



International Oil Pollution
Compensation Funds

Agenda Item 5	IOPC/NOV20/5/1	
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Original	English	
1992 Fund Assembly	92A25	●
1992 Fund Executive Committee	92EC74	
Supplementary Fund Assembly	SA17	●

SUBMISSION OF OIL REPORTS

Note by the Secretariat

Summary:	<p>Ninety-three States have submitted reports for 2019 to the 1992 Fund, representing 93.52% of the expected total contributing oil. Oil reports for the year 2019 and/or previous years are outstanding for 26 States with respect to the 1992 Fund.</p> <p>Thirty-one States have submitted reports for 2019 to the Supplementary Fund, representing 91.79% of the expected total contributing oil. Oil reports for the year 2019 are outstanding for two States with respect to the Supplementary Fund.</p>
Action to be taken:	<p><u>1992 Fund Assembly and Supplementary Fund Assembly</u></p> <p>Information to be noted.</p>

1 Introduction

- 1.1 This document sets out the status of the submission of oil reports in respect of the 1992 Fund and the Supplementary Fund. It also provides an update on the development of the online reporting system (ORS) for the submission of oil reports by Member States.
- 1.2 In January 2020, the Director invited the 1992 Fund and Supplementary Fund Member States to submit to the Secretariat their reports on contributing oil received in 2019 by 30 April 2020. The submission of any outstanding reports from previous years was also requested, as appropriate. The Secretariat maintains a list of contributors for each State. Member States are provided with the list of the contributors in their State along with the contributing oil receipts for the previous three years to assist them in submitting the current oil reports.
- 1.3 Electronic reminders were sent out in May 2020 and reminder letters were sent in July 2020. As in previous years, these were followed up by further electronic reminders and phone calls to the competent authorities of States with outstanding reports.
- 1.4 Clarification is sought from Member States in the event that oil reports are not submitted for all contributors or when there are inconsistencies with previously reported tonnages. The Secretariat also has access to information on persistent oil received after sea transport, published by Refinitiv's Eikon service to which the Secretariat already subscribes for information on counterparty banks. This information is used by the Secretariat, together with web-based open-source research, to assist Member States with reporting and clarifying reasons for large variations in tonnages.

- 1.5 Competent authorities were reminded of the governing bodies' concern about States that did not fulfil their treaty obligations to submit reports, as it is crucial for the functioning of the international compensation regime, and they were referred to Resolution N°12—Measures in respect of outstanding oil reports and outstanding contributions, which was adopted at the April 2016 session of the 1992 Fund Administrative Council. Attention was drawn to the fact that in accordance with Resolution N°12 with respect to the 1992 Fund, the extent to which a State fulfilled its obligation to submit reports would be taken into account when making payments of claims for compensation and when the 1992 Fund Assembly elects members of the 1992 Fund Executive Committee.
- 1.6 With respect to the Supplementary Fund, States were reminded that failure to submit oil reports could lead to a temporary or permanent denial of compensation.

2 Situation with regard to outstanding reports

2.1 1992 Fund

- 2.1.1 The 93 States that have submitted reports for 2019 are estimated to represent some 94% of the expected total contributing oil. It should be noted that, in September 2019, the 1992 Fund had received reports for 97% of the expected total contributing oil. As at 5 October 2020, 26 States had not submitted any reports on contributing oil for 2019 or prior years as shown in the Annex. A further three Member States – Malaysia, the Netherlands and Nicaragua - had made partial submissions for 2019. The reduction in oil reports received is due to the difficulties caused by measures taken by many States in response to the COVID-19 pandemic.
- 2.1.2 The Director is, however, pleased to report that the Kingdom of Morocco has submitted oil reports for the period 2015 to 2018 and that Sint Maarten (Kingdom of the Netherlands) has submitted oil reports for the period 2004-2018, with nil declarations.
- 2.1.3 Out of the 26 States with outstanding reports, 14 States recorded outstanding reports for one year only. It is expected that the non-submission of oil reports by these States will be rectified after COVID-19 restrictions have been eased, and that 'nil' quantities will be reported in seven of these States.
- 2.1.4 Of the 12 States with reports outstanding for more than one year, two have not submitted any reports since joining the 1992 Fund: Dominican Republic (21 years) and Syrian Arab Republic (11 years). Oil reports are outstanding for Saint Lucia for 11 years (2004–2013, 2019) and the Republic of Albania for seven years (2013–2019).
- 2.1.5 Reports are outstanding the Kingdom of the Netherlands for the years 2004–2009, with respect to Bonaire and St Eustatius^{<1>}. The authorities in the Netherlands have informed the Secretariat they are taking the appropriate steps under their national legislation to ensure that reports are submitted by the contributor in St Eustatius. The contributor in Bonaire is in severe financial difficulty, and the authorities are continuing their efforts to liaise with the contributor's head office, which is located in another Member State.
- 2.1.6 The financial consequences of the outstanding oil reports cannot be determined.

