information was provided on the different claims and the status of the negotiations between the claimants and the IOPC Fund. The Executive Committee noted that on the one hand several claims had only recently been submitted to the IOPC Fund and others were not yet fully supported by documents so that discussions on these claims had not started (especially claims by several private persons and by the communes of the Département of Finistère), while on the other hand the claims made by the UK P & I Club and by the Département and the communes of Côtes-du-Nord were close to an agreed settlement. It was also noted that the Director was confident that all claims known to date would be settled by the time of the next session of the Executive Committee and that it was unlikely that more claims for substantial amounts would be made against the IOPC Fund.

3.2.2 The Executive Committee considered in detail the settlement of the claim submitted by the French Government as set out in paragraph 3.5 of document FUND/EXC.9/3. It accepted the agreement reached between the French Government and the Director that, for the purpose of distributing the amount of compensation available under the Fund Convention among the different claimants, the French Government's claim was settled at FFr 326 921 936.70. It took note of the statement made by the French Government that they had accepted this figure only in the interest of a speedy settlement of all claims in order to allow a quick payment of compensation but that they maintained their right to claim the full amount of their claim against the owner of the TANIO and other parties.

3.2.3 The Executive Committee continued its meeting in private, with participation restricted to representatives of Member States. It decided not to admit to this session two representatives of the Département des Côtes-du-Nord (France) whose admittance had been proposed by the French delegation. The Committee received detailed information from the IOPC Fund's legal advisers on the legal actions taken by the IOPC Fund against the owner of the TANIO and other parties. After considering the information given and the implications of these actions, it approved the legal actions taken by the Director and agreed that they should be maintained.

3.2.4 The Executive Committee resumed its meeting in public and considered the payment of compensation. It was generally understood that, in line with the previous practice of the IOPC Fund, payment of compensation was independent from the taking of legal actions against the owner, and that it was the purpose of the Fund Convention to provide prompt payment to victims of oil pollution incidents. However, the Executive Committee agreed that the conditions set by the Assembly at its fifth session for the Executive Committee to levy annual contributions were not met and that therefore this meeting could not decide on the immediate payment of compensation.

3.2.5 The Executive Committee decided therefore to recommend to the Assembly to levy annual contributions at its next meeting in September 1983 so as to allow the Director to make a very substantial part payment or even a final payment of all claims if, by that time, agreement had been reached with all claimants, and there was no risk of the IOPC Fund becoming liable to pay more than 675 million (gold) francs in accordance with Article 4.4 of the Fund Convention.

4 Date of Next Session (Agenda item 4)

The Executive Committee agreed to hold its next session on 26 and 27 September 1983.

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 documents FUND/EXC.9/WP.1 and FUND/EXC.9/WP.1/Add.1 was adopted, subject to some amendments.
