



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUNDS

## PROVISIONAL ANNOTATED AGENDAS FOR THE MEETINGS OF THE IOPC FUNDS, 23-27 JUNE 2008

to be held at the Headquarters of the International Maritime Organization,  
4 Albert Embankment, London SE1

### **1 Introduction**

Please find attached a provisional timetable and provisional annotated agendas for the meetings of the IOPC Funds to be held from 23 to 27 June 2008. Information is also provided 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 23 to 27 June 2008:

1992 Fund Assembly - Thirteenth extraordinary session, Monday 23 June, 9.30 am  
1992 Fund fifth intersessional Working Group (HNS Focus Group) - Second meeting,  
Monday 23 June, 10.00 am  
1992 Fund Executive Committee - Forty-first session, Tuesday 24 June, 9.30 am  
1992 Fund fourth intersessional Working Group - Fifth meeting, Wednesday 25 June, 9.30 am

All meetings may continue until Friday 27 June 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 **Friday 30 May 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 Assembly</b>	1992 Fund Member States	States and organisations with observer status
<b>1992 Fund Executive Committee</b>	Members of the 1992 Fund Executive Committee	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 13 June 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 reminded that they should register with the International Maritime Organization at least one week before the meetings, ie by **Friday 13 June 2008**, using the attached form

Delegates are requested to arrive early on the first day of the meetings to allow time for registration. Delegates who do not send their details in advance of the meetings will need to provide them on arrival, in addition to evidence of their authorisation to attend the meetings.

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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>
Monday 23 June	9.30 am 10.00 am 2.30 pm 6.00 pm	1992 Fund Assembly  1992 Fund fifth intersessional Working Group (HNS Focus Group) 1992 Fund fifth intersessional Working Group (HNS Focus Group) Reception	Election of Credentials Committee
Tuesday 24 June	9.30 am 2.30 pm	1992 Fund Executive Committee 1992 Fund Executive Committee	Incidents Incidents continued
Wednesday 25 June	9.30 am 2.30pm	1992 Fund fourth intersessional Working Group 1992 Fund Assembly	Consideration of HNS Protocol
Thursday 26 June	9.30 am	1992 Fund Assembly	Non-HNS matters
Friday 27 June	11.00 am	1992 Fund Assembly 1992 Fund Executive Committee	Adoption of Records of Decisions



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND 1992

ASSEMBLY  
13th extraordinary session  
Agenda item 1

92FUND/A/ES.13/1  
25 April 2008  
Original: ENGLISH

## PROVISIONAL ANNOTATED AGENDA OF THE THIRTEENTH EXTRAORDINARY SESSION OF THE ASSEMBLY

to be held at the Headquarters of the  
International Maritime Organization, 4 Albert Embankment,  
London SE1, from Monday 23 June, 9.30 am  
to Friday 27 June 2008

*Opening of the session*

*Procedural matters*

**1 Adoption of the Agenda**

**2 Examination of credentials**

In accordance with Rule 10 of the Rules of Procedure, a Credentials Committee consisting of five members shall be appointed by the Assembly on the proposal of the Chairman. The Credentials Committee shall examine the credentials of delegations of Member States and report to the Assembly without delay (document **92FUND/A/ES.13/2**).

*Secretariat and administrative matters*

**3 Election of members of the Audit Body**

The 1992 Fund Assembly will hold elections for members of the Audit Body at its 13th session to be held during the week commencing 13 October 2008. Nominations of candidates for election to the Audit Body were requested to be submitted to the Director by Friday 16 May 2008 at the latest. The Director will inform the Assembly of the nominations received by that date (document **92FUND/A/ES.13/3**).

*Compensation matters*

**4 Technical Guidelines on methods of assessing losses in the fisheries sector**

At its 3rd session, held in June 2007, the Administrative Council, acting on behalf of the Assembly, approved a version for experts of the draft Technical Guidelines for assessing fisheries sector claims, and instructed the Secretariat to publish this as a Fund document. It also instructed the Secretariat to develop a simplified version of the Guidelines for claimants, which should be compatible with the experts' version. The Assembly will be invited to approve the Guidelines for claimants (document **92FUND/A/ES.13/4**).

