



International Oil Pollution  
Compensation Funds

Reference	IOPC/2020/Circ.13
Date	2 October 2020
1992 Fund Assembly	●
Supplementary Fund Assembly	●

## Invitation to the December 2020 meeting of the IOPC Funds' governing bodies and information on remote sessions

*Wednesday, 2 December to Friday, 4 December 2020  
to be held remotely via KUDO*

The Director has the honour to invite representatives of 1992 Fund Member States, Supplementary Fund Member States and States and Organisations holding observer status with the IOPC Funds to the December 2020 meeting of the IOPC Funds' governing bodies, which will be held remotely via the virtual meeting platform KUDO, from Wednesday, 2 December to Friday, 4 December 2020.

The 25th session of the 1992 Fund Assembly, the 74th session of the 1992 Fund Executive Committee and the 17th session of the Supplementary Fund Assembly will be held over those dates.

Background information on the chosen format of these sessions, a provisional timetable and agenda for the sessions, as well as a request from the Director for feedback from Member States on a number of important procedural items are also included.

### **Proposal to hold remote sessions**

Ordinarily, sessions of the governing bodies take place in the International Maritime Organization (IMO) headquarters building, which also houses the IOPC Funds' offices. During the ongoing COVID-19 pandemic, IMO has kept the Secretariat regularly updated with developments in respect of the closure of the IMO building and its decisions with regard to the holding of meetings. As set out in a series of circulars to Member States over the past six months<sup><1></sup>, following the essential closure of the IMO building and the subsequent revision of the IMO calendar of meetings, the March 2020 sessions of the IOPC Funds' governing bodies were cancelled and the regular sessions, originally due to take place in November, were rescheduled to December.

According to the 1992 Fund Convention and the Supplementary Fund Protocol, regular sessions of the governing bodies must take place once every calendar year, therefore, the IOPC Funds meeting must go ahead in December 2020. However, the new meeting schedule was constructed by IMO on the assumption that the IMO headquarters building would not be available for full, physical meetings for the remainder of 2020 and that any meetings scheduled to be held during that period, including that of the IOPC Funds, would therefore be held remotely (circular IOPC/2020/Circ.12 and IMO circular letter No.4213/Add.6).

<sup><1></sup> Please see circulars IOPC/2020/Circ.4, IOPC/2020/Circ.5, IOPC/2020/Circ.9, IOPC/2020/Circ.11 and IOPC/2020/Circ.12.

Unfortunately, unlike IMO, due to the proximity of the IOPC Funds' meeting, the Director is not able to convene extraordinary sessions of the governing bodies to consider procedural matters arising from holding remote sessions.

The Director and members of the Secretariat have attended IMO virtual meetings and have closely followed the discussions relating specifically to the holding of remote sessions and the resulting procedural practices which have been adopted by the various IMO bodies. In particular, the Secretariat has followed discussions of the 32nd extraordinary session of the IMO Council and the simultaneous extraordinary sessions of the Maritime Safety Committee, the Marine Environment Protection Committee, the Legal Committee, the Technical Cooperation Committee and the Facilitation Committee (referred to as ALCOM/ES) and has noted documents C/ES.32/D, Annex 3, and ALCOM/ES/WP.1<sup><2></sup>, Annex, which contain Interim guidance to facilitate remote sessions during the COVID-19 pandemic.

Having monitored the outcomes of IMO discussions closely, the Director is in a position to propose amendments to IOPC Funds procedures that will facilitate remote sessions and which are as closely as possible aligned to those organised by IMO.

### **Temporary suspension of certain Rules of Procedure to facilitate remote sessions**

Article 19.1 of the 1992 Fund Convention and Article 16.2 of the Supplementary Fund Protocol provide that regular sessions of the governing bodies shall take place once every calendar year.

Taking into account that certain Rules of Procedure of the governing bodies presuppose in-person meetings, such rules would need to be suspended temporarily on an exceptional basis to allow for the regular sessions of the governing bodies to be conducted remotely in 2020, in order to fulfil the requirements set out under Articles 18, 19.1 of the 1992 Fund Convention and Article 16 of the Supplementary Fund Protocol.

