



International Oil Pollution
Compensation Funds

Agenda Item 9	IOPC/APR24/9/WP.1	
Date	1 May 2024	
Original	English	
1992 Fund Administrative Council	92AC24/92AES28	●
1992 Fund Executive Committee	92EC82	●
Supplementary Fund Assembly	SAES12	●

DRAFT

RECORD OF DECISIONS OF THE APRIL 2024 SESSIONS OF THE IOPC FUNDS' GOVERNING BODIES

(24th session of the 1992 Fund Administrative Council, acting on behalf of the
28th extraordinary session of the 1992 Fund Assembly, held from 29 April to 1 May 2024)

Governing Body (session)		Chair	Vice-Chairs
1992 Fund	Administrative Council (92AC24/ 92AES28)	Ambassador Antonio Bandini (Italy)	Professor Tomotaka Fujita (Japan) Ms Stellamaris Muthike (Kenya) (absent)
	Executive Committee (92EC82)	Ms Małgorzata Buszyńska (Poland)	Ms Karen Andersen (Denmark)
Supplementary Fund	Assembly (SAES12)	Mr François Marier (Canada)	Mr Andrew Angel (United Kingdom) Ms Safiye Tecen (Türkiye)

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*Opening of the sessions***1992 Fund Administrative Council**

- 0.1 The Chair of the 1992 Fund Assembly could not open the 28th extraordinary session of the Assembly at 9.30 am since the required quorum of 61 Member States was not achieved. Fifty-seven 1992 Fund Member States were present at that time.
- 0.2 The Chair therefore concluded that, in accordance with Resolution N°7, the items of the Assembly's agenda would be dealt with by the 24th session of the 1992 Fund Administrative Council, acting on behalf of the 28th extraordinary session of the 1992 Fund Assembly^{<1>}.
- 0.3 The Chair reiterated that Member States that have registered for a meeting should ensure that they are present at the opening of the 1992 Fund Assembly session so that quorum can be achieved.

Supplementary Fund Assembly

- 0.4 The Supplementary Fund Assembly Chair opened the 12th extraordinary session of the Assembly with 22 Member States present.

1992 Fund Executive Committee

- 0.5 The 1992 Fund Executive Committee Chair opened the 82nd session of the Executive Committee with 14 Member States present.
- 0.6 The Member States present at the sessions are listed at Annex I, as are the non-Member States, intergovernmental organisations and international non-governmental organisations which were represented as observers.

1 Procedural matters

- 1.1
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| Adoption of the Agenda
Document IOPC/APR24/1/1 | 92AC | 92EC | SAES |
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The 1992 Fund Administrative Council, 1992 Fund Executive Committee and Supplementary Fund Assembly adopted the agenda as contained in document [IOPC/APR24/1/1](#).

- 1.2
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| Examination of credentials
Documents IOPC/APR24/1/2 , IOPC/APR24/1/2/1 and IOPC/APR24/1/2/2 | 92AC | 92EC | SAES |
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Establishment of the Credentials Committee

- 1.2.1 The governing bodies took note of the information contained in document [IOPC/APR24/1/2](#).
- 1.2.2 The governing bodies recalled that at its March 2005 session, the 1992 Fund Assembly had decided to establish, at each session, a Credentials Committee composed of five members elected by the Assembly on the proposal of the Chair, to examine the credentials of delegations of Member States. It was also recalled that the Credentials Committee established by the 1992 Fund Assembly should

<1> From this point forward, references to the '24th session of the 1992 Fund Administrative Council' should be taken to read '24th session of the 1992 Fund Administrative Council, acting on behalf of the 28th extraordinary session of the 1992 Fund Assembly'.

also examine the credentials in respect of the 1992 Fund Executive Committee, provided the session of the Executive Committee was held in conjunction with a session of the Assembly.

- 1.2.3 The governing bodies further recalled that, at their October 2008 sessions, the 1992 Fund Assembly and the Supplementary Fund Assembly had decided that the Credentials Committee established by the 1992 Fund Assembly should also examine the credentials of delegations of Member States of the Supplementary Fund (documents 92FUND/A.13/25 and SUPPFUND/A.4/21).
- 1.2.4 It was recalled that, at their May 2023 sessions, the governing bodies had amended the Rules of Procedure relating to the deadline for the submission of credentials and had decided that credentials should be submitted no later than five working days in advance of the meeting. It was noted that for the April 2024 sessions, the deadline was therefore 22 April 2024.

1992 Fund Administrative Council decision

- 1.2.5 In accordance with Rule 10 of the Rules of Procedure of the 1992 Fund Assembly and the Supplementary Fund Assembly and Rule 9 of the Rules of Procedure of the 1992 Fund Executive Committee, the 1992 Fund Administrative Council appointed the delegations of Algeria, Ecuador, Portugal, United Kingdom and Uruguay as members of the Credentials Committee.

1992 Fund Executive Committee and Supplementary Fund Assembly

- 1.2.6 The 1992 Fund Executive Committee and the Supplementary Fund Assembly took note of the appointment of the Credentials Committee by the 1992 Fund Assembly.

Interim report of the Credentials Committee

- 1.2.7 In order to facilitate the resolution of an issue regarding the credentials of one particular delegation, the Chair of the Credentials Committee, Mr Carlos Sequeira (Portugal) presented an interim report of the Credentials Committee on Tuesday 30 April in accordance with Rule 10 of the Rules of Procedure of the 1992 Fund Assembly.
- 1.2.8 The Chair reported that the Credentials Committee was comprised of the representatives of the delegations of Algeria, Ecuador, Portugal, the United Kingdom and Uruguay, and had met on 29 April. He also reported that the Credentials Committee had examined the credentials of 50 Member States of the 1992 Fund, including members of the 1992 Fund Executive Committee and Member States of the Supplementary Fund, under the relevant Rules of Procedure, of which 48 credentials had been found to be in order.
- 1.2.9 The Chair of the Committee also reported that at the time of preparing the interim report, the Credentials Committee had noted that the credentials submitted by one Member State were not in order and that those submitted by another Member State required clarification. He added that the Credentials Committee expected both cases to be resolved before the presentation of its final report on 1 May 2024.
- 1.2.10 The Chair further reported that 12 Member States had submitted credentials after the deadline, which had therefore not been accepted for examination.

Bolivarian Republic of Venezuela

- 1.2.11 The Chair recalled that as in some of the previous meetings of the governing bodies, between 2019 and 2022, the Director had received two letters of credentials from two separate delegations claiming to represent Venezuela: one signed by the Minister of Foreign Affairs of the Bolivarian Republic of Venezuela, Mr Yvan Gil, and one signed by Ms Dinorah Figuera as President of the National Assembly of the Bolivarian Republic of Venezuela.

- 1.2.12 The Chair also reported that the Director had requested an updated legal opinion from Professor Antonios Tzanakopoulos, on this matter.
- 1.2.13 The Chair reported that the Credentials Committee had been unanimous in its view that it was not the function of the IOPC Funds to decide which was the legitimate Government of Venezuela. The Chair also reported that the Credentials Committee had concluded that the role of the Credentials Committee and the 1992 Fund Assembly was simply to decide which of the two delegations should be accredited as the official representative of Venezuela at those particular sessions of the governing bodies.
- 1.2.14 Having considered this matter and the legal advice provided by Professor Tzanakopoulos on 24 April 2024, the Credentials Committee recommended once again that the *status quo* should continue. The Credentials Committee thus recommended that the letter of credentials of the delegation of Venezuela issued by the Minister of Foreign Affairs of Venezuela, Mr Yvan Gil, should be accepted and that the named individuals therein be deemed the official representatives for the April 2024 meeting of the governing bodies. The Chair of the Credentials Committee also noted that this position applied to this meeting only and could be susceptible to change in the coming months depending on future developments.

Debate

- 1.2.15 Several delegations expressed their satisfaction with the recommendation made by the Credentials Committee.

1992 Fund Administrative Council decision

- 1.2.16 The 1992 Fund Administrative Council took note of the Interim Report of the Credentials Committee and based on its recommendation, decided to accept the credentials of the delegation headed by H.E. Félix Ramón Plasencia González as the official representative of Venezuela at the April 2024 sessions of the governing bodies.

1992 Fund Executive Committee and Supplementary Fund Assembly

- 1.2.17 The 1992 Fund Executive Committee and the Supplementary Fund Assembly noted the decision of the 1992 Fund Administrative Council.

Final report of the Credentials Committee

- 1.2.18 The Credentials Committee reported in its final report (document IOPC/APR24/1/2/2) that it had examined 50 credentials and that 48 had been found to be in order.]
- 1.2.19 It was noted that the credentials submitted by one Member State which were not in order, had not yet been rectified. The Credentials Committee also noted that further clarifications were pending in relation to the credentials submitted by another Member State. The situation regarding the credentials of these two Member States had been reported in the Interim Report of the Credentials Committee presented at the sessions of the governing bodies on Tuesday, 30 April.
- 1.2.20 It was also noted that one more Member State had submitted credentials after the deadline, bringing the number of credentials presented after the deadline to 13. These credentials had not been accepted for examination.
- 1.2.21 The Credentials Committee reminded Member States that, in accordance with the Rules of Procedure of the governing bodies, credentials had to be submitted five working days prior to the opening of the sessions.
- 1.2.22 The Credentials Committee encouraged Member States to follow the guidelines provided in

[IOPC/2023/Circ.6](#) regarding their form and content.

- 1.2.23 [The governing bodies took note of the final report of the Credentials Committee and expressed their sincere gratitude to the members of the Credentials Committee for their work during the April 2024 meeting of the governing bodies.]

