



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND

ASSEMBLY
15th session
Agenda item 1

FUND/A.15/1
30 June 1992

Original: ENGLISH

PROVISIONAL ANNOTATED AGENDA OF THE FIFTEENTH SESSION OF THE ASSEMBLY

to be held at the Headquarters of the
International Maritime Organization, 4 Albert Embankment,
London SE1, from Tuesday 6 October, 2.30 pm,
to Friday 9 October 1992

Opening of the Session

1 Adoption of the Agenda

2 Election of the Chairman and Two Vice-Chairmen

In accordance with Article 18.1 of the 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 Report of the Director

The Assembly may wish to consider the Director's report on the operations of the IOPC Fund since the 14th session of the Assembly; a written report will be circulated (FUND/A.15/2).

5 Report on Investments

In accordance with Internal Regulation 10.3, the Director will submit a detailed report on the IOPC Fund's investments since the 14th session of the Assembly (FUND/A.15/3).

6 Financial Statements and Auditor's Report and Opinion

In accordance with Article 29.2(f) of the Fund Convention, the Director has prepared the Financial Statements of the IOPC Fund for the financial year 1991. According to Financial Regulation 10.9, the External Auditor shall transmit his Report on the Financial Statements to the Chairman of the Assembly not later than 30 June following the end of the accounting year. The Assembly will be invited to consider the Auditor's Report and Opinion and to approve the accounts of the IOPC Fund (FUND/A.15/4).

7 Report on Contributions

The Director will submit a report to the Assembly on the payment of contributions (FUND/A.15/5).

8 Reports of the Executive Committee on its 29th, 30th, 31st and 32nd sessions

According to Article 18.12 of the Fund Convention, the Assembly has to review and approve the reports on the activities of the Executive Committee. The reports on the Committee's 29th, 30th, 31st and 32nd sessions will be presented to the Assembly by the Committee's Chairman.

9 Election of Members of the Executive Committee

Pursuant to Article 23.1 of the Fund Convention, the Assembly will be invited to elect new members of the Executive Committee. The Director will submit a document containing the necessary information (FUND/A.15/6).

10 Appointment of Substitute Members of the Appeals Board

In October 1991, at its 14th session, the Assembly appointed members and substitute members of the IOPC Fund's Appeals Board for a term of two years. Since that session, the Director has been notified of the resignation of two of the substitute members. The Assembly will be invited to appoint replacements in accordance with Section II(c) of the Statute of the Appeals Board (FUND/A.15/7).

11 Lease of IOPC Fund's Offices

The present lease of the IOPC Fund's offices expires on 31 October 1992. The Director will submit a document concerning the lease of offices after that date (FUND/A.15/8).

12 Budget 1993

A draft budget for the calendar year 1993 will be circulated to Governments of Member States for consideration and adoption (FUND/A.15/9).

13 Increase of the Working Capital

At its 14th session, the Assembly increased the IOPC Fund's working capital from £4 million to £6 million. In addition, the Assembly decided to review, at its 15th session, the question of whether a further increase of the working capital would be required. The Assembly will be invited, in a document to be submitted by the Director (FUND/A.15/10), to consider whether such a further increase is necessary.

14 Assessment of Annual Contributions

In accordance with Article 12 of the Fund Convention, the Assembly will be invited to decide on the assessment of annual contributions. The Director will submit a document on this matter (FUND/A.15/11).

15 Review of Investment Policy

At its 14th session, the Assembly instructed the Director to examine the IOPC Fund's investment policy, in consultation with the External Auditor. A document on this issue will be submitted to the Assembly by the Director (FUND/A.15/12).

16 Independent Investigations by the IOPC Fund Into the Cause of Incidents

At its 14th session, the Assembly discussed whether the IOPC Fund should carry out its own independent investigations into the cause of incidents so as to enable the Fund to form an opinion at an early stage as to whether an incident was due to the fault or privity of the shipowner or whether there were any grounds for taking recourse action against third parties. In accordance with the instructions of the Assembly, the Director will submit a study of this matter for consideration by the Assembly (FUND/A.15/13).

17 Replacement of Instruments Enumerated In Article 5.3 of the Fund Convention

The Assembly will be invited to examine whether to include certain Amendments to MARPOL 73/78 and SOLAS 74 in the list of instruments contained in Article 5.3 of the Fund Convention (FUND/A.15/14).

