



International Oil Pollution
Compensation Funds

Reference	IOPC/2023/Circ.6
Date	25 July 2023
1992 Fund Assembly	●
Supplementary Fund Assembly	●

Credentials and notifications for IOPC Funds Meetings

In order to participate in meetings of the governing bodies of the International Oil Pollution Compensation Funds (IOPC Funds)^{<1>}, credentials or notifications are required as follows:

	Credentials	Notifications
1992 Fund Assembly	1992 Fund Member States	States and organisations with observer status
1992 Fund Executive Committee	Members of the 1992 Fund Executive Committee	Other 1992 Fund Member States, Other States and organisations with observer status
1992 Fund Working Groups		1992 Fund Member States, States and organisations with observer status
Supplementary Fund Assembly	Supplementary Fund Member States	Other 1992 Fund Member States, Other States and organisations with observer status

The requirements relating to the submission of credentials and notifications for meetings of the IOPC Funds and to their form and content are different to those of similar organisations, such as the International Maritime Organization (IMO).

This circular gives detailed guidance in respect of the correct form and content of credentials and notifications for IOPC Funds meetings, which was endorsed by the 1992 Fund Assembly at its March 2005 session and revised at its October 2006, June 2007, October 2010 and March 2011 sessions. This circular also includes an update to the guidance as result of the decision of the 1992 Fund Administrative Council^{<2>}, at the May 2023 sessions to amend the deadline for submission of credentials.

^{<1>} The International Oil Pollution Compensation Fund 1992 (1992 Fund) and the International Oil Pollution Compensation Supplementary Fund (Supplementary Fund).

^{<2>} The 1992 Fund Administrative Council, acting on behalf of the 27th extraordinary session of the 1992 Fund Assembly.

The Annex to this circular contains model letters of credentials which have been endorsed by the 1992 Fund Assembly. These model letters are intended solely to assist Governments in the preparation of the instruments, and they are not intended, in any way, to replace the form of instruments required by laws or practices of individual States.

Procedure for the examination of credentials

At its March 2005 session, the 1992 Fund Assembly decided that a Credentials Committee should be established at each session of the Assembly to examine the credentials of 1992 Fund Member States for sessions of the Assembly and, when the Executive Committee is held in conjunction with a session of the Assembly, also for that Committee. The Assembly also decided that, should the Executive Committee hold sessions that were not in conjunction with an Assembly session, the Executive Committee should establish its own Credentials Committee (Rule 9 of the Rules of Procedure of the Executive Committee).

At its October 2008 session, the Supplementary Fund Assembly decided that when the Supplementary Fund Assembly holds sessions in conjunction with sessions of the 1992 Fund's governing bodies, the Credentials Committee established by the 1992 Fund shall examine also the credentials of delegations of States members of the Supplementary Fund. The Assembly also decided that, should a session of the Supplementary Fund Assembly be held not in conjunction with a session of the 1992 Fund's governing bodies, the Assembly shall at the beginning of the session appoint a Credentials Committee. It shall consist of three members who shall be appointed by the Assembly on the proposal of the Chairman (Rule 10 of the Rules of Procedure of the Supplementary Fund Assembly).

Deadline for the submission of credentials

At the May 2023 sessions of the governing bodies, the Secretariat reported on the difficulties encountered relating to the late submission of credentials, noting that the deadline for submission under the Rules of Procedure was not later than the opening day of the sessions (document IOPC/MAY23/9/1, section 1.3).

During the discussion of the document, some delegations, who had been members of the Credentials Committee, recognised the difficulty posed by the submission of credentials so close to the meeting, and expressed their view that bringing the deadline for submission forward would benefit the work of the Secretariat and the Credentials Committee. After a number of delegations expressed their support to amend the deadline for submission, the 1992 Fund Administrative Council and the Supplementary Fund Assembly decided to bring it forward to **not later than five working days prior to the opening of the sessions**. The relevant Rules of Procedure of the governing bodies were amended accordingly.

Form and content of credentials and notifications

Formal requirement as regards credentials

As provided in Rule 9 of the Rules of Procedure of the 1992 Fund Assembly and of the Supplementary Fund Assembly and Rule 8 of the Rules of Procedure of the 1992 Fund Executive Committee, the credentials shall be issued:

- (a) by the Head of State, the Head of Government, the Minister of Foreign Affairs or the Ambassador or High Commissioner either accredited to the country where the Headquarters of the IOPC Funds are located or where a session takes place,

or

- (b) by an appropriate authority as determined by the Government and communicated to the Director. If the credentials are issued by such an authority, the text should make it clear

who has given the authority to issue credentials and where such authority is a person who is not a Government employee, such authorisation shall be communicated to the Director not later than five working days prior to the opening of the sessions^{<3>}.

A person who is properly authorised to issue credentials is entitled to issue original credentials nominating a particular representative to participate in meetings of the IOPC Funds' governing bodies for a specific calendar year.

