INTERNATIONAL OIL POLLUTION
COMPENSATION FUND 1992

92FUND/A.1/13
3 May 1996
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ASSEMBLY
1st session
Agenda item 13

CO-OPERATION AGREEMENT WITH THE INTERNATIONAL MARITIME ORGANISATION

Note by the Director of the International Oil Pollution Compensation Fund

1 At its 2nd session, the Assembly of the 1971 Fund approved an Agreement for Co-operation between the 1971 Fund and the International Maritime Organization (IMO), at that time known as the Inter-governmental Maritime Consultative Organization (IMCO). This Agreement was concluded in the light of the close relationship between the responsibilities and activities of the two Organisations in the field of the prevention and control of marine pollution by oil and of remedying damage caused by such pollution, and with a view to facilitating the attainment of their common objectives in this field through the maximum possible co-ordination of their efforts (cf preamble to the Agreement and 1971 Fund documents FUND/A.2/14, Annex and FUND/A.2/16/1, paragraph 18). The Agreement was approved by the IMO Council and Assembly in June 1979 and November 1979, respectively, and was signed by the Director of the 1971 Fund and the Secretary-General of IMO on 11 December 1979 (cf 1971 Fund document FUND/A.3/3/Add.1, section B). The text of this Agreement is reproduced in Annex I.

2 The Director of the 1971 Fund is of the opinion, based on the assumption that the 1992 Fund and 1971 Fund will have a joint Secretariat, that it would be appropriate if a corresponding agreement were concluded between IMO and the 1992 Fund. During its consideration in October 1995 of the preparations for the entry into force of the 1992 Fund Protocol, the Assembly of the 1971 Fund shared this view.

3 Following discussions between the Director of the 1971 Fund and the Secretary-General of IMO, it is proposed that a co-operation agreement between IMO and the 1992 Fund be adopted, following very closely the text of the agreement reached between IMO and the 1971 Fund. A draft agreement is submitted in Annex II for consideration by the Assembly.

Action to be taken by the Assembly

4 The Assembly is invited to consider the conclusions of a co-operation agreement between the 1992 Fund and IMO.

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ANNEX I

Agreement of co-operation between IMCO and the International Oil Pollution Compensation Fund 1971

The Inter-Governmental Maritime Consultative Organization (hereinafter referred to as "IMCO") and the International Oil Pollution Compensation Fund (hereinafter referred to as "the Fund"),

RECOGNISING the close relationship between their responsibilities and activities in the field of the prevention and control of marine pollution by oil and the remedying of damage caused by such pollution,

DESIRING to facilitate the attainment of their common objectives in this field through the maximum possible co-ordination of their efforts,

HAVE AGREED AS FOLLOWS:

Maintenance of Co-operation

1 IMCO and the Fund agree to establish and maintain co-operation in respect of matters of common interest to the two Organizations. In particular, IMCO and the Fund agree to consult on all matters arising in the exercise by IMCO and its Secretary-General of depositary and other functions in respect of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 and, as appropriate, the International Convention on Civil Liability for Oil Pollution Damage, 1969.

Exchange of Information and Documentation

2 IMCO and the Fund agree to exchange information and documentation and to keep each other fully informed of their activities and programmes of work in the field of the prevention and control of marine pollution, subject always to such arrangements as may be necessary for safeguarding or withholding information of a confidential nature.

Consultation on Matters of Common Interest

3 IMCO agrees to consult with the Fund in connexion with IMCO programmes or activities in which the Fund may have a substantial interest; and the Fund agrees to consult with IMCO in connexion with the Fund's programmes or activities in which IMCO may have a substantial interest.

Proposals for Consideration

4 IMCO may propose matters for consideration by the organs of the Fund. Such suggestions will be submitted by the Secretary-General of IMCO to the Director of the Fund who will, if he deems it appropriate, include any such matters on the agenda of the Fund organ concerned in accordance with the applicable rules of procedure. Similarly, the Fund may propose subjects for consideration by the organs of IMCO. Such suggestions will be submitted by the Director of the Fund to the Secretary-General of IMCO who will, if he deems it appropriate, include such matters on the agenda of the IMCO organ concerned in accordance with the applicable rules of procedure.

Reciprocal Representation

5 (a) IMCO shall be invited to send representatives to sessions of the Assembly of the Fund, meetings of the Executive Committee and any subsidiary bodies. Such representatives shall participate as observers in respect of items on the agenda which are of interest to IMCO, in accordance with the applicable rules of procedure.

(b) The Fund shall be invited to send representatives to sessions of the organs of IMCO and to conferences convened by IMCO. Such representatives shall participate as observers in the deliberation of these bodies or conferences with regard to items on the agenda which are of interest to the Fund, in accordance with the applicable rules of procedure.