18 International Conference on the Revision of the 1969 Civil Liability Convention and the 1971 Fund Convention

At its 14th session, the Assembly made a request to the Secretary-General of the International Maritime Organization that an international conference be convened as soon as possible to consider draft protocols modifying the 1969 Civil Liability Convention and the 1971 Fund Convention which had been elaborated within the IOPC Fund and to consider whether there should be introduced in the Fund Convention a system of setting a "cap" on contributions payable by oil receivers in any given State. Such a Conference will be held from 23 to 27 November 1992. The Director will submit a document on this matter (FUND/A.15/15).

19 Publication of the Official Records of the 1984 International Conference on Liability and Compensation for Damage in Connection with the Carriage of Certain Substances by Sea

The International Maritime Organization has not published the Official Records of the International Conference on Liability and Compensation for Damage in Connection with the

Carriage of Certain Substances by Sea which adopted the 1984 Protocols to the Civil Liability Convention and the Fund Convention. Since the deliberations at that Conference are of considerable interest for the operation of the IOPC Fund, the Assembly will be invited to consider whether the IOPC Fund should give financial support so that these Records can be published (FUND/A.15/16).

20 Definition of "Oil" in Article 1.5 of the Civil Liability Convention and of "Contributing Oil" in Article 1.3 of the Fund Convention

The question has arisen as to whether "oil" should be considered as falling within the definition of "oil" in Article 1.5 of the Civil Liability Convention and of "contributing oil" in Article 1.3 of the Fund Convention. A document on this issue will be submitted by the Director (FUND/A.15/17).

21 Interpretation of the Notion of "Received" in Article 10 of the Fund Convention

Some storage companies in the Netherlands have refused to pay contributions levied upon them, arguing that the interpretation of the notion of "received" adopted by the IOPC Fund is incorrect. The Director will present a document on this issue (FUND/A.15/18).

22 Levy of Contributions in respect of Oil Receivers in the Former USSR

Certain questions have arisen with regard to contributions levied in respect of oil receivers in States which were formerly part of the Union of Soviet Socialist Republics (USSR). The Director will submit a document on this matter (FUND/A.15/19).

23 Refund of Indirect Taxes

Under Article 34.2 of the Fund Convention the Government of Member States shall take, whenever possible, appropriate measures for the remission or refund of indirect taxes and sales taxes paid by the IOPC Fund in the exercise of its official activities. The IOPC Fund has encountered difficulties in the application of this provision. The Director will submit a document on this issue (FUND/A.15/20).

24 Certain Questions Relating to the Application of the Civil Liability Convention and the Fund Convention in Cases of Bareboat Charter

The Legal Committee of the International Maritime Organization has considered whether, in certain cases of bareboat charter, the actual owner or the bareboat charterer should be considered as the registered owner for the purpose of the provisions of the Civil Liability Convention relating to the issuing of insurance certificates. Since this matter is of direct interest to the IOPC Fund, the Director will submit a document containing information on this question (FUND/A.15/21).

25 Amendments to the Staff Rules

The Director will report to the Assembly on amendments to the Staff Rules issued by him in accordance with Staff Regulation 28 (FUND/A.15/22).

26 United Nations Conference on Environment and Development

The United Nations Conference on Environment and Development was held in Rio de Janeiro (Brazil) in June 1992. A document on the Conference will be submitted by the Director (FUND/A.15/23).

27 Draft International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea

The Legal Committee of the International Maritime Organization is in an advanced stage of examining a draft Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea. Under the Convention there would be established a system of compensation similar to that created by the Civil Liability Convention and the Fund Convention. The Director will submit a document containing information on this matter (FUND/A.15/24).

28 Date of Next Session

Article 19 of the Fund Convention provides that the Assembly shall have regular sessions once every calendar year. In accordance with the Assembly's wish to hold its regular sessions normally in September/October each year, tentative arrangements have been made with the International Maritime Organization for a meeting in this period in 1993.

29 Any Other Business

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

30 Adoption of the Report of the 15th Session

Rule 27 of the Rules of Procedure provides that the Secretariat shall prepare a report of the session incorporating the decisions taken. The Assembly will be invited to adopt this report.
