



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992

ASSEMBLY
4th session
Agenda item 1

92FUND/A.4/1
15 July 1999
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**PROVISIONAL ANNOTATED AGENDA OF THE
FOURTH SESSION OF THE
ASSEMBLY OF THE 1992 FUND**

to be held at the Headquarters of the
International Maritime Organization, 4 Albert Embankment,
London SE1, from Monday 18 October 1999, 10.00 am,
to Friday 22 October 1999

Opening of the Session

Procedural Matters

1 Adoption of the Agenda

2 Election of the Chairman and two Vice-Chairmen

In accordance with Article 18.1 of the 1992 Fund Convention and Rule 20 of the Rules of Procedure, the Assembly will be invited to elect a Chairman and two Vice-Chairmen who shall hold office until the next regular session.

3 Examination of credentials

In accordance with Rule 10 of the Rules of Procedure, the Director will report to the Assembly on the credentials received from representatives of Members.

4 Grant of observer status

The Assembly will be invited to consider a request for observer status (document 92FUND/A.4/2).

*General review***5 Report of the Director**

The Assembly may wish to consider the Director's report on the operations of the 1992 Fund since the 3rd session of the Assembly (document 92FUND/A.4/3).

*Treaty questions***6 Status of the 1992 Fund Convention**

The Director will inform the Assembly of progress being made in various States towards accession to the 1992 Protocol amending the 1971 Fund Convention (ie the 1992 Fund Convention) (document 92FUND/A.4/4).

7 Revision of Article 36 of the Final Clauses of the 1992 Protocol to the 1971 Fund Convention

Under Article 36 of the Final Clauses of the 1992 Protocol to the 1971 Fund Convention, the 1992 Fund Convention will cease to be in force when the number of Contracting States falls below three. A corresponding provision in the 1971 Fund Convention makes it difficult to wind up the 1971 Fund. The Assembly will be invited to consider whether measures should be taken to prevent such difficulties arising in the future in connection with a possible winding up of the 1992 Fund. A document on this issue will be submitted by the Director (document 92FUND/A.4/5).

*Financial matters***8 Report on investments**

In accordance with Financial Regulation 10.2, the Director will submit a detailed report on the 1992 Fund's investments since the 3rd session of the Assembly (document 92FUND/A.4/6).

9 Report of the Investment Advisory Body

In accordance with the mandate of the Investment Advisory Body, the Body shall submit, through the Director, to each ordinary session of the Assembly, a report on its activities since the previous session of the Assembly. The Assembly will be invited to consider this report (document 92FUND/A.4/7).

10 Financial Statements and Auditor's Report and Opinion

In accordance with Article 29.2(f) of the 1992 Fund Convention, the Director has prepared the Financial Statements of the 1992 Fund for the financial year 1998. The Assembly will be invited to consider the Auditor's Report and Opinion and to approve the accounts of the 1992 Fund (document 92FUND/A.4/8).

11 Appointment of members of the Investment Advisory Body

The Investment Advisory Body shall be composed of three experts appointed by the Assembly for one year. The Assembly will be invited to appoint members of the Investment Advisory Body for the 1992 Fund (document 92FUND/A.4/9).

Contribution questions

12 Report on contributions

The Director will submit a report to the Assembly on the payment of contributions to the 1992 Fund (document 92FUND/A.4/10).

13 Non-submission of oil reports

At its 3rd session the Assembly instructed the Director to make contact with any State which failed to submit its contributing oil reports and to inform the competent persons that the Assembly would review the matter. The Director will submit a document on this issue (document 92FUND/A.4/11).

14 Amendment of Internal Regulations

The Director will submit a document to the Assembly (document 92FUND/A.4/12) proposing amendments to the Internal Regulations regarding the date for the payment of contributions and the date for submitting oil reports.

15 Definition of 'contributing oil'

At its 3rd session the Assembly instructed the Director to review further the list of 'contributing oil' and 'non-contributing oil' attached to the oil reporting form annexed to the Internal Regulations. The Director will submit a document on this issue (document 92FUND/A.4/13).

Secretariat and administrative matters

16 Implementation of organisational changes within the Secretariat

The Director will report on the implementation of the new structure and on developments regarding the introduction of new working methods and the strengthening of Fund activities in certain fields as requested by the Assembly, in particular regarding long-term proposals for the Organisations' translation services (document 92FUND/A.4/14).