2 Overview

2.1	Report of the Director	92AC		SAES
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- 2.1.1 The Director gave an oral report on the activities of the IOPC Funds since the November 2023 sessions of the governing bodies and provided some background to the key items on the agenda. He also reported on some of the issues on which the Secretariat would be working on in the coming months. Before starting his report, the Director apologised for the late issuance of some of the documents. He explained that the intention always was to issue the documents with the latest information available to Member States, but that there had been delays due to circumstances beyond the Secretariat's control.
- 2.1.2 In terms of membership, the Director recalled that there were 121 States Parties to the 1992 Fund Convention. He reported that on 9 April 2024, Mauritius had deposited its instrument of accession to the Supplementary Fund Protocol, which would enter into force for Mauritius on 9 July 2024, bringing the membership of the Supplementary Fund to 33 States.
- 2.1.3 With respect to compensation matters, the Director reported that substantial progress had been made in relation to the *Princess Empress* incident and that 38 675 claims had been registered mainly in the fisheries sector. He also reported that the provisional payments had been completed in February 2024 and that the payment of some £10 million to 23 238 fishers had started the week before. He anticipated that given the number of claimants involved and the logistical challenges, this process would take months.
- 2.1.4 The Director referred to the articulated tank barge *Gulfstream*, towed by the tug *Solo Creed* that had capsized and sunk, and had spilled oil approximately 15 km off Tobago in early February 2024 and had subsequently also contaminated the coast of Bonaire (Kingdom of the Netherlands), some 800 km away. He indicated that Trinidad and Tobago was a Party to the 1992 Civil Liability and 1992 Fund Conventions and was up to date with oil reporting to the IOPC Funds' Secretariat. He noted that the analysis of the oil had proved it to be persistent oil and that it appeared that the vessel could be defined as a 'ship'. The Director noted that the vessel seemed not to have been registered and seemed not to have insurance. The Director reported that the IOPC Funds had monitored the developments relating to this incident and had sent experts to obtain samples. Staff members of the IOPC Funds had also visited Trinidad and Tobago in a fact-finding mission in March 2024. He recalled that he had raised concerns in past meetings regarding the increasing trade of oil being conducted by unsafe and uninsured or insufficiently insured ships, which was undermining the safety and environmental standards developed by the International Maritime Organization (IMO) and the international liability and compensation regime.
- 2.1.5 Regarding the Incident in Israel, the Director reported that the three-year time bar had been reached in February 2024 and that all claimants had been informed in advance. He also reported that three lawsuits had been suspended while the claims were being assessed or reassessed. He anticipated that the compensation payment amount might be lower than originally estimated.
- 2.1.6 In relation to the *Bow Jubail* incident, the Director reported that the shipowner had not been able to establish a limitation fund due to objections by some of the plaintiffs as to the amount of interest to be included. He added that the Rotterdam District Court would decide on this issue by the end of April 2024. He noted that in June 2024 it would be six years from the date of the incident and

added that the IOPC Funds was informing these claimants of their need to start proceedings against the 1992 Fund to protect their right to compensation. The Director indicated that he would be reporting on the progress of this incident at the following session.

- 2.1.7 Regarding the *Agia Zoni II* incident, the Director reported that the decision of the criminal judges sitting in Council had revealed that the ship had been sunk intentionally and that there were strong indications that five out of the nine parties who had been examined were criminally liable. He also noted that a criminal trial had been set for 24 October 2024 and said that he would report on the latest developments relating to this incident to the 1992 Fund Executive Committee at the following session.
- 2.1.8 The Director reported on the progress made in relation to the appointment of the External Auditor and said that three commercial firms and a nominee from one of the Member States had confirmed interest to tender.
- 2.1.9 The Director updated the governing bodies on the progress made towards the entry into force of the 2010 HNS Convention. He noted that there were eight States who had acceded to the 2010 HNS Convention. He referred to the workshop on the 2010 HNS Convention, organised by the IOPC Funds in cooperation with IMO, which would take place immediately after the closure of the IOPC Funds' April 2024 meeting. He added that substantial work was still to be conducted, in particular, in relation to reporting requirements, reporting tools and a simplified approach to reporting. The Director noted that there had been encouraging news on the progress made by the Netherlands in relation to the national legislation implementing the 2020 HNS Convention.
- 2.1.10 The Director referred to the potential impact of international sanctions. Once again, he expressed concern regarding the large number of tankers conducting unsafe operations with little or no insurance which put the Member States, the environment, and the contributors to the IOPC Funds at risk. He added that the IOPC Funds had been following closely the increase of the illegal operations in the maritime sector by the 'dark fleet' or 'shadow fleet'. He referred to the incidents in Trinidad and Tobago and the Danish Straits and other near miss situations that could have resulted in serious incidents. The Director noted that he had raised this issue during the meeting of the 111th session of the IMO Legal Committee the previous week and added that his concern had been shared by several of the Member States present at that meeting.
- 2.1.11 The Director reported that the 1992 Fund had received 96% of the £40 million 2023 levies to date, with £1.6 million outstanding.
- 2.1.12 The Director announced that the text of the non-technical guide to the nature and definition of persistent oil (the Guide) agreed by the 1971 Fund Assembly had been reviewed to ensure that it took into account the latest oil products and other relevant developments. He added that it would be submitted to the governing bodies for approval.
- 2.1.13 The Director reported on the outreach activities of the IOPC Funds, many of them conducted remotely, including lectures delivered to universities and the webinar series, which reached a large audience. He also referred to the regional lunches organised by the Secretariat and the visits to Member States. He announced that the 2024 Annual Academy would be conducted together with IMO, the International Chamber of Shipping (ICS), the International Group of P&I Associations, INTERTANKO and ITOPF, and would take place from 17 to 21 June 2024. He also announced that the IOPC Funds' Annual Report for 2023 had been published and was available online via the Publications section of the organisation's website and could be provided in hard copy upon request.
- 2.1.14 The Director also reported that Singapore had submitted to the Secretariat a copy of its national legislation relevant to the IOPC Funds and encouraged other Member States to do the same.
- 2.1.15 The Director referred to the key issues on which the Secretariat would be working on during the

following months, namely: the 2010 HNS Convention, the appointment of the External Auditor, the payment of compensation of the fishers claims of the *Princess Empress* incident and depending on the decision of the 1992 Fund Executive Committee, the assessment of claims relating to the Incident in Trinidad and Tobago.

- 2.1.16 Finally, the Director said that the Secretariat would continue raising awareness and monitoring the developments relating to the increase of the illegal operations in the maritime sector conducted by uninsured and unsafe vessels.
- 2.1.17 He added that during the November 2024 sessions of the governing bodies, he hoped to be able to report on the progress made in relation to the guidance document detailing a standard procedure to determine when a ship that can serve both as an oil tanker under the 1992 Civil Liability Convention (1992 CLC) and as a chemical tanker under the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention 2001), ceased to be a 'ship' under the 1992 CLC.

1992 Fund Administrative Council and Supplementary Fund Assembly

- 2.1.18 The governing bodies noted the information reported by the Director under this item.

3 Incidents involving the IOPC Funds

[to be inserted]

4 Compensation matters

4.1	The potential impact of sanctions on the liability and compensation regime Document IOPC/APR24/4/1	92AC		SAES
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- 4.1.1 The 1992 Fund Administrative Council and Supplementary Fund Assembly took note of document [IOPC/APR24/4/1](#).
- 4.1.2 The governing bodies recalled that in March 2022 the Director had submitted document [IOPC/MAR22/8/1](#) which contained at its Annex, a draft circular of the IMO Legal Committee containing guidance on the impact of the situation in the Black Sea and the Sea of Azov on insurance or other financial security certificates. That circular included information relevant to the IOPC Funds (see IMO document LEG 109/16/1, paragraphs 5.14 and 5.15).
- 4.1.3 The governing bodies recalled that from 5 December 2022, pursuant to Articles 3(m) and 5aa of European Regulation 833/2014 (the Regulation), further restrictions had come into effect which governed the carriage and insurance of Russian crude oil and products, and prohibited transactions with the entities listed in Annex XIX of the Regulation that were controlled by the Russian Federation, which may have included potential shippers and contributors to the IOPC Funds.
- 4.1.4 The governing bodies noted that at the 110th session of the IMO Legal Committee, which convened from 27 to 31 March 2023, a number of States submitted document LEG 110/5 which requested flag States to ensure that tankers under their flag adhere to measures which lawfully prohibit or regulate STS transfers, and that such vessels adhere to the spirit of the safety requirements in IMO Conventions and practice safe shipping standards to minimise the risk of oil pollution.
- 4.1.5 The governing bodies also noted that at the IMO Assembly, which convened from 27 November to 6 December 2023, the Member States adopted Resolution A.1192(33) which called upon flag States to take measures against 'dark fleet' or 'shadow fleet' operations, and for port States to ensure enforcement of the safety and liability conventions, as detailed in that Resolution.

- 4.1.6 The governing bodies also recalled that as a result of the restriction on insurance of vessels carrying Russian crude oil and products, many of the P&I Clubs that are members of the International Group of P&I Associations (International Group) had not been able to insure such vessels, meaning that the shipowners needed to seek insurance from other non-International Group P&I Clubs.
- 4.1.7 The governing bodies further recalled that while the IOPC Funds are intergovernmental organisations and are not ordinarily subject to domestic or international sanction regulations and legislation, a number of practical difficulties might arise if dealing with an incident involving a vessel laden with Russian oil.
- 4.1.8 It was recalled that although the 1992 Fund had no liability for pollution damage resulting from acts of war, hostilities, civil war or insurrection or for damage caused by oil escaping or discharging from a warship or other ship owned or operated by a State and used exclusively for Government non-commercial service at the time of the incident, in the event of an oil spill following an attack on a civilian vessel, there might be extensive pollution affecting governments, businesses, individuals, the environment and wildlife.

