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**MEDITERRANEAN ACTION PLAN (MAP)  
REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR THE  
MEDITERRANEAN SEA (REMPEC)**

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Thirteenth Meeting of the Focal Points of the Regional  
Marine Pollution Emergency Response Centre  
for the Mediterranean Sea (REMPEC)

REMPEC/WG.45/6/2  
Date: 30 April 2019

Malta, 11-13 June 2019

Original: English

Agenda Item 6

**LATEST DEVELOPMENTS IN THE FIELD OF  
COMPENSATION FOR SHIP-SOURCE POLLUTION DAMAGE**

**Note by the International Oil Pollution Compensation Funds (IOPC Funds)**

**SUMMARY**

**Executive Summary:** This document provides information on the latest developments in the field of compensation for ship-source pollution damage and the work of the International Oil Pollution Compensation Funds (IOPC Funds) since the last Meeting of the Focal Points of REMPEC held in Malta in May 2017. It seeks to highlight the implications for the Mediterranean coastal States of those recent developments and of the decisions of the IOPC Funds' governing bodies and resulting output of the Organisation during that period.

**Action to be taken:** Paragraph 56

**Related documents:** REMPEC/WG.41/6/2, IOPC/OCT18/11/1, IOPC/APR19/9/1 and IOPC/2018/Circ.3

**Introduction**

1 This document provides an update on the latest developments in the international liability and compensation regime and sets out recent discussions and decisions of the governing bodies of the International Oil Pollution Compensation Funds (IOPC Funds). Reference is made as to the relevance of the recent developments and of the decisions taken for the Mediterranean coastal States.

**40th Anniversary of the IOPC Funds**

2 In October 2018 the IOPC Funds celebrated 40 years since the entry into force of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (1971 Fund Convention) and the establishment of the original IOPC Fund. During the forty years since, the membership of the organisation has increased from 14 Member States to 116, the IOPC Funds have been involved in over 150 incidents and have paid over £684 million in compensation.

3 To mark this special anniversary, a celebratory session was held at the International Maritime Organization (IMO) in the afternoon of 30 October 2018, during which the three former Directors, Dr Reinhard Ganten, Mr Måns Jacobsson and Mr Willem Oosterveen, were each presented with a special award in recognition of their valuable contribution to the work of the IOPC Funds.

## **Status of the 1992 Fund Convention and Supplementary Fund Protocol**

4 There are currently 116 States Parties to the 1992 Fund Convention and 32 States Parties to the Supplementary Fund Protocol. A list of States Parties is contained in the Annex to the present document.

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

5 The 1992 Fund is currently dealing with 11 incidents, including one new incident, the *Bow Jubail*, which occurred in Rotterdam, the Netherlands in June 2018. There have been three incidents involving Mediterranean coastal States, namely the *Agia Zoni II* (September 2017) and the *Alfa I* (March 2012), both of which occurred off the coast of Greece, and the *Prestige* which affected Spain and France, although the damage did not affect the Mediterranean coastline. The *Hebei Spirit* incident (Republic of Korea, December 2007) remains the largest incident worldwide involving the 1992 Fund in respect of the number of claims for compensation submitted, with over 128 000 claims received.

#### *Bow Jubail* (2018, the Netherlands)

6 On 23 June 2018, the oil and chemical tanker *Bow Jubail* collided with a jetty in a terminal in Rotterdam, the Netherlands, resulting in a spill of bunker oil into the harbour. Pollution damage claims submitted may be over USD 50 million. The shipowner has argued before the Rotterdam District Court that the incident is covered under Article 1.8 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention 2001). However, in November 2018, the Court decided that the shipowner had not proved that the tanker did not contain residues of persistent oil at the time of the incident and that therefore the *Bow Jubail* qualified as a ship as per Article I(1) of the 1992 Civil Liability Convention (1992 CLC). The shipowner has appealed to the Court of Appeal in The Hague.

7 Since it is likely that the total pollution damage will exceed the limit that would apply to the ship under the 1992 CLC, the 1992 Fund Convention could apply to this incident. However, if the shipowner is successful in proving that there were no such residues on board, the incident would fall under the Bunkers Convention 2001, and therefore the limitation amount of the Convention on Limitation of Liability for Maritime Claims (LLMC 76/96) would apply. The 1992 Fund continues to monitor developments in this case.

