



**INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND 1992**

EXECUTIVE COMMITTEE
18th session
Agenda item 3

92FUND/EXC.18/4/Add.2
4 October 2002
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ADMINISTRATIVE COUNCIL
9th session
Agenda item 15

71FUND/AC.18/5/Add.2

INCIDENTS INVOLVING THE 1971/1992 FUNDS

NAKHODKA – EXPERIENCES OF CLAIMS HANDLING

Note by the Director

Summary:

In document 92FUND/EXC.18/4/2, the Japanese delegation has made certain observations as regards the lessons learned from the claims handling in the *Nakhodka* incident which should be taken into account in the future activities of the IOPC Funds. The Director sets out the policy of the IOPC Funds as regards how lessons are learned from major incidents and taken into account in subsequent incidents.

Action requested:

Information to be noted

- 1 In a letter of 24 September 2002 to the Director, the Japanese Ministry of Land, Infrastructure and Transport raised a number of points as regards the lessons learned from the *Nakhodka* incident in order to improve the claims handling in future cases. The contents of the letter correspond to the information contained in document 92FUND/EXC.18/4/2.
- 2 The issues raised by the Japanese delegation were discussed between representatives of the Ministry of Land, Infrastructure and Transport and the Director and the Legal Counsel at a meeting held in Tokyo on 26 September 2002.
- 3 Once all claims arising out of a major incident have been assessed, it is the Funds' policy to hold a meeting with all those involved in the handling of the claims to discuss what lessons can be learned, so as to enable the Funds to deal with claims more efficiently in the future. The Director is at present examining what lessons can be learned from the *Nakhodka* incident in consultation with the P&I Club concerned, the head of the local claims office and the experts involved in the assessment of the claims. In time an assessment will also be made of the experiences that can be gained from the *Erika* incident. Some of the lessons learned and the points raised in the document presented by the Japanese delegation have already been taken into account in the organisation of the handling of the claims arising from the *Erika* incident.
- 4 The Director suggests that he should submit a report to the governing bodies on the points raised by the Japanese delegation and other related issues after the examination of what lessons can be learned from the *Nakhodka* incident has been completed and that the governing bodies should consider these issues at their October 2003 sessions.

5 **Action to be taken by the governing bodies**

- (a) to take note of the information contained in this document; and
 - (b) to give the Director such instructions in respect of the issues dealt with in this document as is deemed appropriate.
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