



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND

ASSEMBLY  
15th session  
Agenda item 29

FUND/A.15/27  
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## **ANY OTHER BUSINESS**

### **SUPPLEMENTARY BUDGET FOR 1992**

Note by the Director

#### **Introduction**

1 Since the adoption of the 1992 Budget by the Assembly at its 14th session, there have been certain developments which had not been anticipated by the Director at the time of the preparation of that Budget. These developments have prompted the Director to request additional appropriations in respect of two items of expenditure, viz Printing and publication and Consultants' fees.

#### **Printing and Publication**

2 In the 1992 Budget, an appropriation of £16 000 was adopted in the chapter for General Services (Chapter II) under the heading "Printing and publication". The funds under that heading were for publication of the IOPC Fund's Annual Report and the printing of any other necessary documents.

3 Under agenda item 19 of this session, the Assembly will be invited to consider whether the IOPC Fund should give financial support towards the 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. In his note on this item (document FUND/A.15/16, paragraph 4), the Director gives the cost of publication, as estimated by IMO, for 600 copies of the English and 200 copies of the French versions at £36 000 and £33 000 respectively, subject to an increase of 5% to account for inflation. If the Assembly were to decide that the IOPC Fund should give financial support towards this publication, it is requested to consider whether the IOPC Fund should pay the total cost of publication or offer to pay only a part thereof (paragraph 10), and whether any publication should be limited, at least for the time being, to the English version only (paragraph 11).

4 In the event that the Assembly were to decide to give financial support towards publication of the Official Records of the 1984 Conference, it is the Director's intention to hold discussions with the Secretary General of IMO for the purpose of reaching agreement on this matter as soon as possible, and in any case before the end of 1992. Any expenses incurred for this purpose would then have to be met from the 1992 Budget and should be covered in a supplementary budget. The amount to be included in the supplementary budget for this purpose will depend on the Assembly's decision as to the extent of the IOPC Fund's financial contribution, if any.

### **Consultants' Fees**

5 In the 1992 Budget an appropriation of £8 000 was included in the chapter for Miscellaneous Expenditure (Chapter V) under the heading "Consultants' fees". The funds under this heading allow the Director to employ consultants if some extraordinary work has to be done that cannot be undertaken by the permanent staff members, for example in connection with studies that have to be carried out by the IOPC Fund or for consultations of a general nature not related to specific incidents.

6 Under agenda item 21 of this session, the Assembly will deal with certain problems which have arisen in respect of the interpretation of the notion of "received" in Article 10 of the Fund Convention, due, inter alia, to a Dutch company's appeal before an Administrative Court against the decision of the competent Ministry to report the company to the IOPC Fund as having "received" contributing oil. As set out in the Director's note on this item (document FUND/A.15/18, paragraph 19), the IOPC Fund has availed itself of the possibility of presenting its views in the proceedings in the Ministry of Economic Affairs regarding this appeal. If the matter is brought before the Administrative Court, the IOPC Fund will intervene in the court proceedings. The Director has engaged the services of a lawyer in Rotterdam to represent the IOPC Fund in the proceedings in the Ministry and the Administrative Court.

7 In his note on agenda item 15 of this session of the Assembly (document FUND/A.15/12, paragraph 11.3), the Director reports that he is at present taking legal advice on the legal status of the assets of the Staff Provident Fund. For this purpose, the Director has engaged the services of a law firm in London.

8 The fees for the legal proceedings in the Netherlands and for the study of the legal status of the Staff Provident Fund are not yet known. In view of the fact that both of these issues are fairly complicated, the Director proposes the provision of £20 000 to cover the fees incurred during 1992 for these two purposes.

9 At its 14th session, the Assembly instructed the Director to examine the IOPC Fund's investment policy, in consultation with the External Auditor. The External Auditor's study on this subject is annexed to document FUND/A.15/12. The fee for this study has been advised as £5 670.

### **Action to be Taken by the Assembly**

10 The Assembly is requested to approve:

- (a) a supplementary budget appropriation for printing and publication in 1992, the amount – if any – to depend on the Assembly's decision under agenda item 19; and
  - (b) a supplementary budget appropriation of £25 670 for consultants' fees in 1992.
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