Sanctions-avoiding vessels

- 4.1.9 It was also recalled that a high number of vessels had been reported as attempting to circumvent the sanctions by various methods, including turning off their automatic identification system (AIS) transponders so as to disappear from coverage. It was further recalled that this was understood to be done in order to conduct illegal STS oil transfer operations, often in dangerous waters or the open sea, or in areas with little satellite coverage, thereby negating many of the IMO safety measures and putting coastlines at increased risk of oil pollution.
- 4.1.10 The governing bodies recalled that maritime authorities had also been grappling with a further deceptive shipping practice of location manipulation, which involved a vessel transmitting a fake location.

Council of the European Union (EU) – 12th package of economic sanctions

- 4.1.11 The governing bodies noted that in December 2023, the EU had announced its 12th package of economic sanctions making it mandatory for any (i) national of a Member State, (ii) natural person residing in a Member State, and (iii) legal person, entity or body established in the EU to notify the competent authorities of any sale or other arrangement entailing a transfer of ownership to any third country of any tanker engaged in the transport of crude oil or petroleum products listed in Annex XXV (Council Regulation (EU) 2023/2878), falling under the HS Code ex 8901 20.

Provision of insurance by International Group insurers – compliance with Price Cap Scheme

- 4.1.12 The governing bodies recalled that on 5 February 2023, the EU had expanded the Price Cap Scheme which was intended to curb the revenue that the Russian Federation earned from its petroleum products of Russian origin which fall under the EU's Combined Nomenclature (CN) code 2710, and that there were two price caps set depending on whether the petroleum product traded at a discount or a premium to crude oil.
- 4.1.13 The governing bodies also recalled that under the Price Cap Scheme, the International Group was permitted to provide P&I cover for shipments of Russian petroleum products to countries which were not part of the Price Cap Coalition, provided that the price of the cargo remained below the relevant price cap per barrel from the time it was loaded until it had cleared customs at the port of destination.
- 4.1.14 The governing bodies further recalled that a shipowner or charterer that intended to transport Russian petroleum product cargoes after 5 February 2023, needed to provide its P&I Club with an attestation that it would not, for the duration of the insurance period, carry Russian petroleum

product cargoes which had been sold at a price that, for the period it was on board the vessel, was in excess of the price caps.

- 4.1.15 It was recalled that this enabled shipowners that were able to provide and comply with the attestation provisions to be insured by a P&I Club belonging to the International Group for certain voyages covered by the Price Cap Scheme, but that for voyages outside those permitted under the regulations, no such insurance was permitted, and shipowners would have to seek insurance from insurers not covered by the sanctions.

Provision of services by shipping registries

- 4.1.16 The governing bodies noted that there had been an increase in the number of ships undertaking flag transfers to those States with less enviable inspection records.

STS operations

- 4.1.17 The governing bodies also noted that there had been a dramatic increase in the number of STS operations being undertaken, often in dangerous conditions and without notification to the Member State in whose waters the operations were being conducted.

The use of ageing vessels

- 4.1.18 It was also noted that a result of the growing 'ghost' or 'dark' fleet had been an increase in the age of the tanker fleet calling at Russian ports, and that a number of shipping companies with little regulatory oversight appeared to be operating ships on the boundaries of the global safety regime.

Banking restrictions

- 4.1.19 The governing bodies recalled that there were a number of practical issues that might arise if an incident occurred involving a vessel laden with Russian oil, or within the Russian Federation itself; specifically with the existence of the sanctions, many banks had refused to have any dealings with money destined for, or originating from, the Russian Federation, meaning that the 1992 Fund might face difficulties in establishing bank accounts from which to pay compensation.

Potential mitigating actions

- 4.1.20 The governing bodies also recalled that, in accordance with the 2022 IMO LEG guidance on the impact of the situation in the Black Sea and the Sea of Azov on insurance or other financial security certificates, Member States should abide by their existing obligations pursuant to IMO Circular 3464, which stated that when receiving a 'blue card' or similar documentation from insurance companies, financial security providers and P&I Clubs outside the International Group, the Member State should verify the financial standing and solvency of such company in order to make sure that prompt and adequate compensation for victims was available.

- 4.1.21 It was noted that flag States were encouraged to comply with the suggestions detailed in IMO document LEG 110/5 by ensuring that tankers under their flag adhere to measures which lawfully prohibited or regulated STS transfers, and that port States were encouraged to ensure enforcement of the safety and liability conventions on such vessels and ensure that STS transfer operations were conducted in accordance with applicable safety requirements in IMO Conventions; should those States become aware of vessels 'going dark' they should consider subjecting such vessels to enhanced inspections and notifying the vessel's flag administration.

- 4.1.22 It was also recalled that the Government of the United Kingdom (UK) had issued a guidance document (UK Maritime Services Prohibition and Oil Price Cap Guidance) for the UK ban on the provision of maritime transportation of, and associated services for, certain oil and oil products. It was also recalled that the guidance contained exceptions to the prohibitions of maritime

transportation and associated services for Russian oil and gas products, specifically mentioning an exception for when dealing with an emergency, stating that the prohibitions would not apply to any person performing an act that assisted with the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health or safety, infrastructure or the environment.

- 4.1.23 It was further recalled that the document stated that it was not an offence to provide financial/brokering services or funds globally to anyone who was supplying or delivering by ship, oil and oil products from a place in the Russian Federation to a third country or between third countries, if it was to deal with an emergency, e.g. to clear up an oil spill.
- 4.1.24 The governing bodies recalled that as detailed in IMO Circular Letter 4548 of 7 April 2022, the Russian Federation had stated that it guaranteed fulfilment of all assumed obligations in their entirety under the international merchant shipping instruments it had previously ratified, and confirmed full validity of insurance or other financial securities in respect of liability, including 'blue cards' issued by Russian insurance companies in compliance with the requirements of international conventions.

Statement by the delegation of France

- 4.1.25 The delegation of France made the following statement (original French):

'This delegation thanks the Secretariat for document IOPC/APR24/4/1 on the potential impact of sanctions on the international liability and compensation regime. France shares the Director's analysis regarding the very concrete implications of the sanctions regime on the IOPC Funds. It also shares his concerns about the risks of an uninsured ship in the event of an oil spill incident.

Clearly, this risk is reaching a very alarming level with the so-called 'dramatic' increase in the number of vessels in the dark fleet, consisting mainly of tankers. This is all the more worrying as the owners of these ships deliberately place themselves outside the rules of maritime safety and pollution prevention, as illustrated by the various manoeuvres carried out to bypass the surveillance of flag States and any controls that might be exercised by port States.

In addition, as the Director has pointed out, on the one hand, the IOPC Funds cannot intervene to financially cover damage resulting from an act of war, hostilities, civil war or insurrection, and, on the other hand, coverage by the insurance sector is not granted for cargoes that do not have a certificate of compliance with the provisions of the sanctions regime.

France hears the warning message expressed by the Director. It fears the occurrence of an incident at sea involving an oil tanker from the dark fleet. In addition to the appalling damage that this event could cause to human life and crews, goods and the environment, it would affect the credibility of the entire maritime sector, including not only States but also the IMO and this organisation.

Doubts could arise as to our collective ability to resolve the current system failures. This delegation is convinced of the importance of this issue, which in its view is on the same scale as the challenges of complacency that shook our organisations a few years ago, and is calling for unprecedented efforts to address this situation.

The investigation into the *Gulfstream* incident will determine the causes of this incident and may identify possible requirements for strengthening specific instruments and technical cooperation. We are thinking of the port State control of non-conventional

vessels, in this case barges that deserve greater attention, and the IMO guidelines on the safety of towed ships that could be updated or even made mandatory.

This delegation wishes to reiterate the absolute necessity for the Member States of this Fund, in particular, to also diligently apply the other international instruments relating to maritime safety and pollution prevention, whether those relate to their responsibilities as port States, coastal States or flag States.

We have actively supported this reminder in this forum and during the adoption of Resolution A.1192 at the 33rd session of the IMO Assembly. We remain at the disposal of interested parties to initiate discussions on how we can better prevent these risks when the time comes. In this respect, this delegation calls for a Resolution of the 1992 Fund Assembly.'

Debate

- 4.1.26 The delegation of the Russian Federation stated that in its view, the Secretariat's document was evolving in a direction which saw sanctions as legitimate, which in its view, they were not. That delegation also stated that sanctions had a detrimental effect, the solution to which was to remove them.
- 4.1.27 Another delegation stated that it remained concerned regarding the increase in dangerous practices involving the 'dark fleet', and referred to an incident in the Red Sea involving a vessel within the 'dark fleet', noting that if this tanker were to leak, it would lead to another complicated compensation matter. That delegation commented that the incident in Trinidad and Tobago showed what happened when rules were not followed or enforced.
- 4.1.28 That delegation stated that it was also concerned that the increase in smuggled oil was unlikely to be captured in reports for the purposes of received oil to the IOPC Funds, which placed a burden on the organisation, its members and its contributors. That delegation also urged member states to implement the guidance issued by the Price Cap Coalition, which included an alert with concrete actions to be taken by the industry involved in the trade of oil, to ensure it was safely transported, including calling out suspicious behaviour. That delegation also called upon Member States to implement the IMO Resolution, and for coastal states to monitor their waters for STS transfers and to take appropriate actions if they do not comply with the safety regulations.
- 4.1.29 Several delegations emphasised the importance for Member States to enforce safety standards, and reiterated and expressed their full support for IMO Resolution A.1192(33) adopted by the IMO Assembly in December 2023, which highlighted the ongoing concerns about ships engaging in illegal STS transfer operations by the 'dark fleet' or 'shadow fleet'.
- 4.1.30 One delegation stated that the EU had also announced its 13th package of sanctions, doubling down on anti-circumvention rules by adding companies to the list. That delegation was similarly concerned regarding vessels circumventing sanctions and the subsequent increase in STS operations.
- 4.1.31 Another delegation stated it was deeply concerned with the increase of the so-called 'dark fleet', which heightened the risk of oil pollution incidents, and thus increased the financial burden of the IOPC Funds. That delegation reminded the governing bodies of the IMO Resolution adopted at the IMO Assembly in December 2023 which called upon flag States to ensure that ships adhered to the measures for STS transfers, and called upon Port States to ensure the enforcement of the safety and liability conventions, including carrying onboard valid state certificates of insurance. That delegation encouraged industry stakeholders to take actions where necessary to secure the safe operation of vessels under the relevant conventions such as SOLAS, MARPOL and the CLC. In particular, that delegation emphasised the importance of obtaining appropriate insurance coverage

for the transport of Russian crude oil, and reminded Member States of the situation in the Red Sea, such as the seizure of the *Galaxy Leader* vessel, which it strongly condemned.