#### *Agia Zoni II* (2017, Greece)

8 The product tanker *Agia Zoni II*, (1 597 GT, built 1972) sank at anchor, in good weather conditions at 0200 hours, on 10 September 2017, close to Salamina island just outside the northern part of the designated Piraeus anchorage area in the Saronic Gulf. The vessel settled at a depth of approximately 35 metres with about 15 metres clearance above the hull. There were no casualties. The findings of investigations into the cause of the incident have not yet been published.

9 The vessel was laden with approximately 2 194 metric tons (mt) of heavy fuel oil, and 370 mt of marine gas oil (MGO). The vessel also carried approximately 15 mt of bunkers of MGO, 300 litres of lubricants and 200–300 litres of chemicals. It is believed that approximately 500 tonnes of oil were released upon sinking or shortly thereafter.

10 Large slicks of oil drifted in an east direction towards the mainland surrounding Piraeus and Athens, where it subsequently stranded, contaminating approximately 20–25 kilometres of the mainland and 3–4 kilometres of Salamina island. Clean-up operations were commenced very shortly after the incident, involving at times over 400 personnel, and continued through autumn 2017, concluding at the end of 2017. As part of the response operations, the Greek authorities put forward a request for assistance through the Common Emergency Communication and Information System (CECIS) and REMPEC responded in offering the assistance of two experts under the Mediterranean Assistance Unit (MAU).

11 In November 2017, the wreck of the *Agia Zoni II* was lifted and towed to the salvor's shipyard at Salamina island and was arrested by the Public Prosecutor pending his investigation into the cause of the incident. Subsequently, the Public Prosecutor insisted that the wreck be cleaned before the investigation of the wreck could take place. From 23 March 2018 to 27 April 2018, the wreck was cleaned by two clean-up contractors in preparation for the investigation by the Public Prosecutor.

12 The wreck was drydocked on 21 June, where, *inter alia*, samples of the hull plating were taken. The wreck was re-floated on 25 June 2018 and is currently at the salvor's shipyard, where it remains the subject of a dispute between the salvors and shipowner regarding its condition at redelivery. The salvors have requested the removal of the cleaned wreck from their shipyard.

13 In total, the 1992 Fund has received 361 claims amounting to €92.48 million. The 1992 Fund's experts have assessed 219 claims, and the Fund has paid out some €10.8 million in compensation. The 1992 Fund has closely followed the investigations into the cause of the incident, but no reports have yet been made public. In late 2018, there were widespread reports in the Greek media regarding the conclusion of the technical report ordered by the Judge investigating the cause of the incident. The report is said to conclude that the incident was caused by an explosion but does not conclude what caused the explosion. Further media reports have stated that the report prepared by the Third Marine Accident Investigation Council, found that the incident was caused by the 'intentional acts and omissions and negligence' of specific persons and companies. The Committee agreed that the 1992 Fund should not speculate on the cause of the incident and should await the official report from the Greek authorities.

#### *Alfa I* (2012, Greece)

14 On 5 March 2012, the Greek-registered tanker *Alfa I*, laden with 1 800 tonnes of cargo, hit a submerged object while crossing Elefsis Bay, near Piraeus, Greece and sank in 18-20 metres of water. Oil impacted some 13 kilometres of the shoreline of Elefsis Bay, contaminating a number of local beaches. Clean-up operations were conducted at sea and on the shoreline.

15 Since the tonnage of the *Alfa I* (1 648 GT) is below 5 000 units of tonnage, the limitation amount applicable under the 1992 Civil Liability Convention (1992 CLC) is SDR 4.51 million (€5.49 million)<sup><1></sup>. The tanker had an insurance policy limited to €2 million which stated that only non-persistent mineral oils would be covered.

16 Six claims for compensation, together totalling €16.15 million, were submitted by two clean-up contractors to the shipowner and insurer. The shipowner and insurer also received a claim for clean-up expenses from the Greek State for some €222 000.

17 In May 2015, the Piraeus Court of First Instance awarded the main clean-up contractor, the sum of €14.4 million. The 1992 Fund agreed a settlement and paid the main contractor's claim for €12 million. It has since sought to claim back from the insurer the 1992 CLC limit (SDR 4.51 million). However, in February 2018, the Bank of Greece revoked the insurer's license and placed the company under liquidation for failure to maintain the necessary solvency capital requirements under Greek law.

