

ASSEMBLY -
1st session
Agenda item 1

REVISED PROVISIONAL ANNOTATED AGENDA OF THE FIRST
REGULAR SESSION OF THE ASSEMBLY

to be held at IMCO Headquarters, 101-104 Piccadilly,
London W.1, from Monday 13 November 1978 to
Friday 17 November 1978

Opening of the session.

1. Adoption of the Agenda. Document OPCF/A.I/1/Rev.1
2. Election of the Chairman and two Vice-Chairmen

In accordance with Article 18(1), the Assembly will be invited to elect a Chairman and two Vice-Chairmen who shall hold office until the next regular session.

3. Determination of Rules of Procedure Documents OPCF/A.I/5 and Corr.1

In accordance with Article 18(2), the Assembly will be invited to determine its Rules of Procedure. In order to assist the Assembly, the Secretary-General will prepare a set of draft Rules of Procedure which he intends to circulate to Contracting States in due course.

4. Determination of non-Contracting States to be invited as observers Document OPCF/A.I/6

In accordance with Article 18(10), it is for the Assembly to determine which non-contracting States shall be admitted to take part, without voting rights, in meetings of the Assembly, the Executive Committee and subsidiary bodies. The Assembly will be invited to take a decision on this matter at its first session. The Secretary-General believes that invitations to such observers to attend the first session should be circulated well before the opening meeting of that session, subject of course to confirmation by the Assembly. The Secretary-General is issuing invitations to send observers to the first session to all Governments which have signed the Convention but are not Contracting States yet. This is on the understanding that the invitation is subject to formal approval by the Assembly. The Assembly might also wish to consider States which intend to accede to the Convention but which have not been able, for purely procedural reasons, to complete the process of accession in order to become Contracting Parties, should also be invited to participate as observers.

5. Determination of inter-governmental and international non-governmental organizations to be invited as observers Document OPCF/A.I/7

In accordance with Article 18(10), it is for the Assembly to determine which inter-governmental and international non-governmental organizations shall be admitted to take part, without voting rights, in meetings of the Assembly, the Executive Committee and subsidiary bodies. The Assembly will be invited to take a decision on this matter at its first session. Meanwhile, to ensure that invitations to such observers to attend the first session are circulated well before the opening meeting of that session, the Secretary-General is inviting the inter-governmental and international non-governmental organizations which sent observers to the 1971 Conference on the Establishment of an International Compensation Fund for Oil Pollution Damage, to send observers to the first session of the Assembly. This invitation is, of course, subject to formal approval by the Assembly.

6. Appointment of Director Documents OPCF/A.I/4 and Add.1

In accordance with Article 18(4), the Assembly has to appoint a Director of the Fund. The Secretary-General has received from a Contracting State a communication nominating a candidate; this communication is being circulated to Governments separately. Any other nominations received will also be circulated in due course.

7. Structure of the Secretariat Document OPCF/A.I/17

The Assembly will be invited to determine the organization and structure of the Secretariat. The Secretary-General is preparing a note on this subject which will be circulated shortly.

8. Adoption of Staff Regulations Document OPCF/A.I/2

The Assembly will be invited to adopt a set of appropriate Staff Regulations. A draft set of Staff Regulations, together with an introductory note, has been prepared and will be circulated to Governments shortly. The Assembly may also wish to determine the procedure for adopting Staff Rules to supplement the Regulations.

9. Adoption of Internal Regulations Documents OPCF/A.I/3 and 3/1

In accordance with Article 18(3), the Assembly will be invited to adopt Internal Regulations. A draft set of regulations, together with an introductory note, has been prepared and will be circulated to Governments shortly.