- 4.1.32 Noting that the IOPC Funds shall pay no compensation for pollution damage arising from acts of war, hostilities, civil war or insurrection under the 1992 Fund Convention, that delegation urged Member States to recall the Resolution adopted on 10 January 2024 at the UN Security Council, and strongly urged all parties to act in good faith in accordance with that Resolution, in order to prevent oil pollution incidents caused by such illegal actions.
- 4.1.33 Another delegation stated that as a responsible flag State, it sought to enforce the IMO Resolution and condemned illegal operations which increased the chance of spills particularly with unsupervised STS operations. That delegation also stated that illegal operations also reduced the effectiveness of all of the IMO safety provisions and made it difficult to identify ships, and increased the risks for the 1992 Fund. Stating that it supported due implementation of international conventions and codes, it condemned any illegal operations. That delegation stated it had taken measures to check its merchant fleet at global level and established monitoring and control provisions.
- 4.1.34 That delegation also stated that there was a need to strengthen and ensure more stringent compliance and enforcement to stamp out bad practice.

1992 Fund Administrative Council and Supplementary Fund Assembly

- 4.1.35 The 1992 Fund Administrative Council and the Supplementary Fund Assembly took note of the information contained in document [IOPC/APR24/4/1](#), noting that the document concerned the impact of sanctions upon the compensation regime, not the merits of sanctions and that more needed to be done by anyone engaged in oil transportation to ensure the highest levels of safety. It was specifically noted that most of the States that spoke were members of the Supplementary Fund who were concerned about the potential consequences of an incident affecting a Supplementary Fund Member State and the impact on contributors to the Supplementary Fund.
- 4.1.36 The 1992 Fund Administrative Council and the Supplementary Fund Assembly instructed the Director to continue to monitor the situation and to report back at the next sessions of the governing bodies.

4.2	Risk of uninsured and unsafe ships Document IOPC/APR24/4/WP.1	92AC		SAES
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- 4.2.1 The Chair of the 1992 Fund Administrative Council reminded the governing bodies that during the discussions of the Executive Committee on the incident in Trinidad and Tobago earlier that day, several delegations had expressed concerns regarding the circumstances surrounding that incident, in particular that, despite the efforts of the Secretariat and the Government of Trinidad & Tobago, the identity of the owner had still not been ascertained, and that, even if found, it was unlikely that the vessel involved was insured. The Executive Committee had noted that cases such as this one raised serious concern and undermined the integrity of the international liability and compensation regime.
- 4.2.2 Several delegations had supported further discussion of the wider issues related to the risk of uninsured and unsafe ships within the 1992 Fund Assembly.
- 4.2.3 Taking into account the 1992 Fund Executive Committee's concerns and the related discussion by the 1992 Fund Administrative Council and Supplementary Fund Assembly on the potential impact of sanctions on the international liability and compensation regime, set out in section 4.1 above, the governing bodies were invited to comment on the issue and consider, what, if anything, could be done to address the concerns raised within the forum of the IOPC Funds.

Debate

- 4.2.4 One delegation underlined its strong concerns regarding the increasing transport of oil by uninsured and unsafe ships and the occurrence of pollution incidents in which the cargo and carrier cannot be identified. That delegation suggested that the governing bodies could each adopt a draft Resolution to address the concerns raised and serve as a reminder to Member States of the importance of their obligations and liabilities. That delegation proposed a number of points that could be included in such a Resolution, including highlighting the importance of:
- All steps being taken to ensure compliance with safety and environmental standards;
 - The enforcement of the safety and liability conventions including carrying onboard valid certificates of insurance
 - The cooperation of the IOPC Funds and the States affected when investigating the details of an incident; and
 - The identification of the persons involved in an incident.
- 4.2.5 That delegation also proposed that the Resolution could instruct the Director to develop internal procedures for the Secretariat and guidelines for Member States to follow upon the occurrence of an incident of this nature. Finally, that delegation proposed that the text should strongly encourage the Director to continue his efforts to protect the interests of the IOPC Funds.
- 4.2.6 Several delegations reiterated their strong concerns relating to the increasing number of cases involving the transportation of oil by uninsured and unsafe ships and emphasised the impact such incidents can have on the IOPC Funds and the wider international liability and compensation regime.
- 4.2.7 Some delegations, while recognising the fundamental mission of the organisation to provide prompt and sufficient compensation, also stressed the importance of addressing non-compliance with international rules and regulations in order to protect the order and legitimacy of the IOPC Funds system. Those States expressed their support for a Resolution that would encourage States to fulfil their responsibilities in that respect.
- 4.2.8 All delegations that spoke supported the drafting of a Resolution by the Director covering the points proposed in paragraph 4.2.4. However, some delegations expressed doubt that it would be possible to adopt a text within the current session, given the importance of the subject matter and the need to consult with their Administrations.

1992 Fund Administrative Council and Supplementary Fund Assembly Decision

- 4.2.9 The governing bodies instructed the Director to prepare draft Resolutions for the 1992 Fund and the Supplementary Fund on the issue of uninsured and unsafe ships, for consideration later in the session.

Consideration of draft Resolutions

- 4.2.10 The governing bodies noted the information contained in document [IOPC/APR24/4/WP.1](#), and the two draft Resolutions contained in Annexes I and II to that document for the 1992 Fund and Supplementary Fund respectively. The draft Resolutions presented are reproduced at Annex II to this document.
- 4.2.11 The vast majority of delegations present at the meeting contributed to the debate on this subject and all agreed that the risk of uninsured and unsafe ships was an important issue. Those delegations also all agreed that a Resolution for each Fund, clarifying the concerns of Member

States and setting out measures to address the key issues resulting from incidents involving such ships, should be adopted.

- 4.2.12 All delegations that spoke expressed their appreciation to the delegation that had proposed the preparation of the draft Resolutions during the initial debate and thanked the Director and the Secretariat for having prepared draft texts accordingly. An overwhelming majority confirmed that the contents of the Resolution should be broadly along the lines of the texts prepared.
- 4.2.13 Many delegations commented on the importance of addressing this issue swiftly giving the rising number of reported relevant cases and several delegations were prepared to adopt the Resolution, subject to some amendments, at the current session.
- 4.2.14 However, despite the agreed urgency of the matter, given the importance of the subject, a sizeable majority of delegations requested more time to consider the text of the Resolution, to conduct consultations and discuss specific amendments to the text. A number of specific points were briefly referred to during the discussions, including:
- the importance of ensuring certain points made within the Resolution were balanced and aligned with IMO, particularly with regards to the references to the 1992 Civil Liability Convention, of the reference to IMO Resolution A.1192(33) and to the issue of fraudulent registration of ships;
 - the careful consideration of references to criminal investigations and other areas that may fall under the jurisdiction of Member States; and
 - the consistency and clarity of certain terms used in the document, such as 'unsafe' and 'insufficiently insured'.
- 4.2.15 One delegation referred to its previous interventions regarding what it considered to be the increasing politicisation of the IOPC Funds and objected on the same grounds to the inclusion of the Audit Body in the development of the internal procedure and guidance referred to in the draft Resolutions.
- 4.2.16 The observer delegation of IMO expressed its appreciation to the governing bodies for drawing attention to the issue of uninsured and unsafe ships. It responded to the proposals by a number of delegations that the IOPC Funds should liaise closely with IMO on the content of the Resolutions and confirmed its willingness to provide assistance and further information as appropriate.
- 4.2.17 A large number of delegations confirmed their support for the proposed instruction within the Resolutions to the Director to develop, in consultation with the Audit Body, an internal procedure to be followed by the IOPC Funds' Secretariat in order to gather necessary information to determine the applicability of the 1992 Civil Liability Convention, the 1992 Fund Convention and the Supplementary Fund Protocol and the parties involved.
- 4.2.18 They also supported the proposed instruction to the Director to develop, in consultation with the Audit Body, guidance for Member States for investigating the circumstances surrounding an oil pollution incident, in order to identify ships and persons involved, including, but not limited to, shipowners and their insurers.
- 4.2.19 Whilst the large majority of delegations considered that any decision on the adoption of the text of the Resolution should be postponed until the November 2024 sessions of the governing bodies, many delegations, recognising the urgent nature of the issue, proposed that the Director should commence the development of both the internal procedure and the guidance for States immediately following this session, with a view to publishing those documents, together with revised texts of the Resolutions, for the consideration of Member States in advance of the

November 2024 sessions. Several delegations suggested that this would facilitate discussions and the adoption of the Resolution at that meeting.

- 4.2.20 The Director clarified that, it was his understanding that information on the internal procedure would be presented for information rather than for the approval of the governing bodies and that the guidance would be designed to assist States in the event of an incident involving irregular practices, rather than being specific rules or procedures to be adopted that may contradict national policies.
- 4.2.21 The Chair of the Audit Body confirmed that the Audit Body members would be happy to support the work to develop both documents as required.
- 4.2.22 One delegation expressed its disappointment that the Resolution could not be adopted at the current session, but was pleased to see the full support of Member States for the Resolution in principle.
- 4.2.23 The Chair of the 1992 Fund Administrative Council encouraged States to facilitate the work of the Secretariat by submitting any comments and suggestions for revisions to the Resolutions promptly. It was noted that such suggestions should be sent by email to conference@iopcfunds.org, no later than 13 September 2024.