The credentials should be addressed to the Director of the IOPC Funds (not, as has sometimes been the case in the past, to the Secretary-General of IMO) in the form of an original signed letter, or a scanned copy of the original credentials transmitted from a recognised e-mail address. Credentials transmitted by e-mail will be accepted as valid for all meetings of the governing bodies, irrespective of whether voting is taking place or not. There is no requirement for an email to be accompanied by an original signed letter or *Note verbale* from the State's Embassy or High Commission in London certifying the authenticity of the e-mail. Should the Director have any concerns as to the authenticity of any credentials received by e-mail, he will attempt to corroborate them to the extent possible and bring this to the attention of the Credentials Committee.

The credentials should be issued in one of the official languages of the IOPC Funds (English, French or Spanish) or, if in any other language, be accompanied by a certified translation into one of these languages. The certified translation:

- must bear the name, position and organisation of the person certifying the translation and be signed and dated or be stamped, dated and initialled; and
- may be provided by that Member State's Ministry for Foreign Affairs or by its diplomatic representative in London or by one of the delegates whose names were listed in the credentials or by IMO's Translation Section.

Substantive content of credentials

The credentials should indicate clearly the meeting or meetings to which they pertain. This could be done in several ways, for example:

The 28th session of the 1992 Fund Assembly, the 20th session of the Supplementary Fund Assembly and the 81st session of the 1992 Fund Executive Committee, held from 7-10 November 2023

or

The meetings held by the bodies of the International Oil Pollution Compensation Funds during the week of 6 November 2023

There is no need for credentials to state that they give the person or persons mentioned therein as representative(s) or alternate(s) the right to take part in the meeting(s) and vote as such rights are considered to be implied.

At least one person must be nominated as representative. Alternate(s) may also be nominated. Persons who are only adviser(s) are not entitled to exercise the right to vote.

^{<3>} Model letters to the Director authorising non-Government employees to issue credentials under paragraph (b) are available on the IOPC Funds' website or upon request from the Secretariat. These model letters are intended solely to assist Governments in the preparation of the instruments, and they are not intended, in any way, to replace the form of instruments required by laws or practices of individual States.

It is important that any changes in the composition of a delegation after the issue of the original or additional credentials (for example by the inclusion of further persons) are certified in the form of new or additional credentials, since otherwise any persons not mentioned in the credentials would not be entitled to vote.

Notifications

Notifications should indicate the meeting(s) to which they pertain and the person(s) who will represent the State or Organisation in question. As regards States, it should be signed by a Government or Embassy/High Commission official and be printed on official paper, as appropriate.

Notifications should be addressed to the Director of the IOPC Funds and should be issued in one of the official languages of the IOPC Funds (English, French or Spanish) or, if in any other language, be accompanied by a certified translation into one of these languages.

Formal credentials would be acceptable even if only notifications are required.

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ANNEX

MODEL LETTER OF CREDENTIALS

Alternative 1

To be signed by the Head of State, Head of Government, Minister for Foreign Affairs,
the Ambassador or High Commissioner

Sir,

I have the honour to inform you that I have appointed:

.....

(full name(s) and title(s))

as Representative(s) of to the with full
(name of State) (meetings and dates to be identified)

authority to take part in the meeting(s) and to transact all such matters as may appertain to the work of this
(these) meeting(s) in accordance with the agreed procedures.

I have also the honour to designate

.....

(full name(s) and title(s) of Alternate(s))

as Alternate Representative(s) and

.....

(full name(s) and title(s) of Adviser(s))

as Adviser(s) to compose the remainder of the delegation of
(name of State)

Please accept, Sir, the assurance of my highest consideration.

.....

(signature)

.....

(full name and title)

The Director
International Oil Pollution Compensation Funds
4 Albert Embankment
London SE1 7SR

MODEL LETTER OF CREDENTIALS

Alternative 2

To be signed by a person authorised by the Government to issue credentials

Sir,

I have the honour to inform you that I have been authorised

by of
(full name and title) (name of State)

to issue credentials in respect of the Representative(s) of my Government to the
(meetings and dates to be identified)

and to designate the other members of the delegation ofto the meeting(s).
(name of State)

Acting upon this authority, I have the honour to inform you that

.....
(full name(s) and title(s))

has (have) been appointed as the Representative(s) of to the meeting(s) and is (are)
(name of State)

fully authorised to take part in the meeting(s) and to transact all such matters as may appertain to the work of this (these) meeting(s) in accordance with agreed procedures.

I have also the honour to designate

.....
(full name(s) and title(s) of Alternate(s))

as Alternate Representative(s) and

.....
(full name(s) and title(s) of Adviser(s))

as Adviser(s) to compose the remainder of the delegation of
(name of State)

Please accept, Sir, the assurance of my highest consideration.

.....
(signature)
.....
(full name and title)

The Director
International Oil Pollution Compensation Funds
4 Albert Embankment
London SE1 7SR