*Other matters*

**5** **International Convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea - Report of the 5th intersessional Working Group (HNS Focus Group)**

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. In accordance with the terms of reference of the HNS Focus Group, the Assembly will be invited to consider the recommendations of the Focus Group resulting from its meetings in March and June 2008, including a draft text of a Protocol to the HNS Convention (documents 92FUND/A/ES.13/5 and 92FUND/A/ES.13/5/1).

**6** **Grant of observer status**

The Assembly will be invited to confirm the decision of the Executive Committee at its March 2008 session and grant observer status to Ukraine on a permanent basis (document 92FUND/A/ES.13/6).

**7** **Any other business**

The Assembly will be invited to consider other matters which may be proposed by Member States or by the Director.

**8** **Adoption of the Record of Decisions**

Rule 27 of the Rules of Procedure provides that the Secretariat shall prepare a Record of Decisions of the session. The Assembly will be invited to adopt this Record of Decisions.

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INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND 1992

FIFTH INTERSESSIONAL  
WORKING GROUP  
Agenda item 1

92FUND/WGR.5/9  
25 April 2008  
Original: ENGLISH

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

to be held at the Headquarters of the  
International Maritime Organization, 4 Albert Embankment,  
London SE1, from Monday 23 June, 10.00 am to Friday 27 June 2008

*Opening of the meeting*

**1 Adoption of the Agenda**

**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 In accordance with paragraph 1.4 of the Terms of Reference, the Group will be invited to consider the draft text of a protocol to the HNS Convention and to make recommendations to the Assembly upon the completion of its work at an extraordinary session of the Assembly to be held in June 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.



INTERNATIONAL  
OIL POLLUTION  
COMPENSATION  
FUND 1992

EXECUTIVE COMMITTEE  
41st session  
Agenda item 1

92FUND/EXC.41/1  
25 April 2008  
Original: ENGLISH

## PROVISIONAL ANNOTATED AGENDA OF THE FORTY-FIRST SESSION OF THE 1992 FUND EXECUTIVE COMMITTEE

to be held at the Headquarters of the  
International Maritime Organization, 4 Albert Embankment,  
London SE1, from Tuesday 24 June, 9.30 am  
to Friday 27 June 2008

*Opening of the session*

**1 Adoption of the Agenda**

**2 Examination of Credentials**

In accordance with Rule 10 of the Assembly's Rules of Procedure, a Credentials Committee consisting of five members shall be appointed by the Assembly on the proposal of its Chairman. When the Executive Committee holds sessions in conjunction with sessions of the Assembly, as will be the case as regards the Executive Committee's 41st session, the Credentials Committee established by the Assembly shall examine also the credentials of delegations of States Members of the Executive Committee and report to the latter without delay (document 92FUND/EXC.41/2).

**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  
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FUND 1992

FOURTH INTERSESSIONAL  
WORKING GROUP  
Agenda item 1

92FUND/WGR.4/12  
25 April 2008  
Original: ENGLISH

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

to be held at the Headquarters of the  
International Maritime Organization, 4 Albert Embankment,  
London SE1, on Wednesday 25 June 2008, 9.30 am to Friday 27 June 2008

*Opening of the meeting*

**1 Adoption of the Agenda**

**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.

The Working Group held four meetings between May 2006 and March 2008 under the Chairmanship of Mrs Birgit Sølling Olsen (Denmark).

Significant discussions took place at those meetings and substantial information was received from members of the industry on changes in practices. At the conclusion of the Group's fourth meeting the Chairperson suggested that in order to more easily identify the findings of each of the meetings and to facilitate the preparation of the Working Group's report to the Assembly, she would, in collaboration with the Secretariat, prepare a summary of the issues put forward and the achievements of the Group over its four meetings. This summary document would form the basis of the Working Group's report to the Assembly and would be submitted for consideration at the Working Group's final meeting in June 2008.

Taking into account the deadline for submitting its report to the Assembly, namely the end of 2008, Mrs Olsen had, at the Working Group's fourth meeting, pointed out that the June 2008 meeting of the Working Group would be the last opportunity to consider any outstanding issues covered by the mandate and urged any Member States or observers wishing to raise such issues to do so (document 92FUND/WGR.4/11, section 8).

The Working Group will aim to finalise 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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