1992 Fund Administrative Council and Supplementary Fund Assembly Decision

- 4.2.24 The governing bodies instructed the Director to re-issue the draft 1992 Fund and Supplementary Fund Resolutions on the risk of uninsured and unsafe ships for consideration at the November 2024 sessions of the governing bodies.
- 4.2.25 The Director was also instructed to circulate comments and suggestions from delegations received to enable States to consider the proposals and facilitate discussion in November 2024 with a view to adopting a final text of the Resolutions at that meeting.
- 4.2.26 The governing bodies decided to instruct the Director to begin to develop, in consultation with the Audit Body, an internal procedure to be followed by the IOPC Funds' Secretariat which it would follow in order to gather necessary information to determine the applicability of the 1992 Civil Liability Convention, the 1992 Fund Convention and the Supplementary Fund Protocol and the parties involved. The Director was instructed to report on the development of the procedure at the November 2024 sessions.
- 4.2.27 The governing bodies also decided to instruct the Director to begin to develop, in consultation with the Audit Body, guidance for Member States for investigating the circumstances surrounding an oil pollution incident, in order to identify ships and persons involved, including, but not limited to, shipowners and their insurers. The Director was instructed to report on the development of the procedure at the November 2024 sessions.

5 Treaty matters

5.1	2010 HNS Convention Document IOPC/APR24/5/1	92AC		
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- 5.1.1 The 1992 Fund Administrative Council noted the information contained in document [IOPC/APR24/5/1](#) regarding the 2010 HNS Convention.
- 5.1.2 The 1992 Fund Administrative Council was pleased to note that Slovakia had become the most recent State to deposit an instrument of accession to the 2010 HNS Protocol, bringing the number of Contracting States to eight, joining Canada, Denmark, Estonia, France, Norway, South Africa and

Türkiye.

- 5.1.3 It was noted that, with this eighth contracting State, the current total of contributing cargo reported under the General Account was some 17.5 million tonnes, out of the 40 million tonnes required to meet the criteria for the entry into force of the Convention.
- 5.1.4 It was noted that the reported LNG cargo total was 22.5 million tonnes, exceeding the 20 million tonnes which is required in order to open that Account when the Convention enters into force.
- 5.1.5 It was also noted that, in accordance with Resolution 1 of the International Conference on the revision of the HNS Convention which adopted the 2010 HNS Protocol, the IOPC Funds had continued to carry out the tasks necessary to set up the International Hazardous and Noxious Substances Fund (HNS Fund) and make preparations for the first session of the HNS Fund Assembly.
- 5.1.6 The 1992 Fund Secretariat also reported that during 2023, it had continued to take opportunities to promote the entry into force of the 2010 HNS Convention, to engage with interested States and other key stakeholders, and to share information with industry representatives through the delivery of training and outreach activities. An example was given of the Secretariat's recent engagement with Nigeria, who had provided a draft HNS contributing cargo report to be checked by the Secretariat as part of its preparatory work ahead of its accession to the Convention.
- 5.1.7 The 1992 Fund Administrative Council recalled that the 1992 Fund Secretariat maintains the website www.hnsconvention.org, and that the site includes the HNS Finder tool, an online database that allows users to search the list of all HNS as defined by the 2010 HNS Convention.
- 5.1.8 It was also noted that the 1992 Fund Secretariat continues to engage with interested States to develop a set of guidelines for HNS reporting and contributions and to offer support for all areas of implementation of the 2010 HNS Convention.
- 5.1.9 The Administrative Council recalled that during the HNS workshop organised by Canada in cooperation with IMO and the IOPC Funds on 3 and 4 April 2023, it was agreed that, to facilitate the entry into force of the 2010 HNS Convention, as well as the effective functioning of the HNS Fund once established, an efficient and jointly approved system for reporting HNS contributing cargo was to be developed.
- 5.1.10 The 1992 Fund Administrative Council noted that a meeting was held in The Hague in January 2024, between Belgium, Germany and the Netherlands, with the participation of France and the IOPC Funds. It was noted that the purpose of the meeting was to discuss the States' latest progress towards ratification of the 2010 HNS Protocol and that the Secretariat had offered clarifications on the options available for a practical and effective implementation of the reporting requirements under the Protocol.
- 5.1.11 The 1992 Fund Secretariat reported that it regularly provided online answers and support to States and companies in connection with their work on the HNS reporting requirements. It was noted that a number of States had indicated that they were open to discussing clarifications on the definition of 'Receiver' in Article 1.4 and other changes to the current HNS Reporting Guidelines. It was noted that other States had clarified that they wanted to keep the Agent/Principal option in Article 1.4(a) open.
- 5.1.12 In order to allow for further discussions on that matter, it was noted that the Secretariat had organised, in cooperation with IMO, a workshop on the 2010 HNS Convention, focussing particularly on reporting matters. It was noted that the workshop would take place immediately after the closure of the IOPC Funds' meeting, on 1 and 2 May 2024, and that a summary report would be sent to the participants and published on the HNS Convention website.
- 5.1.13 The Administrative Council noted that, in order to facilitate the reporting of HNS cargoes, the

development of an in-house reporting and financial structure, similar to the system developed for oil reporting used by the IOPC Funds, was continuing. It was noted that relevant IT companies had already been contacted to develop a project scope and requirements, with a planned delivery in 2025.

- 5.1.14 It was also noted that other activities such as the Claims Manual, the website improvements and documents for the first session of the HNS Fund Assembly were ongoing, and that updates on those will be reported to the 1992 Fund Assembly in due course.

Debate

- 5.1.15 The delegation of the Netherlands thanked the Secretariat for the updated information provided and expressed its appreciation for the new features introduced to the HNS Convention website, which it considered would provide both governments and HNS receivers with access to relevant information.
- 5.1.16 That delegation confirmed its commitment to the 2010 HNS Convention and reported that it was taking the final steps in its preparations for the implementation of the Convention, alongside its neighbouring States of Belgium and Germany. It referred to the meeting it had organised at The Hague in January this year, previously discussed by the Secretariat, which it had found useful. That delegation thanked the Director of the IOPC Funds for joining the meeting.
- 5.1.17 That delegation reported that the relevant package of legislation had been adopted in March 2024 and that its intention remained to accede to the Protocol towards the end of 2024 or beginning of 2025, together with Belgium and Germany. That delegation also explained that they had carried out tests of the reporting process in 2023 and 2024 and noted the increase of companies since the first test, which they considered demonstrated an increase in knowledge of the Convention and improved understanding of the obligations under that Convention among industry. It reported that to support these, the Dutch Government had established a dedicated website to facilitate the communication between the industry and the Government.
- 5.1.18 Finally, the delegation of the Netherlands thanked both IMO and the IOPC Funds for organising the May 2024 HNS Workshop since it considered such events instrumental in encouraging further States to accede to and implement the 2010 HNS Convention.
- 5.1.19 The delegation of Belgium indicated that it remained committed to becoming a contracting State to the Convention with the Netherlands and Germany and thanked the Secretariat for its ongoing support with their preparations for entry into force. That delegation reported that it had undertaken its first data collection in March 2024 which provided a number of lessons regarding that process.
- 5.1.20 Canada expressed its congratulations to Slovakia, stated that it looked forward to the accession to the Convention by further States in the near future and confirmed its availability, as an existing contracting State, to discuss issues of implementation and share its experience with interested parties.
- 5.1.21 The delegation of Nigeria expressed its congratulations to the Secretariat for its online training to the Nigerian Maritime Administration and Safety Agency (NIMASA) in 2023, and expressed its hope to organise a further training session in person in the near future.
- 5.1.22 The observer delegation of IMO informed the Administrative Council that the 111th session of the IMO Legal Committee, which had met the week prior to the sessions of the IOPC Funds governing bodies, had provided encouraging indications that a number of States were about to accede to the Protocol. It is expected that the criteria for entry into force will be met in 2025, with entry into force

now expected in 2027.

- 5.1.23 That delegation noted that the first HNS Fund Assembly would then take place and that the IMO and IOPC Funds' Secretariats would work together on preparing the necessary rules and regulations for the consideration of the Assembly.

1992 Fund Administrative Council

- 5.1.24 The 1992 Fund Administrative Council commended and thanked the Secretariat for its continued efforts to prepare and assist States for the entry into force of the 2010 HNS Convention and noted that the Director would report on progress at the next session of the 1992 Fund Assembly.

6 Financial policies and procedures

6.1	Appointment of the External Auditor Document IOPC/APR24/6/1	92AC		SAES
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- 6.1.1 The governing bodies took note of the information contained in document [IOPC/APR24/6/1](#) on the appointment of the External Auditor, which was submitted by the Audit Body and presented by Mr Volker Schöfisch, Chair of the Audit Body.
- 6.1.2 The governing bodies noted that the term of office of the current External Auditor to the IOPC Funds, BDO International LLP (BDO), would come to an end following its report on the 2025 Financial Statements to the regular sessions of the IOPC Funds' governing bodies in 2026.
- 6.1.3 The governing bodies also noted that the management of the selection process of the External Auditor fell within the mandate of the Audit Body. The governing bodies recalled that they had previously approved the process and timetable for the external audit tender for the appointment of a new IOPC Funds' External Auditor for the period 2026-2029, as set out in document [IOPC/NOV23/6/4](#).
- 6.1.4 The governing bodies noted that the Audit Body had identified three commercial firms to be invited to tender (Azets, Macalvins and Mazars in Switzerland) and that the Director had received one nomination from a Member State, the Russian Federation.
- 6.1.5 The governing bodies also noted that given the sanctions and restrictions in place at the time, the Audit Body and the Secretariat had discussed the practical matters involved in accepting the nomination made by the Russian Federation. The governing bodies further noted that the practical matters discussed included, but were not limited to, the potential impact on existing banking and other advisor relationships, and the enhanced compliance-related requirements. Based on these discussions, it was determined that the appointment of the nominee of the Russian Federation as the IOPC Funds' External Auditor could have a potential negative effect on the ability of the IOPC Funds to perform its core duties. Therefore, the Audit Body decided not to invite the nominee of the Russian Federation to tender.
- 6.1.6 The governing bodies recalled that at their November 2023 sessions, they had approved the key factors to be considered in the evaluation of candidates for the position of External Auditor of the IOPC Funds.
- 6.1.7 The governing bodies noted that progress had been made in line with the timetable which had been reported to the governing bodies during their meeting in November 2023.
- 6.1.8 The governing bodies took note of the timetable of the audit tender evaluation process in paragraph 2.3 of document [IOPC/APR24/6/1](#), and the factors for evaluation of candidates for the position of External Auditor of the IOPC Funds contained at the Annex of document

[IOPC/APR24/6/1](#).