This would be in accordance with Rule 56 of the Rules of Procedure of the 1992 Fund Assembly 'Overriding Authority of the 1992 Fund Convention', which provides that 'In the event of any conflict between any provision of these Rules and any provision of the 1992 Fund Convention, that Convention shall prevail.'<sup><3></sup>

The following documents will be issued shortly and will propose the temporary suspension or amendments to certain rules of procedure:

IOPC/NOV20/1/3	Temporary suspension of Rules of Procedure in connection with remote sessions
IOPC/NOV20/1/3/1	Temporary suspension of Rules of Procedure in connection with remote sessions – Facilitating remote sessions
IOPC/NOV20/1/3/2	Temporary suspension of Rules of Procedure in connection with remote sessions – Voting

These documents are not intended to provide an interpretation of the Conventions or the Rules of Procedure of the governing bodies or to set a precedent for the methods of work of the IOPC Funds, but simply to facilitate remote sessions in these exceptional circumstances under the prevailing COVID-19 pandemic.

<sup><2></sup> At the time of publication of this document, the final ALCOM/ES report was not available.

<sup><3></sup> The equivalent rules are provided in Rule 55 of the Rules of Procedure of the Supplementary Fund Assembly and Rule 52 of the Rules of Procedure of the 1992 Fund Executive Committee.

### **Request from the Director for feedback from Member States**

In the interests of expediting the discussions on procedural matters at the opening of the sessions and to ensure sufficient time is available to cover essential substantive items during the meeting, **the Director would like to invite Member States to carefully consider the documents listed above in advance of the sessions.** Member States are kindly requested to either confirm their support for the proposed temporary suspension or amendments to the relevant rules or to make alternative suggestions by **Friday, 23 October 2020** via email to the Secretariat or, if preferred, in the form of a meeting document, to be submitted to: [conference@iopcfunds.org](mailto:conference@iopcfunds.org). The Director will publish the feedback received from delegations in document IOPC/NOV20/1/3/3 and taking the feedback into account, will submit revised proposals.

### **Virtual meeting platform – KUDO**

The 32nd extraordinary session of the IMO Council was held over several sessions using different platforms on a trial basis, including KUDO, which supports simultaneous interpretation. ALCOM/ES was also entirely held via KUDO. A survey was carried out by IMO on the use of KUDO and the feedback received was positive (IMO document C124/8).

With the above in mind, and in the interests of standardising remote procedures and using platforms and processes that may already be familiar to the IOPC Funds' delegates, the Secretariat, in consultation with the Chairs, has deemed KUDO to be the most appropriate virtual meeting platform to convene the regular sessions of the governing bodies in 2020. The use of KUDO would also be in line with Rule 30 of the Rules of Procedure of the 1992 Fund Assembly<sup><4></sup> which requires meetings to be interpreted in each official language (English, French and Spanish). Further specific instructions for using KUDO and details of an onboarding session will be issued in due course.

### **Timing and agenda of remote sessions**

As delegates are expected to join the remote sessions from across the world, the timing of the sessions must suit the majority of time zones and run for a limited duration of time. Following the practice implemented by IMO, the meeting will commence at **11.00 am (GMT) on Wednesday, 2 December 2020** and may continue until **2.00 pm (GMT) on Friday, 4 December 2020**. Quorum for each of the governing bodies is established at the opening of the sessions on Wednesday at 11.00 am and therefore, delegates are requested to be logged into KUDO by that time.

In order to fulfil the functions of the Assemblies set out under Articles 12 and 18 of the 1992 Fund Convention and Articles 11 and 16 of the Supplementary Fund Protocol, agenda items will be prioritised accordingly.

### **Credentials and registration**

The registration of delegates for remote sessions will be the same as for physical sessions, that is, by completing the online meeting registration form in the Document Services section of the website: [documentservices.iopcfunds.org/meeting-registration](http://documentservices.iopcfunds.org/meeting-registration).

For practical reasons, on this exceptional occasion, the Director requests that Member States submit credentials via the online registration system or by email, and that all delegations register for the meeting as early as possible and no later than **Friday, 20 November**. **Delegates who have registered and submitted credentials (if required) in advance will be sent a link and joining instructions to the virtual meeting.** The Secretariat will do all it can to facilitate participation of delegations who register and submit credentials up

---

<sup><4></sup> The equivalent rules are provided in Rule 30 of the Rules of Procedure of the Supplementary Fund Assembly and Rule 26 of the Rules of Procedure of the 1992 Fund Executive Committee.

to the opening day of the sessions, however, late submissions may lead to delays in providing links to access the KUDO platform in time for the opening of the sessions.

Please find enclosed document IOPC/NOV20/1/1 which contains a provisional timetable and agenda, together with further important information about the submission of documents, the presentation of credentials and notifications, and registration for the meeting. Annex II of that document lists all of the Member States, as well as States and Organisations holding observer status with the IOPC Funds, who are invited to attend the sessions.