18 A 2018 judgment held that since no limitation fund had been established in this case, the insurer was liable for the full amount claimed, i.e. for €15.8 million. When the 1992 Fund was informed that the insurer would be put into liquidation, the 1992 Fund filed applications for prenotated mortgages<sup><2></sup> against buildings owned by the insurer, and following the insurer having been placed under liquidation, the 1992 Fund registered its claim with the liquidator.

19 The 1992 Fund has two judgments in its favour regarding its attempts to secure prenotated mortgages over the insurer's properties, and one against it. As a result, the 1992 Fund has appealed the issues to the Greek Supreme Court. If successful, this will raise the 1992 Fund up the list of creditors of the insurer, now in liquidation. The 1992 Fund's lawyers have also requested the liquidator to confirm the claims filed against the insurer's assets and await the liquidator's response.

#### *Prestige* (2002, Spain)

20 In December 2018 the Spanish Supreme Court delivered a judgment on the quantification of the losses in this case. The total amount awarded, after amendments, is €1 439.08 million (losses €884.98 million + pure environmental and moral damages €554.10 million), as follows:

- The amount awarded to the Spanish State is €1 357.14 million (losses €803.04 million + pure environmental and moral damages €554.10 million).
- The amount awarded to the French State is the full claimed amount i.e. €67.5 million.

<1> Based on the exchange rate of 14 January 2019 of SDR 1 = €1.218320.

<2> A prenotated mortgage is a right *in rem*. Upon a final and unappealable judgment being issued, the prenotated mortgage may be rendered into a full mortgage, retroactively as of the date of registration of the prenotated mortgage. Therefore, if the prenotated mortgages are registered, the 1992 Fund's claim for compensation will rank ahead of other unsecured claims.

- The amount awarded to individual claimants in Spain and France is €14.44 million.

21 In addition, the judgment awards interest to be quantified by the Court which will enforce the judgment. It also clarifies that moral and pure environmental damages are not recoverable from the 1992 Fund and confirms its previous decision that the London P&I Club is liable for all the damages caused by the incident, including moral and pure environmental damages, up to the limit of its policy of USD 1 000 million.

22 An order has been issued requesting the 1992 Fund to pay the limit of its liability after deducting the amounts already paid, i.e. €28 million. In April 2019, the Director proposed to the 1992 Fund Executive Committee that the 1992 Fund should comply with the judgment but pointed out that there were legal proceedings pending in other jurisdictions and that if the 1992 Fund were to pay the full amount available from the 1992 Fund to the Spanish Court, these claimants would not be able to receive compensation from the 1992 Fund. The Director therefore recommended that an amount should be kept available to pay compensation to claimants who could receive a judgment in their favour in the future. The 1992 Fund Executive Committee decided to authorise the Director to pay to the Spanish Court €28 million less:

- €800 000 which should be kept available to pay any judgments by French courts; and
- €4 800 which should also be kept available to pay the Portuguese Government to ensure that the principle of equal treatment between claimants is maintained once the final level of payments is confirmed (currently at 15%).

#### *Hebei Spirit (2007, Republic of Korea)*

23 In November 2018, the Limitation Court in Seosan (Republic of Korea) issued the CLC distribution table of compensation for this incident. The amount which the Limitation Court required the Skuld P&I Club to deposit (SDR 89.77 million plus interest) was KRW 230.9 billion (£159.2 million)<sup><3></sup>, which included KRW 139.4 billion (£96.1 million) of principal and KRW 91.5 billion (£63.1 million) of interest. By December 2018, 38 claimants had objected to the distribution table. The objections by 36 of these claimants were made against the amounts paid by the Skuld P&I Club and may, therefore, have an impact on the amount of compensation due by the 1992 Fund to the Club. Based on the exchange rate applied by the Limitation Court, the Skuld P&I Club has paid KRW 47.4 billion (£32.7 million) in excess of its limit (KRW 139.4 billion). In view of this and considering the provisional balancing payment of KRW 22 billion made in April 2017, the amount due to the Club would be KRW 25.4 billion (£17.6 million). In view of these circumstances, the 1992 Fund Executive Committee decided to authorise the Director to make an additional balancing payment to the Club totalling KRW 22 billion.

24 The 1992 Fund Executive Committee also authorised the Director to enter into a bilateral agreement with the Government of the Republic of Korea under which the 1992 Fund will pay KRW 27,486,198,196 to the Government of the Republic of Korea in exchange for a hold harmless agreement from the Government.

