

ASSEMBLY - 1st session

RECORD OF DECISIONS

Adoption of the Agenda (Agenda item 1)

The Assembly adopted the Agenda as contained in document OPCF/A.I/1/Rev.1.

Election of the Chairman and two Vice-Chairman (Agenda item 2)

The Assembly elected the following delegates to hold office until the second regular session of the Assembly:

Chairman:	Mr. J. Bredholt (Denmark)
First Vice-Chairman:	Mr. V. Stalic (Yugoslavia)
Second Vice-Chairman:	S.E. Monsieur S. Ben Ammar (Tunisia)

Determination of Rules of Procedure (Agenda item 3)

The Assembly adopted the Rules of Procedure contained in document OPCF/A.I/5/1.

Determination of non-Contracting States to be invited as observers (Agenda item 4)

In respect of the first session, the Assembly decided to invite the following non-Contracting States to participate as observers:

Belgium	Netherlands
Brazil	Poland
Canada	Portugal
Finland	Switzerland
German Democratic Republic	USSR
Indonesia	United Republic of Cameroon
Ireland	United States
Italy	Venezuela

In respect of future sessions the Assembly decided that the provisions of Rule 4 of the Rules of Procedure shall apply. In respect of the second

session however, the Assembly decided to request the Director to invite also those States which are not covered by Rule 4 of the Rules of Procedure but which were admitted as observers to the first session of the Assembly.

Determination of inter-governmental and international non-governmental organizations to be invited as observers (Agenda item 5)

In respect of the first session the Assembly decided to invite the following organizations:

(a) Inter-Governmental Organizations

Council of Europe (CL of E)
Commission of the European Communities (EEC)
International Institute for the Unification of
Private Law (UNIDROIT)

(b) Non-Governmental Organizations

International Chamber of Shipping (ICS)
International Chamber of Commerce (ICC)
Permanent International Association of Navigation
Congresses (PIANC)
Comité Maritime International (CMI)
Baltic and International Maritime Conference (BIMCO)
International Law Association (ILA)
Oil Companies International Marine Forum (OCIMF)
Oil Companies Institute for Marine Pollution
Compensation Limited (CRISTAL)
International Tanker Owners Pollution Federation
Limited (TOVALOP)

In respect of the second session the Assembly decided to invite, in addition to the organizations invited to the first session, a representative of the P and I Clubs.

Appointment of Director (Agenda item 6)

The Assembly appointed Mr. R.H. Ganten (Federal Republic of Germany) as Director of the Fund with effect from 16 December 1978 to 31 December 1982. A copy of the Director's contract of employment is contained in document OPCF/A.I/4/1.

Structure of the Secretariat (Agenda item 7)

The Assembly decided that the Secretariat of the Fund should be as small as feasible considering the function of the Fund and authorized the Director to recruit personnel as he deems necessary, taking full account of the possibility of engaging outside consultants as necessary for specific tasks of the Fund. The Assembly also decided to invite the Director to submit detailed proposals on the Secretariat structure to the second session of the Assembly.

Adoption of Staff Regulations (Agenda item 8)

The Assembly adopted the Provisional Staff Regulations contained in document OPCF/A.I/2/1 and invited the Director to submit a set of Staff Regulations and Staff Rules to the second session of the Assembly for final adoption.

Adoption of Internal Regulations (Agenda item 9)

In a first reading, the Assembly provisionally adopted Internal Regulations for the Fund, in so far as the determination of these was necessary for its initial operations. Some of the Regulations were referred to an intersessional Working Group which was invited to consider them further and submit its proposals to the second session of the Assembly for final adoption. The text of the Internal Regulations is contained in document OPCF/A.I/3/3/Rev.1.

Determination of initial contributions (Agenda item 10)

The Assembly decided that, for purposes of determining the initial contributions in accordance with Article 11 of the Convention, the fixed sum for each ton of contributing oil received by a Contracting State shall amount to 0.04718 francs. The Assembly also adopted a Resolution relating to the interpretation of the franc provisions in the Convention, the text of which is reproduced in document OPCF/A.I/Res.1.

The Assembly decided to urge those Contracting States which have not yet notified their total receipts of contributing oil in the calendar year 1977 to do so as soon as possible so as to allow the Director to determine the initial contributions payable by each Contracting State.

Preparation of budgets for 1978 and 1979 (Agenda item 11)

The Assembly noted the provision made by the IMCO Council for a sum of \$300,000 to be made available on a reimbursable basis for the period of establishment of the Fund and decided to authorize the Director to undertake

all necessary expenditures from those funds in the period prior to the second Assembly, and to request him to prepare a budget including that period and the remainder of 1979 for presentation to the second Assembly.

Determination relating to the replacement of Instruments enumerated in Article 5(3) (Agenda item 12)

The Assembly decided in accordance with Article 5(4) that the Convention on the International Regulations for Preventing Collisions at Sea, 1972 shall replace, with effect from 1 June 1979, the International Regulations for Preventing Collisions at Sea, 1960 referred to in Article 5(3)(a)(iv).

The Assembly took note of the absence in Article 5 of a means of replacement of out-of-date provisions in the instruments listed in Article 5(3), when such provisions were by amendment not falling under the "important nature" provision in the pertinent convention. It deferred to a subsequent session the consideration of whether this matter would require specific future attention.

Determination of Headquarters State (Agenda item 13)

The Assembly decided that the Headquarters of the Fund shall be located in London.

Consideration of Headquarters Premises and matters connected thereto (Agenda item 14)

The Assembly decided to request the intersessional Working Group to elaborate, with the assistance of the Secretary-General of IMCO, proposals on the initial accommodation of the Fund Secretariat and to submit these to the second session of the Assembly for consideration and approval.

The Assembly invited the intersessional Working Group to proceed with the negotiation of a Headquarters Agreement with the United Kingdom on the basis of the draft submitted by the United Kingdom in document OPCF/A.I/11/1 and to report on the progress of these negotiations to the second session of the Assembly.

The Assembly took note of the statement by the United Kingdom delegation to the effect that pending the conclusion of a Headquarters Agreement the United Kingdom Government would make interim arrangements to ensure the effective operation of the Fund, taking into account the need for appropriate privileges and immunities to be granted.

Appointment of Auditors (Agenda item 15)

The Assembly decided to appoint the person at any time performing the duties of the Comptroller and Auditor General of the United Kingdom as External Auditor of the Fund for a period of four years commencing with the audit of the first financial period.

Increase of maximum liability of the Fund (Agenda item 17)

The Assembly, after a roll-call vote, decided not to take a decision at this session with respect to an increase of the aggregate amount of compensation payable by the Fund in respect of any one incident as provided in Article 4(6) of the Convention.

Relations with IMCO and other inter-governmental organizations (Agenda item 18)

The Assembly decided to invite the Director to prepare a set of draft guidelines containing suitable criteria which will assist the Assembly in deciding with which inter-governmental organizations an agreement or special arrangement might be made and which non-governmental international organizations might be admitted into a special relationship with the Fund.

Date of next session (Agenda item 19)

The Assembly decided to hold the second session of the Assembly from 17 to 20 April 1979 at the Headquarters of IMCO.