2.2 Supplementary Fund

- 2.2.1 As at 5 October 2020, reports for 2019 had been submitted by 31 Member States of the Supplementary Fund. One Member State, Greece, had not submitted any reports for 2019 and one Member State, the Netherlands, had made a partial submission of reports.

^{<1>} The authorities in Kingdom of the Netherlands have confirmed that no contributing oil is to be expected in respect of the island of Saba.

- 2.2.2 The financial consequences of the missing reports are limited with respect to the Supplementary Fund. The reports already submitted by States for 2019 are estimated to represent some 92% of the expected total contributing oil (99% in 2018).

3 Online reporting system

- 3.1 The Secretariat has been developing and trialling an online reporting system (ORS) to assist Member States to submit their data on oil receipts to the Secretariat.
- 3.2 At the October 2017 sessions of the governing bodies, the 1992 Fund Assembly and the Supplementary Fund Assembly approved the Director's recommendation that three methods of submission be made available to Member States to submit their reports on contributing oil and that each Member State should choose which option best suited their needs (partial or fully electronic submission).

3.3 Developments in 2020

- 3.3.1 As reported at the October 2019 sessions of the governing bodies, the Secretariat's bespoke accounts and contributions management package, Fundman, is being replaced by an off-the-shelf Enterprise Resource Planning (ERP) system. It is expected that some of the functionality required by the ORS will be available in the new ERP system as standard. Further development work on the bespoke ORS has, therefore, been postponed until the ERP system is operational and the development needs are identified.
- 3.3.2 The Secretariat expects the ERP system to be operational in late 2020. Once the ERP system is operational, the Secretariat will work on how to integrate the ORS into the ERP system. This is expected to be addressed in 2021.
- 3.3.3 All States were invited to use the ORS for the submission of the 2019 oil tonnages. As at 5 October 2020, 29 of the 54 States registered had submitted their 2019 oil reports through the ORS, representing approximately 71% of the total oil tonnage reported to the 1992 Fund and 73% to the Supplementary Fund.

4 Director's considerations

- 4.1 The Director is grateful for the continued cooperation and engagement of Member States with respect to the submission of oil reports and hopes that the number of oil reports will substantially increase in the coming months once the measures adopted by many States due to COVID-19 are lifted.
- 4.2 The Director, however, notes with concern that five States have outstanding reports for four or more years. The Director will continue his efforts to engage with those States that have outstanding reports. He encourages States to contact the Secretariat if they have trouble compiling information on oil receipts.
- 4.3 Ongoing work is required to ensure that all Member States continue to fulfil this important obligation under the 1992 Fund Convention and the Supplementary Fund Protocol. The Director strongly encourages all 1992 Fund and Supplementary Fund Member States to support the Secretariat in this matter.

5 Action to be taken

1992 Fund Assembly and Supplementary Fund Assembly

The 1992 Fund Assembly and the Supplementary Fund Assembly are invited to take note of the information contained in this document.

ANNEX

Non-submission of oil reports by Member States, as at 5 October 2020

	Member State	Number of years of outstanding reports	Tonnage given in most recent complete report	Years for which reports are outstanding	
				1992 Fund	Supplementary Fund
1	Dominican Republic	21	No reports received	1999-2019	
2	Saint Lucia ^{<2>}	11	3 754 941	2004-2013, 2019	
3	Syrian Arab Republic	11	No reports received	2009-2019	
4	Albania	7	0	2013-2019	
5	Mauritania	4	241 649	2016-2019	
6	Djibouti	3	167 042	2017-2019	
7	Iran (Islamic Republic of)	3	13 613 243	2017-2019	
8	Argentina	2	12 607 018	2018-2019	
9	Bahrain	2	0	2018-2019	
10	Guinea	2	173 942	2018-2019	
11	Oman	2	0	2018-2019	
12	Panama	2	10 339 086	2018-2019	
13	Bahamas	1	8 228 248	2019	
14	Belize	1	0	2019	
15	Benin	1	0	2019	
16	Cameroon	1	596 805	2019	
17	China ^{<3>}	1	7 101 724	2019	
18	Côte d'Ivoire	1	2 595 089	2019	
19	Greece	1	30 476 969	2019	2019
20	Kiribati	1	0	2019	
21	Liberia	1	0	2019	
22	Palau	1	0	2019	
23	Senegal	1	1 474 654	2019	
24	Tuvalu	1	0	2019	
25	Venezuela (Bolivarian Republic of)	1	9 389 318	2019	

^{<2>} Oil reports for calendar years 2014–2018 have been submitted.

^{<3>} The 1992 Fund Convention applies to the Hong Kong Special Administrative Region only.

ANNEX

	Member State	Number of years of outstanding reports	Tonnage given in most recent complete report	Years for which reports are outstanding	
				1992 Fund	Supplementary Fund
26	Sint Maarten (Kingdom of the Netherlands) ^{<4>}	1	0	2019	

^{<4>}

The Netherlands, Aruba, Curaçao and Sint Maarten are autonomous partners within the Kingdom of the Netherlands, a status which obliges them to submit reports of contributing oil to the 1992 Fund directly. The Supplementary Fund has not been extended to Aruba, Curaçao or Sint Maarten.