#### *Other incidents*

25 Details of all other incidents involving the 1992 Fund are available under the Incidents section of the IOPC Funds' website ([www.iopcfunds.org](http://www.iopcfunds.org)).

### **Agreement with EMSA**

26 As previously reported, during 2016, the IOPC Funds' Secretariat, in close cooperation with the International Group of P&I Associations (International Group) and the International Tanker Owners Pollution Federation (ITOPF), held discussions with the European Maritime Safety Agency (EMSA) with the objective of agreeing formulae for the hire rates for the use of EMSA oil spill response vessels, equipment and dispersant (together the 'EMSA Pollution Response Assets') in line with the principles and practices of the Funds and of the International Group.

27 The EMSA Pollution Response Assets currently consist of 17 vessels fully equipped to respond to oil spills, three stockpiles of equipment and six stockpiles of dispersants which are intended to provide a top-up to European Union (EU) Member States' own oil spill response resources. EMSA has made

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<sup><3></sup> The exchange rate used in this document (as at 14 January 2019) is £1 = KRW 1 449.96, except in respect of payments made by the 1992 Fund where the conversion has been made at the rate on the date of payment.

these assets available to EU Member States, Iceland and Norway, non-EU countries sharing a regional sea basin with the EU, and EU membership acceding and candidate countries, as well as to private entities, such as shipowners and operators of oil and gas installations.

28 The agreement does not prejudice the outcome of the assessment of the reasonableness of the use of the EMSA's pollution response assets during a specific spill incident which will have to meet the admissibility criteria as set out in the 1992 Fund's Claims Manual.

29 A Memorandum of Understanding (MoU) containing the proposed formulae was signed by EMSA, the International Group and the IOPC Funds in December 2018. The MoU only applies to EMSA Pollution Response Assets and would not apply to other pollution response assets owned by Member States of the European Union or elsewhere. However, the Director has confirmed that the option is open for any State that may wish to engage with the Secretariat to discuss similar arrangements for the assets contained within their jurisdictions.

### **Insurance issues**

30 During the discussions of various incidents at recent meetings of the IOPC Funds' governing bodies, the issue of difficulties faced by the 1992 Fund in cases involving unreliable insurers was raised. In particular, the 1992 Fund Executive Committee has expressed its concern regarding how the compensation regime could continue to work in cases where there was non-compliance with the Conventions or with national legislation.

31 The joint Audit Body undertook to include this issue in its current workplan. As such it is currently reviewing the risks arising from incidents involving the IOPC Funds where the ships were insured by insurers that were not members of the International Group of P&I Associations. In October 2018 the Audit Body reported to the governing bodies on the initial stage of this risk review which had been undertaken in close cooperation with the Secretariat. The Audit Body is expected to continue to examine this matter and report to the governing bodies at a future session, with proposals for a variety of tools to deal with the different problems arising.

### **Implementation of the 1992 Civil Liability Convention and the 1992 Fund Convention**

32 In recent years, upon the request of some Member States, the Secretariat has examined and provided comments on national legislation implementing the 1992 Civil Liability Convention (1992 CLC) and the 1992 Fund Convention. In October 2018, the Secretariat presented a document to the governing bodies detailing some of its observations, in particular pointing out that legislation is not always updated with the latest limitation amount of the shipowner's liability under the 1992 CLC and the maximum amount of compensation payable under the 1992 Fund Convention. The Director invited Member States to review their national legislation currently in force and offered the Secretariat's assistance in that regard if they so requested.

### **Online claims submission system**

33 An online claims submission system has been developed by the Secretariat to facilitate the claims handling process for both claims and the Secretariat. The system was trialled in the *Agia Zoni II* incident and is ready for use in future incidents.

### **New publications**

#### *Claims Manual*

34 A new edition (the seventh edition) of the 1992 Fund Claims Manual was published online by the IOPC Funds in March 2019. This latest edition, which is available in English, French and Spanish, incorporates refined assessment criteria on the admissibility of claims for compensation made by employees who have suffered a reduction in wages, been placed on part-time work or been made redundant as a consequence of an incident. A number of subsequent editorial amendments to the Claims Manual, the Guidelines for presenting claims in the fisheries, marine culture and fish processing sector and the Guidelines for presenting claims in the tourism sector have also been made.

