



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUNDS

## PROVISIONAL ANNOTATED AGENDAS FOR THE MEETINGS OF THE IOPC FUNDS, 11-14 MARCH 2008

to be held at the Monte-Carlo Sporting Complex,  
26 Avenue Princesse Grace, 98000 Monaco

### **1 Introduction**

Please find attached a provisional timetable and provisional annotated agendas for the meetings of the IOPC Funds to be held, at the invitation of the Government of Monaco, at the **Monte-Carlo Sporting Complex, Monaco from Tuesday 11 to Friday 14 March 2008**. Further information relating to the venue can be found in the enclosed leaflet and in document 92FUND/EXC.40/1/1, 92FUND/WGR.4/9/1, 92FUND/WGR.5/1/1.

The attention of delegates is drawn to the information provided relating to visa arrangements/entry formalities and to the fact that the Government of Monaco has pre-booked, specifically for participants, a limited number of rooms at a preferential rate in several hotels and that bookings must be made by **8 February 2008** at the latest.

Information is also provided in this circular about the submission of documents, the presentation of credentials and notifications and registration for the meetings.

### **2 Provisional timetable**

The following meetings will be held from 11 to 14 March 2008:

1992 Fund Executive Committee - Fortieth session, Tuesday 11 March 2008, 9.30 am  
1992 Fund fifth intersessional Working Group (HNS Focus Group) - First meeting, Wednesday 12 March 2008, 9.30 am  
1992 Fund fourth intersessional Working Group - Fourth meeting, Thursday 13 March 2008, 9.30 am

All meetings may continue until Friday 14 March 2008.

Working hours are normally from 9.30 am to 12.30 pm with a break from 11.00 am to 11.30 am and from 2.30 pm to 5.30 pm with a break from 4.00 pm to 4.30 pm.

The Director, in consultation with the Chairmen, has prepared the attached provisional timetable. It should however be noted that this timetable is subject to change at short notice.

Delegations are strongly encouraged to be present throughout all the meetings.

### **3 Submission of documents**

Delegates are reminded that, as decided by the governing bodies in October 2002, documents prepared by delegations should in general be submitted to the Secretariat at least three weeks before the start of the meeting, ie by **Tuesday 19 February 2008** at the latest.

As regards the HNS Focus Group, interested delegations are reminded that they should submit concrete policy proposals accompanied by draft treaty text to the Secretariat by **18 January 2008**, at the latest.

To facilitate the processing of documents, it would be appreciated if they were submitted in electronic format (preferably in Microsoft Word) by e-mail to [info@iopcfund.org](mailto:info@iopcfund.org).

#### **4 Credentials and notifications**

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

	<b>Credentials</b>	<b>Notifications</b>
<b>1992 Fund Executive Committee</b>	Members of the 1992 Fund Executive Committee	Other 1992 Fund Member States, States and organisations with observer status
<b>1992 Fund Working Groups</b>		1992 Fund Member States, States and organisations with observer status

Credentials and notifications should be sent to the Director of the IOPC Funds in advance of the opening of the meetings and preferably not later than **Friday 29 February 2008**.

Detailed guidance in respect of the form and content of credentials and notifications is given in the joint circular 92FUND/Circ.58, 71FUND/Circ.87 and SUPPFUND/Circ.8, which was endorsed by the 1992 Fund Assembly at its June 2007 session.

#### **5 Registration**

Delegates are kindly requested to register with the IOPC Funds at least one week before the meetings, preferably by **Friday 29 February 2008**, using the attached form. Delegates who have not registered with the IOPC Funds by close of business on **Wednesday 5 March 2008** will need to register on-site at the Monte-Carlo Sporting Complex and will be required to provide evidence of their authorisation to attend the meetings.

Delegates are requested to arrive early on the first day of the meetings to allow time for the issuing of security passes, which will commence at 8.00 am.