Administrative Arrangements

6 The Secretary–General of IMCO and the Director of the Fund may enter into such administrative arrangements for the implementation of this Agreement, including arrangements for the provision of assistance and the payment or reimbursement of expenditure in connexion with any such assistance, as may be necessary or desirable.

Revision

7 This Agreement may be revised by agreement between IMCO and the Fund.

Denunciation

8 IMCO or the Fund may, at any time, denounce this Agreement by giving six months' notice to the other party.

Entry into Force

9 This Agreement shall enter into force upon signature on behalf of IMCO and the Fund.

Done at London this 11th day of December, 1979

For the Inter–Governmental Maritime Consultative Organization	For the International Oil Pollution Compensation Fund
[Signed: C P Srivastava]	*[Signed: R H Ganten]*
Secretary–General	Director

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ANNEX II

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Agreement of co-operation between the International Maritime Organization and the International Oil Pollution Compensation Fund 1992[1]

The *International Maritime Organization* (hereinafter referred to as "*IMO*") and the International Oil Pollution Compensation Fund *1992* (hereinafter referred to as "the *1992* Fund"),

RECOGNISING the close relationship between their responsibilities and activities in the field of the prevention and control of marine pollution by oil and the remedying of damage caused by such pollution,

DESIRING to facilitate the attainment of their common objectives in this field through the maximum possible co-ordination of their efforts,

HAVE AGREED AS FOLLOWS:

Maintenance of Co-operation

1 *IMO* and the *1992* Fund agree to establish and maintain co-operation in respect of matters of common interest to the two Organizations. In particular, *IMO* and the *1992* Fund agree to consult on all matters arising in the exercise by *IMO* and its Secretary-General of depositary and other functions in respect of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, *1992* and, as appropriate, the International Convention on Civil Liability for Oil Pollution Damage, *1992*.

Exchange of Information and Documentation

2 *IMO* and the *1992* Fund agree to exchange information and documentation and to keep each other fully informed of their activities and programmes of work in the field of the prevention and control of marine pollution, subject always to such arrangements as may be necessary for safeguarding or withholding information of a confidential nature.

Consultation on Matters of Common Interest

3 *IMO* agrees to consult with the *1992* Fund in connexion with *IMO* programmes or activities in which the *1992* Fund may have a substantial interest; and the *1992* Fund agrees to consult with *IMO* in connexion with the *1992* Fund's programmes or activities in which *IMO* may have a substantial interest.

Proposals for Consideration

4 *IMO* may propose matters for consideration by the organs of the *1992* Fund. Such suggestions will be submitted by the Secretary-General of *IMO* to the Director of the *1992* Fund who will, if he deems it appropriate, include any such matters on the agenda of the *1992* Fund organ concerned in accordance with the applicable rules of procedure. Similarly, the *1992* Fund may propose subjects for consideration by the organs of *IMO*. Such suggestions will be submitted by the Director of the *1992* Fund to the Secretary-General of *IMO* who will, if he deems it

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<1> Changes in comparison with the text of the Agreement between IMCO and the 1971 Fund are indicated in italics.

appropriate, include such matters on the agenda of the *IMO* organ concerned in accordance with the applicable rules of procedure.

Reciprocal Representation

5 (a) *IMO* shall be invited to send representatives to sessions of the Assembly of the *1992* Fund *and to meetings of any subsidiary bodies*. Such representatives shall participate as observers in respect of items on the agenda which are of interest to *IMO*, in accordance with the applicable rules of procedure.

(b) The *1992* Fund shall be invited to send representatives to sessions of the organs of *IMO* and to conferences convened by *IMO*. Such representatives shall participate as observers in the deliberation of these bodies or conferences with regard to items on the agenda which are of interest to the *1992* Fund, in accordance with the applicable rules of procedure.

Administrative Arrangements

6 The Secretary-General of *IMO* and the Director of the *1992* Fund may enter into such administrative arrangements for the implementation of this Agreement, including arrangements for the provision of assistance and the payment or reimbursement of expenditure in connexion with any such assistance, as may be necessary or desirable.

Revision

7 This Agreement may be revised by agreement between *IMO* and the *1992* Fund.

Denunciation

8 *IMO* or the *1992* Fund may, at any time, denounce this Agreement by giving six months' notice to the other party.

Entry into Force

9 This Agreement shall enter into force upon signature on behalf of *IMO* and the *1992* Fund.

Done at London this ..... day of ....., 1996

For the *International Maritime Organization*

Secretary-General

For the International Oil Pollution Compensation Fund *1992*

Director