#### *Guidelines for presenting claims for environmental damage*

35 In October 2017 the IOPC Funds' governing bodies approved the text of Guidelines for presenting claims for environmental damage. These Guidelines were published and included in the Funds' Claims Information Pack which was re-issued in March 2018. Given the complexity of the subject and the limited number of claims for environmental damage submitted in the past, it was considered that these particular Guidelines could prove invaluable to future claimants in this area and to general discussions on environmental issues.

Since the Guidelines for presenting claims for environmental damage were very long at 27 pages, to further assist claimants, the Secretariat has also published a simplified, shortened version, summarising the key points of the Funds' policy on claims for environmental damage.

#### *Publications in other languages*

36 The IOPC Funds' Secretariat has continued to work with the Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA) to translate the Text of Conventions, the Claims Manual and the various Guidelines contained in the Claims Information Pack into Arabic. Except for the most recent Guidelines, those publications are all now available to download in Arabic from the Funds' website.

#### **Website**

37 The IOPC Funds' website ([www.iopcfunds.org](http://www.iopcfunds.org)) is the hub for all information pertaining to the Organisations and is available in English, French and Spanish.

38 The website is divided into five main sections covering the work and structure of the Organisations, compensation and claims management, incidents, the latest news and upcoming events as well as a section containing the publications produced by the Funds, which includes an online archive of all Annual Reports issued since 1978. Additionally, the website incorporates various interactive features, such as a map of incidents involving the IOPC Funds, with case studies and information relating to incidents dating back to the establishment of the 1971 Fund, a map displaying the membership of the IOPC Funds, a downloadable example Claim Form, statistical information and detailed country profiles. States are invited to submit copies of relevant national legislation to the Secretariat for inclusion in the country profiles. This could be in the form of a link to the relevant pages of a government website or in the form of a PDF.

39 In addition, the website provides access to other IOPC Funds' services and websites, including Document Services, which makes available all IOPC Funds' meeting documents dating back to 1978, the Online Reporting System and the HNS Convention website.

40 The Secretariat regularly monitors the usage of the site and introduces new features to ensure it continues to be useful and is meeting the needs of its visitors.

#### **Short introductory video**

41 In May 2018, the Secretariat released an introductory video covering the role, structure and activities of the IOPC Funds, as well as an overview of the legal framework behind the international liability and compensation regime. The video is intended to provide a general introduction for those not familiar with the organisation and its work and brings all the basic information from reporting of contributing oil to the claims admissibility criteria together in one place. It is available in English, French and Spanish and can be found under the About Us section of the website.

#### **Outreach activities**

42 The Secretariat has continued its efforts to boost the engagement of Member States and encourage the involvement of non-Member States. Since the last meeting of the Focal Points of REMPEC, the Director and other members of the IOPC Funds Secretariat have participated in national or regional seminars or workshops and conferences relating to the international liability and compensation regime for oil pollution notably in Argentina, Bangladesh, Cyprus, Egypt, Georgia, India, Indonesia, Italy, Jamaica, Japan, Mozambique, Panama, the Philippines, Portugal, Oman and Ukraine. On a number of occasions, the issue of implementation of the Conventions and the situation with respect to outstanding oil reports or contributions were discussed with the appropriate authorities in these countries.

43 In addition, the IOPC Funds participated in the oil spill conferences IOSC 2017 in the United States, Interspill 2018 in London, United Kingdom and Oil Spill India 2018 in Mumbai, India.

44 The ninth IOPC Funds' Short Course will take place from Monday 17 to Friday 21 June 2019 in London. The course programme will cover all aspects of the work of the IOPC Funds and the international liability and compensation regime in general and will include practical exercises which allow participants to study a theoretical incident and the subsequent claims submission process. The course is supported by IMO, INTERTANKO, the International Chamber of Shipping (ICS), the International Group of P&I Associations and ITOPF. The Short Course takes place annually and is open to a maximum of ten self-funded participants from 1992 Fund Member States. Further details can be found in Circular: IOPC/2018/Circ.3.

45 Following the success of the annual Short Course a number of Member States requested a more concise course specifically aimed at providing delegates to IOPC Funds' meetings with an inside perspective into the functioning of the IOPC Funds and a better understanding of what exactly happens in the event of an oil spill. The Secretariat held its first half-day Induction Course for 1992 Fund Member States in October 2017. The course received positive feedback from participants and, subject to demand, the Director intends to offer the course again in the future.