17 Relocation of the IOPC Funds' offices

At its 3rd session the Assembly noted that the Secretariat would require significant additional office space as a result of the Assembly's decisions regarding the Secretariat's structure and working methods. Discussions have been held between the United Kingdom Government and the Director to assist the IOPC Funds in finding premises outside the IMO building, in accordance with the Headquarters Agreement. The Director will inform the Assembly of developments on this issue (document 92FUND/A.4/15).

18 Appointment of Director

The present Director's term of office expires on 31 December 1999. The Assembly will therefore have to appoint a Director for a next term of office. A note by the Chairman of the Assembly will be submitted (document 92FUND/A.4/16). Any applications for the post of Director will be circulated.

19 Amendment of Staff Rules

The Director will report to the Assembly on amendments to the Staff Rules issued by him in accordance with Staff Regulation 31 (document 92FUND/A.4/17).

20 Appointment of members and substitute members of the Appeals Board

In accordance with section II(c) of the Statute of the Appeals Board, the Assembly will be invited to appoint members and substitute members of the Appeals Board. A document containing the necessary information will be circulated (document 92FUND/A.4/18).

*Compensation matters***21 Reports of the Executive Committee on its 1st - 3rd sessions**

The reports of the Executive Committee's 1st - 3rd sessions will be presented to the Assembly by the Committee's Chairman (documents 92FUND/EXC.1/9, 92FUND/EXC.2/10 and 92FUND/EXC.3/7).

22 Election of members of the Executive Committee

Pursuant to 1992 Fund Resolution N°5, the Assembly will be invited to elect new members of the Executive Committee. The Director will submit a document containing the necessary information (document 92FUND/A.4/19).

23 Application of the 1992 Fund Convention to the EEZ

In accordance with 1992 Fund Resolution N°4, States which establish an exclusive economic zone (EEZ) or designate an area under Article 3(a)(ii) of the 1992 Fund Convention before ratifying the 1992 Fund Convention are invited to notify the Secretary-General of IMO accordingly when they deposit their instruments of ratification in respect of that Convention, and States which establish an EEZ or designate an area after ratification are invited to notify the Director accordingly. The Director will report on the developments regarding this issue (document 92FUND/A.4/20).

24 Report of the 2nd intersessional Working Group

At its 3rd session the Assembly decided to set up an intersessional Working Group to study the issues of the applicability of the 1992 Conventions to offshore craft, and the definition of 'ship' in the 1992 Conventions. The Assembly will be invited to consider the report of the Working Group (document 92FUND/A.4/21).

25 Co-operation with P & I Clubs

At previous sessions the Assembly has considered whether the parts of the text of the 1985 Memorandum of Understanding between the Japan Ship Owners' Mutual Protection and Indemnity Association (JPIA) and the 1971 Fund which were not covered by the Memorandum signed in 1980 by the 1971 Fund and the International Group of P & I Clubs (the scope of the latter having been extended to cover also co-operation with the 1992 Fund) could be replaced by an exchange of letters. The Director will report on his discussions with JPIA on this aspect of co-operation between JPIA and the 1992 Fund (document 92FUND/A.4/22).

Budgetary matters

26 Sharing of joint administrative costs with the 1971 Fund

The Assembly will be invited to consider how the joint administrative costs should be apportioned between the 1992 Fund and the 1971 Fund for 2000 (document 92FUND/A.4/23).

27 Budget for 2000

A draft budget for the 1992 Fund for the calendar year 2000 will be submitted to the Assembly for consideration and adoption, in accordance with Article 12 of the 1992 Fund Convention (document 92FUND/A.4/24).

28 Working capital

The Assembly will be invited to review the level of the working capital of the 1992 Fund, in accordance with Financial Regulation 7.1(b) (document 92FUND/A.4/25).

29 Assessment of contributions

In accordance with Article 12 of the 1992 Fund Convention, the Assembly will be invited to decide on the assessment of contributions to the 1992 Fund. The Director will submit a document on this matter (document 92FUND/A.4/26).

Other matters

30 International Convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea

The Director will inform the Assembly of developments concerning preparations for the entry into force of the International Convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea (HNS Convention) (document 92FUND/A.4/27).

31 Future sessions

Article 19 of the 1992 Fund Convention provides that the Assembly shall have regular sessions once every calendar year. Tentative arrangements have been made with IMO for a session in October 2000.

32 Any other business

The Assembly will be invited to consider other matters which may be proposed by Member States or by the Director.

33 Adoption of the Record of Decisions of the 4th session

Rule 27 of the Rules of Procedure of the 1992 Fund provides that the Secretariat shall prepare a Record of Decisions of the session. The Assembly will be invited to adopt this Record of Decisions.