---



International Oil Pollution  
Compensation Funds

<b>Agenda Item 1</b>	IOPC/NOV20/1/1	
<b>Date</b>	2 October 2020	
<b>Original</b>	English	
<b>1992 Fund Assembly</b>	92A25	●
<b>1992 Fund Executive Committee</b>	92EC74	●
<b>Supplementary Fund Assembly</b>	SA17	●

## PROVISIONAL AGENDA FOR THE DECEMBER 2020 SESSIONS OF THE IOPC FUNDS' GOVERNING BODIES

*Wednesday, 2 December to Friday, 4 December 2020  
to be held via KUDO*

### **1 Introduction**

- 1.1 This document contains a provisional timetable and agenda for the remote sessions of the IOPC Funds' governing bodies to be held on Wednesday, 2 December to Friday, 4 December 2020. Information about the submission of documents, the presentation of credentials and notifications, and registration for the meeting is provided at Annex I. A list of Member States, observer States and intergovernmental and non-governmental organisations which hold observer status with the IOPC Funds is provided at Annex II.
- 1.2 The following sessions of the governing bodies will be held:

<b>1992 Fund Assembly</b>	<b>Twenty-fifth session</b>	<b>92A25</b>
<b>1992 Fund Executive Committee</b>	<b>Seventy-fourth session</b>	<b>92EC74</b>
<b>Supplementary Fund Assembly</b>	<b>Seventeenth session</b>	<b>SA17</b>

- 1.3 All sessions will commence at 11.00 am (GMT) on Wednesday, 2 December and may continue until 2.00 pm (GMT) Friday, 4 December.
- 1.4 Working hours for each day will be from 11.00 am to 2.00 pm, with one 15-minute break. Quorum for each of the governing bodies is established at the opening of the sessions on Wednesday at 11.00 am and therefore, delegates are requested to be logged into KUDO by that time.
- 1.5 The Director, in consultation with the Chairs, has prepared a provisional timetable and agenda found overleaf. It should, however, be noted that the timetable and agenda are for guidance only and subject to change at short notice. Delegations are, therefore, strongly encouraged to be present throughout the meeting.

**2** Provisional timetable

Time	Agenda item
<b>Wednesday 2 December</b>	
11.00 am – 12.15 pm	Procedural matters
12.30 pm – 2.00 pm	Overview Incidents involving the IOPC Funds
<b>Thursday 3 December</b>	
11.00 am – 12.15 pm	Election of the joint Audit Body Financial Reporting Budgetary matters
12.30 pm – 2.00 pm	Compensation matters Financial Reporting (continued) Financial policies and procedures Secretariat and administrative matters Treaty matters Other matters
<b>Friday 4 December</b>	
11.00 am – 2.00 pm	Adoption of the Record of Decisions

**Note: This timetable is subject to change at short notice. Delegations are strongly encouraged to be present throughout the whole meeting**

3 Provisional agenda

Agenda item	Subject	Governing body		
		92A	92EC	SA
<b>1 Procedural matters</b>	<ul style="list-style-type: none"> <li>- Adoption of the Agenda</li> <li>- Examination of credentials</li> <li>- Temporary suspension of Rules of Procedure in connection with remote sessions</li> </ul>	●	●	●
<b>2 Overview</b>	<ul style="list-style-type: none"> <li>- Report of the Director</li> </ul>	●		●
<b>3 Incidents involving the IOPC Funds</b>	<ul style="list-style-type: none"> <li>- Individual incidents</li> </ul>		●	●
<b>4 Compensation matters</b>	<ul style="list-style-type: none"> <li>- Election of members of the Executive Committee</li> <li>- STOPIA and TOPIA</li> </ul>	●		●
<b>5 Financial reporting</b>	<ul style="list-style-type: none"> <li>- Submission of oil reports</li> <li>- Report on contributions</li> <li>- Report on investments</li> <li>- Report of the Investment Advisory Body</li> <li>- Report of the joint Audit Body</li> <li>- Financial Statements and Auditor's Report and Opinion</li> </ul>	●		●
<b>6 Financial policies and procedures</b>	<ul style="list-style-type: none"> <li>- Appointment of the joint Investment Advisory Body</li> <li>- Election of members of the joint Audit Body</li> <li>- Election of members of the joint Audit Body – Ballot procedures</li> </ul>	●		●
<b>7 Secretariat and administrative matters</b>	<ul style="list-style-type: none"> <li>- Secretariat matters</li> <li>- Information services</li> <li>- Appointment of the Director</li> <li>- European Union General Data Protection Regulation (GDPR)</li> <li>- Headquarters Agreement</li> </ul>	●		●
<b>8 Treaty matters</b>	<ul style="list-style-type: none"> <li>- Status of the 1992 Fund Convention and the Supplementary Fund Protocol</li> <li>- 2010 HNS Convention</li> </ul>	●		●
<b>9 Budgetary matters</b>	<ul style="list-style-type: none"> <li>- Budgets for 2021 and assessment of contributions to the General Funds (1992 and Supplementary Funds)</li> <li>- Assessment of contributions to Major Claims Funds (1992 Fund) and Claims Funds (Supplementary Fund)</li> </ul>	●		●
<b>10 Other matters</b>	<ul style="list-style-type: none"> <li>- Any other business</li> </ul>	●	●	●
<b>11 Adoption of the Record of Decisions</b>	<ul style="list-style-type: none"> <li>- Adoption of the Record of Decisions</li> </ul>	●	●	●