## **HNS**

46 Since the 2010 HNS Protocol was adopted, the 1992 Fund Secretariat has carried out numerous tasks necessary to set up the HNS Fund. Throughout 2018 and into 2019, the Secretariat continued to provide assistance to IMO and States in order to support the Protocol's early entry into force. As at 01 April 2019, four States have become Contracting States to the 2010 HNS Protocol (Canada, Denmark, Norway and Turkey) with each of those States having more than 2 million units of gross tonnage, thus already fulfilling one of the three conditions for entry into force of the 2010 HNS Protocol.

47 The Secretariat maintains the website [www.hnsconvention.org](http://www.hnsconvention.org), which provides easy access to a number of tools and resources for the use of those States considering, or in the process of, ratifying the Convention. This website, which is available in English, French and Spanish, has been recently upgraded and includes all the official texts related to that Convention as well as the IMO-approved HNS contributing cargo reporting guidelines with its model reporting forms and the web-based database, the HNS Finder, which provides a complete list of HNS covered by the Convention. The HNS Finder includes a search function which enables users to determine whether a substance is contributing cargo that must be reported and whether it qualifies for compensation under the Convention.

48 In order to provide assistance on practical issues raised by States implementing the 2010 HNS Convention, a two-day HNS workshop was organised by IMO in cooperation with the IOPC Funds in London in April 2018. It was an occasion for a successful exchange of information and discussions among interested States and organisations. In particular, the workshop concluded that a united front of support for the Convention had been demonstrated by both shipping and cargo interests who were proactively encouraging States to proceed with the implementation process. States were encouraged to collaborate, make use of the advice provided, the expertise of IMO and the IOPC Funds and the tools that have been made available to assist in promoting the understanding of the Convention within administrations.

49 On the basis of the encouraging developments relating to the entry into force of the Protocol, the Secretariat presented to the 1992 Fund Administrative Council, in October 2018, a list of tasks to be undertaken to prepare for the setting up of the HNS Fund. This list included a fully functional HNS contributing cargo reporting system, claims criteria, financial and internal regulations and rules for the functioning of the HNS Secretariat. From 2019, the Secretariat will work together with IMO and other key stakeholders on these issues and will regularly report on its progress to the 1992 Fund Assembly and the IMO Legal Committee.

50 The Secretariat participated in various workshops on the liability and compensation regime for oil spills in 2017 and 2018, as referred to in paragraphs 42 and 43, which enabled the Secretariat to also deliver presentations on the importance of introducing a similar system for HNS.

51 The Secretariat also took part in MEDEXPOL 2018, which was organised by REMPEC in Valetta and which focused on preparedness and response to HNS spills. The Secretariat delivered a presentation which illustrated the benefits of the HNS compensation regime and the potential issues that could arise with regard to claims following an HNS incident.

## **Conclusion**

52 The Director of the IOPC Funds wishes to highlight the importance for all Mediterranean coastal States to become Parties to the 1992 CLC and the 1992 Fund Convention. As of April 2019, Bosnia & Herzegovina and Libya are still not Party to either of those Conventions, while Egypt and Lebanon are not Parties to the 1992 Fund Convention. The aim of the Conventions is to create a uniform regime of compensation for those affected by spills of persistent oil from tankers and one way to achieve that is their universal adoption.

53 However, the action of acceding to these Conventions is, in itself, not sufficient. It is very important that States also ensure that those Conventions have been correctly implemented into national law. The 1992 Fund Assembly has repeatedly stated that unless the 1992 Civil Liability and Fund Conventions are implemented correctly into national law, the international liability and compensation

regime established by those Conventions cannot function in a proper, uniform and equitable manner. Significant difficulties can arise as a result at the time of an incident which can lead to delays in compensation being paid. The IOPC Funds regularly provide assistance to States and organisations such as REMPEC to facilitate the effective implementation of those Conventions.

54 As previously stated in the document submitted to the twelfth meeting of the REMPEC Focal Points (document REMPEC/WG.41/6/2), the Director is looking forward to continuing the fruitful cooperation between the IOPC Funds and REMPEC. In particular, the Director hopes to reach out and build stronger relationships with each of the IOPC Funds' Mediterranean Member States. Working together directly with those States, but also with the assistance of REMPEC, through the creation of further engagement opportunities for relevant authorities and wider information sharing, the IOPC Funds can help States in their preparedness for dealing with claims from any oil spill.