Debate

- 6.1.9 The delegation of the Russian Federation stated that in its view, the IOPC Funds were becoming more politicised, the most vivid example being that the Audit Body had decided not to invite the nominee of the Russian Federation to tender, and had relied not on its mandate and on professional expertise of the nominee, but on political considerations which contradicted the rules of the IOPC Funds and the task set before it.
- 6.1.10 That delegation stated that it had examined the criteria for selection of the External Auditor and that the reasons given by the Chair of the Audit Body for not including the nominee of the Russian Federation were not within the factors for evaluation of candidates for the position, as listed in the Annex to document [IOPC/APR24/6/1](#).
- 6.1.11 The delegation noted that the nominee (the Accounts Chamber of the Russian Federation) was the Russian Federation's supreme audit body, and had functional and organisational independence from the Government, as enshrined within Article 5 of the Lima Declaration, signed in 1977 at the Congress of the International Organisation of the Supreme Audit Institutions (INTOSAI), of which the Accounts Chamber of the Russian Federation was a member.
- 6.1.12 That delegation stated that no employees of the Accounts Chamber were subject to any international sanctions, including restrictions on travel for official purposes, to any country of the world.
- 6.1.13 The delegation also stated that the Accounts Chamber is the External Auditor for two United Nations organisations, namely the United Nations Industrial Development Organisation (UNIDO) and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organisation (CTBTO), and had carried out all the necessary audit procedures provided for by the Financial Rules and Regulations of the audited organisations as well as international auditing standards. The delegation further stated that the appointment of the Accounts Chamber to the post of External Auditor in these organisations had taken place through competitive and transparent tender procedures, and there had been no restrictions on participation in the competition nor to the audit itself, but that in this instance the nominee had not even been permitted to tender, for purely political reasons.
- 6.1.14 The delegation also stated that, in its view, the participation of the Accounts Chamber in the tender process for the position of External Auditor did not infringe upon the rules of the IOPC Funds' tender procedures, and that the issues raised by the Audit Body regarding the sanctions imposed were groundless and politicised, and did not apply to the Accounts Chamber whose inspectors had all competencies and experience required and were members of the UN Board of External Auditors. That delegation stated that, in its view, it was a clear violation of the process for selecting candidates for the position of External Auditor, and it therefore refused to recognise any of the winning candidates.
- 6.1.15 In response, the Chair of the 1992 Fund Administrative Council stated that, as he had understood from the document and report of the Chair of the Audit Body, the decision not to include the nominee of the Russian Federation had been undertaken on a factual basis, and that the problem was not necessarily that members of the Russian Federation's Accounts Chamber could be under sanctions, but that the Secretariat's banks may be reluctant to be in contact with the Accounts Chamber of a country under sanctions.
- 6.1.16 Confirming that view, the Chair of the Audit Body stated that the IOPC Funds received contributions from bank accounts not only in Europe, but across the world and that it was possible that the work of the IOPC Funds would become more difficult due to current sanctions, if the Accounts Chamber

of the Russian Federation was appointed as External Auditor. Therefore, the decision had been taken not to include this nominee.

- 6.1.17 The delegation of the Russian Federation stated that the issues raised were not factual but hypothetical, and that the members of the Accounts Chamber had not faced any issues with travel or with banks, and that it was unfair not to allow the nominee to participate in the tender process, which was a different issue to a nominee losing the tender process, having been included initially.

1992 Fund Administrative Council and Supplementary Fund Assembly

- 6.1.18 The governing bodies noted the information reported by the Audit Body on the audit tender evaluation process and timetable of actions for the Appointment of the External Auditor, and the intervention by the delegation of the Russian Federation, noting that no decision was required at this stage.

7 Secretariat and administrative matters

7.1	Guide to persistent oil and contributing oils Document IOPC/APR24/7/1	92AC	SAES
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- 7.1.1 The governing bodies took note of the information contained in document [IOPC/APR24/7/1](#) in respect of the guide to persistent and contributing oils (the Guide). It was recalled that the Guide was not intended to provide an authoritative definitive list of all persistent and non-persistent oils, but rather a useful guidance document.
- 7.1.2 The governing bodies noted that the Guide had not been reviewed for a number of years and that the Director had engaged the services of external experts to review it. It was further noted that, following the results of that review, the Guide had been updated, as set out at the Annex to document [IOPC/APR24/7/1](#).
- 7.1.3 The governing bodies also noted that a small number of minor editorial changes had been identified after the publication of the document.
- 7.1.4 The governing bodies further noted that if the updated text of the Guide was endorsed by the governing bodies, it would be made available on the websites of both the IOPC Funds and the HNS Convention in English, French and Spanish.
- 7.1.5 The governing bodies also noted that, as a result of reviewing the Guide, Biofuels and Energy-rich fuels had been added as non-contributing oils to the list of contributing oil and non-contributing oil (the List) which accompanies the form for reporting receipts of contributing oil, contained at the Annex to the Internal Regulations of the 1992 Fund and the Supplementary Fund. It was also noted that the current version of the American Society for Testing and Materials (ASTM) standard, referred to in Article 1.3(b) of the 1992 Fund Convention, had been added to the footnotes of the List.
- 7.1.6 The governing bodies further noted that consequential amendments to the Internal Regulations of the 1992 Fund and the Supplementary Fund were proposed in document [IOPC/APR24/7/3](#).

Debate

- 7.1.7 Several delegations expressed appreciation for the efforts made by the Secretariat to revise the Guide and the List which they considered would provide Member States and contributors with information to facilitate the oil reporting process. Those delegations supported the proposal to endorse the updated text of the Guide and consequential amendments to the List.
- 7.1.8 One delegation stated that it considered the amendments to the List to be appropriate since the

chemical compositions of the Biofuels and Energy-rich fuels were similar to those of methanol and kerosene, which were regarded as non-contributing oils.

1992 Fund Administrative Council and Supplementary Fund Assembly

- 7.1.9 The 1992 Fund Administrative Council and the Supplementary Fund Assembly endorsed the updated text of the Guide, as set out at the Annex to document [IOPC/APR24/7/1](#), subject to minor editorials made by the Secretariat after the meeting.
- 7.1.10 The 1992 Fund Administrative Council and the Supplementary Fund Assembly noted that consequential amendments would also be made to the List, contained in the explanatory notes to the form for reporting receipts of contributing oil, which is annexed to the Internal Regulations of each Fund.
- 7.1.11 The governing bodies also noted that both the Guide and the List would be made available for the use of Member States and contributors, and would continue to be reviewed and updated by the Secretariat as necessary.

7.2	European Union General Data Protection Regulation Document IOPC/APR24/7/2	92AC		SAES
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- 7.2.1 The 1992 Fund Administrative Council and Supplementary Fund Assembly took note of document [IOPC/APR24/7/2](#), which contained information on the application of the General Data Protection Regulation (GDPR) of the European Union (EU) and Directive 2016/680 (the Directive) to the IOPC Funds, and on the Secretariat's engagement towards the implementation of the GDPR and the Directive.
- 7.2.2 The governing bodies recalled that the Secretariat had sought clarification from the UK Government on the application of the GDPR and the Directive in light of the existing Headquarters Agreement, and that the reply indicated that the GDPR applied to the IOPC Funds and that the IOPC Funds could have its own position as to its application. The governing bodies also recalled that the Secretariat believed that the GDPR would not apply to the IOPC Funds, based on the inviolability of archives stipulated in Article 6 of the Headquarters Agreement for the 1992 Fund but nevertheless, the Secretariat believed that the same principles as the GDPR should be applied to protect the data held by the IOPC Funds.
- 7.2.3 The governing bodies further recalled that the Secretariat had retained the services of a data protection lawyer to provide advice as to the application of the GDPR and the Directive, and generally advise on the policies and procedures to be implemented by the IOPC Funds, and had engaged an expert in implementing the GDPR in order to receive assistance with developing policies and procedures reflecting the data protection principles laid out by the GDPR.
- 7.2.4 It was recalled that the Secretariat had identified personal data held by the IOPC Funds and had also drafted a Data Protection Policy; Data Privacy Notices for claimants; General Data Privacy Notice for all other persons who have had dealings with the IOPC Funds; and a Data Classification and Retention Policy. It was noted that the Secretariat had also considered the provisions necessary to be inserted into various types of contracts which the IOPC Funds conclude, including the experts' contracts which are normally concluded with insurers and experts in the claims-handling process.
- 7.2.5 The governing bodies recalled that the Secretariat had also engaged an IT support team to assist with the implementation of the Microsoft Purview Information Protection (MPIP) suite of IT programs, which enabled a phased approach to be adopted, and which identified sensitive information and defined the security and controls to be applied to the data.
- 7.2.6 It was noted that with the assistance of the expert engaged to implement the principles of the GDPR, the staff of the IOPC Funds had received preliminary training on the concept of data

protection, which included training relating to specific scenarios which might occur in the lifetime of data usage within the IOPC Funds, and which would be expanded upon with further department-specific training using the MPIP when fully installed, to ensure each individual was aware of their duties and responsibilities under the IOPC Funds' data protection system.