## ANNEX I

### INFORMATION ON THE SESSIONS OF THE IOPC FUNDS' GOVERNING BODIES

#### **1 Availability of meeting documents**

Delegates are able to access and download meeting documents online via the Document Services section of the website ([documentservices.iopcfunds.org](http://documentservices.iopcfunds.org)). Printed copies of meeting documents are only available from the Secretariat upon request in advance of the meeting. Delegates who register their email address through the website will receive notification of the publication of new documents and will be able to create, save and manage folders of selected documents.

#### **2 Submission of documents**

Documents prepared by delegations should be submitted to the Secretariat by **Wednesday, 4 November 2020**. Documents should be submitted via email to [conference@iopcfunds.org](mailto:conference@iopcfunds.org).

Once received, documents will be formatted according to the Funds' house style, sent for translation and will be made available with all other documents issued for the meeting. The Secretariat will endeavour to process all submissions as quickly as possible.

#### **3 Credentials and notifications**

In accordance with the Rules of Procedure, credentials or notifications are required in respect of sessions of each of the following governing bodies for representatives, alternates and other persons designated by governments and organisations to attend the meeting:

	<b>Credentials</b>	<b>Notifications</b>
<b>1992 Fund Assembly</b>	1992 Fund Member States	States and organisations with observer status
<b>1992 Fund Executive Committee</b>	Members of the 1992 Fund Executive Committee <sup>&lt;1&gt;</sup>	Other 1992 Fund Member States, States and organisations with observer status
<b>Supplementary Fund Assembly</b>	Supplementary Fund Member States	States and organisations with observer status

Credentials and notifications should be addressed to the Director of the IOPC Funds (i.e. not to the Secretary-General of the International Maritime Organization (IMO) and, on this exceptional occasion, the Director requests that Member States submit credentials via the online registration system or by email, no later than **Friday, 20 November**. The Secretariat will do all it can to facilitate participation of delegations who submit credentials up to the opening day of the sessions, however, late submissions may lead to delays in providing links to access the KUDO platform on time for the opening of the sessions.

**Delegates are reminded that, in the event of any vote taking place during the sessions, any delegations whose credentials are not in order at the time of the vote will not be entitled to participate in the vote.**

---

<sup><1></sup> The current members of the Executive Committee are listed at Annex II.



Detailed guidance in respect of the form and content of credentials and notifications is given in circular IOPC/2015/Circ.4 and is available on the IOPC Funds' website. In this context, delegates are reminded that if credentials are not issued by the Head of State, the Head of Government, the Minister of Foreign Affairs or the Ambassador/High Commissioner, a letter from the appropriate authority appointing the person authorised to issue the credentials for sessions of the IOPC Funds' governing bodies should be provided to the Director of the IOPC Funds.

#### **4**     **Registration**

In order to obtain access to the sessions of the IOPC Funds' governing bodies, delegates should register directly with the IOPC Funds' Secretariat (and NOT the IMO) by **Friday, 20 November 2020**, via the online registration system within the Document Services section of the website ([documentservices.iopcfunds.org](http://documentservices.iopcfunds.org)). **Only those delegates who have registered online will be sent a link to the remote sessions and appear on the list of participants to the meeting.** The Secretariat will do all it can to facilitate participation of delegations who register after Friday, 20 November, however, late registration may lead to delays in providing links to access the KUDO platform on time for the opening of the sessions.