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**PROVISIONAL TIMETABLE**

**Note. This timetable may be subject to change at short notice.  
Delegations are strongly encouraged to be present throughout all the meetings.**

<b>Date</b>	<b>Time</b>	<b>Meeting</b>	<b>Main items</b>
Tuesday 11 March	9.30 am	1992 Fund Executive Committee	Incidents
Wednesday 12 March	9.30 am	1992 Fund fifth intersessional Working Group (HNS Focus Group)	
Thursday 13 March	9.30 am 2.30 pm 6 pm	1992 Fund fourth intersessional Working Group 1992 Fund Fifth intersessional Working Group (HNS Focus Group) Reception	If required
Friday 14 March	11 am	1992 Fund Executive Committee	Adoption of Records of Decisions



## PROVISIONAL ANNOTATED AGENDA OF THE FORTIETH SESSION OF THE 1992 FUND EXECUTIVE COMMITTEE

to be held at the Monte-Carlo Sporting Complex,  
26 Avenue Princesse Grace, 98000 Monaco,  
from Tuesday 11 March 2008, 9.30 am, to Friday 14 March 2008

### *Opening of the session*

#### **1 Adoption of the Agenda**

The Government of Monaco has provided information relating to travel, accommodation and visa arrangements/entry formalities which delegates may need to consider in advance of the meetings as set out in document **92FUND/EXC.40/1/1**.

#### **2 Examination of Credentials**

In accordance with Rule iv of the Executive Committee's Rules of Procedure, the Executive Committee shall appoint a Credentials Committee consisting of three members who shall be appointed by the Executive Committee on the proposal of the Chairman. The Credentials Committee shall examine the credentials of delegations of States members of the Executive Committee and report without delay (document **92FUND/EXC.40/2**).

#### **3 Incidents involving the 1992 Fund**

The Director will inform the Executive Committee of recent developments regarding incidents involving the 1992 Fund. He will report to the Committee any settlement of claims against the 1992 Fund which have been made under his authority and will submit for the Committee's consideration any claims or other issues requiring decisions. Information will be contained in various documents.

#### **4 Any other business**

The Executive Committee will be invited to consider other matters which might be proposed by Member States or by the Director.

#### **5 Adoption of the Record of Decisions**

The Executive Committee will be invited to adopt a Record of Decisions for submission to the Assembly.

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INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND 1992

FOURTH INTERSESSIONAL  
WORKING GROUP  
Agenda item 1

92FUND/WGR.4/9  
19 December 2007  
Original: ENGLISH

## PROVISIONAL ANNOTATED AGENDA OF THE FOURTH MEETING OF THE 1992 FUND FOURTH INTERSESSIONAL WORKING GROUP

to be held at the Monte-Carlo Sporting Complex,  
26 Avenue Princesse Grace, 98000 Monaco,  
from Thursday 13 March 2008, 9.30 am, to Friday 14 March 2008

*Opening of the meeting*

### **1 Adoption of the Agenda**

The Government of Monaco has provided information relating to travel, accommodation and visa arrangements/entry formalities which delegates may need to consider in advance of the meetings as set out in document **92FUND/WGR.4/9/1**.

### **2 Non-technical measures to promote quality shipping for carriage of oil by sea**

At its 10th extraordinary session held in February 2006 the Assembly decided to establish a Working Group on non-technical measures to promote quality shipping for carriage of oil by sea with the following mandate (document 92FUND/A/ES.10/18, paragraphs 5.8 – 5.13):

- (a) to develop proposals in respect of non-technical measures and guidelines for Contracting States and the industry to promote quality shipping by ensuring that effective checks and procedures are in place to establish that ships insured and certificated are suitable for the carriage of oil by sea covered under the CLC/Fund regime;
- (b) to make a proposal to the Assembly's October 2006 session on a time frame for its work;
- (c) to report on the progress of its work at each regular session of the Assembly;
- (d) to identify related issues other than those referred to below as it may deem helpful to complete its task within the current Conventions and make the appropriate recommendations to the Assembly; and
- (e) to make recommendations to the Assembly upon the completion of its work.

The Assembly decided that, in conducting its work, the Working Group should focus on the following:

- (a) consider and make proposals on the development of common criteria to be uniformly applied by Contracting States to ensure that fully effective insurance is in place before States issue CLC Certificates;

- (b) identify factors that prevent the sharing of information between marine insurers and seek to develop a common policy or other measures that would facilitate such sharing of information;
- (c) identify practical measures to achieve better and more transparent co-ordination between insurers, shipowners and cargo interests that would promote quality shipping;
- (d) consider possible measures for the denial or withdrawal of insurance cover in order to improve the safer transportation of oil;
- (e) consider the feasibility and impact of differentiated insurance rates and premiums that would encourage quality shipping; and
- (f) examine ways of encouraging and strengthening the participation of classification societies in the promotion of quality shipping.