- 7.2.7 It was also noted that the Secretariat had continued to make substantial progress with the tasks required for implementing the principles of the GDPR, and had completed the design and implementation of an IT training platform upon which staff had been trained in the last quarter of 2023 and first quarter of 2024, in readiness for the full implementation of the system and subsequent adoption of the data protection and retention policies.

1992 Fund Administrative Council and Supplementary Fund Assembly

- 7.2.8 The 1992 Fund Administrative Council and the Supplementary Fund Assembly took note of the information provided on the GDPR, and noted that whilst the IOPC Funds were not under direct obligation to comply with the GDPR, the protection of personal information dealt with by the organisation was very important, with IT systems playing a crucial role. The 1992 Fund Administrative Council and the Supplementary Fund Assembly also noted that the Director would report any further developments at future sessions of the governing bodies.

7.3	Amendments to Internal Regulations Document IOPC/APR24/7/3	92AC		SAES
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- 7.3.1 The governing bodies took note of the information contained in document [IOPC/APR24/7/3](#).
- 7.3.2 It was recalled that at the March 2022 sessions of the governing bodies, the Director had decided that the role of Deputy Director should continue as a combined role (document [IOPC/MAR22/9/2](#), paragraph 7.1.16). It was noted that, as a result of this change to the structure of the Secretariat, an amendment was required to 1992 Fund and Supplementary Fund Internal Regulation 7 in respect of the Settlement of Claims. The governing bodies noted the proposed amendments to the Regulation as set out at Annex I of document [IOPC/APR24/7/3](#).
- 7.3.3 It was further recalled that, following a review of the Guide to contributing oils (document [IOPC/APR24/7/1](#)), amendments were required to the list of contributing and non-contributing oil (the List) attached to the form for reporting contributing oil, which is annexed to the Internal Regulations of each Fund. The governing bodies further noted the proposed amendments to the List as set out at Annex II of document [IOPC/APR24/7/3](#).

Debate

- 7.3.4 Several delegations expressed their support of the proposed amendment to the 1992 Fund and Supplementary Fund Internal Regulation 7, and the proposed amendments to the List attached to the form for reporting receipts of contributing oil annexed to the Internal Regulations of the 1992 Fund and Supplementary Fund.
- 7.3.5 One delegation suggested that a comprehensive review of the Internal Regulations could be undertaken by the Director to ensure all Regulations were updated, such as Regulation 12.
- 7.3.6 The Director informed the governing bodies that the Internal Regulations were reviewed on a regular basis and were working well in practice, but that a future review would be kept in mind.

1992 Fund Administrative Council decision

- 7.3.7 The 1992 Fund Administrative Council decided to amend Internal Regulation 7 of the 1992 Fund, in respect of the settlement of claims, as set out at Annex III to this document.

- 7.3.8 The 1992 Fund Administrative Council decided to amend the List attached to the form for reporting receipts of contributing oil, which is annexed to the Internal Regulations of the 1992 Fund, as set out at Annex IV to this document.

Supplementary Fund Assembly decision

- 7.3.9 The Supplementary Fund Assembly noted the decision of the 1992 Fund Administrative Council and decided to amend Internal Regulation 7 of the Supplementary Fund in respect of the settlement of claims, as set out at Annex III to this document.
- 7.3.10 The Supplementary Fund Assembly noted the decision of the 1992 Fund Administrative Council and decided to amend the List attached to the form for reporting receipts of contributing oil, which is annexed to the Internal Regulations of the Supplementary Fund, as set out at Annex IV to this document.

8 Other matters

8.1 Any other business	92AC		SAES
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Format of meetings

- 8.1.1 One delegation recalled discussions at the 129th session of the IMO Council relating to hybrid meeting capabilities and the decision taken by the IMO Council to extend the trial period for holding hybrid meetings to enable assessment of the current planned enhancements to the facilities. That delegation noted that a decision would be taken at the 132nd session of the IMO Council in July 2024 with regards to hybrid meetings, and requested that the Director follow that decision, and consider introducing hybrid capability for the IOPC Funds' meetings, noting that it would bring increased benefits to Member States participating in meetings of the IOPC Funds.
- 8.1.2 The Director confirmed that, as previously instructed by the governing bodies, he would be monitoring the situation and would report on the outcome of the IMO trials at the November 2024 sessions.

Other matters

- 8.1.3 No other items were raised under this agenda item.

9 Adoption of the Record of Decisions

1992 Fund Administrative Council, 1992 Fund Executive Committee and Supplementary Fund Assembly decision

[The draft Record of Decisions of the April 2024 sessions of the IOPC Funds' governing bodies, as contained in documents IOPC/APR24/9/WP.1 and IOPC/APR24/9/WP.1/1, was adopted, subject to certain amendments.]

ANNEX I

1.1 Member States present at the sessions

		1992 Fund Administrative Council	1992 Fund Executive Committee	Supplementary Fund Assembly
1	Algeria	•	•	
2	Angola	•		
3	Antigua and Barbuda	•		
4	Argentina	•		
5	Australia	•		•
6	Bahamas	•	•	
7	Belgium	•		•
8	Bulgaria	•		
9	Cameroon	•		
10	Canada	•	•	•
11	China ^{<1>}	•		
12	Colombia	•	•	
13	Cook Islands	•		
14	Cyprus	•	•	
15	Denmark	•	•	•
16	Dominican Republic	•		
17	Ecuador	•		
18	Finland	•		•
19	France	•		•
20	Georgia	•		
21	Germany	•		•
22	Ghana	•		
23	Greece	•		•
24	Italy	•	•	•
25	Jamaica	•		
26	Japan	•		•

^{<1>} The 1992 Fund Convention applies to the Hong Kong Special Administrative Region only.

		1992 Fund Administrative Council	1992 Fund Executive Committee	Supplementary Fund Assembly
27	Latvia	•		•
28	Liberia	•		
29	Madagascar	•		
30	Malaysia	•		
31	Malta	•		
32	Marshall Islands	•		
33	Mexico	•		
34	Morocco	•		•
35	Namibia	•		
36	Netherlands	•		•
37	New Zealand	•	•	•
38	Nigeria	•		
39	Norway	•		•
40	Oman	•		
41	Panama	•		
42	Philippines	•		
43	Poland	•	•	•
44	Portugal	•		•
45	Qatar	•		
46	Republic of Korea	•	•	•
47	Russian Federation	•		
48	San Marino	•		
49	Seychelles	•		
50	Singapore	•		
51	South Africa	•	•	
52	Spain	•	•	•
53	Sweden	•		•
54	Thailand	•	•	
55	Trinidad and Tobago	•		

		1992 Fund Administrative Council	1992 Fund Executive Committee	Supplementary Fund Assembly
56	Türkiye	•		•
57	United Arab Emirates	•		
58	United Kingdom	•	•	•
59	Uruguay	•		
60	Venezuela (Bolivarian Republic of)	•		

1.2 States represented as observers

		1992 Fund	Supplementary Fund
1	Brazil	•	•

1.3 Intergovernmental organisations

		1992 Fund	Supplementary Fund
1	European Commission	•	•
2	International Maritime Organization (IMO)	•	•

1.4 International non-governmental organisations

		1992 Fund	Supplementary Fund
1	BIMCO	•	•
2	Cedre	•	•
3	Comité Maritime International (CMI)	•	•
4	International Association of Classification Societies Ltd (IACS)	•	•
5	International Chamber of Shipping (ICS)	•	•
6	International Group of P&I Associations	•	•
7	International Union of Marine Insurance (IUMI)	•	•

8	INTERTANKO	•	•
9	ITOPF	•	•
10	Oil Companies International Marine Forum (OCIMF)	•	•
11	World Liquid Gas Association (WLGA)	•	•

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ANNEX II

DRAFT 1992 FUND ASSEMBLY RESOLUTION

Raising awareness of the risk of uninsured and unsafe ships

THE ADMINISTRATIVE COUNCIL ACTING ON BEHALF OF THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND, 1992 (1992 Fund)

RECALLING that, under both the 1992 Civil Liability Convention and the 1992 Fund Convention, there are fundamental obligations for a State Party to ensure that a ship trading under its flag or entering or leaving a port in its territory has the required insurance or other financial security,

RECALLING FURTHER that failure to meet these treaty obligations may result in State liability,

NOTING with regret and great concern the increasing trade of oil now being conducted by unsafe and uninsured or insufficiently insured ships, effectively undermining the safety and environmental standards developed by the International Maritime Organization (IMO) as well as the international liability and compensation regime based on the 1992 Civil Liability Convention, the 1992 Fund Convention and the 2003 Supplementary Fund Protocol,

NOTING FURTHER that recently there have been oil spill incidents in which the spill sources are unclear, the responsible shipowner is not identified, or the ship is not sufficiently insured,

NOTING WITH CONCERN that under the 1992 Fund Convention, the 1992 Fund may have to pay compensation to victims of oil pollution in the affected Member State without any contribution from the shipowner or its insurer,

RECOGNISING that the shared liability between the shipping and the oil industries is crucial for the effective and efficient functioning of the international liability and compensation regime,

CONSCIOUS that this situation could continue in the future if no action is taken to prevent it,

NOTING WITH REGRET that, even though this issue has been discussed by the 1992 Fund Assembly and in the IMO Legal Committee on several occasions and is addressed in IMO Assembly Resolution A.1192(33), some oil trading continues to be conducted using unsafe and uninsured or insufficiently insured ships,