10. Determination of initial contributions Documents OPCF/A.I/10 and Add.1

In accordance with Article 11(2), the Assembly is required to determine a fixed sum for each ton of contributing oil received on the basis of which the initial contributions will be calculated. The Assembly is required to fix the sum in such a way that, to the extent possible, the total amount of initial contributions would, if contributions were to be made in respect of 90 per cent of the quantities of contributing oil carried by sea in the world, equal 75 million francs. Governments may wish to note in this context that the Secretary-General has been

informed by the Oil Companies International Marine Forum (OCIMF) that the total amount of oil, including non-persistent oils, moved by sea in the year 1977 amounted to 1,724 million tons. A document on this subject will be presented by the Secretariat:

11. Preparation of budgets for 1978 and 1979 Document OPCF/A.I/8

The Assembly is required to prepare budgets for the years 1978 and 1979. Should the Assembly feel that it might be difficult to adopt a definitive budget at its first session, it might wish to settle this matter at its next session.

12. Determination relating to the replacement of Instruments enumerated in Article 5(3) Document OPCF/A.I/9

Article 5(3) provides that, in case of an incident, the Fund may be exonerated wholly or partly from its obligations under Article 5(1) if it proves that as a result of the actual fault or privity of the owner the ship in question did not comply with the requirements contained in a number of instruments listed in the said paragraph and the incident or damage was caused wholly or partially by such non-compliance. One of the instruments referred to in paragraph 3 is the "International Regulations for Preventing Collisions at Sea, 1960". The 1960 instrument has been replaced by the Convention on the International Regulations for Preventing Collisions at Sea, 1972, which entered into force on 15 July 1977. In accordance with Article 5(4), the Assembly will be invited to decide a date on which the 1972 Convention is to replace the 1960 Collision Regulations for the purpose of Article 5(3).

13. Determination of Headquarters State Document OPCF/A.I/10

The Assembly will be invited to take a decision on the question of the location of the headquarters of the Fund.

14. Consideration of the Question of Headquarters Premises and matters connected thereto Document OPCF/A.I/11

In light of the decision taken in respect of the location of the Headquarters, the Assembly will be invited to give initial consideration to the question of selecting suitable Headquarters premises. In particular, consideration will have to be given to the elaboration and negotiation of a Headquarters Agreement with the Host State relating, inter alia, to the privileges and immunities of the Fund, representatives and staff. The Assembly will also be invited to consider the procedure for undertaking such negotiations.

15. Appointment of Auditors Document OPCF/A.I/12

In accordance with Article 18(6), the Assembly is required to appoint external and other auditors, as appropriate.

16. Establishment of Executive Committee Document OPCF/A.I/13 (Restricted)

Article 21 provides that an Executive Committee shall be established at the first regular session of the Assembly after the date on which the number of Contracting States reaches fifteen. At present there are

fourteen Contracting States and as soon as a further appropriate instrument is received the conditions for the establishment of the Executive Committee will have been met. Governments are invited to take note of this possibility, particularly in view of the provisions on election of the Executive Committee contained in Article 22. If necessary, an appropriate document will be issued on this subject by the Secretariat.

17. Increase of maximum liability of the Fund Document OPCF/A.I/14

Article 4(4) limits the aggregate amount of compensation payable by the Fund in respect of any one incident to 450 million francs. Article 4(6) empowers the Assembly to increase this limit up to 900 million francs, having regard to the experience of incidents which have occurred and in particular the amount of damage resulting therefrom and to changes in the monetary values. In the wake of the "Amoco Cadiz" incident the Government of France has suggested to the IMCO Council, inter alia, that consideration be given to the possibility of increasing the amount set out in Article 4(4). The Assembly may wish to give consideration to this matter either at the first session or at such other time as it may consider appropriate.

18. Relations with IMCO and other Organizations Document OPCF/A.I/15

The Assembly may wish to give consideration to the establishment of agreements or arrangements of co-operation between the Fund and appropriate inter-governmental organizations, including IMCO.

19. Date of next session Document OPCF/A.I/16

20. Any Other Business

The Assembly will be invited to consider other matters which may be proposed by Governments or by the Secretary-General in the light of comments received on the Provisional Agenda.