\* \* \*

## ANNEX II

### LIST OF MEMBER STATES, OBSERVER STATES AND INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANISATIONS WHICH HOLD OBSERVER STATUS WITH THE IOPC FUNDS

<b>1992 Fund Executive Committee Members</b>		
Canada	Jamaica	South Africa
China <sup>&lt;1&gt;</sup>	Japan	Thailand
France	Mexico	Turkey
Georgia	Republic of Korea	United Arab Emirates
Ghana	Singapore	United Kingdom

<b>Other 1992 Fund Member States</b>		
Albania	Greece	Oman
Algeria	Grenada	Palau
Angola	Guinea	Panama
Antigua and Barbuda	Guyana	Papua New Guinea
Argentina	Hungary	Philippines
Australia	Iceland	Poland
Bahamas	India	Portugal
Bahrain	Iran (Islamic Republic of)	Qatar
Barbados	Ireland	Russian Federation
Belgium	Israel	Saint Kitts and Nevis
Belize	Italy	Saint Lucia
Benin	Kenya	Saint Vincent and the Grenadines
Brunei Darussalam	Kiribati	Samoa
Bulgaria	Latvia	Senegal
Cabo Verde	Liberia	Serbia
Cambodia	Lithuania	Seychelles
Cameroon	Luxembourg	Sierra Leone
Colombia	Madagascar	Slovakia
Comoros	Malaysia	Slovenia
Congo (the)	Maldives	Spain
Cook Islands	Malta	Sri Lanka
Côte d'Ivoire	Marshall Islands	Sweden
Croatia	Mauritania	Switzerland
Cyprus	Mauritius	Syrian Arab Republic
Denmark	Monaco	Tonga
Djibouti	Montenegro	Trinidad and Tobago
Dominica	Morocco	Tunisia
Dominican Republic	Mozambique	Tuvalu
Ecuador	Namibia	United Republic of Tanzania
Estonia	Netherlands	Uruguay
Fiji	New Zealand	Vanuatu
Finland	Nicaragua	Venezuela (Bolivarian Republic of)
Gabon	Nigeria	
Gambia <sup>&lt;2&gt;</sup>	Niue	
Germany	Norway	

<sup><1></sup> The 1992 Fund Convention applies to the Hong Kong Special Administrative Region only.

<sup><2></sup> The 1992 Fund Convention will enter into force for this State on 30 October 2020.

<b>Supplementary Fund Member States</b>		
Australia	Greece	Norway
Barbados	Hungary	Poland
Belgium	Ireland	Portugal
Canada	Italy	Republic of Korea
Congo (the)	Japan	Slovakia
Croatia	Latvia	Slovenia
Denmark	Lithuania	Spain
Estonia	Montenegro	Sweden
Finland	Morocco	Turkey
France	Netherlands	United Kingdom
Germany	New Zealand	

<b>1992 Fund and Supplementary Fund Observer States</b>		
Bolivia (Plurinational State of)	Guatemala	Peru
Brazil	Honduras	Saudi Arabia
Chile	Indonesia	Ukraine
Democratic People's Republic of Korea	Kuwait	United States
Egypt	Lebanon	
	Pakistan	

<b>Intergovernmental organisations having observer status with the IOPC Funds</b>
Baltic Marine Environment Protection Commission (Helsinki Commission)
Central Commission for the Navigation of the Rhine (CCNR)
European Commission
International Institute for the Unification of Private Law (UNIDROIT)
International Maritime Organization (IMO)
Maritime Organisation of West and Central Africa (MOWCA)
Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC)
United Nations (UN)
United Nations Environment Programme (UNEP)

**Non-governmental organisations having observer status with the IOPC Funds**

BIMCO  
Cedre  
Comité Maritime International (CMI)  
Conference of Peripheral Maritime Regions (CPMR)  
European Chemical Industry Council (CEFIC)  
Iberoamerican Maritime Law Institute (IIDM)  
International Association of Classification Societies Ltd (IACS)  
International Chamber of Shipping (ICS)  
International Group of P&I Associations  
International Salvage Union (ISU)  
International Spill Control Organization (ISCO)  
International Union of Marine Insurance (IUMI)  
INTERTANKO  
ITOPF  
Oil Companies International Marine Forum (OCIMF)  
Sea Alarm Foundation (Sea Alarm)  
World LPG Association (WLPGA)

---