RECOGNISING the need to raise awareness of the current situation and for States and all parties concerned to do their utmost to prevent any future trading of oil by uninsured or insufficiently insured ships or ships that are in serious breach of the safety and environmental standards contained in the relevant IMO Conventions,

- 1 **URGES** all states to take the necessary steps to enforce the safety and environmental standards contained in the relevant IMO Conventions and to enforce the insurance requirements applicable under the 1992 Civil Liability and the 1992 Fund Conventions to the ships under their flags and those ships entering or leaving a port in their territories,
- 2 **REMINDS** each State affected by a spill that the IOPC Funds may not be liable to pay compensation if the person, including a State, suffering the damage has not taken all reasonable steps to pursue the legal remedies available to them,
- 3 **URGES FURTHER** those States involved in an oil pollution incident caused by an uninsured or insufficiently insured ship or a ship significantly breaching the safety and environmental standards contained in the relevant IMO Conventions to cooperate and assist each other

in investigations (including criminal investigations) into the causes of such incidents and on the persons involved (including the identity of the shipowner) as well as into the reasons why ships were operating without sufficient insurance coverage or without complying with safety and environmental standards,

- 4 **INSTRUCTS** the Director, in consultation with the Audit Body, to develop an internal procedure to be followed by the IOPC Funds' Secretariat in order to gather necessary information to determine the applicability of the 1992 Civil Liability Convention, the 1992 Fund Convention and the Supplementary Fund Protocol and the parties involved,
- 5 **FURTHER INSTRUCTS** the Director, in consultation with the Audit Body, to develop guidance for Member States for investigating the circumstances surrounding an oil pollution incident, in order to identify ships and persons involved, including, but not limited to, shipowners and their insurers,
- 6 **ALSO INSTRUCTS** the Director to continue to protect the interests of the IOPC Funds, to promote the use of reliable insurers to ensure that the international liability and compensation regime is able to function as intended and to pursue recourse action in the event of incidents occurring involving the IOPC Funds in which the owner/insurer of the ship does not fulfil its obligations under the 1992 Civil Liability Convention.

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DRAFT SUPPLEMENTARY FUND ASSEMBLY RESOLUTION

Raising awareness of the risk of uninsured and unsafe ships

THE ASSEMBLY OF THE INTERNATIONAL OIL POLLUTION COMPENSATION SUPPLEMENTARY FUND, 2003 (Supplementary Fund)

RECALLING that, under the 1992 Civil Liability Convention, the 1992 Fund Convention and the 2003 Supplementary Fund Protocol, there are fundamental obligations for a State Party to ensure that a ship trading under its flag or entering or leaving a port in its territory has the required insurance or other financial security,

RECALLING FURTHER that failure to meet these treaty obligations may result in State liability,

BEARING IN MIND that, pursuant to Article 6(2) of the Supplementary Fund Protocol, a claim made against the 1992 Fund shall be regarded as a claim made by the same claimant against the Supplementary Fund,

NOTING with regret and great concern the increasing trade of oil now being conducted by unsafe and uninsured or insufficiently insured ships, effectively undermining the safety and environmental standards developed by the International Maritime Organization (IMO) as well as the international liability and compensation regime based on the 1992 Civil Liability Convention, the 1992 Fund Convention and the 2003 Supplementary Fund Protocol,

NOTING FURTHER that recently there have been oil spill incidents in which the spill sources are unclear, the responsible shipowner is not identified, or the ship is not sufficiently insured,

NOTING WITH CONCERN that under the 1992 Fund Convention and the 2003 Supplementary Fund Protocol, the 1992 Fund and the Supplementary Fund may have to pay compensation to victims of oil pollution in the affected Member State without any contribution from the shipowner or its insurer,

RECOGNISING that the shared liability between the shipping and the oil industries is crucial for the effective and efficient functioning of the international liability and compensation regime,

CONSCIOUS that this situation could continue in the future if no action is taken to prevent it,

NOTING WITH REGRET that, even though this issue has been discussed by the 1992 and Supplementary Fund Assemblies and in the IMO Legal Committee on several occasions and is addressed in IMO Assembly Resolution A.1192(33), some oil trading continues to be conducted using unsafe and uninsured or insufficiently insured ships,

RECOGNISING the need to raise awareness of the current situation and for States and all parties concerned to do their utmost to prevent any future trading of oil by uninsured or insufficiently insured ships or ships that are in serious breach of the safety and environmental standards contained in the relevant IMO Conventions,

- 1 **URGES** all States to take the necessary steps to enforce the safety and environmental standards contained in the relevant IMO Conventions and to enforce the insurance requirements applicable under the 1992 Civil Liability, the 1992 Fund Convention and the 2003 Supplementary Fund Protocol to the ships under their flags and those ships entering or leaving a port in their territories,

- 2 **REMINDS** each State affected by a spill that the IOPC Funds may not be liable to pay compensation if the person, including a State, suffering the damage has not taken all reasonable steps to pursue the legal remedies available to them,
- 3 **URGES FURTHER** those States involved in an oil pollution incident caused by an uninsured or insufficiently insured ship or a ship significantly breaching the safety and environmental standards contained in the relevant IMO Conventions to cooperate and assist each other in investigations (including criminal investigations) into the causes of such incidents and on the persons involved (including the identity of the shipowner) as well as into the reasons why ships were operating without sufficient insurance coverage or without complying with safety and environmental standards,
- 4 **INSTRUCTS** the Director, in consultation with the Audit Body, to develop an internal procedure to be followed by the IOPC Funds' Secretariat in order to gather necessary information to determine the applicability of the 1992 Civil Liability Convention, the 1992 Fund Convention and the Supplementary Fund Protocol and the parties involved,
- 5 **FURTHER INSTRUCTS** the Director, in consultation with the Audit Body, to develop guidance for Member States for investigating the circumstances surrounding an oil pollution incident, in order to identify ships and persons involved, including, but not limited to, shipowners and their insurers,
- 6 **ALSO INSTRUCTS** the Director to continue to protect the interests of the IOPC Funds, to promote the use of reliable insurers to ensure that the international liability and compensation regime is able to function as intended and to pursue recourse action in the event of incidents occurring involving the IOPC Funds in which the owner/insurer of the ship does not fulfil its obligations under the 1992 Civil Liability Convention.

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ANNEX III

INTERNAL REGULATIONS OF THE 1992 FUND AND SUPPLEMENTARY FUND

Regulation 7

Settlement of Claims

- 7.13 The Director may authorise another officer or other officers to make final or partial settlement of claims or to make provisional payments. Such authority shall: (a) in respect of the Deputy Director/Head of the Claims Department be limited to approvals not exceeding £500 000 for a particular claim; and (b) in respect of other officers: (i) be given only in respect of claims arising out of a specific incident and only to an officer who is responsible for dealing with claims arising out of that incident; and (ii) be limited to approvals not exceeding £75 000 for a particular claim. The conditions and extent of such delegation shall be laid down in Administrative Instructions issued by the Director.
- 7.14 Any settlements made under Internal Regulation 7.13(a) shall be reported to the Director and those made under Regulation 7.13(b) to the Deputy Director/Head of the Claims Department.

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ANNEX IV

INTERNAL REGULATIONS OF THE 1992 FUND AND SUPPLEMENTARY FUND

CONTRIBUTING OIL

'Contributing oil' means crude oil and fuel oil defined as below.

'Crude oil' means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation. It also includes crude oils from which certain distillate fractions have been removed (sometimes referred to as 'topped crudes') or to which certain distillate fractions have been added (sometimes referred to as 'spiked' or 'reconstituted' crudes).

'Fuel oil' means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the 'American Society for Testing and Materials' (ASTM) Specification for Number Four Fuel Oil (Designation D396-69)^{***}, or heavier.

The following list of contributing and non-contributing oil is intended as a guide for contributors.

Contributing Oil	Non-Contributing Oil
<p>Crude Oils</p> <ul style="list-style-type: none"> • All naturally occurring crude oils* • Condensate • Topped crudes • Spiked crudes • Reconstituted crudes <p>Finished Products</p> <ul style="list-style-type: none"> • No. 4 fuel (ASTM) • Navy special fuel • Light fuel oil • No. 5 fuel (ASTM) (light) • Medium fuel oil • No. 5 fuel (ASTM) (heavy) • Bunker C fuel oil • Heavy fuel oil • No. 6 fuel oil (ASTM) • Blended fuel oils by viscosity or sulphur content • Bituminous emulsions and fuel oil emulsions** <p>Intermediate or Process Stocks</p> <ul style="list-style-type: none"> • Fuel oil blend stocks 	<p>Crude Oils</p> <ul style="list-style-type: none"> • Natural gas liquids • Condensate* • Casinghead naphtha • Natural gasoline • Cohasset-panuke <p>Finished Products</p> <ul style="list-style-type: none"> • LNG and LPG • Aviation gasolines—Motor gasoline (petrol, essence) • White spirit • Kerosene • Aviation kerosene—Jet 1 A and No. 1 fuel (ASTM) • Gas oil • Heating oil • No. 2 fuel (ASTM) (lubricating oil) • Marine diesel • Fuel blends containing biofuels • Energy-rich fuels and their blends <p>Intermediate or Process Stocks</p> <ul style="list-style-type: none"> • Straight run naphtha • Light cracked naphtha • Heavy cracked naphtha • Platformate • Reformate • Steam-cracked naphtha • Polymers • Isomers • Alkylates • Catalytic cycle oil • Reformer feed • Steam cracker feed • Gas oil blend stocks • Catalytic cracker feedstock • Visbreaker feedstock • Aromatic tar

- * To be considered as 'non-contributing oil' if more than 50% by volume distils at a temperature of 340°C and at least 95% by volume distils at a temperature of 370°C, when tested by the ASTM Method D86/78 or any subsequent revision thereof.
 - ** Quantity of emulsion received should be reported with no allowance for its water content.
 - *** The version currently listed as being active for this standard is ASTM D396-21.
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