



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992

ASSEMBLY
8th session
Agenda Item 33

92FUND/A.8/29
10 October 2003
Original: FRENCH

OTHER BUSINESS

GRANTING OF OBSERVER STATUS

Note by the Director

<i>Summary:</i>	The Central Commission for Navigation on the Rhine (CCNR) has applied to the 1992 Fund for observer status.
<i>Action to be taken:</i>	Decide whether to grant observer status to the CCNR.

1 **Introduction**

- 1.1 The Central Commission for Navigation on the Rhine has filed a request with the 1992 Fund for the granting of observer status.
- 1.2 Pursuant to Article 18.10 of the 1992 Fund Convention, the Assembly shall determine which intergovernmental and international non-governmental organisations shall be admitted to take part, without voting rights, in meetings of the Assembly and subsidiary bodies. At its 1st session, the Assembly adopted Guidelines on relations between the International Oil Pollution Compensation Fund 1992 (1992 Fund) and intergovernmental organisations and international non-governmental organisations (document 92FUND/A.1/34/1). These guidelines contain the criteria for granting observer status to intergovernmental organisations:

The Assembly will consider requests to be represented by observers received from other intergovernmental organisations whose aims and activities are relevant to those of the 1992 Fund or which are interested in the work of the 1992 Fund. An invitation to attend a session of the Assembly or other meeting may, subject to confirmation by the Assembly, be issued by the Director to any organisation making such a request. The Assembly may decide that invitations be sent to such an organisation either for a specific session or meeting or on a regular basis.

An agreement for cooperation may, with the approval of the Assembly, be concluded between the 1992 Fund and any intergovernmental organisation, if it is in their mutual interest to do so. The agreement may provide, where appropriate on a reciprocal basis, for admission as an observer, exchange of information, consideration of suggestions for agenda items, consultation on programmes and joint activities and other practical cooperation.

The 1992 Fund has granted observer status to seven intergovernmental organisations (European Commission, Helsinki Commission, IMO, REMPEC, United Nations, UNEP and UNIDROIT).

2 Central Commission for Navigation on the Rhine (CCNR)

- 2.1. The CCNR, together with the Danube Commission, is in the process of examining the possibility of establishing, either for the Rhine or for the entire network of Europe's navigable waterways, a system of compensation for damage caused by the transportation of hazardous materials by inland waterways, comprising the establishment of a compensation fund for exceptionally serious damage. With that in mind, it would like to know more about the terms under which the IOPC Funds operate.
- 2.2. The Danube Commission is an intergovernmental organisation, with its headquarters in Budapest, which carries out the tasks laid down by the Convention of 18 August 1948 regarding the regime of navigation on the Danube. It has 11 Member States: Austria, Bulgaria, Croatia, Germany, Hungary, Moldova, Romania, Russia, Serbia and Montenegro, Slovakia and Ukraine.
- 2.3. The CCNR is the oldest of the existing international organisations in Europe. It was established in 1815 by the Congress of Vienna and has been based in Strasbourg since 1920. The legal basis of the CCNR is the Convention of Mannheim of 17 October 1868, as amended by the Treaty of Versailles in 1918 and by the Strasbourg Convention in 1963, which gave it the title of Revised Convention for the Navigation of the Rhine, and by various subsequent additional protocols.
- 2.4. The Member States of the CCNR are Belgium, France, Germany, the Netherlands and Switzerland.
- 2.5. The basic principles of the Rhine regime, as enshrined in the Mannheim Convention, are as follows:
 - the principle of freedom of navigation, which involves avoiding hindrances to navigation;
 - the principle of equality in navigation, which entails developing rules that are applicable without discrimination to all those involved in navigation on the Rhine and to all stretches of the river;
 - the principle of a single system of navigation on the Rhine, so that it constitutes a unified market for river transport.
- 2.6. The CCNR, as indicated in its constitution, has two main objectives, which are reflected in various operational objectives:

Promoting the prosperity of Rhine and European navigation. This concern involves a three-pronged approach:

 - guaranteeing an appropriate economic framework;
 - improving the competitiveness of Rhine navigation;
 - integrating Rhine navigation into the European transport system.

Guaranteeing a high level of safety for navigation and its environment. This objective has two aspects:

 - looking after the safety of navigation in the strict sense;
 - promoting the ecological character of Rhine navigation.
- 2.7. The CCNR has provided the following information on its activities and has indicated those areas in which it has interests in common with the 1992 Fund:
 - the establishment of common rules concerning navigation activity on the Rhine;
 - the examination of complaints and management of the relevant court of appeal for settling, as a last resort, disputes relating to navigation on the Rhine;
 - monitoring the state of the infrastructure of the Rhine river;
 - carrying out work and economic studies; and

- promoting international agreements for harmonising the rules applicable to navigation on the Rhine.

2.8 The main bodies of the CCNR are the Plenary Assembly, the standing committees, the working groups and the Court of Appeals. The CCNR's secretariat has a total staff of 18, of whom three have diplomatic status (the Secretary-General, the Deputy Secretary-General and the Chief Engineer).

2.9 The other topical questions with which the CCNR is concerned are the following:

- improving cooperation with the European Union;
- adjusting the conditions of access to the river transport market at the pan-European level;
- forward planning with regard to the "boat of the future" in inland navigation; and
- promoting the ratification and application of the international agreements concluded on its initiative (CLNI, CMNI, "Wastes Convention", etc.).

3 Action to be taken by the Assembly

The Assembly is invited:

- (a) to take note of the information provided in this document; and
 - (b) to decide on the application for observer status submitted by the Central Commission for Navigation on the Rhine.
-