The Assembly further decided that the Working Group should work intersessionally and be open to all governments, inter-governmental organisations and non-governmental organisations that had the right to participate in the 1992 Fund Assembly. It was also decided that both State representatives and representatives from the industry, eg representatives from shipowners, oil importers, insurance companies and classification societies should be encouraged to participate in the work. The Assembly emphasised that in particular IMO should be encouraged to participate.

The Working Group was instructed to consider non-technical measures and guidelines that may not only be the responsibility of Contracting States but that may also address industry procedures and practices.

The Assembly emphasised that the Working Group should not stray into the areas of competence of IMO and that the Working Group should not duplicate work which had been undertaken by that Organization. The Assembly stated that the Working Group should bear in mind the work done on quality shipping in other fora, such as the study on insurance carried out within the Organisation for Economic Cooperation and Development (OECD).

The Assembly also emphasised that the Working Group should not consider issues that would require any reopening of discussions regarding a revision of the 1992 Conventions.

At its 12th session, held in October 2007, the Assembly considered the reports of the Working Group's second and third meetings, held in March and June 2007 respectively (documents 92FUND/A.12/23 and 92FUND/A.12/23/1). At that session the Chairperson of the Working Group, Mrs Birgit Sølling Olsen (Denmark), reminded Member States of the mandate given to the Working Group by the Assembly and of the time frame within which the Assembly had instructed the Group to complete its work, namely by the end of 2008 (cf document 92FUND/A.11/35, section 30). Taking this deadline into account, Mrs Olsen pointed out that the March 2008 meeting of the Working Group was likely to be the last opportunity to consider any outstanding issues covered by the mandate and invited any Member States or observers wishing to raise such issues to submit their proposals well in advance of that meeting (document 92FUND/A.12/28, section 25).

The Working Group will continue its deliberations.

### **3 Adoption of the Report to the Assembly**

The Working Group will be invited to consider the procedure for preparing its report to the Assembly.

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INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND 1992

FIFTH INTERSESSIONAL  
WORKING GROUP  
Agenda item 1

92FUND/WGR.5/1  
19 December 2007  
Original: ENGLISH

## PROVISIONAL ANNOTATED AGENDA OF THE FIRST MEETING OF THE 1992 FUND FIFTH INTERSESSIONAL WORKING GROUP ('THE HNS FOCUS GROUP')

to be held at the Monte-Carlo Sporting Complex,  
26 Avenue Princesse Grace, 98000 Monaco,  
from Wednesday 12 March 2008, 9.30 am, to Friday 14 March 2008

*Opening of the meeting*

### **1 Adoption of the Agenda**

The Government of Monaco has provided information relating to travel, accommodation and visa arrangements/entry formalities which delegates may need to consider in advance of the meetings as set out in document **92FUND/WGR.5/1/1**.

### **2 Facilitating the entry into force of the HNS Convention: Consideration of a draft text of a protocol to the HNS Convention**

2.1 At its 12th session held in October 2007 the Assembly decided to establish a Working Group ('the HNS Focus Group') with the aim of facilitating the entry into force of the HNS Convention and with the mandate set out in the Annex (document 92FUND/A.12/28, paragraph 27.16).

2.2 As set out in paragraph 1.4 of the Terms of Reference, interested delegations should submit concrete policy proposals accompanied by draft treaty text to the Secretariat by 18 January 2008, at the latest.

2.3 Based on these proposals, the Chairman of the Group, in conjunction with the Secretariat, shall develop a draft text of a protocol to the HNS Convention for circulation to delegations by 15 February 2008.

2.4 Delegations will be invited to consider the draft text of the protocol as submitted by the Chairman in March 2008.

### **3 Adoption of the Report to the Assembly**

The Working Group will be invited to consider the procedure for preparing its report to the Assembly.

