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APPLICABILITY OF THE 1992 CONVENTIONS TO OFFSHORE CRAFT

Submitted by the French delegation

Summary:	This document sets out the French delegation's approach regarding the application of the 1992 Conventions to offshore storage and production craft.
Action to be taken:	The Group is invited to take note of the information contained in this document.

For the purposes of the Conventions, the definition of "ship" can be considered to include any seaborne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo.

The question which therefore arises is whether craft employed in offshore exploration and production fall within this scope of application.

Although the criterion of construction or adaptation is essential in order to regard such craft as falling within the scope of the Conventions, it nevertheless appears to be insufficient.

Indeed, the concept of an activity involving carriage is fundamental to the spirit of the Conventions and even constitutes the first paragraph of the preamble to the 1969 Convention.

FSUs and FPSOs can therefore fall within the scope of the Convention only in so far as they are engaged in an activity involving the carriage of oil.

Taking the case of floating production storage and offloading units (FPSOs), it would not appear that these craft engage in the carriage of oil, and they should thus not fall within the scope of the Conventions.

In the case of floating storage units (FSUs), the situation is more varied. They can be grouped into the following three categories:

- Old ships, permanently anchored close to oil rigs, which are laid up and no longer fly a flag. These craft cannot engage in carriage.
- Ships, falling under the jurisdiction of a flag, which can be disconnected from oil rigs, but the purpose of which is not carriage. Likewise, these ships should not fall within the scope of the Conventions.
- Shuttle tankers, ships for the purposes of the Convention, which provide a service between a terminal and an onshore storage facility. As such, they fall within the scope of the Convention and should be checked by the flag or port authorities of a Contracting State for compliance with their obligations (certificate of insurance).

It appears to be equally important to distinguish the carriage of oil in bulk as cargo from collection activities, which may, in certain cases, be carried out between several drilling wells.

The collection of oil from different wells belonging to a single field (which, in the example of French law, may be defined by the area of the mining title) falls under the responsibility of the operator and is not comparable to an activity involving carriage. The latter takes place only between an exploitation facility located offshore and an offloading terminal.