55 Regarding the entry into force of the 2010 HNS Convention, the 1992 Fund has been active in developing practical tools to promote the Convention and has provided assistance to States considering implementing that Convention. In the Mediterranean region, only Turkey has so far ratified this Convention and the IOPC Funds remains available to actively support any State that would need assistance in that regard.

#### **Actions requested by the Meeting**

56 The Meeting is invited to:

- .1 **take note** of the information provided in this document; and
- .2 **comment** as deemed appropriate.



**ANNEX**  
**States Parties to both the 1992 Civil Liability Convention and the 1992 Fund Convention**  
as at 2 April 2019  
(and therefore Members of the 1992 Fund)

**115 STATES FOR WHICH 1992 FUND CONVENTION IS IN FORCE**

Albania	Grenada	Papua New Guinea
Algeria	Guinea	Philippines
Angola	Hungary	Poland
Antigua and Barbuda	Iceland	Portugal
Argentina	India	Qatar
Australia	Iran (Islamic Republic of)	Republic of Korea
Bahamas	Ireland	Russian Federation
Bahrain	Israel	Saint Kitts and Nevis
Barbados	Italy	Saint Lucia
Belgium	Jamaica	Saint Vincent and the Grenadines
Belize	Japan	Samoa
Benin	Kenya	Senegal
Brunei Darussalam	Kiribati	Serbia
Bulgaria	Latvia	Seychelles
Cabo Verde	Liberia	Sierra Leone
Cambodia	Lithuania	Singapore
Cameroon	Luxembourg	Slovakia
Canada	Madagascar	Slovenia
China <sup>&lt;4&gt;</sup>	Malaysia	South Africa
Colombia	Maldives	Spain
Comoros	Malta	Sri Lanka
Congo	Marshall Islands	Sweden
Cook Islands	Mauritania	Switzerland
Côte d'Ivoire	Mauritius	Syrian Arab Republic
Croatia	Mexico	Thailand
Cyprus	Monaco	Tonga
Denmark	Montenegro	Trinidad and Tobago
Djibouti	Morocco	Tunisia
Dominica	Mozambique	Turkey
Dominican Republic	Namibia	Tuvalu
Ecuador	Netherlands	United Arab Emirates
Estonia	New Zealand	United Kingdom
Fiji	Nicaragua	United Republic of Tanzania
Finland	Nigeria	Uruguay
France	Niue	Vanuatu
Gabon	Norway	Venezuela (Bolivarian Republic of)
Georgia	Oman	
Germany	Palau	
Ghana	Panama	
Greece		

*1 State which has deposited an instrument of accession, but for which the 1992 Fund Convention does not enter into force until date indicated*

Guyana

20 February 2020

<sup><4></sup> The 1992 Fund Convention applies to the Hong Kong Special Administrative Region only.

**States Parties to the Supplementary Fund Protocol**  
as at 2 April 2019  
*(and therefore Members of the Supplementary Fund)*

**32 STATES PARTIES TO THE SUPPLEMENTARY FUND PROTOCOL**

Australia	Greece	Norway
Barbados	Hungary	Poland
Belgium	Ireland	Portugal
Canada	Italy	Republic of Korea
Congo	Japan	Slovakia
Croatia	Latvia	Slovenia
Denmark	Lithuania	Spain
Estonia	Montenegro	Sweden
Finland	Morocco	Turkey
France	Netherlands <sup>&lt;5&gt;</sup>	United Kingdom
Germany	New Zealand	

**States Parties to the 1992 Civil Liability Convention  
but not to the 1992 Fund Convention**  
as at 2 April 2019  
*(and therefore not Members of the 1992 Fund)*

**23 STATES FOR WHICH 1992 CIVIL LIABILITY CONVENTION IS IN FORCE**

Azerbaijan	Indonesia	Pakistan	Togo
Chile	Jordan	Peru	Turkmenistan
China	Kuwait	Republic of Moldova	Ukraine
Egypt	Lebanon	Romania	Viet Nam
El Salvador	Mongolia	Saudi Arabia	Yemen
Guatemala	Myanmar	Solomon Islands	

<sup><5></sup> The Netherlands, Aruba, Curaçao and Sint Maarten are autonomous partners within the Kingdom of the Netherlands. The Supplementary Fund has not been extended to Aruba, Curaçao or Sint Maarten.