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## ANNEX

### Terms of Reference of the HNS Focus Group

- 1.1 Recognizing that, over many years, a large number of States have consistently expressed, both in the 1992 Fund and IMO as well as in other international or regional organisations, their determination to establish a robust and effective compensation regime for the maritime carriage of hazardous and noxious substances based on a system of shared liability, the 1992 Fund Assembly has decided to establish a Working Group ("the HNS Focus Group") with the aim of facilitating the rapid entry into force of the HNS Convention.
- 1.2 The HNS Focus Group shall have the following mandate:
  - (a) to examine the underlying causes of the issues which have been identified as inhibiting the entry into force of the HNS Convention, ie:
    - (i) Contributions to the LNG Account,
    - (ii) The concept of 'receiver', and
    - (iii) Non-submission of contributing cargo reports, on ratification of the Convention and annually thereafter;
  - (b) to examine any issues of an administrative ("house-keeping") nature as identified by the Secretariat which would facilitate the operation of the HNS Convention;
  - (c) to identify and develop legally-binding solutions to these issues, taking into account *inter alia* the impact on developing countries, in the form of a draft protocol to the HNS Convention;
  - (d) to complete its work as quickly as possible in order to facilitate the rapid entry into force of the HNS Convention.
- 1.3 The HNS Focus Group shall not embark on a wholesale revision of the HNS Convention but shall confine its work solely to the issues and solutions set out in paragraph 1.2 (a), (b) and (c).
- 1.4 The HNS Focus Group shall aim to complete its work according to the following timetable:
  - (a) interested delegations shall submit concrete policy proposals accompanied by draft treaty text to the Secretariat by 18 January 2008, at the latest;
  - (b) based on these proposals, the Chairman of the Group, in conjunction with the Secretariat, shall develop a draft text of a protocol to the HNS Convention for circulation to delegations by 15 February 2008;
  - (c) the Group shall meet in March 2008 and, if required, again in June 2008 in order to:
    - (i) consider the draft text of the protocol; and
    - (ii) make recommendations to the Assembly upon the completion of its work, ideally at an extraordinary session of the Assembly to be held in June 2008.
- 1.5 The Chairman of the HNS Focus Group, in conjunction with the Secretariat, will work closely with the IMO Secretariat in order to ensure that the draft protocol is in compliance with international treaty law, taking due account of the interests of those States that have already ratified the Convention or are at an advanced stage in so doing.
- 1.6 If approved by the Assembly, the draft protocol will be submitted for consideration by IMO's Legal Committee, ideally at its October 2008 session, with a view to the holding of a Diplomatic Conference as soon as possible.

- 1.7 The HNS Focus Group shall work intersessionally and shall be open to all governmental and non-governmental delegations that have the right to participate in the 1992 Fund Assembly. IMO, in particular, is strongly encouraged to participate actively in the Group. The Group shall follow the Rules of Procedure of the Assembly so far as they are applicable.
  - 1.8 The 1992 Fund will organise meetings of the HNS Focus Group on the understanding that all expenses incurred will be repaid by the HNS Fund, once it is established, with interest.
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INTERNATIONAL  
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FONDS INTERNATIONAUX  
D'INDEMNISATION POUR  
LES DOMMAGES DUS À LA  
POLLUTION PAR LES  
HYDROCARBURES

FONDOS INTERNACIONALES  
DE INDEMNIZACIÓN DE  
DAÑOS DEBIDOS A  
CONTAMINACIÓN POR  
HIDROCARBUROS

## REGISTRATION FORM

### Meetings of the IOPC Funds' Governing Bodies, 11-14 March 2008

<i>Attendee Name</i>	Title (Mr/Mrs/Miss/Ms Other)		First Name:	
	Last Name:			
<i>Position</i>				
<i>Organisation</i>				
<i>Delegation</i>				
<i>Delegation Status</i>	<input type="checkbox"/> State	<input type="checkbox"/> Intergovernmental Organisation	<input type="checkbox"/> Non-governmental Organisation	
<i>Attendee Status</i>	<input type="checkbox"/> Representative	<input type="checkbox"/> Alternate	<input type="checkbox"/> Adviser	<input type="checkbox"/> Observer

In order to update their records, the IOPC Funds would be grateful if you could also complete the following information. Alternatively, you may attach a copy of your business card.

<i>Address</i>	
<i>City</i>	
<i>State/County</i>	
<i>Post Code/Zip</i>	
<i>Country</i>	
<i>Phone</i>	
<i>Fax</i>	
<i>Mobile phone</i>	
<i>E-Mail</i>	

Please complete and return the form to the IOPC Funds by fax to +44 20 7592 7111, ideally by **Friday 29 February 2008** and, in any event, no later than close of business on **Wednesday 5 March 2008**.